

GUAM TELEPHONE AUTHORITY
PERSONNEL RULES AND REGULATIONS

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GUAM TELEPHONE AUTHORITY ✓

PERSONNEL RULES AND REGULATIONS

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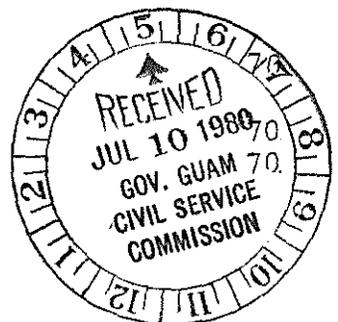
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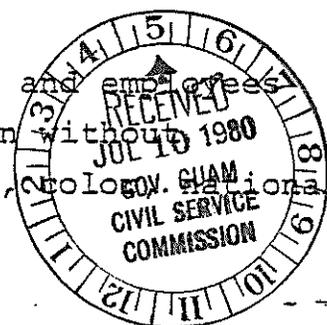
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GUAM TELEPHONE AUTHORITY
PERSONNEL RULES AND REGULATIONS

RULE I PURPOSE AND SCOPE OF RULES

- 1.00 PURPOSE: It is the purpose of these Rules to implement the provisions of Title V, Government Code of Guam relating to the selection, compensation and retirement of public employees in order to assure the orderly administration of the merit system.
- 1.10 COVERAGE: These Rules apply to all persons employed by Guam Telephone Authority, hereinafter referred to as the "Authority". Exempted employees (unclassified service) covered by these Rules may be given fringe benefits under these Rules not inconsistent with the Law.
- 1.15 GUIDING PERSONNEL PRINCIPLES: The following are the guiding personnel principles which shall apply in the implementation of the Authority's personnel system:
- (1) Recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skill, including open consideration of qualified applicants for initial appointment;
 - (2) Providing equitable and adequate compensation;
 - (3) Training employees, as needed, to assure high quality performance;
 - (4) Retaining employees, on the basis of the adequacy of their performance, correcting inadequate performance, and separating employees whose inadequate performance cannot be corrected;
 - (5) Assuring fair treatment of applicants and employees in aspects of personnel administration without regard to political affiliation, race, color, sex, or religion.



origin, sex, or religious creed and with proper regard for their privacy and constitutional rights as citizens; and

- (6) Assuring that employees are protected against coercion for partisan political purposes and are prohibited from using their official authority for the purpose of interfering with or affecting the result of an election or a nomination for office.

1.20

AFFIRMATIVE ACTION POLICY:

- (a) As announced in Executive Order No. 76-9, it is the policy of the Government of Guam that there be no discrimination on the basis of race, color, religion, age, sex, national origin or other non-merit factors and that equal employment opportunities will be provided to all applicants and employees.
- (b) Guam Telephone Authority will engage in affirmative action programs to increase minority representative employment and establish and maintain effective liaison with public and private agencies and organizations which are involved in equal employment programs.
- (c) The affirmative action program call for positive results-oriented action toward equal opportunity. Comprehensive efforts will be made by the General Manager and each department heads to assure equal opportunity in employment and to assure non-discrimination in the Authority's programs and activities.
- (d) In order that this affirmative action program becomes a management objective, and thereby reinforces the equal opportunity program objectives established in Executive Order No. 76-9, all levels of management which includes the first line supervisors will continue to be trained in an effort to better adjust and adopt to employment of the disadvantaged personnel.



RULE II ADMINISTRATION AND ORGANIZATION

2.00

THE GENERAL MANAGER: The provision of Title V of the Government Code of Guam, as amended, and these Rules and Regulations shall control the administration of personnel matters in the Authority. Subject to these laws and rules and such administrative regulations governing personnel as are promulgated, the General Manager shall:

- (a) Advise the Board of Directors on policies and procedures concerning the administration of personnel matters;
- (b) Execute all policies established by the Board of Directors;
- (c) Establish and maintain records of personnel employed by the Authority;
- (d) Maintain the classification and pay plan of the Authority;
- (e) Audit and investigate the operation and effect of the personnel laws and rules and any other duties and responsibilities consistent with the position guidelines as contained in Public Law 12-44;
- (f) Administer the recruitment and examination programs of the Authority;
- (g) Carry out such other activities as are necessary to assure the promotion of personnel based on the merit system.

2.01

ADMINISTRATION REQUIREMENTS:

- (1) The General Manager shall provide for initial and periodic orientation to all employees concerning the provisions of these Rules and Regulations, and the training of all supervisors, managers, and department heads in their specific responsibilities for advising employees on requirements and provisions of these Rules and Regulations.



- (2) The General Manager shall institute control and audit procedures as deemed necessary to assure that all personnel actions, specifically assignments to supervisory and managerial positions are consistent with provisions of these Rules and Regulations.
- (3) The General Manager will assure that each current and future manager and department head is provided a copy of these Rules and Regulations and any subsequent changes.

2.02

DEFINITION: The General Manager of Guam Telephone Authority for the purpose of these Rules and Regulations shall be that official appointed by the Board of Directors or his designee and shall be referred to from time to time as the Personnel Director.



RULE III OBLIGATIONS OF EMPLOYMENT

- 3.00 The spirit of these Rules and Regulations and established policies of operations shall, as nearly as conditions of sound administration allow, conform the employment obligations which follow. These obligations shall be binding on all persons concerned with the administration of the policies and Personnel Law.
- 3.10 FITNESS OF APPLICANTS: The fitness of applicants for service at Guam Telephone Authority shall be tested by competitive methods, i.e., physical, mental and job knowledge.
- 3.20 PROBATIONARY PERIOD: All employees shall serve an initial probationary period of six (6) months before obtaining permanent status in the Authority. Such probationary period does not include employees who are transferring from another Government of Guam agency or department and who have completed their six (6) months initial probationary period. Probationary period shall not exceed twelve (12) months.
- 3.30 PROTECTION IN STATUS: Every employee in the classified service who has satisfactorily served his probationary period shall be entitled to hold his position during good behavior and satisfactory performance of his duties.
- 3.40 APPEALS: Any matter covered by the Personnel Law and these Rules may be appealed to the Civil Service Commission as provided in Rule IX.
- 3.50 COMPENSATION WHEN NOT PAYABLE: Compensation may not be authorized or paid to any officer or employee unless the Personnel Law and these Rules have been complied with on initial employment and retention in the service of the Authority.



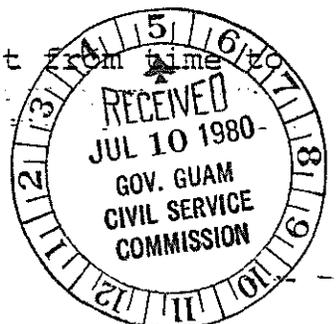
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TRAINING PROGRAMS:

- (a) The general Manager shall be responsible for providing orientation, induction, and on-the-job training and for the continuing development of the employees in Guam Telephone Authority.
- (b) Whenever the present duties of a position are to be materially changed by the introduction of new machinery or processes requiring different skills and knowledge, any permanent or probationary employee affected by the change shall be given a reasonable opportunity to learn to perform the new duties and to qualify for such work. An employee who, after a reasonable training period, qualified for appointment in the different class, shall be deemed to possess the specific education, experience or other requirements for such class and shall be appointed thereto with the same status and seniority which he last had in his previous class, upon the written recommendation of the department head and the approval of the General Manager.
Employees who do not qualify for such appointment shall be reassigned to other duties appropriate to their class.
- (c) Nothing in the above provisions shall take precedence over the requirements of the Merit Promotion Plan.
- (d) Specialized Training: In order to meet the needs of the Authority for scientific, technical, professional and management skills which cannot be provided through available in-service training, the General Manager may arrange for such training through recognized educational or other training facilities, on and off island.

3.70

HOURS OF WORK: Hours of work shall be as set from time to time by the General Manager.



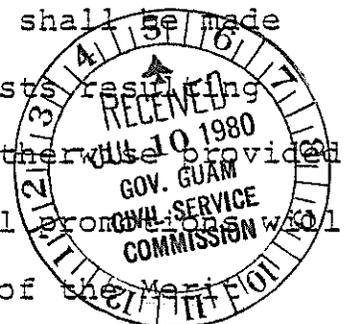
- 3.71 FULL-TIME EMPLOYEES: Employees regularly scheduled to work the number of hours and days required by the administrative workweek for their employment group or class.
- 3.72 PART-TIME EMPLOYEES: Employees regularly employed on a prescheduled tour of duty which is less than the specified hours or days of work for full-time employees in the same group or class.
- 3.73 INTERMITTENT EMPLOYEES: Employees employed with no prescheduled tour or duty (i.e., usually on an irregular or occasional basis). Such employees are paid only for the time actually worked or for service actually rendered.
- 3.74 OUTSIDE EMPLOYMENT: Employees may be permitted to work at outside employment not in conflict with their government service nor such as would bring the Authority or its employees into disrepute. Any employee may undertake outside employment only if such is not in conflict with his work assignments and duly scheduled hours or government employment, and only with the consent in writing of the General Manager or his designee. Consent may not be unreasonably withheld.
- 3.75 NEPOTISM: Spouse and persons within the first degree of consanguinity may not be employed with Guam Telephone Authority in a supervisor-subordinate relationship.
- 3.76 SEVERAL MEMBERS OF FAMILY: Whenever there are already two (2) or more members of an immediate family in the service of the Authority, no other member of such family shall be eligible for employment.



- 3.77 IMMEDIATE FAMILY DEFINED: As used in these Rules, immediate family is defined as those members of the family living together which include the mother, father, children, brother, sister, husband and wife.
- 3.78 JOINING EMPLOYEE ORGANIZATIONS: The use of any coercion or pressure by a supervisor or other employee to influence any employee to join or refrain from joining a legitimate employee organization is prohibited.
- 3.80 IDENTIFICATION CARDS: Any person accepting employment with the Authority will be required to possess and display an identification card. Identification cards will be on a form prescribed by the General Manager and will be initially issued at no cost to the employee. Identification cards must be surrendered to the Safety-Security Division upon separation from employment.
- 3.81 OFFICIAL PERSONNEL FOLDER: An official personnel folder is maintained for each employee and contains the employee's employment records with the Authority. Employees are required to keep the Personnel Services Division informed of change of name, address, telephone number, next of kin and other pertinent information as soon as possible, so that employees' records will be kept up to date.



- 4.00 RECRUITMENT OF ELIGIBLE PERSONS: Employment in Guam Telephone Authority shall be accomplished consistent with the merit principles of recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial employment. "Open Competition" implies that all available and interested persons who possess the pre-established minimum qualifications for a classification or occupation are eligible to apply and be evaluated, ranked and considered on the basis of their ability, knowledge and skills.
- 4.10 FILLING OF VACANCIES: No person shall be appointed to or employed in, or paid for services in any position in the Authority until that position has been established and allocated to its proper class by the General Manager.
- 4.11 MAINTENANCE OF LIST OF AUTHORIZED POSITIONS: The Personnel Services Division of the Authority shall maintain a list of authorized positions for each organized unit within the Authority, showing by class of positions those that have been established and the current status of the positions. No change in the number of authorized positions on such list shall be made without proper approval.
- 4.12 CERTIFICATION FROM ELIGIBILITY LISTS: All initial appointments to positions in the Authority shall be made through certification from eligibility lists resulting from competitive examinations except as otherwise provided by the Personnel Law and these Rules. All promotions shall be made consistent with the requirements of the Merit Promotion Plan.



4.13

ANNOUNCEMENT OF EXAMINATIONS: Examinations to establish eligibility lists for which vacancies may occur shall be properly announced through a notice of examination published on the bulletin boards of all divisions and sections of the Authority and in other locations as determined by the General Manager. Positive efforts shall be taken to assure that vacancy announcements reach all segments of the population in order to assure equal opportunity for all citizens. Other supplementary methods for announcing examinations may be used at the discretion of the General Manager so as to better disseminate information to the public.

4.14

MAINTENANCE OF DISTRIBUTION LISTS: The General Manager shall, as far as practicable, establish and maintain distribution lists of public and private agencies or groups, by occupation or other appropriate categories to which public notices or other information regarding prospective examinations shall be sent for further dissemination to prospective candidates.

4.20

ANNOUNCEMENT OF PROMOTIONAL EXAMINATIONS: Request of examinations to fill vacancies by promotion shall be to the Personnel Services Division. Such announcement of promotional opportunity shall indicate that employees who meet the minimum qualification requirements and who have satisfactorily completed their initial probationary period in the government service shall be eligible to compete in the examination.



4.21

CONTENTS OF RECRUITMENT AND EXAMINATION ANNOUNCEMENTS:

Each recruitment and examination announcement for an initial appointment or a promotion shall contain the title of the class, the applicable range of pay, the character of duties and responsibilities and examples thereof, the closing date and place for filing applications, the minimum qualifications for entry into the position, and other information deemed necessary by the General Manager. Such announcement will be published not less than two weeks so as to allow all interested persons the opportunity to apply.



Appointments other than from eligibility list, as for example by transfer, demotion, reemployment or provisional shall be bound by minimum qualification requirements set forth in such announcement.

- 4.30 APPLICATION FORM: The General Manager shall prescribe a form to be used by applicants for positions which shall require information covering experience, training, and other pertinent data indicated as being necessary in the examination announcement. Applications shall be signed and the truth of all statements therein certified to by such signature.
- 4.31 ACCEPTANCE OF APPLICATIONS: Applications for competitive examinations shall be accepted only during the period specified in the announcement.
- 4.32 ADMISSION TO COMPETE IN EXAMINATIONS: Persons submitting applications during the period specified in the examination announcement shall be admitted to compete in the examination provided it is clearly shown that requirements for admission are met. Where doubt exist as to whether or not the applicant meets the minimum requirements for admission to the examination, the General Manager may authorize conditional admission. Such action shall not be construed as entitling the applicant to certification or appointment until such conditional admission has been confirmed by the General Manager.
- 4.33 REJECTION OF APPLICANTS AND DISQUALIFICATION OF ELIGIBLES: The General Manager shall not be required to examine, or after examination to certify an eligible applicant who is found to lack any of the established requirements for admission to the examination or for appointment from an eligibility list. An applicant may be denied appointment and his name may be removed from the eligibility list for any of the following reasons:
- (a) Failure to meet the minimum qualification requirements for the class of position except where an academic



When such findings are made, the General Manager shall reject the application and cancel the eligibility of the applicant if he attained a place on the eligibility list. In the event the applicant has already received an appointment, the General Manager shall take appropriate action to assure the stopping of future salary payments.

4.34

NOTIFICATION OF REJECTION OF APPLICANTS:: Whenever an applicant has been rejected prior to the holding of the examination involved, notice thereof, with the reason or reasons for such rejection, shall be given in sufficient time to permit the applicant to respond in writing or to amend an incomplete or defective application at least three (3) days before the date of the examination. If sufficient time is not available for this purpose, the applicant shall be admitted to the examination conditioned upon his establishing eligibility within a reasonable time after the date of the examination and prior to the establishment of the list.

4.35

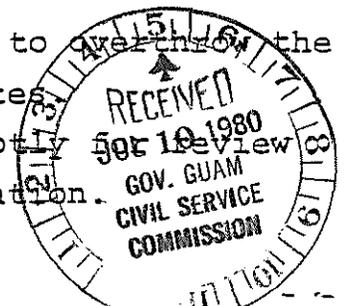
NOTIFICATION OF DISQUALIFICATION OF ELIGIBLES: A disqualified applicant or employee shall be notified promptly of such action and of his right of appeal. Any person who has been disqualified may appeal such action within ten (10) calendar days of the date of the written notice to the General Manager. An applicant who is not admitted to an examination because of failure to meet the preliminary requirements shall be notified by letter in advance of the examination process so as to allow for an appeal.

4.40

EXAMINATION: Competitive examinations shall be held for original appointments and promotions and shall be job-related in nature and designed to reveal the capacity of the applicant to successfully perform the duties of the class of position for which he is competing. The parts of the total examination will consist, in various combinations



- requirement will be met within one semester. An applicant may be admitted to the examination and his name shall be certified for employment with the condition that all requirements for the class be met.
- (b) Failure to file on or before the closing date or during the time specified in the announcement except in those instances where the applicant can certify extenuating circumstances to the satisfaction of the General Manager.
 - (c) Intentional false statements, deception or fraud in the application or in the examination process or appointment.
 - (d) Refusal or failure to furnish documents required to verify any statements made in the application.
 - (e) Habitual or excessive use of drugs, narcotics, or intoxicating beverages.
 - (f) Physical or mental unfitness to perform the duties of the class of position to which he seeks appointment.
 - (g) Criminal, immoral, or notoriously disgraceful conduct detrimental to the performance of the duties and responsibilities of the position applied for.
 - (h) Evidence that the applicant has been removed from a position with the Authority, other Government of Guam agencies or departments, or otherwise, for reasons which would render him unsatisfactory for the position in the Authority's service for the class for which he is applying.
 - (i) In the case of any examination for promotion, failure to complete the initial probationary period or evidence that unsatisfactory service rating has been received which would disqualify the applicant for promotion.
 - (j) Participating in activities designed to overthrow the Government of Guam or the United States.
 - (k) Failure, after notice to report promptly for review of criminal record or medical examination.

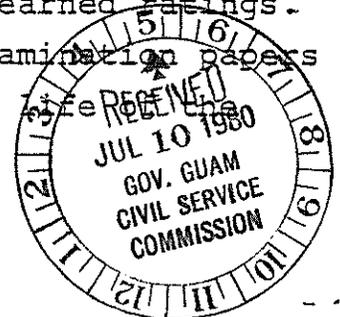


as appropriate to the class and to available manpower resources, of such devices as work sample and performance examinations, ratings of training and experience, physical examinations and background and reference inquiries. In determining ranking of candidates, the examination parts will be appropriately weighted. To facilitate employment of disadvantaged persons in aide of similar positions, competition may be limited to such individuals. The General Manager may consult with qualified persons in regard to the content of the tests or the ratings of applicants.

- 4.41 PARTS OF EXAMINATIONS: An applicant for any examination must pass all parts of that examination in order to qualify for probationary appointment to a classified position.
- 4.42 PREPARATION OF TESTS: Tests for each examination shall be prepared in accordance with policies and procedures established by the General Manager and in compliance with the Equal Employment Opportunity objectives and merit principles.
- 4.43 SECURITY OF TESTS: Examination questions shall at all times be maintained under conditions affording maximum security. All precautions to safeguard the confidential nature of examination materials shall be taken. No information concerning the nature of the tests shall be divulged to any person prior to examination. Proved disclosure of unauthorized release of examination material by any employee shall be the basis for disciplinary action.
- 4.44 SCOPE AND WEIGHTS OF EXAMINATIONS: Based upon the results of the job-analysis on the class of position, the General Manager shall prescribe the scope and weights of all subjects included in the examination for the class.



- 4.45 CONDUCT OF EXAMINATIONS: Tests shall be administered by a representative of Personnel Services only at the time and places designated in the notice to report for examination except as otherwise specified by the General Manager. All reasonable precaution shall be taken to assure that the applicant's identity is not revealed on test materials. Handicapped applicants shall be given reasonable consideration in the administration of tests.
- 4.46 NOTIFICATION TO REPORT FOR EXAMINATION: Upon evaluation and acceptance of the application, the General Manager shall cause each applicant to be notified by mail or other acceptable means of the date, time, and place of the examination. No person shall be admitted to take any examination without such authorization or other satisfactory evidence of conditional acceptance of his application.
- 4.47 RATING OF EXAMINATIONS: Appropriate scientific measures, techniques, and procedures shall be used in rating the results of examinations and determining the relative rank of competitors. In all examinations, the minimum rating by which eligibility may be achieved shall be set by the General Manager. The final earned rating of each competitor shall be determined by averaging the earned ratings of each part of the examination in accordance with the weights established for each part prior to the time of the examination. All competitors shall be required to obtain at least a minimum passing score of 70.00 percent in each part of the examination in order to receive a final passing grade, or to be rated on the remaining parts of the examination.
- 4.48 NOTIFICATION OF EXAMINATION RESULTS: All competitors shall be notified by mail of their final earned ratings. The records of ratings, as well as the examination papers shall be held as official records for the life of the resulting eligibility list.



- 4.50 RANKING OF ELIGIBLES: After each examination, the General Manager shall prepare a list of persons with passing grades. The names of such persons shall be placed on eligibility lists in the order of their final earned rating, starting with the highest. Prior eligibility lists resulting from a continuous examination program shall be merged by ranking the names of all successful applicants in the order of their final score.
- 4.51 DETERMINATION OF RANK IN EVENT OF TIE: Final earned ratings shall be calculated to three decimal places. Ties in final earned ratings shall not be broken; except that for labor and custodial positions certification shall be in accordance with Rule 4.55(b)(1).
- 4.52 INSPECTION OF WRITTEN EXAMINATION PAPERS: The General Manager shall, upon request of a candidate, authorize such candidate to inspect his own written examination papers within twenty (20) days of the date of the examination in the presence of a Personnel Specialist. The privilege of inspection shall not be deemed to include authorization to copy examination instructions or questions.
- 4.53 APPEALS FROM EXAMINATIONS: Any applicant or employee may appeal his notice of failure to pass an examination or his rating within fifteen (15) calendar days following the post-mark or personal delivery of the notice of examination results. Such appeal shall be addressed to the General Manager who may, upon his review of the examination papers and upon approval of the Civil Service Commission, make any changes warranted.
- 4.54 DURATION OF EXAMINATION RATINGS: Examination ratings are good only for the life of the eligibility list. Examination ratings received through performance tests shall not be carried over to a new list after a period of one year. A record of the examination test score shall be placed in the employee's personnel jacket upon approval of the Civil Service Commission.



