



**UNIVERSITY OF GUAM  
UNIBETSEDÅT GUÅHAN  
Board of Regents**

UOG Station, Mangilao, Guam 96923  
Telephone: (671) 735-2990 • Fax: (671) 734-2296

**REGULAR MEETING**  
**Tuesday, November 24, 2020, 5:30 p.m., via ZOOM**  
**UOG, Mangilao, Guam**

**AGENDA**

- 1.0 CALL TO ORDER**
- 2.0 MEETING MINUTES**
  - Action 2.1 Regular Meeting Minutes for September 17, 2020**
  - Action 2.2 Special Meeting Minutes for October 15, 2020**
- Information 3.0 CHAIRPERSON'S REMARKS**
- Information 4.0 PRESIDENT'S REPORT**
- 5.0 REPORTS FROM STANDING COMMITTEES**
  - 5.1 Student Affairs, Scholarship, Alumni Relations, and Honorary Degree Committee**
    - Action 5.1.1 Resolution No. 20-32, Relative to Approving the Fanuchånan 2020 Commencement Graduate List**
    - Action 5.1.2 Resolution No. 20-33, Relative to Approving the Proposed Changes to the SGA Constitution and Bylaws, and Amendments to the UOG Student Regent Election Regulations**
  - 5.2 Academic, Personnel and Tenure Committee**
    - Action 5.2.1 Resolution No. 20-34, Relative to Expressing Appreciation to Christopher K. Felix for His Service as a Member, and Chairperson of the Board of Regents**
    - Action 5.2.2 Resolution No. 20-35, Relative to Awarding Emeritus Professor of Human Resource Management Status to Dr. Richard S. Colfax**
    - Action 5.2.3 Resolution No. 20-36, Relative to Approving the Undergraduate Minor and Certificate Programs in Cybersecurity Management**
    - Action 5.2.4 Resolution No. 20-37, Relative to Approving the New Personnel Rules and Regulations for Classified Employees of the University of Guam**
  - 5.3 Physical Facilities Committee**
    - Information 5.3.1 Facilities Management and Services Update**

	<b>5.4</b>	<b>Investment Committee</b>
<b>Information</b>	<b>5.4.1</b>	<b>Investment Update</b>
<b>Action</b>	<b>5.4.2</b>	<b>Resolution No. 20-38, Relative to Authorizing the University of Guam to Enter into a Contract for Investment Advisory Services</b>
	<b>5.5</b>	<b>Budget, Finance, and Audit Committee</b>
<b>Information</b>	<b>5.5.1</b>	<b>Financial Update</b>
<b>Information</b>	<b>5.5.2</b>	<b>Collections Report</b>
<b>Information</b>	<b>5.5.3</b>	<b>Procurement Transactions and Contracts Report</b>
<b>Action</b>	<b>5.5.4</b>	<b>Resolution No. 20-39, Relative to Approving a Revised Re-Appportioned FY2021 General Operations Budget</b>
<b>Action</b>	<b>5.5.5</b>	<b>Resolution No. 20-40, Relative to Approving the FY2020-2021 Insurance Program</b>
<b>Action</b>	<b>5.5.6</b>	<b>Resolution No. 20-41, Relative to Authorizing the Signing of Checks and Corporation Resolutions and Opening or Closing Bank Accounts, Investment Accounts or Credit Facilities</b>
<b>Action</b>	<b>5.5.7</b>	<b>Resolution No. 20-42, Relative to Approving a Change Order Standard Operating Procedure for the University of Guam</b>
<b>Information</b>	<b>6.0</b>	<b>AD HOC REPORT: ENDOWMENT FOUNDATION UPDATE</b>
	<b>7.0</b>	<b>OPEN PRESENTATION (3 Minute Limit Per Person)</b>
	<b>8.0</b>	<b>EXECUTIVE SESSION</b>
<b>Information</b>	<b>8.1</b>	<b>Student Loan Action</b>
<b>Information</b>	<b>8.2</b>	<b>Recommendation for Tenure for Leslie Aquino, Associate Professor of Mathematics, College of Natural and Applied Sciences</b>
<b>Information</b>	<b>8.3</b>	<b>Recommendation for Tenure for Nathan Habana, Associate Professor of Ground Water Hydrology, Water and Environmental Research Institute</b>
<b>Information</b>	<b>8.4</b>	<b>Recommendation for Tenure for Francis Dalisay, Associate Professor of Communication, College of Liberal Arts and Social Sciences</b>
<b>Information</b>	<b>8.5</b>	<b>Recommendation for Tenure for Pyo-Yoon Hong, Associate Professor of Engineering, School of Engineering</b>
<b>Information</b>	<b>8.6</b>	<b>Recommendation for Tenure for Colleen Jennings, Assistant Professor of Vocal Performance, College of Liberal Arts and Social Sciences</b>

**Information**      **8.7**    **Recommendation for Tenure for Yoshito Kawabata, Associate Professor of Psychology, College of Liberal Arts and Social Sciences**

**Information**      **8.8**    **Recommendation for Tenure for Tanisha Aflague, Associate Professor of Nutrition, College of Natural and Applied Sciences**

**Information**      **8.9**    **Recommendation for Tenure for Raymond Anderson, Professor of Communication, College of Liberal Arts and Social Sciences**

**9.0**    **VOTING FILE**

**Action**            **9.1**    **Student Loan Action**

**Action**            **9.2**    **Recommendation for Tenure for Leslie Aquino, Associate Professor of Mathematics, College of Natural and Applied Sciences**

**Action**            **9.3**    **Recommendation for Tenure for Nathan Habana, Associate Professor of Ground Water Hydrology, Water and Environmental Research Institute**

**Action**            **9.4**    **Recommendation for Tenure for Francis Dalisay, Associate Professor of Communication, College of Liberal Arts and Social Sciences**

**Action**            **9.5**    **Recommendation for Tenure for Pyo-Yoon Hong, Associate Professor of Engineering, School of Engineering**

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**Action**            **9.8**    **Recommendation for Tenure for Tanisha Aflague, Associate Professor of Nutrition, College of Natural and Applied Sciences**

**Action**            **9.9**    **Recommendation for Tenure for Raymond Anderson, Professor of Communication, College of Liberal Arts and Social Sciences**

**10.0**    **ADJOURNMENT**

1.0 CALL TO ORDER



## 2.0 MEETING MINUTES

2.1 Regular Meeting Minutes for September 17, 2020

2.2 Special Meeting Minutes for October 15, 2020



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**Regular Meeting Minutes  
September 17, 2020**

**1.0 CALL TO ORDER**

The Regular Meeting of the Board of Regents (BOR) was called to order by BOR Chairperson Elvin Y. Chiang on September 17, 2020 at 5:30 p.m., VIA ZOOM. Notice of such meeting have been duly and regularly provided by the BOR.

**QUORUM:**

**Elvin Chiang**

**Mari Flor Herrero**

**Jerold Filush**

**Liza Provido**

**Sandra McKeever**

**Francis Hezel**

**Lesley Leon Guerrero**

**Agapito "Pete" Diaz**

**Mebric Navisaga**

**Chairperson**

**Vice Chairperson**

**Treasurer**

**Member**

**Member**

**Member**

**Member**

**Member**

**Member**

**ALSO PRESENT:**

**Thomas W. Krise**

**Anthony Camacho**

**Chris Mabayag**

**David S. Okada**

**Tessica Duenas**

**Executive Secretary**

**General Counsel**

**Recording Secretary**

**CPO/Interim Chief of Staff**

**Host for Zoom Meeting**

**2.0 MEETING MINUTES**

**2.1 Regular Meeting Minutes of April 23, 2020**

Chairperson Chiang asked if there were any corrections or discussion regarding the regular meeting minutes as presented. Regent Filush moved to approve, which was duly seconded by Regent McKeever. The motion carried.

**2.2 Special Meeting Minutes of May 14, 2020**

Chairperson Chiang asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Herrero moved to approve, which was duly seconded by Regent Provido. The motion carried.

**2.3 Special Meeting Minutes of June 16, 2020**

Chairperson Chiang asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Leon Guerrero moved to approve, which was duly seconded by Regent Hezel. The motion carried.

## **Board of Regents Regular Meeting Minutes of September 17, 2020**

### **2.4 Special Meeting Minutes of July 28, 2020**

Chairperson Chiang asked if there were any corrections or discussion regarding the special meeting minutes as presented. Regent Herrero moved to approve, which was duly seconded by Regent Diaz. The motion carried.

### **3.0 CHAIRPERSON'S REPORT**

Chairperson Chiang welcomed everyone to the September Regular BOR meeting. He hopes everyone continues to remain safe and healthy and appreciates everything we are doing to keep the mission of our University moving forward despite the difficulties and challenges from the public health emergency and budget restrictions.

He remains confident that we will all get through this and resume some normalcy in our future. He thanked everyone for doing their part in wearing a mask, practicing social distancing, and sanitizing as often as possible to protect others and yourself.

He stated that this period has also been hard with many losses so close to our UOG family. He then took the time to reflect and express condolences and a Moment of Silence for the loss of several family members of the UOG Community since the last meeting.

Annette Acfalle Tedpahogo who passed away August 24, 2020 at the age of 59. She was the mother of Jesse Joe A. Tedpahogo, Library Technician II, Robert F. Kennedy Memorial Library, at the University of Guam.

Rose B. Murphy who passed away August 24, 2020 at the age of 93. She was the mother of Dr. Roseann Jones, Professor of Economics, School of Business and Public Administration.

Dr. Suzanne U. Bells who passed away August 24, 2020 at the age of 58. She passed away in Cedars-Sinai Medical Center in Los Angeles. Dr. Bells was an Assistant Professor, Special Education, in the School of Education. She started work with the University of Guam in December 2012. She earned her Ph.D. in Special Education, Early Intervention, in 2009 from the University of Oregon. Dr. Bells is believed to be the first woman of Palauan descent to earn a Ph.D. and teach at the University. She earned her M.S. in Education from Southern Oregon University in 2004 and her B.A. in Elementary Education (Magna Cum Laude) from the University of Guam in 1995.

Justo Iriarte Toves who passed away July 12, 2020 at the age of 84. He was the father of Debbie Toves, Administrative Assistant, School of Business and Public Administration.

Marcelino Voloria Herreria who passed away May 1, 2020 at the age of 92. He was the father of Crispina HerreriaTagudin, Laboratory Technician III, at the Water and Environmental Research Institute (WERI) of the Western Pacific.

Richard Cruz Dydasco who passed away April 22, 2020 at the age of 79, and Richard Anthony Salas Dydasco who passed away on May 2 at the age of 53. Mr. Richard Cruz Dysdasco is the father of Ms. Orana Dydasco Elsegini, Word Processing Secretary II under Academic and Student Affairs. Mr. Richard Anthony Salas Dydasco is the brother of Ms. Orana Elsegini.

Rosalina Parnas Bretania who passed away April 21, 2020 at the age of 97. She was the mother of the Hon. Nerissa Bretania Underwood, former Senator in the 33rd Guam Legislature and a 2011 UOG

## **Board of Regents Regular Meeting Minutes of September 17, 2020**

Distinguished Alumna. She was the mother-in-law of former UOG President Dr. Robert A. Underwood. Mrs. Bretania was originally from Iloilo, Philippines and taught for over 40 years in Guam's schools.

Dr. James Charles Houk who passed away April 4, 2020 at the age of 71. Dr. Houk is a distinguished professor and past Chairman of the Physiology Department at Northwestern University's Feinberg School of Medicine. He was the father of Dr. Peter Houk, Associate Professor at the UOG Marine Lab, and father-in-law of Fran Castro, Research Associate at UOG Sea Grant.

Feliciana Domaol Barrozo who passed away September 10, 2020 at the age of 78. She is the mother of Rosielyn Babauta, Instructor of Nursing, at the School of Health.

He also included in the moment of silence to those lives that were lost by the COVID-19 virus, through other unfortunate incidences, and the losses from the 9-11 tragedy.

### **4.0 PRESIDENT'S REPORT**

President Krise expressed special thanks to Chairman Chiang and Vice Chairwoman Herrero as they near the end of their service during a memorably complicated time in our history.

He shared with the Board the Year in Review slide show that was presented at the Faculty Convocation earlier today which captures a lot of the great accomplishments of UOG over the last year.

He highlighted on the Pandemic Condition of Readiness 1 (PCOR1) stating the University is continuing in online mode. He praised SVP/P Enriquez, the deans, faculty and Office of Information Technology (OIT) for managing the PCOR1 shift. He also thanked General Counsel Camacho for managing a torrent of legal issues related to the pandemic. He noted that the P&T committee, Faculty Senate and other committees' have moved smoothly into online operations and have not missed a beat.

He thanked the Board for their efforts to persuade and influence the elected leaders to find ways to continue supporting the University. He noted the challenge is to stop the hemorrhage in funding that has been ongoing for over 4 years. He thanked VPAF Wiegand, Rachel Cubacub, Mark Duarte and the entire budget team for coping with the budget situation.

He reported that the building projects continue to crawl forward, and thanked VPAF Wiegand, UOGEF and others for their persistence and patience as we continue to pursue loans and grants.

He shared that the student enrollment is roughly equal to where we were last year, noting that it is a tremendous achievement given we anticipated a reduction of 15% due to the pandemic. He thanked the entire EMSS team lead by Dean Lawrence Camacho for recruiting the students and for all their efforts. He also thanked Residence Halls Director Mark Mendiola for managing students in the dorms with maintaining their health and safety. He then thanked FSM Consul General Teresa Filepin for their contributions to the dorm students, and SGA President Marc Bituin for redirecting their resources to support students who are in unusual need because of the pandemic recession.

President Krise reported that the US News and World Report included the University of Guam in their ranking system and pleased to be on the list of best institutions for Social Mobility. He added kudos to Vice Provost Dee Leon Guerrero, Trini Macduff and team for getting the University recognized.

He reported that the Economic Impact Study was released in the summer. He expressed kudos to Dr. Claret Ruane, the SBPA team, Jonas Macapinlac and his team for promoting the study with an exclusive in the Guam Business Magazine.

## **Board of Regents Regular Meeting Minutes of September 17, 2020**

He reported that the Para Hulo' plan remains in effect and thanks to the crisis we've lurched forward in some elements, namely expanding online learning and improving business processes. He thanked Staff Council and David Gogue and team for helping the University modernize on the fly.

He further reported that SVP/P Enriquez was elected to be a Western Association of Schools and Colleges (WASC) commissioner, noting that it is a great achievement for the SVP/P. He added that the Para Hulo' dates are arranged to align with our next accreditation visit.

In closing, President Krise noted that we will continue to improve online, hybrid teaching, advising and library services and support so, when we come out of this pandemic-recession, we will be new and improved and better able to help our neighbors realize a brighter future.

### **5.0 REPORTS FROM STANDING COMMITTEES**

#### **5.1 Student Affairs, Scholarship, Alumni Relations and Honorary Degree (SASARHD) Committee**

Regent Herrero reported that the SASARHD Committee met on September 9<sup>th</sup> via zoom and presented the proposed resolutions for the board's approval.

##### **5.1.1 Resolution No. 20-23, Relative to Approving the Re-Appportioned Student Financial Assistance Program FY2021 Budget**

Regent Herrero introduced Resolution No. 20-23 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution explaining the purpose. The motion carried.

##### **5.1.2 Resolution No. 20-24, Relative to Awarding the Honorary Degree of Doctor of Human Letters to Rlene Santos Steffy**

Regent Herrero introduced Resolution No. 20-24 and moved to approve, which was duly seconded by Regent McKeever. She summarized the resolution explaining the purpose. The motion carried.

##### **5.1.3 Resolution No. 20-25, Relative to Awarding the Honorary Degree of Master of Micronesian Traditional Knowledge of Rosalia Fejeran Mateo Torres**

Regent Herrero introduced Resolution No. 20-25 and moved to approve, which was duly seconded by Regent Provido. She summarized the resolution explaining the purpose. The motion carried.

#### **5.2 Academic, Personnel and Tenure Committee (AP&T) Committee**

Regent Leon Guerrero reported that the AP&T Committee met on September 9<sup>th</sup> via zoom and presented the proposed resolutions for the board's approval.

##### **5.2.1 Resolution No. 20-26, Relative to Approving the University of Guam Policy Prohibiting Sex Discrimination**

Regent Leon Guerrero introduced Resolution No. 20-26 and moved to approve, which was duly seconded by Regent Hezel. She summarized the resolution explaining the purpose. The motion carried.

##### **5.2.2 Resolution No. 20-27, Relative to Awarding Emeritus Professor of Psychology Status to Dr. Kyle D. Smith**

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Regent Leon Guerrero introduced Resolution No. 20-27 and moved to approve, which was duly seconded by Regent Diaz. She summarized the resolution highlighting Dr. Smith's accomplishments as a faculty member. The motion carried.

### **5.3 Physical Facilities Committee**

Regent Provido reported that the Physical Facilities Committee met on September 9<sup>th</sup> via zoom and a quorum was present. No resolutions were presented to the board at this time.

#### **5.3.1 Facilities Management and Services Update**

Regent Provido gave a brief report on the Facilities Management and Services (FMS) projects, a copy of which is attached.

### **5.4 Investment Committee**

Regent Filush noted that the Investment Committee met on September 10<sup>th</sup> via zoom and a quorum was present.

#### **5.4.1 Investment Update**

Regent Filush reported that the Investment committee met with the representatives from Raymond James, to discuss the current performance of the endowment fund. The Market Value of the fund on August 30, 2020 was \$27.8M which is an increase of \$3.5M from that reported to the Board in April. For FY2020, the investment portfolio is up \$1.8M or approximately 7%. Raymond James did not suggest that any further changes be made to the investment allocations at this time and the Committee agreed. Raymond James did suggest that we consider changing investment advisors over the Non-US Equity portfolio as our current manager, Renaissance, continues to underperform the market. After further discussion, it was decided to replace Renaissance with Clearbridge Investments, specifically utilizing their International Growth ADR ESG Strategy fund. It should be noted that there would be a savings in annual fees with higher anticipated returns, but also that this fund specifically incorporates environmental, social and governance factors in its investment selections which factors were included in *Resolution No. 20-19, Relative to Approving the Revisions to the UOG Investment Policy Statement* passed by the Board in the May 14, 2020 meeting. Raymond James also suggested we consider changing the investment advisor over the Global Bond portfolio as our current manager, Templeton continues to underperform the market. After further discussion, it was decided to replace Templeton with the iShares Core International Aggregate Bond ETF which not only outperformed our current portfolio manager over the last 1 year, 5 year and 10 year periods but for which the annual fees will be approximately 80% lower. Raymond James will forward the paperwork to the University such that the changes to these investment managers will be completed by September 30.

### **5.5 Budget, Finance, and Audit (BFA) Committee**

Regent Filush reported that the BFA Committee met on September 10<sup>th</sup> via zoom and presented the updates and proposed resolutions for the board's approval.

#### **5.5.1 Financial Update**

Regent Filush reported that as of August 31, 2020, the GovGuam payments from DOA were 100% of all allotments requested as of that date. No problems are anticipated with collecting the remaining FY2020 allotments. The preliminary July 31, 2020 cash basis Statement of Revenues, Expenses and Changes in Net Positions reflected an increase in net position of \$4.5M. The actual performance will change when the cash basis financial are converted to accrual basis due to timing differences of cash receipts and

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disbursements and the University anticipated an approximate breakeven financial statement on September 30, 2020. The preliminary comparative July 31, 2020 and September 30, 2020 accrual basis unaudited Statement of Net Position showed significant reductions in accounts receivable and accounts payable which is directly tied to the improvement in collections of allotments from DOA during FY2020. The statement of operations comparing the budget for FY2020 to actual as of August 31, 2020 reflects differences that will be close to breakeven at September 30, 2020. All significant differences in these three financial statement presentations were explained to the satisfaction of the Committee members.

### **5.5.2 Collections Report**

Regent Filush reported that collections for student loans is ahead with \$389,763, which surprisingly was not anticipated considering the pandemic.

### **5.5.3 Procurement Transactions and Contracts Report**

Regent Filush noted that there were several procurement transactions and contracts of over \$100K entered during April through August. Most were pass through items that do not significantly affect the financial statements of the University. The Committee discussed the items on the listing in detail with VPAF Wiegand and all questions were explained to the satisfaction of the Committee members.

#### **5.5.4.1 Resolution No. 20-28, Relative to Approving the Re-Appportioned FY2021 General Operations and Special Appropriations Budgets**

Regent Filush introduced Resolution No. 20-28 and moved to approve, which was duly seconded by Regent Hezel. He summarized the resolution explaining the purpose. The motion carried.

#### **5.5.4.2 Resolution No. 20-29, Relative to Approving the FY2021 Non-Appropriated Funds (NAF) Budgets**

Regent Filush introduced Resolution No. 20-29 and moved to approve, which was duly seconded by Regent McKeever. He summarized the resolution explaining the purpose. The motion carried.

#### **5.5.4.3 Resolution No. 20-30, Relative to Approving the FY2021 Auxiliary Budgets**

Regent Filush introduced Resolution No. 20-30 and moved to approve, which was duly seconded by Regent Hezel. He summarized the resolution explaining the purpose. The motion carried.

#### **5.5.4.4 Resolution No. 20-31, Relative to Approving the Proposed FY2020-2021 Insurance Program**

Regent Filush introduced Resolution No. 20-31 and moved to approve, which was duly seconded by Regent Provideo. He summarized the resolution explaining the purpose. The motion carried.

## **6.0 AD HOC REPORT: ENDOWMENT FOUNDATION (EF) UPDATE**

Katrina Perez, Executive Director provided the BOR with an update on the UOGEF. She reported that this has been a challenging year for fundraising for most anything other than for COVID-19 relief. The EF is proud to continue supporting UOG in its efforts to support front line responders during this pandemic. She stated that Dr. Margaret Hattori-Uchima and Mr. Carlos Taitano have been key to these especially important efforts. She added that most recently we have received in kind donations

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towards the Guam COVID-19 response project, and that \$30K surgical masks were donated from AIDS Care China, which is a non-governmental organization.

She also reported that two doctors from the University of California San Francisco arrived on island to conduct a week-long workshop on mass contact tracing. She noted that the EF helped to garner support from the business community in this endeavor. She also stated that cost for the doctor's travel were from the donated funds received from the April 2020 UOG Livestream Telethon for COVID-19 relief.

Lastly, she reported that with the start of AY20-21, the EF has been busy coordinating selections for student scholarship and that the process is still on-going. They are looking forward to awarding \$83K in scholarship to 43 students. She acknowledged the very generous donors, stating that 13 of the scholarships will be awarded for the first time, with a few that are leadership examples having been founded by current and former leaders from with the University of Guam and the UOG Endowment Foundation. She added that a virtual scholarship will be held later once the selections have been completed.

### **7.0 OPEN PRESENTATION (3 Minute Limit per Person)**

Chairperson Chiang opened the floor for open presentations. There were no presentations.

### **8.0 EXECUTIVE SESSION**

- 8.1 Recommendation for Tenure for Laura Biggs, Assistant Professor of Biology and Physiology, College of Natural and Applied Sciences**
- 8.2 Recommendation for Tenure for Velma Yamashita, Associate Professor of Art, College of Liberal Arts and Social Sciences**
- 8.3 Recommendation for Tenure for Joseph Tuquero, M.S., Extension Agent III/Assistant Professor (Cooperative Extension & Outreach), College of Natural and Applied Sciences**
- 8.4 Recommendation for Tenure for Tedros Bezabeh, Associate Professor of Chemistry, College of Natural and Applied Sciences**
- 8.5 Recommendation for Tenure for William Jeffery, Assistant Professor of Anthropology, College of Liberal Arts and Social Sciences**

This Executive Session commenced at 6:37 p.m. The Executive Session ended at 7:00 p.m.

### **9.0 VOTING FILE**

- 9.1 Recommendation for Tenure for Laura Biggs, Assistant Professor of Biology and Physiology, College of Natural and Applied Sciences**

Regent Leon Guerrero moved to approve the tenure application of Dr. Laura Biggs, which was duly seconded by Regent McKeever. The motion carried.

- 9.2 Recommendation for Tenure for Velma Yamashita, Associate Professor of Art, College of Liberal Arts and Social Sciences**



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Regent Leon Guerrero moved to approve the tenure application of Dr. Velma Yamashita, which was duly seconded by Regent Herrero. The motion carried.

**9.3 Recommendation for Tenure for Joseph Tuquero, M.S., Extension Agent III/Assistant Professor (Cooperative Extension & Outreach), College of Natural and Applied Sciences**

Regent Leon Guerrero moved to approve the tenure application of Mr. Joseph Tuquero, which was duly seconded by Regent Hezel. The motion carried.

**9.4 Recommendation for Tenure for Tedros Bezabeh, Associate Professor of Chemistry, College of Natural and Applied Sciences**

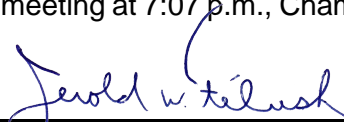
Regent Leon Guerrero moved to approve the tenure application of Dr. Tedros Bezabeh, which was duly seconded by Regent Diaz. The motion carried.

**9.5 Recommendation for Tenure for William Jeffery, Assistant Professor of Anthropology, College of Liberal Arts and Social Sciences**


Regent Leon Guerrero moved to approve the tenure application of Dr. William Jeffery, which was duly seconded by Regent Hezel. The motion carried.

**10.0 ADJOURNMENT**

Regent Herrero moved that the zoom meeting be adjourned, which was duly seconded by Regent Provideo and passed. Chairperson Chiang adjourned the meeting at 7:07 p.m., Chamorro Standard Time.

  
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Jerold W. Filush, Chairperson

**ATTESTED:**

  
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Thomas W. Krise, Ph.D., Executive Secretary

## PHYSICAL FACILITIES REPORT TO THE COMMITTEE – 9 Sep 2020

This report covers actions/activities from two UOG units: *Facilities Management & Services* and the *Safety & Security Office/Services*. These offices are interconnected, where appropriate.

### **Facilities Management & Services (FMS) Update:**

Management spreadsheet is provided with updates as follows:

#### School of Engineering and Student Success Center

The VPAF responded to the questions from USDA on Aug 21, 2020. Additional responses to questions were also provided through General Counsel.

**Current Status:** We are anticipating feedback from USDA no later than mid-Sep 2020. Contractors are still on hold, but, are concerned about how long it is taking to close on the USDA action. We are in communication with Bascon and Reliable.

#### Guam Cultural Repository at UOG

The 5<sup>th</sup> contract with SSFM is signed. We are nearing completion of the environmental assessment permits and should begin clearing and grubbing the property soon. The Guam Buildup Office (GBO) would like to coordinate a ground breaking ceremony to highlight progress. Date and time may be forthcoming.

**Current Status:** Completing clearing and grubbing permit, planning a ground breaking ceremony.

#### Water and Environmental Research Institute (WERI) and School of Health (SOH) Building

The United States Economic Development Administration (US EDA) Grant POC has reported that the WERI and SOH submissions were combined into one project and has further moved through the next step of approval.

**Current Status:** Awaiting feedback from US EDA on their next steps of approval. Possibly in Oct 2020.

- The WERI building is new construction to relocate WERI from the bottom of the Marine Lab hill to across the street from the English Language Institute building in Dean Circle. This building will consist of an expanded water testing lab, offices, meeting rooms, and some classrooms. Combined with SOH and approved to move forward.
- The SOH building is a two-story facility annex expansion for more lab and classroom space. This was originally a third request that got combined with the WERI building and approved to move forward.

#### Bordallo Expansion to Micronesian Area Research Center (MARC) / Robert F. Kennedy (RFK) Library

This is an expansion of either of the two buildings to archive donated historical documents and articles from former Congresswoman Bordallo. Congresswoman Bordallo will be donating funds for the expansion. Will continue to review possible locations and conceptual plans when Pandemic crisis allows.

**Current Status:** Currently on hold due to Pandemic crisis.

#### CNAS 2nd Floor Science Building Laboratory Expansion

Two new large labs/classrooms have been added to the Science Building for the College of Natural and Applied Sciences (CNAS). Received occupancy for the use of the labs. Remaining actions are the installation of the two fume hood systems when the parts arrive.

**Current Status:** Waiting for fume hood parts. Once installed and operational, this will complete this project.

### International Dorm

This is a new dorm to primarily support Global Learning & Engagement's (Professional and International Programs) visiting students as well as regional students and visitors. This dorm was being reviewed by a consultant for a Private-Public-Partnership (PPP) opportunity. If the determination looks good for a PPP, a Request for Proposal (RFP) will be initiated.

**Current Status:** This project is currently on hold due to the Pandemic Crisis.

### Deskubre Building

The Deskubre building for GLE was one of the projects submitted under the US EDA Grant. This project was not approved to move forward.

**Current Status:** Project is placed on hold pending a new funding source.

- The Deskubre building is new construction to support the Global Learning & Engagement's International and Professional (PIP) Program and the Office of Research and Sponsored Programs (ORSP). The facility will provide much needed classroom space, offices, and meeting rooms.

### Triton Engagement Center (TEC) and Fine Arts Facility

These are potential projects pending funding with possible bond. Currently on hold due to the Pandemic Crisis. **Current Status:** Currently on hold due to the Pandemic Crisis.

- The TEC is a new facility located in Dean Circle cliff-line to expand research, outreach, and educational support.
- Fine Arts Facility will be a new facility to replace the current Fine Arts Facility to expand capacity of the arts programs, class lecture space, and community-type venue. It would be built on/near the current structure.

### Storm Water Outfall Project

Project is completed. Working final payment issues with contractor on change orders payment. After payment is made, this will finalize all project actions.

### Life Cycle / Preventive Maintenance Plan

These are projects that have priorities to review, repair, and/or replace:

- Air Conditioning Systems.
- Current projects being worked on are units at College of Liberal Arts and Social Sciences (CLASS); College of Natural and Applied Sciences (CNAS); School of Education (SOE); and School of Business and Public Administration (SBPA).
- Field House - There are 16 large condenser units and most are in poor shape. At least 3 have been turned off; many need replacing and all need constant preventative maintenance.
- Generators. SBPA and generator that supports the RFK Library, Micronesia Area Research Center (MARC), Global Learning & Engagement (GLE), and the Computer Center.
- Water pump for the tank that supports the main campus water supply.
- Campus lighting – major parts have been ordered. Waiting to be installed.

### **Current Status:**

- Made general assessments of each AC systems and will start preparing procurement documents to address each system repair or replacement in a priority order. In the meantime, doing only checks on current working systems.
- Completing procurement documents for generator replacement for OIT/RFK/MARC/PIP facility. Funding sources are the HEEF (Higher Education Endowment Fund) and CARES (Coronavirus Aid, Relief, and Economic Security) Act.

### **Organizational Restructuring and Personnel Fill:**

- FMS Director is hired – Glenn Leon Guerrero. Started Aug 5, 2020.
- Capital Projects Manager (CPM) position – one applicant being reviewed. Position is open until filled.
- Capital Improvement Project Coordinator (CIPC) position – Open Until Filled. Currently no applicants.
- Building Maintenance Superintendent – recently retired and recruitment being pursued. Announcement was changed to “Open Until Filled”. Originally closed on Aug 14<sup>th</sup>. One potential applicant that may not be qualified. Waiting HRO file assessment.
- Refrigeration Mechanic Supervisor – originally closed Aug 19; changed status to “Open Until Filled”. One potential applicant pending HRO file assessment. Might not qualify.
- Refrigeration Mechanic I – originally closed Aug 17; changed status to “Open Until Filled”. One potential applicant pending HRO file assessment (same applicant as for supervisor). Might not qualify.
- Maintenance Custodians (2) – closed on Aug 17. 8 possible applicants with about 3 eligible.
- Trades Helper – closed Aug 18. 13 possible applicants. Waiting for HRO file assessment.
- Other vacant positions pending review on overall priority list of UOG. Currently on hold due to Pandemic Crisis.

### **Safety & Security Service/Office (SSO) Update**

Safety Administrator position - Five (5) applicants interviewed. Two top candidates emerged. References were received last Saturday. Search Committee recommendation documents sent to the Human Resources Office on Sep 9, 2020 for further processing. The number two person, the Safety Inspector I, has been serving with the Guam National Guard since March and his tour may end at the end of Sep, or may be extended.

- Fire Systems Status – There are 20 fire systems on campus.
  - 3 in compliance.
  - 2 not operational; control panels are broken.
  - 15 in compliance but need one or more of the following: a phoneline, updated 'night number' to call, service on an existing phoneline, or a part needs replacement.
- Elevator Status – There are 14 elevators and lifts on campus.
  - 11 in compliance and passed an inspection and we will apply for the permit.
  - 2 need work to be in compliance and get a permit.
  - 1 no longer operational. School of Health. Old outside metal system, rusted, not safe, costly to replace. People who need an elevator can use the elevator in the Science Build and just cross the 2nd floor bridge.
- ADA doors – There are 71 ADA doors on campus.
  - All but one (1) are currently operational; some with minor issues. Student Center door is not working and there are quotes being sought for the repair.
- Campus Security Cameras – There are a variety of cameras on campus, but there is no "system" per se. A central system hub was designed for the new Student Success Center.
  - Dorms are looking into new systems (waiting for final quotes).
  - Campus-wide system will have to wait until funding is available.
- Marine Lab hill lighting.

- GPA has installed 3 new lights on Marine Lab Lane on the hill making night driving much safer. New road safety and building location signage is next.
- Campus signage and safety curb/parking lot stripping.
  - UOG's campus has many dozens of directional and safety signs.
  - Plans are underway to replace/remove old sign footings and replace needed signs.
  - ADA parking spots and fire lane paint is being refreshed.



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN**

**Board of Regents**

UOG Station, Mangilao, Guam 96923  
Telephone: (671) 735-2995 Fax: (671) 734-2296

**Special Meeting Minutes  
October 15, 2020**

**1.0 CALL TO ORDER**

The Special Meeting of the Board of Regents (BOR) was called to order by BOR Chairperson Jerold W. Filush on October 15, 2020 at 5:15 p.m., via Zoom. Notice of such meeting have been duly and regularly provided by the BOR.

Chairperson Filush mentioned as this is special meeting, only topics on the agenda will be discussed for administrative re-validation of actions. He introduced Regent Diaz to cover the items in 2.1.

**QUORUM:**

**Jerold Filush  
Liza Provideo  
Sandra McKeever  
Elvin Chiang  
Francis Hezel  
Lesley Leon Guerrero  
Agapito "Pete" Diaz  
Mebric Navisaga**

**Chairperson  
Vice Chairperson  
Treasurer  
Member  
Member  
Member  
Member  
Member**

**ALSO PRESENT:**

**Thomas W. Krise  
Anthony Camacho  
Christine Mabayag  
David S. Okada  
Tessica Duenas**

**Executive Secretary  
General Counsel  
Recording Secretary  
CPO/Interim Chief of Staff  
Host for Zoom Meeting**

**2.0 OLD BUSINESS**

**2.1 Student Affairs, Scholarship, Alumni Relations, and Honorary Degree Committee**

Regent Diaz reported that there were three resolutions for the board's approval.

**2.1.1 Resolution No. 20-23, Relative to Approving the Re-Appportioned Student Financial Assistance Program FY2021 Budget**

Regent Diaz introduced Resolution No. 20-23 and moved to approve the resolution, which was duly seconded by Regent Provideo. He summarized the resolution explaining the purpose. The motion carried.

**2.1.2 Resolution No. 20-24, Relative to Awarding the Honorary Degree of Doctor of Humane Letters to Rlene Santos Steffy**

Regent Diaz introduced Resolution No. 20-24 and moved to approve the resolution, which was duly seconded by Regent McKeever. He summarized the resolution explaining the purpose. The motion

**Board of Regents Special Meeting Minutes of October 15, 2020**

carried.

**2.1.3 Resolution No. 20-25, Relative to Awarding the Honorary Degree of Master of Micronesia Traditional Knowledge to Rosalia Fejeran Mateo Torres**

Regent Diaz introduced Resolution No. 20-25 and moved to approve the resolution, which was duly seconded by Student Regent Navisaga. He summarized the resolution explaining the purpose. The motion carried.


**3.0 VOTING FILE**

**3.1 Recommendation for Tenure for Velma Yamashita, Associate Professor of Art, College of Liberal Arts and Social Sciences**


Chairperson Filush moved to approve the tenure application for Dr. Velma Yamashita which was duly seconded by Regent Hezel. The motion carried.

**4.0 ADJOURNMENT**

Chairperson Filush requested for a motion to adjourn the special meeting. Regent Hezel moved to adjourn the meeting, which was duly seconded by Regent McKeever. The motion carried. The meeting adjourned at 5:21p.m., Chamorro Standard Time.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

### 3.0 CHAIRPERSON'S REMARKS



## 4.0 PRESIDENT'S REPORT

5.0 REPORTS FROM STANDING COMMITTEES



UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents

Resolution No. 20-32

**RELATIVE TO APPROVING THE FANUCHÅNAN 2020 COMMENCEMENT GRADUATE LISTING**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the Registrar is responsible to certify completion of courses for degree requirement;

**WHEREAS**, according to policy, degree requirements mean all courses and credits needed to graduate, including general education requirements, college requirements, university-wide requirements, and major course requirements;

**WHEREAS**, according to policy, students must apply early in the semester prior to the semester in which the student plans to complete their degree requirements;

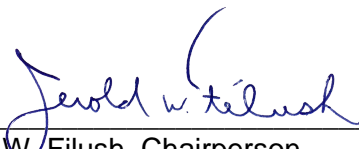
**WHEREAS**, if a student fails to file this request for graduation, the actual awarding of the diploma may be delayed;

**WHEREAS**, if the student fails to complete degree requirements after having filed the necessary application, the student must then submit a new application and pay the graduate reapplication fee; and


**WHEREAS**, the Student Affairs, Scholarship, Alumni Relations, and Honorary Degree Committee at its November 12, 2020 meeting and November 19, 2020 re-validation meeting has reviewed and recommends the Fanuchånan 2020 Commencement Graduate Listing to the Board of Regents (BOR) for approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby approves all students who have submitted an application for completion, whose names are on the attached list or subsequent revised list, and have been certified to have met all degree requirements shall have conferred upon them a diploma signed by the Dean/Executive Director, the Senior Vice President & Provost for Academic and Student Affairs, the President, and the Chairperson of the BOR at Commencement in December 2020.

Adopted this 24<sup>th</sup> day of November 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

**Candidates for Degree in Course**

**COLLEGE OF LIBERAL ARTS AND SOCIAL SCIENCES**

**Dr. James D. Sellmann, Dean**

**Bachelor of Arts (B.A.)**

Mikhael Cruz Phelps  
Anthropology and Pacific-  
Asian Studies: CHamoru  
Studeis Track  
*Mongmong*

Keona Deleon Guerreo Torres  
Anthropology  
Dededo

Kayla Allyn F. Eata  
Communication: Mass Media  
and Journalism Track  
Dededo

Jasmin Marie Gogo  
Communication:  
Communication Studies and  
Public Relations Track  
*Yona*

Kimberly Grace B. Teves  
Communication: Mass Media  
and Journalism and  
Communication Studies and  
Public Relations Tracks  
Dededo

Ingrid Toyama  
Communication: Mass Media  
and Journalism Track  
*Tamuning*

Rocxanne-Cherie Angel  
English: Linguistics/ESL  
Emphasis  
Dededo

Marcy Ann Acosta Ermitanio  
English: English for Education  
Emphasis and Secondary  
Education  
*Mangilao*

Maya Nena Desnacido Nanpei  
English: Literature Emphasis  
*Mangilao*

Beverlie Shanay Pretrick  
English: English for Education  
Emphasis  
*Mangilao*

Victoria Hiroko Revello  
English: Literature Emphasis  
*Dededo*

Naiomi Colleen Mangloña  
Sasaki  
English: Linguistics/ESL  
Emphasis  
*Tamuning*

April Joy Dela Cruz Silvestre  
English: Linguistics/ESL  
Emphasis  
*Yigo*

Katherine Melray Stovall  
English: Literature Emphasis  
*Dededo*

Joseph Pangelinan Taitano II  
English: Literature Emphasis  
*Yigo*

Joannie R. Dabugsiy  
Fine Arts: Art Track  
*Mangilao*

Jordan Albert Celes Limtiaco  
Fine Arts: Art Track  
*Piti*

Lu'ane Johnice Eber  
History: History Track  
*Agat*

Da Bin Namkoong  
History  
*Mongmong*

Michael Vincent Meno  
Quitugua  
Philosophy  
*Mangilao*

Kayleen Marie Quitugua  
Concepcion  
Political Science: Political  
Science Track  
*Dededo*

Arshalisha Kates I. Abellera  
Psychology  
*Yigo*

Shiela Mary C. Angeles  
Psychology  
*Barrigada*

Rita Teresa Terlaje Barcinas  
Psychology  
*Merizo*

Aiesha Ri ' Nae Flores Castro  
Psychology  
*Chalan Pago*

Alu G. Concepcion  
Psychology  
*Barrigada*

Anissa Danica Dela Rosa  
Psychology  
*Dededo*

Delanne Camacho Leon  
Guerrero  
Psychology  
*Barrigada*

## **Candidates for Degree in Course**

Lianna Marie Maniti Santos  
Psychology  
*Dededo*

Herbert Alexander Tom, IV  
Psychology  
*Yigo*

Amanda Janae Fegurgur  
Toves  
Psychology  
*Ordot*

Alyssa Gordon  
Sociology: Gender and Family,  
Social Problems and  
Development Studies  
Concentrations  
*Mangilao*

Mikeala Aldan San Nicolas  
Sociology: Gender and Family  
and Social Problems Studies  
Concentrations  
*Mongmong-Toto-Maite*

T'Anah Dominique Suzuki  
Terlaje  
Sociology: Social Problems  
Studies Concentration  
*Mangilao*

## **COLLEGE OF NATURAL AND APPLIED SCIENCES**

**Dr. Lee S. Yudin, Dean**

### **Bachelor of Science (B.S.)**

Frances Kaye Fernando De Leon  
Agriculture and Life Sciences:  
Human Nutrition and Food  
Sciences Track  
*Dededo*

Eric Defan  
Agriculture and Life Sciences:  
Tropical Agriculture Production  
Track  
*Mangilao*

Alyanna J. Del Rosario  
Agriculture and Life Sciences:  
Tropical Agriculture Production  
Track  
*Chalan Pago*

Stacey Aquino Jasmin  
Agriculture and Life Sciences:  
Child and Family Life Sciences  
Track  
*Dededo*

Jeffrey Sonio Centino  
Biology: Applied Biology Track  
*Dededo*

Raiven Patawaran Rivera  
Biology: Applied Biology Track  
*Dededo*

Abigail Nicole N. Cabusao  
Chemistry: Pre-Pharmacy Track  
*Dededo*

Jasmine Keshia Abon Stuckey  
Chemistry: Chemistry Track  
*Barrigada*

Shawn P. Quiel  
Computer Information Systems  
*Barrigada*

Lawrence Baking Quinto  
Computer Information Systems  
*Dededo*

Cassandra Riane Cruz  
Consumer and Family Sciences  
*Barrigada*

Swerthea Camille C. Soriano  
Consumer and Family Sciences  
*Yigo*

Jaron Arcon Bautista  
Mathematics  
*Dededo*

Keoni Jay Mayo Paulino  
Mathematics and Chemistry:  
Chemistry Track  
*Dededo*

Matthew JD Cruz  
Tropical Agriculture: Applied  
Emphasis  
*Yigo*

**Candidates for Degree in Course**

**SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION**

**Dr. Annette Taijeron Santos, Dean**

**Bachelor of Business Administration in Accounting (B.B.A.A.)**

Catherine Tugadi Anis  
Accounting  
*Dededo*

Rhyan Nicholas Herminado  
Dema-ala  
Accounting  
*Tamuning*

Alfredo Barrozo Tinoso  
Accounting  
*Dededo*

Ryan Jeffery Brown  
Accounting  
*Ordot*

Samantha Jade Camacho Rabon  
Accounting  
*Dededo*

Edgar Jonathan Yanger  
Accounting  
*Piti*

Romella Paulus Calisay  
Accounting  
*Yigo*

Gigi Ruth Snively  
Accounting  
*Dededo*

Mariella Guevarra Cruz  
Accounting  
*Chalan Pago*

**Bachelor of Business Administration (B.B.A.)**

Adrienne Chantel Flores  
Entrepreneurship Concentration  
*Mangilao*

Kelly Soliman Gatbonton  
Finance and Economics  
Concentration  
*Harmon*

Gabrielle Rose Perez Smith  
Finance and Economics  
Concentration  
*Dededo*

Psalmia Love R. Guison  
Entrepreneurship Concentration  
*Barrigada*

Elias A.W. Guerrero  
Finance and Economics  
Concentration  
*Asan*

Brianna Nicole Torres Tabilas  
Finance and Economics  
Concentration  
*Dededo*

Randall Serek Poe  
Entrepreneurship Concentration  
*Yigo*

Amery Jane A. Madeloso  
Finance and Economics  
Concentration  
*Dededo*

Peachy D. Tarape  
Finance and Economics  
Concentration  
*Dededo*

Alec Dimitri De Guzman Austria  
Finance and Economics  
Concentration  
*Talofofo*

Justin D. Natan  
Finance and Economics  
Concentration  
*Dededo*

Jasmine Jermaine Camacho  
Tereas  
Finance and Economics  
Concentration  
*Dededo*

Roy Canda Bondoc  
Finance and Economics  
Concentration  
*Dededo*

Tabesul J.E. Ngirailemesang  
Finance and Economics  
Concentration  
*Mangilao*

Josiah King Lanuza  
Financial Planning Concentration  
*Dededo*

## **Candidates for Degree in Course**

Jiho Park  
General Business Pathway  
*Harmon*

Danielle Cabaccang Apiag  
Human Resource Management  
Concentration  
*Hagatna*

Anne Paula Francesca M. Cada  
Human Resource Management  
Concentration  
*Dededo*

Charina Mae T. Castillo  
Human Resource Management  
Concentration  
*Dededo*

Carly Aislinn Champaco-Munoz  
Human Resource Management  
Concentration  
*Merizo*

Camarin Esplana Cabral  
Human Resource Management  
Concentration  
*Dededo*

Gabrielle Tiffani Sarmiento  
Quenga  
Human Resource Management  
Concentration  
*Dededo*

Ervin V. Segovia  
Human Resource Management  
Concentration  
*Chalan Pago*

Yoo Joo Choi  
International Business  
Concentration  
*Tamuning*

Young ah Eum  
International Tourism and  
Hospitality Management  
Concentration  
*Tamuning*

Avery Jared Petrache Judicpa  
International Tourism and  
Hospitality Management  
Concentration  
*Yona*

Jason A. La Mattery  
International Tourism and  
Hospitality Management  
Concentration  
*Tamuning*

Jonathan Villegas Llarena  
International Tourism and  
Hospitality Management  
Concentration  
*Yigo*

Dionne Alize Ocampo Mariano  
International Tourism and  
Hospitality Management  
Concentration  
*Barrigada*

Samantha Gloria Mateo  
International Tourism and  
Hospitality Management  
Concentration  
*Ordot*

Arwin Jae Adriano Presillas  
International Tourism and  
Hospitality Management  
Concentration  
*Dededo*

Thomas Tudela  
International Tourism and  
Hospitality Management  
Concentration  
*Dededo*

Farah Jane H. Chan  
Management Concentration  
*Dededo*

Jessie Ruth Reyes Cruz  
Marketing Concentration  
*Agat*

Zane Allen Matias  
Marketing Concentration  
*Dededo*

Kaelyn Gracelian Pangelinan  
Marketing Concentration  
*Yigo*

Bryan A. Salvador  
Marketing Concentration  
*Santa Rita*

Danica Alyssa Z. Tan  
Marketing Concentration  
*Mangilao*

## **Bachelor of Science (B.S.)**

Nathan Abril  
Criminal Justice  
*Chalan Pago*

Vicente Gregorio Tainatongo  
Bamba  
Criminal Justice and Public  
Administration  
*Inarajan*

Tiarra Rose Blanco  
Criminal Justice  
*Barrigada Heights*

## **Candidates for Degree in Course**

Kortney Tyler Takai Camacho  
Criminal Justice  
*Santa Rita*

Jan Kevin Comia  
Criminal Justice  
*Yigo*

Latte Rai Mesngon Finoña  
Criminal Justice  
*Dededo*

Jan Lane C. Imperial  
Criminal Justice  
*Yigo*

BoRa Kim  
Criminal Justice and Public  
Administration  
*Dededo*

Michael Thomas C. Muna  
Criminal Justice  
*Yigo*

Leedia I. Ngirawes  
Criminal Justice  
*Palau*

Shania M. Nitaro  
Criminal Justice  
*Dededo*

Rosania Derngul Orrekim Olegeriil  
Criminal Justice and Public  
Administration  
*Palau*

Keith Patrick Lapira Patricio  
Criminal Justice  
*Tamuning*

Myah Francine Taijeron Quenga  
Criminal Justice and Public  
Administration  
*Yona*

Kaelea Teihani Tudela Sablan  
Criminal Justice  
*Barrigada*

Abrahamson T. Takeshi  
Criminal Justice and Public  
Administration  
*Dededo*

Kia-Maria M. Uluiviti  
Criminal Justice  
*Mangilao*

Shannel Estrada Venus  
Criminal Justice  
*Yigo*

Denise J. San Nicolas Calvo  
Public Administration and Criminal  
Justice  
*Cross Island*

Renee Quichocho Carpela  
Public Administration  
*Barrigada*

Cherryann Eria  
Public Administration  
*Mangilao*

Ruby Ann James  
Public Administration  
*Dededo*

Perenkihda R. Julios  
Public Administration  
*Mangilao*

Shirleen Gary Likiak  
Public Administration  
*Dededo*

## **SCHOOL OF EDUCATION** **Dr. Alicia Cruz Aguon, Dean**

### **Bachelor of Arts in Education (B.A.E.)**

Ashley Nicole Lizama Borgonia  
Elementary Education  
*Harmon/Upper Tumon*

Jheanna Pearl Ignacio Datuin  
Elementary Education  
*Dededo*

Cameron Raye S. Diaz  
Elementary Education  
*Harmon-Tamuning*



## **Candidates for Degree in Course**

Sabrina Ann Burgos Ishmael  
Elementary Education  
*Yona*

Tammy Saludaes Leon  
Guerrero  
Elementary Education  
*Barrigada*

Leianne K. Lizama  
Elementary Education  
*Barrigada*

Franory Lynn P. Mesngon  
Elementary Education  
*Tamuning*

Justin Scott Michael  
Elementary Education  
*Yigo*

Mebric Sison Navisaga  
Elementary Education  
*Mangilao*

Adonis Kier P. Ponce  
Elementary Education  
*Dededo*

Tanya Marie Tapar Reyes  
Elementary Education  
*Harmon*

Dana Shen  
Elementary Education  
*Upper Tumon*

Anika D. Yamada  
Elementary Education  
*Yigo*

Rodger D. Dela Cruz  
Secondary Education and  
Mathematics  
*Dededo*

Jubie Fe Pueblo Castor  
Secondary Education: Fine Arts:  
Art Track  
*Dededo*

Camacho, Kadi Marshal Yamada  
Secondary Education: General  
Science  
*Mangilao*

Mark Anthony Mafnas  
Mantanona  
Secondary Education: General  
Science  
*Mangilao*

Mary Grace Cabigting Abad  
Secondary Education:  
Mathematics  
*Barrigada*

Christian Aaron Naputi Diaz  
Secondary Education:  
Mathematics  
*Maina*

Gabrielle Marlene Muña  
Secondary Education: Physical  
Education/School Health (6-12)  
*Yona*

Micah Sumanqui Carlos  
Secondary Education: Physical  
Education/School Health (6-12)  
*Dededo*

Chaina Nicole J. Pereira  
Secondary Education and  
English: English for Education  
Emphasis  
*Sinajana*

## **Bachelor of Science (B.S.)**

Edwardson L. Panganiban  
Physical Education/School Health (PK-12)  
*Dededo*

**Candidates for Degree in Course**

**SCHOOL OF HEALTH**  
**Dr. Margaret Hattori-Uchima, Dean**

**Bachelor of Science (B.S.)**

Ian Callo Ilagas  
Health Science: Exercise Science  
and Health Promotion  
Concentration  
*Dededo*

Oliver B. Sorio  
Health Science: Exercise Science  
and Health Promotion  
Concentration  
*Yigo*

Muñeka Joy Cruz Taisipic  
Health Science: Exercise Science  
and Health Promotion  
Concentration  
*Yona*

Ryan Tamayo Valencia  
Health Science: Exercise Science  
and Health Promotion  
Concentration  
*Yigo*

Amanda Carreon Perez  
Health Science: Pre-Physical  
Therapy Concentration  
*Dededo*

Ravelyn S. Leyaroftog  
Health Science: Public Health  
*Maite*

Rebecca Menge  
Health Science: Public Health  
Concentration  
*Dededo*

Aliyah Gwendolene Price  
Health Science: Public Health  
Concentration  
*Tamuning*

Kristal Kamarin Anderson  
Romero  
Health Science: Public Health  
Concentration  
*Yona*

Leyann Simina  
Health Science: Public Health  
Concentration  
*Mangilao*

**Bachelor of Science in Nursing (B.S.N.)**

**Bachelor of Social Work (B.S.W.)**

Ryan Edwin  
Social Work  
*Dededo*

Jaysleen Lainos  
Social Work  
*Mangilao*

Candidates for Degree in Course

**GRADUATE STUDIES**

**Dr. Troy McVey, Vice Provost for Academic Excellence,  
Graduate Studies, and Online Learning**

***GRADUATE PROGRAMS IN THE  
COLLEGE OF LIBERAL ARTS AND SOCIAL SCIENCES***

***Master of Arts in English (M.A.)***

Via Justine Fuentes De Fant  
English: Literature Track  
*Mong Mong-Toto-Maite*  
BA University of Guam

***Master of Arts in Micronesian Studies (M.A.)***

Mylast Bilimon	Nina Mishio Peck
<i>Dededo</i>	<i>Talofofo</i>
BA University of Hawaii at Hilo	BA University of Guam

***Master of Science in Clinical Psychology (M.S.)***

**Candidates for Degree in Course**

***GRADUATE PROGRAMS IN THE  
COLLEGE OF NATURAL AND APPLIED SCIENCE***

***Master of Science in Biology (M.S.)***

Mari Elisabeth Deinhart  
*Talofofa*  
BA Cleveland State University

Karim Dean Primov  
*Mangilao*  
BS University of Miami

Victoria Anita Moscato  
*Maite*  
BA Lafayette College

Dareon-Lou Crisostomo Rios  
*Chalan Pago*  
BS University of California, San  
Diego

***Master of Science in Environmental Science (M.S.)***

***Master of Science in Sustainable Agriculture, Food and Natural Resources (M.S.)***

## Candidates for Degree in Course

### ***GRADUATE PROGRAMS IN THE SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION***

#### **Master of Public Administration (M.P.A.)**

Christopher Thomas Lujan Aguon <i>Yona</i> BBA University of Guam	Summer Rros Saunders <i>Mangilao</i> BA University of Guam	Diandra L. V. Villanueva <i>Mangilao</i> BA University of Guam
Jullian Martin Pangilinan Briosos <i>Yigo</i> BBA University of Guam	Bee Heartly N. Siba <i>Mangilao</i> BS University of Guam	Christian Singleton Yarowe <i>Harmon</i> BAE University of Guam
Felicia Marie Torres Cruz <i>Maite</i> BS University of Guam	Amabella Keiko Soram <i>Mangilao</i> BS University of Guam	
Sean Michael Frank <i>Dededo</i> BA University of Guam	Keith Taliugyan <i>Mangilao</i> BBA University of Guam	
Darryl Jay U. Navarro <i>Dededo</i> BS University of Guam	Midson Tom <i>Mangilao</i> BBA University of Guam	

#### **Professional Master of Business Administration (PMBA)**

Cristine Bernadette Aguilar <i>Dededo</i> BBA University of Guam	Edward M. Dela Cruz II <i>Dededo</i> BBA University of Guam	Eric Jacob Mafnas Salas <i>Dededo</i> BBA University of Guam
Alexis P Arauban <i>Dededo</i> BBA University of Guam	Coura Famak Keita <i>Upper Tumon</i> BS Towson University	Nia Marie Baldevia Serneo <i>Tamuning</i> BA Seattle University
Leana Mae Y. Bansil <i>Dededo</i> BBA University of Guam	Jaedine Marie Quintanilla Manglona <i>Inarajan</i> BBA University of Guam	Austin R. Terlaje <i>Tamuning</i> BBA University of Guam
Jeremy Dizon Copple <i>Dededo</i> BBA University of Guam	Annania Grace Pangelinan Nauta <i>Agana Heights</i> BBA University of Guam	Ryan David Toves <i>Tamuning</i> BBA University of Guam
Daniel Teotico David <i>Tamuning</i> BS University of Guam		

## Candidates for Degree in Course

### ***GRADUATE PROGRAMS IN THE SCHOOL OF EDUCATION***

#### ***Master of Arts in Counseling (M.A.)***

Willenda Billimon  
*Mangilao*  
BSW University of Guam

Colleen Matilde Flores  
*Mong-mong*  
BS University of Guam

Zyra Eidref F. Sanchez  
*Ylgo*  
BA University of Guam

Christie Lynn L Blas  
*Mangilao*  
BAE University of Guam

Mitchell Charlamagne Johnson  
*Harmon*  
BSW University of Guam

Francine Monique Fujihira  
Topasna  
*Sinajana*  
BA University of Guam

Theresa Moore Castro  
*Talofofo*  
BAE University of Guam

Kriana Roshawn Blas Le Velle  
*Mangilao*  
BSW University of Guam

Wolfgang M.  
Schwartzweintraub  
*Tamuning*  
BA California State University,  
Fresno

April Ann Chua Cordova  
*Dededo*  
BA University of Guam

Pauleen Uai Soltowski Mateo  
*Dededo*  
BA University of Guam

Krisvel De Vera Eugenio  
*Yona*  
BA University of Guam

Rema Faith Olaguera  
*Dededo*  
BA University of Guam

#### ***Master of Arts in Teaching (M.A.T.)***

Zaira Jane Fajardo Araos  
Teaching: Secondary Education  
*Mangilao*  
BBA University of Guam

#### ***Master of Education (M.Ed.)* With Specializations**

James Michael Rayphand  
Administration and Supervision  
*Saipan*  
BA Hampden-Sydney College

Cheryl Castro Mercado Sourgose  
Administration and Supervision  
*Dededo*  
BAE University of Guam

Esther Mori Asor  
Reading  
*Weno, Chuuk*  
BAE University of Guam

## Candidates for Degree in Course

JiannaNicole Crisostomo  
Balajadia  
Reading  
*Yona*  
BAE University of Guam

Angel Nadine C. Blas  
Reading  
*Talofofa*  
BAE University of Guam

Tillie R. Blas  
Reading  
*Barrigada*  
BAE University of Guam

Madrid Consuelo L.G. Borja  
Reading  
*Agana Heights*  
BA University of Guam

Kellie Breece Castaneto  
Reading  
*Dededo*  
BAE University of Guam

Jacqueline Elaine De Leon  
Reading  
*Dededo*  
BAE University of Guam

Diopulos Diopulos  
Reading  
*Kolonia*  
BAE University of Guam

Ronald Frendol Doculan  
Reading  
*Yigo*  
BAE University of Guam

Rachel Owen Duenas  
Reading  
*Mangilao*  
BAE University of Guam

Alison Michelle Francisco  
Reading  
*Barrigada*  
BAE University of Guam

Jonnie Gilmete  
Reading  
*Pohnpei, FSM*  
BAE University of Guam

Jessica Gilmete  
Reading  
*Enipein Pah, Pohnpei*  
BAE University of Guam

June Elaine Abua Madrazo  
Reading  
*Harmon*  
BAE University of Guam

Alexandra Therese Tamares  
Mandapat  
Reading  
*Dededo*  
BAE University of Guam

Genessa Marie Manley  
Reading  
*Santa Rita*  
BAE University of Guam

Carmerida Yolanda Yamada  
Nanpei  
Reading  
*Kolonia, Pohnpei*  
BS Chaminade University of  
Honolulu

Billy Jay Agne Navarrete  
Reading  
*Yigo*  
BAE University of Guam

Christine S. Nucum  
Reading  
*Yigo*  
BAE University of Guam

Dana Lynn Pablo  
Reading  
*Barrigada*  
BAE University of Guam

Ciann Marie C. San Nicolas  
Reading  
*Inarajan*  
BA University of Providence

Taylor Sehpin  
Reading  
Sapwuahfik, Pohnpei  
BAE University of Guam

Tanya Jane Tanayan Tanaliga  
Reading  
*Dededo*  
BAE University of Guam

Mayleen Saimon Wickep  
Reading  
*Kolonia, Pohnpei*  
BAE University of Guam

Quintin John Duenas  
Special Education  
*Tiyan, Barrigada*  
BAE University of Guam

Lisa Maureen Terlaje Meeks  
Special Education  
*Agat*  
BAE University of Guam

Joann S. Meeks Susuico  
Special Education  
*Agat*  
BAE University of Guam

Catherine Anne Sablan Terlaje  
Special Education  
*Agat*  
BAE University of Guam

Charina Anne Banico Valencia  
Special Education  
*Yigo*  
BAE University of Guam

Samuel D. Aguon  
Teaching English to Speakers of  
Other Languages  
*Ordot*  
BAE University of Guam

## **Candidates for Degree in Course**

Akiko Kamikubo Chochol  
Teaching English to Speakers of  
Other Languages  
*Japan*  
BA Tokyo University of Foreign  
Studies

Dolores Rosa Barcinas Santos  
Teaching English to Speakers of  
Other Languages  
*Mangilao*  
BAE University of Guam

Jolinie Cipriano Somera  
Teaching English to Speakers of  
Other Languages  
*Yigo*  
BAE University of Guam

## **UNIVERSITY OF HAWAII MANOA**

In 2012, University of Hawai`i at Mānoa and University of Guam MSW Partnership Myron B. Thompson School of Social Work, Master of Social Work (MSW) program on Guam.

### **Master of Social Work (M.S.W.)**

**As of 11/09/20**

Every effort is made to ensure this printed program is accurate with respect to degrees and honors conferred. However, printing schedules make complete accuracy impossible. A certified transcript is the official proof of graduation.



