

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 72-18

OVERTIME COMPENSATION POLICY
FOR NON-ACADEMIC EMPLOYEES
UNIVERSITY OF GUAM

WHEREAS, Section 11839, Government Code of Guam, provides that the Board of Regents of the University of Guam shall adopt rules and regulations for the administration of the University, including personnel rules, regulations, and policies not inconsistent with law; and

WHEREAS, the Governor of Guam, in accordance with Section 4004, Government Code of Guam, promulgated on August 30, 1971, a policy for overtime work compensation for government employees of departments and agencies "falling under the personnel jurisdiction of the Department of Administration", which policy does not cover employees of such autonomous instrumentalities as the University of Guam; and

WHEREAS, the Board of Regents desires that the benefits of a similar policy for overtime work compensation be extended to non-academic employees of the University of Guam; and


WHEREAS, on February 2, 1972, the Civil Service Commission approved the overtime compensation policy for non-academic employees adopted by the Board of Regents on January 25, 1972;

NOW THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, the overtime compensation policy attached hereto is hereby approved and promulgated as a standard policy for non-academic employees of the University of Guam.


All prior rules, regulations, policies, memoranda or Executive Orders in conflict with this Order are hereby superseded.

This order shall be effective as of May 18, 1972.

Signed and promulgated at Agana, Guam, this 18th day of May, 1972.


CARLOS G. CANCHICO
Governor of Guam

COUNTERSIGNED:


KURT S. MOYLAN
Lieutenant Governor

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Regular officers and employees at Pay Range 28 and below and non-regular officers and employees whose hourly rate of compensation is equivalent to Step One (1) of Pay Range 28 and below shall receive compensation for overtime work at the rate of one and one-half ($1\frac{1}{2}$) times their hourly rate of pay, which rate is prescribed by Section 4004 (c), Government Code of Guam; or in the absence of any funds for overtime compensation shall be granted compensatory time-off also at the rate of one and one-half ($1\frac{1}{2}$) times their hourly rate of pay.

Regular officers and employees at Pay Range 29 and above and non-regular officers and employees whose hourly rate of compensation is above Step One (1) of Pay Range 28 shall not be entitled to overtime payment but may be granted compensatory time-off with the approval of the President.

It is the policy of the University of Guam that overtime work be held to a minimum consistent with the needs and requirements of sound and orderly administration.

For the purposes of this policy, the following guidelines shall apply:

A. DEFINITIONS. Whenever used in this policy:

1. Workday shall mean a regularly recurring period of eight (8) consecutive hours a day, exclusive of lunch hour.
2. Workweek shall mean a regularly recurring period of seven (7) consecutive 24-hour intervals. A workweek need not coincide with a calendar week; it may, at the discretion of the President, begin any day of the week at any hour of the day. A workweek must remain the same unless any change is intended to be permanent.

3. Overtime shall mean only hours in excess of eight (8) hours of any workday or 40 hours in an administrative workweek. For all full-time officers and employees whose normal workweek schedule does not consist of five working days and two days off in a workweek, overtime shall mean only hours worked in excess of the administrative workweek.
4. Rate of Basic Pay shall mean the rate of compensation fixed by law or administrative action for the position held by the employees before any deductions and exclusive of additional pay of any kind.
5. Non-Regular Employees shall mean those officers and employees who are hired on a full-time temporary, limited-term, intermittent or seasonal basis.
6. Emergency shall mean situations which may jeopardize human life and property and which are administratively uncontrollable due to the demand of time and unusual circumstances and must be ameliorated in order to meet the critical obligations of the University and/or the Government of Guam.

B. ELIGIBILITY.

1. Regular officers and employees at Pay Range 28 and below shall be eligible for overtime pay and/or compensatory time-off at the rate of one and one-half (1½) times their hourly rate of pay.
2. Non-regular officers and employees at Pay Range 28 and below or whose hourly rate of pay is equal to Step One (1) of Pay Range 28 and below shall be eligible for overtime pay and/or compensatory time off at the rate of one and one-half (1½) times their hourly rate of pay.

3. Exception to eligibility for overtime compensation under this policy may be made with the approval of the President.

C. AUTHORIZATION FOR OVERTIME WORK

1. All overtime work must be authorized by the President or his designated representative, and if at all possible, prior to the actual performance of overtime work.
2. Overtime work shall be required of all employees who, in the judgment of the head of the University unit or section involved, are needed to perform the necessary work.
3. The President or his designated representative will take all reasonable steps to provide for an equitable distribution of overtime assignments among the eligible and qualified officers and employees of the appropriate work unit.
4. Compensatory time-off (time and one-half) for overtime work shall be permitted if no funds are available for compensation, provided such compensatory time-off is granted within one (1) calendar year from the date the overtime work was accomplished.

D. DETERMINATION OF OVERTIME EARNED. Total hours worked shall include all the time worked by an officer or employee when required to be on duty on a basic workday or administrative workweek or at a prescribed work place. Overtime earned shall be determined as follows:

1. For purposes of computing total overtime hours worked in a day or in a week, the time during which an officer or employee is excused from work because of holidays with pay, annual leave with pay, court and administrative leave in a full pay status at full pay shall be considered as time worked by the officer or employee.

2. Each time an employee is recalled to work overtime, he shall be compensated for a minimum of two (2) hours at overtime rates. If such employee works overtime for two (2) hours or more, the total time worked shall be used in computing the total pay period.
3. Any work required of and done by an employee beyond his basic eight -hour workday or five-day workweek within his workday or administrative workweek shall be at overtime rates.
4. The minimum unit of time to be credited as overtime in any workday shall be one (1) hour.

E. OVERTIME COMPENSATION. Overtime work shall be compensated by either:

1. Payment in salary if no overexpenditure of funds will result, provided that:
 - a. The overtime work was authorized and approved by the President or his designated representative; and
 - b. The overtime work was performed by the employee for whom overtime payment is requested; or
2. Compensatory time-off (time and one-half) if the overtime work will result in overexpenditure of funds.

The President may authorize expenditure of funds for payment of overtime work if compensatory time-off for the employee(s) concerned will, in his judgment, be detrimental to the operation of the University.

F. PROCEDURAL REQUIREMENTS. Administrative officers of University units requesting overtime employment of any employee(s) under his jurisdiction shall observe the following procedure:

1. Submit overtime requests in the form prescribed therefor via the Office of Business Affairs, University of Guam, which shall certify as to the availability of funds for the requested overtime work.
2. Except in emergency situations, requests should be submitted at least five (5) working days before the date indicated for overtime work.
3. Report completion of the overtime work within three (3) days after the work has been accomplished.