4.55

SPECIAL PROVISIONS: Special arrangement for examinations on a noncompetitive basis, upon reallocation of position and for employment of labor or custodial personnel, may be made by the General Manager subject to the limitations which follows:

- (a) Noncompetitive Examination: The General Manager may authorize noncompetitive examinations under any of the following conditions:
- (1) No more than one person applies who meets the minimum qualification requirements.
 - (2) Examination given is to test the fitness of an employee who has a permanent appointment and who seeks transfer to a position in a class in the same pay range but which requires a skill not required in the present classification. However, the provisions of the Merit Promotion Plan shall apply to a transfer to a position with known promotion potential.
 - (3) The examination is to test an employee who has a permanent appointment in a position which has been reallocated to a class requiring a new skill.
 - (4) When a position is temporarily vacant because the incumbent is on leave of absence without pay and an employee serving in the same department at a lower grade is to be temporarily promoted. Temporary promotions in excess of one hundred twenty (120) days must be filled under competitive provisions of the Merit Promotion Plan.
- (b) Labor and Custodial: Examination of applicants for the labor classification or for employment as custodian shall be governed by the following regulations:
- (1) Each applicant for these classes shall appointment, qualify by examination which shall consist of completing an application. The General Manager shall certify the names of the top ten (10) applicants in order of date receipt of application.



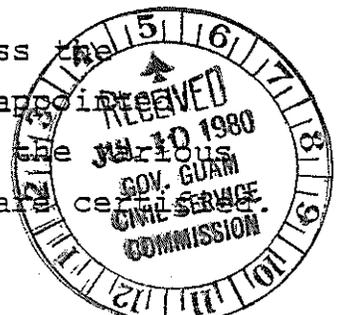
- (2) Notwithstanding the limitation of this rule, the General Manager may at any time prescribe such additional tests for applicants in the labor and custodial classes as he shall deem practical and feasible to assure equitable consideration of all applicants.

4.56 DETERMINATION OF FINAL SCORE: The General Manager shall determine a final score for each examination, computed in accordance with the weights for the several parts established and as set forth in the announcement. All applicants for the same position shall be accorded uniform and equal treatment in all phases of the examination procedures.

4.57 TRAINING AND EXPERIENCE: If training and experience form a part of the total examination, the General Manager shall determine a procedure for the evaluation of the training and experience qualifications of the various applicants. The formula used in appraisal shall give regard to recency and quality as well as quantity of experience and to the pertinency of the training. This procedure shall allow for the substitution of training for experience and experience for training within the limits stated in the class specification.

4.58 APPOINTMENT OF THE HANDICAPPED:

- (a) Notwithstanding other provisions of the Personnel Rules and Regulations, the General Manager may authorize temporary limited appointments of handicapped persons certified by the Department of Vocational Rehabilitation. Such temporary limited appointments will not exceed a total of seven hundred (700) hours of work notwithstanding that the position filled is a permanent position.
- (b) All such handicapped persons shall possess the qualification for the position to which appointed. Eligibility lists shall be developed for the positions for which handicapped workers are certified.

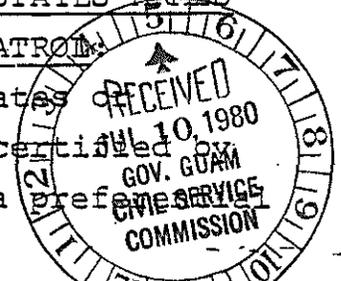


Individuals will be placed on the eligibility list for the temporary limited 700 hour appointments based on credits as the result of evaluations of their knowledge, skills and abilities, based on information concerning training under vocational rehabilitation services and educational achievements or other qualifications.

- (c) Nothing contained in this Section shall be construed to deter or prevent the General Manager from employing:
- (1) Physically handicapped persons when available and eligible for permanent employment.
 - (2) Handicapped persons employed pursuant to the provisions of Subsection (1), in permanent employment if such persons qualify for permanent employment before termination of their temporary limited appointments.
- (d) If such person is appointed pursuant to this Section to a permanent position during or after the 700 hour period, the seven hundred (700) hours or portion thereof shall count toward the employee's probationary period.
- (e) Appointment of handicapped persons to permanent positions must be consistent with the requirements of the Merit Promotion Plan.

4.59 PREFERENCE CREDIT FOR THE HANDICAPPED: Residents of Guam who are physically or mentally handicapped but are physically or mentally able to perform efficiently and safely the duties of the position applied for, as certified by the Public Health and Social Services, shall receive a preferential credit of five (5) points which shall be added to their competitive examination score.

4.60 PREFERENCE CREDIT FOR VETERANS OF THE UNITED STATES ARMED FORCES OR MEMBERS OF THE GUAM POLICE COMBAT PATROL: Veterans of the Armed Forces of the United States or members of the Guam Police Combat Patrol, as certified by the Director of Public Safety, shall receive a preferential credit of five (5) points which shall be added to their competitive examination score.



credit of five (5) points which shall be added to their competitive examination score. Such veterans who are disabled as a result of their service in the Armed Forces or Combat Patrol, shall receive a preferential credit of ten (10) points which shall be added to their competitive examination score. In addition, if two (2) applicants are equally qualified for the position to be filled and one is a beneficiary of a preference, while the other applicant is not, the former shall be given the first offer of the position as stipulated in Public Law 13-172.

4.61 PROOF OF ELIGIBILITY FOR VETERAN'S PREFERENCE CREDIT:

Persons claiming veteran's status must submit their DD-Form 214. A person must have completed at least one hundred eighty (180) consecutive days of service in the Armed Forces of the United States and must have been honorably discharged from such service to be eligible for veteran's preference.

4.62 PREFERENCE CREDIT FOR GRADUATES OF THE GUAM COMMUNITY COLLEGE OR THE GUAM VOCATIONAL TECHNICAL HIGH SCHOOL:

Graduates of the Guam Community College or the Guam Vocational Technical High School shall receive a preferential credit of five (5) points, which shall be added to their competitive examination score for purposes of initial employment or promotion when such graduate or certificate holder is being considered for a position for which the training or education received at the Guam Community College or Guam Vocational Technical High School is a condition precedent.

4.70 EMPLOYMENT MEDICAL EXAMINATION: Except when physical

qualifications are to be rated competitively, i.e., performance tests or physical skills and abilities health examination shall be required of any candidate for a regular position prior to the establishment of an eligible list. The General Manager shall advise persons



on the eligible list to report for qualifying medical examinations when appointment to a regular position is imminent.

4.71 PURPOSE OF EMPLOYMENT MEDICAL EXAMINATIONS: The purpose of the medical examination shall be to determine that persons seeking employment or currently employed in the service of the Authority meet the health and physical condition standards deemed necessary and proper for the performance of the duties of the class.

4.72 KINDS OF EMPLOYMENT MEDICAL EXAMINATIONS: Medical examinations shall be of three (3) kinds:

- (a) Pre-entry: Pre-entry medical examination shall be required of all persons prior to initial appointment to a position at the expense of the Authority. Examination taken beyond six (6) months prior to appointment will not be accepted.
- (b) Periodic: Periodic medical examination shall be required of all employees by the General Manager, if the nature of the work performed is such that a periodic check of ability to meet the health and physical condition standards is necessary. The intervals at which periodic medical examination shall be taken, will be determined by the General Manager on the basis of recommendations by the concerned department heads.
- (c) Special: Special medical examination may be required by the General Manager to determine the fitness of an employee for the continuance of performance in their assigned duties. Special medical examinations shall have, as their purpose, the determination of whether an employee should be retired from the services of the Authority or be assigned to duties and responsibilities that are within his physical ability to perform.



4.73

ADMINISTRATION OF EMPLOYMENT MEDICAL EXAMINATIONS:

Medical examinations shall be administered by a licensed physician and the result shall be provided to the Authority on a form prescribed by the General Manager. In the event an employee does not pass the special medical examination for that class of position currently employed and for which no other assignment is available because of physical limitation, the employee shall be separated due to physical disability upon concurrence of the Retirement Fund Board of Trustees.

4.74

APPEAL AGAINST EMPLOYMENT MEDICAL EXAMINATION RESULTS: A person not recommended for initial appointment because of failure to meet health and medical standards may appeal such decision in writing to the Authority's Board of Directors not later than fifteen (15) calendar days from the receipt of rejection notice. An employee who is not recommended for continued employment in his position for which periodic or special medical examination is given may appeal such decision to the Civil Service Commission. In such cases, the General Manager may appoint a Board of Physicians to review the employee's case and provide their consensus to the Civil Service Commission as part of the information related to the appeal determination.

4.75

EXEMPTIONS: If the General Manager determines that a position must be filled immediately, he may temporarily waive the medical examination, provided that the medical examination is completed no later than thirty (30) days from appointment date.



RULE V EMPLOYMENT LISTS

5.00 All prospective employees of the Authority shall be selected from among the highest eligibles on appropriate eligibility lists, established and maintained by the General Manager except for those employees who are transferred, reinstated or appointed on a provisional basis. Within the limitations found in these rules, applicants shall be placed on eligibility lists through competitive examinations.

5.10 ESTABLISHMENT OF ELIGIBILITY LISTS: Except for the employment list, names of candidates shall be placed on eligibility lists in the order of qualifying grades after appropriate examination. This list shall be designated as an "eligibility list" for that class. After the eligibility lists has been approved by the General Manager, it shall then be considered "established".

5.11 DURATION OF ELIGIBILITY LISTS: The life of an eligibility list, other than reemployment list, shall be for a period of not more than one year unless extended by the General Manager, which the extension shall not exceed three months. When an eligibility list is reduced to an insufficient number of eligible as determined by the General Manager, a new eligible list may be established through appropriate examination. The names of eligibles on the former list shall be combined with those on the new list according to final score.

5.20 REEMPLOYMENT LISTS: Reemployment, for the purposes of these Rules, is the appointment of a former classified permanent employee who was separated by management without appeal to a position in the same class that the individual held at the time of separation. Reemployment lists shall be maintained



5.21 REINSTATEMENT LISTS: Reinstatement, for the purposes of these Rules, is the appointment of a former employee who resigned in good standing to a position in the same class that the individual held at the time of separation. Reinstatement appointments are subject to competitive procedures under the open list. Any person who held a permanent position in the classified service of the Authority and resigned in good standing, shall be permitted to have his name placed on a reinstatement list provided he so requests in writing within ninety (90) days from the date of his separation. Names placed on the reinstatement list shall be removed at the expiration of one (1) year from separation.

5.22 PROMOTIONS: All promotion actions must be made consistent with the requirements of the Merit Promotion Plan. An examination will be announced for each Merit Promotion Opportunity Announcement.

5.23 OPEN COMPETITIVE LISTS: After each open competitive examination, the General Manager shall prepare an eligibility list containing the names of persons with passing scores. The names of such persons shall be placed on the list in the order of their final rating starting with the highest. Competitive examinations will be announced when it is determined by the General Manager that there are less than five (5) individuals meeting the qualification for the class available for referral to the department head. Names of individuals having a passing score or higher as a result of the Merit Promotion announcement will have their names merged into the new list of eligibles along with the current competitors.

5.30 PROCEDURES WHEN LIST IS REQUIRED: When an eligibility list is required to fill a vacancy in a class, the General Manager shall authorize his designee:

- (1) To prepare the materials calling for an examination;
- (2) To administer such examination;



- (3) To place on a list all applicants successfully completing the examination in the order of their merit and fitness for the service as determined by the examination.

5.40

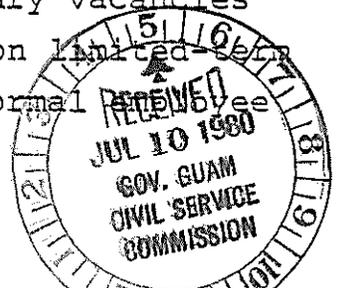
REMOVAL OF NAMES FROM ELIGIBILITY LISTS: The name of any person found on the eligibility list who has disqualified himself for reasons specified in Rule IV may be removed. The name of any person found on the eligible list may also be removed if:

- (a) the person is appointed to a permanent position for the class;
- (b) the eligible fails to respond within fifteen (15) days to a written inquiry relative to availability for employment;
- (c) the eligible rejects two (2) offers of permanent employment;
- (d) the eligible fails to report for selection interview within two (2) days after notice, or fails to report for duty within the time prescribed;
- (e) in the case of promotional list, termination of service with the Government of Guam;
- (f) withdrawal by the eligible;
- (g) physical unfitness to perform the duties of the position is shown by medical examination.



RULE VI CERTIFICATION AND APPOINTMENT

- 6.00 FILLING OF VACANCIES: Whenever a vacancy occurs in the classified service of the Authority, the General Manager may certify eligibles for such vacancy or may fill the position by demotion, transfer, or re-employment provided that such actions are consistent with the requirements of the Merit Promotion Plan. Such request shall identify the position by reference to the established position number and the name of the employee previously occupying the position or in the case of a newly created position, by the date of its approval by the Civil Service Commission. No person may be paid a salary unless he has been certified to be employable by the General Manager.
- 6.10 KINDS OF POSITIONS AND APPOINTMENTS: All positions and appointments shall be identified in the records of the Authority as permanent or temporary in accordance with the action setting up the position pursuant to Section 4107, Title V of the Government Code of Guam.
- 6.11 TEMPORARY POSITIONS: Temporary, part-time, seasonal or intermittent positions shall be designated as temporary for purposes of these Rules.
- 6.12 PERMANENT POSITIONS: All positions established by law, or pursuant to Section 4107, other than those identified in Rule 6.11 shall be considered as permanent.
- 6.13 PERMANENT APPOINTMENTS: An employee who has been appointed to a permanent position and satisfactorily completes his probationary period holds a permanent appointment for the purposes of these Rules.
- 6.14 LIMITED-TERM APPOINTMENTS: Limited-term appointments may be made to fill temporary positions or temporary vacancies in permanent positions. Employees appointed on limited-term to fill a permanent position shall be given normal benefits.



- 6.15 TENURE OF LIMITED-TERM APPOINTMENT: Limited-term appointments shall not exceed one (1) year. Limited-term employees may be separated at any time upon notice in writing from the General Manager. These employees do not serve a probationary period nor do their appointments confer permanent status.
- 6.16 PROVISIONAL APPOINTMENTS: In the absence of an appropriate eligibility list, the General Manager may fill the position by provisional appointments. Persons selected for provisional appointments must meet the minimum qualification of the vacant position. Provisional appointments shall not exceed ninety (90) days. Upon certification of eligibles as a result of competitive examination, the provisional appointed employee must be terminated by the General Manager not later than thirty (30) days after such certification.
- 6.20 ORDER OF APPOINTMENTS: Appointments shall be made from the top five (5) eligibles certified by the General Manager in the manner specified in these Rules, provided that eligibles on the reemployment list are certified in chronological order of their separation from service. However, in the case of labor and custodial classes, ten (10) names shall be certified in accordance with the provisions in Rule 4.55(b).
- 6.21 RULE OF FIVE/TEN: Upon certification by the General Manager, selection must be made from the first five/ten eligibles on the list. For example, Guam Telephone Authority has two vacancies for Clerk I. The order of Certification from the General Manager will appear as follows:



1. First Ranked Eligible
2. Second Ranked Eligible
3. Third Ranked Eligible
4. Fourth Ranked Eligible
5. Fifth Ranked Eligible
6. Sixth Ranked Eligible

The following are the selection alternatives:

- 1) The General Manager may select two persons from the six certified to fill the vacancies.
- 2) Should the General Manager later decide to fill only one of two vacancies, he shall then be restricted to select from the first five eligibles on the certification and may not select the sixth ranked eligible.

6.22 EXCEPTIONS TO CERTIFICATION PROCEDURES: Certified eligibles who do not appear for interview (DNA), Refuse appointment (REF) or is rejected by the General Manager for cause (REJ) shall be conditions for supplementing the original certification with additional eligibles to complete the certification.

6.30 ALTERNATIVE CERTIFICATION: The General Manager may certify eligibles from lists for higher classes to vacancies in lower classes in the event there are insufficient eligibles in the existing list. This certification shall be done only when it can be determined that the certification would not conflict with the requirements of the Merit Promotion Plan.

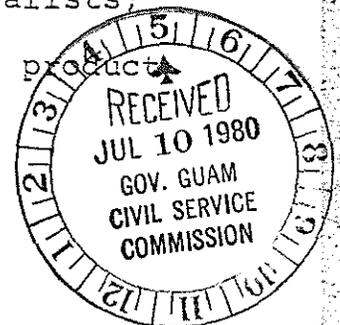


- 6.40 SELECTIVE CERTIFICATION: Upon the request of the department heads and approval of the General Manager, selective certification will be made when specific identifiable qualifications and skills are required for the successful performance of the duties and responsibilities of the position. These factors shall pertain to special knowledge skills and abilities pertinent to certain program operations when these qualifications cannot be readily acquired after appointment.
- 6.41 COORDINATION OF BFOQ AND EEO ADMINISTRATOR: All requirements or other personnel actions which specify a bona fide occupational qualification (BFOQ) must be coordinated through the Equal Employment Opportunity Administrator (EEO), of the Civil Service Commission.
- 6.50 OBJECTIONS AND SUBSTITUTIONS: If a department head objects to any of the persons certified, he shall be required to document the reasons for objecting to any individual certified from the list of eligibles.
- 6.60 LIMITED TERM APPOINTMENTS: Persons on eligibility lists selected for limited term appointments shall not have their names removed from the lists of eligibles as the result of accepting a limited term appointment. A permanent employee who elects to serve on a limited term appointment shall upon termination of such appointment be terminated from service unless a vacancy exists in the Authority for which the employee meets the minimum qualification provided however, that such appointment is in accordance with Merit Promotion Plan. If no vacancy exists, the employee shall be separated and shall be entitled to priority placement in accordance with his reemployment rights.



CONTRACTING FOR PERSONNEL SERVICES:

- (a) Contracts shall not be used as substitute for hiring employees. The Authority will not contract for personnel services which regularly are performed by employees appointed under the Merit System.
- (b) Contracts for personnel services may be used only when the use of the contract is in accordance with all legal provisions including the Merit System laws and rules.
- (c) Factors to be considered which could provide an adequate justification for using contracts with individuals for service include:
- (1) Emergency short-term work normally exempt from competitive appointment methods;
 - (2) Part-time professional work not involving administrative duties;
 - (3) Inability of the government merit personnel system to provide qualified employees;
 - (4) Contract for expert consultation services not available in the government, when full-time employment is not needed or practical, or when the need is intermittent or for a short period of time. Such an expert might provide views or recommendations but would not perform or supervise the performance of government functions;
 - (5) Part-time services of professional specialists;
 - (6) Contract with an individual to produce a product such as an individual research paper.



RULE VII INITIAL PROBATIONARY PERIOD AND STATUS

7.00

INITIAL PROBATIONARY PERIOD: All persons initially appointed from eligibility lists, in order to obtain permanent status in the classified service, shall be required to serve a six (6) month probationary period. This period shall be considered an integral part of the selection process and no appointment shall be final unless a performance report has been prepared for this period stating that the employee's service has been satisfactory and recommending that the employee be given permanent status. Such report shall be submitted to the General Manager no later than ten (10) working days prior to the expiration of the probationary period. However, in those instances where an individual has been on extended leave, i.e., in excess of thirty (30) days, the probationary period shall be extended an equivalent period of time.

7.10

REMOVAL DURING INITIAL PROBATIONARY PERIOD: If an employee fails to render satisfactory service during the period of initial probation, he may be removed by the General Manager. A written notice of dismissal shall be given to the employee with a copy to the Civil Service Commission giving the reasons for such dismissal. An employee dismissed during the initial probationary period may appeal the dismissal only if he alleges that the dismissal was based on related EEO matters or other non-merit factors.

7.20

PERFORMANCE REPORTS: Performance report for the probationary employee will be submitted to the General Manager no later than ten (10) days prior to the expiration of the probationary period. Such report shall specifically recommend the continuance of the employee in the service of the Authority or his removal from service.

7.30

CREDIT FOR PROBATIONARY TIME SERVED: A provisionally limited term employee who has served one (1) year in a class of position to which subsequently certified, will be considered to have served the probationary period.



Provisional or limited-term employees who are granted a leave of absence during the probationary period shall be given credit for time served on a probationary basis prior to the leave if they return to a position in the same class within one (1) year. Employees on leave in excess of thirty (30) days shall have their probationary period adjusted by the number of days of leave taken in excess of thirty (30) days.

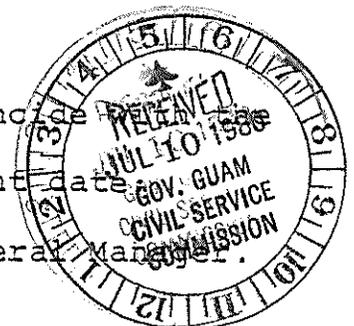
7.40 REMOVAL DURING PROBATIONARY PERIOD AFTER PROMOTION: If an employee fails to satisfy a probationary period required as part of a promotion, the employee shall be served a notice of unsatisfactory performance with intent to remove from service. The employee shall have normal job protection rights covered in these Rules. The employee shall be appointed to any vacant position within the Authority which is in the same class that the employee held prior to his promotion. If no vacancy exists, the employee shall be placed on the reemployment list for the class of position held prior to the promotion.

7.50 STATUS: An employee, who has been examined, certified and appointed and who satisfactorily completed his initial probationary period shall be considered to have attained permanent status in the classified service.

7.60 FALSIFICATION: Any employee who has falsified his application or misrepresented his background shall not be considered as having been examined. Upon finding of such misrepresentation, the General Manager shall cause his pay to be stopped.