University of Guam  
Admissions and Records Office  
Graduation Data

**Graduates for FALL 2020 as of 11/09/2020**

COLLEGE	Undergraduate		Graduate		Total	
	19/FA	20/FA	19/FA	20/FA	19/FA	20/FA
<b>CLASS</b>	36	34	1	3	37	37
<b>CNAS</b>	19	15	10	4	29	19
<b>SBPA</b>	69	71	33	25	102	96
<b>SOE</b>	36	23	33	49	69	72
<b>SNHS</b>	16	12	-	-	16	12
<b>TOTAL</b>	176	155	77	81	253	236

**Masters Degree Comparison**

	MASTERS	FALL	FALL	FALL	FALL		SPRING	SPRING	SPRING	SPRING
		17	18	19	20		17	18	19	20
<b>CLASS</b>	Art	0	1	0	0		0	0	1	0
	English	0	3	1	1		2	2	2	2
	Micronesian Studies	0	0	0	2		2	0	1	1
	Clinical Psychology	0	4	0	0		1	4	1	2
<b>CNAS</b>	Biology	6	3	6	4		2	1	3	1
	Environmental Science	0	1	3	0		3	0	2	5
	Sustainable Agriculture, Food and Natural Resources			1	0				1	2
<b>SBPA</b>	Public Administration	14	5	23	12		26	12	21	21
	PMBA-Business Admin	16	6	10	13		0	0	0	0
<b>SOE</b>	Counseling	11	5	9	13		5	4	14	3
	MAT Secondary Teaching	1	0	0	1		4	11	8	12
	<i>MED - specialization</i>									
	Administration & Supervision	1	2	0	2		2	7	1	4
	Reading	14	16	21	24		14	0	0	1
	Secondary Education	0	0	0	0		1	3	5	12
	Special Education	0	9	0	5		1	0	0	0
	TESOL	1	3	3	4		0	2	0	1
<b>TOTAL</b>		<b>64</b>	<b>58</b>	<b>77</b>	<b>81</b>		<b>63</b>	<b>46</b>	<b>60</b>	<b>67</b>

**Grad numbers**

Spring	GR	UG	Total
<b>2020</b>	67	293	360
<b>2019</b>	60	315	375
<b>2018</b>	46	273	319
<b>2017</b>	63	262	325
<b>2016</b>	40	279	319
<b>2015</b>	58	273	331
<b>2014</b>	46	245	291
<b>2013</b>	75	221	296

University of Guam  
Admissions and Records Office  
Graduation Data

Fall	GR	UG	Total
<b>2019</b>	77	176	253
<b>2018</b>	58	199	257
<b>2017</b>	64	216	280
<b>2016</b>	58	190	248
<b>2015</b>	72	190	262
<b>2014</b>	53	184	237
<b>2013</b>	63	169	232



UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents

Resolution No. 20-33

**RELATIVE TO APPROVING THE PROPOSED CHANGES TO THE STUDENT GOVERNMENT ASSOCIATION CONSTITUTION AND BYLAWS, AND AMENDMENTS TO THE UNIVERSITY OF GUAM STUDENT REGENT ELECTION REGULATIONS**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, in accordance with Title 17 Guam Code Annotated, Section 16104, the government and control of UOG is vested in the Board of Regents (BOR) of UOG;

**WHEREAS**, in accordance with Guam public law, it is mandated that the student member of the BOR shall be elected through a process approved by the Student Government Association (SGA) and approved by the BOR;

**WHEREAS**, SGA held its 20<sup>th</sup> Regular Session on September 25, 2020 and approved SGA Resolution 58-39 to allow changes in the SGA Constitution and Bylaws for student elections and swearing in during situations such as, but not limited to, cases of natural disaster(s) or pandemic;

**WHEREAS**, these changes to student elections included holding a special election to appoint new officials or having the general membership cast ballots through online means; and outlining the process for online voting, polling sites, and tabulations to eliminate any discrepancies;

**WHEREAS**, SGA further held its 23<sup>rd</sup> Regular Session on November 7, 2020 and approved SGA Resolution 58-40 changing the SGA Constitution and Bylaws for student elections to no later than March to align with the Student Regent election timeframe;

**WHEREAS**, the changes from SGA Resolution 58-39 have been incorporated into the UOG Student Regent Election Regulations and that this updated regulation and BOR resolution will supersede BOR Resolution 18-38, date November 15, 2018; and

**WHEREAS**, the BOR Student Affairs, Scholarships, Alumni Relations and Honorary Degree Committee has reviewed these changes from the SGA Resolutions for the SGA Constitution and Bylaws, and the amended UOG Student Regent Election Regulations, and recommend all changes to the BOR for approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby approves the changes to the SGA Constitution and Bylaws as outlined in SGA Resolution 58-39 and 58-40; and

**BE IT FURTHER RESOLVED**, that the BOR hereby approves the amended UOG Student Regent Election Regulations as hereto attached.

Adopted this 24<sup>th</sup> day of November 2020.

**ATTESTED:**

Thomas W. Krise, Ph.D., Executive Secretary

Jerold W. Filush, Chairperson



**Resolution No. 58 – 39**

**Introduced by:**

President Marc Allen Bituin	Vice President Kennard Carlos
<b>Secretary Malia Salisbury</b>	Treasurer Irish Louise Oftana
Senator Justin Dacanay	Senator Regina Dominguez
Senator Steven Kho	Senator Victoria Mapa
Senator Maria Minas	Senator Eries Jay Moreno
Senator Jay T. Simiuo	Senator Nathan Tedtaotao
Senator Anisa Topasna	

**RELATIVE TO APPROVING THE REVISIONS TO THE STUDENT GOVERNMENT ASSOCIATION (SGA) CONSTITUTION AND BY-LAWS.**

**BE IT HEREBY ENACTED BY THE 58<sup>TH</sup> STUDENT GOVERNMENT ASSOCIATION IN COUNCIL ASSEMBLED**

**WHEREAS**, the purpose of the SGA Constitution and By-Laws Is to establish the membership of the SGA and policies governing its actions; and

**WHEREAS**, the Oversight and Review Committee (ORC) of the SGA and the SGA Council has agreed to approve presenting the revisions to the Constitution and By-Laws to the SGA Council for vote; and

**WHEREAS**, revisions to the SGA Constitution and By-Laws are proposed to the following articles:

RECORD OF AMENDMENTS

Current	Proposed
06 May 2008 Article 2.3.3: (Qualification and Terms of Office) - Rephrased to clarify service term as “one (1) calendar year starting in the month of August.” - Article 2.8 (Duties of Senators) – clarify the responsibilities of Senators  03 May 2010 Article 2.3.3 (Qualification and Terms of Office) – credit requirement changed from 24 to 12.  14 November 2013 Preamble- complete replacement  26 October 2017 Articles- Changes to Articles for rewording and clarification.	<b>25 September 2020 Article 2.3.1 – Changes to Election Procedures in Constitution and By-Laws</b>
Track Changes - '08 and '10 not in BOR Resolutions	

2.3.1 ELECTION OF OFFICIALS

Current	Proposed



<p><b>2.3 ELECTION OF OFFICIALS.</b> The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> <li>1. One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year.</li> </ol>	<p><b>2.3 ELECTION OF OFFICIALS.</b> <b>The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</b></p> <ol style="list-style-type: none"> <li>1. <b>One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year.</b> <ol style="list-style-type: none"> <li>a. <b>Should there be any event in which a regular election or swear in cannot be held, such as, but not limited to, a natural disaster(s) or pandemic, the current SGA Officials may choose to hold a special election to appoint new officials or have the general membership cast ballots through online means.</b></li> </ol> </li> </ol>
<p>Reason: In order for a new SGA Council to be elected when extenuating circumstances do not permit in person voting.</p>	

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BY-LAWS CHANGES:  
ARTICLE VII ELECTION COMMITTEE: SECTION 5 – ELECTION PROCEDURES

Current	Proposed
<p><u>Par. 1:</u> All members will complete ethics and confidentiality signature statements to be maintained by SLO.</p> <p><u>Par. 2:</u> Campaign activities, materials, or courtesy refreshments shall not be placed within one hundred (100) feet from the voting site.</p> <p><u>Par. 3:</u> Candidates for office shall only be in the area long enough to vote. Offices and facilities within the limits of the voting site are available for use by candidates but campaigning or discussion of elections are not permitted during the election.</p> <p><u>Par. 4:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer, shall be responsible for the printing and control of the ballots.</p>	<p><u>Par. 1:</u> All members will complete ethics and confidentiality signature statements to be maintained by SLO.</p> <p><u>Par. 2:</u> Campaign activities, materials, or courtesy refreshments shall not be placed within one hundred (100) feet from the voting site.</p> <p><u>Par. 3:</u> Candidates for office shall only be in the area long enough to vote. Offices and facilities within the limits of the voting site are available for use by candidates but campaigning or discussion of elections are not permitted during the election.</p> <p><u>Par. 4:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer, shall be responsible for the printing and control of the ballots.</p>



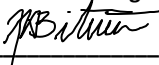
<p><u>Par. 5:</u> To expedite the counting of the ballots, the Student Life Officer and the Election Committee Chairperson shall immediately organize the counting as soon as the polls close. To eliminate any discrepancies, the Dean of EMSS, or designee, shall witness the counting of the ballots.</p> <p><u>Par. 6:</u> At least two (2) members of the Election Committee and the Student Life Officer or designee shall be present at the polling place at all times and shall insure that election policies are enforced.</p> <p><u>Par. 7:</u> Ballot instructions shall be clearly placed in each voting booth.</p> <p><u>Par. 8:</u> A ballot shall be considered void if instructions are not adhered to. In cases where parts of the ballot are spoiled, only that part will be considered void.</p> <p><u>Par. 9:</u> Additional requirements for Student Regent Election and Guam Youth Congress Elections are listed in Appendixes C and D.</p>	<p><u>Par. 5:</u> To expedite the counting of the ballots, the Student Life Officer and the Election Committee Chairperson shall immediately organize the counting as soon as the polls close. To eliminate any discrepancies, the Dean of EMSS, or designee, shall witness the counting of the ballots.</p> <p><u>Par. 6:</u> At least two (2) members of the Election Committee and the Student Life Officer or designee shall be present at the polling place at all times and shall insure that election policies are enforced.</p> <p><u>Par. 7:</u> Ballot instructions shall be clearly placed in each booth.</p> <p><u>Par. 8:</u> A ballot shall be considered void if instructions are not adhered to. In cases where parts of the ballot are spoiled, only that part will be considered void.</p> <p><b><u>Par. 9:</u> Should the campus or polling sites be closed due to unforeseen circumstances, such as, but not limited to, a natural disaster or pandemic, and in person voting is not permitted, alternative means of electing officials or casting ballots are allowable. This includes, but is not limited to, online voting. Should the election and swear in dates be missed, the SGA council may make a resolution acknowledging the extenuating circumstances.</b></p> <p><b><u>Par.10:</u> The Election Committee Chairperson, in cooperation with the Student Life Officer and the Office of Information Technology, shall create or assist in the creation of the online polling site.</b></p> <p><b><u>Par.11:</u> The Election Committee, Student Life Officer and Dean of EMSS, or designee, shall be granted access to the online ballots to verify the count and to eliminate any discrepancies.</b></p> <p><b><u>Par.12:</u> Online ballot instructions shall be clearly outlined and visible on the polling site.</b></p> <p><b><u>Par.13:</u> An online ballot shall be considered void if instructions are not adhered to, or if it is suspected that the ballot is cast by a none-UOG Student.</b></p>
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	<p><b>Par. 14:</b> Additional requirements for Student Regent Election and Guam Youth Congress Elections are listed in Appendixes C and D.</p>
<p>Reason: In order for a new SGA Council to be elected when extenuating circumstances do not permit in person voting.</p>	

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**7.4 STUDENT GOVERNMENT APPROVAL**

Current	Proposed
Added.	<p><b>7.4 STUDENT GOVERNMENT ASSOCIATION APPROVAL.</b> This amended document has been approved by the required two-thirds vote of the 58<sup>th</sup> Student Government Association through a vote on September 25<sup>th</sup>, 2020.</p> <p> _____ Marc Allen Bituin President, 58<sup>th</sup> SGA</p>
<p>Reason: Proof of Approval</p>	

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**7.5 UNIVERSITY APPROVAL**

Current	Proposed
Added.	<p><b>7.5 UNIVERSITY APPROVAL.</b> This amended document has been approved.</p> <p>_____ Elvin Y. Chiang Chairperson, Board of Regents</p>
<p>Reason: Proof of Approval</p>	

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**THEREFORE, BE IT RESOLVED,** the 58<sup>th</sup> SGA approves the revisions to the SGA Constitution and By-Laws for presentation to the Board of Regents for final approval; and be it further

**RESOLVED,** that President Marc Allen Bituin and Secretary Malia Salisbury of the 58<sup>th</sup> SGA attest to the adoption hereof, and that a copy of the same be transmitted to Mrs. Sallie McDonald, Dr. Lawrence Camacho, Dr. Anita Borja-Enriquez, Dr. Thomas W. Krise and Mr. Elvin Y. Chiang.

**DULY AND REGULARLY ADOPTED BY THE 58<sup>th</sup> STUDENT GOVERNMENT ASSOCIATION ON THE 25<sup>th</sup> DAY OF SEPTEMBER 2020.**

Attested:



**UNIVERSITY OF GUAM**  
UNIBETSEDÁT GUAHAN



**58th Student Government Association**  
*Enrollment Management and Student Success*

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**Marc Allen Bituin**  
**President**

**Malia Salisbury**  
**Secretary**





**Resolution No. 58 – 40**

**Introduced by:**

<b>President Marc Allen Bituin</b>	Vice President Kennard Carlos
Secretary Malia Salisbury	Treasurer Irish Louise Oftana
Senator Justin Dacanay	Senator Regina Dominguez
Senator Steven Kho	Senator Victoria Mapa
Senator Maria Minas	Senator Eries Jay Moreno
Senator Jay T. Simiuo	Senator Nathan Tedtaotao
Senator Anisa Topasna	

**RELATIVE TO APPROVING THE REVISIONS TO THE STUDENT GOVERNMENT ASSOCIATION (SGA) CONSTITUTION AND BY-LAWS.**

**BE IT HEREBY ENACTED BY THE 58<sup>TH</sup> STUDENT GOVERNMENT ASSOCIATION IN COUNCIL ASSEMBLED**

**WHEREAS**, the purpose of the SGA Constitution and By-Laws Is to establish the membership of the SGA and policies governing its actions; and

**WHEREAS**, the Oversight and Review Committee (ORC) of the SGA and the SGA Council has agreed to approve presenting the revisions to the Constitution and By-Laws to the SGA Council for vote; and

**WHEREAS**, revisions to the SGA Constitution and By-Laws are proposed to the following articles:

RECORD OF AMENDMENTS

Current	Proposed
06 May 2008 Article 2.3.3: (Qualification and Terms of Office) - Rephrased to clarify service term as “one (1) calendar year starting in the month of August.” - Article 2.8 (Duties of Senators) – clarify the responsibilities of Senators  03 May 2010 Article 2.3.3 (Qualification and Terms of Office) – credit requirement changed from 24 to 12.  14 November 2013 Preamble- complete replacement  26 October 2017 Articles- Changes to Articles for rewording and clarification.  25 September 2020 Article 2.3.1 – Changes to Election Procedures in Constitution and By-Laws	<b>07 November 2020 Article 2.3.1 – Changes to Election Date</b>
Track Changes - '08 and '10 not in BOR Resolutions	

2.3.1 ELECTION OF OFFICIALS

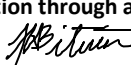
Current	Proposed



<p><b>2.3 ELECTION OF OFFICIALS.</b> The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> <li>One (1) regular election shall be held during the Fañomnåkan semester of each year no later than the first Monday of May. The elected officials shall be sworn in no later than the last Friday of August of the same year.</li> </ol>	<p><b>2.3 ELECTION OF OFFICIALS.</b> The election of SGA officials: President, Vice President, Secretary, Treasurer and eleven (11) Senators shall be in accordance with the following:</p> <ol style="list-style-type: none"> <li>One (1) regular election shall be held during the Fañomnåkan semester of each year no later than March. The elected officials shall be sworn in no later than the last Friday of August of the same year.             <ol style="list-style-type: none"> <li>Should there be any event in which a regular election or swear in cannot be held, such as, but not limited to, a natural disaster(s) or pandemic, the current SGA Officials may choose to hold a special election to appoint new officials or have the general membership cast ballots through online means.</li> </ol> </li> </ol>
<p>Reason: In order for a larger time frame for elections and in the case regular elections are not allowed.</p>	

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**7.4 STUDENT GOVERNMENT APPROVAL**

Current	Proposed
Added.	<p><b>7.4 STUDENT GOVERNMENT ASSOCIATION APPROVAL.</b> This amended document has been approved by the required two-thirds vote of the 58<sup>th</sup> Student Government Association through a vote on November 7<sup>th</sup>, 2020.</p>  _____ Marc Allen Bituin President, 58 <sup>th</sup> SGA
<p>Reason: Proof of Approval</p>	

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**7.5 UNIVERSITY APPROVAL**

Current	Proposed
Added.	<p><b>7.5 UNIVERSITY APPROVAL.</b> This amended document has been approved.</p>  _____ Elvin Y. Chiang Chairperson, Board of Regents



Reason: Proof of Approval

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**THEREFORE, BE IT RESOLVED**, the 58<sup>th</sup> SGA approves the revisions to the SGA Constitution and By-Laws for presentation to the Board of Regents for final approval; and be it further

**RESOLVED**, that President Marc Allen Bituin and Secretary Malia Salisbury of the 58<sup>th</sup> SGA attest to the adoption hereof, and that a copy of the same be transmitted to Mrs. Sallie McDonald, Dr. Lawrence Camacho, Dr. Anita Borja-Enriquez, Dr. Thomas W. Krise and Mr. Elvin Y. Chiang.

**DULY AND REGULARLY ADOPTED BY THE 58<sup>th</sup> STUDENT GOVERNMENT ASSOCIATION ON THE 7<sup>th</sup> DAY OF NOVEMBER 2020.**

Attested:

**Marc Allen Bituin**  
**President**

**Malia Salisbury**  
**Secretary**

# UNIVERSITY OF GUAM STUDENT REGENT ELECTION REGULATIONS

November ~~2415~~, 20~~2018~~

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## BACKGROUND

These regulations were developed with student participation and first ratified by the 40<sup>th</sup> Student Government Association (SGA) Council on February 4, 2002 and further amended by the 57<sup>th</sup> SGA Council on October 5, 2018. After extensive review and feedback by the Administration, they are hereby approved by the Board of Regents (BOR) to establish a consistent structure for student regent elections at the University of Guam (UOG). This document was designed to incorporate an active feedback process to allow the election process to improve and adjust to future student needs. The right for students to participate in Student Regent Elections is an important one. These Student Regent Election Regulations seek to protect student voting rights and clarify the election process.

Additional changes are incorporated to include online voting as an option resulting from delays from any serious public safety concerns. This aligns with changes ratified by the 58<sup>th</sup> SGA, Resolution Number 58-39 on September 25, 2020.

## SECTION 1

### General Provisions - Definitions

- A. Candidate: A student regent candidate is one who seeks the office of Student Regent and meets the criteria as specified in Guam law (Section 16104.6 of Chapter 16, Division 3, of Title 17 of the Guam Code Annotated) and by BOR resolutions.

- B. Electioneering: As defined in these rules electioneering is the activity of trying to persuade people to vote for a particular candidate. Physical presence or loitering of a candidate or candidate representative is inclusive of electioneering. Physical presence for the specific purpose of voting is not inclusive of electioneering as long it occurs in a reasonable timeframe in which one arrives, votes, and departs a polling place without trying to persuade people to vote while in the process of voting.
- C. Voter: Full time or part-time students currently enrolled at UOG on the Election Days.
- D. Vote Tabulating Device: A vote tabulating device is a mechanical, electronic or electromechanical machine approved by the Student Election Committee to count ballots for the Student Regent election at UOG.
- E. Marking of Ballot: A mark or marking indicating the voter's choice on a ballot which shall include the punching or slotting or otherwise marking of a ballot. The shape of the place to mark the ballot (i.e.; square, circle, oval, etc) may vary as long as it is consistent for all candidates on the ballot.
- F. Polling place: UOG will be considered a single precinct with a single polling place. The following terms may be used to express the single voting site in this document: voting place, voting site, poll site, poll place, polling place, and polling site. Should there be any event in which a regular election cannot be held, such as, but not limited to, a natural or manmade disaster(s) or pandemic, a special election may be held by the current SGA officials to appoint new officials or have the general membership cast ballots through online polling sites.
- G. President: Unless otherwise specified, the President shall mean the UOG President.
- H. ~~Student~~-Election Committee (~~S~~EC): The Committee, so designated in the UOG SGA Bylaws, is responsible for all general and special elections and any matters delegated to the Committee by the SGA Council, in accordance with the SGA Constitution.

## SECTION 2

### Voters

- A. Full-time and part-time students who are currently enrolled at UOG are eligible to vote in Student Regent Elections.
- B. Any dispute related to voting eligibility shall be directed to members of the ~~S~~EC for processing and consideration. ~~S~~EC members will consult the Registrar, who is the only university official who can determine a person's status as a student. Challenges made at the polling site on election day(s) shall be determined by the Registrar.

- C. Questions of candidate eligibility shall concern only: (a) a determination of full-time status; (b) whether candidate has completed one (1) year of study (at least thirty (30) credits); and/or (c) whether a student has maintained good academic standing as defined by the BOR. This can only be resolved by the Registrar's office. Any SEC decision on eligibility requirements is subject to certification by the Registrar.

### SECTION 3

#### Polling Place

- A. Designation of Polling Place. The SEC shall, not less than ten (10) business days prior to the date set for any Student Regent election, designate, announce, and publish the location of the single polling site within the UOG campus where the ballots for the Student Regent elections shall be cast.
- B. Change of Designated Polling Place. If, for any valid reason, the polling place designated for any election cannot be used, the SEC shall designate another polling place, post notice of the change at or near the place first designated, immediately inform the UOG Administration and the SGA, and conduct the election at the place substituted. This includes designation of online polling sites, if established.

### SECTION 4

#### Election Days And Dates

- A. Student Elections for Student Regent. Provisions in Guam law and BOR resolutions are the controlling references for this section. Student elections for the Student Regent position shall be held on a date(s) set by the Chairperson of the BOR or by BOR resolution. Currently, the law and BOR resolution require a Student Regent election be held on the first Tuesday in March of each even numbered year. Effort will be made to change the law for Student Regent election to be held no later than the first Monday in May of each even numbered year.
- B. Postponement of Election. If for serious cause resulting from any serious public safety concerns (which include, but are not limited to natural or manmade disaster(s), fires, gas leaks, etc, it becomes reasonably impossible to hold any election duly scheduled at UOG, the President, with consultation of the SGA Council, may postpone any such election therein for such time as may be deemed necessary, but as soon as is reasonably possible. In such cases of a delay from any serious public safety concerns, a special election to appoint a new official or have the general membership cast ballots through online means may be authorized. Additionally, the current incumbent shall be automatically extended in their position as long as the student maintains the eligibility requirements to be a student regent. According to current public Law, the Student Regent election must occur in the month of March.

## SECTION 5

### Candidates For Office

- A. Term of Office. The student regent shall serve a term of two (2) years as set forth in Guam law.
- B. Declaration of Candidacy. A student who wants to declare his/her candidacy shall file with the SEC a declaration in writing setting forth his/her candidacy for Student Regent, stating that he/she is eligible for such office pursuant to 17 GCA §16104.6, and his/her contact information, including his/her official UOG student e-mail address (gotriton). Eligibility for a Student Regent:
  - a. Shall be a full-time student at UOG
  - b. Have completed one (1) year of study (at least thirty (30) credits)
  - c. Maintained good academic standing, defined as having a 2.5 cumulative grade point average, and not having been placed on academic probation, suspension, or dismissal
- C. Filing of Declarations of Candidacy and of Petitions. Not more than ninety (90) calendar days and no less than ten (10) calendar days before a regular student regent election, candidates for the student regent office shall file their declarations of candidacy and petitions with the SEC which shall post on campus the names of all candidates. In accordance with 17 GCA §16104.6, "Any student member candidates must be nominated by a petition signed by one hundred (100) students attending the University of Guam."
- D. Distribution of Regulations. These regulations, upon approval, shall be distributed to each candidate by the SEC upon declaration of candidacy and, if possible, be posted on the UOG website.

## SECTION 6

### Ballots

- A. Imitation or Use of Ballots Forbidden. No person shall make, use, keep or furnish to others any paper in imitation of official ballots.
- B. Method of Tabulating Ballots. The SEC shall determine the appropriate method of casting ballots, method of tabulating ballots, and the appropriate vote tabulating device or manual tabulating method. This includes tabulations from online voting.
- C. Sample ballots will not be used.

- D. Order of Names on Ballot. The names of all nominees or candidates for a specific office shall be listed in a random manner. Each candidate shall be listed according to lot drawn by the SEC. All drawings for ballot position shall be done publicly and persons appearing on the ballot shall be specifically invited to attend. The drawings for ballot placement shall be accomplished two business days after the identity of the persons to appear on the ballot is known to the SEC. The names of the candidates shall appear in a vertical column in such order as is determined by lot.
- E. Space for Marking Ballot. Immediately adjacent to the name of each candidate shall be placed ovals or squares or other shapes of sufficient size for the placing of a mark therein. A clear and distinct mark within the oval or square adjacent to the name of any candidate shall be counted as a vote for that nominee. In the case of mechanical or electronic ballot forms, a mark in the square or oval that corresponds with a candidate's name according to the number on the information provided shall be counted as a vote for that nominee.
- F. Number for Ballots. The SEC shall decide the number of total ballots to be printed and how many may be distributed each day. The SEC shall ensure that the number of ballots printed are all accounted for at the conclusion of the election.
- G. Loss or Destruction of Ballots. In case of the prevention of an election by the loss or the destruction of the ballots, the SEC shall order new ones to be copied and continue with the election.
- H. Instructions to Voters. At the top of the ballot or on the information provided to the voter, there shall be printed an instruction to the voters, as to the number of nominees to vote for, the marks to be used, including a sample of the marks and such other instructions the SEC deems necessary and proper.
- I. Nicknames, Residence, etc. Any person who is a candidate for student regent may, at the time of filing his/her nominating petition, file with the ~~EC~~Student Election Committee a request that his/her name be further identified on the ballot by the addition of an identifying word or phrase, not derogatory or obscene (as determined by the ~~EC~~Committee), and not exceeding twenty (20) letters. The ~~EC~~Committee shall have the authority on its own motion and in its discretion to so identify names on the ballot in accordance with information available to the ~~EC~~committee.
- J. Additional Ballots. In the event that additional ballots are required to accommodate voters, the following procedure will be used to supplement the ballot pool.
- a. The SEC members present must reach a consensus that additional ballots are or may be needed.



- b. The SEC members present shall announce this fact in public within hearing of the observers present.
- c. Additional ballots will be procured.
- d. The SEC members present will amend the election record to reflect that additional ballots were required, specifying the number added.

## **SECTION 7**

### **Election Campaigns and Campaign Offenses**

- A. Candidates will refrain from making promises to supporters that involve direct financial benefits in return for their support.
- B. Allegations of improper campaigning must be reported to the SEC as soon as the alleged action is known, to allow the SEC to review the allegation and take appropriate action or provide corrective advice.

## **SECTION 8**

### **Conduct of Elections**

- A. Polling Place. The polling place shall be arranged so that neither the ballot boxes nor tables shall be hidden from the view of voters outside the guardrail, rope or other barricade.
- B. Destruction or Removal of Facilities. No person shall, during an election, remove or destroy any of the supplies or other conveniences placed in the voting booths or on the tables for the purpose of enabling the voter to prepare his/her ballot.
- C. Removal or Injury of Instruction Cards. No person shall, during an election, remove, tear down or deface the cards printed for the instruction of voters.
- D. Posting Instruction Cards. On the day of election the SEC shall post at least one (1) instruction card in each booth or table provided for the preparation of the ballots, and not less than three (3) instruction cards at other places in and about the polling place within easy access to the voters. If needed, voters may ask for language assistance.
- E. Student Registry. Before opening the polls, the SEC shall place in a convenient place, at or near the polling place and of easy access to the SEC, not less than one (1) copy of the registry or roster of eligible students which shall be obtained from the Registrar by the SEC. Due to Federal Regulations, specifically the Family Educational Rights and Privacy Act (FERPA), only SEC members who are employees of UOG may certify

eligibility of voters at the polling place using the registry provided by the Registrar. Students are identified by their UOG Student Identification (ID) card.

- F. Proclamation of Opening Polls. Before the polling place receives any ballots it shall proclaim aloud at the place of election that the polls are open.
- G. Time for Opening and Closing Polls. The polls shall be opened at 8 o'clock a.m., on the day(s) of an election and shall be kept open until 8 o'clock p.m., on the same day(s), after which time the polls shall be closed.
- H. Times for Voting. Voting may commence as soon as the polls are opened and may be continued during all the time the polls remain open.
- I. Solicitation of Votes at Polling Place Prohibited. Within one hundred feet (100') of a polling place, no person shall solicit a vote or speak to a voter on the subject of marking his/her ballot or on behalf of or against any candidate. The candidates for Student Regent shall only be in the voting area long enough to vote. Offices and facilities within the limits of the voting site will be available for use by the candidates for official business (not as a hangout area), but campaigning/electioneering or discussion of the election are not permitted during election day(s) in those offices and facilities.
- J. Electioneering at Polling Place Prohibited. No person shall do any electioneering on election day(s) within one hundred feet (100') of any entrance and/or exit of any polling place. At least three (3) days before an election, an SEC designee will mark the 100' line. Candidates may attend the marking. SEC members or designees will enforce this rule.
- K. Use of Barricade Before Booths. A guard-rail, rope or other barricade, shall be constructed and placed so that only those persons who are inside the barricade can approach within six feet (6') of the ballot boxes, booths, tables or other facilities for voting.
- L. Persons Permitted Within Barricade. Only voters engaged in receiving, preparing or depositing their ballots, and the SEC members shall be the only ones permitted to be within the barricade after the opening and before the closing of the polls. Poll watchers may be required to observe from a convenient location outside of the barricade. All poll watchers must follow the solicitation and electioneering regulation.
- M. Exhibiting Ballot Box. Before receiving any ballots, the SEC shall, in the presence of any voters assembled at the polling place, open and exhibit and close the ballot box. The ballot box shall be secured by two key locks, the key to one lock shall be held by the President or designee and the key to the second lock shall be held by an SEC member. Thereafter, the ballot box shall not be removed from the polling place or the presence of the voters until after the polls are finally closed. However, if the election

is conducted over two days, the ballot box shall be stored securely in the office of the Dean of Enrollment Management and Student Success (EMSS) or its successor, or any alternative secure location mutually agreed by the Dean of EMSS and the SEC. During such storage, a tape seal shall be placed over the slot in the ballot box and signed by the holders of the keys to the two locks.

- N. Roster and Tally List. The roster and tally list will be kept until the election is certified and all claims or disputes are settled.
- O. Presence of Election Officers. At least two (2) members of the SEC shall be present at the polling place at any given time.
- P. Grounds for Challenge. A person who wishes to vote may be orally challenged by any voter upon one or all of the following grounds:
  - a. That he/she is not the person whose name appears on the register, based on the presentation of a UOG student ID card.
  - b. That he/she is not a registered student at UOG.
  - c. That he/she has already voted in the current election.
- Q. Record on Challenges. The SEC shall keep a list, showing:
  - a. The names of all persons challenged.
  - b. The names of all challengers.
  - c. The grounds of each challenge.
  - d. The determination of the SEC members present upon the challenge.
- R. ADA reasonable accommodation requests may be made to any SEC member. Persons requiring reasonable accommodations may be assisted by other persons at the poll site.
- S. Reporting of Name and Signing Roster. Any person who wishes to vote shall report his/her name in full and show his/her UOG student ID card to the recording officer. One of the members of the SEC shall then check with the roster of enrolled students and announce the name appearing therein, if any, whereupon a challenge may be interposed. If the voter goes unchallenged, or if challenged and the SEC members present rule that the voter is qualified to vote, the voter shall then sign the roster.

- T. Fraudulent Voting. Every person not entitled to vote who fraudulently votes, and every person who votes more than once at any one election, will be referred to the student discipline committee.
- U. Change of Name. In case the surname of anyone wishing to vote has been changed for any reason (such as marriage or divorce) since he/she has registered, he/she shall report his/her name as it is listed at the time of registration and also his/her name as it is at the time he/she votes. The SEC shall thereupon make the necessary adjustment in the register, indicating the reason for the change therein, and report it to the Registrar.
- V. One Ballot to Each Voter. Only one (1) ballot shall be given each voter.
- W. Delivery of Ballot by Election Officer Only. No person, other than an SEC member, shall give or deliver any ballot to any voter.
- X. Only one (1) Person in Booth. Booths shall not be occupied by more than one (1) person at a time. Voters shall not remain in or occupy a booth longer than is necessary to prepare their ballots, which shall not exceed five (5) minutes. This rule may be waived for person requiring reasonable accommodations.
- Y. Voting in Booth. On receiving his/her ballot, the voter shall forthwith, and without leaving the enclosed space, retire alone to one of the places, booth or tables, provided to prepare his/her ballot:
- a. Indicating Vote. In voting, the voter shall place the appropriate mark in the voting square or space adjacent to the name of any candidate for whom he/she intends to vote.
  - b. Identifying Marks Prohibited. A voter shall not place any mark upon his/her ballot by which it may be afterwards identified as the one voted by him/her.
  - c. Revealing Ballot Prohibited. After his/her ballot is marked a voter shall not show it to any person in such a way as to reveal its contents.
  - d. Delivery of Ballot. Having completed marking his/her ballot the voter shall then deposit the ballot in the ballot box under the cognizance of the member of the SEC having charge of the ballot box.
  - e. Exit Polling: Any exit polling activities may not violate the 100' rule.
  - f. Absentee voting is not allowed.
  - g. Should the campus or polling sites be closed due to unforeseen circumstances, such as, but not limited to, a natural or manmade disaster or pandemic, and in

person voting is not permitted, alternative means of electing officials or casting ballots are allowable. This includes, but not limited to, online voting. Should the election and swearing in dates be missed, the SGA council may make a resolution acknowledging the extenuating circumstances.

f.h. The EC will be the lead to coordinate the creation of the online polling site; validate/verify the count to eliminate discrepancies; provide clearly outlined ballot instructions; and outline procedures for voiding ballots.

## **SECTION 9**

### **Vote Tabulation & Declaration of Results**

- A. Application of Section. Unless otherwise indicated, the provisions of this Section shall apply to Student Regent Elections.
- B. ~~S~~EC Members Present at Close of Polls. At least two (2) ~~S~~EC members shall be present at the closing of the polls.
- C. Opening Boxes and Counting Ballots. The ballot box shall not be opened, nor shall the ballots be counted until the box is moved to the designated election center.
- D. Ballots Exceeding Number on Roster. After conducting cross-checks, if the ballots in the box exceed in number the names on the roster, a notation will be made in the formal election record.
- E. Signing Roster. Only the ~~S~~EC members counting the ballots shall sign the roster, as to the number of ballots agreeing or made thus to agree with the number of names on the roster. The ~~S~~EC shall attest to the roster and shall set down in words and figures at the foot of the roster an attestation of the number of names on the roster. If a discrepancy exists, a notation will be made in the election file.
- F. Rejected Illegal Ballots. Two (2) ~~S~~EC members shall endorse upon all ballots rejected for illegality the cause of rejection and sign the endorsement.
- G. Delivery of Ballots to Election Center. The ballot box with the roster and all endorsements and rejected ballots shall be delivered to the election center for tabulation. Representatives of the individual candidates are authorized to accompany the ballots from the poll site to the election center. Representatives of the individual candidates (one (1) per candidate) are authorized to observe the ballot tabulation or ballot handling processes. All observers must remain behind the barrier. All ballot correction activities shall be done in full view of the observers. All observers must follow the directions of the ~~S~~EC while in the election center.

- H. Election Return Center. The SEC may use the UOG Computer Center for the tabulation of votes and publication of returns.
- I. Vote Tabulating Device: Mode of Tallying. The SEC may appoint such persons as may be necessary for the tabulation of ballots and/or for the operation of the vote tabulating device and to keep watch on such tabulation for any possible illegal vote or any error or omission on the part of the persons tabulating the ballots or operating the vote tabulating device. SEC members are the only persons authorized to handle ballots.
- J. Tabulating at the Poll Site. Ballots will be tabulated only at the election center.
- K. Imperfectly Marked Ballots Void. Any ballot which is not marked as provided by the rules shall be void; but the ballot shall be preserved. Two (2) or more markings in the voting square or a mark made partly within and partly without a voting square or space does not make a ballot void. If the SEC members assigned to tabulating the ballots can reasonably determine the intent of the voter, the ballot is valid. Any determinations of intent shall be noted in the official election file.
- L. Defective Ballots. If a ballot is torn, bent, mutilated or otherwise defective so that it cannot be so tabulated by vote tabulating machine, the SEC may cause a duplicate to be punched, slotted or otherwise marked in the presence of witnesses. Both the new ballot and the defective ballot shall be marked with a serial number and the new ballot shall bear the words "duplicate - serial number \_\_\_\_."
- M. Ballot Not Rejected for Technical Error. At any election, a ballot shall not be rejected for any technical error which does not render it impossible to determine the voter's choice, even though the ballot is somewhat soiled or defaced.
- N. Write-in Votes. There are no write-in votes allowed because of the specific nature of this election.
- O. Unauthorized Marks on Ballot. No mark upon a ballot which is unauthorized by this regulation invalidates a ballot, unless it appears that the mark was placed there by the voter for the purpose of identifying the ballot.
- P. Adding to Ballots in Box. Every person who changes any ballot after it has been deposited in the ballot box, or adds, or attempts to add, any ballot to those legally polled at any election, by fraudulent introduction of a ballot into the ballot box either before or after the ballots have been counted shall be brought by the SEC before the Student Discipline and Appeals Committee for action.
- Q. Adding Ballots during Count. Any person who adds to or mixes with or attempts to add to or mix with, the ballots lawfully polled, any other ballots with intent to change the

result of an election will be brought by the SEC before the Student Discipline and Appeals Committee for action.

- R. Taking or Destroying Ballots. Any person who carries away or destroys, or attempts to carry away or destroy, any poll list or ballot, or ballot box for the purpose of preventing, affecting the result of or invalidating any election, or willfully detains, mutilates or destroys any election return, will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- S. Interference with SEC or Voters. Any person who in any manner so interferes with the SEC or any members thereof, holding any student election, or interferes with the voters lawfully exercising their right of voting at any student election, as to prevent or attempt to prevent the election or canvass from being fairly held and lawfully conducted, will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- T. Removing or Defacing Results Posted. Every person who removes or defaces any posted copy of the result of votes cast will be brought by the SEC before the Student Discipline and Appeals Committee for action.
- U. Sealing Counted Ballots. As soon as the names marked on the ballots validly voted are tabulated, such ballots shall not thereafter be examined by any person, except upon a recount as provided in this Section, but shall, as soon as all of the votes are tabulated, be carefully sealed in a strong envelope with the election information thereon. At least two (2) members of the SEC shall write their names across the seal. This information shall be kept in the official election file and maintained at the Office of the Dean of EMSS.
- V. Certification of Election. As soon as all the votes for a Student Regent election are counted, but within one day, and the ballots sealed, the SEC shall report the results of the election to the Chairperson of the BOR via the Dean of EMSS, Senior Vice President and Provost for Academic and Student Affairs and the President. The report shall be signed by a majority of the SEC members present at a meeting of the SEC having a quorum present.
- W. Calculating Student Regent Vote Winner. The Student Regent candidate receiving the highest number of votes cast at an election of all students registered at UOG whether full-time or part-time will be declared the winner based on the following criteria:
  - a. At least ten percent (10%) of all registered students at UOG must vote in the election of the student member of the BOR.



- b. In an election with no more than two (2) candidates, at least forty percent (40%) of the votes must be acquired by any one (1) candidate in order for the election to be declared valid.
- c. In an election with three (3) or more candidates, a plurality, or the greater number, of all votes cast for any one candidate shall be used to determine the winner of the election.

X. Delivery of Certification of Election. The SEC shall cause to be posted in public near the polling place a copy of the certification of the election results.

Y. Tabulation and Publication of Election Results. Immediately upon tabulation of each of the votes, the SEC shall tabulate or cause to be tabulated the cumulative results and make these tentative, uncertified results known to the public:

a. Returns Open to Public Inspection. Immediately upon completion of the tabulation by the SEC of all the ballots, the election results shall be declared opened for public inspection.

b. Election Center Open until Tabulation Complete. The SEC shall, on the day of the closing of the polling site, keep the election return center open for the tabulation of election results, until each and every ballot has been received and tabulated and the results thereof made public.

c. Correction or Completion. The SEC will correct or complete its rosters, certificates or other forms or its authentications thereof, so that they show correctly any information required thereon.

d. Recount. If the tabulation of the SEC indicates, in its opinion, a close vote, the SEC shall conduct a recount of the votes. At the end of the recount all ballots shall be returned to the election envelopes resealed with at least two (2) members of the SEC writing their name across the seal. The result of the recount shall immediately be made public as a recount.

e. Review of Ballots. The SEC shall not review any ballots except as permitted on a recount.

f. Entry of results on record. Immediately upon the completion of the tabulation of all ballots, the SEC shall enter on its record, and include in its report to the Chairperson of the BOR, a statement of the results, which will show:

- i. The total number of votes cast in the election;
- ii. The cumulative votes for the names of the persons voted for.



- iii. The percentage of eligible voters who voted and the percentages of votes cast for each candidate.
- iv. Disregard of Technical Errors. No declaration of the result may be withheld on account of any defect or informality if it can with reasonable certainty be ascertained who is elected to the office.
- v. Preservation of Ballots. The SEC shall be responsible for the preservation of all the ballots cast and all rosters and certificates until the election is finalized and all disputes are resolved to the satisfaction of the SEC.

## SECTION 10

### Election Contests

- A. Contestant and Defendant Defined. When used in this Section, contestant means any candidate named on the ballot initiating an election contest. Defendant means that person whose election or qualification is contested or those persons receiving an equal or larger number of votes, other than the contestant, when a candidate does not receive the percentage of votes required for the contested office.
- B. Causes for Contest. Any named candidate for Student Regent may contest the election held therein, for any of the following causes:
  - a. That the person who has been declared elected to an office was not, at the time of the election, eligible to that office. This will be determined by the Registrar.
  - b. That the SEC or any member thereof was guilty of misconduct at the polling site.
  - c. That the defendant has given to any elector or official of the election, any bribe or reward or has offered any bribe or reward for the purpose of procuring his/her election or has committed any other offense against the elective franchise of students.
  - d. That illegal votes were cast.
  - e. That the SEC in conducting the election or in counting the ballots, made errors sufficient to change the results of the election as to any person who has been declared elected.
- C. Irregularity or Misconduct Not Affecting Result. No irregularity or improper conduct in the proceedings of any official shall void an election result, unless such irregularity or misconduct resulted in a defendant being declared either elected or tied for election.

- D. Where Illegal Votes Not Necessary to Majority. An election shall not be set aside on account of illegal votes, unless it appears that such number of illegal votes has been given to the person whose right to the office is contested or who has been certified as having tied for first place, which, if taken from him/her, would reduce the number of his/her legal votes below the number of votes given to some other person for the same office, after deducting therefrom the illegal votes which may be shown to have been given to such other person.
- E. Complaint by Contestant. When a voter contests any election, he/she shall file with the SEC a written complaint, setting forth specifically:
- a. The name of the contestant and that he/she is a named candidate, in which the contested election was held.
  - b. The name of the defendant.
  - c. The office.
  - d. The particular grounds of the contest.
- F. Allegation of Illegal Votes. When the reception of illegal votes is alleged as a cause of contest, it is sufficient to state generally that illegal votes were given to the defendant, that, if taken from the contestant will reduce the number of the contestant's legal votes below the number of legal votes given to some other candidate for student regent. The SEC shall cause to be delivered to the defendant, a copy of the complaint filed by the contestant.
- G. Technical Errors in Allegations Disregarded. A statement of the grounds of contest shall not be rejected, nor do the proceedings dismissed by the SEC, for want of form, if the grounds of contest are alleged with such certainty as will advise the defendant of the particular ground or cause for which the election is contested.

### **Procedure in Filing Statements of Contest**

- A. Timeline for Filing Statements of Contest. The contestant shall write a statement of contest and shall file it within ten (10) business days after the declaration of the result of the Student Regent election.
- B. Special Session. Within seven (7) business days after the end of time allowed for filing statements of contest, the SEC shall thereupon hold a special session to address the statement of contest.
- C. Citation to Defendant. The SEC shall thereupon issue a citation for the defendant to appear at the time and place specified in the order, which citation shall be delivered

and served upon the parties at least three (3) business days before the time so specified, either:

a. Personally, or

b. Through their official [UOG ~~University of Guam~~](mailto:gotriton@uog.edu) e-mail address (gotriton).

- D. Findings and Conclusions: Judgment. The SEC shall continue a special session to hear and determine all issues arising in contested elections. After hearing the proofs and allegations of the parties and within five (5) business days after the submission thereof the SEC shall place in the election file its findings of fact and conclusions, and immediately thereafter shall announce judgment in the case, either confirming or annulling the portion of the election contested. The judgment shall be entered immediately thereafter in the election file.
- E. Final Appeals. Within five (5) business days following the Special Session decision, the contestant may file a final appeal with the UOG President. The President will make a final decision on the contest stating in writing the reasons and justifications.
- F. Determination of Tie. In the case of a tie for Student Regent, a runoff election will be held within ten (10) business days of the election.

## Sanctions

The following sanctions for violation of the Student Regent Election Regulations are to be considered by the University Student Discipline and Appeals Committee:

- A. **Warning:** A notice in writing to the student that he/she is violating or has violated the election regulation, but that the violation did not result in a substantial disruption to the election process. Two (2) or more sanctions of warnings against a student may result in a loss of privileges with regards to participation in the current and/or future elections as a voter and/or candidate.
- B. **Loss of privileges:** A student may be sanctioned with a loss of privilege to participate in future elections, both as a voter and/or candidate for a specified number of election cycles. If the student violated the election regulation resulting in a substantial disruption to the election process and/or received two (2) or more sanctions of warnings, and that student is a current candidate, then removal as a candidate for that current election may be sanctioned. In such a case, the student candidate with the next highest vote will be declared the winner. If there is no candidate with the next highest vote, procedures of a vacancy of this position shall be followed in accordance with the UOG BOR Amended Bylaws, dated August 23, 2018. Any vacancy during the term of a Student Regent shall be filled for the remainder of the term by an election of a majority of the Student Government Associate of a student having the

qualifications specified in the Articles of Incorporation and the UOG BOR Amended Bylaws.

## **SECTION 11**

### **Election Process Evaluation and Review**

A. Within thirty (30) business days of certification of a Student Regent Election, the SEC shall furnish the Chairperson of the BOR, via the Dean of EMSS, the Senior Vice President and Provost for Academic and Student Affairs and the President of the University, a report summarizing the election process. Any recommendations for improving the Student Regent Election Regulation will be provided in this report. This report shall also be directed to the SGA Council.

## 5.2 ACADEMIC, PERSONNEL, AND TENURE COMMITTEE



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-34**

**RELATIVE TO EXPRESSING APPRECIATION TO CHRISTOPHER K. FELIX FOR HIS  
SERVICE AS A MEMBER, AND CHAIRPERSON OF THE BOARD OF REGENTS**

**WHEREAS**, upon the completion of Christopher K. Felix of his term as a member, and Chairperson of the Board of Regents (BOR), the University of Guam (UOG) community wishes to express its sincere gratitude for his dedication and service;

**WHEREAS**, Christopher K. Felix attended the Damien High School in Honolulu, Hawaii, and Loyola University in Los Angeles, California; completed various accounting management and public administration courses, and has taught several real estate courses as a certified instructor at the University of Guam; and achieved designation as a Certified Property Manager (C.P.M.) by the Institute of Real Estate Management in November 1981;

**WHEREAS**, Christopher K. Felix is a successful businessman as the President and Principal Broker of Century 21 Realty Management Company, Incorporated, serving clients in the most professional manner possible through property management, real estate, and client-focused service;

**WHEREAS**, Christopher K. Felix is a public servant and active in the community, having served on various boards and organizations including being the Director of the Chambers of Commerce; Past President of the Guam Rotary Club; Secretary of the FBI Guam Citizens Academy Alumni Association, Incorporated; Member of the Archdiocese of Agaña Finance Council; Founding Member and President of the March of Dimes; Founding Board Member of the Catholic Social Services; Past President of the Guam Association of Realtors (8 times); National Director of the National Association of Realtors for the past 35 years; Member of the Institute of Real Estate Management (IREM); Member of the Commercial Investment Real Estate Institute; Member of the Guam Real Estate Committee; and Past Disaster Chairman of the Guam Chapter of the American Red Cross;

**WHEREAS**, Christopher K. Felix achieved numerous and recurring awards to include Realtor of the Year; Realtors Choice; Governor's Guahan Award; and Distinguished Service Awardee of the National Association of Realtors;

**WHEREAS**, Christopher K. Felix was confirmed as a member of the BOR on November 26, 2013 to serve a full six-year term ending November 25, 2019, and continued to serve in an acting holdover capacity, as authorized by PL 29-113, until February 3, 2020;

**WHEREAS**, Christopher K. Felix served as Chairperson of the BOR from November 15, 2018 to February 3, 2020;

**WHEREAS**, as a member of the BOR, Christopher K. Felix served on: the Student Affairs, Scholarship, Alumni Relations and Honorary Degree Committee as a member from February 2014 to April 2019, and as Chair from September 2014 to November 2017; the Academic, Personnel, and Tenure Committee as a member from April 2014 to November 2014; the Physical Facilities Committee as a member from June 2015 to August 2018, and as Chair from February 2018 to November 2018; the Investment Committee as a member from July 2014

to September 2019; and Budget, Finance, and Audit Committee as a member from February 2017 to September 2019;

**WHEREAS**, Christopher K. Felix represented the BOR as a member of the Presidential Search Committee (PSC) from 2017 to 2018; and as a member of the Ad Hoc Transition Planning Committee for the new President from July 19, 2018 to October 3, 2018;

**WHEREAS**, Christopher K. Felix brought experience and knowledge as a successful professional and responsible leader to the BOR, and provided valuable influence in working with both policy makers and the Administration in addressing issues impacting UOG;

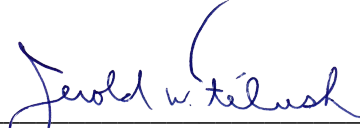
**WHEREAS**, Christopher K. Felix is highly regarded for his humility, good nature, sound judgement and holistic consideration in decision-making; and

**WHEREAS**, the Academic, Personnel, and Tenure Committee has reviewed the recommendation and recommends approval of this resolution expressing appreciation to Christopher K. Felix to the BOR.


**NOW THEREFORE, BE IT RESOLVED**, that the BOR of UOG, the administration, faculty, staff and students, convey to Christopher K. Felix their sincerest gratitude for his dedication to UOG and the people of Guam, for his service as a member of the BOR, and for his devotion to the growth and prosperity of our island; and

**BE IT FURTHER RESOLVED**, that copies of this resolution will be sent to Christopher K. Felix, to the Governor of Guam, and to the Speaker and members of the thirty-fifth (35<sup>th</sup>) Guam Legislature.

Adopted this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary



UNIVERSITY OF GUAM  
UNIBETSEDÅT GUÅHAN  
Board of Regents

Resolution No. 20-35

**RELATIVE TO AWARDING EMERITUS PROFESSOR OF HUMAN RESOURCE MANAGEMENT  
STATUS TO DR. RICHARD S. COLFAX**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the authority to bestow the title of Emeritus Professor is vested in the Board of Regents (BOR) in 1987 and the criteria and procedures were last revised by BOR Resolution 19-31;

**WHEREAS**, the faculty of the Division of Business Administration in the School of Business & Public Administration (SBPA) has unanimously nominated Dr. Richard S. Colfax for the title of Emeritus Professor;

**WHEREAS**, the *Rules, Regulations, and Procedures Manual*, Article V, Chapter A. Faculty Input, Section 13. Emeritus(a) Professor provides the criteria for Emeritus Professors, to include 15 years of service as a faculty member, attainment of tenure at the Associate Professor or Professor rank; and significant contribution to UOG in one endeavor of the Comprehensive Faculty Evaluation System;

**WHEREAS**, Dr. Richard S. Colfax has 26 years of service as a faculty member at UOG;

**WHEREAS**, Dr. Richard S. Colfax attained the rank of tenured, full Professor;

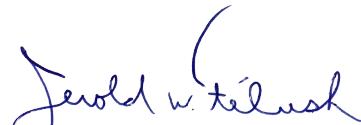
**WHEREAS**, Dr. Richard S. Colfax has distinguished himself by consistently demonstrating outstanding classroom instruction and dedicated service to student organizations and the university;

**WHEREAS**, the enclosed nomination was endorsed by the SBPA Academic Affairs Committee, the SBPA Dean, the Nineteenth Faculty Senate; and was reviewed and recommended for approval by the Senior Vice President & Provost and the President; and


**WHEREAS**, the Academic, Personnel and Tenure Committee has reviewed the enclosed nomination and recommends to the BOR to award the title of Emeritus Professor of Human Resource Management to Dr. Richard S. Colfax.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby bestows the title of Emeritus Professor of Human Resource Management to Dr. Richard S. Colfax.

Adopted this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary





## Emeritus Professor Nomination Form

Please refer to the University of Guam (UOG) Board of Regent's Bylaws Booklet of Appendices for full criteria, deadlines, and processes. A current curriculum vitae describing nominee's endeavors in research, teaching, and/or community service **must** be submitted with this form.

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### Nominee Information

Name of Nominee: Dr. Richard S. Colfax

Title (at Retirement): Professor of Human Resource Management and Management

Unit: School of Business and Public Administration

Faculty Start date: 08 / 15 / 1994 Date of Retirement: 09 / 30 / 2020

Mailing Address: P.O. Box 5267 UOG Station, Mangilao, GU 96923 USA

Email address: [colfax@triton.uog.edu](mailto:colfax@triton.uog.edu), [rscolfax@yahoo.com](mailto:rscolfax@yahoo.com)

Contact Number(s): (671) 488-4372

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### Emergency Contact or Next of Kin Information

Name: Toyoko S. Colfax (Spouse)

Mailing Address: P.O. Box 5267 UOG Station, Mangilao, GU 96923 USA

Email address: [tscolfax1@yahoo.com](mailto:tscolfax1@yahoo.com) Contact Number(s): (671) 488-6857

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### Nominator Information

*(Complete this section only if you are not the nominee.)*

In addition to self-nominations, a nomination must originate from any full-time faculty member, the Dean or Director of the Unit, or a member of the Society of Emeritus Professors and Retired Scholars (SEPRS).

Name of Nominator: Dr. Annette T. Santos, SBPA Dean and Dr. Fred S. Schumann, Professor

Relationship to the Nominee: SBPA Dean and Faculty Colleague, respectively

Email address: [atsantos@triton.uog.edu](mailto:atsantos@triton.uog.edu), [schumannf@triton.uog.edu](mailto:schumannf@triton.uog.edu)

Contact Number(s): (671) 688-1377, (671) 858-2170

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### **Criteria for Emeritus(a) Professor**

(Nominee *must* meet all three (3) criteria for eligibility)

1. Tenured faculty at the minimum rank of Associate Professor/Extension Agent IV or Professor/Extension Specialist at UOG at the time of retirement.
2. Has at least fifteen (15) years of service as a full-time faculty member or a combination of said years of service as a full-time faculty and academic administrator at UOG.
3. Has been reviewed using the following procedures to confirm that he/she has made significant contributions to UOG

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### **Nomination Procedures for Emeritus(a) Professor**

1. The faculty nomination process for the status of Emeritus(a) Professor may begin during the last year of employment prior to retirement from UOG, provided that said status, if granted before retirement, shall only become effective the day after the date of official retirement from the University.
2. Nominations for Emeritus(a) Professor status may originate from any full-time faculty member, the individual being nominated, the Dean or Director of the Unit, or a member of the Society of Emeritus Professors and Retired Scholars (SEPRS)
3. Nominations for the titled status of Professor Emeritus(a) shall begin with the submission of the nomination form, with a current curriculum vitae (CV) attached, to the Dean or Director of the Unit from which the nominee is serving or has retired.
4. Dean or Director Review. Upon receipt of the nomination form and the current CV, the Dean or Director may notify and solicit remarks from the college or unit concerning the nominee. The recommendation of the Dean or Director and all the documents pertaining thereto, shall be forwarded within ten (10) business days from receipt of the nomination package to the Senior Vice President of Academic & Student Affairs (SVP-ASA). In the event that a Dean or Director does not take action by the specified deadline for review, the nomination shall proceed forward to the next stage of review with the nominator or nominee providing the SVP-ASA with a copy of the nomination package.
5. SVP-ASA Review. The SVP-ASA shall have fifteen (15) business days to review the nomination package. Upon receipt of the nomination package, the SVP-ASA will notify the President of SEPRS of an application under review. During this review period, the SVP-ASA may notify and solicit remarks from the university community concerning the nominee. The recommendation of the SVP-ASA and all documents pertaining thereto, shall be forwarded to the President. In the event that the SVP-ASA does not take action by the specified deadline for review, the nomination shall proceed forward to the next stage of review with the nominator or nominee providing the President a copy of the nomination package.
6. UOG President Review. The President shall have up to ten (10) business days from the recommendation receipt date to review and submit a recommendation for approval, if applicable, to the appropriate BOR committee before submission to the BOR for action.

7. The BOR shall have the final determination concerning the granting of the Emeritus(a) status. It is the responsibility of the Executive Secretary of the BOR to notify both the newly granted Emeritus(a) Professor and the President of the SEPRS of the conferred status. The newly granted Emeritus(a) Professor shall be presented with a certificate of recognition of status by the UOG President.
8. Emeritus(a) Professor status is permanent. Emeritus Professors who are deceased shall have their name in the Catalog and Bulletin in perpetuity. However, the BOR shall have the authority to withdraw the Emeritus(a) Professors status with just cause.
9. It is the responsibility of the Emeritus(a) Professor to maintain contact on at least a yearly basis with SEPRS. The President of SEPRS will submit an annual report of activities to the SVP-ASA. This annual report will be distributed to the UOG President, BOR, deans, directors, and university community.

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## Nomination Letter

September 29, 2020

TO: Board of Regents

FROM: Dr. Annette T. Santos, SBPA Dean  
Dr. Fred Schumann, Professor of Global Studies, SBPA

RE: Professor Emeritus(a) Nomination for **Dr. Richard S. Colfax**

This letter of recommendation is submitted in support of the nomination of **Dr. Richard S. Colfax** for the distinction of **Professor Emeritus**.

Dr. Richard S. Colfax has been employed at the University of Guam since August 1994. Over the course of 26 years, Dr. Colfax has made major contributions to the University of Guam, the School of Business and Public Administration (SBPA), the Business Administration degree program, the Human Resource Management discipline, our students, and the regional communities at many levels. Dr. Colfax's biggest contributions have been in 1) classroom Instruction and program development; and 2) Service to student organizations and the University Community.

### Instruction

In classroom Instruction, Dr. Colfax's teaching has been evaluated as excellent throughout his career at UOG. He has taught a full range of courses at both the Graduate and Undergraduate levels. In addition to teaching, he coordinated and led the Human Resource Management and Organizational Behavior discipline faculty, both full- and part-time. He believed strongly in consistency and worked with faculty to specifically develop an integrated program across these disciplines.

Dr. Colfax was instrumental in developing (and teaching) the HRM discipline and program related courses. He certainly created a following as Human Resource Management grew into one of the most favored concentration/discipline at SBPA. In recent years, UOG graduated approximately 15 HRM concentration students per semester surpassing the initial target of five (5) students per Academic Year!

Many former Business Administration with Concentration in Human Resources Management graduates can be found in major leadership roles throughout the region and at local businesses. They include General Managers, HR Directors, Senior HR Managers, as well as many other management positions. Further, the Guam Professional Chapter of the Society for Human Resource Management (SHRM) is now led by five (5) BBA/HRM graduates and former UOG SHRM Student Chapter Officers and Members.

At the Graduate level, Dr. Colfax taught in both the Professional Master of Business Administration (PMBA) and Master of Public Administration (MPA) degree programs. He developed and taught the current BA630 Global Human Resource Management course curriculum. He also taught the BA711 Business Capstone Experience course. Additionally, he served as the PMBA Program Coordinator/Chair from 2007 to 2010.

Recognizing the value that Dr. Colfax could bring as an instructional guide and coach, he was appointed as the first Graduate Faculty Coordinator by SVPP Enriquez from 2011-2016. At the

School level, I appointed Dr. Colfax as the first SBPA Adjunct and Faculty Mentor/Coach. He served in this capacity from 2014 to present. In this role, Dr. Colfax provided guidance to new, junior, adjunct, and collaborating colleagues for the last nine (9) years combined.

Of special note are the recognitions for Classroom Instruction

- **SBPA Faculty Teaching Excellence Award** in 2013
- Case Carnegie Foundation **Carnegie Professor of the Year** for Guam in 1999
- **CLASS Award of Excellence in Faculty Collaboration** in 1999
- **UOG Faculty Award of Excellence in Teaching** in 1998
- Vice President of Student Affairs **All-Star Award** in 1998, 1999, 2000.

### Service

Throughout his 26 years at UOG, Dr. Colfax has been actively involved, to say the least. He served in many elected, appointed, and invited positions across campus and in the Community. A litany of his good work and service to the University and to the Community can be found in his attached Curriculum Vitae.

Of special note are the following UOG Service leadership roles:

- Chair and Member, UOG's Institutional Review Board (IRB) also called the CHRS
- Chair and Member, UOG Promotion and Tenure Committee (P&T)
- SBPA Representative, UAAC (precursor of current UOG Senate)
- Chair and Member, UOG Travel Grant Committee
- Member, Student Appeals and Discipline Committee
- Member, multiple SBPA and Other Units' Search Committees for Faculty, Staff and Administrator positions
- Appointee, number of UOG Presidential Committees

In the Community, in addition to active professional consulting related work, Dr. Colfax was involved in the following organizations:

- SHRM Guam Professional Chapter where served as a Board Member for multiple years, active Member, and Professional Chapter President
- Membership in numerous professional organizations

Dr. Colfax was involved in Service to Students as an Active Student Organization Advisor for the following organizations:

- UOG SHRM Student Chapter (Founding Advisor; through his guidance, the UOG-SHRM Student Chapter was a recipient of multiple year *national* awards for Superior Merit and Outstanding Student Chapter)
- UOG Student Veteran Organization (SVO)
- Pohnpei Student Organization (PSO)

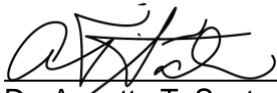
Dr. Colfax is dedicated to actively coaching, mentoring, and advising colleagues as well as former and current students. He willingly coached New Faculty and other faculty colleagues who sought out his assistance and guidance. This, even now, includes conducting Professional Certification Preparation Training for current and former students for the SHRM-CP and SHRM-SCP professional certifications.

The information presented above is just a select compilation of highlights that attempts to depict Dr. Colfax's many contributions during his tenure at the University of Guam. This, by far, does not do justice to his many contributions over the last 26 years. An attached CV may provide additional insight and details of his Instruction, Creative/Scholarly Research/Activity, and University/Community Service endeavors over the years.

When you speak to colleagues and students, it will become clear the kind of legacy Dr. Colfax will leave behind. Though his presence will be missed, there will reference to his name, his work, his commitment -- and all these memories will remind us of how much he truly cared about the people -- who worked and studied at the School of Business and Public Administration and the University of Guam.

Your consideration of the Nomination of Dr. Richard S. Colfax for Professor Emeritus would be greatly appreciated. It would be a great honor to have him included in the UOG Society of Emeritus Professors and Retired Scholars (SEPRS). Dr. Colfax's contributions to UOG as a Faculty member and colleague has helped make a tremendous difference in the education and experiences of our Students, our Community, and at our University of Guam.

Sincerely,



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Dr. Annette T. Santos  
SBPA Dean



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Dr. Fred Schumann  
Professor, Global Resource Management

Attachment

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**Dean/Director Recommendation**

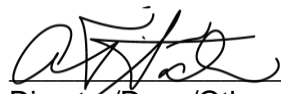
Nominee's Name: DR. RICHARD S. COLFAX

Based on the attached nomination form and current curriculum vitae, the applicant has distinguished himself/herself by making significant contributions to the UOG in research, teaching, and/or service.

