

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 72-2

NIGHT DIFFERENTIAL PAY POLICY

WHEREAS, Section 4004, Government Code of Guam, requires that the Governor promulgate personnel rules and regulations by Executive Order subject to criteria established by Title V, Chapter 1, Government Code of Guam; and

WHEREAS, entitlement to night differential pay is extended only to employees at the Department of Corrections, the Department of Public Safety, the Guam Power Authority, and certain employees of the Guam Memorial Hospital; and

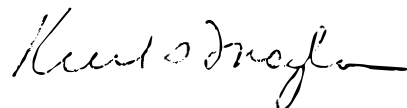
WHEREAS, on December 2, 1970, the Civil Service Commission adopted a policy that standardized night differential pay regulations in the classified service;

NOW, THEREFORE, by virtue of the authority vested in me by the Organic Act of Guam, the amended night differential pay policy as attached hereto is hereby promulgated and approved as a standard policy for all the employees of the Department of Education, the University of Guam, the Guam Memorial Hospital, and all other departments and agencies of the Government of Guam falling under the personnel jurisdiction of the Department of Administration.

All prior rules, regulations, policies, memoranda, or Executive Orders in conflict with this order are hereby superseded.

This order shall be effective upon approval by the Governor.

Signed and promulgated at Agana, Guam, this 31st day of January, 1972.



COUNTERSIGNED:



GOVERNMENT OF GUAM

NIGHT DIFFERENTIAL PAY POLICY

AS PROMULGATED BY EXECUTIVE ORDER NO. 72-2

Employees occupying positions in the classified service who are assigned to a regular second or third shift, four or more hours of which fall between 6:00 p.m. and 6:00 a.m., shall be paid a night differential pay amounting to 10% of their rate of basic pay for all hours actually worked during said regular shift and for all additional hours actually worked over and above the regular shift hours subject to the regulations below. When an employee's regular shift or assignment includes less than four hours of work between the hours of 6:00 p.m. and 6:00 a.m., he shall be paid a night differential pay amounting to 10% of his rate of basic pay for all hours worked between the hours of 6:00 p.m. and 6:00 a.m., and for all hours actually worked over and above the regular shift hours also subject to the regulations below:

DEFINITIONS:

- (a) First shift means regular day shift.
- (b) Second shift means afternoon shift.
- (c) Third shift means night shift.
- (d) The said night differential pay shall not be considered as a part of the rate of basic pay for purposes of computing overtime or holiday pay.
- (e) Employees shall not be paid night differential pay during periods of sick or annual leave.

ELIGIBILITY:

- (a) Employees who work in a regularly scheduled second or third shift on a holiday shall be entitled to holiday and night differential pay for actual hours worked. Employees shall not be entitled to night differential pay for holidays taken off.

(b) An employee assigned, regularly or temporarily, to a second or third shift who becomes ill or has to leave his work for any other reason after working part of the shift is entitled to night differential pay for only those hours actually worked. His substitute, if any, is entitled to night differential pay for those hours actually worked on the shift.

An employee who is regularly assigned to the first shift and who has to work into a regularly scheduled second or third shift in an emergency to replace the regularly scheduled employee or until the regularly scheduled employee arrives to work is entitled to night differential pay for all hours actually worked on the second or third shift. The employee is also entitled to time and one-half for all hours actually worked on the second or third shift. The employee assigned to the regularly scheduled second or third shift is entitled to night differential pay for all remaining hours actually worked on the shift.

(c) An employee who is assigned, regularly or temporarily, to a regular second or third shift and is required to work a regular first shift within the same 24 hour period is entitled to time and one-half pay but not night differential pay, for those hours actually worked on the first shift.

An employee who is employed on a regular first shift and is required to work a regular second or third shift within the same 24 hour period is entitled to night differential pay and overtime pay for those hours actually worked on the third shift. Payment for the overtime is at the rate of time and one-half for all hours of overtime work.

(d) An employee assigned to a regular first shift is not entitled to night differential pay for any intermittent overtime that he may be required to work if such work is not on a regular second or third shift.

(e) Part time instructors of the Department of Education who are employed in the various night programs, and part-time and full time instructions personnel of the University of Guam are not entitled to night differential pay.