- 8.00 ESTABLISHMENT OF RATING: The General Manager shall establish and may revise a system of efficiency ratings for the improvement of the service of employees in the Authority. In the event that the employee is still not satisfied with his performance rating. After consultation with the rater's supervisor, he shall be advised of his right to appeal, and shall be required to comply with the performance appraisal appeal procedures of the authority. The General Manager shall establish procedural requirements for the appeal of performance ratings.
- 8.10 RESPONSIBILITY OF RATING: The General Manager shall approve all performance ratings made within the Authority.
- 8.20 RESPONSIBILITY FOR TRAINING: The General Manager shall provide periodic training for all levels of management concerning the development of performance standards, performance interview techniques and performance rating.
- 8.30 PERFORMANCE RATING FORM: Ratings shall be on a form selected by the General Manager. The form shall, to the extent possible, effectively differentiate between major categories of employment and shall minimize rating bias by supervisory personnel.
- 8.40 PERFORMANCE RATING PERIOD: Ratings shall be made for:
- (a) Probational employees during the fifth month of their probation;
 - (b) Permanent employees which shall coincide with the anniversary of their salary increment date;
 - (c) Employees at the request of the General Manager.



8.41

PERFORMANCE RATING RESPONSIBILITY: Persons doing the performance rating shall be supervisors immediately responsible for the employee's work. The supervisor, however, must have supervised the employee for not less than ninety (90) calendar days during any single rating period. If the employee is under the supervision of a supervisory personnel for less than ninety (90) calendar days, the previous supervisor will be required to make an evaluation of the employee's work performance in the employee's previous duties. In the event that one supervisor gives an unsatisfactory rating while the other gives a satisfactory rating, the General Manager will



review both ratings and make the final decision based on the important factors which heavily weights the employee's overall performance, taking into consideration the employee's previous performance ratings.

- 8.42 PRELIMINARY EXPLANATION TO EMPLOYEES: Rater will explain the purpose of the performance report to the employee and will also advise the employee of the factors he will be rated on.
- 8.43 POST-RATING CONFERENCE: After rating the employee, the supervisor will confer with the employee and explain the reasons for the ratings. At this time the rater will point out the good points and will also offer suggestions in the areas where work performance can be improved. The employee and the rater are encouraged to arrive at a mutual understanding and acceptance of the rating. If the employee feels that the rating is not justified, he should be provided the opportunity to discuss the matter with the rater's supervisor to resolve the difference.
- 8.50 USE OF PERFORMANCE REPORTS: The performance report shall be used as the basic document in granting pay increase, determining order of layoffs and in rating the employee's suitability for promotion.
- 8.60 SALARY INCREMENT - PROCEDURES: When a performance report shows that an employee has rendered a satisfactory service, the employee may be advanced to the next higher step in the pay range to which his class is assigned with the approval of the General Manager and subject to the availability of funds. Employees advancing to step two (2) through seven (7) shall be eligible for a one (1) step increment in the same pay range after twelve (12) months of satisfactory work performance. Employees advancing to steps eight (8), nine (9) and ten (10) must serve eighteen (18) months of satisfactory service in the previous salary rate. However, if the employee is on leave of absence without pay for more than twenty (20) consecutive



days, the increment date shall be extended the number of days in excess of the twenty (20) days beyond the anniversary date thus creating a new increment date. If an employee is at step ten (10) for three (3) consecutive years and has served satisfactorily, his pay shall be adjusted to step ten (10) in the next pay range. The salary step increases are not automatic, but are subject to the approval of the General Manager and availability of funds.

8.61 EXEMPTIONS: Employees in the unclassified service are not covered by the salary increment policy in Rule 8.60.



RULE IX EMPLOYEE GRIEVANCE

- 9.00 POLICY: Guam Telephone Authority employees, whether temporary, permanent or part-time shall be encouraged to voice complaints and to make problems known to their immediate supervisors. Grievances shall be identified and corrected as soon as they arise. The aggrieved employee shall be assured freedom from restraint, interference, discrimination or reprisal.
- 9.01 CONSIDERATION: All complaints shall be fully evaluated with consideration given to the cause of the complaint and to the circumstances and personnel involved.
- 9.02 EXCLUSIONS: The following matters are not covered by the grievance procedures:
- (a) disqualified applicant's right to appeal;
 - (b) appeals from examinations;
 - (c) appeals against employment medical examination results;
 - (d) appeals of removal during probationary period after promotion;
 - (e) appeals from classification determinations;
 - (f) appeals of adverse personnel actions and other appeals handled by the Civil Service Commission;
 - (g) a performance rating appeal;
 - (h) an allegation or complaint of discrimination;
 - (i) When the employee is in a unit covered by an exclusive recognition as an employee organization which has negotiated grievance procedures for that unit. When negotiated procedures exist, they shall be the exclusive procedures available to public employees in the unit for settlement of individual or group grievances.
 - (j) When an aggrieved employee submits a written allegation of discrimination on grounds of race, color, religion, sex or national origin, age, physical handicap or other non-merit factors in connection with



which is subject to the grievance procedures as well as the EEO discrimination complaint procedures, that allegation shall be processed under the EEO discrimination complaint procedures.

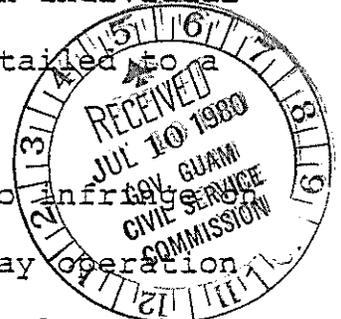
9.03 GRIEVANCE PROCEDURE: The General Manager shall establish procedures for informal and formal adjustments of grievances.



10.00

DETAIL:

- (a) A detail is the temporary assignment of an employee to another position or to a group of specific duties and responsibilities for a specified period, with the employee returning to his regular duties at the end of the detail. Technically, a position is not filled by a detail as the employee continues to be the incumbent of the position from which he is detailed and his salary, during the detail, does not change.
- (b) Details shall be made only for meeting temporary needs of the Authority's programs such as:
- (1) Emergency details - to meet emergencies as a result of abnormal workload, change in organization, or unanticipated absences.
 - (2) Pending description and formal classification of a new position.
 - (3) To meet short-term training needs.
- (c) An employee shall not be detailed within the first ninety (90) days after his initial appointment.
- (d) To avoid conflict with principles of job classification, details will be limited to one hundred twenty (120) days or less in any one calendar year.
- (e) An employee in an exempted position or an individual employed under a contract will not be detailed to a position in the classified service.
- (f) Nothing in this regulation is intended to infringe on management's prerogatives in its day-to-day operation which may occasionally require that an employee be



work normally performed by another employee in any one calendar year.

- (g) All details in excess of thirty (30) days must be documented and must be approved by the General Manager.



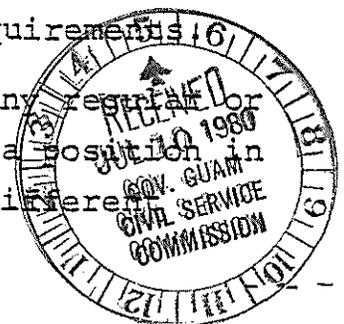
(h) Employees serving on a detail in excess of thirty (30) days in a position having a higher pay range than his regular position shall receive a payment differential, to be added to his base rate of pay, which shall not be less than the equivalent of a two-step pay increase in the pay range of the position permanently occupied, but in no case shall an employee receive less than the minimum rate established for the class of position to which he is detailed. Payment of differential shall be deferred until the employee has served at least thirty (30) calendar days in a detail.

10.05 APPOINTMENT IN AN ACTING CAPACITY: An employee who is appointed to serve temporarily in an acting capacity as head of the Authority shall be compensated, subject to availability of funds, during the period of such service by a payment differential to be added to his base rate of pay, measured by the difference in amount between the step in the pay range he then holds and the salary paid the position provided, however, that:

- (a) The period in acting capacity shall not be less than thirty (30) days and not to exceed one year;
- (b) Payment differential shall be deferred until the employee has served thirty (30) calendar days in an acting capacity.

10.10 TRANSFER: A transfer is defined as a change from one (1) position to another position of the same class between Guam Telephone Authority and another Government of Guam Agency or department or between Departments or Divisions within Guam Telephone Authority or a change to related position in another class which carries the same pay range and substantially the same qualification requirements.

10.11 TRANSFER WITHIN GUAM TELEPHONE AUTHORITY: Any probationary employee may be transferred to a position in the same class in the same department or a different department.



department upon request or notice of such transfer and approval of the General Manager. Transfer of an employee may be made from a position in one (1) class to a position in another class in the same grade with the approval of the General Manager, only if it is determined that satisfactory qualifications are possessed by the employee and that the best interest of Guam Telephone Authority is served by the transfer.

10.12. INTERGOVERNMENTAL TRANSFER: Any permanent employee of any federal agency or local government may be appointed to a position having unusual qualifications such as those requiring highly developed skills and technical abilities without competition. Such appointments will be made only after determination by the General Manager that recruitment for the position cannot be made from the labor market, and that the individual selected has the necessary knowledge, abilities and skills to perform the work. Pay for such appointment above step 1 will be subject to the approval of the Civil Service Commission.

10.13. LAYOFFS: The General Manager may terminate the services of an employee because of the abolition of his position, lack of work or funds or other reasons outside of the employee's control which do not reflect discredit on the services of the employee. An employee whose services are terminated under such circumstances shall be deemed to have been laid off.

All employees of Guam Telephone Authority who have been employed for a period of not less than two hundred sixty (260) working days shall be entitled to a written notice of at least sixty (60) working days prior to their layoff for any reason, beyond the control of the employee. In the absence of the written notice provided for herein, any attempt to layoff any employee shall be void and the employee shall be in pay status until sixty (60)



after he has been given written notice of his layoff. This Section shall not apply to removal from employment for cause (refer to Public Law 13-81).

10.14

ORDER OF LAYOFFS: The order of layoffs shall be determined in accordance with the following:

- (1) The General Manager shall determine in what department of the Authority the reductions shall occur.
- (2) The General Manager shall determine in what class series and at what level reduction in staff will have the least detrimental effect on the Authority's operation and will specify number of layoffs and positions to be eliminated from the specific classes.
- (3) Within the class series selected and at the specified level, all non-permanent employees of the Authority shall be laid off and in the following order:
Part-time or seasonal, temporary, provisional, exempted, and probationary. An employee who attained permanent status but is serving a new probationary period because of a promotion is grouped with permanent employees for layoff purposes. If additional reductions are necessary, permanent employees shall be laid off based on the following procedures:
 - (a) Performance ratings shall be the primary basis for establishing order of layoffs.
 - (b) Seniority shall be considered only in the event that performance ratings are substantially equal; one point shall be allowed for each complete month of continuous government service in the class of the layoff or in the classified or unclassified positions, that, on the effective date of the layoff have substantially the same or higher maximum salary rate.
 - (c) Three-fourths (3/4) of one (1) point shall be allowed for each complete month of full-time continuous government service in all other classes below the layoff class.



- (d) In addition, any employee who has been subject to a formal disciplinary action in the last twelve (12) months prior to the date of the announcement of the layoff will have twelve (12) points subtracted from his service points.
- (e) Any employee who has received a meritorious step increase in the past twelve (12) months of the date of the announcement of the layoff shall receive three (3) additional service points.
- (f) In lieu of being laid off, an employee may elect demotion temporarily to any class series in which the layoff is occurring with the Authority.
- (g) Those employees laid off will have reemployment rights at a lower level within the same class series determined by the total points. The individual being displaced establishes the layoff class for the purpose of points toward continued employment.
- (h) A copy of the layoff computations as well as a copy of the notice of layoff will be furnished to each employee who is laid off and a copy of the notice of layoff will be incorporated in the reemployment files.
- (i) The names of permanent and probationary employees who have served at least three (3) months of consecutive service shall be placed upon the reemployment list for the class of position involved in the lay off, in reverse order of termination. Each person on such a list shall retain eligibility for appointment therefrom for a period of two (2) years from the date of their separation. A permanent employee who had been laid off and is reemployed shall have permanent status restored.



10.15 MERIT PROMOTION PLAN: This plan applies to all classified positions in Guam Telephone Authority.

10.16 MERIT PROMOTION PLAN REQUIREMENTS: The Merit Promotion shall apply to all promotion opportunities including temporary promotions in excess of one hundred twenty (120) days and to the following kinds of personnel actions:

- (a) Reassignment or demotion to a position with known promotion potential.
- (b) Selection for a detail of more than sixty (60) days to a higher grade position or a detail to a position with known promotion potential.
- (c) Transfer to a position having known promotion potential.
- (d) Reinstatement to a position at a higher grade than that held by the individual at the time of resignation or to a position having known promotion potential.
- (e) Appointment of current or former employee from a list of eligibles to a position of higher grade than the person now holds or last held or to a position with known promotion potential.
- (f) Selections for any supervisory or managerial positions.
- (g) Selection for formal training assignments designed to meet requirements for promotion.

10.17 PROCEDURAL REQUIREMENTS: The General Manager shall establish procedures for the administration of the Authority's Merit Promotion Plan.



RULE XI ABSENCE FROM DUTY

An employee in the service of Guam Telephone Authority shall be governed by the following regulations in case of absence from duty. The General Manager shall be responsible for establishing leave procedures appropriate to the Authority.

- 11.10 STRIKES: "Strike" means the temporary stoppage of work, slowdown or retarding work or services by the concerted action of employees. Any employee determined by the General Manager to have participated in such illegal activities shall be subject to such disciplinary action considered appropriate for each individual case. Procedures for initiating disciplinary and/or adverse actions against an employee shall be in accordance with the prescribed guidelines adopted by the Civil Service Commission.
- 11.20 LEAVE OF ABSENCE DEFINED: A leave of absence is an approved absence from duty for a prescribed period of time, with or without pay.
- 11.21 LEAVE OF ABSENCE WITHOUT PAY DEFINED: Employees may request leave without pay for good cause when their current annual leave will not cover the total period of requested leave.
- 11.22 FORM OF APPLICATION: Application for leave of absence without pay shall be made in the form prescribed by the General Manager and shall indicate beginning and ending of the requested leave and reasons for the request. Acceptable reasons may include military duty, maternity, sickness, study and other reasons which the General Manager may consider to be for the good of the employee and the Authority.
- 11.23 LEAVE OF ABSENCE - ADVANCE PAY: The General Manager may authorize advance salary payments in whole or in part to employees for the period of approved annual leave.



11.24 REVOCATION: Approved leave may be revoked by the General Manager when the good of the Authority requires it or when evidence shows that the employee on leave is engaged in activities for which leave would not have been granted.

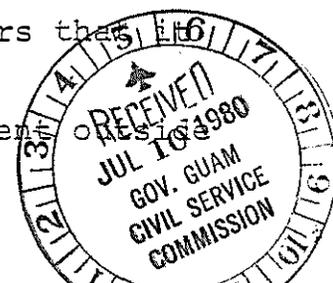
11.25 AUTHORIZED ADMINISTRATIVE LEAVE: Leave with pay without charge to the employee's leave may be authorized by the General Manager for the following reasons:

- (a) Unusual weather conditions such as a typhoon or other major disaster.
- (b) Incapacitation as a result of an on-the-job injury and related treatment of the injury.
- (c) Attendance at official meetings/conferences on and off island.
- (d) Participating as a competitor in a Government of Guam personnel examination.
- (e) Participation in Armed Forces physical examinations prior to enlistment and induction or upon direction.
- (f) Participation in a medical examination requested by the Authority.
- (g) Jury duty.
- (h) Witness leave.
- (i) Military leave.
- (j) Bereavement leave.
- (k) Paternity leave.

11.26 FITNESS OF DUTY EXAMINATIONS: Employees who have been on extended sick leave or leave without pay because of severe illness, surgery, contagious disease or other medical problems shall be required to furnish a written statement from their physician that they may return to work. Management reserves the right to have the employee obtain a fitness for duty examination.

11.27 DENIAL OF LEAVE OF ABSENCE: No leave of absence, with or without pay, shall be authorized where it appears that is requested for the purpose of:

- (a) Allowing the employee to accept an employment of the Government of Guam.



- (b) Clearing the position for a temporary appointment.
- (c) Acceding to political or improper influence.
- (d) Doing something contrary to the good of the service.

11.30

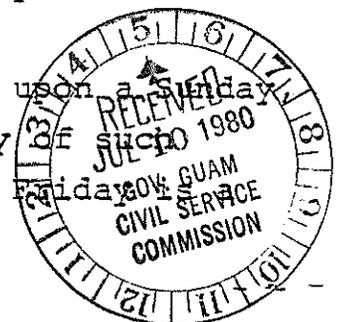
HOLIDAYS: Employees may absent themselves from duty on the Holidays established by these Rules; however, work assignments may be required to be carried out if previous notification is given by the General Manager. When an employee is absent from duty at the close of the working day immediately preceding a holiday and at the beginning of the working day immediately following a holiday, and such absences are determined to have been on a leave without pay status, the employee shall not be eligible for compensation for the holiday under this Rule but shall be considered as on leave without pay status.

11.31

LEGAL HOLIDAYS: For purposes of these Rules, holidays are declared to be as follows:

- (1) New Year's Day (January)
- (2) Washington's Birthday (Third Monday in February)
- (3) Guam Discovery Day (First Monday in March)
- (4) Good Friday (Friday before Easter)
- (5) Memorial Day (Last Monday in May)
- (6) Independence Day (July 4th)
- (7) Liberation Day (July 21st)
- (8) Labor Day (First Monday in September)
- (9) Columbus Day (Second Monday in October)
- (10) Veterans Day (November 11th)
- (11) Thanksgiving Day (Fourth Thursday in November)
- (12) Lady of Camarin Day (December 8th)
- (13) Christmas Day (December 25th)
- (14) Island-Wide Election Day; and
- (15) Such other days as may be designated by proclamation of the Governor.

If any of the holidays enumerated above fall upon a Sunday, the following Monday is a holiday, and if any of such holidays fall upon a Saturday, the preceding Friday is a holiday. If any of the holidays enumerated above fall upon a Sunday, the following Monday is a holiday, and if any of such holidays fall upon a Saturday, the preceding Friday is a holiday.



11.32

LEGAL HOLIDAYS FOR IRREGULAR TOUR OF DUTY: For employees whose workweek is other than Monday through Friday and whose holiday falls on a non-workday, his holiday shall be determined as follows:

(a) Sunday Holiday

- (1) When an employee's workweek does not include Sunday and a holiday falls on Sunday, his next regular workday within his workweek is his holiday.
- (2) When an employee's workweek includes Sunday and a holiday falls on the day that has been designated as his non-workday in lieu of Sunday, his next regular workday after his "in lieu of Sunday" within his workweek is his holiday.

(b) Other Holidays:

When a holiday (other than Labor Day and Thanksgiving Day) falls on an employee's non-workday other than Sunday (or the non-workday designated as in lieu of Sunday), the regular workday preceding the employee's non-workday is his holiday.

11.40

ANNUAL LEAVE:

(a) Employees occupying permanent positions shall accrue annual leave in accordance with the following schedule:

- (1) One-half day (4 hours) for each full bi-weekly pay period in the case of employees with less than three years of service.
- (2) Three-fourths day (6 hours) for each bi-weekly pay period except that the accrual for the last bi-weekly pay period in the year shall be one and one fourth day (10 hours) in the case of employees with three (3) but less than fifteen (15) years of service.
- (3) One day (8 hours) for each full bi-weekly pay period in the case of employees with fifteen (15) or more years of service.



11.41 LEAVE YEAR: Leave year means the period from the beginning of the complete pay period in the fiscal year to the beginning of the first complete pay period in the following fiscal year.

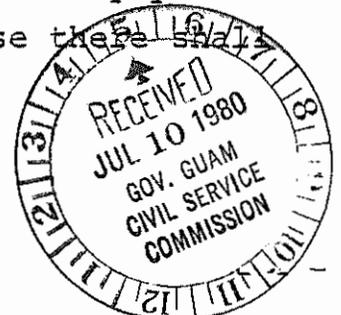
11.42 COMPUTATION OF YEARS OF SERVICE PRIOR TO THE 1961 LEAVE YEAR: For the purpose of determining years of service prior to the 1961 leave year, employees shall be credited with:

- (a) All periods of employment to include service with the Naval Government of Guam or with other Federal instrumentalities or agencies with Guam prior to August 1, 1950.
- (b) Periods of service with the Armed Forces of the United States subsequent to August 1, 1950.

11.43 COMPUTATION OF YEARS OF SERVICE COMMENCING WITH 1961 LEAVE YEAR:

- (a) For the purpose of determining years of service as a basis for the rate of accrual of annual leave, commencing with the 1961 leave year, employees shall be credited with:
 - (1) All service for which annual leave shall accrue.
 - (2) Full-time service in a permanent position as an employee of the Judicial Branch and Legislative Branch.
 - (3) Periods of honorable service with the Armed Forces of the United States which may be credited for Government of Guam retirement purposes as provided for in Section 4006.2 of the Government Code of Guam.

11.44 BASIS FOR ACCRUAL: Annual leave shall accrue for each bi-weekly pay period in which an employee is in a pay status for the entire ten (10) days; otherwise there shall be no accrual for such period.



ANNUAL LEAVE POLICY:

- (a) The policy of Guam Telephone Authority is that annual leave is a privilege granted for the mutual benefit of the employee and the Authority in order to assure the frequent refreshment of the employee so that he may effectively perform his duties. It shall be the policy of the Authority to afford opportunity for employees to take leave, and particularly to avoid, whenever possible, loss of leave by forfeiture. However, leave may be denied by the supervisor of the employee when the services of the employee are required after full consideration of the employee's request and operational requirements.
- (b) The minimum charge for leave shall be one (1) hour and additional charges in multiples thereof. Under extraordinary circumstances unavoidable or necessary absence from duty of less than one (1) hour, and tardiness, may be excused by the department head for adequate reasons without charge to leave.