YES     NO

Therefore, awarding the status of Emeritus(a) Professor to this nominee is:

RECOMMENDED     NOT RECOMMENDED



\_\_\_\_\_  
Director/Dean/Other

09 / 29 / 2020  
Date

Comments:

This recommendation comes highly endorsed and recommended. Dr. Richard S. Colfax is fully deserving of the distinction of Professor Emeritus.

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**Senior Vice President for Academic and Student Affairs (SVP-ASA) Recommendation**

Nominee's Name: DR. RICHARD S. COLFAX

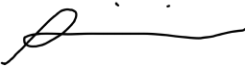
**The President of SEPRS was notified of this application.** Date: 09/30/2020 (via cc:)

Based on the attached nomination form and current curriculum vitae, the applicant has distinguished himself/herself by making significant contributions to UOG in research, teaching, and/or service.

YES   [   ] NO

Awarding the status of Emeritus(a) Professor to this nominee is:

RECOMMENDED   [   ] NOT RECOMMENDED

  
\_\_\_\_\_  
SVP-ASA

10/16/2020  
Date

Comments:



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**President's Recommendation to the Board of Regents**

Nominee's Name: DR. RICHARD S. COLFAX

Based on the attached nomination form and current curriculum vitae, the applicant has distinguished himself/herself by making significant contributions to UOG in research, teaching, and/or service.

YES [ ] NO

Awarding the status of Emeritus(a) Professor to this nominee is:

RECOMMENDED [ ] NOT RECOMMENDED

  
\_\_\_\_\_  
President

10/16 2020  
Date

Comments:

# Curriculum Vitae

## Richard S. Colfax, PhD

Professional Certifications: SHRM-SCP, GPHR, HRMP, SPHR-I, PHR, CHRP, CM, LSS-BB, SS-BB

Work/Cell: (671) 488-4372

e-mail: [rscolfax@yahoo.com](mailto:rscolfax@yahoo.com)

Address: PO Box 5267 UOG Stn., Mangilao, GUAM 96923, U.S.A.

Dr. Richard S. Colfax, Ph.D. has extensive international work (and residence) experience, including 20+ years in Japan and 25 years in Guam and the Micronesian Region. A fluent speaker of Japanese, he has worked, consulted, trained and taught across the Asia-Pacific Region. He is professionally certified in a range of leadership, management and related areas.

Rich is active in the local business community providing international human resource-management-business consulting and coaching services including:

- federal contract partnering facilitation
- executive/management coaching
- executive/management team development
- critical thinking
- performance evaluation development
- business/market research & analysis
- alternative dispute resolution (ADR) mediation

A life-long learner, he continues to pursue opportunities and related qualifications. Recent areas of growth include completion of Six Sigma and Lean Six Sigma **Black Belt** certifications as well as disaster and crisis management coordination capabilities with earned US Homeland Security, FEMA and PATA certifications.

Dr. Colfax's current professional qualifications/certifications include:

- SHRM (Society for Human Resource Management) certifications:
  - **SHRM-Senior Certified Professional (SHRM-SCP)**: Strategic-level HR perspectives
  -
- HRCI (Human Resource Certification Institute) certifications:
  - **Global Professional in Human Resources (GPHR™)**: *US-based Global HR perspectives*
  - **Human Resource Management Professional (HRMP™)**: *International perspectives*
  - **Senior Professional in Human Resources-International (SPHR-i™)**: *Global perspectives*
  - **Professional in Human Resources (PHR™)**: *Operational HR perspectives*
  - **HR Ethics Series** (completed 07-05-2020) included separate courses:
    - **Building an Ethical Organization**
    - **Capitalism, Inequality, and Justice**
    - **Common Ethical Challenges**
    - **Corporations and Corporate Social Responsibility**
    - **Defining Business Ethics**
    - **Ethical Decision Making**
    - **Globalization and Ethics**
    - **Issues in the Workplace**
    - **Leadership and Organizational Ethics**
    - **Theories of Ethics**
- Healthcare Reform & Policy Institute certification:
  - **Certified Healthcare Reform Professional (CHRP™)**
  - **Coronavirus Workforce Preparedness Training** (completed 06-10-2020): 12 courses
- ICPM, James Madison University certification:
  - **Certified Manager (CM™)**
- Quality Management Certifications, Grey Campus

- **Lean Six Sigma Black Belt (LSSBB):** LSS Green Belt and Yellow Belt also earned
- **Six Sigma Black Belt (SSBB):** SS Green Belt and Yellow Belt also earned
- Grey Campus Specialty Certification Courses
  - Internet Marketing Fundamentals Training Course
  - Microsoft Project 2016
  - Social Media Marketing
  -
- International Maxwell Certification Program
  - **John Maxwell Certified Speaker-Coach-Trainer-Leader**
- FEMA/EMI Certifications in Crisis Management
  - Completed over 90 CEUs:
  - List of completed courses and Certificates available on request
- Certified **EQ-i®**, trainer & consultant
- Certified **Myers-Briggs Temperament Indicator (MBTI™)** Typewatching trainer & consultant
- Certified **Risk and Crisis Management** Trainer by PATA International
- Small Business Development Center (SBDC) Counselor
- Service Corps Of Retired Executives (SCORE) Counselor
- Certified **Alternative Dispute Resolution (ADR)** Mediator

He is a tenured full Professor of Human Resource Management and Management at the **University of Guam (UOG)** teaching undergraduate courses in the BBA, and graduate courses in the PMBA and the Master of Public Administration (MPA) Programs. He coordinates the Human Resource Management (HRM) undergraduate program which is certified & aligned with the SHRM national academic initiative.

Rich remains active in numerous professional organizations such as the Society for Human Resource Management (SHRM) Guam professional Chapter and as the UOG SHRM Student Chapter Advisor. Professional memberships include: Japan Society for Human Resource Management (JSHRM), Human Resource Management Japan (HRMJ), Employers Council (Guam) NAUS, Navy League, American Legion, AARP, USGBC & PMI.

He collaborates with SBPA colleagues on research - publication efforts and presents at local and international conferences. His service roles include SHRM-Guam past-President, SHRM Pinnacle Award recipient, former SHRM-Guam Board member, Micronesian Sports Officials Association (MSOA) Wrestling Commissioner (2008-2009), 1999-2011 Guam Amateur Wrestling Federation (GAWF) Secretary General & Director of Officiating; and certified/licensed international FILA Wrestling Referee (1999-2011).

Rich has been recognized with numerous honors including: Case-Carnegie Professor of the Year for Guam; national SHRM Foundation Student Chapter Advisor of the Year; named "Lepen Tollen U" (Honorary Chief of U) in Pohnpei State; UOG Teaching Professor of the Year; SBPA Teacher of the Year; and multiple Who's Who recognitions.

## **Employment Synopsis:**

**University of Guam** (School of Business & Public Administration), Guam, USA since 1994

- Tenured full Professor of Human Resource Management (HRM) & Management
  - BBA Undergraduate Faculty
  - PMBA/MBA/MPA Graduate Faculty

**Allied Business Consultants, Inc. (ABC)** (Guam): (2016 to present) [www.alliedbusinessglobal.com](http://www.alliedbusinessglobal.com)  
 Founding Senior Partner & Senior Consultant

- Executive Recruitment Services

for Executives, Senior Management and Technical Specialist positions.

➤ **Programs for Private and Public Sector Organizations include:**

Partnering Contract Facilitation	Management Team Building
Executive/Management Coaching	MBTI for Executives & Management Teams
Critical Thinking	Emotional Intelligence (EQ/EQ-i) Evaluation/Consulting
Stress Management	International HR Management
Strategic Planning	Conflict Management
International Communication	Anger Management Training
Diversity Training	Sexual Harassment Training
Crisis & Disaster Management Planning	Risk Management & Assessment

➤ **Client Listing includes:**

NAVFAC Marianas	ComNavMar	Anderson AFB Family Servic
US Air Force: Anderson AFB	USMC Air Station Iwakuni Japan	
Black Construction Guam	CDM Construction	Hensel Phelps Construction
Perini-Black Construction	CoreTech Guam	CoreTech-HDCC-Kajima
Stanley Consultants – Guam/Hawaii	Gilbane Building Company	IBC-TOA Construction
Bank of Guam, LLC	Bank of Hawaii	Citibank Guam
Mobil-Exxon Guam	Global Food Services (GFS)	G4S Security
Westin Resort Guam	Hilton Resorts & Spa Guam	Baumann , Kondos and Xu, LLC
TeleGuam Holdings (GTA)	Docomo Pacific (NTT)	Chanel Guam
Sandcastle Guam	Baldyga Group, Guam	SSAM Shuttle
Moylan's Insurance Group	TakeCare, Guam	Sandcastle Guam
Guam Department of Labor	Office of Public Accountability (OPA) - Guam	
Palau Visitors Bureau (PVB)	Office of Public Accountability (OPA) – Palau	
Guam Visitors Bureau (GVB)	Guam Community College (GCC)	
Guam International Airport	University of Guam (UOG)	
Commonwealth of the Northern Marianas		
SHRM-Guam	SHRM Saipan	Leading Edge Consultants

**Leading Edge Consulting, Guam**

Senior HR Consulting Associate

**Colfax, Inc. (Guam): (2004 to present)**

Operations Manager, Senior HR Consultant

**University of Alaska – Fairbanks, Fairbanks, AK**

Doctoral Program Instructor & Advisor

**Royal Melbourne Institute of Technology (RMIT) Australia**

Dissertation & Thesis Reader

**Capella University, Minneapolis, MN** Visiting Scholar

Dissertation Committee Member

**NorthCentral University, AZ**

Dissertation Advisor/Consultant

**Walden University, Minneapolis, MN**

Dissertation Committee Member

**University of Phoenix, Guam Campus**

on-ground MBA Faculty

**The Fielding Graduate University, Santa Barbara, CA**

Specialization Instructor  
Dissertation Advisor  
Regional Advisory Team

**OTHER EMPLOYMENT** includes

**Organizational Development Consultant** (Tokyo, Japan)**Stock Market Analyst:** Sanyo Securities (Tokyo, Japan)**Business & Management Consultant** to major Japanese firms including:

Nissan Motor Corp.	Hitachi
NEC	KDD (Kokusai Denwa Denshin)
General Sekiyu (Oil)	Nippon Telephone & Telegraph (NTT)
Hakuhodo Advertising	Japan Treasury Department
FORG KK	Hachioji City Government

**Instructor:** Japanese university, college and international educational institutions**Hospital Ward Supervisor:** U.S. Naval Hospital Corpsman (HM3): *honorable discharge***Personal Information:**

Citizenship:	USA	Languages:	English; Japanese (spoken)
Guam Residence:	from August 1994	Foreign Residence:	22 years residence in Japan

**Education:**

<b>Ph.D.</b> in Human & Organizational Systems (Fielding Graduate University, CA)	1993
<b>MPA</b> (Master of Public Administration) (University of Guam)	2015
<b>PMBA</b> (Professional Master of Business Administration) (University of Guam)	2013
<b>M.A.</b> in Human Development (Fielding Graduate University, CA)	1992
<b>M.A.</b> in Human Resource Leadership (Azusa Pacific University, CA)	1986
<b>B.S.</b> in Economics; Comparative Literature (Sophia University, Tokyo, Japan)	1976

## Detailed Synopsis of Activities at University of Guam

University of Guam (School of Business and Public Administration)

1994-present

### Major Positions/Accomplishments:

**Professor (full) of Human Resource Management & Management** 2007 – present  
 Promoted to full Professor of Human Resource Management & Mgmt 2007  
 Tenure granted by UOG Board of Regents March 1999

UOG CFES Revision Advisory Committee: P&T Chairs 2019 – present  
 UOG Climate Survey (co-PI): assigned by UOG President 2015 – present  
 SBPA Adjunct Faculty Mentoring/Coaching coordinator 2014 – present  
 UOG Alumni Award Selection Committee: Military Category 2016, 2017, 2018, 2019  
 SBPA Continuing Employment (Faculty) Committees (Chair & member) multiple committees  
 Graduate Faculty Coordinator 2011–2016  
 Advisor to Vice President of Graduate Studies  
 Graduate Thesis Reader  
 UOG Presidential Thesis Award Review Committee  
 Graduate Council & Research Council Member

Promotion & Tenure Committee Jan 2000-01; 2009-11; 2011-13, 2013-15  
 Chair: 2010-11; 2011-12; 2012-13; 2013-14; 2014-15 Vice Chair: 2000-2001

Chair of UOG Committee for Human Research Subjects (IRB) 1999-2005  
 Member of Committee for Human Research Subjects 1996-2005  
 Advisor to IRB Chair & Committee 2005 -- present

Chair of BBA Division at SBPA 2012  
 Member of SBPA AAC

Professional MBA (PMBA) Program 2005 - present  
 Chair 2007 – 2010  
 Admissions Review Committee Coordinator 2007-present  
 PMBA Program Faculty/Instructor 2007-present

Masters of Public Administration (MPA) Program: Faculty/Instructor 1996-present  
 Management & Marketing Department Chair 1998-1999  
 Graduate Faculty Status (PMBA, MBA & MPA) 1996 - present  
 Associate Professor of Human Resource Management & Mgmt. 1998 – 2007  
 Assistant Professor of Management 1994 -1998  
 Continuing Employment Contract August 1997  
 Initial Employment (Assistant Professor of Management) August 1994  
 Faculty Search Committees (Chair & Member)

### Courses Taught In School of Business & Public Administration (SBPA):

[SBPA was formerly known as the College of Business & Public Administration (CBPA)]  
**(Most recently taught courses in bold)**

**Graduate Programs:** On-ground Professional MBA Program; DE Professional MBA Program; MPA Program

<b>PMBA Orientation Sessions</b>	<b>BA601: Case Studies in Management</b>
<b>BA630: Global Human Resource Management</b>	<b>BA632: Int'l Operations &amp; Project Management</b>
<b>BA630-DE: Global Human Resource Management</b>	<b>BA711: Business Capstone Experience</b>
<b>BA613: Strategic Leadership &amp; Ethics</b>	<b>BA711-DE: Business Capstone Experience</b>
<b>PA510: Administrative Thought</b>	

BA501: Introduction to Research	PA501: Introduction to Research
BA545: Organizational Behavior	PA545: Organizational Behavior
BA560: Moral & Social Responsibility	PA560: Moral & Social Responsibility
BA590: Special Projects	PA590: Special Projects
MBA/MPA Graduate Thesis/Special Project Committees & Chair	

**Undergraduate Programs** (BA: Business Administration; MG: Management):**Human Resource Management Courses (recent)****BA241:** Human Resources Management**BA444:** Staffing & Employee Development**BA443/MG454:** Comp, Benefits & Perform. Eval.**BA391:** Seminar in HRM Topics**BA345/MG453:** Managing Employee & Work Environ.**BA490/MG490:** Special Studies: International HRM**BBA/Management Courses****BA440/MG455:** Organizational Behavior**BA451:** Tourism & Hospitality Mgmt Internship**BA180:** Business Essentials (developed & taught)**BA391:** Global Engagement: Mgmt & HRM Futures

BA482: Management Internship

MG331: Managerial Communication

MG311: International (Cross Cult) Mgmt.

MG411: Business w/ China

MG490: Special Studies in Japanese Business

MG450: Systems Approach to Continuing Process Improvement

BA240: Management of Organizations

MG233: Intro to Bus. &amp; Case Analysis

MG410: Business w/ Japan

BA490/MG490: Special Studies: HR Info. Systems

MG490: Special Studies in Chinese Business

**Courses Taught Outside SBPA/CBPA :**

SO425: Complex Organizations

AN/SO/SW/NU 344: Aging: Myths &amp; Realities

ED492: Practicum in Student Teaching: Secondary

Guest Lecturer in Japanese/Asian History &amp; Fine Arts courses

Human Resource Management Certification (SHRM Prep) Course

**NEW Course & Program Proposals:**

G2G Revisions to BBA &amp; BBAA Program

**BA180:** (orig. BA105) Business Essentials (new course)

2017 – present

- development with collaboration of BBA Faculty 2016-2017
- approved by UOG in 2017
- taught from Fall 2017
- oversight and coordination of BA180 from 2017 through 2020

**UNDERGRADUATE Courses****BA345** (orig. MG453): Managing the Employee & Work Environment (approved & included from 1997-1998)**BA443** (orig. MG454): Compensation, Benefits and Performance Evaluation (approved & included from 1997-1998)**BA444** (orig. MG456): Staffing and Employee Development (approved & included from 1997-1998)**HUMAN RESOURCE MANAGEMENT (HRM) Program**

- HRM Minor (proposed & approved) 1997, revised 1998
- HRM Concentration (reorganized under the BBA Program with Concentrations) from 2005
- Officially **Aligned with & Certified by SHRM Educational Initiative** from Aug. 2018
  - Renewal of **Alignment with SHRM Educational Initiative** completed July 2020
  - Renewal period of Alignment **with SHRM Educational Initiative** until December 2025

**HONORS COURSE PROPOSALS** (developed & submitted; not approved)

2nd Tier Honors: interdisciplinary (MG/PA/ED/PY/SO/SW)

Leading and Managing Diverse Populations (Honors)

2nd Tier Honors: interdisciplinary (AN/ED/HI/MG/PA/PE/PY/SO/SW)

Undergraduate Community/Field Research (Honors)

2nd Tier Honors: interdisciplinary (BA/ED/PY/SO/SW)

Personnel &amp; Resource Diversity Issues and Management (Honors)

**GRADUATE Level Courses** (developed, submitted, approved)

BA630: International Human Resource Management

Renamed: Global Human Resource Management BA632: International Operations Management	2017
GRADUATE Level Courses (developed, submitted, approved)	
BA591: Organizational Development: Theory and Practice	
Graduate COURSES DEVELOPED but Not Approved:	
Graduate	
BA/PA542: International Human Resource Management for Guam	
BA590: Ethics in Research	
Undergraduate	
BA459: International Human Resource Management	
BA457: Labor Relations and Unions for HR Professionals	
BA458: Human Resource Information Systems: Theory & Applications	
BA290: Ethics in Research	

## Other UOG Activities, Duties and Responsibilities:

### Committees and Assignments include

UOG CFES Review Committee: P&T Chairs	2019 – present
UOG Office of Information Technology (OIT) Study/Evaluation Team	2019 – present
SBPA Adjunct/Junior Faculty Mentor/Coach	2014 – present
UOG Student Discipline and Appeals Committee	2018 – 2020
UOG Campus Climate Survey (co-Primary Investigator: co-PI)	2015 – present
University Promotion and Tenure Committee	2000-2001; 2009-2013; 2013-15
elected Chair of the Promotion & Tenure Committee (2010-2011, 2011-2012, 2012-13, 2013-14; 2014-15)	
elected UOG Faculty Representative (2-year terms) (Sp. 2000-2001; 2009-2011, 2011-2013, 2013-15)	
elected Vice Chair for AY 2000-01	
Graduate Faculty Coordinator (appointed by SVP & AVP)	2011 – 2016
Graduate Council Member	
President's Thesis Award Review Committee	
Thesis and Proposal Review	
Graduate School Representative at Thesis Defenses and Proposal Review Sessions	
UOG Crisis & Disaster Management Team (CDMT)	2008 – present
CDMT Advisor	
CMD Plan co-author	
Accounting Faculty Search Committee	2017
Management Faculty Search (Mktg, ITHM, Mgmt)	2017 - 2018
University of Guam Committee for Human Subjects Research (CHSR) (UOG's IRB)	1995 – present
Special Compliance Advisor to the SVPAA	2006-present
Chair (appointed by UOG President)	1999 - 2005
Member (Appointed)	1995-2005
Acting Chair	1996-1997
UOG co-Rep to IRB for GMH (Appointed)	1997-2002
Chair of BBA Division at SBPA	Spring 2012
SBPA AAC Member	



Chair of Professional MBA (PMBA) Program	2008- May 2010
PMBA Program Faculty	Current
Application Screening Committee Coordinator	Current
UOG Alumni Award Selection Committee: Military Category	2016
Advisor to UOG Student Chapter of SHRM (Founding Advisor & Sponsor)	1997 – present
SHRM <b>Outstanding Chapter</b> Award	2011-12 & 2013-14, 2014-15
SHRM National <b>Superior Merit</b> Award Student CHAPTER: (recognition is by AY)	1999, 2000, 2002, 2003, 2004, 2005, 2006, 2007, 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
SHRM <b>Merit</b> Award Chapter	2008
Sigma Beta Delta Honor Society: Secretary/Treasurer	2017 – present
Advisor to UOG's Student Veterans Organization (SVO)	2015 – present
Advisor to UOG's Phonpei Student Organization	2009 – present
Advisor to UOG's Blue Key Honor Society	2013 – present
University Affiliated Programs (UAP) for Persons w/ Developmental Disabilities	
Advisory Board Member	1996- 2004
University of Guam TQM Facilitator (Faculty)	1997- 1999
Teambuilding Facilitator	1997- 1999
Leadership Training Facilitator	1998- 1999
SBPA/CBPA Standing Committees (Academic Affairs Committee & Management Department)	
UOG's Chief Human Resource Officer (CHRO) Search Committee Member & Resource Member	2011-12
Faculty Search Committees & Faculty Continuing Employment Review Committees	
School of Business & Public Administration (SBPA)	
School of Education (SOE)	
College of Liberal Arts and Social Sciences (CLASS)	
<b><u>Previous Committees and Assignments include</u></b>	
UOG WASC Accreditation Turn-around Task Force	2000
UOG-Community Congress Coordinator of Facilitators	
Focus Group Facilitator Coordinator & Trainer	
Focus Group for UOG and Community Facilitator	
University Academic Affairs Committee (UAAC)	
elected CBPA Representative (for 1997-1999)	1997-1999
Coordinated UOG-SHRM Human Resource Management Collection donation to RFK Library from SHRM-Guam	1997, 1998, 2000-01
UOG WASC Response Team (Dysfunctional Behavior & Grievance Procedure Eval.)	1997
UOG Human Resource Evaluation Team Member (WASC Review)	1996-1997
UOG Search Committees:	
UOG Human Resource Director	2011
UOG Vice President of Student Affairs	1997-
Management Faculty Positions (CBPA/SBPA)	1997, 1998-2000, 2008
Global Resource Management positions (SBPA)	2005
Marketing Faculty Position (CBPA/SBPA)	1998; 2012
Management Information Systems Faculty Position (CBPA)	1998, 2009

Accounting Faculty position (SBPA)	2008-2009
Administration Faculty position (School of Education)	2008-2009
Sociology Faculty Search (CAS)	1998
UOG Program Review Committee	
Japanese Language Program Review	2007
PMBA Program Preparation & WASC Presentation	2008
Peer Review Committees	
SBPA/CBPA: Management, Public Administration, Marketing; Accounting 1997-2009, 2012	
CNHS: Nursing 1998	
UOG Academic Master Plan (AMP) Committee - Member	1995-1996
University Community Services Committee (UCSC)	
Elected CBPA Representative	1995-1996
Chair (elected by UCS Committee)	1996-1997
Chair (elected) Program-Conference-Service (PCS) Activities Grant Subcommittee;	
University (of Guam) Community Services Committee (UCSC)	1995-1996
Associate Editor, <u>Pacific Rim Journal of Small Business</u>	1995, 1996, 1997
<u>Pacific Rim Journal of Economics</u>	1995, 1996
<u>Pacific Rim Journal of EcoTourism</u>	1996
CCEOP Workshop Instructor to local businesses	1995-1997
Public Information Officer for College of Business and Public Administration	1995
University of Guam 's 1994 Institutional Retreat: HRM Session - Facilitator	1994

## **Professional Qualifications/Certifications** include:

### **Human Resource Management & Management discipline related Certifications**

from **SHRM** (Society for Human Resource Management)

**SHRM-Senior Certified Professional (SHRM-SCP™)**: strategic-level HR perspectives

**Veterans at Work Certification**

**HR Ethics Certification**

from **HRCI** (Human Resource Certification Institute)

**Global Professional in Human Resources (GPHR™)**: *US-based Global HR perspectives*

**Human Resource Management Professional (HRMP™)**: *Global HR from International perspectives*

**Senior Professional in Human Resources-International (SPHR-i™)**: *International HR from global perspectives*

**Professional in Human Resources (PHR™)**: *Operational HR perspectives*

from Healthcare Reform & Policy Institute certification:

**Certified Healthcare Reform Professional (CHRP™)**

**Coronavirus Workforce Preparedness certification**

from Institute of Certified Professional Managers (**ICPM**), James Madison University:

**Certified Manager (CM™)**

International Human Resource Management (**IHRM**) Certified Instructor

Society for Human Resource Management (**SHRM**)

**SHRM Professional Certification (PHR, APHR, GPHR, AOL) Prep Course Instructor**

**Organizational Development and Management Consultant**

## Organizational Development Consulting Skills Workshop

**Communications Skills Trainer**

Organizational Communications Skills Program: The Fielding Institute

**Quality Management Certifications, Grey Campus**

- **Lean Six Sigma Black Belt (LSSBB)**
  - LSS Green Belt also earned
  - LSS Yellow Belt also earned
- **Six Sigma Black Belt (SSBB)**
  - SS Green Belt also earned
  - SS Yellow Belt also earned

**Personality Coaching & Assessment** discipline related **Certifications**

<b>DISC &amp; DISCflex™ Certification</b> International Coaching Association & Inadaba Global Coaching	certified in 2016
<b>Emotional Intelligence (EQ/EQ-i) Trainer &amp; Consultant</b> <b>MHS Level B Certification by Multi-Health Systems (MHS) &amp; Otto Kroger Associates (OKA), VA</b>	certified in 2009
<b>Certified Myers-Briggs Temperament Indicator (MBTI) Typewatching Trainer</b> National Training Laboratories (NTL): Bethel, ME & Otto Kroger Associates (OKA), VA	certified in 1991

**Emergency & Crisis Management** discipline related **Certifications**

<b>FEMA Emergency Management Institute (EMI) certifications</b> (completed over 80 courses) IS-700, IS-800, IS-00200, IS-00120.A, IS-00100 (ICS100), IS00100.SC, IS-00001 (and others)	
<b>Center for Domestic Preparedness (CDP)</b> , Anniston, AL	2012
<ul style="list-style-type: none"> <li>○ Hands-On Training (HOT) for CBRNE Training Program</li> <li>○ Incident Command: Capabilities, Planning &amp; response Actions for All Hazards Training</li> <li>○ Pandemic Planning &amp; Preparedness Training</li> </ul>	
<b>Survival, Evasion, Recovery, Escape (SERE 100.1) certified (Civilian Course)</b> Joint Chiefs of Staff: Joint Knowledge Online	
<b>Survival, Evasion, Recovery, Escape (SERE 100.1) Training</b>	2014
<b>Antiterrorism Awareness Training (JS-US007-14 Level 1)</b>	2014
<b>Hazardous Materials Response (Awareness Level)</b> Michigan State Univ: School of Criminal Justice	2014
<b>Certified Risk and Crisis Management (RCM) Trainer</b> Pacific Asia Travel Association (PATA) International	certified in 2005

**OTHER Certifications/Qualifications**

<b>International Maxwell Certification Program</b> <b>John Maxwell Certified Speaker-Coach-Trainer-Leader</b>	
<b>NRA Handgun and Firearms Safety Courses</b> Licensed Open Carry for Guam Concealed Weapon License for Guam	
<b>Dispute Resolution (ADR) Mediation</b>	<b>Certified Mediator/Lead Mediator</b>

Ina'fa Maolek Mediation Group Guam

**Small Business Development Center (SBDC) Certified Counsellor**

**Guam Institute of Volunteer Executives (GIVE) Director & Counsellor**

**Service Corps Of Retired Executives (SCORE) Counsellor**

U.S. Small Business Administration (SBDA): Guam

**FILA (Federation Intenationale Lutte Associe) Certified International Referee** (retired)

**Crosscultural Communication Trainer**

Intercultural Training Program: Tokyo, Japan

**Systematic Training for Effective Parenting (STEP) Facilitator**

STEP Facilitator Training: Hilo, HI

**Writing Trainer for Teachers of Writing**

East Asia Writing Project: Tokyo & Bagio, PI

**PADI Scuba Certification**

through Divemaster Level

**Secondary Teacher Credential:** The State of New Jersey

## **Professional Training/Conferences** (attendee/participant) include:

- SHRM Mock Job Fair** (once each semester) **lead Advisor/Sponsor** since 2012
- Coordination across the HRM curriculum (BA241, BA345, BA443, BA444, SHRM Student Chapter)
  - SHRM Student Chapter: Job Fair coordination and management
  - BA444: Design and Completion of Mock Job Fair for HRM Students
  - BA345: Compliance Review and EEO oversight activities
  - BA443: Compensation and Benefits Review activities
  - BA241: Job Application and Interview involvement
  - BA180: Resume and Interview development guidance/involvement
- SHRM Student Chapter Annual HR Competition** **lead Advisor/Sponsor** since 2015
- SHRM Student Chapter:
    - Schedule and stage HR Competition for UOG undergraduate students
      - Registration for UOG undergraduate students
      - Hold Elimination Competition
      - Hold Final Competition
    - Coordinate with HRM Instructors
    - Communicate with SHRM Guam Professional Chapter
    - Arrange for all awards, logistics, judges, etc.
- JMT: International Maxwell Certification Program** 2018
- SHRM Annual National Conference** 1997, 1999, 2000, 2001, 2003, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019  
(Attendee & Chaperone for UOG SHRM Student Chapter attendees)
- SHRM Annual Student Conference** 2003, 2004, 2009, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019
- Society for Human Resource Management **Global HR Conference**, 2004, 2006, 2008
- SHRM Annual Leadership Conference**, Washington, DC 1999
- SHRM National Diversity Conference** in Human Resource Management, Washington D.C. 1997
- SHRM Global HR Training** 2004
- Center for Scholastic Inquiry (CSI) International Academic Research Conference** (presenter/attendee) 2014
- Survival, Evasion, Recovery, Escape (SERE 100.1) Training** 2014
- Antiterrorism Awareness Training (JS-US007-14 Level 1)** 2014
- Hazardous Materials Response (Awareness Level)** Michigan State Univ: School of Criminal Justice 2014
- Center for Domestic Preparedness (CDP)** , Anniston, AL 2012
- Hands-On Training (HOT) for CBRNE Training Program
  - Incident Command: Capabilities, Planning & response Actions for All Hazards Training
  - Pandemic Planning & Preparedness Training
- FEMA Crisis & Disaster Management Training & Certification (over 70 CEUs)**
- IS-700, IS-800, IS-00200, IS-00120.A, IS-00100 (ICS100), IS00100.SC, IS-00001 (and others)
- Emotional Intelligence Certification Training**, OKA Training Center, VA 2009
- Introduction to IHRM Workshop** (Coordinator, Facilitator, Planner, Presenter) 2003
- SHRM-Guam Annual Regional HRM Conferences (Attendee, Speaker, Facilitator)**
- Annual Conference attendee and participant since 1995
  - SHRM Student Member Support Team & Volunteer coordinator since 1997
- SHRM International HRM Certificate Training** 2000
- SHRM Certification Course Instructor** 1999, 2011, 2012, 2013, 2014, 2016

<b>Faculty Mediation Training Program</b> , Univ. of Guam	2009
<b>Suicide Awareness &amp; Prevention/Intervention Training</b> , UOG Suicide Training Program	2008
<b>International Accounting Forum</b> , Association of Government Accountants, Guam	2007
<b>Women's Conference</b> , St. Louis, MO	2007
<b>The "FISH" Training Workshop</b> , Indianapolis, IA	2007
<b>Risk &amp; Crisis Management Training</b> Course for PATA Micronesia & PATA International	2007
<b>Alternative Dispute Resolution (ADR) &amp; Mediation Training</b>	2005
<b>EEOC Training Conference</b> (on Guam by Area 9 EEOC Office)	2000
<b>UOG TQM Leadership Facilitator Training</b>	1998
<b>UOG Conference on Age-Related Neurodegenerative. Diseases in Micronesia</b>	1998
<b>"Pacific Perspectives for Employment of Persons with Disabilities in the 21<sup>st</sup> Century"</b>	1998
<b>PISBDCN Small Business Conference</b> at Hyatt Regency Hotel, GU	1998
<b>PISBDCN Economics Conference/Symposium</b> at Hilton Hotel, GU	1998
<b>UOG TQM Teambuilding Facilitator Training</b>	1998
U.S. Department of Labor <b>"Investigative Interviewing" Workshop</b> , Agana, GU	1997
<b>Faculty Development Institute in International Human Resource Management</b> , U of CO	1996
<b>Human Interaction Workshop</b> , NTL, Bethel, ME	1990
25th Friends' Council <b>Seminar on Education</b> , Westtown, PA	1988
<b>Communications Skills Trainer Workshop</b> , The Fielding Institute, CA	1988
<b>Basic Reading Tutor Training</b> , Hilo Adult Education Program, Hawaii DOE	1987
<b>Hawaii DOE Substitute Teacher Training</b> Course, Hilo, HI	1988
<b>US Navy Hospitalcorps School</b>	1970

## **Research Projects** research projects and related publications on various topics include:

### **MP4 Presentation Platform Development for PMBA Program application**

- Developed a faculty and student primer on creating MP4s
- Recorded an MP4 Demo
- Created a PPT primer/guide to creating MP4

### **PPT Presentation for Faculty about using UOG's WebAdvisor**

- Developed an SBPA faculty primer about using WebAdvisor
- Shared this primer with new SBPA Adjuncts and Faculty

### **Professional Publication Peer Reviewer** (Most Recent Peer Review Activities)

- 1) Asian Online Journal (SAP): Asian Journal of Business and Management: 09/21/2020  
**An e-generation influential relationship of ICT and E-HRM: A Tanzanian perspective**
- 2) Scientific & Academic Publishing (SAP): Human Resource Management Research: 08/24/2020  
**Factors that promote organizational learning in human resources professionals in Puerto Rico**
- 3) Scientific & Academic Publishing (SAP): International Journal of Library Science: 08/07/2020

- An empirical study of effect of job related attitude on the performance of librarians in Federal Universities in Southeast Nigeria**
- 4) Scientific & Academic Publishing (SAP): Management: 06/10/2020  
**The Relationship between Job Insecurity and Turnover Intention: The Mediating Role of Employee Morale and Psychological Strain**
  - 5) Scientific & Academic Publishing (SAP): Human Resource Management Research 04/27/2020  
**"Humble, Hungry and Smart?" - A cautionary tale for inclusive leaders**
  - 6) IGI Global: Peer Book Chapter Review: 03/20/2020  
Optimizing Higher Education Learning Through Activities and Assessments: Editor: Inoue-Smith (Ed) (Chapter Reviewed) **The High Stakes Use of Language Proficiency Tests as Illusio and Pyramid Scheme: An Evaluation of Their Social Aspects, Validity and Reliability**
  - 7) IGI Global: Peer Book Chapter Review: 03/12/2020  
Optimizing Higher Education Learning Through Activities and Assessments: Editor: Inoue-Smith (Ed) (Chapter Reviewed) **A Design Framework for Guiding Integration of Instruction and Assessment**
  - 8) IGI Global: Peer Book Chapter Review: 03/10/2020  
Optimizing Higher Education Learning Through Activities and Assessments: Editor: Inoue-Smith (Ed) (Chapter Reviewed) **Increasing Participation of International Students in Higher Education Classrooms through Technology-Enhanced Instruction**
  - 9) Scientific & Academic Publishing (SAP): Management: 03/20/2020  
**The Relationship between Job Insecurity and Turnover Intention: The Mediating Role of Employee Morale and Psychological Strain**
  - 10) Scientific & Academic Publishing (SAP): Management: 06/10/2020  
**The Relationship between Job Insecurity and Turnover Intention: The Mediating Role of Employee Morale and Psychological Strain**
  - 11) Scientific & Academic Publishing (SAP): Education: 01/29/2020  
**Influence of Compliance with Ethical Procurement Practices on Management of Public Secondary School Resources in Mandera County, Kenya**
  - 12) Scientific & Academic Publishing (SAP): Human Resource Management Research: 12/31/2019  
**Exploring Impact Of HRM Practices On Project Performance: A Construction Industry Study**
  - 13) Scientific & Academic Publishing (SAP): International Journal of Sports Science: 11/23/2019  
**Feasibility of Establishing Total Quality Management System in the Sports Clubs**
  - 14) Scientific & Academic Publishing (SAP): American Journal of Sociological Research: 09/28/2019  
**Impact Assessment and Evaluation: Veritable Appraisal Tools in Agricultural Extension and Rural Development**
  - 15) Scientific & Academic Publishing (SAP): Education: 08/30/2019,  
**Relationship between Extraversion Personality Subtype and Suicidal Behavior among Secondary School Students in Kenya**
  - 16) Scientific & Academic Publishing (SAP): Public Health Research: 06/29/2019,  
**Safety Culture Analysis Based on Safety Climate Factors at Production Unit of PT. Bakrie Sumatera Plantations, Tbk (PT BSP) Indonesia**
  - 17) Scientific & Academic Publishing (SAP) 08/26/2018  
**Role of Budgeting Practices in Service Delivery in the Public Sector: A Study of District Assemblies in Ghana**
  - 18) Asian Journal of Business and Management (AJBM) 05/24/2018  
**The Effect of Crowdfunding Methods and Processes on Entrepreneurship Freedom of Innovation and Value of Creation A Study in Business Incubators in Jordan**
  - 19) Asian Journal of Business and Management (AJBM) 05/22/2018  
**Impact of Improved Supply Chain Management on Innovation**
  - 20) Asian Journal of Business and Management (AJBM) 05/23/2018  
**The dilemma of investing on human resources: A risky initiative?**
  - 21) Scientific & Academic Publishing (SAP) *Int'l J of Construction Engr and Mgmt* 05/23/2018  
**Assessment of Performance of the Building Projects in Local Government Authority in Tanzania in Meeting the Value for Money (VFM)**
  - 22) Scientific & Academic Publishing (SAP) 09/25/2017  
**Role of Budgeting in Service Delivery in the Public Sector: A Study of District Assemblies in Ghana**
  - 23) Asian Journal of Business and Management (AJBM) 11/19/2017

- Effect of Service Quality on Customer Satisfaction and Organizational Growth**  
 24) Scientific & Academic Publishing (SAP) 11/26/2017
- High Performance Work System is the Accelerator of the Best Fit and Integrated HR-Practices to Achieve the Goal of Productivity: A case of textile sector in Pakistan**  
 25) Asian Journal of Business and Management (AJBM) 12/12/2017
- A Study of Job Satisfaction, Perceived Value and Re-participation Intention of Volunteers in Tennis Sports Event**  
 26) Diego Doctoral Dissertation: Literature Review 08/21/2016; Final March-April 2017
- Dissertation: The Underrepresentation of First Generation Micronesians in the Workplace.**  
 27) Scientific & Academic Publishing (SAP) 08/29/2016
- Effect of Commitment, Ethical Leadership and Attitude towards the Performance of Regional Work Unit in East Java Provincial Government**  
 28) UOG Campus Climate Survey (co-PI) 2016-2017
- Survey design and content Review  
 IRB application and Renewal Application**  
 29) Asian Journal of Business and Management (AJBM) 09/05/2016
- Decoding and modeling the future: strategic context and information**  
 30) International Review of Administrative Sciences (IRAS) 10/21/2016
- Operationalizing the Definition of E-leadership: Identifying the Elements of E-leadership**  
 31) Business & Society (BAS: Sage) 12/06/2016 08/2017 (2<sup>nd</sup> Review)
- Impact of Religion-Based Caste System on the dynamics of an Indian Trade Union: Evidence from Two State Owned Organizations in North India**  
 32) Scientific & Academic Publishing (SAP) 12/02/2016
- How Motivation Influences the Job Factors of Production: A Case Study of Jamuna Bank Pvt.Ltd, Bangladesh**  
 33) Proofread & Edited Translation Japanese Sake book 10/2016 to 02/2017  
**"Sake – A book on the making and history of Japanese sake"**  
 Foreword  
 Introduction  
 Chapter 1: What is Sake?  
 Chapter 2: Different Types of Japanese Sake and Their Production Processes  
 Chapter 5: Serving Sake  
 How to Taste Sake  
 Production locations: 1 section for each of the 10 Prefectures  
 Chapter 7: Shochu Production Processes
- 34) Scientific & Academic Publishing (SAP) 12/24/2016  
**Selection and Promotion of Nursing Leaders Based on Multiple Intelligences**
- 35) RMIT Doctoral Thesis Review 01/03/2017  
**M. A. Murad: Industrial manufacturing technology diffusion of Malaysian manufacturing Small and Medium Enterprises (SMEs)**
- 36) Asian Journal of Business and Management (AJBM) (ISSN: 2321 2802) 01/07/2017  
**Leveraging Metrics & Analytic For Evidence Based Decisions Managing Employee Performance**
- 37) Completed Dissertation Survey for PhD Candidate 01-31/2017  
 at University of Akron's Public Administration and Urban Studies program  
**Topic: cross-cultural mentoring within graduate public service programs**
- 38) Asian Journal of Business and Management (AJBM) (ISSN: 2321 2802) 02/06/2017  
**Application of grey relational analysis to determine key factors for performance measurement of Taiwan High Speed Rail service quality**
- 39) Scientific & Academic Publishing (SAP) 03/11/2017  
**Influence of Gender on Job Satisfaction of Secondary School Teachers in Kenya**
- 40) Scientific & Academic Publishing (SAP) 06/25/2017  
**Talent Management Implications in the Lebanese Banking Industry**
- 41) Scientific & Academic Publishing (SAP) 07/23/2017  
**The Role of Career Development in Formulation of Organisation Deloitte is one of the best example Insala**



42) Asian Journal of Business and Management (AJBM) (ISSN: 2321 2802) 08/13/2017

**The Role of Business Model Innovation in Effective Digital Marketing,**

43) Asian Journal of Business and Management (AJBM) (ISSN: 2321 2802) 08/13/2017

**Blockchain-Enabled Multisensor Clinical Laboratory Information System**

**Campus Climate Survey** (co-PI with UOG President Underwood & Dr. Dalisay) 2015-2016  
Survey: tool developed, piloted, completed to review Univ. of Guam campus atmosphere

**Collaborator w/ S. Shardein (PMBA Student):**

Healthcare and Medical Billing Practices on Guam 2014

**Sponsor of graduate PMBA student Capstone (BA711) and IHRM (BA630) projects** Since 2013

Projects completed by PMBA Graduate Students in both the Ongoing and Distance Education (DE) programs. Each project includes a written report and formal presentation. Where appropriate, IRB approval is obtained.

Projects examine topics related to IHRM, business applications and new enterprise opportunities including international connections & implementations.

PMBA Cohort Project **examples** include:

- Guam Port Authority Study
- Fisherman's Co-op
- Veteran's One-Stop Service Center for Guam
- Start-Up Weekend Micronesia for the Islands of
  - Chuuk
  - Guam
  - Kosrae
  - Palau
  - Pohnpei
  - Yap
  - Northern Marianas (Saipan)

**Sponsor of Student Human Resource Management Field Research Projects**

(Undergraduate Student Projects)

**Selected Projects noted below**

All student field research projects reviewed & approved by the UOG Committee on Human Subjects Research (CHSR); each project includes a written report and formal presentation. These include:

- Comparative HR requirements for International Operations 2004, 2005
- Selected Human Resource Management Topics in Research 2002
- Human Resource Management Practices on Guam 1999, '00, '01
- Community Awareness Assessment for American Cancer Society 2000
- Human Resource Managers and their Management Philosophies 1998, '99, '00, '01
- International Human Resource Practices on Guam 1998, '99
- Diversity in the Guam Workplace 1998

**Sponsor of Student Organizational Behavior Field Research Projects**

(Graduate

and Undergraduate Student Projects)

**Selected Projects noted below**

All student field research projects reviewed & approved by the UOG Committee on Human Subjects Research (CHSR); each project includes a written report and formal presentation. These include:

- Organizational Behavior Course (BA440) Field Research Projects: 2009, 2010, 2011, 2012, 2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020
- Dr's Clinic: A study of the Organization and Operations 2011
- Global Organizations: Operations Requirements and Proposals 2005
- Guam Community College Organizational & Training Effect on Student Employees 2000
- Performance Evaluation Practices: Dept. of Admin. and Line Agencies of the Government of Guam 2000
- Organizational Behavior toward Safety in Construction Industry on Guam 2000
- Non-Profit Employee Retention 2000
- Research on Employer Perspective of Suitability of Existing Sick Leave/Family Leave Practices on Guam 2000

- Balancing Work and Life: Employee Perceptions of Family and Life Benefits on Guam 2000
- Senior Managers on Guam 1998, '99, '00
- Management Practices by Industry on Guam 1999

## Personal & Joint Field Research Projects (include)

- HRM Classroom Assignments and Current Workforce Linkage** 2012-present
- Guam Health Care Workforce Study** 2012-present  
Ongoing research grant to catalog and analyze Guam's healthcare workforce w/ Dr. R. M. Jones
- Project Manager's Perceptions of Management Effectiveness** 2010-present  
Coordinating an ongoing research of Project Managers (PMP), Project Team motivation and Project Team management practices w/ T. Hamernick, PE, PMP
- Senior Business Student Development of non-Business Skills** 2011-present  
Assisting with an ongoing research of senior business students and the development of non-traditional skills needed for success as business leaders w/ Dr. K.T.Perez & Dr. K. Murphy
- Guam's Place on the Hofstede Scales** 2008-2009  
Assisted w/ the ongoing research of Guam's first in the Hofstede Cultural Dimensions;  
Primary research conducted by Dr. K.T. Perez, J. Damian, K. Dotes and SHRM-Guam
- Employee Perspectives of Leadership in the Micronesian Region:** 2004  
An ongoing collaborative multi-cultural research project w/ Dr. K. T. Perez (VP of HR @ BOG)  
Presented as Poster & Conference Sessions (2004); (CHRS approved)
- Employer & Employee Preferences in Benefit Package Composition: 2002, 2003**  
A series of collaborative multi-cultural research projects w/ Dr. W. K Law (of UOG)  
Presented as Poster & Conference Sessions on: Employer Preferences in Benefit Packages. (2002)  
(CHRS approved) Employee Preferences in Benefit Packages (2003)
- Study of Diversity Cases and Issues on Guam:**  
a UOG-Society for Human Resource Management (SHRM)-GUAM research project for use in proposed "Diversity in the Pacific Case Study Book." (CHRS approved)
- Special Human Resource Focus Group:**  
an ongoing UOG-Society for Human Resource Management (SHRM)-GUAM effort and research survey: from 1996. (CHSR approved)
- Stress and Efficiency on Guam:**  
Working paper with Dr. Stephen L. Marder for the University of Guam's Small Business Development Center: 1995 (CHRS approved)
- Aging and Economic Autonomy on Guam:**  
a joint project with Dr. Ulla-Katrina Craig of UNHS: 1995. Presented at the Pacific Rim Economic Symposium of 1996, published in Small Business Journal of Economics 1996. (CHRS approved)
- Research into Cross-Cultural Working Experiences of Japanese Executives On Guam:**  
a joint research project with Dr. Yasuko Makita: 1995-1996. (CHSR approved) Preliminary results presented at Pacific Rim Ecotourism Conference 1996.
- Survey of Multicultural Organizations:**  
a joint research project with Dr. Marcia Kassner: 1994-1996. (CHSR approved) Four preliminary research reports submitted to refereed journals.
- Stress and the Stress Process Among Japanese Office Workers:**  
Field Research as part of Doctoral Studies at The Fielding Institute: 1993. (Fielding Research Committee approved).

## Publications

on professional, technical and personal interest topics including:

## Formal Publications

- Rivera, J. J., Colfax, R. S. & Diego, J. C. E. (2019). Reinforcing Responsible Learning: Acknowledgement of Syllabus & Course Requirements. Book Chapter: in Y. Inoue-Smith (Ed.), *Faculty Roles and Changing Expectations in the New Age*. IGI Global.
- Colfax, R. S. & Rivera, J. J. (under review). The Need for “Andragogy of Workplace Relevance” in College Classrooms. Submitted to *Journal of Scholastic Inquiry: Education*.
- Colfax, R. S. & Rivera, J. J. (2014). The Need for “Andragogy of Workplace Relevance” in College Classrooms. **Best Business Research Paper Award: October 2014 at Center for Scholastic Inquiry (CSI) International Academic Research Conference.**
- Colfax, R. S., & Hamernik, T. J. (2011). Project Management Pitfalls: Revisiting Douglas McGregor. *Proceedings of the ICBEIT 2011 Guam, March 2011*.
- Murphy, K. L. & Colfax, R. S. (2011). Research Misconduct: Ethical Practices In International Business Research Studies. *Proceedings of the ICBEIT 2011 Guam, March 2011*.
- Colfax, R. S., Rivera, J. J. & Perez, K. T. (accepted for 2011 publication). Applying Emotional Intelligence (EQ-i): Vital to Global Business Success. Journal of International Business Research (JIBR).
- Colfax, R. S., Santos, A. T., & Diego, J. (2010) Virtual Leadership: A Green Possibility In Critical Times But Can It Really Work? Journal of International Business Research (JIBR) - Special Issue.
- Colfax, R. S., Rivera, J. J. & Perez, K. T. (2010). Applying Emotional Intelligence (EQ-i): Vital to Global Business Success. *Proceedings of the ICBEIT 2010 Seoul, March 2010*.
- Perez, K.T. & Colfax, R. S. (2009). Finding the King of the Corporate Jungle; A Leadership Fable. Philadelphia, PA: Xlibris.
- Colfax, R. S., Santos, A. T., & Diego, J. (2009) Virtual Leadership: A Green Possibility In Critical Times But Can It Really Work? *Proceedings of the ICBEIT 2009 Nagoya, March 2009*.
- Colfax, R. S., Leon Guerrero, R. T., & Perez, K. T. (2008). Lifestyle Changes Program For A Guam Business: Report On The Development And Start-Up Stages. Journal of International Business Research.
- Colfax, R. S., Leon Guerrero, R. T., & Perez, K. T. (2007). Lifestyle Changes Program For A Guam Business: Report On The Development And Start-Up Stages. *Proceedings of the ICBEIT 2007 Guam, March 2007*.
- Colfax, R. S. (2007). Internet Article Use in Human Resource Teaching: Critical Current Topic Writing in HRM. International Journal of Technology, Knowledge & Society, Vol. 3.
- Colfax, R. S. & Perez, K. T. (2006). Book Chapter: “Decision Hierarchy for Creating Global Teams in a High-Tech Era.” W. K. Law, Ed. Information Resources: Global Challenges.
- Colfax, R. S. & Cain, K. (2005). Karoshi: The Result of Japanese Management. International Journal of Environmental, Cultural, Economic and Social Sustainability, Vol. 1.
- Colfax, R. S. & Perez, K. T. (2004). POSTER SESSION: Employee Perspectives of Leadership in the Micronesian Region Winter Session 2004, The Fielding Graduate Institute, Santa Barbara, CA.
- Colfax, R. S. & Law, W. K. (2003). POSTER SESSION: Employee Preferences regarding Employee Benefits Offerings Winter Session 2003, The Fielding Graduate Institute, Santa Barbara, CA.
- Pinhey, T. K., Rubinstein, D. H. & Colfax, R. S. (1997). Overweight and Happiness: A Test Of The Reflected Self-Appraisal Hypothesis. *Social Science Quarterly*, Volume 3, September 1997.
- Colfax, R. S. & Craig, U-K. (1996). Guam's Aging Work Force and Impact on Guam's Economy. Pacific Rim Journal of Economics. University of Guam Small Business Development Center, Guam.

- Colfax, R. S. (1995). Stress management for small business owners. Pacific Rim Journal of Small Business, 39-56. University of Guam Small Business Development Center, Guam.
- Colfax, R. S. & Reyes, V. J. (1995). Behind the Japanese tourist: some myths and culture. Pacific Rim Journal of Small Business, 131-150. University of Guam Small Business Development Center, Guam.
- Colfax, R. S. (July 1993). "Nihonjin ohisuwaka no sutoressu to sore made no katei" ni okeru kenkyuu. [Research into "Japanese office workers' stress and related processes"] In Kenkyuu Jiho, 11. pp. 11-16. Hachioji, Japan: Nippon Kogakuin Hachioji Semmon Gakko.
- Colfax, R. S. (1993). Stress and the Stress Process Among Japanese Office Workers. Ann Arbor, MI: University Microfilms Institute.
- Colfax, R. S. (1986). "Curriculum: Introduction to Business and Economics." In EARCOS Schools' Positive Practices & Ideas That Work, 2nd Ed. 49-50. Seoul: Seoul International School.
- Colfax, R. S. (1986). "Activities & Athletics: Literary Contests and Magazines." In EARCOS Schools' Positive Practices & Ideas That Work, 2nd Ed. 12-13. Seoul: Seoul International School.
- Colfax, R. S. (1985, Oct-Dec). "Confusion" (poetry) in THE PLAZA: A Quarterly of Global Human Relations, 1(1) 7. Tokyo: U-kan Inc.
- Colfax, R. S. (1985, Oct-Dec). "New Year Breaking" (poetry) in THE PLAZA: A Quarterly of Global Human Relations, 1(1) 7. Tokyo: U-kan Inc.

**Artistic/Creative Works** Creative works and Artistic creations that have been selected by a professional artist jury and shown in "juried" shows.

Creative Artistic works are displayed at <http://richscreations.weebly.com>

<i>UOG Student Art Show: Spring 2018:</i>	shown: April to May 2018
• Latte Log	Acrylic
<i>UOG Student Art Show: Spring 2017:</i>	shown: April to May 2017
• Light Grey Lantern	Acrylic
• Strong Grey Lantern	Acrylic
<i>Creative Hands: Selected Works by Local Artists</i>	shown: Dec 2016 to Jan 2017
• Lilies (triptych/paired)	Acrylic
• Out of Balance (abstract)	Acrylic
• Layers in Time (abstract, paired)	Acrylic
• Pond Memories I (abstract)	Acrylic
• Pond Memories II (abstract)	Acrylic
<i>FestPac 2016: Displayed as Guam Delegation Artist</i>	shown: June 2016
• Southern Sky (cinqtych)	Acrylic
• Lilies (triptych)	Acrylic
• Flame Tree	Block Print
• Carabao at Sunset	Block Print
• Trumpet Fish	Block Print
• Octopus	Block Print
• Jellyfish Gather	Block Print
• Trumpetfish	Block Print
• Waiting Fish	Block Print
• Seahorse 1	Block Print

• Lion Fish	Block Print
<i>UOG Student Art Show: Spring 2016:</i>	shown: April to May 2015
• Lilies (triptych)	Acrylic
<i>Creative Hands: Selected Works by Local Artists</i>	shown: Nov 2014 to Jan 2015
• Bubbles on the Move <b>“Honorable Mention Award”</b>	Acrylic
• Jazzing	Acrylic
• Southern Sky (cinquyech)	Acrylic
• Upbeat (diptych)	Acrylic
<i>UOG Student Art Show: Spring 2014:</i>	shown: May to June 2014
• Jazzing <b>“Honorable Mention Award”</b>	Acrylic
• Jazz Cyclone	Acrylic
• Music Talk	Acrylic
• Bubbles on the Move	Acrylic
<i>UOG Undergraduate Exhibition</i>	shown: May 2012
• Carabao at Sunset	Block Print
• Flame Tree	Block Print
• Trumpet Fish	Block Print
<i>UOG Undergraduate Exhibition</i>	shown: May 2011
• Waiting Fish	Block Print
• Seahorse 1	Block Print
• Lion Fish	Block Print
<i>Creative Hands: Pacific 2010</i>	shown: Nov 2010 to Jan 2011
• Autumn Woodland	Pastel
• Masa’s Run	Watercolor
• Japanese Garden	Block Print
<i>UOG Undergraduate Exhibition</i>	shown: May 2010
• Autumn Woodland	Pastel
• Masa’s Run	Watercolor
• Walking Water	Oil Pastel

## Working Papers (include)

Colfax, R.S w/ HRM Faculty (working concept). HRM Workbook: Connecting the Workplace and Classroom

Rivera, J. J. & Colfax R.S. (working paper). Management Theories: No circles or straight lines

Jones, R. M., Blas, K., Charfauros, A., & Colfax, R.S. (concept proposal). Guam’s Healthcare Workforce: Where we are and what we expect in 2015

Colfax, R. S. & Perez, K. T. (in process). Management Skills: Head-Heart-Hands.

Colfax, R. S. & Perez, K. T. (in process). Ten Weeks to Incredible Leadership; A 10-Week Process for Managers who want to be Great Leaders.

Colfax, R. S. & Perez, K. T. (in process). Managing Performance: Lifejackets & Lifesavers for Managers.

Colfax, R. S. & Perez, K. T. (in process). Critical Thinking in Business: Making Decisions that Win.

Colfax, R. S. & Perez, K. T. (in process). Tips for being better managers

Colfax, T. S. & Colfax, R. S. (in process). Lessons from Grandma Tahne: the Seeds of Good Customer Service and Business.

- Colfax, R. S. & Karri T. Perez. (working paper). Employee Perspectives of Leadership in Pacific Region Work Environments.
- Colfax, R. S. & Craig, U-K. (working paper). Issues and Concerns in Providing IRB Services.
- Colfax, R. S. and Law, W. K. (published as Poster Session Jan. 2003). Employee Preferences regarding Employee Benefits Offerings.
- Colfax, R. S. & Law, W. K. (working paper). Implications of Benefit Packages for Workers on Guam: 2002 Survey
- Colfax, R. S. & Barber, L. R. (in progress). Friendly Record Organizing Guide (FROG).
- Colfax, R. S. (no date). International Management Communication Workbook.
- Colfax, R. S. (no date). "The Bullying Boss: an International Human Resource Case."
- Colfax, R. S. and Makita, Y. (1996 working paper). Japanese Expatriate Executives; Cross-Cultural Training Needs. Pacific Rim Journal of Economics, 2. University of Guam Small Business Development Center, Guam.
- Colfax, R. S. (1994). Creativity: A Necessity in International Business Operations, working paper.
- Colfax, R. S. Colfax, R. S. (1993). The Darkest Side of Stress: Karoshi, working paper.
- Colfax, R. S. (1991). Japanese Management: Mystiques or "Myth"takes. Unpublished manuscript.

### **Selected Public Media (Business Supplements & Professional newsletters) Publications** (include)

**Associate Editor:** Journal of International Business Research.  
 International Journal of Technology, Knowledge & Society  
 Journal of Environmental, Cultural, Economic and Social Sustainability

**Author/contributor of monthly articles (1998-2000) for Business Success** (successor of Pacific Milestones). Topics focus on Guam's Human Resource issues, solutions, and business-management topics such as:

- To Use Suppliers and Subcontractors or not?
- Work AND Watch the Kids at the Same Time!
- SHRM-Guam Launches Job Search Website
- HR Minor Officially Available at UOG
- Resources for Small Business Owners on Guam
- Health Insurance: A Benefit, Not a Requirement
- "jobsonguam" Website Wins National Recognition
- New Dean for UOG's College of Business & Public Administration
- New PISBDCN Director Assumes Responsibilities

**Co-author and contributor** to "HR in the CNMI; A study of the Current State of Human Resources in the Commonwealth of the Northern Marianas Islands"; a chapter in An Economic Study For The Commonwealth Of The Northern Mariana Islands for the Northern Marianas College (in collaboration with the UOG/Guam Research Consultation Team), October 1999.

**Contributor of monthly articles (1998-2000) for SHRM-Guam Professional Chapter Newsletter**. Topics focused on Guam's Human Resource issues, Guam's SHRM professional Chapter, and University of Guam educational opportunities for the Guam business community.

**Contributor of articles (1998-1999) to HR Newsletter** published by the UOG's Student Chapter of SHRM.

**Editor/co-editor** (1998-Spring 1999) for Business Success (successor of Pacific Milestones).

-- ( December 1999). "Ho Ho Ho – Who to Hire for the Holidays." Business Success.

-- ( November 1998). "Hiring Temps for the Holidays." Pacific Milestones, Vol. 22

- ( September 1998). "Business Plan: A Guide for the "Human" Side of Business." Pacific Milestones, Vol. 20
- ( August 1998). "Training All Employees." Pacific Milestones, Vol. 19
- ( July 1998). "Marketing Your People." Pacific Milestones, Vol. 18
- ( September 1997). "Training the Hirer and Firer." Pacific Milestones, Vol. 8
- (August 1997). "Chamorro Village Vendors Identify Customer Service Challenges." Pacific Milestones, Vol.7
- Terrie Fejarang & Richard S. Colfax. (July 1997). "An Untapped Source Of Labor: Individuals with Disabilities." Pacific Milestones, Vol. 6
- (June 1997). "Send Employees (or yourself) to Take Courses." Pacific Milestones, Vol. 5
- (June 1997). "What HRM Courses Will Be Offered?" Pacific Milestones, Vol. 5
- (June 1997). "New UOG Human Resource Management Courses Approved." Pacific Milestones, Vol. 5
- . (submitted May 1997). "How To Set Up The HR Office: The HR Checklist." 1<sup>st</sup> SHRM AM Series Aimed at Office Management." Pacific Milestones.
- (May 1997). "Employers Need to Support Employee Development at All Levels." Guam Human Resources: Are We Prepared For 2001?." Pacific Milestones, Vol. 4
- (February 1997). "Employee Handbooks." Pacific Milestones, Vol. 2; Vol. 3.
- (March 1997). "SHRM-Guam: A Vital Contributor to Business on Guam." Pacific Milestones, Vol. 2.
- (1989-1993). Monthly feature articles in Hot Line Journal. Tokyo: English Education Foundation of Japan. INCLUDING:
  - (AKA: Thomas Cape). (Oct. 1992). Greening the Office. Hot Line Journal (pp. 2-3).
  - (Sept. 1992). Nippon Motto Yasumo [Japan, take more time off]. Hot Line Journal (pp. 2-3).
  - (AKA: George Mathew). (Apr. 1992). The Killer in Business. Hot Line Journal (p. 1).
- (1989-1992). Editorials & articles in The Communicator (monthly newsletter for professional international communicators & multi-cultural managers). Tokyo: Forum for Corporate Communication.