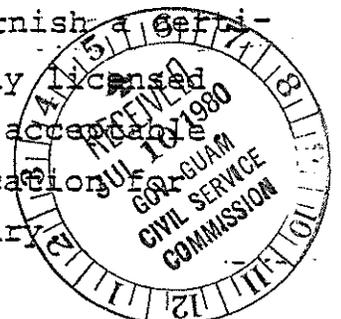
CARRY OVER AND ACCUMULATION: Annual leave accrued and unused in a leave year may be carried over to the next leave year. The total accumulation by such carry over shall not exceed sixty (60) days or four hundred eighty (480) hours except under the following conditions:

Total accumulation of up to ninety (90) days or seven hundred twenty (720) hours may be authorized, subject to the approval of the General Manager and the Board of Directors, when the additional accumulation results from the continued service of an employee at the request, and for the convenience of the Authority. Otherwise, any annual leave earned by eligible employees in excess of four hundred eighty (480) hours shall be automatically credited to such employees



accumulated sick leave, provided that not more than one hundred (100) hours shall be credited to said leave (Public Law 14-44).

- 11.47 LUMP SUM PAYMENT: When an employee is separated, in lieu of being granted annual leave, he shall be given a lump sum payment for any unused annual leave on the date of separation. In computing such lump sum payment, leave on leave shall not be allowed. If any such employee is reinstated or reemployed by the Authority prior to the expiration of the period of accrued and unused leave on which lump sum payment is computed, he shall reimburse the Authority for any portion of such period which shall not have expired upon reinstatement or reemployment and shall be credited with unused leave balance for future use.
- 11.50 SICK LEAVE: Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (4 hours for each bi-weekly pay period) in which they are in pay status for the entire ten days; otherwise there shall be no accrual for such period.
- 11.51 ACCUMULATIONS: Unused sick leave may be accumulated and carried over to succeeding leave years without limitation.
- 11.52 USE OF SICK LEAVE: Sick leave with pay shall be allowed whenever the employee is compelled to be absent from duty on account of illness, injury or because of quarantine of his family and/or residence. Use of sick leave is appropriate for medical, dental, or optometric examinations, or for any mental health examination, counseling or treatment.
- 11.53 CERTIFICATION: If any employee is absent because of illness, injury or quarantine in excess of three (3) consecutive days, he shall be required to furnish a certification as to the incapacity from a regularly licensed physician or other evidence administratively acceptable. The department head shall require certification for such other period of illness he deems necessary.

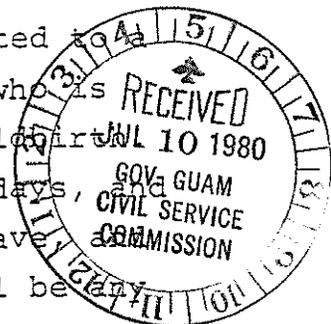


11.54 ADMINISTRATION OF SICK LEAVE: If the certification required in Section 11.53 of the Rule is not furnished, all absences which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay.

11.55 SPECIAL PROVISIONS: The foregoing is subject to the following special provisions:

- (a) Falsification of an illness report shall be considered cause for disciplinary action.
- (b) Sick leave with pay shall be allowed during leave of absence or vacations, provided, however, that any sick leave taken by an employee while on vacation must be supported by a certificate issued by a licensed physician. No employee shall be allowed to undertake gainful employment while on sick leave status.
- (c) The minimum charge for sick leave shall be one (1) hour, and additional charges in multiples thereof.
- (d) Sick leave with pay, up to a maximum of thirteen working days, may be granted in advance of earning such leave under the conditions described in Rules 11.50, 11.52 and 11.56. If an employee is separated from the Authority without having earned all of the sick leave allowed and taken, there shall be deducted from any money due him at the time of separation an amount equal to his salary for the period of unearned sick leave allowed and taken.
- (e) Responsibility for administration of this Rule shall remain with the department heads, subject to audit deemed desirable by the General Manager.

11.56 MATERNITY LEAVE: Maternity leave shall be granted to a female employee occupying a permanent position who is absent from work because of confinement for childbirth. Such maternity leave shall not exceed ten (10) days, shall be in addition to any accumulated sick leave and shall be paid leave. Such maternity leave shall be



ten (10) days encompassing the date of childbirth, and any additional leave taken for such childbirth purposes shall be charged against accumulated sick leave.

11.60 REINSTATEMENT OF ACCUMULATED SICK LEAVE (Vesting): Sick leave accrued for service with the Government of Guam shall vest in the employee upon accrual and shall remain vested so long as he is employed by the government notwithstanding the fact that the employee may be transferred to another entity within the Government of Guam, provided that if such employee is separated from service for a period longer than three (3) years, he shall be divested of all accrued sick leave.

11.70 REQUEST FOR ABSENCE FROM DUTY: The General Manager shall establish procedures for all authorized administrative leaves described in Rule 11.25 and for employees' requests for absence from duty.



RULE XII CLASSIFICATION AND COMPENSATION

- 12.00 CLASSIFICATION AND COMPENSATION POLICY: It is the policy of the government to provide an equitable plan for the classification and compensation of positions in the classified service of the Government of Guam. This plan shall, to the extent feasible, be consistent with the legislative determinations affecting pay administration as set forth in Title V of the Government Code of Guam.
- 12.01 THE OFFICIAL CLASSIFICATION PLAN: The official classification plan and class standards for the Government of Guam Executive Branch shall be filed with the Commission; and shall conform with the title structure contained in Title V of the Government Code of Guam as modified by law. The Personnel Director who has been delegated the authority and responsibility to classify positions must have copies of the applicable published standards and plan for its use and reference. Published standards should be made available for review by employees and officials of the Authority.
- 12.02 PREPARATION AND PUBLICATION OF CLASSIFICATION STANDARDS: Pursuant to Section 4116 of the Government Code of Guam, the Commission shall prepare classification standards for placing positions in their proper classes and pay ranges. In such standards, the Commission shall:
- (a) Define the various classes of positions that exist in the classified service in terms of duties, responsibilities and qualification requirements;
 - (b) Establish the official class titles; and
 - (c) Set forth the pay ranges applicable to such classes.
- The Commission shall also keep such standards up-to-date and may revise, supplement or abolish existing standards, or prepare new standards so that as nearly as may be practicable, positions existing at any given time within the service will be covered by current published standards.



12.03

DELEGATION OF CLASSIFICATION AUTHORITY AND RESPONSIBILITY:

The Commission may delegate to the Personnel Director authority and responsibility to classify individual positions under its jurisdiction subject to:

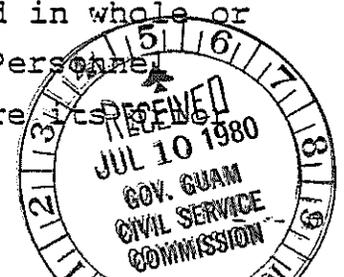
- (a) The Commission regulations;
- (b) Class standards published by the Commission;
- (c) Post audit by the Commission;
- (d) Classification appeal by the employee.

The Personnel Director is delegated the responsibility to review published standards and submit amendments to the standards for approval by the Commission.

12.04

CLASSIFICATION MAINTENANCE: Pursuant to Section 4116.1 of the Government Code of Guam, the Commission shall, from time to time, review such number of positions in the Authority as will enable it to determine whether positions are being allocated to classes and ranges in conformance with or consistent with published standards. Whenever the Commission finds that a position is not allocated in conformance with the Classification Plan or that positions for which no standards have been published are not placed in classes or pay ranges in conformance with the Classification Plan, it shall place each such position in its appropriate class and grade and shall certify such action to the Authority, provided that if a position is downgraded, the position title and pay range shall not be applicable to an incumbent until the expiration of two (2) years from the date of the downgrade. The Authority shall take action in accordance with such determination and such shall be binding on all administrative, certifying, payroll, disbursing and accounting officers of the Authority.

Whenever the Commission finds that the positions are not placed in classes and ranges in conformance with the Classification Plan, it may revoke or suspend in whole or in part the classification authority of the Personnel Director. Further, the Commission may require

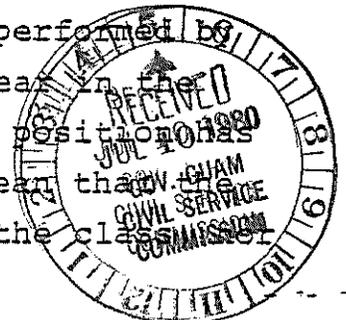


approval be secured before an action placing a position in class and pay range becomes effective for payroll and other purposes. The Commission may at any time restore such authority to the extent that it is satisfied that subsequent actions placing position in classes and ranges will be taken in conformance with the Classification Plan.

12.05

INTERPRETATION OF CLASS SPECIFICATIONS: The class specification shall be considered in allocating positions and shall be interpreted as follows:

- (a) Class specifications are descriptive and explanatory and not restrictive. The use of a particular expression or illustration of duties, qualification requirements or other attributes shall not be regarded as excluding others not mentioned which are of similar nature.
- (b) In determining the class to which any position shall be allocated, the specifications for each class shall be considered as a whole. Consideration shall be given to the general duties, specific tasks, responsibilities, minimum qualification requirements and relationships to other classes.
- (c) A class specification shall be construed as a general description of the kinds of work characteristic of positions that are properly allocated to that class, and not as prescribing what the duties or responsibilities of any position shall be; nor as limiting or modifying the authority which the Personnel Director has to take from, add to, eliminate entirely or otherwise change the duties and responsibilities, to assign duties or delegate responsibility to employees; or direct and control their work.
- (d) The fact that all of the actual tasks performed by the incumbent of a position do not appear in the specifications of a class to which the position has been allocated shall not be taken to mean that the position is necessarily excluded from the class.



shall any one example of a typical task taken without relation to the other parts of the specification be construed as determining that a position should be allocated to the class.

- (e) The statement of minimum qualification is to be construed as an expression of the minimum knowledge, abilities, skills and experience and training which would be required of any appointee to a position in the class as partial evidence of his ability to perform the work satisfactorily.
- (f) Qualification requirements in the specification for any class, as interpreted herein shall constitute the basis for the tests to be included in examinations for the class and for the evaluation of qualifications of applicants.

12.06 TITLE OF POSITIONS: The assigned class title shall be the official title for the purpose of personnel actions and shall be used on payrolls, budget and official records, reports and correspondence. This requirement, however, shall not prevent the use of organizational or other titles for internal administration, public conveniences, law enforcement, or similar purposes, in accordance with Section 4115 of the Government Code of Guam.

12.07 POSITION DESCRIPTION: The Authority must maintain a written description of the duties and responsibilities of each budgeted position on a form prescribed by the Commission. The description may be prepared by the employee, supervisor and/or position classifier. However, the major responsibility to insure accurate description is on the supervisor. The supervisor must certify as to the accuracy of the duties assigned. The position classifier must certify as to the proper classification of the position. Triplicate copies of the position description must be made and a copy filed with the Commission, Personnel Services Division and the department head concerned.



The position description must be amended whenever significant changes occur that would affect the recruitment and classification of a position and must be promptly reported to the Personnel Director so that a review of the position can be made to determine the proper classification of the position. Effective management and sound administration of the Position Classification Plan require mandatory training for department heads, division heads and first line supervisors as they are responsible for maintaining current and accurate description of assignments and for adhering to basic classification and position management principles.

12.08

PERIODIC REVIEW OF DESCRIPTION AND CLASSIFICATION: In addition to the day-by-day work of describing and classifying new or changed positions to reflect current duties assigned and reported by supervisors or employees, the Personnel Director must review, at intervals not exceeding two (2) years, all positions of the classified service within his jurisdiction to insure that the official position descriptions accurately reflect the work being performed and that the positions are properly classified and shall take appropriate action as necessary. When a new position is to be established/budgeted or a vacant position is to be filled, the department head shall submit a written justification, together with a position description, to the Personnel Director in order that a determination of proper classification may be made. After the Personnel Director makes an allocation, he shall notify the department head affected, in writing, of the approved allocation. No position may be filled until the Personnel Director certifies that the position is properly classified. Copies of all classification reviews shall be filed with the Commission for post audit purposes.

12.09

RECLASSIFICATION/REALLOCATION OF POSITIONS: The Personnel Director may, upon his own initiative, or upon the request of a permanent employee or the supervisor

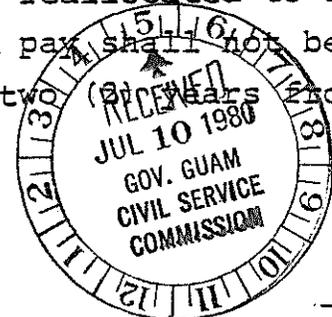


investigate the duties of any position to determine if it is properly classified, and shall take appropriate action as necessary, in accordance with the Commission's regulations, policies and procedures. In making a request for the review of a position, the employee or the department head shall set forth the changes that have occurred in the particular position since the last review or other factors which in his opinion warrant reclassification. The Personnel Director shall, after a thorough review of the position, notify the department head and the employee affected of the action taken within twenty (20) calendar days. A copy of the study documented in a form prescribed by the Commission and the personnel action shall be filed with the Commission for post audit purposes.

12.10

STATUS OF INCUMBENTS WHEN POSITIONS ARE REALLOCATED:

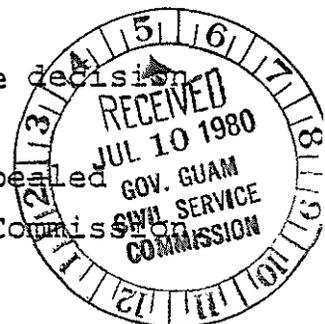
- (a) When a position is reallocated as a result of gradual accretion of additional duties and responsibilities, the employee in the position shall be entitled to serve in that class provided he continues to perform the same basic functions and meets the minimum qualifications for the class to which the position is reallocated.
- (b) When a position is reallocated as a result of planned management action, the requirements of the Merit Promotion Plan must be complied with.
- (c) If ineligible for reallocation to the position as reallocated, the employee may be transferred, promoted, or demoted to an appropriate class by appropriate action in accordance with the provisions of these Rules.
- (d) When a position is determined to be reallocated to a lower class, the position title and pay shall not be applicable until the expiration of two years from the date of the downgrade.



12.11

APPEAL OF CLASSIFICATION: An appeal of a classification or reclassification action may be filed by employees in classified positions, or department heads may object to the classification or reclassification of a position or positions. An appeal may be made no later than twenty (20) calendar days from the effective date of the action, or notice of the action, which is in dispute; and shall be filed in accordance with the following procedures:

- (a) An employee aggrieved by the current or proposed classification of his position shall first appeal in writing to the department head stating the reasons for which he believes his position to be incorrectly classified.
- (b) The department head shall review the appeal and inform the appellant in writing of his view within ten (10) calendar days. If the department head determines that reclassification would be appropriate, it shall follow existing administrative procedures to request for reclassification.
- (c) If the department head determines that the position is correctly classified or if no reply is received from the department head within ten (10) calendar days, the employee may appeal further in writing within ten (10) calendar days to the Personnel Director, stating the reasons for which he believes his position to be incorrectly classified.
- (d) The Personnel Director shall, after conducting a thorough review and investigation, respond in writing to the appellant, within ten (10) calendar days which will include:
 - (1) The decision of the Personnel Director;
 - (2) A detailed statement of the position classification judgment upon which the decision is based;
 - (3) A statement that the action may be appealed within ten (10) calendar days to the Commission.



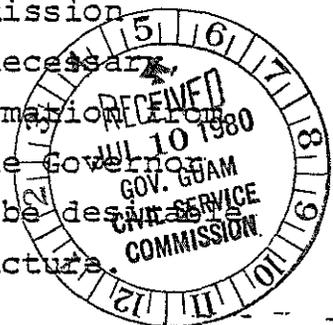
- (e) The Commission upon receipt of the appeal may conduct a hearing and render a final decision within ten (10) calendar days. The Commission shall make authoritative findings as to the correct classification of the position, and such shall be binding on all administrative, certifying, payroll, disbursing and accounting officers of the Authority.
- (f) Department heads may file an appeal in the same manner as an employee.

12.12 CREATION OF NEW POSITIONS AND CLASSES: Pursuant to Section 4107 of the Government Code of Guam, new positions or classes of positions may be created by the Governor, and shall be submitted to the Civil Service Commission within thirty (30) days, which shall be terminated unless approved by the Commission within sixty (60) days thereafter. However, no such positions or classes of positions may be created in the absence of appropriation to pay the salaries of the new positions. This provision shall not apply to positions specifically required by law to be confirmed by the Guam Legislature.

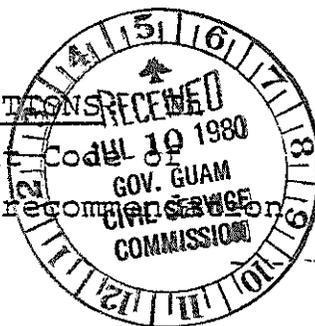
Any request for creation of a new class or classes of position must be submitted in accordance with the Commission's policies and procedures.

12.13 THE COMPENSATION PLAN: All positions in the classified service shall be allocated to classes and pay ranges as approved by the Commission. The ranges of rates allocated to a class or classes of positions shall be in accordance with the schedule set forth in Section 4103 of the Government Code of Guam, as amended.

12.14 MAINTENANCE OF THE COMPENSATION PLAN: The Commission shall, once every two (2) years, or as deemed necessary, conduct a salary survey. On the basis of information from the study, the Commission shall recommend to the Governor such changes in salary ranges as are deemed to be desirable to the maintenance of a sound compensation structure.



- 12.15 SALARY RATE FOR INITIAL APPOINTMENT: In accordance with Section 4004(a) of the Government Code of Guam, the minimum rate of each pay range shall be the normal rate for initial employment; except where authority to recruit above the minimum step is approved by the Commission.
- 12.16 RECRUITMENT ABOVE THE MINIMUM STEP: The Personnel Director may, with the approval of the Commission, authorize recruitment above the minimum step if such action is warranted by recruitment difficulties or by the new employee's unusual qualifications including experience.
- 12.17 PAY ADJUSTMENT ON PROMOTION: Pursuant to Public Law 13-71, an employee when promoted from one (1) class to another of a higher pay range shall receive a salary which is not less than the equivalent of two-(2) step pay increase in the pay range held prior to promotion. Step 10 shall be the maximum step for any step increase upon promotion. Employees who are reverted to their former class after unsatisfactory probationary period following a promotion shall have their salary reduced to the salary rate received prior to the promotion.
- 12.18 PAY RANGE REASSIGNMENT: A department head, or employee may initiate a written request for consideration of amendment to the pay range allocation for a class of position with justification consistent with the reasons given in the definition of pay range reassignment. Such request shall be submitted to the Personnel Director for his action. If the findings of the Personnel Director indicates the need to amend the pay range allocation, he shall submit a written request with justification to the Commission in accordance with the Commission's policies and procedures. The amendments when adopted shall become effective as directed by the Commission.
- 12.19 REASSIGNMENT OF CLASSES DUE TO ECONOMIC CONDITIONS: In accordance with Section 4117 of the Government Code of Guam, as amended, the Governor may, upon the recommendation of the



of the Commission, when he finds the economic conditions warrant the necessity therefore, reassign classes of positions to higher or lower pay ranges within the pay range schedule than those to which they are assigned in Section 4103 of the Compensation Law; provided, however, that all classes of positions in the classified services are reassigned at one (1) and the same time and in the same manner and to the same extent; and provided further, that such reassignment shall not become effective without the concurrence of the Legislature.

12.20

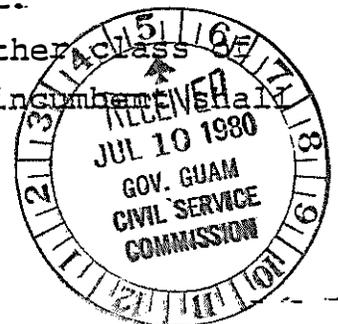
PAY ADJUSTMENT FOLLOWING PAY RANGE REASSIGNMENT:

- (a) When a pay range for any class is reassigned to a higher salary range and there is no change in the position classification, the employee in the class shall be compensated at the same step of the new pay range as he was in the pay range held prior to the reassignment.
- (b) If the pay range reassignment is to a lower salary range, the employee's salary rate prior to the pay range reassignment shall be retained.
- (c) The Commission may grant an exception to the above provisions when authority to recruit above the minimum step has been granted for the class of position reassigned.

12.21

PAY ADJUSTMENT FOLLOWING RECLASSIFICATION OF POSITIONS:

- (a) When a position is reclassified to a class of a higher pay range, the employee shall receive a salary which is not less than the equivalent of a two-step increase in the pay range held prior to the reclassification; however, step 10 of the pay range shall be the maximum step for any pay adjustment.
- (b) When a position is reclassified to another class in the same pay range, the salary of the incumbent shall remain unchanged.



- (c) When a position is reclassified to a class of a lower range, the salary of the incumbent prior to the reclassification shall remain unchanged until the expiration of the two (2) year waiver as provided in Rule 12.10(d).

12.22

EFFECTIVE DATE OF RECLASSIFICATION OF POSITIONS:

- (a) When a position is reclassified to a class of the same or higher pay range, the effective date shall be after the approval of the Personnel Director.
- (b) When a position is reclassified to a class of lower pay range, the effective date shall be upon the expiration of two (2) years of the date of the downgrade.