## **Presentations & Workshops** in both English & Japanese, including but not limited to:

- Colfax, R. S. (Presenter) of Rivera, J. J., Perez, S. & Colfax, R. S. *The Jell-O Theory of Leadership* at March 2018 ICBEIT 2018 – Osaka Conference
- Colfax, R. S. (Presenter) of Rivera, J. J., Colfax, R. S. & Diego, J. C. E. *Slinky-Coil Effect for Management Theories* at March 2018 ICBEIT 2018 – Osaka Conference
- Colfax, R. S. (Speaker & Panel Moderator) w/ J. Jones, C. Baletto, & G. Donaldson (2017). *Sustainability and Succession Planning for Small Businesses* at August 13th Annual Small Business Seminar and Expo (Guam) in August 2017.
- Colfax, R. S. & Murphy, S. (co-presenters) (2016). *Motivating Employees* for SHRM Guam Professional Chapter at September 2016 Breakfast Briefing.
- Colfax, R. S. & Murphy, S. (co-presenters) (2016). *Attract Hire Retain* for SHRM Guam Professional Chapter at March 2016 Breakfast Briefing.
- Colfax, R.S. (presenter) & Rivera, J.J. (2014). The Need for “Andragogy of Workplace Relevance” in College Classrooms. At Conference for *Scholastic Inquiry: Education Track; Minneapolis, MN, 2014*.
- Colfax, R.S., Jones, R. M., & Blas, K. (co-presenters) 2013: Guam’s Healthcare Workforce; 2013 Island Sustainability Conference, Guam 2013.
- Colfax, R. S. & Rivera, J. J. (co-presenters) (2011). UOG Maintenance Supervisor Training Program. Guam, 2011.
- Colfax, R. S., (presenter) & Hamernik, T. J. (2011). Project Management Pitfalls: Revisiting Douglas McGregor. *ICBEIT 2011 Guam, March 2011*.
- Murphy, K. L. & Colfax, R. S. (co-presenters) (2011). Research Misconduct: Ethical Practices In International Business Research Studies. *ICBEIT 2011 Guam, March 2011*.
- Murphy & Colfax (co-presenters) (2011). Institutional Review Board (IRB) Process. UOG Faculty Development Day. February 2011.
- Colfax, Inoue, & Castro (co-presenters) (2011). Promotion & tenure Application Processes Presentation. UOG Faculty Development Day. February 2011.
- Colfax, R. S., Rivera, J. J. & Perez, K. T. (March 2010). Applying Emotional Intelligence (EQ-i): Vital to Global Business Success.
- Perez, K.T. & Colfax, R. S. (December 2009) Human Resource Management for Small Farms on Guam; Understanding the ins & outs of hiring, firing, pay & other work issues.
- Colfax, R. S. & Rivera, J. J. (October 2009). IQ or EQ: Which is Better?
- Colfax, R. S.; Santos, A. T. & Diego, J.. (March 2009). Virtual Leadership: A Green Possibility In Critical Times But Can It Really Work?
- Colfax, R. S., Leon Guerrero, R. T. & Perez, K. T. (March 2007) Lifestyle Changes Program For A Guam Business: Report On The Development And Start-Up Stages.
- Colfax, R. S. (March 2007). Global Organizational “Fit” Pyramid for Global IT Team Selection in Information Resources Management: Global Challenges. (SHRM-Guam & Global SHRM Forum)
- Colfax, R. S. (April 2007). Global Organizational “Fit” Pyramid for Global IT Team Selection in Information Resources Management: Global Challenges. By invitation at the University of North Carolina-Asheville, NC.
- Colfax, R. S. & Perez, K. T. (2005, 2006, 2007, 2008, 2009, 2010). Military Contract Partnering and Facilitation.
- Colfax, R. S. & Perez, K. T. (2004 & 2005). Supervision Basics for New and Seasoned Supervisors



Colfax, R. S. & Perez, K. T. (2004 & 2005). Performance Evaluations for Line Employees.

Colfax, R. S. & Perez, K. T. (2004 & 2005). MBO development for Managers and Executives.

Colfax, R. S. & Perez, K. T. (2004 & 2005). Performance Evaluation System for Supervisors and Managers.

Colfax, R. S. & Perez, K. T. (2004). Anger Management Presented to Guam Department of Labor.

Colfax, R. S. & Perez, K. T. (2004). Working with Difficult People. Presented to Guam Department of Labor.

Colfax, R. S. (2004). MBTI for Banking Executive Team. Presented to Bank of Hawaii - Guam Branch & Bank of Guam, Headquarters.

Colfax, R. S. & Perez, K. T. (2004). Employee Perspectives of Leadership in Pacific Region Work Environments; CLASS Conference, College of Language Arts & Social Sciences, UOG Spring 2004

Colfax, R. S. Procedures for Conducting Research w/ Human Subjects, a CHRS Presentation for all Students & Faculty. CLASS Conference, College of Language Arts & Social Sciences, UOG Spring 2004

Presenter and Commentator for Dr. Kimura's Senior Japanese University Executives Forum Fall 2003.

Introduction to IHRM Workshop (2-day) (Coordinator, Facilitator, Planner, Presenter); presented to HR Professionals on Guam in connection w/ the SHRM-Guam Annual conference October 2003

Richard S. Colfax, CHRS Training & Procedures Presentation. Presented to Students & Faculty upon request to Nursing, Psychology, Sociology, MEd, MBA & MPA classes 2001, 2002, 2003, 2004

Stress Management for Bank Employees. A series of workshops presented to Bank of Guam Employees, Middle Managers, and Executives: December 2003.

Successful Job Application Procedures for Guam Juvenile Drug Court Clients (w/ SHRM Student Chapter Members) 2003 & 2004.

Richard S. Colfax w/ Marge Artero, Introduction to Personality Type: An MBTI Workshop. For Executive Management of the Hilton Resort & Spa Guam Fall 2003

Richard S. Colfax with W. K. Law. Employee Preferences regarding Employee Benefits Offerings. CAS Conference, College of Arts & Sciences, UOG Spring 2003

Richard S. Colfax, Procedures for Conducting Research w/ Human Subjects, a CHRS Presentation. CLASS Conference, College of Language Arts & Social Sciences, UOG Spring 2004

SHRM Annual Conference Review and Report (presented & coordinated) to SHRM-Guam 2003

Anger Management Workshop for Guam International Airport Authority Employees (w/ K. T. Perez) 2002.

SHRM-Guam 6<sup>th</sup> Annual Conference Opening Address (as SHRM-Guam Chapter President for 2000) at Annual SHRM Conference on Guam, sponsor: SHRM-GUAM: October 2000.

International HR Certificate Program primary presenter/instructor at the SHRM-Guam International HR Certificate Program, August 2000.

Burnout and how to prevent it. Guam Community College Conference for Office Assistants, Guam: 2000.

SHRM Annual Conference in Las Vegas: a Participant's Report SHRM-Guam Luncheon Speaker, 2000.

"International Studies and International Management." Presentation at the Spring 2000 Univ. of Guam College of Arts and Sciences Annual Conference.

SHRM-Guam 5<sup>th</sup> Annual Conference Closing Address (as Conference Planning Coordinator and SHRM-Guam President-Elect) at Annual SHRM Conference on Guam, sponsor: SHRM-GUAM: October 1999.

Human Resources in the CNMI at the Economic Study Conference for The Commonwealth Of The Northern Mariana Islands, October 1999.

Doug McGregor, Where are you when we need you? At the 4<sup>th</sup> SHRM-Guam Regional Human Resource Management Conference sponsored by SHRM-Guam, October 1998

Communications Skills for a Diverse Staff at the SHRM-Guam Workplace Diversity Conference, July 1998

University of Guam Mission Statement Project Team and Session Coordinator, March 1998.

Workplace Diversity in Micronesia (w/ Lorraine Okada, Bank of Hawaii) at the Society for Human Resource Management (SHRM)-Guam Luncheon, October 1997

Technology as Your Human Resource Specialist (w/ J. Toves of Pacific Business Solutions) at 4<sup>th</sup> Annual SBDC Small Business Conference on "Using Technology to Improve Your Bottom Line" sponsor: PISBDCN: September 1998.

Effective Presentations (w/ Glenna Hagedorn) at the 3<sup>rd</sup> Annual Regional HR Conference, October 1997.

Motivation in the Workplace (w/ Glenna Hagedorn) at the 3<sup>rd</sup> Annual Regional HR Conference, October 1997.

"What is Customer Service?" Customer Service Workshop Series for Chamorro Village Tenants at Chamorro Village, sponsor: SBDC, Society for Human Resource Management (SHRM)-Guam, & The Guam Department of Commerce, July 8, 1997.

"Product/Knowledge Training" Customer Service Workshop Series for Chamorro Village Tenants at Chamorro Village, sponsor: SBDC, Society for Human Resource Management (SHRM)-Guam, & The Guam Department of Commerce, July 29, 1997.

"Building Customer Satisfaction" Customer Service Workshop Series for Chamorro Village Tenants at Chamorro Village, sponsor: SBDC, Society for Human Resource Management (SHRM)-Guam, & The Guam Department of Commerce, August 5, 1997.

Opening Address at the Second Annual SHRM Conference on Guam; sponsor: Society for Human Resource Management (SHRM)-GUAM: October 1996

Master Session: Motivation in the Workplace at the Second Annual SHRM Conference on Guam, sponsor: Society for Human Resource Management (SHRM)-GUAM: October 1996

Thomas K. Pinhey and Richard S. Colfax. Overweight and Happiness: A Test Of The Reflected Self-Appraisal Hypothesis. (presented by Dr. Pinhey at Social Psychology section at annual Southwestern Sociological Association Conference, Houston, TX, Spring 1996).

Stress Management Workshop. Guam Hospice/Home Caregiver Workshop: Summer 1997.

Professional Presentation Workshop. Mobil Guam Training Workshop: Summer 1997.

Stress Management Workshop. Mobil Guam Training Workshop: Spring, Summer 1997.

Business Writing & Communications Workshop. Mobil Guam Training Workshop: 1996.

Customer Service Training Workshop. Guam Telephone Authority Training Workshop. 1995.

Communication for Naval Hospital Staff. U.S. Naval Hospital In-service Conference, U.S. Naval Hospital, Guam: April 1996.

Identifying and Managing Stress for Better Quality of Life. Guam Association of Social Workers, 16<sup>th</sup> Annual Training Conference, Guam: 1996.

Japanese Expatriate Executives: Cross-Cultural Training Needs. Second Annual Small Business Symposium, sponsor: University of Guam Small Business Development Center, Guam: 1996.

Guam's Aging Workforce and the Impact on Guam's Economy; First Annual Economic Conference, sponsor: University of Guam Small Business Development Center, Guam: 1995.

Interpersonal Communication Workshop; University of Guam's Center for Continuing Education & Outreach Program: 1995.

Communication and the Challenge of Effective Sales; University of Guam's Center for Continuing Education & Outreach Program: 1995.

Motivation: An HR Manager's Continual Challenge; 1<sup>st</sup> Regional Human Resources Conference; sponsor: Society for Human Resource Management, Guam Chapter: 1995.

Stress and Change Management for Banking Executives; UOG's CCEOP: 1995.

Stress Management for Small Business Owners; First Annual Small Business Symposium, sponsor: University of Guam Small Business Development Center, Guam: 1995.

presentation with Vincent Reyes (CBPA Senior) Behind the Japanese Tourist: Some Myths and Culture; 1st Annual Small Business Symposium, sponsor: UOG Small Business Development Center: 1995.

Stress and Stress Management for Guam's Small Business Managers; Small Business Seminar, Small Business Development Center, Agana, Guam: 1994.

Human Resource Management for the University of Guam; UOG 1994 Institutional Retreat, Guam: 1994.

Creativity in the Workplace; Forum for Corporate Communication, Tokyo: 1994.

Stress and Japanese Management Practices (in Japanese); Hachioji Business Leaders Morning Seminar; Hachioji, Tokyo, Japan: 1994.

Cross-Cultural Communication and Problems; Hachioji Civic Center, Hachioji, Tokyo: 1994.

Promoting Workplace Creativity; Forum for Corporate Communication, Tokyo: 1993.

Stress in Japan (in Japanese); Presentation to Hachioji West Lions Club, Hachioji, Tokyo: 1993.

Quality of Life at Work and Home (in Japanese); Community Workshop, Hachioji, Japan: 1992.

Stress and the Stress Process Among Japanese Office Workers; The Fielding Institute: 1993.

Systems Approach to Stress and Stress Management; Forum for Corporate Communication: 1991.

Japanese Management Practices: Mis-tiques and Myth-takes; The Fielding Institute: 1991.

Creativity in the Classroom; Planning an Educational Adventure; Japan Council of Int'l Schools: 1989.

Creative Group Planning; Sacred Heart Church (HI) Board of Directors, 1988.

Personnel Awareness and Team Building; Mauna Loa Dive Shop (HI): 1988.

## **Awards and Honors**

recognition for contributions and accomplishments including:

### **University of Guam related:**

CASE “**Carnegie Professor of the Year**” for Guam, 1999

SHRM Foundation Impact Award: “**Advisor of the Year 2019**”

SHRM National Chapter “Pinnacle Award of Excellence 2000” for SHRM-CBPA development of the “**jobsonguam.com**” free community service job-search website. 2000.

SHRM Student Chapter #5356: (Founding and Continuing Advisor)

“**Outstanding Student Chapter**” Award: 2011-12; 2013-14; 2014-15

“**Superior Merit Award Chapter**” 1998-99, 2000-01, 2001-02, 2002-03, 2003-04, 2004-2005, 2005-06, 2006-07, 2007-08, 2009-10, 2010-11, (2011-12), 2012-13, 2013-14, 2014-15, 2015-16, 2016-17, 2017-18, 2018-19,

“**Merit Award Chapter**” 2008-09

1998 University of Guam “**Faculty Award for Excellence in Teaching**”

2013 **Faculty Teaching Excellence Award**; School of Business & Public Administration (SBPA)

UOG **Faculty Marshall** for 2005 Graduation

UOG College of Arts and Sciences “**Award of Excellence in Faculty Collaboration,**” 1999.

UOG Vice President of Student Affairs “**All-Star Award**” 1998, '99, '00

### **Other Awards and Recognition:**

named “Lepen Tollen U” (Honorary Chief of U) by traditional Chief of Pohnpei State

American Biographical Institute: Diploma of Honor, 1995.

American Biographical Institute: Research Board of Advisors appointment, 1996- present.

American Biographical Institute: International Who'sWho of Contemporary Achievement, annually from 1995.

American Biographical Institute: "Outstanding Service to the International Consulting Profession." International Directory of Distinguished Leadership, from 1994.

**Best Business Research Paper Award:** October 2014 at **Center for Scholastic Inquiry** (CSI) International Academic Research Conference for paper: Colfax, R. S. & Rivera, J. J. (2014). The Need for “Andragogy of Workplace Relevance” in College Classrooms.

Hachioji City Mayor's Special Recognition Award for 5-years Service. October 1995.

International Biographical Centre: International Who'sWho of Intellectuals, from 1994.

International Biographical Centre: Dictionary of International Biography, from 1995.

International Biographical Centre: Men of Achievement, from 1996.

### **Marquis's Who'sWho Publications**

**Albert Nelson Marquis Lifetime Achievement Award** 2020

... in the World annually from 1995

... Among America's Teachers annually from 1998

... in the Finance annually from 1995

... in America annually from 1997

Randall's Who's Who Among Students in American Universities and Colleges 1993.

Fielding Institute HOD “**Sacred Fish**” Award for Excellence, Fielding HOD Faculty, Feb. 1991.

Boy Scouts of America: **Order of the Arrow Award**, 1964.

Boy Scouts of America: **Eagle Scout Award**, 1963.

## **Organizational Memberships** including (listed alphabetically):

### **Present Active Membership:**

AARP (National & Guam)	Member
American Legion	Member
Association for Certified Fraud Examiners (ACFE)	Member
Association for Strategic Planning (ASP)	Member
Chi Omicron Gamma, University of Guam Honor Society	Member
Fielding Alum Association	Member
Guam Workforce Investment Act Board	Advisor
Inafa' Maolek (Guam's Mediation Volunteer Group)	Member, Mediator
Institute of Certified Professional Managers	Member
Japan Human Resource Society (JHRS)	Member
Japan Society for Human Resource Management (JSHRM)	Member
Navy League (USN Veteran)	Member
National Association for Uniformed Services (NAUS)	Member
Pacific Island Small Business Development Center Network	Certified Counselor
Project Management Institute (PMI)	Member
Sigma Beta Delta Honor Society (Business Programs) SBPA	Founding Advisor, Member
Society for Human Resources (SHRM) - Guam	current National & Local Member
VP of Student Activities/Liaison	1995-1998, 2000-2008
President-Elect	for 1999
Chapter President	for 2000
Past-Presidents Council Member	2001 to present
University of Guam Student Organizations	
Society for Human Resource Management (SHRM) Student Chapter	Founding Advisor & current co-Advisor
Student Veterans Organization (SVO) for US Military Veterans	Advisor
Pohnpei Student Organization	Advisor
Blue Key Honor Society	Founding Advisor
U.S. Green Building Council (USBGC)	Member

### **Former Memberships:**

Academy of Management (AOM)	Member
American Institute of Stress (AIS)	Fellow
American Association for Higher Education (AAHEE)	Member
American Psychological Society (APS)	Member
American Society of Trainers and Developers (ASTD)	Member
CBPA Club; College of Business and Public Administration (1994-1996)	Advisor
Forum for Corporate Communications (FCC), Tokyo (Newsletter Editor: 1989-1990)	Member, Board Member
Guam Amateur Wrestling Federation (GAWF)	
Director of Officials & Referees	
Secretary General & Vice President (Board Member)	
Senior International FILA Referee (former Level 2 certification)	
International Wrestling Competition/Tournament Coordinator	

Guam Center for Excellence in Developmental Disabilities Education, Research & Service (CEDDERS) [former University Affiliated Programs (UAP) for Developmental Disabilities]	Advisory Board Member
Guam Community College (GCC) Adult Education Advisory Board	Board Member
Guam Governor's "Vision 2000" Taskforce	Member
Guam Institute of Volunteer Executives (GIVE)	Founding Member, Board Member, Counselor
International Worldwatch Organization	Member
Micronesia Sports Officials (MSOA) – Wrestling Wrestling Commissioner; Senior Referee; Referee Trainer	Member
National Society for Internships & Experiential Education (NSIEE)	Member
National Organization Development Network (N-ODN) served as Paper/Presentation Reviewer for 1993 National ODN Conference	Member
New Realities Network	Member
Pacific Asia Travel Association (PATA) International	Member
Pacific Asia Travel Association (PATA) Micronesia	Board Member, Member
Phi Delta Kappa (PDK)- Tokyo served as Historian: 1988; on Membership Committee: 1988-89; on Publications Committee: 1989	Member , Board Member
Service Corps Of Retired Executives (SCORE): Guam	Counselor & Board Member

-- End --



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-36**

**RELATIVE TO APPROVING THE UNDERGRADUATE MINOR AND CERTIFICATE PROGRAMS  
IN CYBERSECURITY MANAGEMENT**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the region; and

**WHEREAS**, the governance and well-being of UOG is vested in the Board of Regents (BOR);

**WHEREAS**, UOG desires to establish a new undergraduate certificate program in Cybersecurity Management, as well as a Cybersecurity Management minor under the Criminal Justice program, under the direction of the School of Business and Public Administration (SBPA);

**WHEREAS**, Cybersecurity threats are a growing concern not only on Guam, but throughout the region and the world, and qualified information systems experts are needed to support existing infrastructure and expanding technology needs;

**WHEREAS**, UOG has the responsibility to lead the Western Pacific Region in meeting these challenges by offering a program that addresses the most critical needs faced by the region and the island;

**WHEREAS**, these proposed programs add a modest five courses to the curriculum; there are many qualified faculty with the expertise to teach in these programs in the division of Public Administration and Legal Studies (PALS); there are sufficient library resources for the programs; and there are available computer labs, Information Technology equipment, and support staff to support student learning;

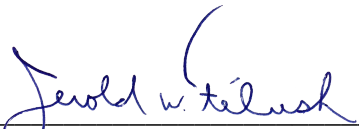
**WHEREAS**, a program demand report documents very high level of interest in the program, especially the professional certificate from respondents employed by Government of Guam agencies, such as Guam Department of Education, Department of Administration, Guam Economic Development Agency, Guam Police Department, Guam Fire Department, Department of Public Works, Guam Homeland Security, Veteran's Affairs; the Federated States of Micronesia government; professional organizations like Nisag'a data systems, Guam Power Authority, Pacific Human Resource Services, Zan Administrative Services, and Guam SurgiCenter; Pacific Islands Club and Sheraton hotels; the Army and Air National Guard; and educational institutions such as the Guam Community College, UOG, and the University of Glasgow;

**WHEREAS**, the proposed minor and certificate programs in Cybersecurity Management was prepared and submitted by the faculty in the PALS division; considered and recommended by the SBPA Academic Affairs Committee and Dean, endorsed by Undergraduate Curricula Review Committee and the Faculty Senate, and reviewed and recommended for approval by the Senior Vice President & Provost and the President; and


**WHEREAS**, the Academic, Personnel and Tenure Committee has reviewed the proposal and recommends to the BOR for approval the minor and certificate programs in Cybersecurity Management.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby approves Cybersecurity Management certificate and minor programs, effective AY2020-2021.

Adopted this of 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary



# University of Guam

## Request for Official Action on a Policy or Regulation

1. **Date of this request:** 10/22/2020
2. **Destination of request:** (as per governance guidance or manual)  
 Board of Regents    President    SVP&P    VPAF/CBO    Other \_\_\_\_\_  
 BOR Committee:  Academic, Personnel, and Tenure    Budget, Finance, Investments, and Audit  
                            Physical Facilities    Student Affairs, Scholarship, Alumni Relations and Honorary Degree
3. **Originating organizational unit:** School of Business & Public Administration
4. **Action proponent name:** Annette Santos, Dean   email: atsantos@triton.uog.edu   phone: \_\_\_\_\_
5. **Action requested:** Create a Cybersecurity Management Program
6. **Justification supporting action request:** See attached
7. **Requested effective date of action, if approved:** AY 2020 - 21

**8. Manual or document to be altered:**

- |  |   |
|--|---|
| <input type="checkbox"/> BOR Policy<br><input type="checkbox"/> Academics<br><input type="checkbox"/> Auxiliary Services _____<br><input type="checkbox"/> Business Office _____<br><input type="checkbox"/> Enrollment Management & Student Success<br><input type="checkbox"/> Facilities Maintenance & Services<br><input type="checkbox"/> Graduate Studies<br><input type="checkbox"/> Human Resources Office | <input type="checkbox"/> RFK Library or MARC<br><input type="checkbox"/> Office of Information Technology<br><input type="checkbox"/> Office of Marketing & Communications<br><input type="checkbox"/> Office of Research & Sponsored Programs<br><input type="checkbox"/> Safety & Security<br><input type="checkbox"/> Triton Athletics<br><input checked="" type="checkbox"/> Other <u>Undergraduate Catalog</u> |
|--|---|

**Location of proposed alteration in manual:** Criminal Justice program description   **Version dated:** AY 2021-22

**9. Attach:**

- a. Proposed Procedure, Regulation, or Policy language (*in unlocked finalized Word file only, no PDFs*).
- b. Documentation showing reason and appropriate consultation with advisory and/or governance committees has been done.
- c. Documentation of a public hearing, as applicable.

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**10. Consultation Record** (as per governance guidance, manual, or courtesy)

Committee	Position	Name / Signature (use BLUE ink)	Date
Originating Unit AAC <input type="checkbox"/> NA	See attached curriculum documents		
Appropriate Dean/Director/ Admin <input type="checkbox"/> NA	See attached curriculum documents		
AD HOC Committee <input checked="" type="checkbox"/> NA	_____	_____ / _____	____ / ____ /20__
Student Gov Association <input checked="" type="checkbox"/> NA	_____	_____ / _____	____ / ____ /20__
Staff Council <input checked="" type="checkbox"/> NA	_____	_____ / _____	____ / ____ /20__
Administrative Council <input type="checkbox"/> NA	_____	_____ / _____	____ / ____ /20__
Faculty Senate <input type="checkbox"/> NA	See attached curriculum documents		
Faculty Union <input checked="" type="checkbox"/> NA	_____	_____ / _____	____ / ____ /20__

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**11. Administration Approvals** (as applicable)

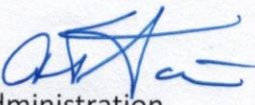
Anita Borja Enriquez, SVP&P	See attached curriculum documents		
Randy Wiegand, VPAF/CBO	Not applicable		
Thomas Krise, UOG President	<u>Thomas W. Krise</u> <small>Thomas W. Krise (Oct 23, 2020 08:25 GMT+10)</small>	<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	<u>10/23/2020</u>
Lesley Leon Guerrero, Chair, AP&T Comm	_____	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	_____
Jerold Filush, Chair, Board of Regents	_____	<input type="checkbox"/> Approved <input type="checkbox"/> Disapproved	_____

February 25, 2020


Faculty Office  
University of Guam

**MEMORANDUM**

TO: Dr. Mary Cruz, President  
UOG Faculty Senate

FROM: Dr. Annette T. Santos, Dean   
School of Business & Public Administration

SUBJECT: Resubmission and Revision of Proposed Minor in Cybersecurity Management  
and Professional Certificate Program in Cybersecurity Management (Reference  
Log No. 6147)

  
Received By:  
2/27/20 9:00am  
Date & Time

*Håfa Adai!* Thank you for the opportunity to submit this revised Proposed Minor in Cybersecurity Management and Professional Certificate Program in Cybersecurity Management (Reference Log No. 6147).

The original submission is replaced the attached. This has been vetted and endorsed by the faculty of the Division of Public Administration and Legal Studies during their February 5, 2020 meeting as well as the SBPA-AAC on February 17, 2020 (official Minutes pending).

Should you have any questions or concerns, please contact me at extension 2501/2553 or email: [atsantos@triton.uog.edu](mailto:atsantos@triton.uog.edu).

*Si Yu'os Ma'åse'.*

Attachment

cc: PALS Division Chair  
SBPA-AAC Chair  
SBPA File

T: +1 671.735.2550 F: +1 671.734.5362 W: [www.uog.edu/sbpa](http://www.uog.edu/sbpa)

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96923

The University of Guam is a U.S. Land Grant Institution Accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an Equal Opportunity Employer and Provider.



**UNIVERSITY OF GUAM**  
Unibetsedät Guåhan

Office of Academic and Student Affairs

**REQUEST FOR NEW DEGREE PROGRAM APPROVAL**

1. Title of Program: MINOR IN CYBERSECURITY MANAGEMENT AND PROFESSIONAL CERTIFICATE IN CYBERSECURITY MANAGEMENT
2. Credit Hours Required: 15
3. Level of Program:      Undergraduate      Graduate
4. Proposed Effective Date (Catalog/Bulletin): UNDERGRADUATE CATALOG 2020-2021
5. Proposal Document: Attach proposal document to this form. See "Procedure for Proposals to Establish New Programs".
6. APPROVAL Recommended by:



UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/10/19
Division Chair	Dr. Ronald McNinch, PALS Division Chair	12/10/19
Chair, College AAC/CC		2/4/2020
Dean, of College	Dr. Annette L. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	Dr. Michael Hemmingsen	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

**APPROVED:**  
  
SENIOR VICE PRESIDENT  
ACADEMIC AND STUDENT AFFAIRS

Jun 1, 2020  
DATE

Thomas W. Krise  
PRESIDENT

10/23/2020  
DATE

CHAIRPERSON, BOARD OF REGENTS     DATE

**PROPOSAL FOR A  
MINOR IN CYBERSECURITY MANAGEMENT  
AND A  
PROFESSIONAL CERTIFICATE PROGRAM  
IN  
CYBERSECURITY MANAGEMENT**

**SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION  
UNIVERSITY OF GUAM  
DECEMBER, 2019**



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Minor in Cybersecurity Management and Professional Certificate Program in Cybersecurity
- Section 2:** SBPA Proposal for A Minor in Cybersecurity Management and a Professional Certificate Program in Cybersecurity Management
- Section 3:** Request For New Course(s) (UOG Forms; 5 New Courses)
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- Section 6:** Academic and Professional Profiles of Faculty for the Minor in Cybersecurity Management and Professional Certificate Program in Cybersecurity Management
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**Request For New Degree Program  
Approval (UOG Form)**

**Minor in Cybersecurity Management  
and a  
Professional Certificate Program in  
Cybersecurity Management**



**REQUEST FOR APPROVAL OF A  
NEW MINOR DEGREE AND CERTIFICATE PROGRAM**

**1. DEFINITION OF THE PROPOSED PROGRAM**

1.1 Full and exact designation (degree, major, minor, certificate, etc.) for the proposed program.

**Cyber Security Management Minor and Professional Certificate Program in Cybersecurity Management**

1.2 Name of the college submitting the request.

**School of Business and Public Administration**

1.3 Name of the department, department's division, or other unit of the college which would offer the proposed program.

**Division of Public Administration and Legal Studies (PALS)**

1.4 Name, title and rank of the individual primarily responsible for the drafting of the proposed program.

**Dr. Ronald L. McNinch, Division Chair and Full-Time SBPA faculty in the Public Administration and Legal Studies Program with the participation of PALS and Business faculty.**

1.5 Objectives of this program.

**The Cybersecurity Management Minor (CJ-CSM) and Professional Certificate Program in Cybersecurity Management are part of an interdisciplinary management approach to cybersecurity in public and private organizations. The primary objectives of this program are to provide students and professionals with the skills and confidence needed to identify problem areas related to cybersecurity and information technology management in an organization and identify solutions. The program is intended to enhance student and participant learning and career opportunities in information security management that can be applied to various organizational settings.**

1.5a Specify the subject matter to be covered.

**The focus of the course material is on cybersecurity management challenges in an organizational setting. Students will learn about the critical need for protection of data and information, and what to do in the event that protected information is breached. The program is designed to capitalize on the intellectual strengths of students majoring in different disciplines that are consistent with the broad suite**



**of professional management needs found in varied institutional settings. Students with backgrounds or academic areas of interest in: Criminal Justice, Information Technology, Business, Public Administration, Law, Education, Healthcare, the Behavioral Sciences and many other fields may link their area of interest to this program. The program will cover subject matter in information risk management, computer crime, homeland security, law, defense, terrorism studies, policy development and other topics as they relate to information management and security threats.**

- 1.5b Specify the intellectual skills and learning methods to be acquired.

**This course of study will provide students with the techniques and tools to deal with cybersecurity management, planning and threats. The methodology of the coursework will provide students and participants with skills to (1) develop an understanding of the importance of cybersecurity management in organizations; (2) identify short and long term cybersecurity threats and problems and their associated consequences for organizations if not properly addressed by management; (3) learn how to gather and analyze relevant information for informed management decision-making and responses to cybersecurity threats; and (4) learn how to think strategically about new ways to approach and solve cybersecurity management challenges in organizations.**

- 1.5c Specify the affective and creative capabilities to be developed.

**In this program, students will examine cybersecurity and information technology oversight; management techniques and key components in developing cybersecurity plans (see 1.5.b) and search for strategic ways to protect organizations from cybercrimes and intrusions.**

- 1.5d Specify, the relevant, the specific career-preparation practices to be mastered.

**The 15-credit hour curricula for the proposed Cybersecurity Management Minor and Professional Certificate Program in Cybersecurity Management are designed to provide knowledge in cybersecurity risks and threats in organizations. The program will help students and participants develop confidence in managing cybersecurity challenges in organizations.**

- 1.6 List of all courses, by catalog number, title and units of credit to be required for a major under the proposed degree program.

**The Minor in Cybersecurity Management (CJ-CSM) and the Professional Certificate Program in Cybersecurity Management would require 15 credit hours of coursework as described below:**





- **CJ-CSM 100: Introduction to Cybersecurity Management (3)**
- **CJ-CSM 200: Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks, and the Internet (3)**
- **CJ-CSM 300: Cybersecurity Management Tools and Techniques (3)**
- **CJ-CSM 301: Cybercrime and Digital Forensics (3)**
- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives (3)**

1.6a Are there any other upper-division course related to leadership and/or management in this proposed program?

**Leadership and Management challenges are emphasized and incorporated in all the five courses designed for this program. (Please see five (5) course syllabi developed for this program in the proposal packet).**

1.7 Clarification of number and types of electives, if any under the proposed program, including special options.

**A student may petition the Public Administration and Legal Studies Program for consideration to substitute a course they have completed that may be equivalent in content to a course required in the Cybersecurity Management program.**

1.8 Justification of any unusual characteristics of the proposed program; e.g., in terminology, units of credit required, types of course work, etc.

**No specific “unusual” aspects of the Minor or Certificate program in Cybersecurity Management are apparent in this program.**

1.9 Prerequisites and criteria for admission of students to the proposed program, and for their continuation in the program.

**The Cybersecurity Management Minor and Certificate Program are open to all current and former University of Guam students and professionals desiring to learn and understand the techniques and tools needed to plan and respond to cybersecurity challenges and threats.**

1.10 Evidence the degree program has a coherent design and is characterized by continuity, sequential progression and a synthesis of learning.

**The curriculum in the Cybersecurity Management Minor and Certificate program consists of five distinct courses that are presented in sequence. (Please see 1.6) The 100**



and 200-level courses provide essential cybersecurity facts and concepts necessary for the understanding and assimilation of the contents of the 300-level courses. The intention of the early courses is not to prepare students for technical careers, but to enhance their skills in understanding and managing information security challenges in a digital world. The 300-level courses address learning relevant to best practices in cybersecurity management, including understanding cybercrime and forensics, planning, administration, policymaking and the law.

1.11 Describe how educational effectiveness of the program is to be measured.

**Student Learning Outcome (SLO) assessments will be conducted by performing pre-and-post tests in every class and by developing student learning performance profiles for each class. Hands-on simulation exercise and writing assignments will also be used to measure student performance. The results of these assessments will be used to measure proficiency.**

## 2. CONTEXT OF THE PROPOSED PROGRAM

2.1 Examples of colleges offering the proposed program.

- **University of Virginia: School of Continuing and Professional Studies – Cybersecurity Management Certificate.**
- **St. Thomas University: Gus Machado School of Business -Certificate in Cybersecurity Management.**
- **University of Maryland – University College – Graduate Certificate in Cybersecurity Management.**

2.2 Endorsement from university or community elements.

**The faculty and Dean of the UOG School of Business and Public Administration support the proposed Minor and Certificate program in Cybersecurity Management. Input from students, alumni and leaders in public and private organizations on Guam and the region helped in the development of this proposal. A community survey was also conducted to solicit input from students, alumni and public business sector professionals on the proposal. (See Section 7)**

2.3 Differences of the proposed program, if any, from similar programs in other institutions.

**Academic and certificate programs in Cybersecurity Management are found throughout universities and colleges in the United States and abroad. Some programs are offered at the graduate level while others are offered at the undergraduate level. These programs are usually offered as an area of concentration within a degree program or as a general**



curriculum or certificate available to all students. The proposed program at UOG will incorporate a multi-disciplinary approach to cybersecurity management issues and challenges that are particularly relevant to the needs of Guam and the Western Pacific.

- 2.4 Relation of the proposed program to the total educational program of the respective college.

**The study of Criminal Justice, Business, Accounting and Public Administration are the largest degree programs at the School of Business and Public Administration. These programs have far reaching implications for the well-being of the public and business sectors of Guam and the regional community. Students enrolled in other UOG schools and Colleges would also benefit from the Management skill sets offered in the Cybersecurity Minor and Certificate Program, particularly topics such as strategic planning and ethical conduct in the cyber world.**

- 2.5 Relation of the proposed program to the planned curricular development of the respective instructional area (department, department's division).

**The Cybersecurity Management Minor and Certificate Program supplements SBPA offerings and will provide students, alumni and working professionals an opportunity to gain specialized knowledge relevant to their career goals. The Minor will be offered as an option within the Bachelor of Science degree program in Criminal Justice (BSCJ). The Minor will also be available to all University of Guam students. The Certificate Program is intended to serve the needs of working professionals in the Guam and regional community. The program will provide skill sets critically needed in public and private organizations dependent on data information technology and security.**

- 2.6 List of other programs currently offered which are closely related to the proposed program.

**Various degree programs at the University of Guam currently recommend or require students to complete a course in basic computing. These programs include - SBPA: Business, Criminal Justice, Public Administration, Accounting, Finance, Economics; SOE: Administration and Supervision; Division of Social and Behavioral Sciences: Sociology, Psychology, Social Work, Political Science; Health Sciences: Nursing, etc. These and other degree programs directly relate to careers practiced in organizational environments dependent on information technology and cybersecurity.**

- 2.7 Explanation of how the needs to be met by the proposed program have previously been satisfied.



**SBPA degree programs have specific classes and/or modules with content in management and administration - however, a focus on cybersecurity management has not been previously developed and offered as a minor and certificate program.**

- 2.8 Applicability of course work taken under the proposed program to other programs currently offered.

**Students with majors in Criminal Justice, Business, Public Administration, Accounting and other UOG degree programs and professionals in the Guam and regional community will find the Cybersecurity Management Minor and Certificate Program beneficial in enhancing skill sets and career goals.**

- 2.9 Assurance that courses and programs are planned both for optimal learning and accessible scheduling and are offered in a manner that ensures students the opportunity to complete the entire program as announced.

**The proposed Cybersecurity Management Minor and Certificate Program will be offered during the regular UOG Academic Calendar. The program will also feature an off-campus course delivery option, depending on need. The Cybersecurity Management Program is also designed to be adaptable to both classroom and/or On-line delivery modes.**

### 3. NEED FOR THE PROPOSED PROGRAM

- 3.1 Primary reason for requesting the proposed program.

**From the global, national and local challenges facing governments, corporations and organizations with large amounts of data being stored and exchanged electronically, the proposed Cybersecurity Management Minor and Certificate Program will provide students and participants with the skills and confidence needed to make management level decisions in an increasingly complex and technically driven world.**

- 3.2 Professional uses of the proposed program.

**Organization leaders and managers are becoming more and more aware of the costs associated with maintaining, protecting and securing data and information in the workplace. There is an increased need for managers to be aware of existing cyber threats and who can examine and develop solutions to these threats. With the growing dependence on data stored and shared by organizations, there is a need for knowledgeable managers to address these issues. A Cybersecurity Management Minor and Certificate Program would greatly increase employment opportunities and career advancement for UOG students and program participants.**



- 3.3 Results of a survey of serious interest in enrolling under the proposed program.

**Interaction of Public Administration and Legal Studies faculty with students, alumni and professionals in public and private organizations on Guam and in the region via a formal survey demonstrates the need for and strong support of the proposed Cybersecurity Management and Certificate Program at the University of Guam. The level of interest from current and former students who participated in the survey has been high.**

- 3.4 Enrollment figures during the past two years in specified courses programs related to the proposed which indicates interest in the proposed program.

**Because the courses designed for the proposed Cybersecurity Minor and Certificate Program have not been previously offered, no enrollment figures currently exist.**

- 3.5 Estimate of the number of students completing the proposed program in the second year and in the fifth year after its approval.

**It is estimated that when the Cybersecurity Minor and Certificate Program formally begins at the start of the 2020-2021 Academic Year, between 20-30 students and participants will initially enroll in the program. The start of the program will be preceded by a public information initiative. It is believed almost all program participants will complete the program.**

- 3.6 Total FTE lower division and upper division, enrollments in the specified department, department's division, or other units of the college which would offer the proposed program, as of the current semester and as projected five years hence, further divided into lecture FTE and laboratory FTE where appropriate.

**This information is not available at this time. Please note, however, that the Cybersecurity Minor and Certificate Program will not require the hiring of new full-time faculty at SBPA. CJ-CSM courses will be covered by current SBPA full-time faculty and adjuncts. Qualified visiting faculty and faculty colleagues from other UOG schools and colleges may also be invited to participate in course delivery.**

- 3.7 Advantages to the college offering the proposed program.

**The Cybersecurity Management and Certificate Program is designed to give students and participants an understanding of the importance of effective cybersecurity management in public and private organizations. SBPA desires to graduate students who not only know something about a particular academic field, but who can also adapt and apply management principles to new organizational challenges.**





#### 4. RESOURCES FOR THE PROPOSED PROGRAM

4.1 List of all present faculty members, with rank, highest degree earned, publications and professional experience, who would teach in the proposed program. Include a schedule of course over the next two years, with an indication of who teaches which course.

- **Dr. Wai K. Law, Ph.D., Professor of Management**
- **Dr. Kevin K.W. Ho, Ph.D., Professor of Management Information Systems**
- **Dr. Ron McNinch, Ph.D., Associate Professor of Public Administration and Legal Studies**
- **Prof. Ron Aguon, JD, Associate Professor of Legal Studies**
- **Dr. John Rivera, Ph.D., Assistant Professor of Public Administration; Graduate Program Director**
- **Prof. Frank Ishizaki, Instructor of Legal Studies, M.S., Ret. FBI Special Agent**

**Qualified adjuncts from professional organizations on Guam and visiting professors and faculty colleagues from other schools and colleges at UOG may be invited to assist in the delivery of courses on an as-needed basis.**

4.2 Number and types of additional faculty and other staff positions, if any, needed to initiate the proposed program. **NONE**

4.3 Estimate of additional faculty and other staff positions needed specifically for the proposed program one, two and five years after its approval.

**Current resources at the School of Business and Public Administration are enough to meet the needs of the Cybersecurity Management Minor and Certificate Program.**

4.4 List of courses now offered, by catalog number, title and units of credit needed in proposed program. **NONE**

4.5 List of additional courses not now offered, by catalog number, title and units of credit, needed initially and during the first two years after approval of the program, needed to make the program fully operative.

**Approval of the following five (5) new courses (3 credit hours each) are needed to make the Cybersecurity Management Minor and Certificate Program fully operative:**

- **CJ-CSM 100: Introduction to Cybersecurity Management**
- **CJ-CSM 200: Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet**
- **CJ-CSM 300: Cybersecurity Management Tools and Techniques**
- **CJ-CSM 301: Cybercrime and Digital Forensics**



- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives**

4.6 University library resources, available in direct support of the proposed program, specified by subject areas, volume count, periodical holding, etc.

**Current holdings at the University of Guam library and access to relevant periodicals are satisfactory to start up the Cybersecurity Management and Certificate Program. Additional learning material for the program will be available on-line.**

4.7 Plans for developing university library resources in support of the proposed program during the first year of its operation.

**As new learning resources are identified, requests for acquisition will be made to the University library in support of the Cybersecurity Management Minor and Certificate Program.**

4.8 Other instructional materials, if any, needed in support of the proposed program, itemized with cost estimates as projected for the first five years of operating the program.

**NONE AT THIS TIME.**

4.9 Special classrooms, laboratories and other capital outlay facilities, if any, needed in support of the proposed program, itemized and arranged by dates for the first five years of operating the program.

**SBPA has two computer labs and sufficient classrooms available to support the Cybersecurity Management Minor and Certificate Program. The faculty who will participate in course delivery have IT equipment available to them in their offices and in the classrooms. SBPA also has a full-time IT specialist on staff available to assist faculty and students.**

# **SBPA PROPOSAL:**

## **Minor in Cybersecurity Management and a Professional Certificate Program in Cybersecurity Management**



**PROPOSAL FOR A  
MINOR IN CYBERSECURITY MANAGEMENT  
AND A  
PROFESSIONAL CERTIFICATE PROGRAM  
IN  
CYBERSECURITY MANAGEMENT  
School of Business and Public Administration  
UNIVERSITY OF GUAM**

**INTRODUCTION**

Cybersecurity Management (CSM) is a growing field of study in the United States and abroad, generally covering topics in information risk management related to computer crime, homeland security, terrorism studies, policy development, and related areas. Information security threats are growing in intensity, frequency, and severity all over the world, and are also a very real threat to the information security of public and business organizations on Guam and in the Western Pacific.

The School of Business and Public Administration, University of Guam, is proposing a course of study in Cybersecurity Management (CSM) both as a Minor within the Bachelor of Science in Criminal Justice degree program (BSCJ) which will be available to all University of Guam students, and as a Professional Certificate Program for alumnae and professionals in the public and private sector. The courses shall use the “**CJ-CSM**” identifier for course listing purposes.

This program is not intended to be a technical course of study. The information systems and cybersecurity management principles incorporated in this proposal are designed to capitalize on the intellectual strengths of students majoring in different disciplines at UOG that are consistent with the broad suite of professional management needs found in varied institutional settings on Guam and in the region.

In preparing this proposal, it was found that most academic programs in information security are technical in nature, usually offered through computer science or computer engineering departments at colleges and universities. Their intent is to produce information professionals who are primarily developers; (e.g., software engineers, system administrators, and network administrators). Criminal Justice degree and certificate programs have largely arisen as applied management curricula. This is the case of the BSCJ program at the University of Guam.

The approach that will be taken with the proposed Cybersecurity Management Minor and Certificate Program is to respond to the evolving cyberthreats facing Guam and the region that are not solely based on technical solutions. This will involve planning and information security topics as applied to economics, business, public administration, criminal justice,

finance, homeland security, diplomacy, national defense and other areas. The proposed skill set will provide a management context to the program and will emphasize those management principles, tools and concepts required of professionals charged with effectively overseeing or managing public and private information infrastructure critical to Guam and the region.

In this program students and participants will learn to employ and understand technology tools to plan for and solve cybersecurity problems in organizations. These skill sets are critically needed in government and business institutions to support the day-to-day functioning of the information security management tasks.

The management of the cybersecurity function includes the development of internal policies and procedures as well as laws and public policy. SBPA will use a proactive, defensive and offensive management approach in program delivery that will teach students to be able to respond to a cybersecurity event, and design and execute necessary actions in order to defend, protect or effectuate a response to a cybersecurity attack. The program does not force students into an engineering-based approach to cybersecurity. Rather, the program will integrate the National Response Framework of the U.S. Department of Homeland Security into a curriculum that will fully explore intelligence gathering, threat analysis, planning, management, policy development, risk analysis and mitigation. These are the subjects taught in the SBPA Criminal Justice program that are not generally taught in traditional computer engineering programs.

In this program, students will not need engineering or information technology expertise in order to understand and learn how to lead and manage a response to the threats in cyberspace. But they will need cyber-literacy, which will be integrated into the program curricula in order to understand a threat issue and synthesize the ramifications with the I.T team into other aspects of security. The program will not require students to take additional courses in mathematics but will require the ability of students to manipulate numbers and symbols and be comfortable with computer technology. Problem-solving and strategic thinking and planning skills are also important.

### **PROPOSED CURRICULA/COURSES**

Exploration and input from students, stakeholders in business and government, external advisors, and a review of curricula offered by other institutions helped in the development of this proposal to integrate Cybersecurity Management (CJ-CSM) into the BSCJ curriculum as a minor and certificate program. Included in the 15-credit hour Minor and Certificate Program is an introductory cybersecurity course (3 credit hours) to be integrated into the CJ core as a Lower Division elective that shall be available to interested UOG students. There are four other courses developed as part of the Minor and Certificate program, which can be taken by any UOG student, alumnae or stakeholder.

The five courses (15-credit hours) and their general sequencing are shown below. Their content and role in the overall curriculum are also described:

- 1. CJ-CSM 100: INTRODUCTION TO CYBERSECURITY MANAGEMENT.** This will be introduced as a lower division elective course for all interested UOG students and as one of the required courses for students and others pursuing the Cybersecurity Management Minor or Certificate Program. The course is a survey of the subject matter, addressing cybersecurity management operations, governance, applications, purposes, and strengths and limitations to information assurance and incident response activities. Topics include a definition of cybersecurity and information security, the need for management training in this field of study, ethical and legal issues, risk management and planning in public and business organizations, and cybersecurity and information security technology. The role of Federal agencies (e.g. Department of Homeland Security, Department of Defense, National Security Council, CIA, FBI, etc.) in securing cyberspace and the nation's information-related infrastructure will be explored. The information security capabilities of local agencies and institutions will also be discussed. A goal of this class will be to apply the topics discussed in the assessment of security risks in the protection and management of information assets in both public and private organizations.

The remaining four courses are also part of the Cybersecurity Management Minor and Certificate Program. In these courses, students and program participants will not need to be computer programmers or network experts to learn cybersecurity management applications. However, they should have some experience in the use of technology. Some of these courses may be offered on-line by SBPA or via a cooperating academic institution.

- 2. CJ-CSM 200: FUNDAMENTALS OF COMPUTERS AND NETWORKING TECHNOLOGIES FOR CYBERSECURITY MANAGERS IN ORGANIZATIONS: UNDERSTANDING COMPUTER HARDWARE, NETWORKS, AND THE INTERNET.** This class is intended to provide an introduction to the technology that underlies computers and communication networks. Students will gain an understanding of how computers operate, user interfaces and operating systems, data storage, network hardware components and protocols, Internet and Transmission Control Protocols (TCP/IP), communications protocols and applications. This course is not intended as a security management course per se, but as one that covers the fundamental bases of the technologies that students, organizations, and managers use every day in organizational life and that are, in fact, the vectors of cyberattacks. The course is heavily dependent upon hands-on exercises to reinforce the course subject matter, (e.g., exercises are planned that will introduce both the DOS and Linux command line interface, students will build peer-to-peer networks, write a simple program, install a simple Web server, write a Web page, utilize a firewall, and identify cyberattack intrusions). The intent of the exercises is not to turn managers of business and government organizations into system administrators, Web designers, or programmers, but to help these managers understand and appreciate what IT professionals do, how the systems they use operate, and how they can assist and lead them in a cyber threat incident and recovery situation.

*The above 100 and 200-level courses are the prerequisites for the remaining 300-level courses:*

3. **CJ-CSM 300: CYBERSECURITY MANAGEMENT TOOLS AND TECHNIQUES.** This course is intended to introduce the tools and techniques used to attack and disrupt computers, data networks, and digital information; demonstrate methods by which attackers identify and exploit organization vulnerabilities and weaknesses in information systems. The course will introduce and demonstrate risk management techniques and methods and demonstrate how to secure operating systems, communications infrastructure, and data networks including TCP/IP and the Internet. The basics of planning and conducting security audits and developing cybersecurity policies in organizations will be studied.
4. **CJ-CSM 301: CYBERCRIME AND DIGITAL FORENSICS.** This second 300-level course is a hands-on and focuses on the tools and techniques of reactive offense and defense in cybersecurity management. Recent trends in Mobile and Digital forensics, Block Chain forensics, and Cryptocurrency and Cloud Computing forensics will be discussed. The course will introduce the practices of incident response, and digital investigations, penetration testing and vulnerability assessments, and the gathering of digital information for evidentiary, intelligence, and research purposes. Legal aspects governing criminal justice search and seizure will be described, as well as the basic tools for computer, network, and mobile device forensics acquisition, analysis, and reporting.
5. **CJ-CSM 302: LEGAL ISSUES AND CASES IN CYBERSECURITY AND THE LAW: LOCAL, NATIONAL, AND INTERNATIONAL PERSPECTIVES.** This course will address criminal behavior in cyberspace, such as identity theft, white-collar crime, fraud, child sexual exploitation, human trafficking, intellectual property theft, and on-line scams. Evolving laws governing cyberspace, defining criminal activity, and guiding law enforcement investigations will be covered, including U.S. decisional law that guide the search and seizure of digital devices and information as well as international and local laws related to cybercrime and privacy that challenge public and private organizations. The course will examine the impact of cyberspace, cybercrime and espionage on government and business institutions, diplomacy, defense and terrorism, including emergent threats and modern countermeasures, and how critical infrastructure can be hardened and made more resilient in order to reduce the potential impact of cyberattacks. This legal approach to cybersecurity management is particularly important and timely for business and government organizations as the United States has experienced many cases of cyberterrorism and cyberwarfare, as evidenced by "Advanced Persistent Threat" attacks on U.S. information hardware and information systems for political and ideological goals. Cyberattacks on social networks, American-owned financial and banking institutions, electric power grids, and diplomatic and defense communication intrusions are now common.

## **ASSESSMENT INSTRUMENTS**

In the Cybersecurity Management and Certificate Program, the 100 and 200-level courses will provide essential cybersecurity facts and concepts necessary for the understanding and assimilation of the contents of the 300-level courses. Since the intention of the early courses is not to prepare students for technical careers or jobs - but rather to enhance their skills in understanding and managing information security in the digital world - the testing will not focus on the technical aspects of the subject matter. Instead, assessment mechanisms will be prepared that better measure what students and certificate participants have learned about technology management and will address the learning outcomes of the courses that are relevant to best practices in security policy, administration, and management. Hands-on exercises and writing assignments will be used to measure whether students have achieved defined learning outcomes rather than traditional objective assessment tests.

## **CONCLUDING POINTS**

The Criminal Justice program at the School of Business and Public Administration, University of Guam, has grown to be a robust, dynamic, and valuable academic offering to students and stakeholders. As new needs arise, this program continually matures and adapts. The proposed Cybersecurity Management (CJ-CSM) Minor and Certificate Program is part of this evolution. This new program will provide students and participants with a valuable and critical management skill set to be able to address one of the most challenging issues facing public and private organizations today - Cybersecurity.

The Cybersecurity Management Minor and Certificate Program will require the participation of SBPA faculty with subject matter expertise and the use of identified cybersecurity management professionals in local public and business organizations which will help broaden the learning opportunities and outcomes for students and program participants. Faculty colleagues from other units of the University of Guam may also be invited to participate in program delivery.

**CYBER SECURITY MANAGEMENT (CSM) MINOR  
AND  
PROFESSIONAL CERTIFICATE PROGRAM  
IN  
CYBERSECURITY MANAGEMENT**

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## **REQUEST FOR NEW COURSE(S)**

### **(UOG Form)**

- **CJ-CSM 100:** Introduction to Cybersecurity Management
- **CJ-CSM 200:** Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet
- **CJ-CSM 300:** Cybersecurity Management Tools and Techniques
- **CJ-CSM 301:** Cybercrime and Digital Forensics
- **CJ-CSM 302:** Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives



**REQUEST FOR NEW COURSE**

1. Title: Introduction To Cybersecurity Management
2. Catalog Number: <sup>PC</sup>~~CJ~~-CSM 100 (New course may not duplicate active or inactive course number.)
3. Course Type:             Addition to the Curriculum  
    Special Needs (Workshop, seminar, special topic,...94 series, etc.)
4. Level of Instruction:    Undergraduate             Graduate (/G)             Both
5. Credit Hours: 3.00
6. Is this course cross-listed with another department?    NO  
   If so, list the cross-listed catalog number (s)? \_\_\_\_\_
7. What session(s) will the course be offered?    Fall             Spring             Summer             All
8. What will be the yearly cycle for this course?  
    All Years             Even Years             Odd Years             One (1) Term Only
9. First term and year for this course: Fall 2020-2021    Length of Instruction (Weeks): 16 Weeks
10. Prerequisites:
  - A. Instructor / Advisor consent required?     Yes             No
  - B. Prerequisites Catalog #                            Prerequisite Course Title  
NONE    NONE  
\_\_\_\_\_  
\_\_\_\_\_
  - C. Additional Prerequisites: NONE



11. **CATALOG DESCRIPTION:** This course introduces students to the growing legal, technical, managerial, economic and social issues surrounding crimes committed in cyberspace. The course discusses the nature of cybercrime from a management and international perspective and focuses on how the borderless nature of cybercrime impacts law enforcement and cybersecurity in public and business organizations.
12. **DESCRIBE LIBRARY AND INFORMATION TECHNOLOGY RESOURCES AVAILABLE TO SUPPORT COURSE:** If insufficient library sources are available, describe alternatives that will be used.  
**Current learning resource holdings at the UOG-RFK Library and access to relevant periodicals are satisfactory to start up this course. Additional course-related material is available on-line. A course website will be designed by the instructor for this course that will be available to students upon enrollment. Additional resources will be available on the course Website, as well as, links to course-related material.**
13. **SUBSTANTIATE THE COMPELLING NEED FOR THE NEW COURSE:** **Organization leaders in business and government are becoming more aware of the risks and costs associated with managing, securing and protecting data and information in the workplace. In modern organizations - dependent on information technology, managers need to be aware of cyber threats and be able to develop plans and solutions to deal with these threats. With the growing dependence on data stored and shared by organizations, managers need to be knowledgeable about cybersecurity tools and techniques to address these issues. The knowledge learned in this course will help enhance the job opportunities and career advancement of students.**
14. **WHAT IS THE ANTICIPATED CLASS SIZE AND DOCUMENT INDICATIONS ON HOW THE NEW COURSE WILL MEET ITS PROJECTED SIZE.** It is estimated that between 20-30 students and Cybersecurity Certificate participants will initially enroll in this course based on discussions and a survey with students, alumni and potential participants from government and business organizations on Guam and in the region. A public information initiative directed at UOG students and business and government organizations will precede the offering of this course and other new cybersecurity management courses prior to the start of the Fall Semester 2020-2021.
15. **STATE HOW THE NEW COURSE WILL BE COVERED BY EXISTING PROGRAM FACULTY.** The School of Business and Public Administration has excellent faculty resources to support this new course and other courses in the CJ-CSM Minor and Certificate program. Qualified Adjuncts from professional business and government organizations on Guam, as well as, visiting Professors and faculty colleagues from sister colleges and schools at UOG may be invited to participate in course delivery on an as-needed basis. SBPA has Full-Time and Adjunct faculty resources adept in information technology, forensics, law enforcement and policy-making who desire to participate in course delivery.
16. **ADDITIONAL INFORMATION:** Please refer to the “Cybersecurity Management and Professional Certificate Program in Cybersecurity Management Proposal” document and Course Syllabi.
17. **ATTACH COURSE OUTLINE:** Please see attached Course Outline. Also refer to the CJ-CSM 100 Syllabus submitted with the proposal packet.



UNIVERSITY OF GUAM  
Unibetsedåt Guåhan

Office of Academic and Student Affairs

APPROVAL RECOMMENDED BY:

UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/1/99
Administrative Chair		12/1/99
Chair, College AAQ CC		7/4/2020
Dean, of College	 Dr. Annette F. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	 Dr. Michael Hemmingsen	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

APPROVED:

ANITA CORJA ENRIQUEZ (Jun 1, 2020 20:49 GMT+10)  
SENIOR VICE PRESIDENT  
ACADEMIC & STUDENT AFFAIRS

Jun 1, 2020  
DATE





## REQUEST FOR NEW COURSE

1. Title: **Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet** \_\_\_\_\_.
2. Catalog Number: <sup>SC</sup> ~~CJ~~-CSM 200 \_\_\_\_\_ (New course may not duplicate active or inactive course number.)
3. Course Type:             Addition to the Curriculum  
    Special Needs (Workshop, seminar, special topic,...94 series, etc.)
4. Level of Instruction:    Undergraduate             Graduate (/G)             Both
5. Credit Hours: 3.00 \_\_\_\_\_
6. Is this course cross-listed with another department?    NO \_\_\_\_\_  
   If so, list the cross-listed catalog number (s)?    \_\_\_\_\_
7. What session(s) will the course be offered?    Fall             Spring             Summer             All
8. What will be the yearly cycle for this course?  
    All Years             Even Years             Odd Years             One (1) Term Only
9. First term and year for this course: Fall 2020-2021    Length of Instruction (Weeks): 16 Weeks
10. Prerequisites:
  - A. Instructor / Advisor consent required?     Yes             No
  - B. Prerequisites Catalog #            Prerequisite Course Title  
   NONE                                    NONE  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
  - C. Additional Prerequisites:    NONE



11. **CATALOG DESCRIPTION:** This course introduces students to the growing legal, technical, managerial, economical and social issues surrounding crimes committed in cyberspace. The course discusses the nature of cybercrime from a management and international perspective and focuses on how the borderless nature of cybercrime impacts law enforcement and cybersecurity in public and business organizations.
12. **DESCRIBE LIBRARY AND INFORMATION TECHNOLOGY RESOURCES AVAILABLE TO SUPPORT COURSE:** If insufficient library sources are available, describe alternatives that will be used.  
**Current learning resource holdings at the UOG-RFK Library and access to relevant periodicals are satisfactory to start up this course. Additional course-related material is available on-line. A course website will be designed by the instructor for this course that will be available to students upon enrollment. Additional resources will be available on the course Website, as well as, links to course-related material.**
13. **SUBSTANTIATE THE COMPELLING NEED FOR THE NEW COURSE:** **Organization leaders in business and government becoming more aware of the risks and costs associated with managing, securing and protecting data and information in the workplace. In modern organizations - dependent on information technology, managers need to be aware of cyber threats and be able to develop plans and solutions to deal with these threats. With the growing dependence on data stored and shared by organizations, managers need to be knowledgeable about cybersecurity tools and techniques to address these issues. The knowledge learned in this class will help enhance the job opportunities and career advancement of students.**
14. **WHAT IS THE ANTICIPATED CLASS SIZE AND DOCUMENT INDICATIONS ON HOW THE NEW COURSE WILL MEET ITS PROJECTED SIZE.** It is estimated that between 20-30 students and Cybersecurity Certificate participants will initially enroll in this course based on discussions with students, alumni and potential participants from government and business organizations on Guam and in the region. A public information initiative directed at UOG students and business and government organizations will precede the offering of this course and other new cybersecurity management courses prior to the start of the Fall Semester 2020-2021.
15. **STATE HOW THE NEW COURSE WILL BE COVERED BY EXISTING PROGRAM FACULTY.** The School of Business and Public Administration has excellent faculty resources to support this new course and other courses in the CJ-CSM Minor and Certificate program. Qualified Adjuncts from professional business and government organizations on Guam, as well as, visiting Professors and faculty colleagues from sister colleges and schools at UOG may be invited to participate on an as-needed basis. SBPA has Full-Time and Adjunct faculty resources adept in information technology, forensics, law enforcement, policy-making and the law who desire to participate in course delivery.
16. **ADDITIONAL INFORMATION:** Please refer to the "Cybersecurity Management and Professional Certificate Program in Cybersecurity Management Proposal" document and Course Syllabi.



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17. ATTACH COURSE OUTLINE: Please see attached Course Outline. Also refer to the CJ-CSM 100 Syllabus submitted with the proposal packet.

APPROVAL RECOMMENDED BY:

UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/10/19
Administrative Chair		12/10/19
Chair, College AAC/CC		2/4/2020
Dean, of College	 Dr. Annette T. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	Dr. Michael Hemmingsen	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

APPROVED:

SENIOR VICE PRESIDENT  
ACADEMIC & STUDENT AFFAIRS

Jun 1, 2020  
DATE



## REQUEST FOR NEW COURSE

1. Title: Cybersecurity Management Tools and Techniques
2. Catalog Number: <sup>22</sup>~~CJ~~-CSM 300 (New course may not duplicate active or inactive course number.)
3. Course Type:             Addition to the Curriculum  
    Special Needs (Workshop, seminar, special topic, ...94 series, etc.)
4. Level of Instruction:    Undergraduate             Graduate (/G)             Both
5. Credit Hours: 3.00
6. Is this course cross-listed with another department?    NO  
   If so, list the cross-listed catalog number (s)? \_\_\_\_\_
7. What session(s) will the course be offered?    Fall             Spring             Summer             All
8. What will be the yearly cycle for this course?  
    All Years             Even Years             Odd Years             One (1) Term Only
9. First term and year for this course: Fall 2020-2021    Length of Instruction (Weeks): 16 Weeks
10. Prerequisites:
  - A. Instructor / Advisor consent required?     Yes             No
  - B. Prerequisites Catalog #                            Prerequisite Course Title  

<u>NONE</u>	<u>NONE</u>
  - C. Additional Prerequisites: NONE



11. **CATALOG DESCRIPTION:** Cybersecurity has become a topic of critical importance in today's networked and interconnected environment. The study of Cybersecurity Management describes the tools, techniques, methods, and strategies used by information security professionals and managers to combat security breaches and threats. This course provides an overview of the field of information security and in-depth knowledge of the complex nature of cyber threats and countermeasures. In this course students will examine key strategies and methodologies used to increase information continuity in business and government organizations and information security disaster preparedness. Also presented are methods of securing information systems using organizational security controls, policies, and best practices with coverage extended to additional topics including information privacy and regulations.
12. **DESCRIBE LIBRARY AND INFORMATION TECHNOLOGY RESOURCES AVAILABLE TO SUPPORT COURSE:** If insufficient library sources are available, describe alternatives that will be used. **Current learning resource holdings at the UOG-RFK Library and access to relevant periodicals are satisfactory to start up this course. Additional course-related material is available on-line. A course website will be designed by the instructor for this course that will be available to students upon enrollment. Additional resources will be available on the course Website, as well as, links to course-related material.**
13. **SUBSTANTIATE THE COMPELLING NEED FOR THE NEW COURSE:** **Organization leaders in business and government are becoming more aware of the risks and costs associated with managing, securing and protecting data and information in the workplace. In modern organizations - dependent on information technology, managers need to be aware of cyber threats and be able to develop plans and solutions to deal with these threats. With the growing dependence on data stored and shared by organizations, managers need to be knowledgeable about cybersecurity tools and techniques to address these issues. The knowledge learned in this class will help enhance the job opportunities and career advancement of students.**
14. **WHAT IS THE ANTICIPATED CLASS SIZE AND DOCUMENT INDICATIONS ON HOW THE NEW COURSE WILL MEET ITS PROJECTED SIZE.** **It is estimated that between 20-30 students and Cybersecurity Certificate participants will initially enroll in this course based on discussions and a survey with students, alumni and potential participants from government and business organizations on Guam and in the region. A public information initiative directed at UOG students and business and government organizations will precede the offering of this course and other new cybersecurity management courses prior to the start of the Fall Semester 2020-2021.**
15. **STATE HOW THE NEW COURSE WILL BE COVERED BY EXISTING PROGRAM FACULTY.** **The School of Business and Public Administration has excellent faculty resources to support this new course and other courses in the CJ-CSM Minor and Certificate program. Existing and new Full-Time SBPA faculty in the PALS and Business programs will teach this course and other courses in the CJ-CSM Minor and Certificate program. Qualified Adjuncts from professional business and government organizations on Guam, as well as, visiting Professors and faculty colleagues from sister colleges and schools at UOG may be invited to participate on an as-needed basis. SBPA has Full-Time and Adjunct faculty resources adept in information technology, forensics, law enforcement, policy-making and the law who desire to participate in course delivery.**









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- 16. **ADDITIONAL INFORMATION:** Please refer to the “Cybersecurity Management and Professional Certificate Program in Cybersecurity Management Proposal” document and Course Syllabi.
- 17. **ATTACH COURSE OUTLINE:** Please see attached Course Outline. Also refer to the CJ-CSM 300 Syllabus submitted with the proposal packet.