12.23

PAY ADJUSTMENT FOLLOWING INVOLUNTARY DEMOTION:

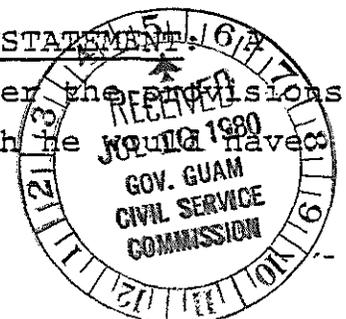
- (a) Persons demoted involuntarily for adverse or disciplinary purposes shall be reduced at least one (1) salary increment and may, upon the approval of the Personnel Director, be reduced to the lowest rate on the pay range of the position to which they are demoted.
- (b) Persons demoted involuntarily due to fiscal constraints or lack of funds shall receive a salary which is less than the salary held prior to the demotion.
- (c) Persons demoted involuntarily due to position reclassification shall retain the salary rate held prior to the reclassification action.

12.24

PAY ADJUSTMENT FOLLOWING VOLUNTARY DEMOTION: Voluntary demotion shall be made without change in salary at the discretion of the Personnel Director provided, however, that a demoted employee shall not receive a rate of pay in excess of the maximum of the pay range to which demoted.

12.25

PAY ADJUSTMENT FOLLOWING REEMPLOYMENT/REINSTATEMENT: person who is reemployed or reinstated under the provisions of Rule VI shall be paid at a rate to which he would have



been entitled had he remained in service, but that no credit shall be given toward progressive salary step increases within the range.

12.26

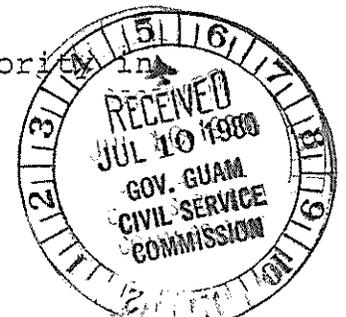
SALARY INCREMENTS: Salary increment anniversary dates will not change when:

- (a) The pay range for a class or classes of positions have been reassigned pursuant to Sections 12.18 and 12.19;
- (b) Pay adjustment resulting from statutory amendments to the pay range schedule;
- (c) An employee receives acting pay differential (temporary promotion);
- (d) An employee is granted meritorious service salary step increase;
- (e) An employee is transferred from one position to another of the same or related class of position and retains the same salary rate upon transfer;
- (f) An employee is involuntarily demoted for other than adverse or disciplinary reasons;
- (g) Reclassification to a class of the same pay range or lower and the employee retains the same salary rate;
- (h) On educational leave without pay;
- (i) On military leave without pay;
- (j) On leave without pay beyond twenty (20) work days as a result of a work connected injury;
- (k) On leave without pay for less than twenty (20) days.

12.27

MERITORIOUS SALARY INCREASE AWARD: The Personnel Director may grant meritorious salary increase award to employee with permanent status who:

- (a) Contribute to the service of the Authority above and beyond the requirement of their official position classification; and/or
- (b) Render outstanding service to the Authority in performing assigned duties.



Meritorious service salary increase shall be limited to one step on the pay range for the class. However, if the salary rate of the employee is at step ten (10), the employee may be granted one step higher in the pay range next above the employee's pay range.

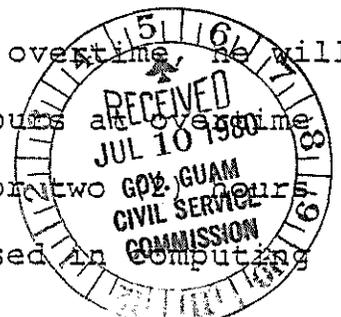
There shall be a waiting period of twelve (12) months between each meritorious salary increase award.

12.28

OVERTIME PAY: Overtime work may be authorized by the Personnel Director in cases of emergency or when the best interest of the Authority's service indicates that overtime work is required. Compensation for overtime work shall be at the rate of one and one half times the employee's hourly rate of pay as prescribed by Section 4004(c) of the Government Code of Guam; or in the absence of any funds for overtime compensation, compensatory time-off shall be granted at time and one-half. Compensatory time-off shall be granted within four (4) pay periods from the date in which it is earned, and any compensatory time not used within four (4) pay period interval shall be converted to overtime pay the following pay period. All employees covered by these Rules shall be eligible for overtime pay or compensatory time in lieu of overtime.

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

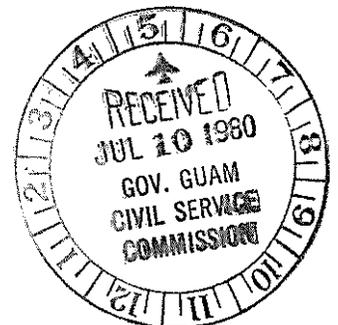
Each time an employee is recalled to work overtime, he will be compensated for a minimum of two (2) hours at overtime rates. If such employee works overtime for two or more, the total time worked shall be used in computing



12.29

HOLIDAY PAY: When any employee is absent from duty at the close of the working day immediately preceding a holiday and at the beginning of the working day immediately following a holiday, and such absence is determined to have been on a leave without pay status, the employee shall not be eligible for compensation for the holiday under this Rule, but shall be considered as on leave without pay status.

For purpose of these rules holidays are declared to be those identified on Rule 11.31 and 11.32.



Employees who are required, because of emergency or other reasons authorized by the Personnel Director to be present on the job on those holidays (or their equivalent day) shall be paid at a rate equivalent to double their hourly rate of pay.

12.30 NIGHT DIFFERENTIAL PAY: All employees of the Authority except the General Manager and his Deputy shall be entitled to night differential pay, calculated at the rate of their regular wage plus ten percent (10%) for all periods worked between the hours of 6:00 p.m. and 6:00 a.m.

12.31 PAY DIFFERENTIAL FOR IRREGULAR OR INTERMITTENT HAZARDOUS DUTY OR DIRTY WORK: Employees who are assigned irregular or intermittent duty involving unusual physical hardship or hazard to the employee shall be paid a premium in the form of an additional percentage of their hourly salary rate for those hours worked on such assignments.

12.32 AUTHORIZATION OF PAY FOR ENVIRONMENTAL DIFFERENTIAL:

(a) Pay is authorized for:

- (1) Exposure to an unusually severe hazard which could result in significant injury, illness or death, such as working on a high structure when the hazard is not practically eliminated by protective facilities or on an open structure when adverse conditions such as darkness, lightening, steady rain, or high wind velocity exist.
- (2) Exposure to an unusually severe physical hardship under circumstances which cause significant physical discomfort or distress not practically eliminated by protective devices: OR
- (3) Exposure to an unusually severe working condition under circumstances involving exposure to fumes, dust, or noise which cause significant distress or discomfort in the form of nausea, eye, ear or nose irritation or conditions which



cause abnormal soil of body and clothing, etc., and where the distress or discomfort is not practically eliminated.

- (b) Some of the environmental differential listed below are payable whenever the criteria in the category definition are met. The others are payable only if protective facilities, devices or clothing have not practically eliminated the hazard, physical hardship or working conditions of an unusually severe nature.

12.33

IRREGULAR OR INTERMITTENT DUTY:

<u>Category For Which Payable</u>	<u>Differential Rate</u>
(a) <u>Hot Work:</u> Working in confined spaces wherein the employee is subject to temperatures in excess of 110 degrees fahrenheit <u>where such exposure is not practically eliminated by the mechanical equipment or protective devices being used.</u>	4%
(b) <u>High Voltage Electrical Energy:</u> Working on energized electrical lines rated at 4,160 volts or more which are suspended from utility poles or towers, when adverse weather conditions such as steady rain, high winds, lightening, or similar environmental factors make the work unusually hazardous.	50%
(c) <u>Work in Open Trenches:</u> Working in open trench fifteen (15) feet deep or more until proper shoring has been installed.	25%



Category For Which Payable

Differential Rate

- (d) Poisons (Toxic Chemicals) Low 4%
- Degree Hazard: Working with or in proximity to poisons (toxic chemicals other than tear gas or similar irritating substances) in situations for which the nature of the work does not require the individual to be in as direct contact with, or exposure to, the more toxic agents as in the case with the work described under high hazard for this class of hazardous agents and wherein protective devices and or safety measures have not practically eliminated the potential for personal injury.
- (e) Micro-Organisms - Low Degree Hazard: 4%
- Working with or in proximity to micro-organisms in situations for which the nature of the work does not require the individual to be in direct contact with primary containers of organisms pathogenic for man, such as culture flasks, culture test tubes, hypodermic syringes and similar instruments, and biopsy and autopsy material and wherein the use of safety measures have not practically eliminated the potential for personal injury.



<u>Category For Which Payable</u>	<u>Differential Rate</u>
(f) <u>Underground Work</u> : Working underground in the construction of tunnels and shafts, and the inspection of such underground construction, until the necessary lining of the shaft or tunnel has eliminated the hazard.	25%
(g) <u>High Work</u> : Working on any structure of at least fifty (50) feet above the base level, ground deck, floor, roof, etc., under open conditions, if the structure is unstable or if scaffolding guards or other protective facilities are not used, or if performed under adverse conditions such as darkness, lightening, steady rain, or high wind velocity.	25%
(h) <u>Work in Unsafe Structures</u> : Working within or immediately adjacent to a building or structure which has been severely damaged by earthquake, fire, typhoon, flood or similar cause, when the structure has been declared unsafe by competent technical authority and when such work is considered necessary for the safety of personnel or recovery of valuable materials or equipment, and work is authorized by competent authority.	25%



Category For Which Payable Differential Rate

- (i) Dirty Work: Performing work which subjects the employee to soil of body or clothing:
- (1) Beyond that normally to be expected in performing the duties of the classification; and
 - (2) Where the condition is not adequately alleviated by the mechanical equipment or protective devices being used, or which are readily available, or when such devices are not feasible for use due to health considerations (excessive temperature, asthmatic conditions, etc.); or
 - (3) When the use of mechanical equipment or protective devices, or protective clothing results in an unusual degree of discomfort.

12.40 ADVANCE SALARY PAYMENT: In accordance with Section 4106, Government Code of Guam, an employee, may prior to taking authorized annual leave receive a lump sum payment in advance for the period of leave authorized, provided that period of such leave shall not be less than ten (10) consecutive days. If any such employee returns to work status prior to the expiration of the leave period for which he received payment in advance, he shall reimburse the Authority for the unexpired leave, which shall be restored to the employee's credit.



RULE XIII EMPLOYEE DISCIPLINE

13.01 GENERAL PROVISIONS:

- (a) Responsibility for Discipline: The management of the Authority derives its authority and responsibility for employee discipline under the provisions of Section 4004, Title V of the Government Code of Guam. The Authority has the responsibility to remove, demote or reassign to another position any employee whose conduct or capacity is such that his removal, demotion or reassignment will promote the efficiency of the Authority.
- (b) Delegation of Authority: The General Manager shall delegate responsibility for administration of day-to-day discipline to first-line supervisors to include such actions as oral admonitions and letters of reprimand.
- (c) Vested Authority: The General Manager is the only official of the Authority vested with authority to remove, demote or suspend an employee.

13.02 JOB PROTECTION PROCEDURES:

- (a) All levels of supervision and management share the responsibility for strict adherence to classified employees' job protection rights and considerations including:
 - (1) Informal counseling at the first indication that on-the-job or personal problem is affecting the employee's job performance;
 - (2) A reasonable opportunity for the employee to correct inadequate performance including providing specific training to the employee to improve the level of his job performance or correct unacceptable habits or practices such as tardiness or lack of attention to work requirements;



- (3) The right to a letter of notice of a proposed adverse action such as a suspension, demotion, or dismissal;
 - (4) The right to reply to the notice of a proposed adverse action and careful consideration of any reply; and
 - (5) The right to appeal to the Civil Service Commission as provided in the Civil Service Commission Rules and Regulations Relative to Demotion, Suspension, Dismissal and Appeal of Adverse Actions and Discrimination.
- (b) The General Manager is accountable for assuring that all supervisory personnel receive orientation and training on the Authority's basic intent that discipline shall be a method of controlling people in such a way as to produce satisfactory job performance. The use of discipline in a punitive matter is inconsistent with the Authority's concept of discipline as an opportunity to provide constructive correction.

13.10 DISCIPLINARY ACTION: Each of the following shall constitute cause for discipline of an employee, which may be dismissal, suspension, demotion or other appropriate action:

- (a) Fraud in securing appointment;
- (b) Incompetence;
- (c) Inefficiency;
- (d) Inexcusable neglect of duty;
- (e) Insubordination;
- (f) Dishonesty;
- (g) Drunkenness on duty;
- (h) Intemperance;
- (i) Addiction to the use of narcotics or habit-forming drugs;
- (j) Inexcusable absence without leave;



- (k) Conviction of a felony or of a misdemeanor involving moral turpitude;
- (l) Discourteous treatment of the public or other employees;
- (m) Improper political activity;
- (n) Willful disobedience;
- (o) Misuse of government property;
- (p) Refusal to take and subscribe any oath or affirmation which is required by law in connection with his employment;
- (q) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the Authority.

13.20

DISCIPLINARY ACTION PROCEDURES: Procedures for processing disciplinary actions shall be in accordance with the Civil Service Commission Rules and Regulations relative to Demotion, Suspension, Dismissal and Appeal of Adverse Actions.



RULE XIV SEPARATION AND CLEARANCE

- 14.00 SEPARATION: When an employee decides to separate from the service of the Authority, he shall be required to submit a formal resignation letter at least two (2) weeks in advance of his anticipated separation date. However, because of extenuating circumstances, resignations submitted less than two (2) weeks in advance may be accepted.
- 14.10 EXIT INTERVIEW: A personal interview shall be provided each employee separating his service from the Authority prior to the effective date of separation. The interview shall be conducted in such manner as to obtain from the separating employee the true reason or reasons for his separation. Such interview shall be recorded on forms prescribed by the General Manager and be made a part of the personnel jacket. The interview shall be conducted by the Personnel Services Division.
- 14.20 CLEARANCE: Each separating employee must be cleared of all obligations and property accountability within Guam Telephone Authority and other governmental agencies no later than the employee's last working day. A separation clearance form will be provided each separating employee who will be authorized to be temporarily relieved of his regular duties without charge to leave only for the purpose of obtaining clearance.



RULE XV SEVERABILITY

15.00 VALIDITY: If any of the provisions of these Rules and Regulations, or the application for such provisions to any persons or circumstances shall be found invalid, the validity of the remainder of the provisions or the validity of the provisions, as applied to other persons or circumstances, shall not be affected thereby.



G L O S S A R Y

1. Accretion of Duties Duties which only incidentally affect the level of the employee's performance or a change in workload, procedures, or organization which was not the result of planned management action.
2. Administrative Leave As used in these Rules, administrative leave with pay without charge of annual leave.
3. Allocation or Classification The assignment of an individual position to an appropriate class in the classification plan on the basis of the kind and level of difficulty of the duties and job requirements of the work performed in the position.
4. Branch A major subdivision of the two (2) principal segments of the position classification plan, consisting of several occupational groups.
5. Class of Position Includes all positions which are sufficiently similar, as to (a) kind and subject matter of work; (b) level of difficulty and responsibility; and (c) the qualification requirements of the work to warrant similar treatment in personnel and in pay administration.
6. Class Series Consists of two (2) or more classes that are similar in line of work but differ in level of responsibility and difficulty.
7. Class Specification An official document which describes the general characteristics of the class, including a title, the nature and statement of examples of typical duties performed, a statement of minimum qualifications, specifying knowledgeable abilities and skills and experience and training requirements needed to perform the work which provides the criteria for placing each position in its proper class.
8. Class Title The official name given to a class of positions to identify the class and all positions in the class and shall be used for personnel, budget and fiscal purposes.



9. Classification or Position Classification Plan A plan in which classes of positions are arranged in a logical and systematic order according to similarities and difference in duties, responsibilities, and qualification requirements.
10. Classified Service Includes all employees in the Government Service who are subject to the provisions of Section 4007 of the Government Code of Guam.
11. Commission As used in these Rules, Commission shall mean the Guam Civil Service Commission.
12. Compensation Plan A compilation of all classes of positions in the classification plan setting forth the assignment of pay ranges in accordance with Section 4103 of Title V of the Government Code of Guam, as amended.
13. Compensatory Time-off Time-off in lieu of overtime pay. The amount of time off shall be granted at time and one-half.
14. Creation of New Class or Classes of Positions Positions created pursuant to Section 4107 of the Government Code of Guam because there is no existing class in the classification plan to which a position can be properly allocated.
15. Demotion The change of an employee to a position with a lower maximum salary rate.
16. Demotion (Involuntary) Demotion of an employee for cause.
17. Demotion (Voluntary) Demotion requested by an employee in order to retain employment. When layoff from a position is imminent or for other reasons when the action is entirely voluntary on the part of the employees and not for cause.
18. Detail Is the temporary assignment of an employee to perform a particular function. Detail shall not be for a period of more than one hundred twenty (120) days in any one calendar year.
19. Dismissal Separation, discharge or removal of an employee from his or her position for cause.
20. Duty A task assigned to an employee by a responsible management authority.



21. Emergency Situations which may jeopardize human life and property or situations which are administratively uncontrollable due to the demand of the work situations and which must be ameliorated in order to meet critical obligations of the Authority.
22. Employee Any person employed by the Authority.
23. Exempt Employee As used in these Rules, exempt employees are unclassified employees as defined by law and are not subject to these Rules and Regulations except for employee benefits as provided by Law.
24. Graded Classes of Positions Includes clerical, technical, professional and administrative positions.
25. Grievance As used in these Rules, a grievance is a complaint which relates to working conditions and relationships or to the Authority's policies, rules and regulations, which cannot be resolved through informal discussions with the immediate supervisor.
26. Initial Probationary Period As used in these Rules, initial probationary period is that period in which an employee initially serves to attain permanent status as a Government of Guam Employee.
27. Job Family or Occupational Sub-Group A grouping of two (2) or more closely related series of classes.
28. Known Promotion Potential Class series of positions within an organization which provides upward career mobility exclusive of supervisory positions.
29. Layoff The involuntary termination of employment as a result of reorganization or lack of funds or for other reasons outside of the employee's control.
30. Leave Year The period from the beginning of the first complete pay period in the fiscal year to the beginning of the first complete pay period in the following year.



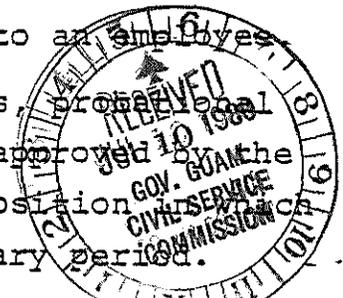
31. Limited Term Appointment Temporary appointment to positions which are temporary or permanent in nature which shall not exceed one (1) year.
32. Merit Promotion Promotion within the classified service which is covered under the Merit Promotion Plan of these Rules.
33. Minimum Qualifications Minimum experience and training requirements derived from the knowledge, abilities and skills and other qualifications required to perform the duties and responsibilities of the position.
34. Nepotism Supervisor-subordinate relationship between and among spouses and persons within the first degree of consanguinity.
35. Occupational Group A major subdivision of an occupational category consisting of one (1) or more job families.
36. Open Competitive As used in these Rules, means an examination which permits the competition of persons who meet the requirements of the official announcement for the position and is not restricted to persons currently employed in the classified service.
37. Overtime Hours in excess of eight (8) hours of any workday or forty (40) hours in an administrative workweek. Classified employees whose workweek schedule does not consist of five (5) working days and two (2) days off in a workweek, overtime shall mean only hours worked in excess of their administrative workweek.
38. Passing Score As used in these Rules, passing score means a score of 70.00 or above. Passing score of 70.00 minimum comprise of the raw score, veterans preference, GCC graduate (job related), handicapped, etc.



39. Pay Adjustment An adjustment in an employee's pay range and step as a result of a reallocation, allocation, promotion or demotion.
40. Pay Range The range of rates of basic compensation as provided in the Pay Range Schedule.



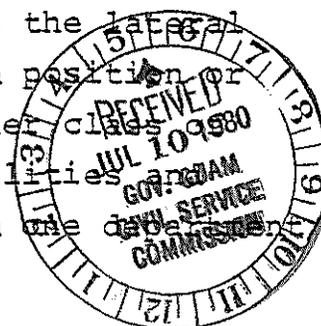
41. Pay Range Reassignment Change or reassignment of the pay range allocation of a class of position by moving it to either a higher or lower pay range within the Pay Range Schedule for the following reasons:
- (a) Reassignment of pay range to properly recognize the proper value of the class in conjunction with updating the classification plan;
 - (b) Change resulting from a salary survey;
 - (c) Reassignment due to the economic conditions pursuant to Section 4117 of the Government Code of Guam, as amended.
42. Pay Range Schedule A systematic arrangement of salary ranges set forth in Section 4103 of Title V of the Government Code of Guam, as amended.
43. Permanent Appointment An appointment approved by the General Manager to a position subject to the probationary period requirements.
44. Permanent Status As used in these Rules, permanent status is attained once an employee completes a satisfactory initial probationary period.
45. Personnel Director The General Manager of the Authority.
46. Personnel Manual As used in these Rules, personnel manual shall be those manuals prepared for the purpose of expressing the intent of the Personnel Rules and Regulations and Procedures Manual.
47. Position The work consisting of the duties, functions and responsibilities assigned for performance by an employee whether part-time or full-time, temporary or permanent, occupied or vacant.
48. Position Description A statement of the duties and responsibilities comprising the work assigned to an employee.
49. Probational Appointment As used in these Rules, probational appointments shall be the initial appointment approved by the General Manager of an employee to a class of position the employee will commence serving a probationary period.



50. Probationary Period Means a working test period and is part of the examination process following an appointment from the certification list during which an employee is required to demonstrate fitness for the position to which appointed by the satisfactory performance of the duties and responsibilities of the position.
51. Promotion A change of an employee's position to a higher maximum salary rate.
52. Promotional Competitive Competitive recruitment under the merit system that are only open to permanent status employees of the Government of Guam.
53. Provisional Appointment An appointment made by the General Manager to fill a position, whether temporary or permanent without an appropriate eligible list and which shall not exceed ninety (90) days.
54. Raw Score As used in these Rules, raw score is that numerical score which is attained by an examinee without the application of a formula.
55. Reallocation or Reclassification The change in the allocation of a position by assigning it to a higher or lower class or another class at the same level for any of the following reasons:
- (a) Significant changes in the nature or variety of work which influence the overall level of difficulty.
 - (b) Re-determination of the initial classification judgment without a change in duties and responsibilities.
56. Reassignment The change of an employee from one (1) position in the same series of classes or to a position in a different series of classes without promotion or demotion.



57. Re-employment The right to re-entry into government service without competition of a former permanent employee who was separated without cause to a position in the same class as the employee held upon separation within two (2) years of the date of separation.
58. Re-instatement The optional re-entry into government service of a former permanent employee who resigned in good standing to a position in the same class as the employee held upon resignation within one (1) year of the date of separation.
59. Reprimand Action taken by a supervisor or department head upon an employee for reasons which do not normally result in an adverse action.
60. Resignation The voluntary termination of employment by an employee without cause.
61. Selective Certification Certification made when specific identifiable qualifications and skills are essential to successful performance of the duties and responsibilities of the position.
62. Split Shift As used in these Rules, split shift are those hours in which an employee staggers his or her normal working hours.
63. Suspension The temporary removal of an employee from his or her position with the loss of pay for cause.
64. Temporary Promotion Temporary promotion is the temporary assignment of an employee to a position with a higher maximum salary range.
65. Termination The removal of an employee from employment not related to adverse action.
66. Transfer As used in these Rules, transfer is the lateral movement of an employee without any change in position or salary or from one class of position to another class of position having similar duties and responsibilities and similar qualification requirements or a movement from one division to another department/division.



67. Unclassified Service Includes all employees exempted from the provisions of Section 4007 of the Government Code of Guam.
68. Ungraded Classes of Positions All labor, trades and crafts positions.
69. Weighted Score As used in these Rules, weighted score is a product of the raw score and the appropriate formula for the particular examination.
70. Workday A regularly recurring period of eight (8) consecutive hours exclusive of lunch hour.
71. Workweek A regularly recurring period of seven (7) consecutive twenty-four (24) hours intervals. A workweek need not coincide with a calendar week. It may begin any day of the week at any hour of the day. Workweek must remain the same unless any change is intended to be permanent.



ATTACHMENT



GUAM TELEPHONE AUTHORITY

POST OFFICE BOX 9008 • TAMUNING, GUAM 96911

FOR FURTHER INFO, CONTACT CLAUDIA CONROY
646-6971 ext. 232

FOR IMMEDIATE RELEASE

PUBLIC HEARING

FRIDAY, MARCH 28, 1980, 6:00 P.M.

GTA CONFERENCE ROOM, 2ND FLOOR, CENTURY
PLAZA, ABOVE CENTRAL LANES, TAMUNING

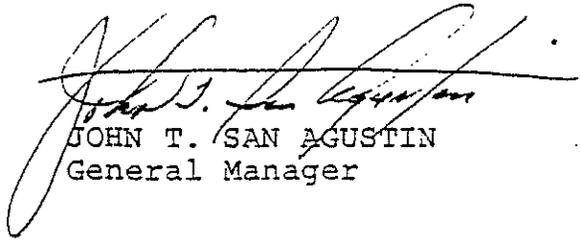
SUBJECT

(1) MODIFICATION OF GUAM TELEPHONE AUTHORITY'S
TARIFF AND OTHER RELATED SERVICES PROVIDED
BY GTA

(2) ADOPTION OF GTA PERSONNEL RULES AND
REGULATIONS

COPIES OF THE PROPOSED TARIFF MODIFICATION AND GTA'S PERSONNEL
RULES AND REGULATIONS WILL BE AVAILABLE AT THE GTA CONFERENCE
ROOM.

PUBLIC PARTICIPATION IS ENCOURAGED.


JOHN T. SAN AGUSTIN
General Manager



PUBLIC HEARING

Friday, March 28, 1980, 6:00 P.M. GTA Conference Room, 2nd Floor, Century Plaza, above Central Lanes, Tamuning

- SUBJECT**
- (1) Modification of Guam Telephone Authority's Tarriff and other related services provided by GTA
 - (2) Adoption of GTA Personnel Rules and Regulations.

Copies of the Proposed Tariff Modification and GTA's Personnel rules and regulations will be available at the GTA Conference Room.

Public Participation is Encouraged.

GUAM TELEPHONE AUTHORITY



PUBLIC HEARING

**FRIDAY, MARCH 28, 1980, 6:00 P.M. GTA CONFERENCE ROOM, 2ND FLOOR,
CENTURY PLAZA, ABOVE CENTRAL LANES, TAMUNING**

SUBJECT

- (1) MODIFICATION OF GUAM TELEPHONE AUTHORITY'S TARIFF AND OTHER
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**COPIES OF THE PROPOSED TARIFF MODIFICATION AND GTA'S PERSONNEL
RULES AND REGULATIONS WILL BE AVAILABLE AT THE GTA CONFERENCE
ROOM.**

PUBLIC PARTICIPATION IS ENCOURAGED.

Guam Telephone Authority

PACIFIC DAILY NEWS, Tuesday, March 18, 1980

38

46
PACIFIC DAILY NEWS, Thursday, March 27, 1980



PUBLIC HEARING

Friday, March 28, 1980, 6:00 P.M.
GTA Conference Room, 2nd Floor,
Century Plaza, above Central
Lanes, Tamuning

SUBJECT (1) Modification of Guam Telephone Authority's Tariff and other related services provided by GTA.
(2) Adoption of GTA Personnel Rules and Regulations.

Copies of the Proposed Tariff Modification and GTA's Personnel rules and regulations will be available at the GTA Conference Room.

Public Participation is Encouraged.

GUAM TELEPHONE AUTHORITY

33

THE GUAM TRIBUNE • Thursday, March 27, 1980 •



PUBLIC HEARING

FRIDAY, MARCH 28, 1980, 6:00 P.M. GTA CONFERENCE ROOM, 2ND FLOOR, CENTURY PLAZA, ABOVE CENTRAL LANES, TAMUNING

SUBJECT

(1) MODIFICATION OF GUAM TELEPHONE AUTHORITY'S TARIFF AND OTHER RELATED SERVICES PROVIDED BY GTA.

(2) ADOPTION OF GTA PERSONNEL RULES AND REGULATIONS

COPIES OF THE PROPOSED TARIFF MODIFICATION AND GTA'S PERSONNEL RULES AND REGULATIONS WILL BE AVAILABLE AT THE GTA CONFERENCE ROOM.
PUBLIC PARTICIPATION IS ENCOURAGED.

Guam Telephone Authority

C H E L U
P. O. BOX CA
AGANA, GUAM 96910



OFFICE: 387 O'BRIEN DRIVE
TEL: 477-8144

March 28, 1980

Mr. John T. San Agustin
General Manager
Guam Telephone Authority
P.O. Box 9008
Tamuning, Guam 96911

Dear Mr. San Agustin:

RE: PROPOSED PERSONNEL RULES AND REGULATIONS

I would like to preface this letter by congratulating the General Manager and his staff for developing what I personally consider a pretty comprehensive Personnel Rules and Regulations.

The concerns I have over the Rules are not necessarily to be considered as a blanket disapproval by the Chamorro Employees Labor Union (CHELU). They are concerns shared by CHELU's members within the Guam Telephone Authority (GTA) and should therefore be seriously considered.

- ✓ 1. Rule 3.74, p. 7. OUTSIDE EMPLOYMENT. We question whether the General Manager can legally prevent outside employment even if it is not in conflict with his work assignments and scheduled hours of work. A clearer definition of the term "conflict of interests" should be made.
2. Rule 3.75, p. 7. NEPOTISM. What does the term "first degree of consanguinity" mean? Is it consistent with the definition of "immediate family" in Rule 3.77? If not, then the term should be clarified.
3. Rule 4.00, p. 9. RECRUITMENT OF ELIGIBLE PERSONS. We raise a concern over the term "Open Competition". As the Rules are written, an experienced GTA employee with permanent status is given no special consideration whatsoever if his relative knowledges, skills and abilities are equal to an outsider. Promotion from without is not only risky, but is a principle cause of low morale. "Open Competition" should have a widening area of consideration. First, within the Section where the vacancy occurs; Second, within the Department where the vacancy occurs; Third, within the Government of Guam; Fourth, within the Government Sector; Fifth, within the island of Guam; and Sixth, all interested persons.
4. Rule 4.21, p. 10. CONTENTS OF RECRUITMENT AND EXAMINATION ANNOUNCEMENTS. We do not readily see a minimum period for vacancy announcements. To ensure wide dissemination, a minimum period of two weeks should be included.
5. Rule 4.33, p. 12. REJECTION OF APPLICANTS AND DISQUALIFICATION OF ELIGIBLES.
Subsec (d). A waiver should be provided for justifiable reasons, i.e. off-island transcripts.
Subsec (e). Who is to determine "Habitual or Excessive" use? Alcoholism has

been defined medically as a sickness. A rehabilitation attempt should therefore be made a part of the due process procedure for determining "Habitual or Excessive" use.

Subsec (h) ^{OK} "Evident reasons" rendering an applicant unsatisfactory may not necessarily mean the applicant is an unsatisfactory employee. A former employee who resigned from government service "as a result of his receipt of a proposed adverse action" does not necessarily mean that the employee is guilty of a violation of policy. A criterion of "just and proper cause" should be included in determining "Evident Reasons".

Subsec (k). Please clarify.

6. Rule 4.51, p. 16. ^{OK} DETERMINATION OF RANK IN EVENT OF TIE. To prevent grievances and discrimination complaints, a system to break ties must be implemented.

7. Rule 4.55, p. 17. SPECIAL PROVISIONS. A clarification is needed on what the term "Labor" encompasses.

8. Rule 4.72, p. 21. ^{OK} KINDS OF EMPLOYMENT MEDICAL EXAMINATIONS. Pre-entry, Periodic, and Special medical examinations are required by the General Manager. Without a specific clause, the employee is given the financial burden for a physical required by his employer. The General Manager should incur all medical examination costs.

9. Rule 4.74, p. 22. ^{OK} APPEAL AGAINST EMPLOYMENT MEDICAL EXAMINATION RESULTS. The appointment of a Board of Physicians to review a medical appeal may be extremely time consuming and costly. A coordination effort should be made with the Guam Memorial Hospital for an ad hoc board without cost to GTA.

10. Rule 5.20, p. 23. ^{OK} REEMPLOYMENT LISTS. Recommend changing "without cause" to "through no fault of his own".

✓ 11. Rule 6.00, p. 26. ^{OK} FILLING OF VACANCIES. Recommend "Promotion" be included.

✓ 12. Rule 6.70, p. 28. ^{OK} CONTRACTING FOR PERSONNEL SERVICES. Add to first sentence "in the classified service."

✓ 13. Rule 8.00, p. 32. ^{OK} PERFORMANCE REPORTS. An appeals procedure for performance ratings should be included in this Rule.

✓ 14. Rule 10.00, p. 37. ^{OK} DETAIL.
Subsec (d). A clarification should be made regarding the limitation of details to 120 days in order to avoid any conflict with job classification principles. This Rule should clearly state "details will be limited to 120 days or less in any one calendar year."

✓ 15. Subsec (f). ^{OK} Brief assignments of employees should be limited to those positions which the employee has the necessary knowledges, skills and abilities to perform.

✓ 15. Rule 10.12, p. 39. ^{OK} INTERGOVERNMENTAL TRANSFER. Will not the appointment of an employee of the Federal Government without competition a violation of the Merit Principle?

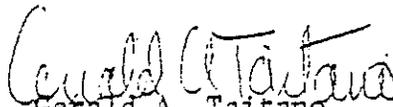
16. Rule 10.14, p. 40. ^{OK} ORDER OF LAYOFFS. Subsec (3)(a). Performance ratings to be used for establishing order of layoffs should be current.

17. GLOSSARY 7c

No. 18. Detail. Add to definition "...more than 120 days in any calendar year."

No. 38. Passing Score. A difference should be made between "Raw Score" and "Passing Score." The latter's definition should include all adjustments such as veteran preference and GCC graduate.

Very truly yours,


Gerald A. Taitano
President

Operating Engineers Local Union No. 3

OF THE
INTERNATIONAL UNION OF OPERATING ENGINEERS
AFFILIATED WITH THE AFL-CIO

Jurisdiction:
Northern California, Northern Nevada,
Utah, Hawaii and Mid-Pacific Islands.



Telephone 431-1568
474 Valencia Street
San Francisco, California 94103



Guam Office - Mangilao
P. O. Box 23397
GMF, Guam 96921
Telephone: 734-4391-2

March 28, 1980

Board of Directors
Guam Telephone Authority
P. O. Box 9008
Tamuning, Guam 96911

Dear Mr. Chairman:

Operating Engineers Local Union No. 3 wishes to express its appreciation for the opportunity to appear before this hearing on the amendment of the Guam Telephone Authority's "Personnel Rules and Regulations". We are equally appreciative that the Management of the Authority has taken a giant step forward by adopting progressive ideas in personnel administration that will enhance better employee relations.

In spite of this development, Operating Engineers Local Union No. 3 still feels that there are areas where the existing, as well as the proposed regulations, fail to address existing and potential work situations. There are also some questions we have and clarifications required.

It has been our understanding that the proposed regulations is patterned after the "Personnel Rules and Regulations" of the Department of Administration and we are wondering why one sentence at the end of Rule 3.74, "Outside Employment", on Page 7, was deleted. The sentence deleted was "Consent may not be unreasonably withheld." Does the deletion of this sentence provide for the General Manager or his designee to unreasonably disapprove request for outside employment for any employee even if the outside employment is not in conflict with his work nor would it bring the Authority or its employees into disrepute? We believe that the excluded sentence should be re-instated since we believe that the request for outside employment should be denied only for reasons mentioned in this section and for no other reasons.

On Page 9, Rule 4.00, we would like for a clarification on the last sentence of the Rule since we are of the opinion that it is not clear and possibly could be in conflict with the definition of "Open Competition" on the sentence preceding the last.

Legal

OK
On Page 32, Rule 8.40 (C), we feel that this provision should be deleted since there are no reasons given as to why the General Manager is requesting for the performance rating. We do not want the performance rating being utilized as an harassment or intimidation tool by the General Manager and/or Management representative. But if this section must remain, reasons must be delineated as to the rationale for the General Manager's request.

OK
On Page 34, Rule 8.64, the last sentence should be deleted since denial of the salary increment can only be done due to lack of funds or for unsatisfactory performance. The approval of the General Manager, we believe, is a managerial function.

OK
On Page 35, Rule 9.02 (I), this section should be amended to provide that when an employee works for a unit that is represented by an employee organization exclusively and there is a contract that such employee shall have the option of pursuing his grievance through the negotiated grievance procedures or the grievance procedures under the Personnel Rules and Regulations, that he cannot utilize both, and that once he utilizes one, he cannot go to the other to file the same grievance. We believe that giving the employee the option is more in keeping with our democratic process.

On this same issue of the grievance procedures, we believe that the grievance procedure to be followed should be spelled out in the regulations so that the employees do not have to be going to so many different sources to know what to do. This is true with adverse action procedures and EEO procedures.

OK
On Page 44, Rule 11.26, "Service Illness", should be defined as we are not sure what this means. We believe that everyone should know just what the definition of "Service Illness" is.

Finally we recommend the following be incorporated as part of the Authority's Personnel Rules and Regulations:

OK
1. CALL BACK PAY. In the event that an employee has completed his regular shift and returned to his residence, and is called back to perform work, such employee shall be paid at the applicable overtime rate from portal to portal by the most direct route and local mileage allowance between worksite and home of residence. An employee called back to work shall receive a minimum of four (4) hours at the applicable overtime rate.

OK
2. STAND-BY DUTY. When warranted and in the interest of the Employer's operation, the Employer may assign employee (s) to "Stand-By Duty" and shall be compensated at a rate of thirty-three and one-third percent (33 1/3%) of their regular hourly rate. "Stand-By Duty" is defined as duty whereby employee (s) are required to

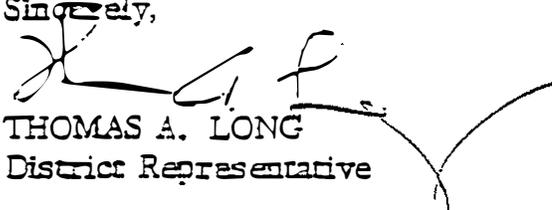
Guam Telephone Authority
Board of Directors
March 28, 1980
Page 3

be readily available to perform work after completion of their regular work shift by means of a communication device (telephone, short wave radio, etcetera).

3. SUNDAY AND HOLIDAY PAY. Employee (s) who are required, because of emergency or other reasons authorized, to be present on the job on Sunday and Holidays or their equivalent day shall be paid at a rate equivalent to double their hourly rate of pay.

Your sincere consideration and implementation of the above changes and additions would provide for a healthy working environment and conditions.

Sincerely,


THOMAS A. LONG
District Representative

TAL:ff

Chairman: ...to receive testimonies, comments and discussions on the modifications, amendments and adoption of the new Personnel Rules and Regulations for the Guam Telephone Authority and the modification of the Guam Telephone Authority Tariff. We have a sign-up sheet for anybody who wish to testify for or against the adoption of this proposed personnel rules and regulations as well as the proposed tariff for Guam Telephone Authority. Please indicate if you have any written statements and if such please provide the board members any written testimony or statement. As traditionally a practice, management will first be requested to present their input and comment on the proposed personnel rules and regulations and tariff to be reviewed tonight. At this point, I would like to call on the general manager for the Guam Telephone Authority, John San Agustin, to present the management's decision.

SA: First of all, Mr. Chairman, I would like to ask the committee to withheld hearing on the tariff because of certain technicalities. The legal area that we're working on is the fact that if there is a change in the charges because of the change in the tariff then we need to have a fifteen days notice to the public and since Section 4 of the proposed tariff contains certain charges to be made in relation to interconnect type of activites, so we're asking that the board postpone hearing until at a later date.

Chairman: Have you reviewed with our legal counsel?

A: Yes, we have reviewed it with the legal counsel. We're in the impression that ten days notice, however, in further research the enabling act of GTA takes precedence insofar as tariff is concerned in public hearing.

Counsel: Mr. Chairman, the enabling act actually and specifically requires changes in rates, regulations and relating to tariff requires a fifteen-day notice in newspaper of general circulation and this is the tenth day, but, the notice was inadvertently sent out based on the standard notice which the Authority had been using all this time for public meetings or for other changes in personnel rules

Chairman: which only requires ten days

Counsel: which only requires ten days, right.

Wilson: So then direct the general manager to reschedule the public hearing with the proper notices...

Chairman: Ok, so, it is noted that only thing under consideration at this point is the adoption of the proposed personnel rules and regulations for Guam Telephone Authority.

Wilson: One more question, would it be illegal for us to take testimony ...could we hear that testimony?

Counsel: No, it would, I would advise the board if it has the time to go ahead and accept testimonies as far as the tariff is concerned. This would benefit everybody concerned on the next hearing that will be held insofar as concerning those testimonies and perhaps

working during that period to weigh all of those testimonies tonight

Chairman: Ok so it is noted the formal consideration for the proposed tariff for Guam Telephone Authority will be rescheduled allowing the appropriate number of days for notice in publication, however, if any body wishes to present written or oral testimony for or against the proposed adoption of the new tariff for Guam Telephone Authority, please do so and indicate when doing so.

At this point, the board will hear management's input, comment, and testimonies as far as the adoption of the proposed personnel rules and regulations for GTA.

SA: As a matter of history, the present personnel rules and regulations that the Authority have been operating on was adopted way back in February 5th, 1974 and that is adopting the then Department of Administration personnel rules and regulations as amended and according to the resolution passed at that time it is to remain in effect until such time as the board adopts its own rules and regulations. So since that time, there have been efforts to establish GTA's own personnel rules and regulations. Several attempts were made but somehow action wasn't taken. At this time, our staff prepared the proposed rules and regulations and you have two sheets attached to that. One is the major changes that encompass from the old administration rules and regulations and to the proposed rules and regulations. They are very lengthy. I'm sure you all have a copy of it but some of the other people have probably copies of the major changes that are to be incorporated in the new regulations of GTA. The two sheets there is the amendment or the supplement to the original document that was prepared and then again this is after reviewing it we find that some of the things were missed so we proposed these two sheets as supplement to that book. But all these are in essence consistent with the present rules and regulations being adopted by the Department of Administration, the Guam Power Authority, Commercial Port and other similar departments that have their own personnel rules and regulations. It is our proposals that the board adopts the personnel rules and regulations as presented to them. My staff is available should there be any question that needs to be further explained.

Chairman: Will you identify?

SA: I have Carlos who is the Human Resources Director and I have also our Comptroller if any ...more is needed and we also have Rita Okado who handles the personnel and Ben Meno our EEO consultant.

Chairman: Ok, just hope any members of the board wishes to question management Mel?

Mel: No from the board

Chairman: Ok, your testimony is accepted Mr. General Manager.

At this point before calling the first witness from the public to testify, Mr. General Manager, please make your Human Resources people available for comments. First individual, Mr. Joseph Cruz from Operating Engineers Local Union #3.