**APPROVAL RECOMMENDED BY:**

UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/10/19
Administrative Chair		12/10/19
Chair, College AAC/CC		2/4/2020
Dean, of College	 Dr. Annette T. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	Dr. Michael Hemmingsen 	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

APPROVED:

  
Anita Korja Enriquez (Jun 1, 2020 20:49 GMT+10)

SENIOR VICE PRESIDENT  
 ACADEMIC & STUDENT AFFAIRS

Jun 1, 2020  
 DATE



## REQUEST FOR NEW COURSE

1. Title: CYBERCRIME AND DIGITAL FORENSICS
2. Catalog Number: <sup>FE</sup> CJ-CSM 301 (New course may not duplicate active or inactive course number.)
3. Course Type:
  - Addition to the Curriculum
  - Special Needs (Workshop, seminar, special topic,...94 series, etc.)
4. Level of Instruction:
  - Undergraduate
  - Graduate (/G)
  - Both
5. Credit Hours: 3.00
6. Is this course cross-listed with another department? NO  
 If so, list the cross-listed catalog number (s)? \_\_\_\_\_
7. What session(s) will the course be offered?
  - Fall
  - Spring
  - Summer
  - All
8. What will be the yearly cycle for this course?
  - All Years
  - Even Years
  - Odd Years
  - One (1) Term Only
9. First term and year for this course: Fall 2020-2021 Length of Instruction (Weeks): 16 Weeks
10. Prerequisites:
  - A. Instructor / Advisor consent required?
    - Yes
    - No
  - B. Prerequisites Catalog #      Prerequisite Course Title
 

<u>NONE</u>	<u>NONE</u>
_____	_____
_____	_____
  - C. Additional Prerequisites: NONE





11. **CATALOG DESCRIPTION:** The global reach of the Internet, the low marginal cost of On-line activity, and the relative anonymity of information technology users have contributed to a wide escalation in cybercrimes. Consequently, information and communication technologies (ICT) are being increasingly employed to instigate threats to government, business and global economies. This course provides an overview of cybercrime and the forensic and digital law enforcement practices put in place to respond to them. The course will focus on the types and extent of current cybercrimes, how organizations respond to these crimes, including protections afforded to computer users, the policies that govern cybercrime detection and prosecution, and related law enforcement technologies.
12. **DESCRIBE LIBRARY AND INFORMATION TECHNOLOGY RESOURCES AVAILABLE TO SUPPORT COURSE:** If insufficient library sources are available, describe alternatives that will be used.  
**Current learning resource holdings at the UOG-RFK Library and access to relevant periodicals are satisfactory to start up this course. Additional course-related material is available on-line. A course website will be designed by the instructor for this course that will be available to students upon enrollment. Additional resources will be available on the course Website, as well as, links to course-related material.**
13. **SUBSTANTIATE THE COMPELLING NEED FOR THE NEW COURSE:** Organization leaders in business and government are becoming more aware of the risks and costs associated with managing, securing and protecting data and information in the workplace. In modern organizations - dependent on information technology, managers need to be aware of cyber threats and be able to develop plans and solutions to deal with these threats. With the growing dependence on data stored and shared by organizations, managers need to be knowledgeable about cybersecurity tools and techniques to address these issues. The knowledge learned in this class will help enhance the job opportunities and career advancement of students.
14. **WHAT IS THE ANTICIPATED CLASS SIZE AND DOCUMENT INDICATIONS ON HOW THE NEW COURSE WILL MEET ITS PROJECTED SIZE.** It is estimated that between 20-30 students and Cybersecurity Certificate participants will initially enroll in this course based on discussions and a survey with students, alumni and potential participants from government and business organizations on Guam and in the region. A public information initiative directed at UOG students and business and government organizations will precede the offering of this course and other new cybersecurity management courses prior to the start of the Fall Semester 2020-2021.
15. **STATE HOW THE NEW COURSE WILL BE COVERED BY EXISTING PROGRAM FACULTY.** The School of Business and Public Administration has excellent faculty resources to support this new course and other courses in the CJ-CSM Minor and Certificate program. Existing and new Full-Time SBPA faculty in the PALS and Business programs will teach this course and other courses in the CJ-CSM Minor and Certificate program. Qualified Adjuncts from professional business and government organizations on Guam, as well as, visiting Professors and faculty colleagues from sister colleges and schools at UOG may be invited to participate on an as-needed basis. SBPA has Full-Time and Adjunct faculty resources adept in information technology, forensics, law enforcement, policy-making and the law who desire to participate in course delivery.








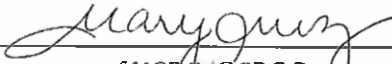


**UNIVERSITY OF GUAM**  
*Unibetsedät Guåhan*

Office of Academic and Student Affairs

16. **ADDITIONAL INFORMATION:** Please refer to the “Cybersecurity Management and Professional Certificate Program in Cybersecurity Management Proposal” document and Course Syllabi.
17. **ATTACH COURSE OUTLINE:** Please see attached Course Outline. Also refer to the CJ-CSM 300 Syllabus submitted with the proposal packet.

**APPROVAL RECOMMENDED BY:**

UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/10/19
Administrative Chair		12/10/19
Chair, College AAC/CC		2/4/2020
Dean, of College	 Dr. Annette T. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	Dr. Michael Hemmingsen 	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

APPROVED:

Anita Gloria Enriquez (Jun 1, 2020 20:49 GMT+10)  
 SENIOR VICE PRESIDENT  
 ACADEMIC & STUDENT AFFAIRS

Jun 1, 2020  
 DATE



## REQUEST FOR NEW COURSE

1. Title: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives
2. Catalog Number: CJ-CSM 302 (New course may not duplicate active or inactive course number.)
3. Course Type:
  - Addition to the Curriculum
  - Special Needs (Workshop, seminar, special topic, ...94 series, etc.)
4. Level of Instruction:
  - Undergraduate
  - Graduate (/G)
  - Both
5. Credit Hours: 3.00
6. Is this course cross-listed with another department? NO  
 If so, list the cross-listed catalog number (s)? \_\_\_\_\_
7. What session(s) will the course be offered?
  - Fall
  - Spring
  - Summer
  - All
8. What will be the yearly cycle for this course?
  - All Years
  - Even Years
  - Odd Years
  - One (1) Term Only
9. First term and year for this course: Fall 2020-2021 Length of Instruction (Weeks): 16 Weeks
10. Prerequisites:
  - A. Instructor / Advisor consent required?
    - Yes
    - No
  - B. Prerequisites Catalog #      Prerequisite Course Title
 

<u>NONE</u>	<u>NONE</u>
_____	_____
_____	_____
  - C. Additional Prerequisites: NONE



11. **CATALOG DESCRIPTION:** This course will introduce students to the key issues in cybersecurity management and the Law and help them develop a basic understanding of the technical, legal and ethical issues related to cybersecurity. Case studies in cybersecurity breaches and their legal consequences shall be presented, discussed and analyzed in this course. At the end of the course, students will understand today's cybersecurity legal and privacy-related challenges faced by leaders and managers of public and business organizations (Local, National and International).
12. **DESCRIBE LIBRARY AND INFORMATION TECHNOLOGY RESOURCES AVAILABLE TO SUPPORT COURSE:** If insufficient library sources are available, describe alternatives that will be used.  
**Current learning resource holdings at the UOG-RFK Library and access to relevant periodicals are satisfactory to start up this course. Additional course-related material is available on-line. A course website will be designed by the instructor for this course that will be available to students upon enrollment. Additional resources will be available on the course Website, as well as, links to course-related material.**
13. **SUBSTANTIATE THE COMPELLING NEED FOR THE NEW COURSE:** **Organization leaders in business and government are becoming more aware of the risks and costs associated with managing, securing and protecting data and information in the workplace. In modern organizations - dependent on information technology, managers need to be aware of cyber threats and be able to develop plans and solutions to deal with these threats. With the growing dependence on data stored and shared by organizations, managers need to be knowledgeable about cybersecurity tools, techniques and the law, to address these issues. The knowledge learned in this class will help enhance the job opportunities and career advancement of students.**
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16. **ADDITIONAL INFORMATION:** Please refer to the "Cybersecurity Management and Professional Certificate Program in Cybersecurity Management Proposal" document and Course Syllabi.






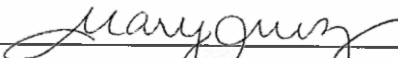


**UNIVERSITY OF GUAM**  
*Unibetsedät Guåhan*

Office of Academic and Student Affairs

17. ATTACH COURSE OUTLINE: **Please see attached Course Outline. Also refer to the CJ-CSM 301 Syllabus submitted with the proposal packet.**

**APPROVAL RECOMMENDED BY:**

UNIT	SIGNATURE (use BLUE pen please)	DATE
For Program		12/10/19
Administrative Chair		12/10/19
Chair, College AAC/CC		2/4/2020
Dean, of College	 Dr. Annette T. Santos, Dean, SBPA	2/4/2020
UCRC/GCRC	Dr. Michael Hemmingsen 	5/14/2020
President, Faculty Senate (if substantive)	 (Endorsement of UCRC/GCRC Recommendation)	05/14/2020

**APPROVED:**

Anita Gorja Enriquez (Jun 1, 2020 20:49 GMT+10)

**SENIOR VICE PRESIDENT  
 ACADEMIC & STUDENT AFFAIRS**

Jun 1, 2020

DATE

# **REQUEST FOR NEW COURSE OUTLINE**

## **(UOG Form)**

- **CJ-CSM 100:** Introduction to Cybersecurity Management
- **CJ-CSM 200:** Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet
- **CJ-CSM 300:** Cybersecurity Management Tools and Techniques
- **CJ-CSM 301:** Cybercrime and Digital Forensics
- **CJ-CSM 302:** Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives



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Office of Academic and Student Affairs

## NEW COURSE OUTLINE FORM

College: School of Business and Public Administration Course Number: ~~CJ~~-CSM 100 *JE*

Course Title: Introduction to Cybersecurity Management Credit Hours: 3.00

Date of Final Approval: \_\_\_\_\_ Semester Offered: Fall/Spring/Summer

Course counts as:

		general education requirement
√		part of <u>Criminal Justice</u> program
√		elective

### 1. Catalog Description:

**This course introduces students to the growing legal, technical, managerial, economic and social issues surrounding crimes committed in cyberspace. The course discusses the nature of cybercrime from a management and international perspective and focuses on how the borderless nature of cybercrime impacts law enforcement and cybersecurity in public and business organizations.**

### 2. Course Content:

**This course explores how an interconnected world has modified how existing criminal activity is conducted and how new criminal opportunities have been created. Students will examine the history and complex nature of computer-related cybercrime and how societies have attempted to respond. Students will discuss the different types of cybercriminals, including motives, rationale, and methods of attack. The course will also evaluate various legal and regulatory issues in cyberspace, including surveillance, sting operations, current and proposed legislation, user-reporting initiatives, identity filtering/blocking technologies, vigilante movements, individual rights and international law enforcement cooperation.**

### 3. Rationale for the Course:

**To provide students with a practical understanding and the opportunity to explore issues surrounding crimes committed in cyberspace that they need to prepare to manage in their careers and professions.**

### 4. Skills and Background Required or Expected:

**Students should have interest in cybersecurity management and basic computing, research and writing skills. Students should be committed to scholarly excellence and critical and creative engagement in all class activities.**



5. Teaching Methodologies and Anticipated class size:

Lectures, class presentations, hands-on assisted information technology exercises and computer-simulations. Class size is anticipated to be 20-30 students.

6. Learning Objectives for Students:

**(SLO 1) distinguish between the different types of cybercrimes, including who/what they target, how/where they are conducted, and why they persist.**

**(SLO 2) describe the impacts of the Internet on the opportunities created for committing traditional crimes (e.g., bullying) and new crimes (e.g., phishing).**

**(SLO 3) identify the challenges faced locally, nationally and internationally at combating cybercrime and the steps taken by managers in organizations to address these challenges.**

**(SLO 4) learn to take steps to increase individual security and privacy when online.**

**(SLO 5) take what has been learned in class and apply it to current organizational challenges and to their professional careers.**

7. Methods of Evaluation

Tests, exercise simulations, writing and research assignments.

8. Methods for Student Learning Outcomes Assessment:

Pre and Post assessments will be used to measure student learning outcomes and to ensure students have achieved smart learning objectives.

9. Required and Recommended Texts or Study Guides:

Yar, M. (2013). *Cybercrime and Society (2<sup>nd</sup> Edition)*. Sage Publications. ISBN13: 978-1-4462-0194-7.  
Clough, J. (2015). *Principles of Cybercrime (2<sup>nd</sup> Edition)*. Cambridge University Press. ISBN13: 978-1-107698161.

10. Subsequent Courses:

- **CJ-CSM 200: Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet**
- **CJ-CSM 300: Cybersecurity Management Tools and Techniques**
- **CJ-CSM 301: Cybercrime and Digital Forensics**
- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives**




11. Additional Course Descriptors, if any:

*\*See Course Syllabus*

The Calendar of Assignments, Assessment Project, a Statement Concerning the “Americans with Disabilities Act” (ADA) Accommodations for Students, Attendance and Grading Policies are to be included in the course syllabus.

Approved  Disapproved

  
Anita Gorja Enriquez (Jun 1, 2020 20:49 GMT+10)  
Senior Vice President, Academic & Student Affairs

Jun 1, 2020

Date





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Unibetsedåt Guåhan

Office of Academic and Student Affairs

## NEW COURSE OUTLINE FORM

College: School of Business and Public Administration Course Number: CJ-CSM 200 *JK*

Course Title: **Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet**

Credit Hours: 3.00

Date of Final Approval: \_\_\_\_\_ Semester Offered: Fall/Spring/Summer

Course counts as:

	general education requirement
√	part of <u>Criminal Justice</u> program
√	elective

### 1. Catalog Description:

This course describes how virtually every computer is connected, or has the potential to be connected, to other computers are how computer technology is subject to cyber threats. When connected locally, they provide vital services such as print servers, file servers, CPU servers, and when connected externally, offer access to the Internet, world-wide-web, electronic mail and the Cloud. Millions of people worldwide have been exposed to the World Wide Web of computers and the information they provide. In this course, students will learn how information technologies work and how the explosion in the use of information technologies is as important to organizational leaders and managers as the more traditional foundations of computer science such as computer architecture, operating systems and programming.

### 2. Course Content:

This course provides students with a comprehensive understanding of networking technologies, concepts, and terminology about information technology and the daily tasks involved in managing and troubleshooting a computer network for cybersecurity threats.

### 3. Rationale for the Course:

To provide students with an understanding of computer hardware, networking, and the Internet and to learn how these are used in public and business organizations and the need to secure these technologies from cybersecurity threats.

### 4. Skills and Background Required or Expected:

Students should have an interest in information technology and computer hardware. Student should have skills in basic computing, writing and research, and to be committed to engagement in all class

activities.

5. Teaching Methodologies and Anticipated class size:

**Lectures, class presentations, hands-on assisted information technology exercises and computer-simulations. Class size is anticipated to be 20-30 students.**

6. Learning Objectives for Students:

**In this course, students will learn:**

- **To develop an understanding of the modern network technologies in common use today;**
- **To appreciate how computer networks can format and transfer data at high speed and over both local and wide area networks.**

7. Methods of Evaluation

**Tests, exercise simulations, writing and research assignments.**

8. Methods for Student Learning Outcomes Assessment:

**Pre- and Post assessments will be used to measure student learning outcomes and to ensure students have achieved smart learning objectives.**

9. Required and Recommended Texts or Study Guides:

10. Subsequent Courses:

- **CJ-CSM 300: Cybersecurity Management Tools and Techniques**
- **CJ-CSM 301: Cybercrime and Digital Forensics**
- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives**

11. Additional Course Descriptors, if any: ***\*See Course Syllabus***

The Calendar of Assignments, Assessment Project, a Statement Concerning the "Americans with Disabilities Act" (ADA) Accommodations for Students, Attendance and Grading Policies are to be included in the course syllabus.

Approved  Disapproved

  
Anita Barja Enriquez (Jun 1, 2020 20:49 GMT+10)

Senior Vice President, Academic & Student Affairs

Jun 1, 2020

Date



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Office of Academic and Student Affairs

## NEW COURSE OUTLINE FORM

College: School of Business and Public Administration Course Number: ~~CJ~~-CSM 300 *Sc*

Course Title: Cybersecurity Management Tools and Techniques Credit Hours: 3.00

Date of Final Approval: \_\_\_\_\_ Semester Offered: Fall/Spring/Summer

Course counts as:

	√	general education requirement
	√	part of <u>Criminal Justice</u> program
		elective

### 1. Catalog Description:

**Cybersecurity has become a topic of critical importance in today's networked and interconnected environment. The study of Cybersecurity Management describes the tools, techniques, methods, and strategies used by information security professionals and managers to combat security breaches and threats. This course provides an overview of the field of information security and in-depth knowledge of the complex nature of cyber threats and countermeasures. In this course students will examine key strategies and methodologies used to increase information continuity in business and government organizations and information security disaster preparedness. Also presented are methods of securing information systems using organizational security controls, policies, and best practices with coverage extended to additional topics including information privacy and regulations.**

### 2. Course Content:

**Students will learn about cybersecurity concepts, issues, tools and techniques that are critical for managers in organizations to know how to plan for, respond to, and solve problems in the computing security domain.**

### 3. Rationale for the Course:

**This course will provide students with an in-depth understanding of core concepts and applications with a focus on cybersecurity functional management competencies related to real life cybersecurity threats in public and business organizations.**

### 4. Skills and Background Required or Expected:

**Students should have an interest in information technology and computer hardware. Student should have skills in basic computing, writing and research, and to be committed to engagement in all class activities.**



5. Teaching Methodologies and Anticipated class size:

Lectures, class presentations, hands-on assisted information technology exercises and computer-simulations. Class size is anticipated to be 20-30 students.

6. Learning Objectives for Students:

The course is aimed at imparting knowledge and skill sets required to assume the overall responsibilities of administration and management of the security function of an enterprise information system. After completing the course, students will be able to:

- Carry out a detailed analysis of enterprise information security by performing various types of analysis such as vulnerability analysis, penetration testing, audit trail analysis, system and network monitoring,
- Carry out detailed risk analysis and assessment of enterprise information systems using various practical tools and techniques.
- Design detailed enterprise-wide security plans and policies and deploy appropriate safeguards at all the levels in the organization by providing due consideration to the life cycle of the enterprise information systems and networks, as well as its legal and social environment.
- Identify and prioritize information assets
- Identify and prioritize threats to information assets
- Define an information security strategy
- Plan for and respond to intruders in an information system
- Describe legal and public relations implications of security and privacy issues
- Present a disaster recovery plan for recovery of information assets after an incident

7. Methods of Evaluation

Tests, exercise simulations, writing and research assignments.

8. Methods for Student Learning Outcomes Assessment:

Pre- and Post assessments will be used to measure student learning outcomes and to ensure students have achieved smart learning objectives.

9. Required and Recommended Texts or Study Guides:

- Michael E. Whitman and Herbert J. Mattord, *Principles of Information Security*, 2016.
- Micki Krause, Harold F. Tipton, *Handbook of Information Security Management*, 2017.
- *Guide to Disaster Recovery*, M. Erbschilde, 2015.
- *Guide to Network Defense and Countermeasures*, G. Holden., 2017.
- *Computer Security: Art and Science*, Matt Bishop (ISBN: 0-201-44099-7), Addison-Wesley 2013.




10. Subsequent Courses:

- **CJ-CSM 301: Cybercrime and Digital Forensics**
- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives**

11. Additional Course Descriptors, if any: *\*See Course Syllabus*

Accommodations for Students, Attendance and Grading Policies are to be included in the course syllabus.

The Calendar of Assignments, Assessment Project, a Statement Concerning the “Americans with Disabilities Act” (ADA)

<input checked="" type="checkbox"/> Approved <input type="checkbox"/> Disapproved	 <small>Anita Borja Enriquez (Jun 1, 2020 20:49 GMT+10)</small> Senior Vice President, Academic & Student Affairs	Jun 1, 2020 Date
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Office of Academic and Student Affairs

## NEW COURSE OUTLINE FORM

College: School of Business and Public Administration Course Number: CJ-CSM 301 *JE*

Course Title: Cybercrime and Digital Forensics Credit Hours: 3.00

Date of Final Approval: \_\_\_\_\_ Semester Offered: Fall/Spring/Summer

Course counts as:

	√	general education requirement
	√	part of <u>Criminal Justice</u> program
		elective

### 1. Catalog Description:

The global reach of the Internet, the low marginal cost of On-line activity, and the relative anonymity of information technology users have contributed to a wide escalation in cybercrimes. Consequently, information and communication technologies (ICT) are being increasingly employed to instigate threats to global civil society. This course provides an overview of cybercrime and the forensic and digital law enforcement practices put in place to respond to them. The course will focus on the types and extent of current cybercrimes, how organizations respond to these crimes, including protections afforded to computer users, the policies that govern cybercrime detection and prosecution, and related law enforcement technologies.

### 2. Course Content:

Technology, cybercrime, and police investigations, computer misuse crimes and investigations, hacking, malware and automated computer attacks, digital piracy and IP theft, economic and financial crimes, pornography, prostitution, and sex crimes, cyberbullying and on-line harassment and cyberstalking, voyeurism, revenge pornography, and vice crimes (on-line gambling), digital and computer forensics, on-line extremism, cyberattacks, mutual law enforcement assistance agreements (Local, National and International).

### 3. Rationale for the Course:

This course will provide students with an understanding of various types of cybercrimes experienced in public and business organizations. Forensic techniques used in law enforcement are identified. Students are taught how to manage cyber threats and intrusions in organizations.

### 4. Skills and Background Required or Expected:

Students should demonstrate an interest in cybersecurity management and in solving and managing cybercrime intrusions in public and business organizations. Students should have basic computing,



writing and research skills, and to be committed to engagement in all class activities.

5. Teaching Methodologies and Anticipated class size:

Lectures, class presentations, hands-on computer forensic exercises and computer-assisted forensic simulations. Class size is anticipated to be 20-30 students. Students are expected to enroll in this class.

6. Learning Objectives for Students:

- Define and describe the nature and scope of cybercrime;
- Develop knowledge of major types and incidents of cybercrime and their resulting impact;
- Analyze and discuss national and global digital law enforcement efforts;
- Critically consider procedures governing cybercrime forensics, detection and prosecution;
- Identify and evaluate the specific technology that facilitates cybercrime forensics and digital law enforcement;
- Critically evaluate the impact of cybercrime on public and business organizations

7. Methods of Evaluation

Tests, forensic exercise technology simulations, writing and research assignments.

8. Methods for Student Learning Outcomes Assessment:

Pre- and Post assessments will be used to measure student learning outcomes and to ensure students have achieved student learning objectives.

9. Required and Recommended Texts or Study Guides:

- Thomas J. Holt, Adam M. Bossler, and Kathryn C. Seigfried-Spellat. 2015. *Cybercrime and Digital Forensics: An Introduction*. New York: Routledge. ISBN: 978-1138021303.
- Nate Anderson. 2014 *The Internet Police: How Crime Went Online, and the Cops Followed*. New York: W.W. Norton & Company, Inc. ISBN: 978-0393349450.

10. Subsequent Courses:


- **CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives**

11. Additional Course Descriptors, if any: *\*See Course Syllabus*





The Calendar of Assignments, Assessment Project, a Statement Concerning the “Americans with Disabilities Act” (ADA) Accommodations for Students, Attendance and Grading Policies are to be included in the course syllabus.

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	 <small>Anita B. Enriquez (Jun 1, 2020 20:49 GMT+10)</small>	Jun 1, 2020
Senior Vice President, Academic & Student Affairs			Date





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## NEW COURSE OUTLINE FORM

College: School of Business and Public Administration Course Number: ~~CJ~~-CSM 302 *JK*

Course Title: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives

Credit Hours: 3.00

Date of Final Approval: \_\_\_\_\_ Semester Offered: Fall/Spring/Summer

Course counts as:

_____	general education requirement
√	part of <u>Criminal Justice</u> program
√	elective

### 1. Catalog Description:

This course will introduce students to the key issues in cybersecurity management and the law, and help them develop a basic understanding of the technical, legal and ethical issues related to cybersecurity. Case studies in security breaches and their legal consequences shall be presented, discussed and analyzed in this course. At the end of the course, students will understand today's cybersecurity legal and privacy-related challenges faced by leaders and managers of public and business organizations.

### 2. Course Content:

Need for Cybersecurity Law, Cyber Law from the Local, National and International Perspective and legal case reviews. Constitutional and Human Rights issues in Cyberspace, Cybercrimes and the legal framework; Cyber Torts (Defamation and Civil wrongs); Intellectual Property issues in cyberspace; E-Commerce and the Law; Digital Resolution in Cyberspace; Public policy and legal responses to cybercrime.

### 3. Rationale for the Course:

This course will provide students with an understanding of the law and legal framework that guides attorneys and managers in investigating, managing and prosecuting cybercrimes at the local, national and international level.

### 4. Skills and Background Required or Expected:

Students should demonstrate an interest in law as it applies to cybersecurity, cybercrime, cyberthreats and cyberintrusions as it impacts public and business organizations. Students should be able to



research and analyze legal cases in cybersecurity and have good writing skills.

5. Teaching Methodologies and Anticipated class size:

Lectures, class presentations, and legal case reviews. Class size is anticipated to be 20-30 students.

6. Learning Objectives for Students:

- Learn the key applications and issues in cybersecurity and the law
- Develop an understanding of the legal and ethical issues related to cybersecurity management and cybercrime
- Learn to research and analyze legal cases in cybersecurity, cybercrime and cyberresponses
- Understand the legal consequences of organization management of private information
- Understand today's cybersecurity challenges at the local, national and international level.

7. Methods of Evaluation

Tests; Case study research and reviews; research papers.

8. Methods for Student Learning Outcomes Assessment:

Pre- and Post assessments will be used to measure student learning outcomes and to ensure students have achieved student learning objectives.

9. Required and Recommended Texts or Study Guides:

- Chris Reed & John Angel, *Computer Law*, OUP, New York, (2007).
- Jonathan Rosenoer, *Cyber Law*, Springer, New York, (1997).

References:

- *Cybersecurity for Executives: A Practical Guide*, Gregory J. Touhill; Wiley, 2014
- *Privacy Program Management: Tools for Managing Privacy within*.
- Singer, P.W. and Allan Friedman, 2014. *Cybersecurity and Cyberwar* (Oxford University Press).
- Clarke, Richard and Robert K. Knake, 2010. *Cyber War* (New York: Harper Collins).


Supplied On-line by Instructor: Handouts, including legal cases, exercises and articles.

10. Subsequent Courses: None.

11. Additional Course Descriptors, if any: *\*See Course Syllabus*



The Calendar of Assignments, Assessment Project, a Statement Concerning the “Americans with Disabilities Act” (ADA) Accommodations for Students, Attendance and Grading Policies are to be included in the course syllabus.

<input checked="" type="checkbox"/> Approved	<input type="checkbox"/> Disapproved	 <small>Anita R. de la Encarnacion (Jun 1, 2020 20:49 GMT+10)</small>	Jun 1, 2020
Senior Vice President, Academic & Student Affairs			Date

# **Course Syllabus for Cybersecurity Management Minor and Professional Certificate Program**

- CJ-CSM 100: Introduction to Cybersecurity Management
- CJ-CSM 200: Fundamentals of Computers and Networking Technologies for Cybersecurity Managers in Organizations: Understanding Computer Hardware, Networks and the Internet
- CJ-CSM 300: Cybersecurity Management Tools and Techniques
- CJ-CSM 301: Cybercrime and Digital Forensics
- CJ-CSM 302: Legal Issues and Cases in Cybersecurity and the Law: Local, National and International Perspectives



# Introduction to Cybersecurity Management Course Syllabus

UNIVERSITY OF GUAM  
*Unibetsedåt Guahan*

School of Business and Public Administration

## Course and Contact information

Instructor: \_\_\_\_\_  
Location: \_\_\_\_\_  
Office: \_\_\_\_\_  
Office hours: \_\_\_\_\_  
Office Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

### 1. PREREQUISITES:

This course is open to all UOG students and Cybersecurity Management Certificate Program participants.

### 2. CATALOG DESCRIPTION:

This course introduces students to the growing legal, technical and security management issues surrounding crimes committed in cyberspace or assisted by computers. The course discusses the nature of cybercrime from a management and international perspective and how the borderless nature of cybercrime impacts regulation and enforcement.

### 3. COURSE DESCRIPTION:

This course explores how an interconnected world has modified how existing criminal activity is conducted and how new criminal opportunities have been created. Students will examine the history and complex nature of computer-related cybercrime and how societies have attempted to respond. Students will discuss the different types of cybercriminals, including motives, rationale and methods of attack. The course will also evaluate various legal and regulatory issues in cyberspace, including surveillance, sting operations, current and proposed legislation, user-reporting initiatives, identify filtering/blocking technologies, vigilante movements, individual rights and international law enforcement cooperation.

### 4. COURSE GOALS:

The UOG Public Administration and Legal Studies Program is committed to scholarly excellence. Therefore, the PALS program promotes academic, critical and creative engagement with language (i.e., reading and writing) throughout its curriculum. A sustained and intensive exploration of language prepares students to think critically and to act meaningfully in interrelated areas of their lives – personal, professional, economic, social, political, ethical and cultural. It is intended that graduates of PALS programs leave the University prepared to enter a range of careers and for advanced study in a variety of fields; they are prepared to more effectively identify and ameliorate critical issues in their personal, professional and civic lives. Indeed, the impact of literacy is evident not only within the span of a specific, or academic degree or program, but also over the span of a lifetime.

## 5. STUDENT LEARNING OUTCOMES (SLOs)

Upon successful completion of this course, students will be able to:

- SLO 1: distinguish between the different types of cybercrimes, including who/what they target, how/where they are conducted and why they persist.
- SLO2: describe the impacts of the Internet on the opportunities created for committing traditional crimes (e.g., bullying) and new crimes (e.g., phishing).
- SLO3: identify the challenges faced locally, nationally and internationally at combating cybercrime and the steps taken by managers in organizations to address these challenges.
- SLO4: takes steps to increase their own security and privacy when online.
- SLO5: take what they have learned in class and apply it to current events and to their professional careers.

## 6. REQUIRED TEXTS/READINGS

### Textbooks:

Yar, M. (2013). *Cybercrime and Society* (2<sup>nd</sup> Edition). Sage Publications. ISBN13: 978-1-4462-0194-7.

Clough, J. (2015). *Principles of Cybercrime* (2<sup>nd</sup> Edition). Cambridge University Press. ISBN13: 978-1-107698161.

### Other Readings:

May be supplied electronically or in hardcopy format.

## 7. COURSE REQUIREMENTS AND ASSIGNMENTS

**Discussion (30%):** Each week there will be class discussion on specific readings and key issues or current events related to that week's overall topic. Students will be expected to provide their viewpoint and critically discuss the implications of the issue or event to their understanding of cybercrime and how it is addressed by organization managers and societies. This assignment will specifically address SLO's 3, 4 and 5.

**Paper #1 – Online Privacy (20%):** The purpose of this assignment is to provide students with practical experience to explore the concept of personal privacy, or lack thereof, on the Internet. Students will write a short six to eight-page paper (excluding title page and references) on their investigation of two topics. First, students will input their name into a search engine, with minimal other identifying information, and describe whether the data returned was about them, and how they felt about that information being readily accessible. They will describe the age (i.e., how old), personal nature (e.g., address, phone number, banking information), and online profile (e.g., your likes/dislikes, purchases, hobbies) it presented about them. Second, students will be required to use any cyber methods they can devise to find information on the course instructor. Students will be required to record the steps they took (e.g., search terms) to acquire the information and what information they obtained, including where it was found. Students will then describe this process and reflect on the steps others may take to find out personal information about them. This assignment will specifically address SLO 4.

**Paper #2 – Combatting Cybercrime Locally, Nationally and Internationally:** The purpose of this assignment is for students to explore the legal issues regarding how governments and social control

agencies can police a virtual environment without physical boundaries and borders. Select a type of cybercrime discussed in the course and determine how partnerships/cooperation/resource-sharing could, realistically, be improved between them and others. Students will write a short six to eight-page paper (excluding title page and references) on the laws, if any, that exist in each country and what each could learn from the other. Discussion should include how privacy and rights can be balanced with security. This assignment will specifically address SLO's 3 and 4.

*Final Examination (30%):* Students will be administered a final examination worth 30% of their final grade. Exam is closed book and will cover material from lectures and student presentations. The final exam may be comprised of multiple choice and short essay answer questions. The examinations will specifically address SLO's 1, 2 and 3.

### Grading Information

- In order to receive a grade for this course, all course requirements must be met, and every assignment must be completed. Failure to complete any one assignment may result in a failing grade for this course.
- Individual assignment rubrics will be provided.
- Late assignments/papers will lose 10% for every calendar day that they are late, including weekend days.

### Determination of Grades

A (plus)	97% - 100%	A	93% - < 97%	A (minus)	90% - < 93%
B (plus)	85% - < 90%	B	80% - < 85%	B (minus)	75% - < 80%
C (plus)	71% - < 75%	C	67% - < 71%	C (minus)	63% - < 67%
D (plus)	59% - < 63%	D	54% - < 59%	D (minus)	50% - < 54%
F	Below 50%				

### University Policies

University-wide policy information relevant to all courses will apply in this class such as academic integrity, accommodations, etc. (See UOG Student Handbook and UOG Catalog for guidance).

**CJ-CSM 100: Introduction to Cybersecurity Management  
Course Schedule and Topics**

*This course schedule is subject to change with fair notice, at the instructor's discretion. All reading assignments listed should be completed prior to class on that date. Additional readings may be assigned.*

<b>Week</b>	<b>Date</b>	<b>Topics</b>	<b>Readings</b>
<b>1</b>		<b>Introduction</b> -Course Overview -Assignments	<i>Principles of Cybercrime (Clough)</i> Chapter 1 (Cybercrime) <i>Articles</i> The Current State of Cybercrime Scholarship (Holt & Bossler) The Internet as a Conduit for Criminal Activity (Wall)
<b>2</b>		<b>What is Cybercrime</b> -Computer and Internet basics -Cybercrime in research -Routine activity Theory	<i>Cybercrime and Society (Yar)</i> Chapter 1 (Cybercrime and the Internet) <i>Principles of Cybercrime (Clough)</i> Chapter 2 (Computer as Target) <i>Articles</i> How does the Internet work (Strickland) How Firewalls Work (Tyson) What is an 'IP Address' (Gil)
<b>3</b>		<b>Malware</b> -Viruses, worms, trojan horses, rootkits, keyloggers & ransomware	<i>Principles of Cybercrime (Clough)</i> Chapter 4 (Modification or Impairment of Data) <i>Articles</i> Mobile Malware Evolution 2016 (Kaspersky Lab) Internet Security Report 2017 (ISTR)
<b>4</b>		<b>Hacking</b> -Hacker culture -Legal issues -Hacking as a service	<i>Cybercrime and Society (Yar)</i> Chapter 2 (Hackers, Crackers, and Viral Coders) <i>Articles</i> Hackers Manifesto (The Mentor) How Big and Powerful is Anonymous (Vandita)
<b>5</b>		<b>Copyright Infringement</b> -What is copyright infringement? -Who owns the data on the Internet? -Piracy (peer-2-peer)	<i>Cybercrime and Society (Yar)</i> Chapter 4 (Virtual Pirates) <i>Principles of Cybercrime (Clough)</i> Chapter 8 (Criminal Copyright Infringement) <i>Articles</i> An Oral History of Napster (Fortune)
<b>6</b>		<b>Personal Security</b> -Privacy -Surveillance -Personal safety -The Secret War	<i>Cybercrime and Society (Yar)</i> Chapter 10 (Cyberscrimes and Cyberliberties) <i>Articles</i> The Secret War (Popular Mechanics) The Online Threat (Hersh)



Week	Date	Topics	Readings
7		<b>Your Online ID</b> -Social networks & search engines -Identity theft & fraud	<i>Cybercrime and Society (Yar)</i> Chapter 5 (Cyber-Frauds, Scams, and Cons) <i>Principles of Cybercrime (Clough)</i> Chapter 7 (Fraud) <i>Articles</i> What is Social Engineering (Webroot)
8		<b>Email Spam</b> -Phishing & Pharming OLegal issues -Legislation efforts	<i>Principles of Cybercrime (Clough)</i> Chapter 9 ('Spam') <b>Paper #1 (Tell Me a Story) Due</b>
9		<b>Deep Web</b> -TOR -Digital currency (Bitcoin) -The Dark Web	<i>Articles</i> Exploring the Deep Web (Trend Micro) TOR Project: Overview (TOR) What are BitCoins (Lifewire) How BitCoin Works (Forbes)
10		<b>Organized Crime</b> -Carding -Money Laundering -Drugs & weapons	<i>Articles</i> Koobface: Inside a Crimeware Network (Villeneuve) The Great Cyberheist (Verini) A Hacker's Race to Build the Amazon.com of Stolen Credit Cards (WeiderWeb) Carders.cc Hacked (Reusablesec)
11		<b>Personal Cyber-Crimes</b> -Stalking -Bullying	<i>Cybercrime and Society (Yar)</i> Chapter 8 (The Victimization of Individuals Online) <i>Principles of Cybercrime (Clough)</i> Chapter 12 (Harassment) & Chapter 13 (Voyeurism)
12		<b>Terrorism &amp; Extremism</b> -Terrorism in the digital age -Methods of distribution -Researching online terrorism (White Supremacists)	<i>Cybercrime and Society (Yar)</i> Chapter 3 (Political Hacking) <i>Articles</i> How Modern Terrorism Uses the Internet (Weimann) Terrorism and the Internet (Conway) Terror on the Internet (Tsfati & Weimann) Exploring Stormfront (Bowman-Grieve)
13		<b>Sex Crimes</b> -Trafficking -child sexual exploitation -Sexting -Revenge pornography	<i>Cybercrime and Society (Yar)</i> Chapter 7 (Child Pornography and Child Sex Abuse Imagery) <i>Principles of Cybercrime (Clough)</i> Chapter 10 (Child Pornography) Chapter 11 (Grooming) <i>Articles</i> Fighting Human Trafficking (European Commission) <b>Paper #2 (Combatting Cybercrime Internationally) Due</b>

<b>14</b>		<b>Cybercrime and the Law</b> -Patriot Act -International challenges -Jurisdiction -Joint operations	<i>Cybercrime and Society (Yar)</i> Chapter 9 (Policing the Internet) <i>Principles of Cybercrime (Clough)</i> Chapter 14 (Jurisdiction) Chapter 6 (Interception of Data)
<b>15</b>		<b>REVIEW</b>	<b>NO READINGS</b>
<b>16</b>		<b>FINAL EXAMINATION</b>	<b>NO READINGS</b>



Fundamentals of Computers and Networking Technologies  
Cybersecurity Managers: Computer Hardware, Networks,  
and the Internet

COURSE SYLLABUS

UNIVERSITY OF GUAM

*Unibetsedåt Guåhan*

School of Business and Public Administration

Course and Contact information

Instructor: \_\_\_\_\_  
Location: \_\_\_\_\_  
Office: \_\_\_\_\_  
Office hours: \_\_\_\_\_  
Office Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

**1. CATALOG DESCRIPTION:**

This course describes how virtually every computer is connected, or has the potential to be connected, to other computers. When connected locally, they provide vital services such as print servers, file servers, CPU servers and when connected externally, offer access to the Internet, world-wide-web, electronic mail and The Cloud. Millions of people worldwide have been exposed to the World Wide Web of computers and the information they provide.

Students will learn how the explosion in the use of technologies and local area networks has made the study of computer networks and the underlying communication technology by managers responsible for cybersecurity as important as the more traditional foundations of computer science such as computer architecture, operating systems and programming.

**2. COURSE DESCRIPTION:**

This course explores how an interconnected world has modified how existing criminal activity is conducted and how new criminal opportunities have been created. Students will examine the history and complex nature of computer-related cybercrime and how societies have attempted to respond. Students will discuss the different types of cybercriminals, including motives, rationale and methods of attack. The course will also evaluate various legal and regulatory issues in cyberspace, including surveillance, sting operations, current and proposed legislation, user-reporting initiatives, identify filtering/blocking technologies, vigilante movements, individual rights and international law enforcement cooperation.

**3. COURSE OBJECTIVES:**

The main goal of this course is to provide non-technical managers with a comprehensive understanding of networking technologies, concepts and terminology. Students will learn about the equipment and technologies used in LANs and WANs. They will learn about the network topologies used today and learn how to design a network using these topologies. A variety of network equipment will be discussed, including hubs, routers, switches, and NICs. LAN architectures are covered including Ethernet, Token

ring, and FDDI. Also, students will learn about wide area networking technologies and remote access technologies such as X.25, ISDN, frame relay, ATM, DSL, SMDS, and SONET networks. Wireless networking and handheld computer are also discussed. All major LAN and WAN protocols will be discussed including TCP/IP and the newer IPv6. In addition, students will learn about the OSI layered communications model. Aside from learning the technologies involved in networking. Students will get to understand the daily tasks involved with managing and troubleshooting a network.

#### 4. COURSE GOALS:

In this course students will learn:

- To develop an understanding of the modern network technologies in common use today
- To appreciate how computer networks can format and transfer data at high speed and over both the local and wide are
- To identify potential and actual limitations with existing networks and identify advances in technology that may solve them

#### 5. STUDENT LEARNING OUTCOMES (SLOs)

Upon successful completion of this course, students will be able to:

- demonstrate an understanding of the physical properties and performance characteristics of communication media; specifically, copper cable, fiber optics and wireless networks;
- demonstrate an understanding of the importance of communication standards, including an appreciation of protocol layer models and enhancements to those standards;
- demonstrate an appreciation of the theory and practice of common local area networks including virtual and wireless LANs;
- demonstrate an appreciation of the theory and practice of wide area networks and their interconnection;
- demonstrate an appreciation of the significance of network and inter-network protocols; specifically, IPv4, IPv6, TCP and UDP;
- describe the importance of reliability and quality of service in organizations including examples of information security, error recovery strategies, traffic differentiation and prioritization.

#### 6. TEXTBOOKS

Book Title	Author	ISBN	Publisher
Data Communications & Computer Networks: A Business User's Approach, 4 <sup>th</sup> Edition	Curt White	0-619-16035-7	Course Technology

#### Recommended Reading List:

Primary Texts	ISBN 10	ISBN 13
Stallings, W. Data and Computer Communications. 10 <sup>th</sup> Edition. Pearson Education. 2013.	1292014385	978-1292014388
Tanenbaum, A. Computer Networks. 5 <sup>th</sup> Edition. Pearson Education.	1292024224	978-1292024226

**Other Texts:**

Stallings, W. Wireless Communication and Networks. 2 <sup>nd</sup> Edition Pearson Education. 2013.	129202738X	978-129-2027388
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**Other Required Materials:** The course will be enriched by demonstrations of various concepts covered and the media mix will include power points, video clips, audio clips, narrated demonstrations.

**7. PRIOR KNOWLEDGE EXPECTED**

Students are expected to be familiar with computer architectures, particularly regarding the representation of information within a computer system. Some practical exposure to local and wide area networks would be useful for context.

**Detailed Course Evaluations:**

Percent	Item
30%	Lab/Homework/Quizzes
30%	Midterm Exam
40%	Final Exam
Total: 100%	

The standard grading scale of 90-100% equals a B, 70-79% equals a C, 60-69% equals a D, and 0-59% equals an F.

**Late Assignments Policy:** Late assignments may be turned in within one week of due date with a 20% penalty. No assignments will be accepted after the final exam date!!!

**Make-Up Exam Policy:** Students are expected to take all exams on the scheduled days and submit all assignments by the deadline. Make-up exams are NOT guaranteed, but are granted at the discretion of the instructor. If make-up exams are necessary, it is necessary for students to make arrangements with the instructor *PRIOR* to exam date. **NOTE: There is NO make-up exam for the final.**

**Format and Duration of the Final Examination**

The examination is a one hour closed door examination (no materials can be taken into the examination room) based on the syllabus in this document.

**8. BROAD COURSE OUTLINE: *Introduction to Hardware, Network, the Internet***

- I. Definition of computer system, Block Diagram, Components of a computer system, generations of computer, storage devices, Memory Hierarchy, Software, Classification of software, Operating System and its functionalities.
- II. Introduction to networking; Data communications: components, data representation (ASCII, ISO, etc.), direction of data flow (simplex, half duplex, full duplex); network criteria, physical structure (type of connection, topology), categories of network (LAN, MAN, WAN);

Internet: brief history, Protocols and standards; Reference models: OSI reference model, TCP/IP

reference model, their comparative study. Overview of data (analog & digital), signal (analog & digital), transmission (analog & digital) & transmission media (guided & unguided);

- III. Local Area Networks and data link protocols, point-to-point links and sliding window flow control, CSMA/CD, Ethernet, wireless LAN, cellular networks, and advanced multi-user communication (CDMA, SDMA/MIMO), mobility

Internetworking using TCP/IP: network programming using socket API, network client/server design;

Packet/circuit switching and wide-area networks: store-and-forward networks, source routing, virtual/permanent, circuits and call set-up, LAN/WAN addressing, hop-by-hop vs end-to-end control.

- IV. Routing techniques – intra-domain routing (OSPF, RIP), inter-domain policy routing (BGP) and network connectivity.

Transport protocols – TCP and UDP, Congestion control, TCP window control, multimedia streaming.

High-level network services – DNS, HTTP, SMTP, network management (SNMP), network security.

- V. Introduction and history of Internet, WWW, Markup Language: HTML, XML and tags, Scripting Languages, Client-Server Architecture, websites, Internet security and threats, Firewall, Introduction to e-commerce.

## 9. COURSE SCHEDULE AND TOPICS

Week	Chapter Readings	Content
1	Syllabus -Introduction to course Chapter 1 Introduction to Computer Networks and Data Communications.	Historical perspective, theoretical and practical models of network architecture particularly the ISO OSI seven-layer model and the TCP/IP protocol stack. Example networks and services including prototype new technologies. These would include Frame Relay, ISDN, ATM, Wi-Fi, xDSL, WiMAX, 2G and 3G.
2 - 3	Chapter 2 – Fundamentals of Data and Signals  Chapter 3 – The Media: Conducted and Wireless	Physical properties of copper media, fiber optics, radio communication and data communication standards. Maximum data rates (theoretical and practical) for different media including some simple analysis of signals. Data encoding of digital signals. The distinction between and analysis of, physical media and wireless media properties. The difference between narrow band and broad band technologies with reference to ISDN and xDSL.
4 – 5	Chapter 4: Making Connections Chapter 5: Multiplexing: Sharing a Medium	

<b>Week</b>	<b>Chapter Readings</b>	<b>Content</b>
<b>5 - 6</b>	Chapter 6: Errors, Error Detection, and Error Control	The main causes of errors and their effects on transmission. Single bit and burst errors. Various error detection and correction strategies including parity, block sum, Hamming Codes, Cyclic Redundancy Checks and Forward versus Backward error control. Statistical analysis of the effectiveness of error detection and correction code.
<b>7 - 8</b>	Chapter 7: Local Area Networks & The Basics  <b>Review for Midterm Exams</b>  <b>MIDTERM EXAMS</b>	Types of LAN covering standards, topology and performance. Example architectures such as Ethernet and fast Ethernet, ATM, and Wi-Fi. The operation of LAN switches and the configuration of virtual LANs.
<b>9 - 10</b>	Chapter 8: Local Area Networks – Internetworking Chapter 9: Local Area Networks – Software and Support Systems	
<b>11 - 12</b>	Chapter 10: Introduction to Wide Area Networks	Circuit versus packet switching and associated routing and flow control. Detailed examples of existing architectures such as Frame Relay, ISDN, ATM, Multi-protocol Label Switching (MPLS) and Virtual Private Networks (VPN).
<b>13 - 14</b>	Chapter 11: The Internet Chapter 12: Telecommunication Systems  Chapter 13: Network Security	
<b>15</b>	Chapter 14: Network Design and Management/Quality of Service	A definition of quality of service and the main parameters that define network performance. Router functionality including frame prioritization, classification and queue management techniques. The provision of quality of service management in practical networks such as Frame Relay, ATM and the Internet.
<b>16</b>	<b>Review for Final Exams</b>	
<b>17</b>	<b>FINAL EXAMS – PER UOG SCHEDULE</b>	

**NOTICE:** This schedule is subject to change based on class progress and the instructor's discretion.



# CJ-CSM 300: CYBERSECURITY MANAGEMENT TOOLS AND TECHNIQUES

Log No. 6402

## COURSE SYLLABUS

UNIVERSITY OF GUAM  
*Unibetseddåt Guåhan*

School of Business and Public Administration

### Course and Contact information

Instructor: \_\_\_\_\_  
Location: \_\_\_\_\_  
Office: \_\_\_\_\_  
Office hours: \_\_\_\_\_  
Office Telephone: \_\_\_\_\_  
Email: \_\_\_\_\_

### 1. COURSE OVERVIEW:

Cybersecurity has become a topic of critical importance in today's networked and interconnected environment. The study of cybersecurity management describes the tools, techniques, methods, and strategies used by information security professionals to combat security breaches and threats. This course provides an overview of the field of information security and in-depth knowledge of the complex nature of related threats and countermeasures. Students examine key strategies and methodologies used to increase business and government continuity and disaster security preparedness. Also presented are methods of securing information systems using security controls, policies, and best practices with coverage extended to additional topics including information privacy and information security laws and regulations.

Computer security pervades every aspect of the modern online experience today, reaching into mobile phones and game consoles as well as conventional computer systems in organizations. This course covers some of the fundamental principles of cybersecurity management after identifying different aspects of cybersecurity information systems. A number of practical exercises and assignments will be given to students. For each assignment, the aim is to specify the requirements of a solution, explain an appropriate management tool to use, and then discuss pitfalls, cyberattacks and countermeasures. Students will learn how to detect threats, protect information systems and networks, and anticipate potential cyberattacks.

In this course students will be given an extensive overview of the various branches of computing security and will learn the concepts, issues and tools that are critical in solving problems in the computing security domain. Students will have the opportunity to learn essential techniques in protecting systems and network infrastructure, analyzing and monitoring potential cyberthreats and attacks, and devising and implementing security policies and solutions for public and private sector organizations. The duration of the course is one semester and its syllabus is divided into parts to provide students with an in-depth understanding of core concepts with a focus on functional management competencies related to real life cybersecurity threat situations.



## 2. COURSE/CATALOG DESCRIPTION:

This course covers issues related to the administration and management of information security systems in a public or private sector enterprise. The goal of the course is for managers who are not information technology professionals to learn and maintain an appropriate level of knowledge awareness and skill in cybersecurity tools and techniques to allow them to minimize the occurrence and severity of information security incidents in organizations. The students will learn the management needed techniques to plan for detect, respond to, and prevent computer network intrusions. Topics include how to lead and work with members of the I.T. Team in intrusion detection, vulnerability analysis, anomaly detection, computer forensics, auditing and data management, risk management contingency planning and incident handling and response. The course will also cover ethical and legal issues in information, privacy, traceability and cyber-evidence.

## 3. SPECIFIC COURSE/STUDENT LEARNING OBJECTIVES:

The course is aimed at imparting knowledge and skill sets required to assume the overall responsibilities of administration and management of the security of an enterprise information system. After completing the course, students will be able to:

- Carry out a detailed analysis of enterprise information security by performing various types of analysis such as vulnerability analysis, penetration testing, audit trail analysis, system and network monitoring,
- Carry out detailed risk analysis and assessment of enterprise information systems using various practical tools and techniques.
- Design detailed enterprise-wide security plans and policies; deploy appropriate safeguards at all the levels in the organization by providing due consideration to the life cycle of the enterprise information systems and networks, as well as its legal and social environment.
- Identify and prioritize information assets
- Identify and prioritize threats to information assets
- Define an information security strategy
- Plan for and respond to intruders in an information system
- Describe legal and public relations implications of security and privacy issues
- Present a disaster recovery plan for recovery of information assets after an incident

### Student Learning Outcomes (SLO's)

As a result of completing this course, students will be able to:

- Demonstrate an understanding of the differences between various forms of computer and information security threats where they arise, and the appropriate management tools to respond to them;
- Demonstrate an appreciation of some common security pitfalls;
- Show knowledge of the techniques used to quantify the costs of cybersecurity and information breaches;
- Describe threats to information security;
- Identify methods, tools and techniques for combating external and internal threats and vulnerabilities to data assets in the enterprise;
- Identify types of attacks and problems that occur when systems are not properly protected;
- Explain integral parts of overall good information security practices;
- Identify and discuss issues related to access control;
- Describe the need for and development of information security policies, and identify guidelines

- and models for writing policies;
- Define and perform risk management and explain why it is an important component of an information security strategy and practice;
- Describe the types of contingency plans and the steps involved in developing each;
- Identify security issues related to personnel decisions, and qualifications of cybersecurity;
- Evaluate, mitigate or eliminate all areas of information security weakness in the enterprise
- Identify the requirements to secure the physical perimeter information center of an enterprise;
- Develop a comprehensive security assessment for an existing enterprise information infrastructure;
- Overall, recommend mitigations to protect digital assets in the enterprise;
- Manage cybersecurity disaster recovery incident handling, cybersecurity policy implementation, and the application of relevant laws to cybersecurity in the enterprise.

#### 4. REQUIRED TEXTBOOK

There is no one textbook that covers all the topics considered in this course. The following is the primary textbook for the course:

- *Management of Information Security*, M.E. Whitman, H.J Mattord

#### Other Textbook References and Resources:

- Michael E. Whitman and Herbert J. Mattord, *Principles of Information Security*
- Micki Krause, Harold F. Tipton, *Handbook of Information Security Management*
- *Guide to Disaster Recovery*, M. Erbschilde
- *Guide to Network Defense and Countermeasures*, G. Holden
- *Computer Security: Art and Science*, Matt Bishop (ISBN: 0-201-44099-7), Addison-Wesley 2003 (Available online for Pitt Students)
- *Security in Computing*, 2<sup>nd</sup> Edition, Charles P. Pfleeger, Prentice Hall
- *Security Engineering: A Guide to Building Dependable Distributed Systems*, Ross Anderson, Wiley, John & Sons, Incorporated 2001
- *Software Security: Building Security In* (by Gary McGraw)
- *The Art of Software Security Assessment: Identifying and Preventing Software Vulnerabilities* (by Mark Dowd, John McDonald, Justin Schuh)

Additional reading list of journals and articles and NIST/GAO and federal reports.