Cruz: My name is Joe Cruz and business agent for Operating Engineers Local Union #3. I have with me prepared written statements from

3
District Representative Mr. Thomas Long. I'm here representing him and I'd like to read the written testimony.

Dear Mr. Chairman, Operating Engineers Local Union #3 wishes to express its appreciation for the opportunity to appear before this hearing on the amendment of the Guam Telephone Authority's personnel rules and regulations. We are equally appreciative that the management of the Authority has taken a giant step forward by adopting progressive ideas in personnel administration that would enhance better employee relations. In spite of this development, Operating Engineers Local Union #3 still feels that there are areas where the existing as well as the proposed regulations fail to address existing or potential work situation. There are also some questions we have and clarifications required. It has been our understanding that the proposed regulation is patterned after the personnel rules and regulations of the Department of Administration and we are wondering why one sentence at the end of Rule 3.74 outside employment on page 7 was deleted. The sentence that was deleted consent may not be unreasonably withheld has to do with outside employment. Does the deletion of this sentence provide for the general manager or his designee to unreasonably disapprove employment other than worthy employees working out that is not in conflict with his work or any thing that would be in disrepute to the Authority? We believe that the excluded sentence should be reinstated since we believe that the request for outside employment should be denied only for reason mentioned in this section and for no other reason.

On page 9 Rule 4.00, we would like for a clarification on this last sentence of the rule since we are of the opinion that it is not clear and possibly could be in conflict with the definition of open competition on the sentence preceding the last.

On page 32 Rule 8.40 C, we feel that this provision should be deleted since there are no reasons given as to why the general manager is requesting for performance rating. We do not want the performance rating being utilized as an harassment or intimidation to by the general manager and our management representative but if this section must remain, reasons must be delineated as to the rationale for the general manager's request.

On page 34 Rule 8.61, the last sentence should be deleted since denial of salary increment can only be done due to lack of funds or unsatisfactory performance. The approval of the general manager, we believe, is merely (that's a typo) should be ~~ministerial~~ ministerial function.

On page 35 Rule 9.02 i, this section should be amended to provide that when an employee works for a unit that is represented by an employee organization exclusively and there is a contract that such employee shall have the option of pursuing his grievance thru the negotiated clearance procedure or the grievance procedure under the personnel rules and regulations. We believe that giving the employee the option is more in keeping with our democratic process. On this same issue, the grievance procedures, we believe that the grievance procedure to be followed should be spelled out in the regulations so that the employees do not have to go to so many different sources to know what to do. This is also with the

This is also true with the adverse action procedures as well as the EEO procedures.

On page 44 Rule 11.26 service illness should be defined as we are not sure what this means. We believe that every one should know just what the definition of "service illness" is.

Finally, we recommend the following to be incorporated as part of the Authority's personnel rules and regulations: (1) call-back pay in the event that an employee has completed his work his regular shift and has returned to his residence and is called back to perform work, such employees shall be paid as the applicable overtime rate from portal to portal by the most direct route and local mileage allowance between work site and ~~xxxxxxx~~ home of residence. An employee called back to work shall receive a minimum of four hours of the applicable overtime rate.

(2) Standby duty pay. When warranted and in the interest of the employees operations the employer may assign employees to standby duty and shall be compensated at the rate of 33 1/3% of their regular rates. Standby duty is defined as duty whereby employees are required to be readily available to perform work after completion of their regular work shift by means of communications device, telephones, short-wave radio, etc, etc. And lastly Sunday and holiday pay. Employees who are required because of emergency or other reasons authorized to be present on the job on Sundays and holidays of their equivalent day shall be paid at the rate equivalent to double their hourly rate of pay.

Various sincere consideration and implementation of the above changes and deletions would provide for a healthy working environment and conditions. Let me add on the third suggestion there proposed regulations right now provides for double time for holiday pay. This is just for emphasis.

- Mel: Inaudible
- Cruz: Part of it insofar as the holiday pay, it is covered by the proposal already, not the Sunday pay.
- Chairman: Before I request questions from the board members, I would like to have management's response if you have any.
- SA: I don't have the liberty of having a copy (of their letter) to properly address ourselves to it. (Trying to obtain a copy.)
- Chairman: While management is studying it over, in the interest of ... Stan, you can start off with any question from the board members. ^{patency}
- Wilson: I agree with a couple of the items in here on the...some of them that financial impact obviously would have to be studied to find out what type of an impact you are talking about. They may have merits but obviously there are other consieerations also.
- Cruz: Which one are you referring to?
- Wilson: Basically anything that called for additional compensation obviously would have to be studied by management to determine the financial impact.

We are a business that has to meet all of our commitments. I think I have no other comments...

Chairman: Ann, any question or comment? (No) Counsel?

Counsel: I have discussed most of these items with Carlos San Agustin and but perhaps the only thing, I really don't have any thing to add as far as this discussion but when he is/~~ready-quite-adequately~~ will be covered adequately.

Chairman: Rick? (None)

Chairman: Ok at this time in the interest of time and to cover as much ground as possible, may I request that you make yourself (Cruz) for further questions.

Can I called on the next witness, Frank S. Rivera.

Rivera: Mr. Chairman, I refused to make any comments at this point until such time as needed. I'm merely here now present as an observer.

Chairman: Very well. Now the next witness is Gerald A. Taitano, representing Chelu, he has written and oral.

Taitano: Yes, Mr. Chairman, I didn't know you are going to be chairing otherwise I wold...the letter we do have ample copies and personnel

Chairman: Mr. Taitano, you may proceed.

Taitano: Mr. Chairman, how is the point on the deal? Do you want testimony on the tariff also at this time, after the personnel rules and regulations

Chairman: No, I would to dispose of the personnel rules and regulations in the interest of avoiding any chaos

Taitano: Ok, thank you. My name is Gerald A. Taitano, President of the Chamorro Employees Labor Union presently representing the Operations Division of the Guam Telephone Authority. We would like to preface this testimony by congratulating the general manager and his staff for developing what we consider a very comprehensive personnel rules and regulations. The concerns we have over the rules are necessarily to be considered as a blanket disapproval by the Chamorro Employees Labor Union. They are concerns shared by Chelu's members within the Guam Telephone Authority should therefore be seriously considered. First concern we have is on page 7 Rule 3.74 regarding outside employment. We questioned whether the general manager can legally prevent outside employment even if it is not in conflict with his work assignments and ssheduled hours of work. A clear definition of the term "conflict of interest" should be made.

Regarding nepotism on page 7 Rule 3.75, we have problems defining the term first-degree of consanguinity. Is it consistent with the definition of "immediate family" in Rule 3.77. If it is not not, then the term should be clarified. Consanguinity according to the dictionary means relationship and if you are to apply the definition literally here, it would mean the first degree of relationship which I think unfamiliar to most of the employees of employees of the Guam Telephone Authority.

The third concern is on page 9 Rule 4.00 regarding the recruitment of eligible persons. We raised a concern over the term "open competition". As the rules are written, an experienced GTA employe with permanent status is given no special consideration whatsoever if his relative knowledge, skills, and abilities are equal to an outsider. Promotions from without is not only risky but it is also a principle cause for low morale. Open competition should have a widening area of consideration, first, within the section where the vacancy occurs, second, with the department where the vacancy occurs, third, within the government of guam, fourth, within the government sector, fifth, within the island of Guam and sixth, any interested persons. The way it is worded right now, you straight to all interested persons without regard to tenur or permanent status.

On page 10 Rule 4.21, contents of recruitment and examination announcements. We do not readily see a minimum period for vacancy announcements to insure a wide dessionimation. ~~xx~~ Minimum period of two weeks should be included. The way it is worded right now, technically, there could be a vacancy announced on a Thursday, filled on a Friday. I don't think that sort of action by management if it does happen is in accordance with the merit principle.

On page 12 Rule 4.33, rejection of applicants and disqualifedtion of eligibles, more specifically, subsection d, a waiver should be provided for justifiable reasons, that is, if you are requesting for off-island transcripts and the announcement is closed within a couple of weeks, if you are graduate of a university or a technical school ~~xxxxxxx~~, you can almost quarantee that you won't get tr in the East Coast, transcripts within two weeks so there should be a waiver. Subsection e, we questioned who is to determine habitual or excessive use in regards to alcoholism. Alcoholism has been defined medically as a sickness. Rehabilitation attempt shoul therefore be made a part of the due process procedure for determining habitual or excess use use of alcohol.

Subsection h, evident reasons rendering an applicant unsatisfactory may not necessarily mean the applicant is an unsatisfactory employe. A former employee who resigned from government service as a result of his receipt of a proposed adverse action action does not necessarily mean that the employee is guilty of a violation of policy, a criterion of just and proper cause should be included in determining evident reasons.

And on Subsection k, we got kind of confused with the wording I think it should be clarified.

On page 16 Rule 4.51, determination of rank in event of time. To prevent grievances and discrimination complaints as system to break ties must be implemented.

Page 17 Rule 4.55 regarding special provisions. A clarification is needed on what the term "labor" encompasses. Does it means laborer, ditchdiggers, things like that. Labor includes every body including technicians, mechanics, journeymen and things like that.

Page 21, Rule 4.72, kinds of employment medical examinations. Pre-entry periodic and special medical examinations are required

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by the General Manager, the rule states that. Without a specific cause, the employee is given the financial burden for a physical required by his employer. We recommend that the general manager incur all medical expense all medical examination costs since he is the one requiring the examination.

On page 22 Rule 4.74 appear against employment medical examination results. The appointment of a board of physician to review a medical appeal may be extremely time consuming and costly. A coordination effort should be made with Guam Memorial Hospital for an adhoc board without cost to GTA.

Page 23 Rule 5.20, reemployment list recommending changing without cause to no fault of his own. A separation due to lack of funds is with cause but thru no fault of his own. An employee should not be denied standing on a reemployment list because he was laid off for lack of funds.

Page 26 Rule 6.00 filling of vacancies, we recommend promotion to be included, everything else is there - demotion, suspension, and everything else, except promotion.

Page 28, Rule 6.70 contracting for personnel services. We would like to see an addition to the first sentence "in the classified service."

Page 32, Rule 8.00, performance report. We really have no objections to a performance rating. We understand that performance ratings are needed to insure that the employee is performing appropriately or adequately, however, an appeals procedure for performance should be included in the rule. It...Administration in their rules and regulations fail to include a performance rating appeal and had to go thru the hearing procedures again to include a specific procedure regarding appeals on performance ratings.

On page 37, Rule 10.00 regarding detail, more specifically Subsection d. The clarification should be made regarding the limitation of details to a 120 days in order to avoid any conflict with job classification principle. This rule should clearly state "details should be limited to 120 days or less in any one calendar year." We have noticed agencies within the government of Guam with similar rules and regulations detailing an employee for 120 days, taking that employee off that detail for one day and redetail: the person for another 120 days. Now if the 120 days detail over 120 days detail is deemed by the board to be in conflict in with classification principles, then it should be limited to 120 days in any one calendar year.

Subsection f vehicle assignments of employees should be limited to those positions which the employee has the necessary knowledges skills and abilities to perform. This is in reference to detailing of employees to positions in which there is the most workers or maximum utilization of employees.

On page 39 Rule 10.12 regarding inter-governmental transfer. A question was raised by one of the employees in our meeting. in our review of the personnel rules. Will not the appointment

of an employee of the federal government without competition be a violation of the government of Guam merit principle? I think so and I think that the Authority should look into correcting that proposal.

On page 40 Rule 10.14 order of layoffs, subsection 3a. Performance ratings as proposed by the rules and regulations would be used to establish the order of layoffs. In that regard, we recommend that only performance ratings current performance ratings, will be used in establishing such order.

Regarding the glossary, Number 18 detail after definition to be consistent with a proposed changes nor the 120 days in any one calendar year and #30 passing score, a difference should be made between raw score and passing score. The latter's definition should include all adjustment such as veteran's preference and we noticed from one the public laws that we do, the government of Guam does give 5 points credit to graduates of the Guam Community College or the Guam Trade and Technical High School.

That's all I have Mr. Chairman.

Chairman: Do you have any further comments aside from your written testimony.

Taitano: No, I don't.

Chairman: Before calling on the management for response, are there any questions or comments?

Mel: I take a note from most of his proposed changes in the proposed rules and regulations and I think most of it have merits and it should all be considered.

Wilson: I have one comment and it has to do with. One of the changes to Rule 10.00 page 37 in detail. If you actually wanted to, on your second page near the bottom, I see what you are saying is and to change or change wording to get to what you really want to do is to make that 120 days in a 12 mos. period cause I would assign somebody 119 days before the end of the year and keep him there two mos. but I see what you are saying. I think you are suggesting

Taitano: But you understand. There is a game that's played by a lot of the government of Guam agencies. I hope that GTA doesn't
...

Wilson: There are others items that on the face of things that I agree with and on the base of things maybe I don't necessarily agree with but certainly they will all be taken into consideration and studied.

Taitano: Thank you.

Chairman: Anny, are there any other comments?

tano:

I only want to tell you that we will seriously consider your recommendations.

Chairman: Counsel?

Counsel: None at this time.

Ferrero: I have no comments but we would like to study all your comments and on the board and management area and seek all better solution to this.

Chairman: Just two items, Mr. Taitano. On nepotism, as far as the definition of consanguinity, I believe that the board has addressed quite thoroughly and we have been able successfully to obtain a court-used definition for this and this is included as one of our personnel policies.

Taitano: Will it be included in the personnel rules, definition in fact or maybe only a definition because it is not a term that is usually talked about.

Chairman: Now on your recruitment of eligible persons, I just wonder how this particular concept, although I do not necessarily agree with it, how this particular concept will dovetail with the requirements of EEO?

Taitano: I don't understand your question.

Chairman: Well, you suggest that the open competition should have a widening area of consideration, suggesting preferences within sections, within departments, within the government, within the government section, within the island of Guam and then every body else, however, I'm sure you are quite familiar with the federal statutes and the peculiarities of the equal employment opportunity and although I do not necessarily agree with your recommendation here, I'm afraid that it may substantially conflict with the provisions of equal employment opportunity.

Taitano: I disagree. If you look at the EEO, EEO says basically says that we shall discriminate based on age, color, creed, national origin, or for any other nonmerit factor, I think that area of consideration cannot be deemed to fall into the other merit factors because there is merit in promoting in promoting from within - higher morale, attrition, personal cause. I don't think that any person, at least I've not seen it in any of the decisions that have come out of the commission for equal employment opportunity nor the civil service commission that addressed itself and finds for the complainants a discrimination complaint against an authority because of nonselection based on being a nongovernment employee.

Chairman: Well, your justification although it is very general in nature, may have some merit, however; I see some infirialities???? within the government of guam, within any type of institution, that with the best of intentions and using the most valide artistry for merit measurement can easily be construed as a discrimination. A hypothetical situation would be such. Here is a department composed of three Guamanians and here is a section composed of three Guamanians

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within a department of 12 individuals all Guamanians and this can conceivably exist where promotion from within notwithstanding the excellent yardstick you use can easily be construed as a discrimination when equally competent and equally qualified individuals perhaps let's with ethnic background of Palau or Caucasian, using the same yardstick, can scream discrimination. Now, that is what I'm trying to point. That although what you are saying may have some idealistic conceptual justification being pragmatic and being in realistic world, some of those concepts may not be applicable. But anyway I would allow management to comment on that before any further board consideration.

aitano: Say, we were discussing that every ...very detail in our meetings. The absence of such a provision in the rules is almost tantamount to the board's policy not to promote from within because opening up competition to everybody without any consideration without giving any special consideration to the people from within that is our concern as representatives of the employees, employees in this Authority. That if an employee spends ten years working for GTA, knows where all the exchanges and where the hook ups are is vying for a promotion and somebody from outside who has never worked for GTA gets promoted or gets that position, the morale low morale that is going to result cannot be compensated in any way, cannot be alleviated in any way. That is why we encourage the board to come out with a policy - policy to promote from within. It is not illegal; it is in the Department of Administration's personnel rules and regulations; it is in most of the labor contracts that the government of Guam has; and I just think that the board should give special consideration to employees from within.

ounsel: Mr. Chairman, perhaps we're talking the same thing. I have looked, you are looking under recruitment of eligible persons, aren't you?

aitano: Rule 400, yes

ounsel: and open competition. As read, the first sentence deals with open competition for employment period. This is considering outside applicants as well as in-house applicants then it defines open competitions as all available and interested persons who possesses the established minimum qualifications for a classification or occupation are eligible to apply the evaluated rank and consider on the basis of their abilities, knowledge and skill. Now, the last sentence which is "promotional opportunities shall also be open competition. We have discussed this, Mr. Chairman, with Administration and if there is anything missing, I think the intent of this whole section is that promotions within the organization is given preference in a way. I think that the, from my discussion, perhaps if the board would want to clarify this further or for the actual adoption of the rules ~~with~~ open competition, promotional opportunities shall be open competition even among the present employees provided that all available and interested persons have satisfactorily completed their initial probationary period." Maybe your copy should have but we put in the word "initial probationary period and possess the pre-established minimum qualification for the classification and occupation rank.

aitano: If that can be inserted, yes, but that wasn't in the copy that provided to the general public.

Counsel: The first copy was apparently erroneously noted.

Taitano: But that is covered.

Chairman: Any other comments? (Taitano) will you make yourself available?

Taitano: Any time.

Chairman: Are there any other comments from the general public on the personnel rules and regulations? If there is none, I would like to call on management's representatives and Mr. Cruz and Mr. Taitano, you may be allowed to issue further comments subsequent to.

A: My comments is there is enormous to that and I don't think that it is fair and just if we are to come out and try to address the question towards they are considering as suggestion for a change. I think that management should be given an opportunity also to review it and come up with the pros and cons for their suggestions but to attempt to do that tonight, I don't think we can do justice to those recommendations.

Chairman: Ok, that is acceptable. The board then accepts the written testimony, management will study the written testimony and address the issue as brought up by the two witness.

Taitano: Mr. Chairman, may I make that comment? John, I'll be available any time you want.

A: We will consult you .

Chairman: At this time, I would like to thank every body who has shown interest in the proposed personnel rules and regulations and submitted written testimony and oral comments. The board of directors of Guam Telephone Authority will take all of the comments and written testimony under advisement and will take it into serious consideration before the adoption of these proposals.

Ok, at this point since Counsel has advised that we may receive testimony on another issue where an open public hearing will also be scheduled and that is the proposed tariff change, I would like to call on any witness who wish to testify. Management I would imagine would reserve comments until the public hearing, so Mr. Taitano, do you want to?

Taitano: Is there any body else that's going to testify?

Chairman: Yes, Mr. Borlas.

Taitano: John, how 'bout, I think he left.

Mr. Chairman, we have reviewed the proposed changes to the GTA tariff and while we have numerous concerns over the changes, one more serious concerns the proposed deletion of Section 3 subparagraph 6a regarding the unauthorized attachments or connections. We, on behalf of the employees of the Guam Telephone Authority, strongly oppose the deletion of Section 3, Subparagraph 6a because of the probable adverse impact will have on GTA revenues and the possibility of layoffs in the Operations Division. Although we have received

copies of numerous attorney generals opinions, circuit decisions regarding the applicability of decisions from the first and fourth circuit courts of the United States, it is our opinion that such decisions should not be deemed applicable in GTA without being tested in our own superior court of Guam, our own district court and the ninth circuit courts of appeals that has jurisdiction over the territory of Guam. That is all I have.

Chairman: Ok, do you have further comments other than your written testimony.

Vaitano: No, I don't.

Chairman: Are there any questions from the board members?

Wilson: I have a comment and we obviously share the same concern

Vaitano: Then we ought to take it to court on a declaratory ruling

Wilson: We have discussed this at length and we felt that it has been satisfactorily resolved in other courts and because we deal basically inevitable that we don't feel that we should spend our money, waste our money, on expensive legal processes and instead have decided to attack the problem from the positive viewpoint and compete them - provide service. We are in fact the phone company, we feel that people naturally would look to the phone company to provide phone service. We realize that in the past maybe we have not been as receptive or as timely in providing the type and quality of service that might be expected of a phone company but we feel that the board of directors and management and our staff are making the necessary changes within the system to compete better and we don't feel that the interconnect business is going of undue threat to us. We share the same concern but I think we are going to attack it - it is our intention to attack it from a more positive viewpoint. We don't want to sya, we don't want to sit back ...phone company and nobody can touch us, what we're saying is, we're the phone company and we can provide phone service better than anyone else. That's the attitude that we want to take.

Vaitano: I lost you. I don't think you can be positive without going thru the proper courts for an actual declaratory ruling. I don't you can say and counsel is here that the decisions of the first and fourth circuits applies 100% to the territory of Guam's laws, enabling act of the Guam Telephone Authority. What you are basically saying is that because of the expense of taking it to court, we're going to forget about the revenues, we're going to forget about the possible revenues we're going to get by deleting , forget about the possible revenues that we could be obtaining by deleting Section 3 and (2) if that is the case, I don't think the board is that concern over the livelihood of the employees here because once, if Section 3 is taken out, then private companies are going to take over a lot of our business first of all. Takes over a lot of our business, then it may result in possible layoffs and we're concern about our employees.

Wilson: We're concern about our business and our employees but I think we've already decided that we have faith in their ability to provide phone service. As long as we are attacking this from the inside.

Stano: If we are going to compete, ok, and the members are confident that they can compete with the private-owned companies but I don't think we can compete without the support of management. I don't think we can compete with having to put up with the bureaucratic BS that we have to go thru on biddings, I don't think we have to can compete with bureaucratic BBS that we have to go thru an ordering supplies, getting equipment, getting personnel. If management is willing to provide the administrative support, then the members feel that we can compete. Besides, I don't think we can compete.