#### Internet Resources:

- NIST publications (<http://csrc.nist.gov/publications/nistpubs/index.html>)
- SP 800-12 An Introduction to Computer Security: The NIST Handbook (HTML (<http://csrc.nist.gov/publications/nistpubs/800-12/800-12-html/index.html>) or 1.7 MB PDF (<http://csrc.nist.gov/publications/nistpubs/800-12/handbook.pdf>))
- SP 800-26 Security Self-Assessment Guide for Information Technology Systems (1.5 MB PDF (<http://csrc.nist.gov/publications/nistpubs/800-26/sp800-26.pdf>) or 922 kb Word Doc (<http://csrc.nist.gov/publications/nistpubs/800-26/sp800-26.doc>))
- SP 800-30 Risk Management Guide for Information Technology Systems (480 kb PDF (<http://csrc.nist.gov/publications/nistpubs/800-30/sp800-30.pdf>))
- SP 800-34 Contingency Planning Guide for Information Technology Systems (1.9 MB PDF (<http://csrc.nist.gov/publications/nistpubs/800-34/sp800-34.pdf>))

- Volunteer Leader Recognition in support of SHRM and the HR Profession (Given 2015-2018)
- Who's Who in Science and Engineering 12<sup>th</sup> – 2016 edition
- Center for Scholastic Inquiry (CSI) – Best Paper in Business Track Award (Oct. 1, 2014)
- FBI Citizens Academy 2014 Top Gun Award
- New Faculty of the Year Award (UOG-May 2014)
- Who's Who in America 68<sup>th</sup> (2014 ed), 69<sup>th</sup> (2015 ed) and 70<sup>th</sup> (2016 Platinum ed)
- 60<sup>th</sup> Anniversary, University of Guam - Featured Alumni Triton Success Story
- Magna Cum Laude (Bachelor Degree)
- University of Guam's College of Business and Public Administration Dean's Outstanding Graduate Award for Fall 2001
- University of Guam's Regent's List (99/SP, 99/FA, 00/SP, 00/FA, 01/SP, 01/FA)
- University of Guam's President's List (98/FA, 99/FA, 01/SP)
- University of Guam's Dean's List (99/SP, 00/SP, 00/FA, 01/FA)
- Datatel Scholarship Recipient
- Merit Scholarship Recipient
- National Dean's List (98-99/99-00/00-01)
- National Dean's List Multiple Year Award Recognition
- 2001 Leonard R. Brice SPHR Undergraduate Leadership Award Nominee
- 28th Guam Legislature Official Commendation and Congratulations for inclusion in Who's Who in American Colleges and Universities (Executive Committee Certificate No.42)
- 26th Guam Legislature Official Commendation and Congratulations for inclusion in Who's Who in American Colleges and Universities (Legislative Certificate No.1)
- 26th Guam Legislature Official Commendation and Congratulations for inclusion in Who's Who in American Colleges and Universities (Legislative Certificate No.53)
- 26th Guam Legislature Office of the Speaker Antonio R. Unpingco Official Commendation and Congratulations for inclusion in Who's Who in American Colleges and Universities (Ltr. Dated May 4, 2001)
- Who's Who in American Colleges and Universities (00, 02 & 05)
- National Collegiate Business Merit Award Winner
- United States National Collegiate Award Winner
- United States All-American Scholar
- United States Achievement Academy Member
- 26th Guam Legislature Official Commendation and Congratulations for outstanding service in production of "I Lihenden Duhendes" (Legislative Certificate No.26-003)
- Official Commendation and Recognition by UOG Endowment Foundation for support and outstanding service for participation and coordination of the Student Support Committee for "I Lihenden Duhendes" UOG Spring Musical 2001

## **PROFESSIONAL CREDENTIALS**

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- L5 Behavioral Governance – certified by 3Ethos with the L5 professional designation (Nov. 2018)
- AIF: Accredited Investment Fiduciary – Certified January 2018 by Fi360
- CFE: Certified Fraud Examiner – Certified June 2016 by the Association of Certified Fraud Examiners
- SPHRi: Senior Professional in Human Resource – International / rebranded and renamed from the HRMP™ - Certified by HRCI (Feb. 2016)
- CFD: LERN Certified Faculty Developer – Certified by Certified Faculty Development Institute - May 2015
- SHRM-SCP: SHRM Senior Certified Professional – January 2015
- HRMP: Guam's 1st Human Resource Management Professional – Certified by HRCI (2013)
- PHR: Professional in Human Resources – Certified by HRCI (2012)
- CM - One of Guam's first Certified Managers – Credentialed in 2011 by Institute of Certified Professional Managers /James Madison University College of Business
- KHS: Equestrian Order of Holy Sepulchre of Jerusalem – Chivalrous Order of Knighthood (2012-Present)
  - Instrumental in establishing this Order with roots in the First Crusade (c1099)
  - Appointed Founding Chancellor of the Council of the Magistral Delegation of Guam
- KSS: Equestrian Order of St. Sylvester Pope & Martyr – Pontifical Order of Knighthood conferred by Pope Benedict XVI (2009)

## **PROFESSIONAL MEMBERSHIPS, BOARDS, AND AFFILIATIONS**

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- Founding member of the UOG Phi Kappa Phi Honor Society (official induction pending - 2019)
- Epsilon Pi Phi Emergency Management Honor Society founding Advisor (Aug. 2019)
- Omicron Delta Epsilon (ODE) International Honor Society for Economics Member (inducted May 2019)
- Executive Order 2019-04: Appointed Vice-Chair to the Governor's Task Force to Reform Government Permitting Procedures (February 2019 – August 2019)
- Member, Behavioral Governance Society-3Ethos (November 2018-Present)
- Dulce Nombre de Maria Cathedral-Basilica Parish Finance Council (November 2018-Present)
- GPD Honorary Deputy Chief of Police (Sworn in August 7, 2018)
- FBI Guam Citizens Academy Alumni Association (November 20, 2015 – Present)
  - Founding Board Member and Inaugural Board VP (2015-Present)
  - Federal Bureau of Investigations (FBI) Citizens' Academy Graduate - Alumni since 2012
  - Top Gun Award (2014)
- SHRM Guam Board of Directors Student Relations Director (2015-2018)
  - SHRM 100% Chapter
  - 2018 Top 25 Fundraising Chapter
  - 2017 SHRM Excel Platinum Chapter Award
  - 2017 Pinnacle Award Chapter - the highest honor given to SHRM state councils and chapters for notable contributions to the human resource profession. Main Award Packet Co-Author.
  - 2017 Top 25 Fundraising Chapter SHRM Foundation
  - 2017 Learning System Champion
  - SHRM Foundation 2016 Chapter Champion
  - 2016 SHRM Excel Platinum Chapter Award
  - 2016 Top 25 Fundraising Chapter SHRM Foundation
  - 2016 SHRM Learning System Champion
- Rotary E-Club of Pago Bay Guam Member – chartered June 12, 2014 (2014-Present)
  - President (2019-2020)
  - Secretary (December 2014-2016)
  - Inaugural Int'l. and Community Service Director and Charter Member (June 2014 – March 2015)
- Fiduciary Academy Member (2018-Present)
- Golden Key International Honor Society (inducted 2018)
- Sigma Beta Delta International Honor Society for Business, Mngt. and Admin. (inducted Nov. 2017)
- Alpha Phi Sigma Criminal Justice Honor Soc. Lambda Psi Chapter – Honorary Member (inducted April 2017)
- Institute of Certified Professional Managers (ICPM) Exam Advisor (2012-2017)
- Techstar Community Leader (2016-present)
- Blue Key Honor Society (inducted 2016)
- Capella University Peer Mentor (2012-2016)
- Imagine Guam Core Steering/Facilitation Committee – Appointed by Governor of Guam (2015)
  - Imagine Guam Values Committee Facilitator
  - Imagine Guam Convention I, II, III Imagination Team Facilitator
  - Imagine Guam Planning Team – Workforce Rehabilitation Lead
- Academy of Criminal Justice Sciences Member (ACJS) – (2015 – 2017)
- Pi Alpha Alpha Global Honor Society for Public Affairs and Administration (inducted 2015)
- Association of Certified Fraud Examiners Member (ACFE) – (Feb 2014 – Present)
- Guam Hotel and Restaurant Association Member (2013-Present)
- Institute of Certified Professional Managers (ICPM) International Advisory Group (IAG) Founding Member (2013-2014)
- Institute of Certified Professional Managers (ICPM) Exam Advisor (2012-2017)
- KHS: Equestrian Order of Holy Sepulchre of Jerusalem – Chivalrous Order of Knighthood (2012-Present)
  - Instrumental in establishing this Order with roots in the First Crusade (c1099)
  - Appointed Founding Chancellor of the Council of the Magistral Delegation of Guam
- Catholic Cemeteries of Guam, Inc. Founding Board of Directors (2011-2014)
- Capella University Ambassador (2011-2014)

- Association for Psychological Type International – APTi (Since 2010-Lifetime Member)
- Society for Human Resource Management (1998-Present)
- Catholic Cemetery Conference Member (2002–2012)
- Chi Omicron Gamma Honor Society (inducted 2001)
- National Catholic Education Association Teacher Associate (2000 & 2001)
- President, Collegiate Chapter of the Society for Human Resource Management (2000-2001)
- University of Guam Student Government Public Relations Committee Member (2000-2001)
- Island Wide Guam Job Fair Planning Committee (2000)
- Guam Business Show coordinator for jobsonguam.com/SHRM Booth (2000)
- National Honor Society President and National Junior Honor Society President

## **PROFESSIONAL CERTIFICATIONS AND TRAINING**

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- Selected for the invitation only 2019 NASPAA Next Class – How to prepare for the NEXT 50 years of Public Affairs Education (Oct. 2019)
- First Certified Manager (CM) Certified Instructor and CM Exam Proctor (Aug. 2019 – Present)
- Rotary International District 2750 2019 President-Elect Training Seminar (May 2019)
- IACBE Accreditation Institute (April 2018 and 2019)
- SHRM Foundation’s Veterans at Work Certificate (Feb. 2019)
- Fiduciary Essential (FE®) Certificate Training – Fi360 (Nov. 2018)
- Initial Law Enforcement Response to Suicide Bombing Attacks (ILERSBA) Mobile Course (Nov. 2017) - New Mexico Tech in partnership with Guam Homeland Security
- Understanding and Planning for School Bomb Incidents (UPSBI) Mobile Course (Nov. 2017) - New Mexico Tech in partnership with Guam Homeland Security
- EEOC Guam Technical Assistance Seminar 2017 – EEOC Training Institute (Sept. 2017)
- Non-Confrontational Interview & Interrogation - Wicklander-Zulawski & Associates, Inc. (August 2017)
- FBI National Improvised Explosives Familiarization and Chemical Industry Outreach Workshop (April 2017)
- Incident Response to Terrorist Bombings (IRTB) – New Mexico Tech/EMRTC First Responder Training Program (March 2017)
- FEMA Emergency Management Institute (EMI) - National Incident Management System (NIMS)
  - IS-100.b - Introduction to Incident Command System ICS-100 (March 2017)
  - IS-100.c – Introduction to the Incident Command System ICS-100 (June 2019)
  - IS-100.he - Introduction to the Incident Command System ICS-100 for Higher Education (March 2017)
  - IS-200.b - ICS for Single Resources and Initial Action Incident, ICS-200 (March 2017)
  - IS-230.d - Fundamentals of Emergency Management (June 2019)
  - IS-240.b - Leadership and Influence (June 2019)
  - IS-700.a - National Incident Management System (NIMS) An Introduction (March 2017)
  - IS-702.a - NIMS Public Information (June 2019)
  - IS-703.a - NIMS Resource Management (June 2019)
  - IS-706 - NIMS Intrastate Mutual Aid – An introduction (June 2019)
  - IS-00800.b - National Response Framework, An Introduction (March 2017)
- Guam Joint Criminal-Epidemiological Investigations Workshop (Feb. 2017) – FBI and CDC
- Criminal Justice and Juvenile Justice Evaluation Training – Univ. of Cincinnati Corrections Inst. (Dec. 2016)
- Type Coaching Using Multiple Models – Practitioner Certified by APTi (August 2016)
- The Justice System and Persons with Disabilities Training– Judiciary of Guam (2016)
- Explosive Response Training – Guam FBI (2016)
- National Criminal Justice Association Grants Management Workshop Training (2015)
- One Community Guam: Engaging Our Community in Crime Prevention, Strengthening Protections for Vulnerable Populations, and Reentry Efforts through Workforce Development Strategies Training – U.S. Attorney’s Office (2015)
- Educating, Retaining, and Graduating First Generation Students - Souder, Betances & Assoc. (2015)
- TIPS® (Training for Intervention Procedures) Trainer - Certified September 2015

- Entrepreneurial Mindset Profile (EMP) Certified - Certified in December 2014 by the Institute Leadership Development Institute at Eckerd College (a Network Associate of the Center for Creative Leadership) and named a Founding Practitioner
- Ethics in Government Train the Trainer Qualifier (4 GCA 15410) - Certified by UOG SBPA (2014)
- Universal HR Management Strategies SHRM Learning System (2013)
- Project Management Preparation Course – Leading Edge (2013)
- FBI Citizens' Academy Graduate - Federal Bureau of Investigations (2012)
- University of Maryland University College - Online teaching certified (2012)
- Graphology Training - Lisa Schuetz (Taken over 15 courses between 2011 and 2012)
- Leadership Process: Motivating Achievement - Spencer-Shenk-Capers & Assoc., Inc. (2012)
- Founding Board Treasurer of St. Thomas Aquinas Catholic High School (2008-2012)
- Introduction to Body Language and Type: Reading People (APti): (2011)
- Guam's 1st Strong Interest Inventory® (Strong) – Certified in 2011 by GS Consultants
- Guam's 1st and only Certified MBTI® (Myers-Briggs Type Indicator) Master Practitioner (2011)
- MBTI® - Myers-Briggs Type Indicator Assessment – STEP I, II, & III Certified
  - Guam's First and only Step III Certified Practitioner
  - MBTI™ Step III: Certified by Center for the Application of Psychological Type (CAPT) – 2011 - developed a "Perception and Judgment Model" for use in certification and training
  - MBTI™ Step I & II: Certified by Center for the Application of Psychological Type (CAPT) –2009
  - Type Coaching Executives and Managers Certification Workshop: Fairfax, VA - 2011
  - Generations and Type Training Certification Workshop: Fairfax, VA - 2011
  - Using Type with Leaders and Managers Certification Workshop: Fairfax, VA - 2011
  - Type and Temperaments Certification Workshop: Fairfax, VA - 2011
  - MBTI/Type Trainers Workshop: Fairfax, VA - 2011
- Klein Group Instrument® (KGI) – Certified in 2011 by Otto Kroger & Associates (OKA)
- Pearson-Marr Archetype Indicator® (PMAI) – Certified in 2011 by Otto Kroger & Associates (OKA)
- Portraits of Jung Type Behavior™ (JTB)– Certified in 2011 by Otto Kroger & Associates (OKA)
- Fundamental Interpersonal Relations Orientation (FIRO-B® and FIRO Business®) assessments – Qualified in 2011 by CPP
- Murphy-Meisgeiger Type Indicator for Children® (MMTIC): Qualified in 2011/certified in 2014 by CPP
- Thomas-Kilmann Conflict Mode Instrument (TKI) – Qualified in 2011 by CPP
- Collaborative Institutional Training Initiative (CITI): Protection of Human Research Subjects (2010)
- EQ-i® and EQ-i 2.0® - Emotional Quotient Index – Certified in 2009 by Multi-Health Systems (MHS) and among Guam's first certified emotional intelligence practitioners
- Founding Member of the International Center for Holy Relics, Inc. (2009)
- Certificate, International Human Resource Management Seminar (2003)
- Certificate, EEOC: Affirmative Action Conference (2001)
- Certificate, EEOC: Basic and Advanced EEO Topics, Technical Assistance Program Seminar (2000)

## PROFESSIONAL EXPERIENCE

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**President/Senior Consultant, Allied Business Consultants, Inc., GU** 2017-Present  
 Development Consultants that combine the most experienced, credentialed, and dynamic talent this side of the Western Pacific to offer a wide range of services. Clients include local and regional governments, military, nonprofits, private companies (small, family-owned to corporate), medical, construction, educational institutions, etc. <http://www.alliedbusinessglobal.com/>

**Director & Co-Founder, UOG Regional Center for Public Policy, GU** 2016-Present  
 The Regional Center for Public Policy (RCPP) was created to be a regional nexus in Micronesia where leaders converge to address, research, collaborate and solve crucial issues in relation governance, leadership and public policy. RCPP creates globally minded and locally relevant strategic conduits by leveraging a symbiotic

and complementary synergy between the university community, public-private partnerships, public service collaborations, SBPA programs/partners and others.

**Consultant, Leading Edge, GU** **2014-Present**

Business Consultants that offer a myriad of services, with a proven track record, for non-profit and military sectors throughout the Western Pacific and Asia.

**Owner, J|Rivera Consulting, GU** **2011-Present**

Started in 2011 to provide clients with dynamic Educational, Executive, Leadership, Organizational Training, Development and other related consulting services; backed by the most prominent developmental assessments of the day.

**Consultant, Area Defense Counsel Anderson, AFB, Guam** **2013**

Provided consulting and served as an expert witness for the Area Defense Counsel.

**Practicum Counselor, ISA Psychological Services, GU** **2012-2013**

Isa Psychological Services Center is a University of Guam sponsored training clinic that offers a variety of free professional services to the University of Guam's students, faculty, staff and the greater community.

**Owner, the Source, GU** **2004-Present**

Started in 2004, "the Source" was created as an outsourcing company for various types of products, gift related items, souvenirs, and pre-paid cards.

**Executive Director, Archdiocesan Development Group (ADG), GU** **2008-2014**

Promoted to lead and consolidate specific institutional and functional activities of the Archdiocese of Agaña. The ADG was created to streamline and strategically align critical management talent, effectively administer debt management, and anticipate growth capacity.

- Created the concept, organizational, and formal structure of the ADG.
- Responsible for the following institutions:
  - Guam Catholic Television
    - Exploratory team for the first Archdiocesan Television Station/Channel
  - U Matuna Si Yu'os (formally Pacific Voice) – Roman Catholic Newspaper of the Archdiocese of Agaña (2011-2013)
    - Facilitated and assisted in the takeover, restructuring and redesign of the newspaper
    - Reinstated the original Chamorro name of the publication - U Matuna Si Yu'os
  - Founding member of St. Thomas Aquinas Catholic High School (2008-2012)
    - 1st Catholic High School in 40 yrs.
    - Founding Board Treasurer (2008-2012)
    - In the Founding Year
      - Received WASC accreditation in founding year
      - Over 83% of the student body made "Honor Roll" In the first quarter of 2008-2009.
      - 100% passing rate on AP exams with 40% achieving a perfect score of 5.
  - Carmel on the Hill Archdiocesan Retreat Center (2010-2012)
    - Conversion of a Carmelite Monetary into an Archdiocesan Retreat Center
    - Largest retreat center on the island with capacity for several hundred retreatants
    - Coordinated local and regional events for the facility
    - Created the marketing, branding, business plan, etc.
  - Cathedral-Basilica Gift Shop
    - Started the gift shop in 1999
    - Facilitated buyout and merger with John Paul the Great Catholic Book Store
    - Grew to the largest and most complete religious (Catholic Store) on Guam
  - Catholic Cemeteries of the Archdiocese of Agaña
    - Catholic Cemeteries of Guam, Inc. founding Board of Directors (2011-2014)

- See entries under Catholic Cemeteries below
- Cathedral-Basilica Media Ministries
  - Graphics Design, Videography, Still Photography, Editing, Scripting, Commercial production, Audio, Internet Streaming
  - Internet streaming and Cable TV airing of various Liturgical Events
  - Operate NewTek TriCaster System
- National Museum of the Dulce Nombre de Maria Cathedral-Basilica
- Dulce Nombre de Maria Cathedral-Basilica
  - Founding Member of the International Center for Holy Relics, Inc. (2009)
  - Coordinated the production of "The Golden Harvest Documentary" (2008) and "Servus Tuus Documentary" (2009)
  - Archdiocesan Logistics Coordinator for "Operation Special Intention" Military Relic Tour (Guam-2009); the Pilgrim Relics of St. Therese of Lisieux (Guam, Saipan, Tinian, Rota-2008/Guam-2003); Relics of the Passion Tour (Manila, Philippines-2008); and Relics of the Passion Tour (Guam-2007)
  - Executive Planning Committee for the 50th Anniversary – the Golden Jubilee of the Dulce Nombre de Maria Cathedral-Basilica (2008)
  - Executive Planning Committee for the Monsignori Elevation (2006).
  - Official Delegation to Lisieux (France) to return the Pilgrim Relics of St. Therese of Lisieux
  - Archdiocesan Executive Committee for the Great Jubilee of 2000
  - Post Beatification - Blessed Pedro Calungsod Planning Committee
  - Instituted the Logo / Branding for the Cathedral-Basilica
- Responsibilities include Hosting of Vatican Officials and Church Dignitaries; Coordination of island-wide liturgical events, development activities, documentaries, concerts, gallery exhibits, fundraising events, etc.

#### **Executive Director, Catholic Cemeteries of the Archdiocese of Agaña, GU 2007-2008**

Responsible for three Archdiocesan Catholic Cemeteries with over half a million in sales and 20M in assets (Pigo Catholic Cemetery, Anigua / Holy Cross Catholic Cemetery, Yona / Mt. Carmel Catholic Cemetery, Agat)

- Complete reorganization, strategic/personnel realignment, and business model overhaul
- Responsible for the following other institutions:
  - Carmel on the Hill Archdiocesan Retreat Center
  - National Museum of the Dulce Nombre de Maria Cathedral-Basilica
  - Cathedral-Basilica Gift Shop (largest religious store on Guam)
  - Cathedral-Basilica Media Ministries (Graphics Design, Videography, Still Photography, Editing, Commercial production, Audio, Internet Streaming)

#### **Executive Director of Administration and Finance, Catholic Cemeteries, GU 2006-2007**

Established and managed critical organizational and formal structures; led the financial management, stabilization of revenues, debt service, and human resource matters.

- Responsible for all personnel, finance and human resources matters
- Established SOPs, handbook, wage scale, position descriptions and formal organizational chart
- Established 401K, medical/dental Benefits and performance appraisals
- Managed the debt service that was used to rehabilitate existing facilities, beautify grounds, construct new buildings and increase inventory

#### **Sales and Marketing Manager, Catholic Cemeteries, GU 2001-2006**

Established and managed the first sales and marketing department. Recruited, trained and supervised all independent sales counselors and created all program materials; Implemented marketing campaigns, educational and incentive programs to fuel and further business development.

- Led financial turnaround from negative to positive cash flow and financial sustainability
- Increased market share from 6% to 18%
- Designed and crafted all graphic concepts, layout, designs, placement
- Responsible for the Cathedral-Basilica Gift Shop
- Assisted with the National Museum of the Dulce Nombre de Maria Cathedral-Basilica



**Business Startup, Cathedral-Basilica Gift Shop, GU** **1999-2014**

Established and managed the all aspects of the religious retail shop startup.

- General Manager during its initial years realizing exponential growth in the first 3 years
- Facilitated buyout and merger with John Paul the Great Catholic Book Store to become the largest and most complete religious store on the island
- Created the Catholic Education Series and other initiatives

**Part Owner, Brown Bag Café, Eastwood, Philippines** **2005-2007****Administrative Assistant, Dulce Nombre de Maria Cathedral-Basilica, GU** **1994-2001**

- Assistant Curator - Monsignor Oscar Calvo Gallery (1997-2001)
- Archdiocesan Executive Committee for the Great Jubilee of 2000
- Post Beatification – Blessed Pedro Calungsod Planning Committee
- Dulce Nombre de Maria Cathedral-Basilica Restoration and Rededication Committee
- Confirmation Retreat Master and Facilitator
- Served on numerous fundraising committees, planning committees, and coordination of island-wide archdiocesan events.

**OTHER VOLUNTEER/COMMUNITY SERVICE**

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- Reverence: Choir – (2001 – Present)
  - Dulce Nombre de Maria Cathedral-Basilica 7:00pm Choir (2001-May 2014)
  - Contributing composer of "Mass of Peaceful Reverence" (2007)
- Emmaus Choir - Dulce Nombre de Maria Cathedral-Basilica 11:30am Choir (1998-2003)
- Choir - Blessed Diego, Tumon Catholic Church (1999-2001)
- Confraternity of Christian Doctrine Teacher: Nuestra Senora de las Aguas - Guam (1997-1999)
  - 6th Grade and Confirmation teacher
  - Formed Confirmation Youth Choir

**REFERENCES**

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*Available upon request*

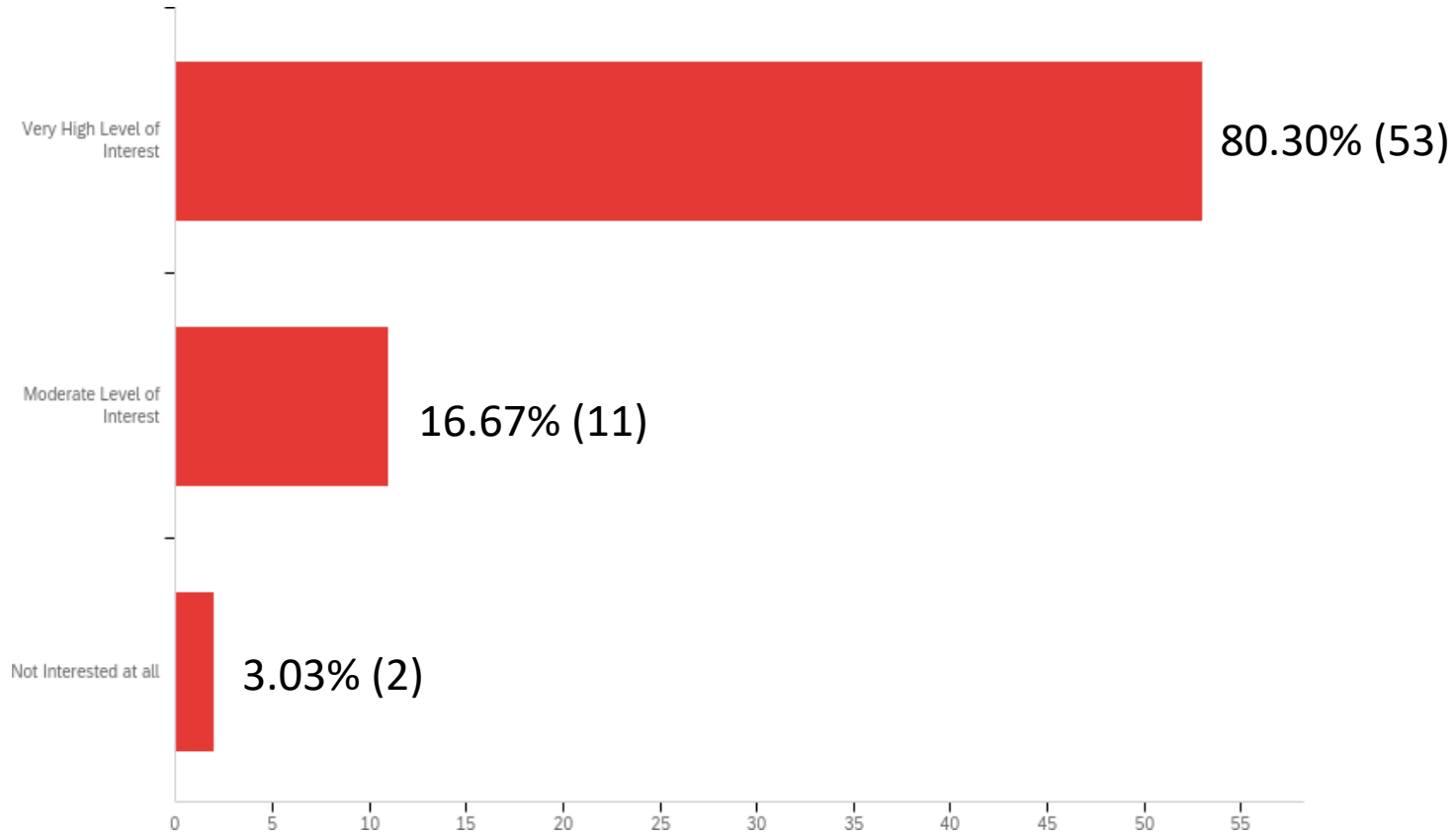
**Survey Report of Stakeholder Interest  
and Support for the  
Minor in Cybersecurity Management and a  
Professional Certificate Program  
in Cybersecurity Management**

**SCHOOL OF BUSINESS AND PUBLIC ADMINISTRATION  
UNIVERSITY OF GUAM  
DECEMBER, 2019**

Cyber-Security Management Minor and  
Professional Certificate Program in  
Cyber-Security Management  
**Program Demand Report**

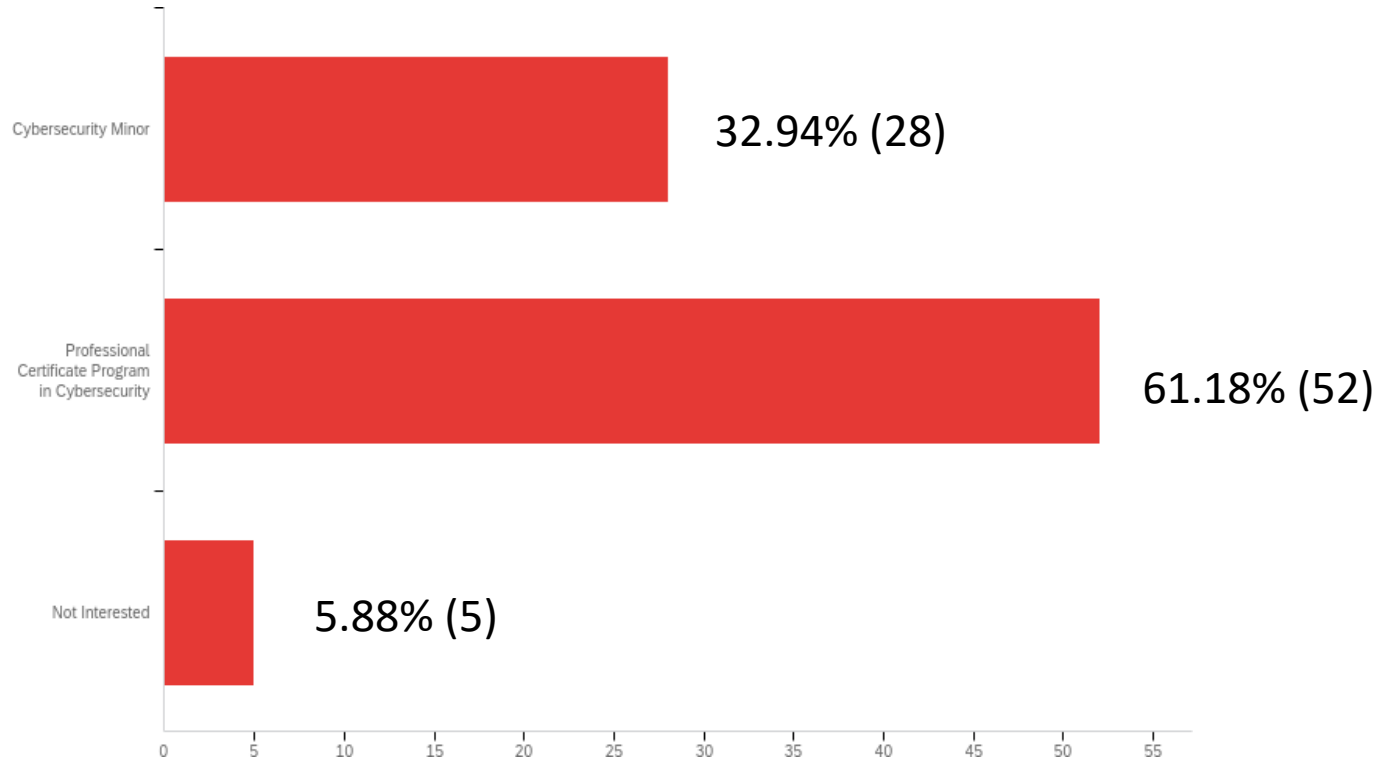
April 6th 2020, 5:46 pm MDT

1. Can you tell us your level of interest and support for the offering of the proposed SBPA Cybersecurity Management and Professional Certificate Program in Cybersecurity Management: (N=66)

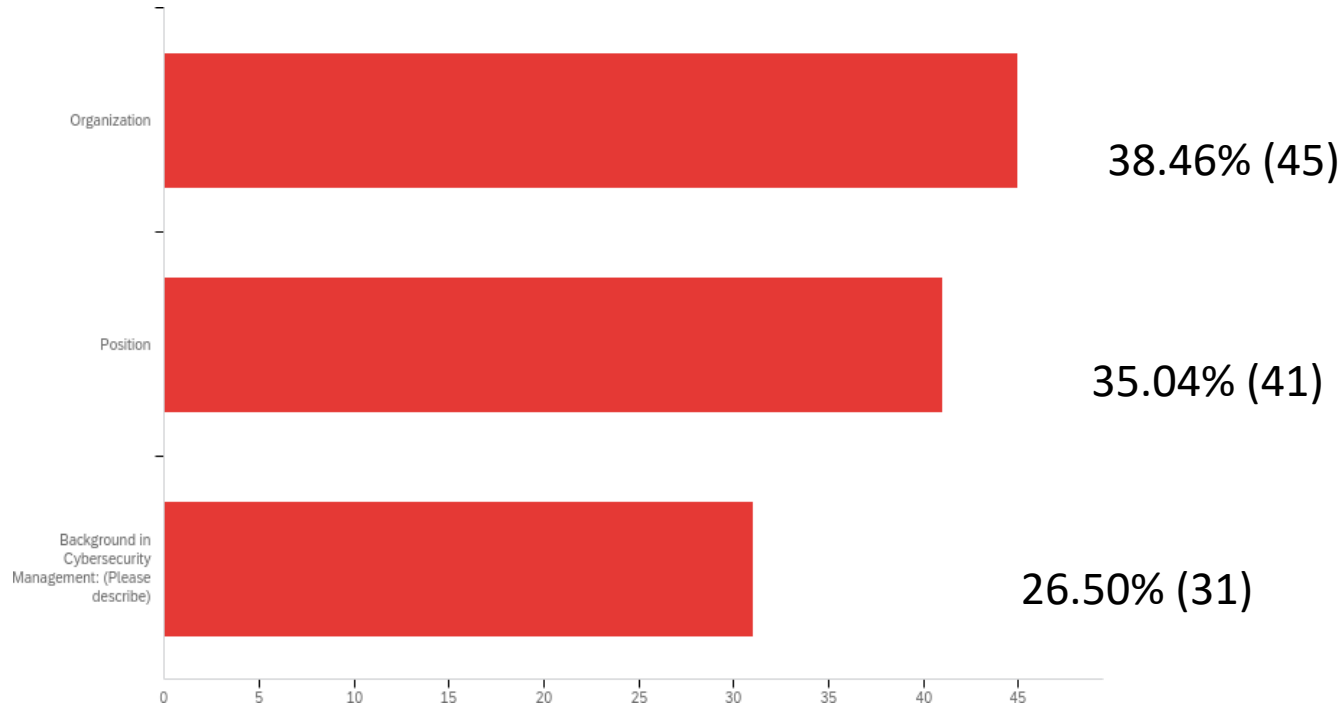


Minimum	Maximum	Mean	Std Deviation	Variance	Count
1.00	3.00	1.23	0.49	0.24	66

2. Would you be interested enrolling in the Cybersecurity Minor or the Professional Certificate Program in Cybersecurity Management? N=85



3. If you are a working professional, can you tell us about your organization and your current role, as well as any background you may have in Cybersecurity Management: N=117



4. If you are a working professional, can you tell us about your organization and your current role, as well as any background you may have in Cybersecurity Management:

4A. Organization		
Department of Agriculture	Guam Homeland Security/Mariana Regional Fusion Center (2)	Guam Power Authority (3)
HRRA		Government Entity. Housing and Finance of Housing
Self employed	Sheraton Hotel	
Department of Education	USCBP	Guam Economic Development Authority
Government of Guam (4)	University of Glasgow	DPW
	Nisga'a Data System	ZAN Administrative Services
Guam Police Department (4)	US ARMY	
Guam Fire Department	PIC Hotel	Simon Sanchez High School
	Guam Surgicenter	Pacific Data Systems
University of Guam (6): CNAS CE&O; OIT	Guam Community College	Pacific Human Resource Services
FSM National Government	Guam Air National Guard	Guam Veterans Affairs Office

4. If you are a working professional, can you tell us about your organization and your current role, as well as any background you may have in Cybersecurity Management:

4B. Position		\
Executive Housekeeper	President	Assistant General Manager, Engineering & Technical Services
Extension Associate	Teacher (2)	
Police Major	Administrative Manager	Agency head
Police Officer III (2)	Intel Analyst Telecommunication/Broadband /Cyber Security	Director
PhD researcher		Mayor
Cybersecurity Engineer	Field IT	Records & Registration Tech
IT Manager		Jr. Information Security Analyst
CEO	Conservation Officer	Information Security Analyst
Instructor	Fire lieutenant fire instructor	Captain
Administrative Services Supervisor	Extension Assistant	Manager, Power System Control Center
	Program Manager	
Land Agent II	Jr. Network Engineer	CITO



Conservation Officer I	Intel Analyst-Cyber
Planner III	Shareholder

4. If you are a working professional, can you tell us about your organization and your current role, as well as any background you may have in Cybersecurity Management:

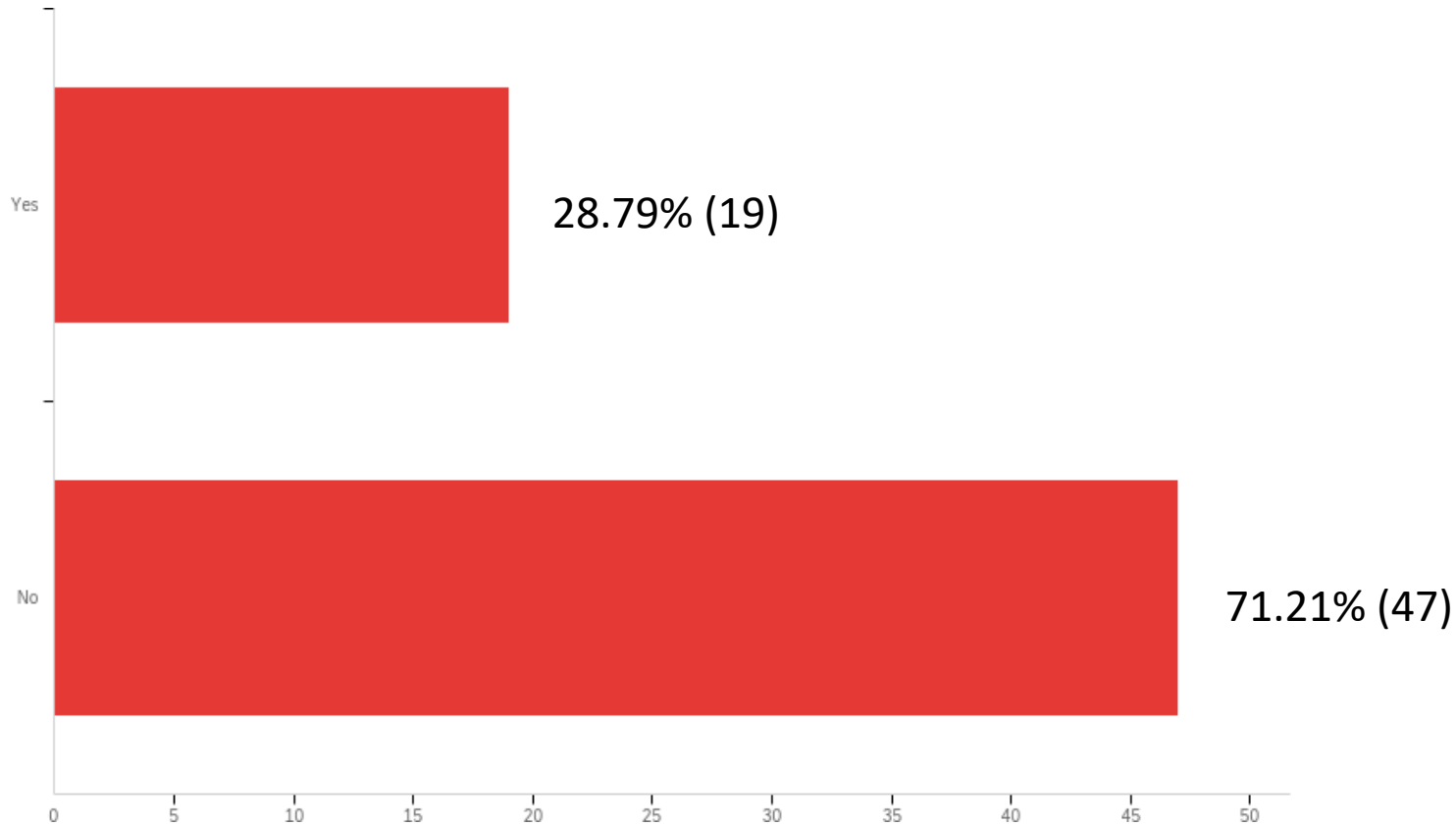
4C. Background in Cybersecurity Management: (Please describe)		
	None, but my research is in CSR in the tech sector	Undergraduate Certificate in Cybersecurity
Prior basic military end-user training certificate, self-training on CISSP and article research	3.5 years working with air force to ensure compliance of dod level cybersecurity requirements	I have attended seminars in the US on ICS (industrial control systems)and protecting them from cyber attacks. We have studied the cyber attacks of the Ukraine and other utilities. We also follow NIST 800 and other NERC standards to help prevent cyber attacks.
None. No background (8)	Self Research	
Not much	Hands on learning to meet regulatory requirements	
Some	Project Foresight	
Network Security Best Practices	Accounting Software Security, Bank ACH/Wire Security, Payroll Transmittals	
Basic	IT Project Manager role. Information security, along with cyber security are very relevant.	CISA AND GICSP CERTIFIED
When at Homeland Security, I organized a Cyber Security Committee		Helped form GPA's Cyber Security Management. Cornerstone of GPA's Smart Grid ARRA Grant Project
Management of GPD		Law Enforcement and Homeland Security education, training and

Information Technology  
Section

Intel Analyst

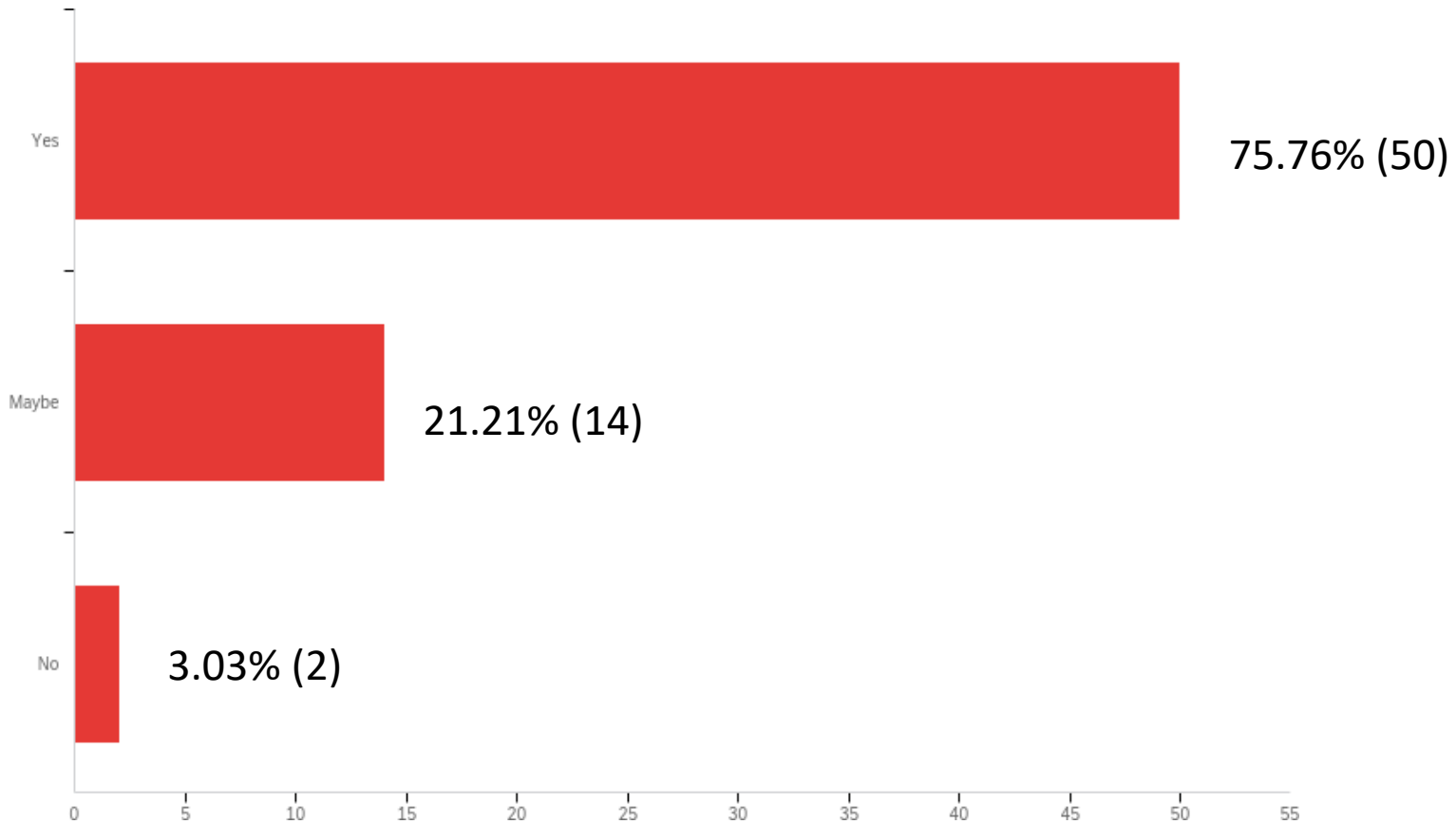
experience in cyber crime and  
cyber terrorism issues.

5. Does your organization currently offer Cybersecurity Management education or training opportunities that you can participate in? N=66



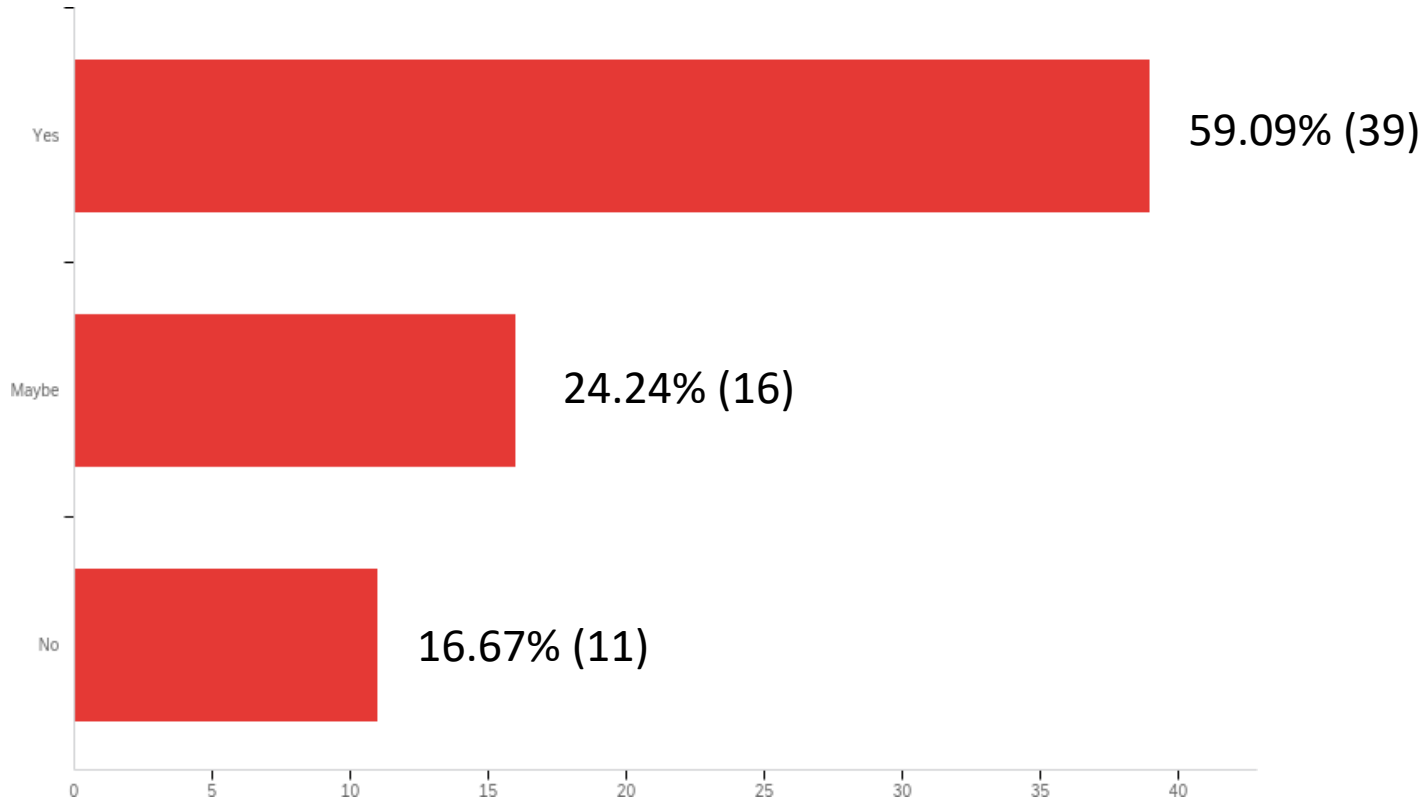
Minimum	Maximum	Mean	Std Deviation	Variance	Count
1.00	2.00	1.71	0.45	0.21	66

## 6. Are cyber threats and cyber crimes a potential issue in your organization? N=66



Minimum	Maximum	Mean	Std Deviation	Variance	Count
1.00	3.00	1.27	0.51	0.26	66

7. If you are a current UOG student or if you are intending to enroll as a UOG student in the future, would you be interested in pursuing the Cybersecurity Management Minor as part of your degree program? N=66



Minimum	Maximum	Mean	Std Deviation	Variance	Count
1.00	3.00	1.58	0.76	0.58	66

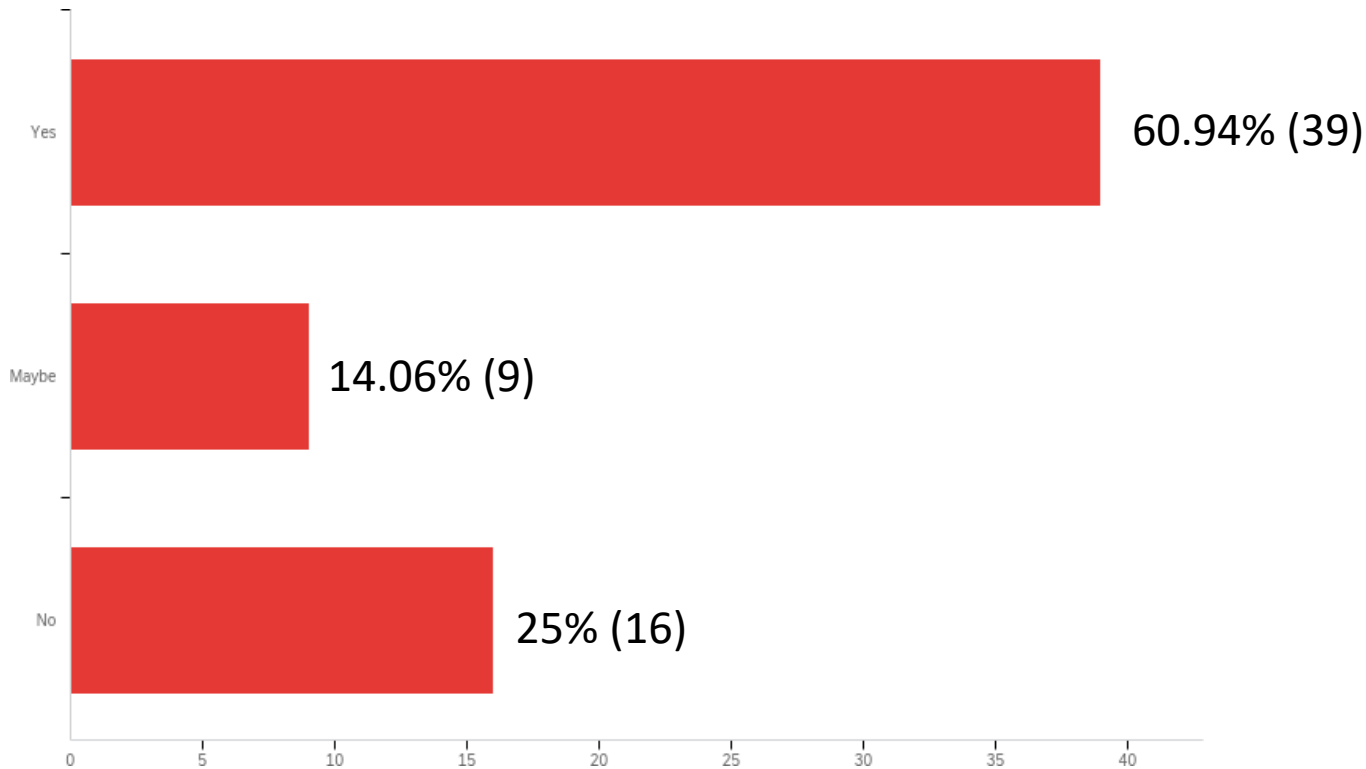
8. What is your current or intended degree and major at UOG: N=66

Degree		
N/A (5)	I've already finished an MPA at UOG, but I'd enroll for a distance course	Need to Figure that out :)
BS Criminal Justice (4)		
Civil Engineering		
	Public Administration (4)	
Master of Public	MPA, M. Ed	
Administration (9)		
Graduate	Graduated already but would like to obtain Professional Certificate	
MPA and will pursue on my masters in education		
	Bachelor of Science (2)	
Graduated with a Criminal	Professional MBA (3)	
Justice and Public		
Administration degree	Accounting	
Graduate/Alumni (2)	Computer Science (4)	
Marine Biology		

	Engineering
BBA/Business (3)	Masters
Concentration in International Tourism and Hospitality Management	Currently only have some college credits no degree



9. Would you like to be contacted by SBPA prior to the launching of the Cybersecurity Management Minor and Professional Certificate Program in Cybersecurity Management in order to consider possible enrollment in the program? N=64



Minimum	Maximum	Mean	Std Deviation	Variance	Count
1.00	3.00	1.64	0.85	0.73	64

10. Would you like to be contacted by SBPA prior to the launching of the Cybersecurity Management Minor and Professional Certificate Program in Cybersecurity Management in order to consider possible enrollment in the program?

Answer	%	Count
Yes	60.94%	39
Maybe	14.06%	9
No	25.00%	16
Total	100%	64






# Log No. 6402 Minor & Professional Certificate in Cybersecurity Management

Final Audit Report

2020-06-01

Created:	2020-06-01
By:	Orana Elsegini (oranae@triton.uog.edu)
Status:	Signed
Transaction ID:	CBJCHBCAABAAAbMZMVO-VgGIZmJoZ8I_1_wC30L76nc0j

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-  **Document created by Orana Elsegini (oranae@triton.uog.edu)**  
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-  **Document emailed to Anita Borja Enriquez (abe@triton.uog.edu) for signature**  
2020-06-01 - 7:43:48 AM GMT
-  **Email viewed by Anita Borja Enriquez (abe@triton.uog.edu)**  
2020-06-01 - 10:48:16 AM GMT- IP address: 104.47.45.254
-  **Document e-signed by Anita Borja Enriquez (abe@triton.uog.edu)**  
Signature Date: 2020-06-01 - 10:49:34 AM GMT - Time Source: server- IP address: 114.142.232.35
-  **Signed document emailed to Orana Elsegini (oranae@triton.uog.edu) and Anita Borja Enriquez (abe@triton.uog.edu)**  
2020-06-01 - 10:49:34 AM GMT

**Signature:**   
Christine Mababayag (Oct 23, 2020 08:20 GMT+10)

**Email:** ckamm@triton.uog.edu

# BOR Request- Minor & Professional Certificate in Cybersecurity Management

Final Audit Report

2020-10-22

Created: 2020-10-22  
By: Orana Elsegini (oranae@triton.uog.edu)  
Status: Signed


Transaction ID: CBJCHBCAABAABcZMATMtYk9wmlRmDRAzj\_d-apWib8Xd

## "BOR Request- Minor & Professional Certificate in Cybersecurity Management" History

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**Document e-signed by Christine Mabayag (ckamm@triton.uog.edu)**

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**Document e-signed by Thomas W. Krise (tkrise@triton.uog.edu)**

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**Agreement completed.**

20-10-22 - 10:25:06 PM GMT



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-37**

**RELATIVE TO APPROVING THE NEW PERSONNEL RULES AND REGULATIONS FOR  
CLASSIFIED EMPLOYEES OF THE UNIVERSITY OF GUAM**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the governance and well-being of UOG is vested in the Board of Regents (BOR);

**WHEREAS**, the BOR is authorized to develop rules and regulations governing the recruitment and selection of all employees of the University;

**WHEREAS**, in 2003, the BOR adopted Interim Personnel Rules and Regulations for Classified Employees of the University under BOR Resolution No. 03-17;

**WHEREAS**, these "Interim" Personnel Rules and Regulations have remained in place until now;

**WHEREAS**, the Human Resources Office has developed a revised set of Personnel Rules and Regulations for Classified Employees of the University;


**WHEREAS**, the new set of rules incorporates recent changes in law, recent policies adopted by the University, and incorporates practices that have been in place at the University since adoption of the rules; and

**WHEREAS**, this new Personnel Rules and Regulations for Classified Employees will supersede the Interim Personnel Rules and Regulations for Classified Employees approved by BOR Resolution No. 03-17; and


**WHEREAS**, the Academic, Personnel & Tenure Committee and the President now seeks approval from the BOR to adopt the new Personnel Rules and Regulations for Classified Employees of UOG.

**NOW, THEREFORE, BE IT RESOLVED**, the BOR hereby adopts the Personnel Rules and Regulations for Classified Employees of UOG.

Adopted this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerald W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary



OFFICE OF THE VICE PRESIDENT & CHIEF BUSINESS OFFICER  
*Administration and Finance*

**MEMORANDUM**

TO: Thomas W. Krise, Ph.D., President

wiegandr@triton.uog.  
edu

Digitally signed by  
wiegandr@triton.uog.edu  
DN: cn=wiegandr@triton.uog.edu  
Date: 2020.10.30 16:42:51 +10'00'

FROM: Randall V. Wiegand, VPAF & CBO

DATE: October 30, 2020

RE: DRAFT PERSONNEL RULES AND REGULATIONS FOR CLASSIFIED  
EMPLOYEES

Attached are the draft Personnel Rules and Regulations for Classified Employees.

As you are aware, the University adopted rules and regulations from of the Port Authority of Guam in 2003 and only changed the front cover. This caused the University to make some broad interpretations to get the rules to harmonize with the UOG enabling statute.

The significant changes in the rules are as follows:

- ✓ The rules were adapted to the UOG enabling statute and track how the University has been operating without the need for the interpretations made in the past.
- ✓ The rules have been updated for changes in the law since 2003.
- ✓ The rules have been updated to include references to recent policy changes such as the Drug Free Workplace Policy and the Sexual Misconduct policy.
- ✓ The rules allow for supervisors to pay exempt employees to be paid overtime in extraordinary situations.
- ✓ The rules for probationary employees more closely track the law.

We would like to bring the rules to the Board of Regents in the near future and seek their adoption.

T: +1 671.735.2900 F: +1 671.734.2296 E: [wiegandr@triton.uog.edu](mailto:wiegandr@triton.uog.edu) W: [www.uog.edu](http://www.uog.edu)

Mailing Address: 303 University Drive UOG Station Mangilao, Guam 96913

*The University of Guam is a U.S. Land Grant Institution accredited by the Western Association of Schools and Colleges Senior College and University Commission and is an equal opportunity employer and provider.*

*University  
of  
Guam*



**PERSONNEL RULES &  
REGULATIONS FOR  
CLASSIFIED EMPLOYEES**

**Draft**



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# CHAPTER 1

## PURPOSE AND SCOPE OF PERSONNEL RULES AND REGULATIONS

### STATEMENT OF POLICY

This Chapter establishes the fundamental character of the system of personnel administration governed by these rules and regulations, consistent with the merit principles and the principles of equal employment opportunity; provisions of Title 4 of the Guam Code Annotated (GCA); and other paramount laws pertaining to the employment of classified employees at the University of Guam.

#### 1.00 COVERAGE

- A. These rules shall apply to all employees occupying classified positions employed by the University of Guam, hereinafter referred to as "University".
- B. Unclassified or non-classified employees occupying positions at the University are not governed by these rules and regulations, unless otherwise identified. Furthermore, Academic Personnel are not covered by these rules pursuant to Title 17 GCA Chapter 16 Section 16113.
- C. These rules and regulations may be supplemented by administrative policies and procedures established by the President of the University.

#### 1.100 GUIDING PERSONNEL PRINCIPLES

The following merit system principles shall guide personnel administration:

- A. Recruiting, selecting applicants and advancing employees on the basis of their knowledge, abilities, and skills;
- B. Providing a uniform compensation policy pursuant to Title 4 GCA Chapter 6 Section 6201;
- C. Training employees to improve performance;
- D. Retaining employees based on their performance;
- E. Classifying positions systematically through job evaluation; and
- F. Providing fair, expedient and responsive processes for grievance, adverse action, and conflict resolution.

#### 1.200 AVAILABILITY OF FUNDS

Employment in the classified service is subject to the availability of funds, except where otherwise specified.

#### 1.300 EQUAL EMPLOYMENT OPPORTUNITY

- A. The University is an Equal Employment Opportunity Employer and Provider. It is the policy of the University that there shall be no discrimination in employment against any person on the basis of race, color, religion, age, sex, political affiliation, marital status, national origin,

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disability, or sexual orientation, except for *bona fide* occupational qualifications or legal requirements. Employees should refer to the University's EEO/ADA & Title IX Office for further information.

- B. Pursuant to Title 4 GCA, Chapter 4, Section 4701, sex discrimination includes Sexual Harassment. Sexual harassment is a specific form of prohibited harassment which occurs when an individual's behavior constitutes (1) unwelcome sexual advances, or (2) unwelcome requests for sexual favors, or (3) other unwelcome verbal or physical behavior of a sexual nature where:
  - 1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  - 2. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual's welfare, or
  - 3. Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic, residential life or work performance, or creates an intimidating, hostile, or offensive educational, living or work environment at the University.
- C. The University shall implement Equal Employment Opportunity (EEO) programs pursuant to the guidelines of Federal and Local Statutes.
- D. The EEO program calls for positive results-oriented action toward equal opportunity. Affirmative efforts will be made by the President to assure equal opportunity in employment and to assure non-discrimination in programs and activities offered and/or conducted by the University.
- E. For this EEO program to become a management objective, all levels of management which includes the first line supervisors, will continue to be trained in the legal requirements of equal employment opportunity.

#### **1.400 PENALTIES**

Any penalty imposed on any employee for violation of these rules shall be in accordance with applicable rules, regulations, and statutes.

#### **1.500 GENDER**

Words used in the masculine gender include the feminine pursuant to Title 1 GCA, Chapter 7, Section 715

#### **1.600 STATUTORY CONFLICT**

- A. In the event any rule or regulation is in conflict with statute, the statute shall prevail.
- B. In the event that any rule or regulation is amended or repealed explicitly by a public law, the new law shall prevail.

#### **1.700 SEVERABILITY**

If any part of the Personnel Rules and Regulations are held inorganic then the remaining

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Personnel Rules and Regulations shall continue in force and effect.

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## **CHAPTER 2 ADMINISTRATION**

### **STATEMENT OF POLICY**

This policy sets forth the responsibilities of the President as defined in Title 17 GCA Section 16108 in the implementation of the University of Guam Charter; Title 4 GCA; these Personnel Rules and Regulations; and other laws.

### **2.000 AUTHORITIES DEFINED**

President – Shall mean the President of the University of Guam pursuant to Title 17 GCA Chapter 16 Section 16110. The President shall be the hiring authority for all classified positions that do not fall under the authority of the Senior Vice President of Academic and Student Affairs and Provost or the Vice President Administration and Finance and Chief Business Officer. Unless otherwise delegated. To the extent the President retains inherent hiring authority for positions that fall under the authority of the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer, they are hereby delegated to the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer

Board of Regents- Shall mean Board of Regents of the University of Guam pursuant to Title 17 GCA Chapter 16 Section 16104.

Commission – Shall mean the Civil Service Commission of the Government of Guam pursuant to Title 4 GCA Chapter 4 Article 4 Section 4401.

Vice President – shall mean the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer and any other position the President designates as serving the Vice President role under which the position reports. Some duties of the President are delegated to the Vice Presidents in this document pursuant to Title 17 Chapter 16 Section 16108..

Unit Heads – Shall mean Deans and Directors of the University of Guam pursuant to Title 17 GCA Chapter 16 Section 16108. Some duties of the President are delegated to Unit Heads in this document.

Immediate Supervisor – Shall mean one who supervises the work of employees to include approval of leave requests and performance evaluations pursuant to Title 17 GCA Chapter 16 Section 16108. Some duties of the President are delegated to the Immediate Supervisors in this document.

### **2.100 RESPONSIBILITY OF THE PRESIDENT.**

A. The University of Guam Charter, the provisions of Title 4 GCA and Title 17 GCA Division 3 and these rules and regulations, and other applicable statutes shall control the administration of classified personnel within the University.

B. The President shall:

1. Be responsible for the implementation and enforcement of these Personnel Rules and

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Regulations and all other applicable statutes pursuant to Title 17 GCA Chapter 16 Section 16110.

2. Advise the Board of Regents and employees on policies and procedures concerning personnel management matters pursuant to Title 17 GCA Chapter 16 Section 16110.
3. Maintain an adequate monitoring system to ensure statutes, executive orders, rules, regulations, and standards relating to personnel management are properly carried out. Whenever the review of established policies, rules, regulations, and standards reveal that there have been infractions, the President shall take such affirmative resolution as may be appropriate to obtain compliance pursuant to Title 17 GCA Chapter 16 Section 16108.
4. Develop and promulgate policies, rules, regulations, and standards to promote the efficiency of services pursuant to Title 17 GCA Chapter 16 Section 16110.

## **2.200 RESPONSIBILITY OF THE CHIEF HUMAN RESOURCES OFFICER**

Within the University's administrative organization, the Chief Human Resources Officer shall provide direction and assistance to all Unit Heads and Division Managers regarding employment matters such as staff projections, classification, recruitment, staffing, compensation, labor and employee management relations, and training, and employee development. The Chief Human Resources Officer shall provide professional advice to ensure proper administration of the University's personnel management program and compliance with provisions of these rules and all other applicable personnel laws. In addition to the above, the Chief Human Resources Officer shall:

- A. Determine through reviews, the appropriate classification standards for all positions in the classified service, maintain a schematic list of all classes in the classification plan, and prepare and maintain job specifications for each class.
- B. Direct, prepare, coordinate, and conduct all employment examinations.
- C. Ensure that managers and supervisors are equipped with proper training, skills, and information required to manage, supervise, evaluate, and discipline employees.
- D. Determine the minimum qualifications of all applicants, the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.
- E. Respond to all inquiries and/or appeals relating to the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.
- F. Perform all other functions necessary to execute and carry out the intentions of these rules.
- G. Maintain records of all personnel employed by the University covered by these rules.
- H. Consult with and provide guidance and direction to the President in maintaining an adequate system of review to determine whether the application of statutes, rules, regulations, and standards relating to personnel management are being carried out by all units and divisions.
- I. Carry out personnel administration activities for the promotion and continuity of the merit-based personnel system.

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- J. Provide initial and periodic orientation to all employees concerning the provisions of these rules, to include training of all Unit Heads and Division Managers, and immediate supervisors in their specific responsibilities for advising employees about the requirements and provisions of these rules.

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## CHAPTER 3 CODE OF CONDUCT

### STATEMENT OF POLICY

All classified employees are expected to maintain the highest standards of conduct to ensure that University services are properly performed consistent with the mission of the institution.

#### 3.00 ETHICAL CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

- A. Public service is a public trust. Employees are expected to follow/adhere to the U.S. Constitution, the Organic Act of Guam, and to perform their duties and responsibilities ethically and in accordance with laws.
- B. Employees shall put forth honest effort in the performance of their duties.
- C. Employees shall be courteous and helpful to employees, students, and members of the public.
- D. Employees shall respect supervisory authority and follow supervisory instructions.
- E. Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15205 employees shall not hold financial interests in any organization and/or business where there is potential conflict with their duties and position held.
- F. Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15203 employees shall not engage in financial transactions using confidential or non-public information or allow the improper use of such information to further any private interest.
- G. Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15201 employees shall not, except as permitted by statute or regulation, solicit or accept directly or indirectly any gift or other item of monetary value greater than \$200.00 from any person or entity seeking official action from, doing business with, or conducting activities regulated by the University or government, to include persons whose interests may be substantially affected by the performance or non-performance of the employee's duties, or that of the University.
- H. Pursuant to Title 17 GCA Chapter 3 Section 3103.1 employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the University.
- I. Pursuant to Title 5 GCA Chapter 5 Section 5626 employees shall not use public office for private gain.
- J. Employee shall protect and conserve University property and shall not use it for other than authorized activities.
- K. Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15205 employees shall not engage in unauthorized outside employment or activities, including seeking or negotiating for employment that conflict with official University or government duties and responsibilities.
- L. Employees shall, in good faith, disclose waste and abuse and corruption to their Vice President and in doing so shall be protected from reprisal.
- M. Employees shall respect the rights and privacy of other employees and shall not use their

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position, authority or other means, to injure another person or employee for personal reasons or malicious purposes.

- N. Pursuant to U.S. Public Law 100-690 and Title 10 GCA Chapter 75 employees shall refrain from unlawful use of drugs and alcohol while on University grounds and off-campus facilities. Drugs shall mean those identified in the Drug-Free Workplace Policy (DFWP) as approved by the Board of Regents found in Chapter 15 and Appendix A.
- O. Pursuant to Title 10 GCA Chapter 90 Section 90106 employees will adhere to the tobacco free policy on campus.