Wilson: We have in fact taken a very positive steps to just those things you are talking about. We have authorized our general manager and our supply people to go out and order additional equipment and additional repair parts, our people are going to school, we are obtaining the equipment and the backup that our people need obviously everything can't be done over night, but, I think that this board feels that we're taking the only reasonable course of action that we have and that's to admit that the interconnect business is a reality and that to fact up to that reality what we need to do is to compete. I and I think the other board members are confident in the ability of our employees to compete and I think it is that simple. Obviously, it will be easy to sit back and say, you go interconnect, we're going to rip out your phone service. We're not going to connect your lines. You also have to understand that not only does the Superior Court of Guam have interconnect that the Attorney General's Office has interconnect. In the first court of Appeals, I think we have cards stacked against us. It is a reality.

Aitano: Then what should be looked Stan is why do they have the interconnect? Why? because it takes so long for a repair to go from one clerk to another clerk to another clerk while our technicians out there who are capable of doing it within an hour's time is prohibited by the bureaucratic BS that he has to get a service order. If we get all rid of all of that and permit us to compete, then we can go in and repair those things.

Wilson: That is exactly what we are doing. We are eliminating, we are giving them the support and the back up. We're giving them the supplies and the tool and the parts

Aitano: It is apparent that there must be some communications problem from the top down because I don't your technicians out there are aware of this. They don't know because at last night's meeting, it was a concern that was raised. We sat for five hours last night up to 11 o'clock last night over the interconnect business. Why, because the employees are concerned over their jobs, over the loss of revenue. We have committed ourselves as an Authority to 40 million dollars and if we are going to lose revenue, that is going to raise our credit rating, you know. If we're going to compete, then let's compete on an even basis. Go to administrative and get a waiver on a bidding procedures, cut all these administrative hassles about service orders and things like that. As soon as a request comes in, you got a technician, have him repair it. The reason why the Attorney General and the Superior Court of Guam have interconnect because it take so goddame long for the procedure to go thru. If you cut this procedure and the service is there, you won't

you won't have any problems. We won't be losing the revenue, the morale would be good.

Olson: I think I'll withhold future comment with you to let John and Carlos and some of the other people that are more in tune with what the steps we are taking to respond to that. I think, granted, all the steps that we need and want and plan on taking are not completed yet. I think at this point we still are at a disadvantage but we understand it and we feel that we are addressing it properly and I think management can respond in greater detail as to the steps that are being taken and are planned to be taken in the future. I don't want to argue with you.

Taitano: You know I'm right, though, huh? Because our employees can do it it is just that they can't do it on a timely manner because they can't do it because they don't have a service order. Why, because somebody sat on it, in the meantime, if a private company goes over to a business man, time is money, whose principle is time is money and says you know I can install your equipment within 30 days if you go to GTA it will take you 120 days. Add ten dollars more, any reasonable businessman will take it for the sake of time. What I'm saying is that if Section 3 is going to be deleted, it is dependent upon the employees here, the employees will do the job ...they should be given the change to compete. They should also be given the opportunity to say, I can put in your phone in 30 days the same as the other companies, private companies.

Olson: I agree with you a hundred percent.

Taitano: See you and I think alike, you know.

Airman: Any other comments, Ann?

Wansel: Just a short comment on the, as far as Section 3 is concerned, we do have the Attorney General's opinion, I worked on this extensively also and I came up with the same matter and again, want to reemphasize what Stan stated that perhaps this is the time when this has surfaced and the one big word that comes out of it is "let's compete. Let's do the best we can; let our employees work towards that end, the idea of competition is not healthy, but, obviously this is going to surface. But this was not the criteria of which this section was supposed to have been deleted. The major question is whether FCC has jurisdiction over our system

Taitano: Than that is another question that should be looked into

Wansel: Well, we have. I have no doubt and the AG also has no doubt.

Airman: Thank you, Counsel. Mr. Taitano, first of all, I'd like to applaud your concern. You couldn't have voiced a closer and more intimate than your written testimony. This also struck at the very heart of the concern and commitment of the board of directors. It is unfortunate, however, in this particular case that it is somewhat similar to not really wanting to find out how hurt we would be if a bullet hits us just the mere fact that it does hit us, it will hurt. Your comments are very valid, huh, in fact management thru its

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initiative and aggressive process have substantially done what you are asking for. Management has created a marketing team. GTA every since its inception as a monopoly has never been addressing the need to market its service because the concept that it is a supplier's heaven. Now that no longer exists; we have interconnect company that has just as much legitimate right to set up business ad profit from the free enterprise system. So we have created a marketing team. Management in its own initiative have addressed the need for a more spontaneous and responsive operation in the repair and installation of telephones taht sectionalized Guam into three sections - Northern, Central and Southern. It appears to be working quite favorably. Management also has introduced a very new concept not only to the island but to the telephone industry and that is our phone markets, making available various types of telephone instruments to the general public. You may not be aware of this that thru management's efforts and thru numerous consultations and conferences and meetings, Bill #52 was introduced by Senatory Underwood and one of the provisions is to amend Subsection d of Section 21610 of the Government Code to read: The provisions requiring contracts, bids, or notices shall not apply to the procurement of professional or technical services (this is the change) for revenue producing equipment such as telephone, mobile telephone, switchboard and other consumer oriented equipment. So we are as your concern legitimately pointed out, we are progressing toward that point where we can legitimately compete with interconnect companies. You have to be very conscious of the fact that the interconnect has just as much right to exist as Guam Telephone Authority or as any business enterprise profiting out of the free enterprise busienss. If GTA thru its government affiliation and its monopolistic power inhibits their business activity, that cuts across the grain of the free enterprise system and of course, I'm sure as well as the general public believe in free enterprise system. That's what makes this country works; it is for that reason we are taking the initiative rather than resorting to court delcaratory ruling, we are taking the initiative by offering this amendment to our tariff because we have valid reason to believe...

Any objection to the proposed tariff change to the Guam Telephone Authority?

altas: My name is Tony Treltas, I'm the executive treasurer for Chelu and I've just a couple of comments concerning Bill 52. If that will pass, would it allow GTA to order direct to the manufacturer or would you still have... order direct equipment that you need

airman: We can do pretty much what we care to do and not necessarily going thru the bidding procedures.

son: I think what it will allow us to do is give us the discretion. If we want to order 10,000 phones for the warehouse, we can put it out to bid where we might get a lower price. If we want to order a PABX system that we need to get in 30 days to get installed, we can get on a telex and telex a supplier in the states and get the thing here in two weeks. I think what it will do is give us that flexibility that private enterprise has that's obviously what we need to compete - is that flexibility that government entity don't have and private industry does.

- Taitano: Another concern is that I would like to see GTA try to consolidate all of the telephone needs that Government of Guam have and rather than having GTA the authority to install of their service departments and agencies rather than having other private firms come in and providing these telephone needs that do provide as well what GTA has. I would appreciate very much if you would, I don't know whether the governor would have that authority to send out or circulate to advise the departments rather than going outside of GTA to at least give GTA the consideration first.
- Chairman: We have made that attempt.
- Taitano: What was the result of that?
- Chairman: Right after, if I may say something, right after the penetration I was successful in getting the governor to write a memorandum to all the departments to refrain from entering because of the fact that GTA is a government entity charged with that responsibility and also are in the midst of reconstruction, it is unfair right now for us to get into that kind of...in view of the reconstruction that are doing. So, we have successfully denied, or have the governor behind us, in denying other departments in entering into an agreement with the interconnect companies.
- Taitano: I hope that this will only apply to the executive branch but the other branches within our government.
- Chairman: We obviously would hope that they think so.
- Counsel: If you had been present during the many many meetings that we've had on this interconnect, your position even now as very competently voiced together with Mr. Taitano couldn't be as greater as our Chairman who was knocking on the table and that was the whole idea. But the idea basically is we are thinking of the same thing and we're trying to do the same. We can go out there and compete because the money made by GTA of course would enable us to pay off the loan and of course pay off the employees and everything else. So, we're very much in agreement with your concerns.
- Taitano: You know, we have a very heavy obligation to our members here at GTA. The counsel has stated that if we're present, if the board of directors would like to invite to these meetings, we would appreciate it and we will come. Public regarding this thing (well, we've only have exclusive bargain in March, a month). The members come to us they hear rumors, rumors create a lot of problems and the first thing they do is they come to us as their representatives and expressed their concern. If the Authority would permit to present at meetings where such discussions are being deliberated on, I would appreciate it.
- Chairman: Are there any other comments, remarks, questions or any other witness who want to testify? If not, I would like on behalf of the board of directors of Guam Telephone Authority express our sincere appreciation for attendance tonight. All the comments, all the testimonies, remarks will be taken into serious considerations before adoption of the personnel rules and regulations.

The notice for the tariff change will be appropriately published in the

newspaper. I would appreciate if you would look for it and definitely we welcome you to come back. Thank you. This hearing is adjourned.



GUAM TELEPHONE AUTHORITY

POST OFFICE BOX 9008 • TAMUNING, GUAM 96911

May 8, 1980

Memorandum

To: General Manager

From: Human Resources Director

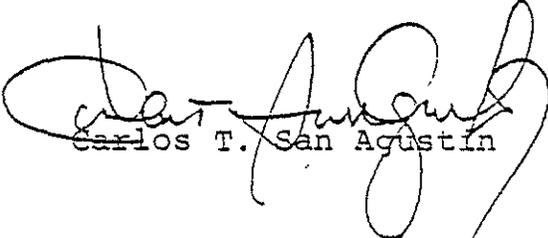
Subject: Proposed Personnel Rules and Regulations

Forwarded herewith for your review and presentation to the Board of Directors is GTA's proposed Personnel Rules and Regulations.

The results of the Public Hearing held on March 28, 1980 was reviewed thoroughly.

Suggestions by both local 1 (Chelu) and local 3 (Operating Engineers) were considered item by item, some of which received concurrence by my staff. Our Personnel Specialist devoted the necessary time and consideration in an attempt to determine the merit of each suggestions. The attached details the results of such review and the final recommendation of this department.

Upon adoption and approval of the Board of Directors, the document should then be forwarded to the Governor via the Civil Service Commission for their action. It is possible that the Civil Service Commission will conduct yet another Public Hearing on the proposed Personnel Rules and Regulations prior to submittal to the Governor.


Carlos T. San Agustin

Attachment

Rule III Section 3.74 page 7 Local 3

Recommendation to reinstate "consent may not be unreasonably withheld" accepted.

Chelu's request to define or interpret "conflict of interest" is self explanatory. Employee may be permitted outside employment if such outside employment does not conflict with GTA employment. such conflicts as:

1. Working for Western Pacific.
2. Working hours of outside employment conflicts with GTA employment whereby GTA working hours may need adjustment.
3. Others of similar nature.

Section 3.75 page 7 Chelu request for clarification of "immediate family" and "first degree of consanguinity" clarified by Board Chairman during Public Hearing. Also refer to AG's opinion of 10/9/75. (attached)

Rule IV Section 4.00 page 7 Rewritten

No change in intent of our first text. Made consistent with DDA and Port Authority Personnel Rules and Regulations. This section applies to recruitment, selection and promotion.

"Open competition" applicable to all of the above.

However, for promotion Section 4.20, 10.16 and 10.17 shall apply (Chelu and Local 3 comments considered).

To read: Employment in Guam Telephone Authority shall be accomplished consistent with the merit principles of recruiting, selecting, and advancing employees on the basis of their relative ability, knowledge, and skills, including open consideration of qualified applicants for initial employment. "Open Competition" implies that all available and interested persons who possess the pre-established minimum qualifications for a classification or occupation are eligible to apply and be evaluated, ranked and considered on the basis of their ability, knowledge and skills.

Section 4.21 page 10 Chelu's recommendation accepted.

- Section 4.33 page 12 Chelu's recommendation rejected.
Reason - (Attachment) Section 4.33(d),(e), (h) and (k).

Section 4.51 page 16 Chelu's recommendation rejected. In the event of a tie(s) all eligible applicant having same score will be certified and provided an opportunity to be interviewed. (in-house policy)

Attachment

Section 4.33

- (d) Not justifiable. From experience, waivers are not appropriate, particularly that we do not have assembled exam at the present time. Furthermore, any document which would represent as a qualification requirement fulfillment for a particular class is necessary before a final rating is determined. Our present classification standards when specifying a degree requirement is always followed with "or a degree in a related field".
- (e) (suggest we leave as is. This relates prior to appointment).
- (h) (leave as is) "Evidence that the applicant has been removed."
In other words, dismissed or terminated from GTA or other agency.
- (k) "Failure to respond to our request for discussion of criminal record or medical examination results obtained through official request by the General Manager." Intent would be to explain the extent of such report whereby consideration of a waiver may be granted by management.

Section 4.55 page 17 Chelu request on clarification of Labor. Refer to attached occupational list, Category III-Laboring Trade and Allied. All employees falling under this category shall be categorized under this occupation.

Section 4.72 page 21 (a) "expense of the authority" stated.

Section 4.74 page 22. Have tried coordinating with GIH, but they refused because of the tremendous number of out patients they handle daily.

Rule V Section 5.20 page 23 Chelu's recommendation accepted. ✓

Rule VI Section 6.00 page 26 Chelu's recommendation rejected. General Manager may certify eligibles or fill positions by demotion, transfer or reemployment. (Management's prerogative - inhouse policy)

Section 6.70 page 28 Chelu's recommendation rejected. ✓

Second sentence does indicate limitation. Classified positions such as engineers may necessitate a contract particularly that the profession is very limited on island. Cases like these normally authorizes above minimum step pay.

Rule VIII Section 8.00 page 32 Chelu's recommendation accepted.

Section 8.40 page 32 (c) Local No. 3

Recommendations rejected. Management's Prerogative. —

Section 8.60 page 34 Local No. 3 recommendations rejected.

Salary increment subject to final approval of the General Manager and subject to availability of funds. Satisfactory performance rating is initial salary increment policy.

Rule IX Section 9.02 page 35 Local No. 3 recommendations rejected. —

Grievance procedures very similar.

Rule X Section 10.00 page 37 Chelu's recommendations accepted (d) "In any one calendar year" (f) accepted recommendation of Chelu.

Section 10.12 page 39 (need Legal Counsel's opinion)

Section 10.14 page 40 - The intent of this rule is that a performance evaluation will be made because of the layoff. However, this will not be the ultimate determination. Employee's previous performance evaluations will be reviewed.

Rule XI

Section 11.26 Typing error. Should be "severe illness" (Local No. 3 questioned).

Call Back Pay - Local No. 3 recommendations partially accepted. Refer to Rule XII Section 12.28 page 64 last paragraph.

Mileage allowance not accepted. Call ~~back pay~~ of overtime rate for two hours rather than four hours as recommended.

Standby Duty - recommended by Local No. 3 rejected.
As agreed, management will require only supervisor for standby duties.



GUAM TELEPHONE AUTHORITY

POST OFFICE BOX 9008 • TAMUNING, GUAM 96911

FY80-24

BOARD OF DIRECTORS
SPECIAL MEETING
MAY 8, 1980

MINUTES

I CALL TO ORDER

The special meeting of the GTA Board of Directors was called to order at 5:35 p.m. in the GTA conference room, Tamuning.

II ROLL CALL

Present were: Jesus Perez, Chairman
Mel Hernandez, Vice Chairman
Enrique Guerrero, Secretary
Arthur Toves, Member
Marcus Magallanes, Member
Stanley Wilson, Member
Vincent Perez, Legal Counsel
John San Agustin, General Manager
Carlos San Agustin, Human Resources Director
Jesus Manibusan, Engineering Director
Anthony Hutchison, Comptroller
Gerald Taitano, Chelu President
Tony Treltas, Chelu

Board Treasurer Ana San Nicolas was absent and excused.

III COMMUNICATIONS

None

IV OLD BUSINESS

A. Proposed Personnel Rules and Regulations

Human Resources Director Carlos San Agustin reported that the comments received during the March 28th public hearing have been reviewed and some were incorporated in the draft personnel rules and regulations. The draft has been reviewed and accepted by Civil Service Commission in its present form. He is now requesting the board to approve so that he can send it to Civil Service for yet another public hearing. Advanced copies of the draft were presented to the board and after a short deliberation on it, Mr. Guerrero moved and Mr. Hernandez seconded that the proposed rules and regulations for GTA be adopted. Without any objection, the motion carried.

At this time, the board expressed commendation to management, especially to Mr. Carlos San Agustin and his staff, for the fine work they did in putting together the draft, incorporating those comments received from the public which are felt beneficial to both management and the employees.

V NEW BUSINESS

A. Guam Telephone Directory

Management presented a proposed resolution requesting to open a savings account with the Bank of Guam for the purpose of depositing receipts for the Guam Telephone Directory activities. According to management, the directory contractor, Garrison and Associates, has left the island prematurely and there are still some unpaid obligations from the classified advertisements. Until the legal aspect of the case is settled, these monies cannot be deposited in GTA's general fund since they are made out to Guam Telephone Directory. Thus, the request to open a separate savings account is being made.

Following a short discussion on the matter, Mr. Hernandez moved and seconded by Mr. Guerrero that the resolution be approved but the words, "Bank of Guam," should be substituted with "any bank." Without any objection, the motion carried.

B. Guam Contractors License Board

In line with the interconnect business, Mr. Magallanes remarked that he had found out that any contractor may obtain a license to do business in telecommunication without any requirement to be specialized in that particular field. The other members declared their concern as well and gave instruction to management to write to the Guam Contractors License Board requesting that GTA be allowed to offer its recommendation when an application is being reviewed.

Sort of a consolation to the members, Mr. San Agustin told the board members that though the above is true, FCC regulations protect GTA's system in that the interconnect equipment must meet the specification requirements of FCC before the interconnect company may connect to our system.

C. Replacement Instrument

Management will look into the suggestion of providing a spare jack and plug telephone instrument while the subscriber's own instrument is being repaired to insure continuity of service to the subscriber, thus preventing any allowance for credit to the subscriber while his instrument is under repair.

D. SOS Petition

The board deliberated at great length on the petition generated by a group known as SOS (Sell Our System) asking for the sale of the

Telephone system. According to some members, the petition is ill timed in that GTA is still undergoing its reconstruction program. Chairman Perez said he was rather dismayed with the petition when just now REA has confirmed Mr. John San Agustin to be the permanent manager. He went on that the present board, with the exception of two members, and management have only been with GTA for less than a year and yet REA has still given its approval of the present administration of the telephone system. He added that this petition should not worry anybody. With the completion of the reconstruction project, the time will come when Guam will enjoy a telephone system she so deserves.

VI PUBLIC PARTICIPATION

Mr. Treltas spoke in support that the petition is also not the answer. He said there are competent people within the Authority and selling the system is like "transferring one bad apple to another," not implying that GTA is that bad apple. Still, he is of the opinion that management must set up its standards on productivity to be on a competitive ground.

Mr. San Agustin expressed sentiments to Mr. Treltas for assuming a similar stance toward SOS. He further stated that the unions are being looked at to assist in helping the employees understand that they are here to provide good telephone service and as long as we are optimistic and diligent, we will succeed.

At this point, Chairman Perez stressed that the board and the management are looking toward the union people to provide an apprenticeship program acceptable to GTA.

VII ADJOURNMENT

There being no further business to discuss, the meeting was adjourned at 7:15 p.m.



ENRIQUE P. GUERRERO
SECRETARY, BOARD OF DIRECTORS
GUAM TELEPHONE AUTHORITY

GUAM TELEPHONE AUTHORITY
TAMUNING, GUAM

Resolution No. 80-27

Resolution Establishing Personnel Rules and
Regulations for the Guam Telephone Authority

Whereas, Sections 4004 and 21612 of the Government Code of Guam mandate that the Board of Directors of the Guam Telephone Authority shall establish Personnel Rules and Regulations governing selection, promotion, performance evaluation, demotion, suspension, and other disciplinary action for the employees of the Authority; and

Whereas, a proposed Personnel Rules and Regulations was drafted and notice of a Public Hearing was published in two (2) newspapers of general circulations in the Territory of Guam on March 18, 1980 and March 27, 1980 as required by Section 24201 of the Government Code of Guam; and

Whereas, a Public Hearing was conducted at the Authority's Conference Room on March 28, 1980, and all interested parties were afforded an adequate opportunity to participate in the formulation of the proposed rules and regulations through the presentation of facts or argument or the submission of written data or views; and

Whereas, the representatives of Operating Engineers Local Union No. 3 and the Chamorro Employees Labor Union (CHELU) presented oral and written recommendations and requests for clarifications on certain provisions of the proposed Personnel Rules and Regulations; and

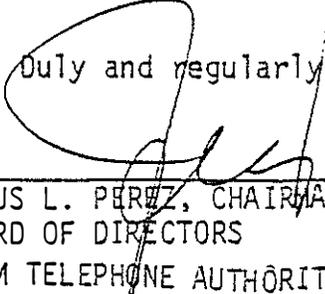
Whereas, these recommendations, comments and requests for clarifications were reviewed by an appropriate committee and some were incorporated in the draft personnel rules and regulations; and

Whereas, on May 8, 1980, the Board of Directors of the Guam Telephone Authority held a special meeting to consider the adoption of the proposed rules and regulations and other matters; and

Whereas, at this special meeting the Board of Directors of the Guam Telephone Authority approved a motion to adopt the proposed Personnel Rules and Regulations for the Authority without any objection; now, therefore, be it

Resolved, that the proposed Personnel Rules and Regulations dated May 8, 1980, shall be the official Personnel Rules and Regulations for the Guam Telephone Authority upon approval by the Civil Service Commission, Government of Guam, and by Executive Order of the Governor.

Duly and regularly adopted this 8th day of May, 1980.


JESUS L. PEREZ, CHAIRMAN
BOARD OF DIRECTORS
GUAM TELEPHONE AUTHORITY




ENRIQUE P. GUERRERO, SECRETARY
BOARD OF DIRECTORS
GUAM TELEPHONE AUTHORITY