### **3.100 OATH OF OFFICE**

All persons employed by the University or accepting employment with the University shall subscribe and certify to the prescribed loyalty oath. This oath may be administered by the President, or the employees designated by him at the time of employment processing. Failure to take such oath, or certifying falsely to such oath, shall be cause for disciplinary action, dismissal or rescission of employment offer.

### **3.200 NEPOTISM**

- A. Spouses and persons within the first degree of relation, such as, brother/sister or parent/child, may not be employed with the University in a direct supervisor-subordinate relationship in the classified or unclassified service. Exception to this rule may be made when it is in the best interest of the University and with the approval of the President.
- B. Pursuant to Title 4 GCA Chapter 4 Article 2 Section 4105(d)(2) no spouse of any Unit Head within the University may be employed in a college/ school / unit headed by such person.
- B. Pursuant to Title 4 GCA Chapter 4 Article 2 Section 4104 whenever there are already two or more members of an immediate family in the public service under the University, no other members of such family shall be eligible for appointment to any such division; provided, however, that such prohibition shall not apply to employees in the medical, paramedical field. As used in this Section, “immediate family” means a collective body of persons living together in the same house.

### **3.300 CONVICTED FELONS**

- A. No person who is convicted of a felony concerning family violence (not a misdemeanor) after August 14, 1998, is eligible to hold a managerial or supervisory position. (Title 4 GCA Section 4203.2)
- B. No person convicted of a sex offense under the provisions of Title 9 GCA Chapter 25 or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry shall work for the University. (Title 4 GCA, Chapter 4, Section 4203.3)
- C. The University shall not request that a police or a court clearance be provided as part of the application for employment; however, upon a conditional offer, the University may request an employee provide evidence as to any pending criminal cases or criminal history. (Title 22 GCA, Chapter 6)



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D. The University shall not make an inquiry about, or require the disclosure of, an applicant's arrest record or criminal cases which resulted in dismissal, expungement, sealing, or did not result in a conviction. (Title 22 GCA, Chapter 6)

### **3.400 METHODS OF COMMUNICATION**

Electronic forms of communication, e-mail, and Internet use have become an efficient, fast, and cost-effective method of communication that has many advantages over printed communication. Because of the importance of this type of communication, e-mail is considered one of the official forms of communication at the University. University confidential information must not be shared outside of the University, without authorization, at any time.

Telephones, computers, voice mail, email, Internet usage, and other equipment assigned to an employee are solely for the purpose of conducting University business. Some require access to the Internet and the use of software. Software needed, in addition to the Microsoft Office suite of products, must be authorized by the Department/Unit Head and downloaded by the Office of Information Technology staff. Only employees appropriately authorized, for University purposes, may use the Internet or access hardware, software, and networks. Subject to any violation of University's IT Policy, this policy and procedure is subject to disciplinary action as noted on Rule 11.402.

### **3.500 CONFIDENTIALITY**

University confidential information must not be shared inside or outside of the University, without authorization, at any time. The University owns any and all communications sent via email or that is stored on University equipment. The Unit Heads and other authorized staff have the right to access any material in the employee's email or on his computer at any time. Electronic communication, storage, or access should not be considered private if it is created or stored at work.

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## **CHAPTER 4**

### **FILLING POSITIONS IN THE UNIVERSITY**

#### **STATEMENT OF POLICY**

This policy implements a system of recruitment and selection of University classified employees in accordance with the merit system principles and Equal Employment Opportunity guidelines.

#### **4.00 APPOINTMENT THROUGH THE MERIT SYSTEM**

##### **4.01 Recruitment and Examinations**

- A. Recruitment of persons for employment in the classified service within the University shall be accomplished consistent with the merit principles of recruiting, selecting applicants, and advancing employees on the basis of their relative knowledge, abilities and skill.
- B. A person may be employed in the classified service contingent upon the availability of a grant, federal program or federal funds. An appointment in the classified service may be commensurate with the duration of a grant, federal grant, federal program or federal funds including renewals and extensions (Title 4 GCA, Chapter 4, Subsections 4103 (g)).
- C. A person may be employed in a professional level position in the classified service for a specific project or program. An appointment in the classified service may be commensurate with the duration of a specific project or program (Title 4 GCA, Chapter 4, Subsection 4103 (h)).

##### **4.02 Filling of Vacancies**

- A. No person shall be appointed to, or employed in, or paid for service in any classified position until that position has been established, funded, and allocated to its proper class. No person shall be allowed to begin work before such person submits an employment application, is placed on the eligibility list as "eligible" for the position applied for, and is certified, selected, and processed under University competitive examination. This applies to all initial and promotional appointments. Exception to the establishment and certification requirement may be made for transfers, demotions, and reinstatement immediately after active military service and temporary appointments consistent with these rules.
- B. Competitive examinations shall also apply to the following:
  - 1. Demotion to a position with Known Promotion Potential (KPP) per section 4.505 within a class series;
  - 2. Transfer to a position with KPP per section 4.501 within a class series;
  - 3. Reinstatement or reemployment to a position with KPP per section 4.502 and 4.503 within a class series;
  - 4. Appointment to a position with KPP within a class series.
- C. All employees and applicants selected and offered employment with the University must have a test for tuberculosis (skin or x-ray) performed and found free of communicable diseases by a physician licensed to practice within a state or territory of the United States

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prior to starting employment and annually thereafter. For retirement purposes, physical examinations must be done within sixty (60) days from hire date (Title 10 GCA, Chapter 25, Section 25103).

Employees selected for Testing Designated Positions (TDP) will be tested as provided in Chapter 15.

#### **4.03 Certification from Eligibility Lists**

All initial and promotional appointments to University positions shall be made through certifications from eligibility lists resulting from competitive examinations and for selections covered under the Merit Career Plan and Preferential Hiring for Scholarship Recipients (Title 4 GCA, Chapter 4, Section 4104.1).

#### **4.04 Order of Use and Limitation on the Establishment of Lists**

The order listed below shall be followed in the use of the eligibility lists, and the Vice President shall be limited to selection from the top five (5) or ten (10) Labor/Custodial found on these lists the order of precedence herewith established with the exception of Preferential Hiring for Scholarship Recipients (Title 4 GCA, Chapter 4, Section 4104.1):

- A. All qualified Student Financial Assistance Program (SFAP) recipients shall be certified ahead of all other qualified applicants on an eligibility list. Certifying with other qualified applicants is prohibited.
- B. University-wide
  - 1. Priority Placement/Lay-off Reinstatement List
  - 2. Promotional List
- C. Government-wide or Open
  - 1. Preferential/Priority Placement/Lay-off Reinstatement Lists
  - 2. Reemployment List
  - 3. Promotional List/Open Competitive List

### **4.100 RECRUITMENT**

#### **4.101 Announcement of Recruitment and Examination**

- A. Whenever there is a need to establish a list of eligibles, the Chief Human Resources Officer shall publish and disseminate announcements of recruitment and examination on a University-wide, Government-wide and/or Open competitive basis, and shall cause such announcements to be posted throughout the University, government of Guam instrumentalities, departments and agencies. Other methods of announcing examinations may be used at the discretion of the Chief Human Resources Officer so as to better disseminate information to the employees and the public.
  - 1. University-wide competitive examinations shall be held to allow all interested and qualified permanent status employees occupying classified positions within the University the opportunity to compete for vacant positions.

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2. Government-wide or open competitive examinations may be held when, in the judgment of the Chief Human Resources Officer, there are insufficient number of qualified applicants within the University for adequate competition and flexibility of selection. The Chief Human Resources Officer shall determine the need for open competitive announcements.
- B. Open competitive examinations may be re-announced when the Chief Human Resources Officer determines that there are less than five (5) / ten (10) -Labor/Custodial individuals meeting the qualifications for the class.
  - C. The Vice President may request for certification of eligibles even if there are less than five (5) /ten (10) – Labor/Custodial on the eligibility listing.

#### **4.102 Maintenance or Distribution Lists**

The Chief Human Resources Officer shall establish and maintain distribution lists of public and private agencies or groups, by occupation or other appropriate categories, to which appropriate examination announcements or other information regarding prospective examinations shall be uploaded onto the University's Human Resources website and further dissemination to prospective applicants on the Guam Department of Labor website.

#### **4.103 Content of Recruitment and Examination Announcements**

Each recruitment and examination announcement for an original appointment or promotion shall contain the title of the class, applicable pay grade, selective certification when applicable, character of duties and responsibilities and illustrative sample of duties to be performed, closing date and place for filing applications, minimum qualifications for entry into the position, and other information deemed necessary by the Chief Human Resources Officer. Appointments other than from an eligibility list, for example by transfer, demotion, or reinstatement shall be bound by the minimum qualification requirements.

#### **4.104 Minimum Period of Recruitment**

- A. Job announcements shall be posted for a minimum of ten (10) working days.
- B. The Human Resources Office may post job announcements on a continuous basis upon the request of the Unit Head. Notice of the final closing of an announcement shall be sent to the original distribution list at least five (5) days prior to the final closing date for receipt of applications.
- C. The Human Resources Office in consultation with the Unit Head may extend the period for receipt of applications. Announcement of an extension shall be disseminated to the original distribution list for posting.

#### **4.105 The Application Form**

- A. The Human Resources Office shall prescribe a form to be used by applicants, which shall require information covering experience, training, and other pertinent data, indicated as being necessary in the examination announcement as provided in Appendix B. Applications shall be signed and the truth of all statements therein certified to by such signature.
- B. No one may make any pre-employment inquiry about a disability or about the nature or

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severity of a disability on application forms, job interviews, or in background or reference checks (Title 29 Code of Federal Regulations, Chapter 14, Section 1630.13(a)).

- C. Medical information received on an employee as a result of an employment requirement shall be filed separate and apart from the employee's active personnel records.

#### **4.106 Acceptance of Employment Applications**

- A. Applications for competitive examinations shall be accepted during the filing period specified in the examination announcement. All applications submitted shall be date stamped to indicate the date received by the Human Resources Office.
- B. Applications submitted online by midnight Chamorro Standard Time of the announced last day for filing applications in order to be accepted.
- C. Late applications for competitive examinations may be accepted if the examination has not been administered and an eligibility list established subject to the approval of the Chief Human Resources Officer. The reasons for such acceptance shall be duly documented.

#### **4.107 Evaluation of Applications**

- A. An eligibility list shall be established within sixty (60) business days after the closing date of the position announcement. Failure to establish an eligibility list within sixty (60) business days of the closing date may require that the position be re-announced with a new closing date and that all applications previously received shall be re-stamped and re-accepted to coincide with the new announcement period.
- B. The closing date of the announcement shall be the ending date to credit the job applicant's education, experience and training for the position under application. For continuous job announcements, the ending date to credit the job applicant's education, experience and training shall be the date of application.

#### **4.108 Rejection of Applicants**

The Human Resources Office shall not be required to accept applications or, after acceptance and evaluation, establish an applicant as eligible on an eligibility list or allow an applicant admission to an examination when any of the following conditions exists:

- A. Refusal or failure to furnish documents required verifying any statements made in the application.
- B. Intentional false statements, deception or fraud omission in the application process.
- C. Failure to attest to the accuracy of information presented on the application.
- D. Failure to submit an application within the announcement period, with exception of Rules 4.106B and 4.106C.
- E. Evidence that the applicant has been removed from his position within the University, other Government departments or agencies, or otherwise for reasons, which would render him, unsatisfactory for the position and for the class for which he is applying.

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When any such finding is made, the Chief Human Resources Officer shall reject the application and notify the applicant of such action.

#### **4.109 Notification of Rejection of Applicants**

- A. A rejected applicant shall be notified promptly of such action and reasons for rejection within ten (10) workdays of the rejection.
- B. Whenever an application has been rejected prior to a scheduled examination (assembled), notice thereof, with the reason or reasons for such rejection, ample time shall be given to permit the applicant to respond in writing, or to amend an incomplete or defective application at least three days before the date of the examination. If sufficient time is not available for this purpose, the applicant may be admitted to the examination with the condition that the applicant shall not be certified as eligible until all the established requirements for eligibility are met.

### **4.200 EXAMINATIONS**

#### **4.201 Scopes and Character of Examinations**

- A. Competitive examinations shall be held for original appointments and promotions and shall be job-related in nature and designed to reveal the capacity and fitness of the applicant to satisfactorily perform the characteristic duties of the class or position for which the examination is held.
- B. Any accepted personnel examination technique may be employed, including a verification and evaluation of education, training and experience, tests of skill, knowledge, ability, intelligence or aptitude, medical examinations, appraisals of personal suitability, social media searches, and any other matters that the Chief Human Resources Officer deems appropriate.
- C. All examinations shall be either or both:
  - 1. Assembled, wherein the applicants assemble in a designated place at a specific time to take written, oral or performance tests pertinent to the position(s) sought; or
  - 2. Unassembled, wherein interested persons responding to an examination announcement, submit to designated places and by designated times, their records of education, training, experience and such other information as requested in the announcement be evaluated and rated by a qualified analyst or by a board of rating examiners.

#### **4.202 Parts of Examination**

- A. The examination may consist, in various combinations, of selection criteria such as work sample and performance tests, written tests, individual or group oral examinations, assessment center exams, medical examinations, rating of training and experience and background and reference.
- B. An applicant for any examination must pass all parts of that examination with a minimum of 70.00 in order to qualify for appointment to a position.

#### **4.203 Education and Experience**

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- A. The minimum requirement of a high school diploma or a successful completion of a General Educational Development (GED) Test, or any equivalent of a general education high school program, to include the “Onra I Manfayi” program (Title 17 GCA, Chapter 3, Section 3219), or a successful completion of a certification program from a recognized accredited or certified vocational technical institution, in a specialized field shall be required for the job (Title 4 GCA, Chapter 4 Section 4101(c) and Public Law 29-113).
  - B. If education and experience form a part of the total examination, the Chief Human Resources Officer shall determine a procedure for the evaluation of the education and experience qualifications of the various applicants. The criteria used in appraisal shall give regard to recency and quality, as well as, quantity of experience and to the pertinence of the education. This procedure shall allow for the substitution of the education for experience and experience for education within the limits stated in the class standards.

#### **4.204 Development and Validation of Tests**

Tests for each examination shall be developed and validated in compliance with EEO objectives and merit system principles, and in accordance with professionally approved validation strategies, such as, content, criterion related or construct validation where it is technically feasible.

#### **4.205 Admission to Compete in Assembled Examinations**

Persons submitting applications during the period specified in the examination announcement shall be admitted to compete in the examination provided that it is clearly shown that requirement for admission is met. Where doubt exists as to whether or not the applicant meets the minimum requirements for admission to the examination, the Chief Human Resources Officer may authorize conditional admission. Such action shall not be construed as entitling the applicant to certification or appointment until the Chief Human Resources Officer has confirmed such conditional admission. Persons admitted to take an examination must provide a valid document verifying their identity.

#### **4.206 Conduct of Examinations**

- A. Examinations shall be held at the time and place which is most practical and meets the need of the service, and shall be administered by an authorized representative designated by the Chief Human Resources Officer.
- B. If an assembled examination is to be administered, qualified applicants shall be notified of the date, time and place of the examination. The Chief Human Resources Officer shall not be responsible if a notice is lost or delayed in the mail, or sent to an applicant's former address through failure of the applicant to inform the University of any change of address.
- C. No applicant shall be entitled to take an examination at a date, time or place other than that stated in his notification, except as the Chief Human Resources Officer may authorize.
- D. All applicants for examinations involving physical ability or performance tests shall be required to sign a waiver of liability.
- E. Reasonable precautions shall be taken to protect the confidentiality of information about applicants.

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- F. Applicants with disabilities shall be given reasonable accommodation in the administration of tests, if so requested in advance of the date of the test.

#### **4.207 Assembled Examinations for Closed and Continuous Announcements**

- A. For announcements having a specific closing date, and closed announcements, an examination shall not be administered until after the closing date and until such time all applications have been evaluated. Applicants applying under a closed announcement may take the required examination only once and only one eligibility list established.
- B. For continuous announcements, the following provisions shall prevail:
1. No examination shall be administered until ten (10) workdays after the date of the announcement.
  2. Candidates who fail an examination may retake the same examination after thirty (30) days have elapsed. Exception to this rule may apply when the Human Resources Office has certified that there are less than five (5) eligibles for each vacancy in a given class of position.
  3. An applicant who has passed all parts of an examination for a particular position and who requests to retake the examination for the purpose of upgrading his final earned rating, may retake the examination provided that thirty (30) days have elapsed since his last examination, and provided the announcement has not been closed. The higher score shall be used to determine the final earned rating.
  4. When a closing date is announced, a final eligibility list shall be established and no examinations shall be administered thereafter.

#### **4.208 Ratings of Examinations**

- A. Appropriate psychometrics and measurement techniques and procedures shall be used in evaluating the results of examinations, and in determining the minimum rating by which eligibility may be achieved, and the relative rank of candidates.
- B. The Human Resources Office shall set the minimum ratings for each part of an examination. All candidates shall be required to obtain the set minimum passing score for each part of the examination in order to proceed to each successive test. In order to receive a final passing rating, the final earned rating of each applicant shall be determined by combining the earned rating of each part of the examination in accordance with the weights established for each part.

#### **4.209 Notification of Examination Results**

Each applicant who participates in an examination shall be given written notice, in person or by mail, of his examination results. The record of ratings, as well as, examination papers, shall be held as official records for the life of the resulting eligibility lists.

#### **4.210 Inspection of Written Examination Papers**

The Chief Human Resources Officer shall, upon request of a candidate, authorize such candidate to inspect his own written examination papers, within thirty (30) days of the date of examination



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and in the presence of an authorized representative except that when a candidate is scheduled to retake the same examination, inspection shall not be allowed more than five workdays prior to the examination date. The privilege of inspection shall not be deemed to include authorization to copy examination papers, or to inspect or to copy examination instructions, questions, or answers.

#### **4.211 Administrative Review of Examination Rating**

An applicant may request administrative review of his rating assigned in an examination by submitting to the Chief Human Resources Officer, in writing, information to substantiate his request within ten (10) workdays following the date his examination notice was postmarked. The applicant has the burden of proof and must demonstrate substantial evidence that there was an error on the rating assignment given on his application. Certification of Eligibles is authorized only after the administrative review period has elapsed. Unless the Chief Human Resources Officer determines that a delay in the services will hamper the operations of a division, Certification of Eligibles is authorized only after the administrative review period has elapsed.

#### **4.212 Changes in Rating**

- A. Changes in rating may be made as a result of a discovery of errors in the rating or scoring process, or as a result of an administrative review wherein the facts warrant a change.
- B. Rating errors may be corrected throughout the life of the eligibility list.
- C. Any such changes shall be reported to the applicants affected.
- D. Changes in rating that generally will not affect a certification already issued, or invalidate an appointment already made from the eligibility list.

#### **4.213 Duration of Examination Ratings**

- A. Examination ratings are good only for the life of the eligibility list and shall not be carried over to a new eligibility list for the same position after a period of one (1) year or as deemed appropriate by the Chief Human Resources Officer.
- B. Exceptions to this rule shall also apply when minimum qualifications are amended or when written, oral or performance examinations are likewise amended. In this event, the existing eligibility list will be invalidated and candidates must take and pass any and all new examinations, both assembled and unassembled, in order to remain eligible for certification.

#### **4.214 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 the examination. Disclosure of unauthorized release of examination material by any employee shall be the basis for disciplinary action.

#### **4.215 Protection of Confidentiality of Materials**

- A. The review of test materials shall not be permitted due to the continuing use of the examination materials prepared by the Human Resources Office. Exposure would jeopardize

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the confidentiality of the examination questions.

- B. All examination materials relating to a particular applicant or applicants including, but not limited to rating scores, reports of character and material regarding personal suitability of the applicant, shall be considered confidential material. Such examination material shall be maintained for a period of one year from date the eligibility list was established or as deemed appropriate by the Chief Human Resources Officer.

#### **4.216 Special Provisions**

Special arrangement for examination on a non-competitive basis, upon reallocation of position and for employment of labor or custodial personnel, may be made by the President subject to the limitations which follows:

A. Non-competitive Examinations

The Chief Human Resources Officer may authorize non-competitive examinations under 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 grade, but which requires a skill not required in the present classification. However, the provisions of the Merit Career Plan shall apply to a transfer to a position with Known Promotion Potential (KPP) as per section 4.505.
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 permanent position is to be filled by a temporary appointment.
5. To facilitate the employment of qualified persons with disabilities consistent with provisions of law and these rules.
6. Examination given is to test the fitness of a permanent employee who has been previously selected under an announcement for a position with Known Promotional Potential (KPP) per section 4.505 and who is promoted to a higher grade position.

B. Labor/Custodial Positions

Examinations of applicants for entry level labor/custodial positions shall be governed by the following regulations:

1. Each applicant for these classes shall, prior to appointment, qualify by examination, which shall consist of completing an application form. The Chief Human Resources Officer shall certify the names of the ten (10) top applicants in order of their rating.
2. Notwithstanding the limitation of this rule, the Chief Human Resources Officer may at any time prescribe such additional tests for applicants in these classes, as he shall deem practical and feasible to assure equitable consideration of all applicants.

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### C. Appointment of Qualified Individuals with Disabilities

1. The University shall employ at least two percent of the work force with severe disabilities and certified by the Division of Vocational Rehabilitation of the Department of Integrated Services for Individual with Disabilities. Such employment shall be on a temporary limited-term appointment not to exceed a total of six months regardless of whether the position being filled is budgeted as temporary or permanent (Title 17 GCA, Chapter 4, Chapter 41, Section 41210(b))
2. All such individuals with disabilities shall possess the qualifications for the position to which appointed. Eligibility lists shall be developed for the various positions for which individuals with disabilities are certified.
3. Nothing contained in this section shall be construed to deter or prevent the Vice President from employing:
  - a. Individuals with disabilities when available and eligible for permanent employment.
  - b. Individuals with disabilities employed pursuant to Rule 4.216.C.2 above, if such persons qualify for permanent employment before the termination of their temporary appointment.
  - c. If such individual is appointed pursuant to this section to a permanent position during or immediately after the six-month period, such six (6) months or portion thereof shall be credited toward such employee's probationary period.
  - d. Appointment of individuals with disabilities to permanent positions must be consistent with the merit system requirements. In this exception, if the immediate supervisor determines satisfactory performance either prior to, or after the expiration of the six (6) months appointment, the position occupied by the person with a disability(ies) may be converted to permanent employment by the Vice President.

#### **4.300 PREFERENCE**

##### **4.301 Preference Credit for Individuals with Disabilities**

Residents of Guam who have physical or mental disabilities, but are physically or mentally able to perform efficiently and safely the duties of the position applied for, as certified by the Director of Public Health and Social Services, shall receive a preferential credit of five (points which shall be added to their passing examination score for initial appointment only. The preference credit does not apply to subsequent applications for employment in the government after separation (Title 4 GCA, Chapter 4, Section 4104).

##### **4.302 Preference Credit for Veterans of the United States Armed Forces or Former Members of the Guam Police Combat Patrol**

Veterans of the Armed Forces of the United States, or former members of the Guam Police Combat Patrol, as certified by the Chief of Police, shall receive a preferential credit of five (5) points which shall be added to their passing competitive score upon initial employment only. Such veterans, or former members who are disabled as a result of their services in the Armed Forces or Combat Patrol, shall receive a preferential credit of ten (10) points which shall be added

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to their passing competitive scores upon initial employment only. The preference credit does not apply to subsequent applications for employment in the government after separation (Title 4 GCA, Chapter 4, Section 4104).

#### **4.303 Proof of Eligibility for Veteran's Preference Credit**

Persons claiming veteran's status must submit their DD Form 214, Armed Forces of the United States Report of Transfer or Discharge. A person must have completed at least 180 consecutive days of service in the Armed Forces of the United States and must have received other than a dishonorable discharge from such service to be eligible for veteran's preference (Title 4 GCA, Chapter 2, Section 2103.5).

#### **4.304 Offer of Employment for Preference Credit Recipient**

When two applicants are equally qualified for the position to be filled and one is a recipient, pursuant to Rule 4.301 or 4.302, while the other is not, the former shall be given the first offer of position.

#### **4.305 Preferential Hiring of a Recipient of an Award or Scholarship**

Residents of Guam who have completed their post-secondary education assisted by the award of educational scholarships or loans from the government of Guam, shall be given preference to jobs for which they have applied and are qualified as certified by the University's Director of Financial Aid. Such preference shall be applicable only in selection for initial employment. The preference does not apply to subsequent applications for employment after separation or after an initial job offer is declined. All qualified applicants shall be certified ahead of all eligibles on the eligibility list pursuant to this rule (Title 4 GCA Section 4104.1).

### **4.400 CERTIFICATION**

#### **4.401 Eligibility Lists**

Employees shall be selected from among the eligibles on appropriate eligibility lists, established and maintained by the Human Resources Office, except those employees who are demoted, transferred within the University, or reinstated. Within the limitations found elsewhere in these rules, qualified applicants shall be placed on eligibility lists as a result of examinations. When more than one competitive examination is announced simultaneously for a particular class, an appropriate eligibility list shall be established for each competitive for that class.

#### **4.402 Establishment of Eligibility Lists**

Names of candidates shall be placed on the eligibility lists in rank order of qualifying scores after appropriate examination. This list shall be designated as an "Eligibility List" for that class of position. After the Human Resources Office has approved the eligibility list, it shall then be considered "established".

#### **4.403 Ranking of Eligibles**

After each examination, the Chief Human Resources Officer shall prepare a list of persons with passing scores. The names of such persons shall be placed on eligibility lists in order of their final earned rating, starting with the highest.

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#### **4.404 Determination of Rank in Event of Tie**

Final earned ratings shall be calculated in two decimal places and ranked from highest to lowest. When, upon certification of eligibles in accordance with Rule 4.410 a tie score occurs, such tied scores shall not be broken and all such eligibles shall be certified as being the fifth (5<sup>TH</sup>)/ tenth (10<sup>th</sup>) - entry level labor/custodial eligible.

#### **4.405 Duration of the Eligibility List**

An eligible on a University-wide, Government-wide, or open competitive eligibility list, shall have eligibility for employment consideration until a selection is made or as deemed appropriate by the Chief Human Resources Officer for one (1) year from the establishment date of the eligibility list or as deemed by the Chief Human Resources Officer.

#### **4.406 University-wide Competitive Eligibility Lists**

University-wide competitive lists shall be established consistent with Rules 4.402 and 4.403 and selections shall be made in accordance with the Merit Career Plan.

#### **4.407 Government-Wide Competitive Eligibility Lists**

Government-wide competitive lists shall be established consistent with Rules 4.402, 4.403, 4.404 and 4.405 and selections shall be made in accordance with the Merit Career Plan.

#### **4.408 Open Competitive Eligibility Lists**

Open competitive eligibility lists shall be established consistent with Rules 4.402, 4.403, 4.404 and 4.40

#### **4.409 Certification of Eligibles**

Certification of eligibles shall consist of five (5)/ ten (10) for entry level labor/custodial positions or such fewer eligibles as may be available for the class. Eligibles shall be certified in the order that they appear on the eligible list provided that:

- A. All eligibles who are recipients of a scholarship pursuant to Rule 4.305 shall be provided priority certification ahead of other eligibles.
- B. Eligibles with reemployment rights shall be accorded priority certification if there are no eligibles pursuant to A. above.
- C. When the fifth (5<sup>TH</sup>)/tenth (10<sup>th</sup>) - entry level labor/custodial eligible to be certified is one of two or more eligibles who have identical examination scores, such two or more eligibles shall be certified notwithstanding the fact that more than five (5)/ ten (10) persons are thereby certified to fill a vacancy.
- D. For entry level labor and custodial positions, the top ten (10) eligibles on the eligibility list shall be certified.
- E. In the event one or more eligibles decline or fail to respond to an employment interview, the Vice President shall be entitled to such additional eligibles as would provide him with a full

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certification. (Refer to Rule 4.412, Supplemental Certification.)

- F. If the Unit Head rejects one (1) or more of the eligibles certified, they shall submit in writing to the Vice President the reasons for rejection. If the rejections are within the confines of the Merit System Principles, the Unit Head shall be entitled to such additional eligibles as would provide them with a full certification. The Chief Human Resources Officer shall ascertain the validity of the rejections before providing additional qualified eligibles. (Refer to Rule 4.412, Supplemental Certification.)
- G. A certification of eligibles shall be effective for no more than thirty (30) days after the date of certification, unless extended by the Chief Human Resources Officer.

#### **4.410 Certification of Eligibles from a Multiple List**

After eligibility lists are established for a particular job announcement with multiple competitive examinations, the Chief Human Resources Officer may certify in one of three ways:

Certify, in accordance with Rules 4.409, 4.411, 4.412 and 4.413 from each list in the following order: University-wide, Government-wide, and Open. Each list must be exhausted in accordance with these rules before certification from the next list will be authorized.

#### **4.411 Certification of Eligibles for More than One Vacancy**

- A. For more than one vacancy, the Chief Human Resources Officer shall certify an additional eligible for each additional vacancy with the exception of preferential hiring of qualified scholarship recipients pursuant to Rule 4.305.
- B. When the last eligible to be referred is one (1) of two (2) or more eligibles who have identical examination scores such two (2) or more eligibles shall also be certified.
- C. For example, when certification is made for two (2) vacancies, certification of eligibles will appear as follows:

All qualified scholarship recipients pursuant to Rule 4.305  
First Ranked Eligible  
Second Ranked Eligible  
Third Ranked Eligible  
Fourth Ranked Eligible  
Fifth Ranked Eligible  
Sixth Ranked Eligible

The Vice President shall make their selections according to the following:

1. The Vice President must select from the qualified applicant(s) of scholarship recipients pursuant to Rule 4.305.
2. The Vice President may select two (2) persons from the six (6) certified to fill two (2) vacancies.
3. Should the Vice President decide to fill only one (1) of two (2) vacancies to be filled, he shall be restricted to select from the first five (5) eligibles on the certification and may not select the sixth (6<sup>th</sup>) ranked eligible.

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4. Should an additional vacancy exist and certification was not made for such vacancy, the Vice President may not select from among the six (6) eligible to fill the third (3<sup>rd</sup>) vacancy. They must request an additional eligible and then make the selection for the third (3<sup>rd</sup>) vacancy from among the seven certified eligibles.
  5. If the Vice President does not wish to select any of the eligibles certified, they must document the reasons for non-selection of each eligible, before a new certification is authorized.

#### **4.412 Supplemental Certification**

The Chief Human Resources Officer may submit a supplemental certification of eligibles to provide the Vice President a full certification.

- A. The supplemental certification may be used only upon failure to appear for an interview, refusal of appointment by eligibles, or the rejection of eligibles by the Vice President.
- B. The additional eligibles to be certified shall be of such number that will provide the Vice President with a full certification.
- C. The Human Resources Office shall contact eligibles in descending order to ascertain their interest in the vacant position. If the last eligible contacted is one (1) of two (2) or more eligibles with identical examination scores, such two (2) or more eligibles shall also be contacted.

#### **4.413 Selective Certification**

- A. Upon approval of the Chief Human Resources Officer, selective certification may be made when specific identifiable qualifications and skills are essential to successful performance of the duties and responsibilities of the position. The factors shall pertain to knowledge, abilities and skills pertinent to certain program operations when these qualifications and skills cannot be readily acquired after appointment. As a standard for determining qualifications on a selective factor basis applicants must have at least six (6) months of work experience in the particular selective knowledge, ability and skill or the equivalent in education.
- B. Selective certification may also be made which specifies a Bona Fide Occupational Qualification Requirement (BFOQ) when justified. For example, certification based on sex is a BFOQ when duties and responsibilities involve certain institutional or custodial services, which can be properly performed only by a member of the same sex for the recipient of the services.
- C. All selective certifications must be indicated on the proper job announcement and be job-related.

#### **4.414 Interview of Eligibles and Notification of Selection /Non-Selection**

- A. The Chief Human Resources Officer shall establish procedures for interviewing certified eligibles for selection.
- B. Within thirty (30) calendar days from the date of the interview a selection must be made and must include administrative review.

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- C. Within thirty (30) calendar days from the date a selection is made, the Chief Human Resources Officer shall notify, in writing, all eligibles certified as to whether they were selected or not.

**4.415 Suspension and Removal of Eligible from Competitive List of Eligibles; Restoration to List**

- A. The Chief Human Resources Officer may suspend or remove an eligible from an Eligibility List for any of the following reasons:
1. Refusal of an offer of permanent employment in the class of position for which eligibility has been established;
  2. Failure to reply within fifteen (15) calendar days to a written inquiry relative to availability for employment;
  3. Appointment to a permanent position for the class;
  4. Failure to report to work within the prescribed time provided a legitimate reason beyond the control of the applicant such as death in the immediate family, serious illness or other extenuating circumstances is approved by the Vice President;
  5. In the case of University-wide or Government-wide lists, termination of service with the Government;
  6. When further investigation of eligible's suitability needs to be conducted;
  7. Withdrawal by the eligible;
  8. Findings of deception and fraud in the employment process;
  9. Conviction of a crime, which bears a nexus to the position applied;
  10. Advocates, aids or belongs to any party, organization or association which advocates the overthrow of the government of Guam or United States;
  11. Refuses or ignores the requirement to take a Drug test and a physical examination to include the TB test, without cause; or the verified Drug test or physical examination to include the TB test, result is found to be positive; and the applicant is not participating in a rehabilitation or medical treatment program.

In the event that the eligible has already received an appointment, the Vice President shall take appropriate action to ensure the termination of the employee.

**4.416 Notification of Disqualification of Eligibles**

An eligible who is disqualified pursuant to Rule 4.415B shall be notified in writing of such action and the reasons of disqualification within ten (10) workdays of the action.

**4.417 Cancellation of Competitive Eligibility Lists**



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The Chief Human Resources Officer may cancel an eligibility list for any of the following reasons:

- A. Changes in the minimum qualifications or classification standards of a class of position;
- B. Abolishment of the class for which the list of eligibles was established;
- C. All eligibles on the list are unavailable for employment.

The eligibility list shall be null and void after one (1) year from date of establishment or as deemed appropriate by the Chief Human Resources Officer.

## **NON-COMPETITIVE ACTIONS**

### **Transfer**

#### A. Transfer Defined

A transfer is defined as a change from one position to another position of the same class, or a change to a related position in another class, which carries the same pay grade and substantially the same qualification requirements as determined by the Chief Human Resources Officer.

#### B. Involuntary Transfer

1. No employee may be involuntarily transferred to a position, which is unrelated with respect to duties and responsibilities to the position occupied by the employee before the transfer.
2. No employee shall be transferred if the employee has filed a viable grievance with the Civil Service Commission for harassment, unless the employee consents to such transfer (Public Law 34-42, Chapter 12, Section 10(a)(3)).
3. No employee shall be transferred for reporting or exposing bad business practices, illegal activities and unofficial conduct by public or University officials, (Title 4 GCA , Chapter 4, Section 4504.1).
4. No employee shall be involuntarily transferred into a line department or agency of the government of Guam without his consent.

#### C. Intra-departmental and Inter-departmental

Upon the approval of the appropriate Vice President, employees may transfer within the University when all of the following conditions are met:

1. The employee meets the minimum qualification including any assembled examination requirements.
2. Movement is within the same class of position or from one class of position to another class of position having comparable duties and responsibilities and qualification requirements.

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Any such transfer shall require the clearance of the Vice President and the consent of the employee. The employee shall give the releasing unit reasonable notice of the transfer. Prior approval of the transfer is not required by the releasing unit or agency. The releasing unit or department/agency cannot require the employee to resign.

Any employee affected by this section shall not have affected adversely his government service, retirement credits, sick or annual leave and other fringe benefits normally granted to an employee of the Government.

D. Inter-Governmental

The transfer of an employee of any Federal, State or other local government to the University may be made when the following conditions are met:

1. The position requires highly developed skills and technical abilities as determined by the Chief Human Resources Officer;
2. The employee meets the minimum qualification requirements for the position, including any assembled examination requirements;
3. The President or his designee approves.

**Reemployment**

A permanent classified employee who separated from the University through resignation while in good standing may be eligible for reemployment without competition to the same or comparable position within the University within four years from the date of separation upon the approval of the appropriate Vice President if such position is unfilled and funded. The former employee shall submit an official request to apply for reemployment to the Chief Human Resources Officer. For reemployment, the Chief Human Resources Officer must determine that the person has met the current minimum qualification requirements for the class to which reemployment are requested. A reemployed employee may be hired at not less than the salary earned at the former position. Per section 6.006, Reemployment appointments are subject to the certification procedures as described in these rules. Former employees covered by this rule shall not be affected by the Merit Career Plan requirements.

**Reinstatement Immediately After Active Military Service**

In accordance with the Uniform Services Employment Reemployment Act (USERRA) (Appendix C), to be entitled to reinstatement rights at the University, a veteran must meet the following requirements:

- A. Leave a classified position at the University for the purpose of entering the Armed Forces, voluntarily or involuntarily;
- B. Have completed his original probationary period;
- C. Serve for not more than four years plus any involuntary service thereafter, plus a one-year additional voluntary extension of active duty, if this is at the request and for the convenience of the Federal Government;
- D. Satisfactorily completed the period of active duty and has a certificate of discharge under

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honorable conditions;

- E. Be qualified to perform the duties of his position. If the employee is disabled during military service and cannot perform the duties of his former position, the employee may be entitled to the nearest comparable job he is qualified to perform;
- F. Prior to enlistment in the Armed Forces, the employee must have submitted a military leave without pay request to the Vice President for approval accompanied with a copy of the military orders or other appropriate documents authorizing such duty;
- G. Make timely application for reinstatement within ninety (90) days after discharge from military service.

Upon meeting the foregoing requirements, the veteran employee shall be entitled to reinstatement to his previous position or its equivalent, in the step within his former pay, to which such employee would have attained before military service as per section 6.006. In the event, the veteran employee's former position is reallocated to a higher or lower pay grade, appropriate pay adjustments shall be made. An employee on military leave without pay forfeits his reinstatement rights if he re-enlists or voluntarily extends the original tour of active duty, except as authorized in Rule 4.503 C above.

### **Voluntary Demotions**

Voluntary demotion may be made when the following conditions are met:

- a. The employee meets the minimum qualification requirements of the position to which he seeks movement, including any assembled examination requirements;
- b. The employee to be demoted is a permanent employee and the movement is from a position in which he last held a permanent appointment;
- c. Such demotion shall require the prior approval of the Vice President with the consent of the employee;
- d. Movement is to a lower grade position within the same class series or from one class to another class of position provided that the employee is returning to a former permanent position or to a position within a former class series.

### **Developmental Promotions under Known Promotional Potential (KPP) Conditions**

- A. Promotions without competition may be made where at an earlier date, an employee was selected under an announcement (competitive examination) for a position with Known Promotion Potential (KPP) and the employee is now to be promoted to the higher level position (Title 4 GCA Section 6229.13), provided the employee:
  - 1. Has completed the probationary period in the position he currently holds;
  - 2. Meets the minimum qualifications of the higher grade position including any assembled examination requirements; and
  - 3. Meets management's developmental criteria guidelines for advancement to the higher

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grade position.

B. The types of KPP are:

1. KPP within a class or related class series not to exceed the highest non-supervisory level position within the series.
2. KPP within a class series up to the supervisory position within the series (first line), provided the KPP position is no more than two levels below the supervisory position.

(NOTE: Organizational charts shall be utilized, to determine the position for KPP.)

C. To be eligible for promotion without competition when the position is upgraded under these conditions, an employee must continue to perform the same basic functions; and his former position must be absorbed in the new one. When an additional position is created, or when the new position is not a clear successor to the former position, non-competitive promotion is not authorized and the provisions of the Merit Career Plan must be complied with.

### **Detail Assignments**

A. A detail is a temporary assignment to meet management needs 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. A position is not filled by a detail if the employee continues to be the incumbent of the position from which he is detailed, and his salary during the detail does not change. For details to unbudgeted positions, the President must provide to the Chief Human Resources Officer a position description and justification for such detail (Title 4 GCA, Chapter 4, Section 4117).

B. Details shall be made only for meeting temporary needs of the University's programs, such as, but not limited to:

1. Details to meet emergencies or urgent needs occasioned by abnormal workload, change in organization, or unanticipated absences: or
2. Pending description and formal classification of a new position; or
3. To replace an incumbent who is undergoing training.

C. All details in excess of thirty (30) calendar days must be documented and submitted to the Chief Human Resources Officer prior to the effective date of the detail for approval. No personnel action shall be transacted unless proper documentation is provided.

D. An employee shall not be detailed while serving a probationary period.

E. No employee shall be temporarily assigned or detailed to a position nor, shall the employee assume the duties and responsibilities of a position other than the one to which he has been appointed for a period in excess of ninety (90) days within a calendar year, unless the President obtains an exemption upon written application to the Civil Service Commission. Such exemption shall not extend beyond the additional ninety (90) days within that calendar year. No exception shall be granted to the ninety (90) day detail limitation except upon express approval of the Civil Service Commission.

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- F. An employee in the unclassified position, or an individual employed under a contract will not be detailed to a position in the classified service on a permanent basis.
  - G. Nothing in this regulation is intended to infringe on management's prerogatives in day-to-day operational activities which may occasionally require that an employee be assigned, for brief periods up to thirty (30) calendar days, work normally performed by another employee.
  - H. Employees serving on a detail in excess of thirty (30) consecutive calendar days in a position having a higher pay grade than his regular position, shall receive a retroactive payment differential in accordance with Rule 6.008 provided, the detail appointment is consistent with classification principles as determined by the President.
  - I. Employees serving a detail in excess of thirty (30) calendar days in a position having a lower pay grade shall not have their pay adjusted to the lower pay.
  - J. An employee may not be detailed beyond ninety (90) calendar days to any classified position, unless the employee has met all of the qualification requirements of the position.
  - K. A classified employee who is temporarily detailed to an unclassified or Academic position must follow the rules provided herein.

## **TYPES OF APPOINTMENTS**

### **Permanent Appointment**

A permanent appointment is granted to an employee after successfully completing a probationary period in the permanent position as per section 4.602.

### **Probationary Appointment**

#### **A. Probationary Period**

The probationary period shall be utilized as fully as possible to determine the fitness of the employee for the position.

#### **B. Original Probationary Period**

An original probationary period shall be required when an individual who has not obtained permanent status is appointed a permanent position. This also applies to former employees who have not been employed in the University service after four (4) years of separation in good standing.

#### **C. Duration of Probationary Period**

1. Original probationary periods will be for six (6) months, except that service as a result of the six (6) months employment program provided for placement of persons with severe disabilities may be credited consistent with statute. Employees holding classified positions under temporary employment or limited term appointment, who are subsequently appointed to the same position in the same unit under a permanent appointment, shall be credited for time served towards their probationary period under temporary appointment provided they received the temporary or limited term appointment through a competitive process. Those who have not been appointed through

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a competitive process shall compete for the position in order for the time served in the position to be credited to the probationary period.

2. In entry-level trainee positions, the probationary period may be established at not more than twelve (12) months, upon the approval of the Vice President
3. The Vice President may extend an original probationary period not to exceed a total of (12) months. Written notice of the extension shall be given to the employee by the Vice President prior to the expiration of the probationary period. Failure to provide written notice of the extension of the probationary period does not automatically lead to the acceptance of the employee into the classified service.

#### D. Discontinuance of a Probationary Appointment

If the employee fails to render satisfactory service during the original probationary period, the Vice President may dismiss him at any time. The Vice President shall submit a notice of dismissal, together with the employee's performance evaluation report, to the Chief Human Resources Officer. The dismissal notice shall indicate the effective date of the action..

Employees dismissed while completing an original probationary period may appeal the dismissal only if the employee alleges that the dismissal was discriminatory based on race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability or sexual orientation. Submission of such appeals shall be in accordance with the EEO Complaint Procedures (Appendix D) adopted by Board of Regents.

### **Temporary Appointment**

#### A. Limited-Term Appointments for Classified, Unclassified and Non-Classified

1. Limited-term appointments may be made to fill temporary vacancies in permanent positions, where there are no eligibles or an insufficient number of eligibles for that particular position.
2. Where limited-term appointments are proper, the appointments shall not be made until the Chief Human Resources Officer certifies that the candidate has qualified for the position.
3. Limited-term appointments are for a specified period not to exceed one (1) year unless authorized by the Vice President and subject to availability of funds.
4. Limited-term appointments may be made without competition except that any person appointed on a limited-term basis must meet all qualification requirements including any assembled examinations.
5. Limited-term appointments are unclassified appointments and may be terminated at any time prior to the expiration of the term of employment.
6. Employees appointed on a limited-term basis may be given the usual employee benefits, as approved by the Vice President and subject to the availability of funds.
7. Limited-term employees do not serve a probationary period and will not become classified employees unless and until they apply through the merit system..

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## B. 90-Day Appointments

Temporary appointments shall be consistent with the provisions of Title 4 GCA, Chapter 4, Sections 4117 as follows:

1. A person may not be temporarily employed in a non-professional capacity for more than 90 in any calendar year.
2. A person may not be temporarily employed in a professional capacity for more than 90 workdays except, upon a contract in writing and a determination in writing by the President that such employment is critical to either the public health, safety or welfare of the community. (A person is employed as a professional if the person's job description in the Dictionary of Occupational Titles published by the U.S. Department of Labor, has as its first digit zero or one. Any person whose job description does not have as its first digit zero or one shall be deemed to be a non-professional employee.)
3. The following provisions shall apply to appointments made consistent with Sub-rules 1 and 2 above:
  - a. A classified employee who fills a temporary classified or unclassified position has classified employment status absent other controlling legislation.
  - b. A newly hired employee who fills a temporary classified or unclassified position has unclassified employment status.
  - c. Such temporary appointments shall be made without competition, except that any person appointed on a temporary basis must meet the minimum qualification requirements and satisfy all examination requirements for the position as determined by the Chief Human Resources Officer prior to appointment.
  - d. A person appointed on a temporary basis shall not perform the duties and responsibilities of a position other than that to which he was appointed.

### **Contracts for Personnel Services**

- A. Contracts shall not be used as a substitute for merit system employment. Except on a limited and temporary basis, the University will not contract for personnel services, which normally are performed by classified employees under the merit system unless every effort has been exhausted to recruit on-island. Such effort must be documented to prove there was lack of qualified individual on-island.
- B. Contracts for personnel services may be used only when the use of a contract is in accordance with all legal provisions, including the merit system, laws, and rules.
- C. All contracts after approval by the Vice President shall be submitted to the University's Legal Counsel for review and approval as to form. All contracts of whatever nature shall be executed upon the approval of the Vice President
- D. Factors to be considered which could provide an adequate justification for using contracts with individuals for services include:

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1. Emergency short-term (less than two (2) months) normally exempt from competitive appointment methods;
  2. Temporary – to augment staff during peak load periods.
  3. Part-time professional work;
  4. Inability of the University's merit personnel system to provide qualified employees;
  5. A contract for expert consultation services not available in the University, 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 any of the University's functions;
  6. Part-time services of a medical, dental, legal, or other professional specialists; and
  7. Contract with an individual to produce an identifiable work product.

### **Vacation Employment for Students**

The President may employ during the vacation period between school years, at a rate not exceeding the minimum wage specified any applicable Federal or Guam law, students of the various public or private schools in Guam who are at least sixteen (16) years of age, provided that such employment may not exceed eight hours in one day and five days in one week and that such employment may not be of a hazardous nature or in any way injurious to, or endangering the student. Students employed under the University under this section shall not be eligible for retirement, sick, or annual leave benefits, and except as may be specifically provided therein, the personnel rules shall not apply to such employment, provided, however, that such employment shall be considered as employment for purposes of the Worker's Compensation Act, pursuant to Title 4 GCA, Chapter 4, Section 4112 and the availability of funds.

#### **4.700 RECRUITMENT ABOVE STEP**

Step 1 of the Pay Grade assigned to a classified position shall be the regular rate for initial employment; however, provided that the President may with the approval of the Board of Regents, authorize initial employment at a higher step not to exceed Step 10, if such action is warranted by recruitment difficulties or exceptional qualifications. The petition shall be posted upon the approval of the President on the University's website for ten (10) days (except for Saturdays, Sundays and government of Guam holidays). The petition to the Board of Regents shall be made before an applicant is hired (Title 4 GCA, Chapter 6, Section 6205).

#### **4.800 EMPLOYMENT ELIGIBILITY VERIFICATION**

- A. The Chief Human Resources Officer or his designee must complete Section 2 of the Form I-9; Employment Eligibility Verification (Appendix E) by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins.
- B. If the employee is authorized to work, but is unable to present the required document(s) within three business days, he must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days.
- C. If the employee is hired for a duration of less than three business days, Section 2 of the Employment Eligibility Verification, Form I-9, must be completed at the time employment



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begins.

D. The Human Resources Office must record:

1. document title
2. issuing authority
3. document number
4. expiration date, if any
5. the date employment begins

E. The Chief Human Resources Officer or his designee must sign and date the certification.

F. The employee must present original documents.

G. The Human Resources Office may, but is not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be retained with the Form I-9. However, the Chief Human Resources Officer or his designee is still responsible for completing the Form I-9.

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## **CHAPTER 5**

# **POSITION CLASSIFICATION SYSTEM AND COMPENSATION PLAN**

### **STATEMENT OF POLICY**

The purpose of this chapter is to develop and maintain a system for the objective, consistent and timely classification of all classified positions and for the reasonable and consistent assignment of classes of positions to pay grades.

Compensation of position classes shall be based on The Hay Methodology concepts of Know-How, Problem Solving, and Accountability. Where not otherwise specified by laws, pay relationships shall take into consideration prevailing wage in the primary area of recruitment for the same or related classes of positions.

### **5.00 POSITION CLASSIFICATION SYSTEM**

#### **5.01 The Official Classification Plan**

Title 4 GCA, Chapter 6 established the "Uniform Position Classification and Salary Administration Act of 1991".

#### **5.02 Preparation and Publication of Classification Standards**

Classification standards established by the Director, Department of Administration placed positions in their proper classes and pay grades to:

- A. Define the various classes of positions that exist in the classified service in terms of duties, responsibilities and qualification requirements. Standards may be created, amended or abolished;
- B. Establish the official class titles and
- C. Set forth the pay grades.

#### **5.03 Delegation of Classification Authority and Responsibility**

The President, is authorized to assign the Chief Human Resources Officer to classify individual positions under its jurisdiction, subject to:

- A. Existing policies and procedures;
- B. Class standards published by the Director, Department of Administration;
- C. Post-audit by the Civil Service Commission; and
- D. Classification appeal by the employee.

The President may review published standards and may submit requests to the Chief Human Resources Officer for amendments to the standards for approval by the Director, Department of Administration.

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#### **5.04 Classification Maintenance**

- A. The Director, Department of Administration may review positions in the University to determine whether positions are allocated to classes and grades in conformance with, or consistent with the uniform and unified system of position classification and compensation.
- B. Positions shall be placed in its appropriate class and grade, provided that if a position is downgraded, the position title and pay grade shall not be applicable to an incumbent until the expiration of two years from the date of downgrade as provisioned in Rule 5.012. The President shall take action in accordance with such determination.
- C. Whenever the Director, Department of Administration finds that the positions are not placed in classes and grades in conformance with the uniform and unified system, it may prescribe, revoke or suspend in whole, or in part the classification authority of the President. Further, the Director, Department of Administration may require its prior approval be secured before an action placing a position in a class and pay grade becomes effective for payroll and other purposes. The Director, Department of Administration may at any time restore such authority to the extent that it is satisfied that subsequent actions placing positions in classes and pay grades will be taken in conformance with the Classification Plan.

#### **5.05 Class Standards**

The class standards shall be considered in allocating positions and shall be applied as follows:

- A. Class standards are descriptive and explanatory and are 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 standards 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 consistent with statutory provisions.
- C. A class standard shall be construed as general description of 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 President has to take from, add to, eliminate entirely, or otherwise change the duties and responsibilities; to assign duties or delegate responsibilities 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 standards 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, nor 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 standard.
- E. The statement of minimum qualification is to be construed as an expression of the minimum knowledge, abilities and 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 standard for any class, as interpreted herein, shall constitute the basis for other tests to be included in examinations for the class, and for the evaluation of

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qualifications of applicants.

#### **5.06 Title of Positions**

The assigned class title shall be the official title for the purpose of personnel actions, and shall be used on payroll, budget, and official records and reports. This requirement, however, shall not prevent the use of organizational or other titles for internal administration, public convenience, law enforcement, or similar purposes.

#### **5.07 Position Description**

- A. The University must prepare a written description of duties and responsibilities of each budgeted position on a form prescribed by the Director, Department of Administration. A group of like positions may be covered by a single description. The employee, supervisor and/or position classifier may prepare the description. However, the major responsibility to insure accurate descriptions is on the supervisor.
- B. The supervisor must certify as to the accuracy of the duties assigned and such certification should be authenticated by the President, the Chief Human Resources Officer and the Unit Head and Division Manager. The position classifier must certify as to the proper classification of the position. Copies of the position description must be filed with the Director, Department of Administration, the University's Human Resources Office and the respective unit concerned.
- C. 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 President and the Chief Human Resources Officer so that a review of the position can be made to determine the proper classification of the position.

#### **5.08 University Responsibilities**

- A. The University shall insure that the duties and responsibilities assigned to each of its positions are accurately reflected in an official position description. Amended descriptions should be submitted on a timely basis if significant changes in the duties and responsibilities of a position are made.
- B. The University shall not use the classification process to evade the principles of the merit system and effect personnel changes for which other personnel processes exist.

#### **5.09 Periodic Review of Descriptions and Classifications**

In addition to the day-to-day work of describing and classifying new or changed positions to reflect current duties assigned and reported by the Unit Head, the supervisors or the employees, the President or the Chief Human Resources Officer must review, at reasonable intervals as appropriate to changes taking place, all positions of the classified service within the University 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.

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### **5.10 Determination of Proper Allocation for Newly Budgeted or Vacant Positions**

When a new position is to be established/budgeted or vacant position is to be filled, the Unit Head within the University shall submit a position description to the Chief Human Resources Officer via the President in order that a determination of proper classification may be made. The Chief Human Resources Officer will recommend an allocation. After the President approves the allocation, he shall notify the Unit Head and Division Manager within the University affected, in writing, of the approved allocation. No position may be filled until the Chief Human Resources Officer certifies that the position is properly classified. Copies of all classification reviews shall be filed with the Director, Department of Administration for post-audit purposes.

### **5.11 Reclassification/Reallocation of Positions**

- A. The Chief Human Resources Officer may, upon his own initiative, or upon the written request of a permanent employee, the Unit Head, or the President, review the duties of any position to determine if it is properly classified; and shall take appropriate action as necessary in accordance with the Director, Department of Administration regulations, policies and procedures.

In making a request for the review of a position, the employee, Unit Head within the University or the President 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 provided, that such changes in duties and responsibilities have been acquired or performed for at least three (3) months and are not temporary in nature.

- B. The Chief Human Resources Officer and the Vice President shall, after a thorough review and approval of position, notify the Unit Head within the University and the employee affected of the classification study result within twenty (20) work days from the completion of the audit. A copy of the study, documented in a form prescribed and the personnel action shall be filed with the Civil Service Commission for post-audit purposes.

### **5.12 Effective Date of Reclassification of Positions**

- A. When a position is reclassified to a class of the same or higher pay grade, the effective date of such reclassification shall not be prior to the date of the President's and the Chief Human Resources Officer's approval and;
- B. When a position is reclassified to a class of a lower pay grade, the effective date of such reclassification shall not be applicable to an incumbent until the expiration of two (2) years from the date of downgrade.
- C. Six months prior to execution of the downgrade, a classification audit must be performed to ascertain the current duties and responsibilities of the incumbent.

### **5.13 Status of Incumbents When Positions Are Reallocated**

- A. When a position is reallocated as a result of gradual accretion of duties and responsibilities, the employee in the position shall be entitled to serve in that class series provided he continues to perform the same basic functions and meets the minimum qualifications for the class to which the position is reallocated. Reallocation within a class series of positions that is non-supervisory shall be without competition.

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- B. When a position is reallocated as a result of Planned Management Action as per section 5.011, the requirements of the Merit Career Plan per section 14.800 must be complied with. The employee holding a permanent position shall retain the position currently held should the requirements of the Merit Career Plan result in his non-selection.
  - 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. The incumbent of the position designated for downgrade shall not have his current salary reduced. Salary adjustment in the reclassified position shall be suspended until the incumbent's salary increment in the new grade is granted. This salary adjustment is subsequent to Rule 5.012.B.

#### **5.14 Administrative Review**

- A. An administrative review may be requested by an employee of the position, his designated representative acting on his behalf or, the Unit Head in which the position is located.
- B. All requests for administrative review must be in writing, shall contain the specific reason(s) for disagreement with the classification action taken by the President and Chief Human Resources Officer, and shall state the action requested and the reasons the action is deemed more appropriate.
- C. An administrative review consists of a reevaluation of a classification action and is, therefore confined to the duties and responsibilities assigned to the position at the time the description was prepared, and which was the basis for the classification action. Subsequent changes in duties and responsibilities cannot be the basis for a request for administrative review, but must be reported on a new description and submitted for another classification action.
- D. The Unit Head and Division Manager within the University shall notify the affected employees of the original notice of classification action immediately upon receipt from the President and the Chief Human Resources Officer. Requests for administrative review shall be filed with the President and the Chief Human Resources Officer within twenty (20) calendar days of the date of notice of classification action was received by the employee.
- E. The President and Chief Human Resources Officer shall take such action as deemed appropriate, which may include rescinding the earlier action and taking a different classification action. The affected employee and Unit Head and Division Manager within the University shall be notified of the action taken.
- F. Any permanent employee whose position is reviewed may appeal to the Civil Service Commission. The employee may file a written appeal with the Civil Service Commission within fifteen (15) calendar days upon receipt of the decision of the President and Chief Human Resources Officer.

#### **5.15 Creation of New Positions and Classes of Positions**

- A. New positions or classes of positions may be created by the President and Chief Human Resources Officer when necessary for the efficient performance of the duties and functions of the University, in accordance with Title 4 GCA, Chapter 6, Section 6303. The petition of the

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President and Chief Human Resources Officer shall include:

1. The justification for the new position;
  2. The essential details concerning the creation of the position;
  3. An analysis of the similarities and differences between the position to be created and positions listed pursuant to Title 4 GCA, Chapter 4, Section 4101.1;
  4. The position description;
  5. The proposed pay range and demonstration of compliance with Title 4 GCA, Chapter 6, Section 6301;
  6. A fiscal note as that term is described in Title 2 GCA, Chapter 9, Section 9101 et seq.; and any other pertinent information.
- B. The petition shall be posted on the University’s website for ten (10) days (except Saturdays, Sundays and government of Guam holidays). After the posting, the President and Chief Human Resources Officer shall forward the petition, along with evidence of compliance with Title 4 GCA Section 6303.1, to the Board of Regents who, if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director, Department of Administration and the Legislative Secretary.
- C. No new position may be filled until after compliance with the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.
- D. In accordance with Title 4 GCA, Chapter 6, Sections 6205, 6303 and 6303.1, when creating a new position, transparency and disclosure shall include:
1. Prompt notice of the posting shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam. In this section “prompt notice” shall be defined as no more than five (5) work days from the date of approval.
  2. Petitions are public documents for the purpose of Title 5 GCA Chapter 10 Article 1 (Sunshine Law).
  3. Any attempted creation of a position not in compliance with the provisions stipulated above shall be void.

## **5.100 COMPENSATION PLAN**

### **5.101 Assignment of Classes to Pay Grades**

Pay grades for all classes of positions are assigned by the Director, Department of Administration pursuant to Title 4 GCA Chapter 6 Article 3.

### **5.102 Evaluation of Classes for Assignment to Pay Grades**

- A. Pursuant to Title 4 GCA Chapter 6 Article 1, classes shall be evaluated on the basis of job know-how, problem solving and accountability consistent with the

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Hay Methodology concepts and salary administration procedures.

B. The assignment of classes of pay grades shall be in accordance with policies and standards established in conformance with statute and the following principles:

1. Classes, which are related and are substantially equal, shall be assigned to the same pay grade.

2. Significant differences between related classes in job know-how, problem solving and accountability shall be reflected in the relative difference in assignment to pay grades.



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## **CHAPTER 6**

### **PAY ADMINISTRATION**

#### **STATEMENT OF POLICY**

It is the University's policy to provide a uniformed pay administration to facilitate pay actions, while ensuring the proper compensation of employees and to provide the opportunity for the University to carry out its mission.

These pay administration rules are subject to the Board of Regents' policies and procedures.

#### **6.00 PAY ACTIONS RELATED TO APPOINTMENTS**

##### **6.01 Compensation at Initial Appointments**

All initial appointments shall be made at the first step of the appropriate pay grade, except as provided below:

- A. The President may authorize initial employment in a position at a higher step not to exceed Step 10 of the pay grade, if such action is warranted by recruitment difficulties or exceptional qualifications. This petition to the Board of Regents shall be posted on the University's website for ten (10) days (except for Saturday, Sunday and government of Guam holidays). This petition to the Board of Regents shall be made before the applicant is hired.
- B. The increment schedule consisting of Steps 11 through 20 shall not be used for recruitment above-step.
- C. The Board of Regents may establish policies to administer this action.
- D. In accordance with Title 4 GCA Sections 6205, 6303 and 6303.1, when recruiting above minimum step, transparency and disclosure shall include:
  1. Prompt notice of the posting shall be provided to each newspaper of general circulation and broadcasting station, which airs a regular local news program within Guam.
  2. Petitions are public documents for the purpose of Title 5 GCA Chapter 10 Article 1 (Sunshine Law).
  3. Any attempted above-step recruitment not in compliance with the provisions stipulated above shall be void.
  4. In this section "prompt notice" shall be defined as no more than five (5) work days from the date of petition.

##### **6.02 Compensation Adjustment Following a Promotion**

- A. An employee, when promoted from one class to another of a higher pay grade, shall receive a salary increase closest to and not less than a two-step salary increase in the pay grade held prior to the promotion.
- B. For employees on Step 20 or beyond prior to the promotion, an equivalent rate increase provided in Rule 6.002.A above is added to the salary held prior to the promotion for the

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purpose of determining the employee's salary in the higher grade.

### **6.03 Compensation Adjustment Following a Voluntary Demotion**

The minimum reduction shall be to the salary in the new pay grade closest to, but not more than, the employee's salary at the time of demotion.

### **6.04 Compensation Adjustment Following an Involuntary Demotion**

- A. Employees demoted for adverse action shall have their compensation reduced at least one step and may, upon the discretion of the Vice President have their compensation reduced to the lowest step on the pay grade of the position to which they are demoted.
- B. Employees demoted involuntarily due to fiscal constraints or lack of funds shall be compensated at a rate, which is less than the rate held prior to the demotion.

### **6.05 Compensation Following a Non-Service Connected Disability Demotion (Medical Condition)**

Employees who are unfit to perform the duties and responsibilities of their position due to a medical condition, may be demoted to the salary that is closest to and not more than their current salary; provided that the maximum salary authorized shall not exceed Step 20 of the demoted position.

### **6.06 Compensation Adjustment Following Reemployment**

A person, who is reemployed under the provisions of Rule 4.502, shall be paid at the 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 pay grade.

### **6.07 Compensation Following a Transfer**

An employee who is laterally transferred shall continue at the same pay grade and step.

### **6.08 Compensation Following a Detail Appointment**

- A. Employees serving a detail appointment, consistent with Rule 4.506 in a position having a higher pay grade than his regular position, shall receive a salary increase closest to and not less than a two (2) step increase in the current pay grade. Payment differential shall be made when the employee has served a waiting period of thirty (30) consecutive calendar days from the effective date of the detail appointment.
- B. At the discretion of the Vice President, employees detailed to an unclassified position, whose detailed step does not exceed Step 10, may receive up to Step 10 of the unclassified position or the difference in the amount between the step in the pay grade he holds and the salary paid.

## **6.100 PAY ACTIONS RELATED TO REALLOCATION OF POSITIONS**

### **6.101 Compensation Following Reallocation of Position**

- A. When a position is reallocated to a class of a higher pay grade, the employee shall receive a salary increase closest to, and not less than a two-step increase in the pay grade held prior to

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reallocation.

- B. When a position is reallocated to another class of the same pay grade, the salary of the incumbent shall remain unchanged.
- C. When a position is reallocated to a class of a lower pay grade, the implementation shall not be effected until the expiration of the two-year waiver, as provided in Rule 5.012.

#### **6.102 Salary Adjustment Upon Demotion Due to Position Reclassification Action**

- A. The salary in the new grade that is closest to and not more than the incumbent's salary shall be identified as the incumbent's step in the new pay grade.
- B. Implementation of the reclassification in terms of position title shall be made upon approval of the reclassification determination by Chief Human Resources Officer.
- C. The incumbent of the position designated for downgrade shall not have his current salary reduced. Salary adjustment in the reclassified position shall be suspended until the incumbent's salary increment in the new grade is granted.
- D. The salary increment anniversary date before reclassification determination shall be used to determine the appropriate salary increment date in the new pay grade. Where there is no change in the waiting period, the salary increment date and the pay grade before the reclassification shall be maintained.

Where there is a change to a shorter waiting period (Steps 1-7), the salary increment date before the reclassification shall be maintained. Where there is a change to a longer waiting period (Steps 8 - 10, 11 - 20), the new waiting period shall be applied.

### **6.200 PAY ACTIONS RELATED TO PAY GRADE REASSIGNMENT**

#### **6.201 Pay Grade Reassignment**

Any employee, Unit Head or immediate supervisor may initiate a written request for consideration of an amendment to the pay grade allocation for the class of position with justification to the Chief Human Resources Officer. If the findings of the Chief Human Resources Officer indicate the need to amend the pay grade allocation, he shall submit a written request with justification to the Director, Department of Administration in accordance with the Department of Administration's policies and procedures. Changes adopted shall become effective as directed by the Director, Department of Administration.

#### **6.202 Pay Adjustment Following Pay Grade Reassignment**

When a pay grade for any class is reassigned to a higher or lower pay grade and there is no change in the position classification, the pay adjustment shall be consistent with Department of Administration's current policies.

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## **6.300 PAY ACTIONS RELATED TO INCREMENTS**

### **6.301 General Provisions Relating to Salary Increment Increases**

A. Salary increment increases shall be granted as authorized by law.

B. Increment Status upon Demotion Due to Position Reclassification:

The salary increment anniversary date before the reclassification determination shall be used to determine the appropriate salary increment date in the new pay grade. Where there is no change in the waiting period, the salary increment date in the pay grade before the reclassification shall be maintained. Where there is a change to a shorter waiting period (Steps 1-7), the salary increment date before the reclassification shall be maintained. Where there is a change to a longer waiting period (Steps 8-10, 11-20), the new waiting period shall be applied.

C. Personnel Actions Not Affecting Increment Anniversary Dates:

The following personnel actions shall not change increment anniversary dates:

1. The pay grade for a class or classes of positions has been reassigned;
2. Pay adjustments from statutory amendments to the pay grade schedule;
3. Detail appointment;
4. Transfer from one position to another of the same or related class of position while retaining the same salary rate upon transfer;
5. Involuntary demotion for other than adverse or disciplinary reasons;
6. Reclassification to a class of the same pay grade or lower while the employee retains the same salary rate;
7. Salary increment freeze; and
8. Other situations as may be determined by the Department of Administration

D. Voluntary Demotion to the Same or Related Class of Positions:

The employee's next salary increment shall include the period served prior to the voluntary demotion; and provided that work performed is satisfactory.

E. Creditable Service Upon Reemployment:

Permanent classified employees who separated with the University in good standing shall be credited for time served in the increment held prior to separation when exercising their reemployment rights.

### **6.302 Salary Increment - Procedure**

Employees entitled to an increment increase shall receive such increase according to the following schedule and upon certification by the Vice President that satisfactory service has been

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rendered for the performance rating period preceding such increase, (Title 4 GCA Section 6202);

- A. Employees at Steps 1 through 6 shall be entitled to one step adjustment after 12 months of satisfactory performance;
- B. Employees at Steps 7 through 9 shall be entitled to one step adjustment after 18 months of satisfactory performance;
- C. Employees at Steps 10 through 19 shall be entitled to a one step adjustment after 24 months of satisfactory performance.
- D. Employees at Step 20 shall be entitled to a pay increment equivalent to 3.5 percent of an employee's base salary, subject to satisfactory performance. The schedule will be determined by the Civil Service Commission.

When the Vice President determines that a particular employee shall not be granted a salary increment, the Vice President shall inform the Chief Human Resources Officer of such denial thirty (30) days prior to the employee's anniversary date as illustrated in Rule 10.003. If the Chief Human Resources Officer does not receive a performance report or a notification of denial of an employee's salary increment, no action will be taken to adjust the employee's pay.

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## **CHAPTER 7**

### **HOURS OF WORK, OVERTIME AND PREMIUM PAY**

#### **STATEMENT OF POLICY**

The purpose of this Chapter is to establish the standard for hours of work, wages, overtime compensation, compensatory time-off in lieu of overtime pay, observance of holidays and a system under which the pay of certain employees shall be adjusted for certain hours, days or conditions of work. These provisions shall be in compliance with the Fair Labor Standards Act (FLSA) found in Title 22 GCA Chapter 3.

#### **7.00 GENERAL PROVISIONS**

##### **7.01 Workweek**

- A. The basic workweek is forty (40) hours. Alternatively, a workweek is a regular recurring period of 168 consecutive hours seven consecutive 24-hour periods. The workweek need not coincide with the calendar week. It may begin any day of the week and any hour of the day, but it must in each case, be established in advance. The workweek may be changed, but only if the change is intended to be permanent and is not made to evade overtime requirements or policies.
- B. An employee's workweek may be in accordance with office hours, with designated shifts, or with such flexible or variable hours program as are implemented by the University provided that the University shall not operate less than a forty (40) hour workweek, except as provided by law.

##### **7.02 Break Periods**

A full-time employee may be allowed a fifteen (15) minute break period in the first half and second half of the workday provided further that:

- A. No single work break shall exceed fifteen (15) minutes absence from the employee's workstation.
- B. An employee may not accumulate unused work breaks.
- C. Work break time shall not be authorized for covering an employee's late arrival on duty or early departure from duty.

##### **7.03 Meal Periods**

The meal periods shall apply as follows pursuant to Title 22 GCA, Division 1, Chapter 3, Article 1, Section 3107(c):

- A. Full-time employees shall be allowed a minimum of thirty (30) minutes and up to a one-hour meal period during each workday of more than five hours.
- B. When a workday of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the employee and the Unit Head.
- C. Meal period shall not be considered "on duty" or counted as time worked, unless the nature of work prevents an employee from being relieved of duty.

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#### **7.04 Workweek Schedule**

- A. The schedule of workweek for shift workers will be prepared and prominently posted two (2) weeks where possible up to one (1) week in advance, so that the employees affected will be informed. Such schedules shall not be less than two (2) weeks and shall not be changed, except for good cause and provided affected employees are given at least twenty-four (24) hours prior notice. Whenever possible, work schedules should permit an employee to enjoy a holiday on the day it is observed. The posting requirements may be waived if the schedule is intended to stay in place continuously.
- B. The Unit Heads may permit flexible work schedules as may be appropriate to meet the needs of the University.

#### **7.05 Safe Hours of Work**

- A. To ensure that the employee's work is performed in a safe manner, the following maximum hours of work will be observed:
  - 1. An employee shall not be allowed to work more than sixteen (16) hours consecutively, or in one 24-hour period.
  - 2. An employee shall not be authorized to work more than eighty-four (84) hours total within a single seven-day period.
  - 3. An employee shall not be required to work more than twenty-eight (28) hours within a time span of two days.
- B. Exceptions to the above may be made only:
  - 1. If the employee volunteers his services and has the specific approval of the Vice President; or
  - 2. In cases where excessive hours of work are necessary because of weather conditions, necessary seasonal activities or emergencies.

Should such an occasion for Item 1 arise, written documentation must be submitted to the Vice President within forty-eight (48) hours of such occurrence.

#### **7.100 MINIMUM WAGE**

Employees shall be paid not less than the established minimum wage for Guam. (Title 22 GCA, Division 1, Chapter 3, Article 1, Section 3105)

#### **7.200 HOURS WORKED**

As a general rule, hours worked will include:

- A. All time during which an employee is required to be on the University's premises or at a prescribed work place.
- B. All time during which an employee is suffered or permitted to work, whether or not

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required to do so. The determination of an employee's working hours will include, in the ordinary case, all hours from the beginning of the workday to the end of the workday, with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

C. All time worked in accordance with the UOG Telecommuting policy.

### **7.300 HOURLY RATE OF PAY**

The hourly rate of pay is the rate published by the Director, Department of Administration.

### **7.400 OVERTIME**

#### **7.401 Coverage**

- A. Upon the occurrence of overtime work, covered classified employees shall be entitled to receive overtime compensation calculated at the rate of 1 and ½ times the regular rate of pay for each hour or portion of the hour of overtime worked.
- B. In determining the number of hours worked by an employee within a given workweek or work period, time spent off on annual, administrative, sick, compensatory time-off, other leave (with or without pay), or holidays will not be counted as time worked. Such time off with pay shall be included in the straight time pay, but it is not included in computing whether a covered employee has worked in excess of forty (40) straight time hours in a workweek.
- C. Any fraction of an hour of overtime worked shall be converted to the nearest fifteen (15) minutes.
- D. Covered employees, include those classes of positions that are not in the executive, administrative, and professional categories, in accordance with the FLSA.
- E. Employees in the executive, administrative, and professional categories are expected to work additional hours required to get the job task completed. A Vice President may approve overtime for a classified employee in the executive, administrative, and professional categories who is asked to consistently work additional hours beyond what is normal for the category.

#### **7.402 Occurrence of Overtime Work**

- A. Overtime work may be authorized by the Vice President in cases of emergency or when the best interests of the University indicate that overtime work is required.
- B. The Vice Presidents shall hold hours worked by the employees to the University's established 40-hour workweek standard, except in those cases where excessive hours of work are necessary because of weather, health, safety conditions, necessary activities, or emergencies.
- C. It shall be the responsibility of the Vice President to determine that the provisions of overtime pay are administered in the best interest of the University's services. Recognizing that the Vice Presidents are responsible for the manner in which overtime work is authorized, it is especially important for all options to be explored before authorizing overtime.



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- D. The President is responsible for internal controls, which will provide a means of reviewing and evaluating the use of overtime. The practice of overtime work will be subject to review by the President.
  - E. Overtime work will occur when an employee renders service under any of the following conditions:
    - 1. The employee renders service in excess of forty (40) straight time hours per workweek as approved in advance by the Vice President.
    - 2. The employee renders service on the employee's scheduled day off and there has been no change, by mutual consent or by due prior notice, in the work schedule.

#### **7.403 Emergency Situations Defined**

Overtime work may be required for any covered employee in emergency situations as Described below:

- A. Where an established post of duty must be covered 24 hours per day, and an employee is not available to cover that post on a given shift.
- B. When danger to life, health, or well-being of the public, employees or other persons could occur if an employee is not required to be on duty or where danger to property is eminent.
- C. Other situations where the President determines that the responsibilities prescribed for the University cannot be accomplished unless overtime work is authorized.
- D. Employees who work during typhoon emergency periods in accordance with 4 G.C.A. §6226, until the emergency is over as declared by the Governor or until the Governor declares that government employees are returned to a regular work status during such emergency period.

#### **7.404 Compensation for Overtime Work**

- A. Payment for overtime work shall be made no later than the next pay period after the overtime work is performed.
- B. Overtime compensation shall be at the rate of 1 and ½ times the regular rate of pay for each hour or portion of the hour of overtime worked.
- C. An employee who is subject to the maximum 240 hours of compensatory time under the FLSA, as amended, shall be paid cash wages of time and one-half the regular rate of pay for overtime hours in excess of this maximum. Overtime must be authorized in advance and applicable only for the pay period.
- D. The requirement that overtime must be paid after 40 hours a week may not be waived by an agreement between management and the employee except provided in Rule 7.405.
- E. No person shall be required to work overtime unless funds for overtime pay are

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available.

F. In accordance with 4 G.C.A. §6226, employees, who work during typhoon emergency periods as declared by the Governor of Guam, shall be compensated in the following manner.

1. Employees occupying permanent positions in the classified service or unclassified service, except for the Presidents and the Vice-Presidents whose regularly scheduled hours of work fall within such an emergency period, but whose presence is not required at work, shall be granted administrative leave. Employees not occupying permanent positions are not eligible positions and therefore are not eligible for administrative leave.
2. Employees not occupying permanent positions in the classified service, where required to report to, and did work during such emergency period, shall be entitled to overtime pay for all such hours worked.
3. Employees occupying permanent positions in the classified service or unclassified service, except for President and the Vice-Presidents whose regularly scheduled hours of work fall within such an emergency period, and who are required to report for, and be on duty during such emergency period, shall be entitled to overtime pay for all such hours worked, in addition to full compensation for any administrative leave taken.
4. Employees occupying permanent positions in the classified service or the unclassified service, except the President and the Vice-Presidents, whose regularly scheduled hours of work do not fall within such an emergency period, but who are required to report for, and be on duty, shall be entitled to overtime pay for all such hours worked, including overtime, but not for administrative leave.
5. In the event that a typhoon emergency period includes a legal holiday, then such employees required to report for and be on duty, shall be entitled to overtime pay for all hours worked, including overtime, in addition to full compensation for holiday leave.

#### **7.405 Compensatory Time Off In Lieu of Overtime Pay**

- A. In the absence of any funds for overtime compensation there will be a mutual agreement to work between the employee and management, before the work is performed. A record of this agreement must be kept with University's Payroll Office.
- B. The number of hours of overtime work shall be converted to compensatory time credit at the rate of 1 and 1/2 hours for each hour of overtime work, or portion of the hour consistent with Rule 7.401.
- C. Any additional overtime work performed by employees, who have already accumulated the maximum 240 hours of compensatory time off, or 160 hours of actual overtime work, compensatory time off credits will be compensated not later than the pay period immediately following the period during which the overtime was worked.

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- D. When sickness lasting one (1) or more days occurs during a scheduled compensatory time off, and the employee substantiates such to the satisfaction of the Unit Head and Division Manager, the employee shall be charged for sick leave and permitted to reschedule his compensatory time off. Application for such substitution of sick leave for compensatory time off shall be made within three (3) workdays upon return to duty and shall be in conformance to applicable provisions of the sick leave policies and rules and regulations.
  - E. An employee who has requested the use of compensatory time off shall be permitted to use such time, within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the unit.
  - F. An employee on compensatory time off shall be deemed to be on official leave with pay status.
  - G. The Vice President may require an employee to use any accumulated compensatory time off credits upon mutual agreement with the employee as to the use of these credits.

#### **7.406 Conversion of Compensatory Time Off to Cash**

- A. The Vice President may direct, at the option of the employee, payments for accrued compensatory time earned, at any time, in any combination, and which shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
- B. At the time of separation, the employee shall be paid in cash for all unused compensatory time credit earned at a rate of compensation not less than:
  - 1. The average regular rate received by such employee during the last three (3) years of the employee's employment; or
  - 2. The final three (3) regular rate received by such employee, whichever is higher.

#### **7.500 NON-OVERTIME WORKWEEKS**

When an employee is on non-duty pay status for less than forty (40) hours during a workweek, such workweek shall be considered a non-overtime workweek and all hours shall be paid at the regular rate in accordance with established personnel policies except as provided by law.

#### **7.600 UNAUTHORIZED WORK**

All hours exceeding the 40-hour workweek worked by an employee must have the appropriate Vice President's authorization before overtime pay is given. Unrecorded hours worked during a workweek or work period by an employee at the job site, or at his home or other duly authorized designated place, must be counted as hours worked if the Vice President has reasons to know of such practice. The University is not obligated to compensate any employee for work which was not authorized by the Vice President in advance.

#### **7.700 HOLIDAY PAY**

- A. Employees will be compensated at their regular rate of pay and generally need not report to work on any official holiday of the University.
- B. When an employee is absent from duty at the close of the workday immediately preceding a

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holiday, and at the beginning of the workday immediately following a holiday, and such absences are determined to have been on leave without pay status, the employee shall not be eligible for compensation for the holiday under these rules, but shall be considered as on leave without pay status.

- C. Employees who are required, because of an emergency or other reasons, to work on holidays (or their equivalent day) shall be paid at the rate equivalent to double their hourly rate of pay exclusive of any additional pay, except as otherwise provided by statute.

C. For purposes of these rules, holidays are declared to be those identified in these rules.

#### **7.800 NIGHT DIFFERENTIAL PAY**

Work performed between the hours of 6:00 p.m. to 6:00 a.m. shall be compensated in accordance with Title 4 GCA, Chapter 6, Section 6217.

All classified employees of the University shall be entitled to night differential pay, calculated at the rate or their regular wage plus 10% for all periods worked between the hours of 6:00 p.m. and 6:00 a.m., provided he works a minimum of four (4) consecutive hours within that time period.

#### **7.900 DUAL EMPLOYMENT**

Pursuant to Title 4 GCA, Chapter 6, Section 6504.1, no classified employee of the University may be employed on a full-time, part-time, or contractual basis by more than one department, agency, or branch of the government of Guam at any time, except for:

- A. Persons serving as part-time teachers, and instructors for the Guam Community College and University of Guam and instructors who may be employed during the summer, or at any other time not in conflict with their primary employment if they are employed in the government of Guam.
- B. Persons employed by the Youth Congress.
- C. Persons employed on a part-time basis by boards or commissions.
- D. Persons employed as nurses, physicians, and as ancillary/allied health professionals in the government of Guam.
- E. Attorneys engaging in the active practice of law, part-time judges or part-time referees.
- F. Persons employed on a part-time or contractual basis who are individuals and family counselors or chemical dependency specialists.

#### **7.910 OUTSIDE EMPLOYMENT**

Employees may not be permitted to work at outside private employment in conflict with their service to the University, nor such as would bring the University or its employees into disrepute. Any employee may undertake outside employment only if such is not in conflict with his work

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assignments and duly scheduled hours of work with the University and only with the consent in writing of the President. Consent may not be unreasonably withheld. The President may review the adequacy of such request and the approval shall be renewed on an annual basis pursuant to Title 4, Guam Code Annotated, Chapter 4, Section 4105(d)(4). In the case of an employee placed on furlough, the Furlough Policy shall govern.

#### **7.920 RECORD KEEPING**

Records of hours worked and wages paid are required to be kept for each employee subject to this policy. The President is responsible for making available the following information for review by the Federal Wage and Hour Division. Records must be preserved for at least three (3) years. (Title 22 Guam Code Annotated, Chapter 3, Article 1, Section 3110)

- A. Name
- B. Home Address
- C. Date of birth
- D. Sex and position classification in which employed
- E. Time and day of work, the workweek or work period begins
- F. Total wages paid each pay period
- G. Date of payment and pay period covered
- H. Basis on which wages are paid
- I. Regular hourly rate of pay for any week in which overtime is worked
- J. Amount and nature of each payment excluded from regular rate
- K. Hours worked each workday and total hours worked each workweek
- L. Total daily or weekly straight time earned or wages
- M. Other records or information as the President may require.

#### **7.930 OFFICIAL PERSONNEL RECORD**

An Official Personnel record shall be maintained for each employee by the University's Human Resources Office. The record shall contain the employee's employment application, employment history, pertinent letters and papers, personal data, and any training and education records sponsored by the University or other educational training or institutions. Employees are required to keep the University's Human Resources Office informed of name, address, telephone number and next of kin changes.

Employee records and its contents become the property of the University once surrendered to the University's Human Resources Office.

The address on file at the Human Resources Office shall be considered the employee's official address for purposes of the University's communications with the employee.

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## **CHAPTER 8 LEAVES OF ABSENCE**

### **STATEMENT OF POLICY**

The purpose of this Chapter establishes a uniform and equitable system where employees may be reasonably excused from work for rest, recreation, health, education, welfare and other purposes without any appreciable decrease in the productivity of and services provided by the University as monitored by the University's Payroll Office.

### **8.00 GENERAL PROVISIONS FOR LEAVE OF ABSENCE**

#### **8.01 Leave of Absence Defined**

A leave of absence is an approved absence from duty, by the Vice President and is monitored by the University's Payroll Office, for a prescribed period of time, with or without pay.

#### **8.02 Revocation of Leave**

Approved leave may be revoked by the Vice President or any delegated representatives when the good of the service requires it, or when evidence shows that the employee on leave is engaged in activities for which the leave would not have been granted.

#### **8.03 Denial of Leave of Absence**

- A. No leave of absence, with or without pay, shall be authorized where it appears or was discovered that it was requested for the purpose of:
  - 1. Allowing the employee to work at his outside employment.
  - 2. Engaging in prohibited or unlawful activities.
- B. Leave may also be denied when the loss of the employee's services on days for which leave is requested would result in discontinuance of critical services to the students and the public.

#### **8.04 Form of Leave Application**

Application for leave of absence shall be made in the form prescribed by the Chief Human Resources Officer.

#### **8.05 Failure to Return**

Failure to report for assignment at the expiration of leave of absence without acceptable excuse shall be subject to Employee Disciplinary Action pursuant to Chapter 11.

### **8.100 ANNUAL LEAVE**

#### **8.101 Policy**

It shall be the policy of the University to afford an opportunity for employees to take leave, and particularly to avoid, whenever possible, loss of leave by forfeiture. However, leave may be

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denied by the Unit Head when the services of the employee are required after good faith consideration of the employee's request and operational requirements.

### **8.102 Requests for Annual Leave**

Requests for annual leave will be submitted to the appropriate supervisor by the employee, at least four (4) weeks in advance, for leave in excess of forty (40) consecutive hours and twenty-four (2) weeks in advance for leaves less than forty (40) hours, in order to avoid unnecessary disruption of work. Reasonable consideration will be afforded for situations that arise suddenly.

### **8.103 Minimum Charge for Annual Leave**

Any employee who uses annual leave in the amount of time which is less than a full hour, will be charged leave daily according to the following table:

<u>Minutes Used</u>	<u>Time Charged (Minutes)</u>
00 - 14	00
15 - 30	30
31 - 60	60

### **8.104 Accrual of Annual Leave**

- A. Classified employees occupying permanent positions shall accrue annual leave in accordance with the following schedule, (Title 4 GCA, Chapter 4, Article 1, Section 4109):
  - 1. One-half day (four (4) hours) for each full bi-weekly pay period in the case of employees with less than five (5) years of service.
  - 2. Three-fourths day (six (6) hours) for each full bi-weekly pay period in the case of employees with five (5) years of service but less than fifteen (15) years of service.
  - 3. One (1) day (eight (8) hours) for each full bi-weekly pay period in the case of employees with fifteen (15) years or more of service.
- B. Annual leave earned during any pay period shall be credited to the employee's account on the last day of that pay period or, in case of separation, the last day the employee is on the payroll.
- C. An employee shall continue to earn annual leave credits during leave of absence with pay for each bi-weekly pay period; otherwise there shall be no accrual for such period.

### **8.105 Determination of Years of Service for Annual Leave Accrual Purposes**

Computation of years of service as a basis for the rate of accrual of annual leave shall be in accordance with the following:

- A. In determining the years of service prior to the 1961 leave year, employees shall be credited with:
  - 1. All periods of employment to include service with the Naval Government of Guam, or with other Federal instrumentalities or agencies within Guam prior to August 1, 1950.

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2. Period of service with the Armed Forces of the United States subsequent to August 1, 1950.
- B. In determining years of service commencing with the 1961 leave year, employees shall be credited with:
1. All service for which annual leave shall accrue.
  2. Full-time employment in the Judicial or Legislative branches.
  3. Service with the Naval Government of Guam, or with other Federal instrumentalities or agencies within Guam prior to August 1, 1950, and to include honorable service with the Armed Forces of the United States, provided no more than three (3) years of service shall be credited to any individual for purposes of this Section. Years of service shall include one (1) year for each year served as a school year employee.

#### **8.106 Carry Over and Accumulation of Annual Leave**

Annual leave accrued and unused in a leave year may be accumulated and carried over to the next leave year except that total accumulation by such carry over shall not exceed 320 hours. Annual leave in excess of 320 hours shall be automatically credited to accumulated sick leave, provided that not more than 100 hours shall be credited to sick leave at the end of each fiscal year. All other excess annual leave accrued unused in a fiscal year shall be automatically forfeited at the end of such year. However, employees should be given an opportunity to exhaust excess leave. The determination of accumulation of annual leave, and crediting of excess hours sick leave, shall be done at the end of each fiscal year (Title 4 GCA Chapter 4, Section 4109(c)(2))

#### **8.107 Avoiding Forfeiture of Annual Leave**

- A. Employees shall submit advance requests for planned annual leave, which will be earned in the current leave year to preclude forfeiture of annual leave.
- B. Supervisors share the responsibility with employees for avoiding forfeiture of annual leave. Supervisors will develop by the end of the second quarter of each fiscal year, a schedule of annual leave for employees under their supervision. Employees will be expected to submit reasonable estimates for use of their leave for the current leave year.

#### **8.108 Liberal Consideration of Annual Leave Requests upon Birth or Adoption of a Child**

Employees may, upon the birth or adoption of a child, submit a request on the appropriate leave form for annual leave for the purposes of assisting or caring for the child. Such requests should be liberally considered by supervisors and for other leaves set forth in the Family and Medical Leave Act (FMLA) (Appendix F).

#### **8.109 Annual Leave Requests to Participate in an Athletic Contingent Recognized by the Guam National Olympic Committee**

Pursuant to Title 4 GCA Chapter 4, Section 4109(f), an employee, who is a participating athletic, coach or administration in an athletic contingent recognized by the Guam National Olympic



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Committee representing Guam by invitation in any regional, national or international tournament, game or other sporting event sanctioned by the Committee, shall be granted leave by the Unit Head for the time it takes to complete both competition and any necessary travel, not to exceed fifteen (15) working days, provided that his accumulated annual leave or compensatory time is charged with the hours he is absent from duty. The employee must request such leave in writing thirty (30) calendar days prior to his first day of leave. If the employee has exhausted his annual leave, or chooses not to use such, he shall be granted leave without pay. The employee may be granted said leave for competition not more than three (3) times in a calendar year.

#### **8.110 Advance Annual Leave Credit Not Permitted**

Annual leave shall not be granted in advance of being earned. If an employee has insufficient leave credit to cover a period of absence, the employee shall be placed on leave without pay status or request for leave sharing provided that all requirements are met under the Leave Sharing Policy (Appendix G).

#### **8.111 Advance Lump Sum Payment for Annual Leave**

When an employee takes authorized annual leave they will receive their pay through the regular ACH transfer. If an employee desires to receive a lump sum payment in advance of their annual leave, they may do so by submitting a request to their supervisor two weeks in advance of the leave start date. Title 4 GCA, Chapter 4, Section 4111.

If any such employee returns to work status prior to the expiration of the leave period for which he received a payment in advance, he shall reimburse the University for any portion of such period which shall not have expired no later than the pay period following the return to work status and shall be credited with the unused annual leave for future use.

#### **8.112 Lump Sum Payment for Annual Leave upon Separation or Transfer**

- A. Pursuant to Title 4 GCA, Chapter 4, Section 4111, when an employee is separated from the University's service, he shall be given a lump sum payment for any accrued and unused annual leave as of the date of separation. In computing lump sum payment, leave on leave shall not be allowed.
- B. Any employee who transfers from a branch of the government of Guam to another, or from one department, agency, instrumentality, or corporation of the government of Guam to another department, agency, instrumentality or corporation at his option, may accept cash value of his earned leave at the time of transfer, or transfer his accumulated annual leave to his new government position, notwithstanding the fact that such transfer may appear on the employee's personnel records as a resignation and reappointment.
- C. Pursuant to Title 4 GCA, Chapter 4, Section 4109, any employee who has been authorized to accumulate annual leave beyond 320 hours shall not be allowed lump sum compensation or retirement credit for annual leave in excess of 320 hours.

### **8.200 SICK LEAVE**

#### **8.201 Purpose and Eligibility**

- A. Sick leave shall be allowed to an employee when the employee:

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1. Receives medical, dental or optical examination or treatment, or any mental health examination, counseling or treatment;
  2. Is incapacitated for the performance of duties by sickness, injury, complications due to pregnancy, medical confinement; or would jeopardize the health of others by his presence at his duty assignment because of exposure to a contagious disease; or
  3. Gives birth or becomes a father pursuant to maternity or paternity statutes.
  4. To provide health care for a member of the employee's immediate family as a result of serious illness or injury and the employee has exhausted all annual leave and compensatory time available pursuant to Title 4 GCA, Chapter 4, Section 4108(c)(2).

“Serious illness or injury” means an urgent condition that is certified by the attending physician as requiring hospitalization, institutionalization, or extended home care in which the person needs the constant administration of special medical care or support.

Immediate family member means the employee’s spouse, common law, parents, parents-in-law, grandparents, brothers, sisters, children, grandchildren, any step or adoptive parents, adopted children or grandchildren of both the employee and the spouse, a guardian or person in loco parentis

- B. Sick leave with pay shall be allowed during leaves 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. Responsibility for compliance of this section shall remain with the President and University’s Payroll Office subject to such audit as ordered by the Director, Department of Administration.

#### **8.202 Notification of Sickness**

Notification of absence on account of sickness shall be given to the immediate supervisor on the first day of absence, or if impracticable, as soon thereafter as circumstances permit. If such notification has not been given in accordance with this section, the employee may be subject to disciplinary action. This can be subsequently withdrawn by the supervisor if the impracticality of notice is confirmed.

#### **8.203 Application for Sick Leave**

- A. Application for sick leave shall be filed on a form prescribed by the President.
- B. Sick leave shall be granted in accordance with statute, rules, policies and procedures.

#### **8.204 Sick Leave Charged Only for Working Hours**

An employee shall be charged for sickness for only those hours for which he was, or would have been scheduled to work.

#### **8.205 Accrual of Sick Leave**

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Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (four (4) hours) for each bi-weekly pay period in which the employees are on pay status for the entire ten (10) days. If the employee is not on pay status i.e. regular time, annual leave, sick leave, etc. for the entire ten (10) day period, no accrual of sick leave shall be granted.

### **8.206 Minimum Charge for Sick Leave**

An employee who uses sick leave in an amount of time, which is less than a full hour shall be, charged leave according to the following table:

<u>Minutes Used</u>	<u>Time Charged (Minutes)</u>
00 - 14	00
15 - 30	30
31 - 60	60

### **8.207 Accumulation and Carry Over of Sick Leave**

Unused sick leave may be accumulated and carried over to succeeding leave years without limitation. (Title 4 GCA, Chapter 4, Section 4108(b))

### **8.208 Vesting of Sick Leave**

Sick leave accrued for service with the government of Guam or any of its instrumentalities, branches, authorities or any entity, corporation or agency, shall vest in the employee upon accrual and shall remain vested in such employee while he is employed by the government notwithstanding the fact, that from time to time, he may be transferred from one branch to another or to autonomous agency, authority or entity within the government of Guam. Sick leave accrued and unused at the time of separation from the government shall remain credited to the employee if such employee returns to government service. An employee, approved for disability retirement, shall exhaust his accrued sick leave prior to effecting his retirement. (Title 4 GCA, Chapter 4, Section 4108(g))

### **8.209 Advance of Sick Leave**

- A. An employee who has suffered a serious illness or ailment and has exhausted his sick leave and who intends to return to work may submit a written request, for advance of sick leave to the Vice President. Each request for advance of sick leave must be accompanied by a certification of incapacitation for duty by the employee's physician. An advance of sick leave may not exceed thirteen (13) days, and shall be subject to the approval by the Vice President.
- B. If an employee is separated from service without having earned all of his 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. (Title 4 GCA, Chapter 4, Section 4108(5))
- C. If the employee is medically certified as being unable to return to work after all accrued and/or advanced sick leave credits have been used, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

### **8.210 Physician's Certification of Incapacitation**

- A. An employee who is absent because of illness, injury, or quarantine in excess of three

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consecutive days, or for the full day immediately before or after a holiday, weekend, day off or vacation, may be required to furnish a certification as to the incapacitation by a licensed physician or furnish administratively acceptable evidence pursuant to Title 4 GCA, Chapter 4, Section 4108(d). The Supervisor may require certification for such other periods of illness he deems advisable. Supervisors shall apply reasonable judgment when requesting a doctor's certification.

- B. If the certification required 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. (Title 4 GCA, Chapter 4, Section 4108(e))
- C. If the medical certification furnished by the employee is not acceptable, the appropriate Vice President may require the employee to submit a medical examination. Based on the medical certification, the Vice President:
  - 1. Shall not approve further use of sick leave if the employee is medically evaluated as fit to return for work.
  - 2. Shall allow the employee to use accrued sick leave if the employee is medically evaluated as unfit to return to work. In the event, the employee exhausts his sick leave, the provisions of these rules shall apply.
- D. An employee who upon a written request by the appropriate Vice President, refuses to comply with these rules shall not be eligible to use accrued sick leave credits and any absence from work shall be handled in accordance with Rule 8.700.

#### **8.211 Lump Sum Payment for Sick Leave Prohibited**

No employee who separates from the University for any reason may receive a cash payment for sick leave accrued at the time he leaves such service, except that upon the death of the employee, a lump sum payment of unused sick leave shall be made in accordance with Title 4 GCA, Chapter 4, Section 4108(h) and except for lump sum payments to participants in the Defined Contribution Retirement System upon retirement.

### **8.300 ON-THE-JOB INJURY**

#### **8.301 Policy**

It is the policy of the University that all employees are provided with safe working conditions. This policy is intended as an employee benefit separate and apart from Worker's Compensation Law. Unless otherwise provided by statute or the Board of Regents, this policy shall control in the event of conflict with other rules or policies. (Title 22 GCA Chapter 9)

#### **8.302 Definitions**

- A. Classified employee: A probationary or permanent status employee occupying a classified position.
- B. Day: A calendar day unless otherwise specified.
- C. Death: Death resulting from an on-the-job injury.

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- D. Disability: Physical or mental incapacity due to an on-the-job injury, which prevents the employee from performing the essential functions of the employee's regular position or other temporary duties.
  - E. Essential Functions: Those that an employee must be able to perform in the employee's regular position, with or without reasonable accommodation.
  - F. Lateral Position: A position with substantially comparable minimum qualification or equivalent pay grade as the employee's regular position.
  - G. Management Official: Official with supervisory or management responsibilities. Need to improve this.
  - H. On-the-Job Injury: Injury or death arising out of and in the course of employment, including an accidental injury or injury caused by the willful act of a third person directed against an employee because of his employment, and such occupational disease or infection as arises naturally out of such employment, or as naturally or unavoidably results from such accidental injury.
  - I. Personal Leave: Annual or sick leave or compensatory time off approved by a supervisor.
  - J. Physician: A person licensed to practice medicine in the United States or its territories or in other medical licensing jurisdictions recognized by the American Medical Association or other practitioners of the healing arts recognized by the Workers' Compensation Commission.
  - K. Public Employment: Employment by the government of Guam Executive, Judicial or Legislative departments, agencies, or instrumentalities, inclusive of semi-autonomous and autonomous agencies, and any other government of Guam entities and public corporations.
  - L. Reasonable Accommodation: A modification or adjustment to the employee's regular position, the work environment, or the way things are usually done that enables the employee to perform the essential functions of his regular position.
  - M. Regular Position: The position for which the employee was hired.
  - N. Temporary Duties: Specific duties of limited duration assigned to the employee during the work-injury period in lieu of the regular duties of the employee.
  - O. Unclassified Employee: An employee occupying an unclassified position or one employed on a temporary or limited term status.
  - P. Work-Injury Leave: Leave with pay granted by the appropriate Vice President under the provisions of Rule 8.300.
  - Q. WCC: Worker's Compensation Commission
  - R. Civil Service Commission hereinafter referred to as "Commission": The Commission shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service if such right of appeal to the Commission is established in the personnel rules governing the employee. (Title 4, Chapter 4, Section 4403(b))

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### **8.303 Coverage**

- A. A classified or an unclassified employee who suffers an on-the-job injury will be eligible for work-injury leave for up to sixty (60) days without charge to personal leave, beginning the day of the injury, provided:
  - 1. The employee is unable to perform the essential functions of the employee's regular position, or temporary duties, during the sixty (60) day period or portions thereof, as certified to by the employee's physician, the appropriate Vice President shall refer the case to WCC for further medical evaluation to include any necessary tests or testing such as laboratory tests of radiological, sonographic, and computerized axial tomography, and magnetic resonance imagery evaluation. The decision of the WCC shall be final. The Vice President shall identify the essential functions of the employee's position for the purpose of this section.
  - 2. The injury results in the death of the employee. In this event, the employee's designated beneficiary or beneficiaries, or if there are none, the estate of the employee, shall be entitled to a lump sum payment for the entire sixty (60) day work-injury period, or, that portion of the work-injury period that the employee would have been entitled to had employee survived.
- B. If an employee is able to perform at least the essential functions of his position or undertake temporary assignments as provided in Rule 8.303.A.1, but requires follow-up medical treatment for injuries, the employee shall be allowed work-injury leave for this purpose. The administration of this provision shall be closely monitored by the Vice President or delegated representative and coordinated with the WCC.
- C. An employee who is absent from work due to a work-injury and has completed a minimum of 50% of the performance rating period will be evaluated on his performance for that period. The employee will be entitled to a salary increment upon satisfactory rating.
- D. The employee on work-injury leave will continue to accrue annual and sick leave as provided in Title 4 GCA, Chapter 4, Sections 4108 and 4109.
- E. Employment insurance benefits will continue pursuant to contract provisions in effect for the group life and health insurance program.
- F. Work-injury leave will not be allowed if the death or injury of the employee was self-inflicted or the result of the employee's use of illegal drugs, intoxication, recklessness, gross negligence, criminal conduct, or the result of disciplinary action against the employee.
- G. To prevent dual compensation, work-injury leave will not be allowed if the employee is receiving workers' compensation.

### **8.304 Responsibilities**

- A. An employee's responsibilities include:
  - 1. Immediately reporting the injury to his supervisor. If the supervisor is not available, the employee shall report the injury to the University's safety personnel or any available management official within the University.

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2. Pursuing a workers' compensation claim in an expedient and timely fashion prior to the expiration of the approved work-injury leave period or converting to other leave status at the end of the leave period.
  3. Acting in good faith in pursuing work-injury claims. Any employee, who engages in fraud, misrepresentation, or abuse, shall be subject to discipline, prosecution, and be required to provide restitution for all monies and benefits received under Rule 8.300.
  4. Obtaining physician's certification to include medical evaluation and physician's detailed recommendation.

B. Management's responsibilities include:

1. Completing all work-injury reports, including the supervisor's portion of the worker's compensation form, to be distributed as follows:
  - a. The original to WCC.
  - b. One copy to the employee, the employee's department, the Guam Occupational Safety and Health administration, and to the University's Human Resources Office for placement in the employee's medical record.
2. The supervisory official who receives the employee's report must take immediate and expedient action to provide necessary medical treatment and prepare and submit injury report to the appropriate Vice President and other parties specified in Rule 8.304.B.1.
3. In cases requiring immediate treatment, medical assistance shall be sought for the employee at the nearest available medical facility. If the employee is not ambulatory, or otherwise should not be moved without medical intervention, an ambulance shall be called to transport the employee. A supervisory official or safety personnel shall accompany the injured employee to the medical facility for medical treatment as may be determined by the treating physician. Prompt notification of the employee's immediate family shall be made by the supervisory official, or the Vice President.
4. Completion of all work-injury reports and immediate submission to the appropriate Vice President who shall submit such reports to the Chief Human Resources Officer within five (5) working days following the date of notification of injury.
5. Notifying the appropriate Vice President if the employee is absent from work without authorization after the expiration of the approved work-injury leave period.
6. Immediately notifying the WCC that an employee is on work-injury leave status for the approved period.
7. Placing the employee on personal leave status pursuant to the provisions of these rules after the expiration of the approved work-injury leave period. The type of personal leave to be taken is at the employee's option.
8. Obtaining from the employee per Rule 8.603.A. 1. A doctor's certification of the employee's capacity to perform the essential functions of the employee's regular position,

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along with any specified mental/physical restrictions (e.g., no lifting over 20 pounds, no prolonged walking, standing, bending, stooping, no climbing of ladders, etc.), and recommendations of the physician as to other temporary duties which may be assigned without aggravating the existing condition.

9. Acting in good faith.

10. Complying with all applicable rules and regulations.

### **8.305 Employment Status**

- A. A classified employee, who as a result of an on-the-job injury becomes disabled and is unable to perform the essential functions of his regular position within six months after the date of injury may, if eligible, retire from the University as stipulated in Rule 9.104.
- B. If the classified employee is ineligible or declines to retire, the Vice President may allow the employee to exhaust personal leave; otherwise, the employee shall be placed in lateral or lower vacant position to which the employee qualifies, or be downgraded to a position needed by the University for which the employee qualifies, at the discretion of the Vice President. If the employee assumes the lateral position, the employee shall maintain his current salary. If the employee is downgraded or placed in a lower position, the employee shall maintain the current salary for one (1) year.

If there is no vacant position to which the employee qualifies, or the Chief Human Resources Officer determines that a downgrade is not proper, the Vice President shall exercise expedient and good faith efforts to place the employee in a position in which he qualifies in another division. If placement is unsuccessful, the Vice President shall immediately notify the employee in writing that the employee will be terminated within sixty (60) days from the receipt of the notice by the employee. The notice shall include the employee's right to appeal under Rule 8.306. If the employee is unavailable for personal service, service may be made by certified mail to the last known address, provided management has made reasonable, good faith efforts to personally serve the employee. In cases of service by mail, the sixty (60) days begin to run on the date of the mailing.

### **8.306 Appeal**

A classified employee who is terminated in accordance with Rule 8.305 B may appeal the termination to the Commission within twenty (20) days from the effective date of the termination in accordance with Commission's appeal procedures. The Commission may uphold the termination or take whatever action or remedies it deems appropriate. The Commission's decision is final, but subject to judicial review within thirty (30) days after the losing party receives the Commission's written decision.

## **8.400 EXCUSED ABSENCES/ADMINISTRATIVE LEAVE**

### **8.401 General Provision**

An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Supervisors and employees will apply the following procedures for excused absences.



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#### **8.402 Attendance at Official Meetings /Conferences On or Off-Island**

- A. Employees shall initiate a written request via his supervisor for an excused absence citing the purpose of the meeting/conference, dates involved, and costs, if any, to the Unit Head.
- B. The Unit Head will evaluate relative costs, availability of funds, potential for the employee's development, ability of the employee to grasp, retain, and implement material covered, and desirability of the University's representation when approving the attendance at on or off-island meetings /conferences.
- C. Upon approval of the request, a copy shall be provided to both the employee and University's Payroll Office.

#### **8.403 Jury Duty**

- A. An employee who is called for jury duty in any court in Guam shall be excused from duty with full pay and without charge to leave for all hours required for such duty, not to exceed the number of hours in the employee's normal workday. However, if the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
- B. An employee called for jury duty is required to show the Jury Duty Call Notification to his immediate supervisor.
- C. Supervisors are responsible for advising employees that all compensation earned for such jury service, except allowances for travel, must be paid to the University. An employee may elect to request annual leave for the purpose of jury duty service, in which case the employee may keep the compensation earned for such jury duty. (Title 4 GCA, Chapter 6, Section 6505)

#### **8.404 Witness Leave**

- A. Employees who are called to testify or produce official records on behalf of the government of Guam in any court in Guam shall be excused for duty with full pay and without charge to leave required for such service, not to exceed the number of hours in the employee's normal workday. However, if the witness service does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
- B. An employee called to serve, as a witness is required to show the notification to his supervisor. The employee must provide to his immediate supervisor a certificate or certificates showing the time devoted to witness service. The fees shall be the same as the fees of witnesses before the Superior Court, except if the witness is a government employee no witness fees shall be given.

#### **8.405 Participation as a Competitor in a government of Guam Personnel Examination or Interview**

- A. Employees who are participating in a competitive examination or interview for government of Guam employment shall be excused from work with pay and without charge to leave for the time required for the examination or interview. Employees are required to report to their work location after completion of the examination or interview.

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- B. Employees must advise their supervisor in advance of the need for excused absence to participate in a scheduled examination or interview. This notice should be given as soon as the employee receives information of the scheduled date and time of examination or interview.

#### **8.406 Participation in Examinations for Military Service**

An employee, who is scheduled to appear for an examination for entrance into the United States military service, shall be excused from work with pay and without charge to leave for the time required for the examination. The employee shall submit written confirmation of scheduled examination to his immediate supervisor.

#### **8.407 Military Training Leave**

- A. An employee who is a member of a Reserve Component of the Department of Defense or Transportation, including but not limited to, the U.S. Army, U.S. Navy, U.S. Marine Corps, U.S. Air Force, Army National Guard, Air National Guard and U.S. Coast Guard, shall be entitled to military training leave with pay, without charge to annual leave not to exceed 15 working days per fiscal year. The leave not used in a fiscal year will be transferred to the next fiscal year until it totals 15 days at the beginning of the fiscal year. (Title 4 GCA, Chapter 4, Section 4119)
- B. The employee shall submit a copy of his military orders or other documents which place the employee on military training, to the appropriate Vice President.
- C. A copy of the official orders shall be filed in the employee's personnel record.
- D. Any absence in excess of fifteen (15) workdays may, upon request by the employee and approval of the Vice President, be covered by accrued annual leave credits or accrued compensatory leave credits. If not requested by the employee or approved by Vice President as annual or compensatory time off leave, such absences in excess of fifteen (15) workdays shall be considered as leave without pay. Employees shall not seek leave requests beyond what is required for their military training.
- E. Military Reservists and National Guard members who are government of Guam employees may participate in the leave-sharing program that is available to employees who share their leave for other reasons. The leave sharing is restricted to ninety (90) days in accordance with Title 4 GCA Section 4109.2(b).

#### **8.408 Disabled Veteran's Re-examination or Treatment**

An employee, who has been rated by the Veteran's Administration to have incurred a service-connected disability and has been scheduled by the Veterans Administration to be re-examined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be excused from duty without charge to leave for such re-examination or treatment. Excused absences shall not exceed five workdays in a calendar year. Thereafter, the employee may utilize other forms of leave as provided in these rules.

#### **8.409 Natural Disasters and Other Emergency Conditions**

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- A. Excused absence with pay and without charge to leave shall be granted to employees when natural disasters or other emergency conditions create unsafe working conditions.
  - B. Excused absence, for natural disaster or other emergency conditions, may be granted only when there has been an official proclamation of the hazardous conditions by Executive Order, or an equivalent announcement by the Governor.
  - C. When the Governor declares a State of Emergency, the President shall determine whether affected facilities or portions thereof, which are located in the in the area covered by the Executive order or proclamation, are to be closed. If the President determines that such facilities or portions thereof must be closed:
    - 1. Employees determined by the President as non-essential for the cause in such emergency situation shall be released from duty with pay, without charge to leave, for the period the facility is closed or until such employees are recalled to regular work status by the President, any of the Vice-Presidents, or the President's designee.
    - 2. Employees, required to remain on duty to provide essential services, shall not be entitled to accrue administrative leave while they are working during the period the facility is closed and the other employees are on excused leave.
    - 3. The President may recall to a regular or other work status, any employee occupying a non-permanent position in the classified or unclassified services whether essential or non-essential, for the period the facility is Closed.
  - D. Employees who are on annual or sick leave status when an emergency condition is declared by Executive Order, or announcement by the Governor and are not required to report to duty, shall be considered as released from duty with pay without charge to leave for the period the work facility is closed.

#### **8.410 Disaster Service Volunteer Leave**

- A. An employee of the University of Guam, who is a certified disaster service volunteer, may be granted leave from work with pay for up to an aggregate of fifteen (15) days, consecutively or non-consecutively, in any twelve (12)-month period to participate in specialized disaster relief services without loss of seniority or any already accumulated vacation time, sick time or earned overtime due to such leave. (Title 4, Chapter 16)
- B. An employee of the University of Guam shall be compensated by the regular rate of pay for those regular work hours during which the employee is absent from work, but shall not receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition to the employee's regular pay.
- C. The University of Guam shall not be liable for workers compensation claims arising from accident or injury while an employee is on assignment as a certified disaster service volunteer for the American Red Cross, or a registered non-governmental organization.

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### **8.411 Participation in Officially Sanctioned Events**

An employee, who is a participating member of an official Guam delegation which is sanctioned by the Governor, shall be excused from duty with pay and without charge to leave for a period not to exceed five workdays in a calendar year. Such employee shall be placed on administrative leave.

### **8.412 Absence Pending Formal Investigation**

An employee, who is under formal investigation by the University or other competent jurisdiction for misconduct, or violation of a rule or statute, may be placed on excused absence from duty without charge to leave, not to exceed twenty (20) workdays when the employee's absence from the work location is essential to the investigation.

### **8.413 Bereavement Leave**

- A. An employee, upon request, shall be granted fourteen (14) calendar days of excused absence without pay, upon the death of each member of the employee's immediate family. Leave taken must be completed within sixty (60) days of the date on which the eligible employee receives notice of the death of a family member. (Title 22 GCA, Chapter 3, Section 3610)
- B. Each employee requesting bereavement leave due to a death in the immediate family shall submit a request to the President stating the name of the deceased and the relationship to the deceased.

### **8.414 Parental Leave**

- A. Paternal leave shall be granted to an eligible employee (full-time classified or full-time unclassified) occupying a permanent position upon the birth or adoption of his child or child(ren). (Title 4 GCA Section 4107.1)
- B. Parental leave shall not exceed twenty (20) days of paid leave and must encompass the date of childbirth or adoption of a child(ren) five (5) years old or younger.
- C. Additional leave taken for such purpose may be charged against accumulated sick leave, or may be unpaid leave. Total leave, whether paternity, sick or unpaid leave, shall not exceed one hundred thirty (130) days without approval of employee's immediate supervisor.
- D. Eligible employees who take parental leave and additional leave surrounding the birth or adoption of their child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.

### **8.415 Pregnancy Related Medical Leave**

- A. General Provisions of Leave Related to Pregnancy
  - 1. Pursuant to Title 4 GCA Section 4107, the female employee has the responsibility to provide the supervisor no less than ninety (90) days notification of intent to use pregnancy related medical leave and additional leave surrounding birth of a child(ren). If less than ninety (90) days is available, then notice shall be given as soon as is reasonably

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practical.

2. The immediate supervisor is responsible for providing gainful employment and making use of the employee's skills for as long as the employee is not incapacitated for duty.
3. Sick leave shall be made available during pregnancy to cover for physical examinations and period of incapacitation based on certification by the employee's physician.
4. Additional leave requirements for maternity purposes must be supported by physician certification or furnish other administratively acceptable evidence of fitness for duty and approved by the appropriate Vice President.
5. Except for workforce reduction situations, an employee taking paid leave shall be restored to the same or equivalent position held prior to the leave, or restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment upon presentation of her personal physician's certification of fitness for duty or furnish other administratively acceptable evidence of fitness for duty. There shall be no loss of employment benefits accrued prior to leave, except for paid administrative leave expended.
6. Eligible female employees (full-time classified or full-time unclassified) who take pregnancy related medical leave and additional leave surrounding the birth of a child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.
7. The marital status of the pregnant employee shall not adversely affect her right to continued employment or use of leave.
8. An employee who gives birth to multiple children at the same time is granted the same amount of pregnancy related medical leave as an employee who gives birth to a single child.

**B. Granting of Pregnancy Related Medical Leave**

1. Pregnancy related medical leave shall be granted to an eligible female employee as a result of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. Pregnancy related medical leave shall consist of paid administrative leave not to exceed ten (10) working days, encompassing the date of childbirth.
2. The employer shall approve up to one hundred thirty (130) total work days of leave, comprised of parental leave, sick leave, annual paid leave, compensatory leave, and leave without pay, in that order.

**8.416 Participation in a Medical Examination Requested by the University**

An employee who is required to undergo a medical examination, such as to determine fitness for the job, shall be excused from work with pay and without charge to leave for the time required for the examination.

**8.417 Educational Leave Without Pay**

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- A. In the event, the Unit head is desirous of establishing a program where employees are allowed to take educational leave with pay must have the program approved by the President in accordance with rules adopted by the University.
  - B. An employee may be granted excused absence from duty with pay, and without charge to leave, to attend on a full-time basis, a college, university, or training academy for not more than the equivalent of 2,080 hours of pay status for the purpose of receiving training that is of clearly foreseeable benefit to the University.
  - C. The granting of educational leave without pay shall be in accordance with the University's Employee Development Program.
  - D. Only employees who have completed their original probationary period are eligible to participate in this program.

#### **8.418 Leave for Child School-Related Purposes**

- A. An employee, who is a parent shall not exceed eight (8) hours in any calendar month of the year to meet with a teacher or other school official concerning the employee's child to find, enroll, or re-enroll the employee's child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of his or her child pursuant to Title 22 GCA Chapter 3 Section 3703.
- B. The eight (8) hours may be utilized at the arrangement of the employee with the employee's supervisor, and may be split into smaller separate segments. Such leave hours are not accumulative.
- C. An employee requesting such leave shall provide documentation, whatever written verification of parental participation the school or licensed child care provider deems appropriate and reasonable, from the school or licensed child care provider as proof that he or she engaged in the child-related activities on a specific date and at a particular time.

### **8.500 HOLIDAYS**

#### **8.501 General Provisions**

- A. Employees may absent themselves from duty on the holidays established by these rules, provided, however, that work assignments may be required to be carried out if previous notification is given by the appropriate Vice President.
- B. 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 considered eligible for compensation for the holiday under these rules but shall be considered as on leave without pay status.

#### **8.502 Legal Holidays**

Pursuant to Title 1 GCA Section 1000, Guam holidays are:

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New Year's Day	January 1
Martin Luther King, Jr. Day	Third Monday in January
Memorial Day	Last Monday in May
Independence Day	July 4
Liberation Day	July 21
Labor Day	1 <sup>st</sup> Monday In September
All Souls Day	November 2
Veteran's Day	November 11
Thanksgiving	4 <sup>th</sup> Thursday of November
Our Lady of Camarin Day	December 8
Christmas	December 25

Whenever a holiday listed above falls on a Saturday or Sunday, the Government of Guam shall follow the Federal government's practice for that holiday.

In addition to the holidays specified above, the Governor of Guam may declare by Executive Order additional non-permanent holidays for special purposes. No holiday declared by Executive Order shall be continued beyond the year in which the Executive Order is issued.

## **LEAVE WITHOUT PAY**

### **Leave of Absence Without Pay**

- A. Employees may request leave without pay for good cause when their current authorized annual or sick leave with pay will not cover the total period of requested leave. Leave without pay may be granted for a period not to exceed one year by the appropriate Vice President. For extenuating circumstances, the Vice President may extend the leave without pay for an additional year. No extension may be granted thereafter.
- B. When an employee is on leave without pay status, accrual of sick, annual, or retirement credit is not allowed.

### **Request by the Employee**

Leave without pay is temporary non-pay status and absence granted in response to an employee's request. Leave without pay covers only those hours, which an employee would otherwise work or, for which he would be paid.

### **Authorization**

- A. Authorizing leave without pay is a matter of administrative discretion. An employee cannot demand that he be granted leave without pay as a matter of right, except in the case of:
  - 1. disabled veterans who are entitled to leave without pay, if necessary, for medical treatment; and
  - 2. members of the Reserve Components of the U.S. Armed Forces who are entitled to leave without pay, if necessary, to perform military training duties.
- B. An employee who does not have adequate annual or sick leave credits may submit a written

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request for leave without pay to his supervisor, which requires the final approval of the Vice President. The employee's request should indicate the reasons and the need for leave without pay and the date employee intends to return to duty from leave.

### **Conditions for Approval of Leave Without Pay**

- A. Each request, for extended leave without pay, should be evaluated carefully to assure that the value to the University or the serious needs of the employee is sufficient to offset the costs and administrative inconveniences to the University which results from the retention of an employee in a leave without pay status. Among these costs are:
  - 1. Encumbrance of a position;
  - 2. Loss of services which may be needed in the organization; and
  - 3. Obligation to provide active employment at the end of the approved leave period.
- B. As a basic condition for approval of extended leave without pay, there should be a reasonable expectation that the employee will return to work at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:
  - 1. Increased job ability.
  - 2. Protection or improvement of employee health.
  - 3. Retention of a desirable employee.
  - 4. Furtherance of a program of interest to the University.
  - 5. Other reason as judged beneficial or in the best interests of the University by the Vice President.

### **Examples of Appropriate Use of Leave Without Pay**

The following examples of types of cases are not all inclusive for which approval of extended leave without pay would be proper, all other factors being favorable, are:

- A. For educational purposes, when the course of study or research is in line with a type of work which is being performed by the employee, and completion of which would contribute to the University's best interests.
- B. For the purpose of recovery from illness or disability, not of a permanent or disqualifying nature, when continued employment or immediate return to employment would impact on the employee's health, or the health of other employees.
- C. For the purpose of caring for a child upon birth or adoption.
- D. For the purpose of providing care to a spouse or child who is ill or disabled or to provide care to elderly parents or parents-in-law.



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### **Military Leave Without Pay - Special Provision**

- A. Any classified employee of the University, except an employee who is employed in a temporary position, who is drafted, who volunteers for active military service, or who is ordered to active duty (not active duty military training as outlined in Rule 8.407) consistent with of Title 4 GCA Section 6218, shall be granted limited leave without pay, beginning the date of induction and, not to exceed a period of four years of military service. Active military service includes active duty with the U.S. Army, U.S. Air Force, U.S. Navy, U.S. Marine Corps, U.S. Coast Guard, National Guard of Guam or other services as provided by Guam law. Such leave of absence shall be verified by official orders or appropriate military certification, which shall be filed in the employee's personnel record.
- B. During such leave of absence, the employee shall be entitled to retain the same rights and privileges as an employee granted leave without pay in accordance with these rules.
- C. All unused leave benefits shall be retained by the employee, whom shall have the same credited to the employee's record upon return to his assigned position consistent with of Title 4 GCA Section 6218.
- D. Upon termination under honorable conditions of such active duty, the employee shall be entitled to reinstatement in his previous position provided the employee shall notify his immediate supervisor, the President for reinstatement within ninety (90) days after discharge pursuant to Title 4 GCA, Chapter 6, Section 6218(d).
- E. If the employee volunteers for an additional tour of military duty, the employee shall forfeit the right to return to the position.

### **8.700 UNAUTHORIZED LEAVE OF ABSENCE FROM DUTY**

Employees are required to be at work at 8 am unless otherwise arranged with their supervisor. An employee who is absent from work without contacting their supervisor or making prior arrangements with their supervisor is on unauthorized leave of absence from duty. An employee who is absent from duty without proper authorization shall be subject to disciplinary action and placed on unauthorized leave of absence without pay or for payroll purposes. Repeated unauthorized absences may be grounds for disciplinary action up to an including termination.

### **FAMILY AND MEDICAL LEAVE ACT**

Leave of absence, for a maximum of 12 weeks during any 12 month period under the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) (Federal Regulations - 29 C.F.R. Part 825) and as amended by Section 585 of the National Defense Authorization Act for FY 2008 (Public Law 110-181, Enacted January 28, 2008), shall be approved for an employee for reasons stipulated in Section 8.801.

#### **Purpose**

- A. The birth of a child of the employee and the care of such a child.
- B. The placement of a child with the employee for adoption or foster care.

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- C. The care of a spouse, son, daughter, or parent with a serious health condition.
  - D. A serious health condition of the employee.

### **Eligibility**

An employee must have worked for the government of Guam for at least 12 months and for at least 1,250 hours during the year preceding the start of the leave. Temporary employees working part-time, after completion of 1,250 hours, are counted as completing the workweek even if they do not work a 40-hour workweek.

### **Medical Certification**

A medical certification may be required by the Unit Head to show dates of anticipated absence due to medical reasons or for childbirth.

### **Leave Status**

- A. Leave for the purpose of childbirth or placement of a child for adoption or foster care shall not be taken intermittently or on a reduced leave schedule.
- B. Leave for caring for spouse, son, daughter or parent or for the employee's serious health condition may be taken intermittently or on a reduced leave schedule.
- C. When leave is taken intermittently or on a reduced leave schedule, the employee's absence under the FMLA shall not exceed the equivalence of a full-time work schedule of 12 weeks (40 hours per week x 12 weeks = 480 hours).
- D. An employee may elect to substitute the following paid leave for any, or all of the periods of leave taken under the FMLA. However, the Vice President may not require an employee to substitute paid time off for any, or all of the period of leave taken.
  - 1. Accrued annual or sick leave, or compensatory time off (CTO) requested and approved consistent with rules governing the granted and use of annual or sick leave.
  - 2. Advanced sick leave approved under the same terms and conditions that apply to any other employee who requests advanced sick leave.
  - 3. Leave made available to an employee under the Leave Sharing Program.

### **Return to Employment**

Upon completion of an employee's leave, an employee must be returned to the same position and pay, benefits and working conditions at the conclusion of the leave as applicable.

### **Procedures for Applying for FMLA**

The University shall establish operating procedures for employees in requesting for FMLA leave.

## **8.900 LEAVE SHARING PROCEDURES**

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From time to time, classified employees in the civil service of the government of Guam have occasion to need leave for personal reasons, but may have already exhausted the leave that they have earned and accrued. At times like these, particularly when the employee needs time off to take care of sick family members or in the case of the military reserves and National Guard members, being called to active duty in excess of fifteen (15) working days, the employee might be forced to take leave without pay. Through the generosity of the other employees, the affected employees could be relieved of the stress of this situation. (Title 4 GCA, Chapter 4, Section 4109.2)

- A. Whenever a government of Guam employee desires to transfer a number of hours of earned sick leave or annual leave to another employee in any department or agency of the government, a formal written request shall be made by the donor employee to that person's payroll supervisor, stating the name of the recipient, the number of hours of leave to be transferred and the type of leave.
- B. No transfer may be made by any employee to that person's supervisor, or to any person above that employee in the supervisory chain, or to a member of the supervisor's or such supervisory person's immediate family.
- C. If the donor has sufficient hours of leave accrued to cover the donation, the payroll supervisor shall notify the President. The President shall direct the Payroll Division to transfer the approved number of hours to the recipient.
- D. Upon receipt of the notice of transfer, the receiving employee may then submit a leave request for the number of hours of leave, sick or annual, that the employee needs and the unit head shall then approve the leave request.
- E. Leave may not be transferred to another employee if as a recipient that employee intends to use it for credit towards retirement or accumulated leave. This transfer of leave shall be strictly on a voluntary basis.
- F. Leave transferred shall be used as leave by the person to whom it is transferred, and if it is not used in its entirety, it may be re-transferred to the person who originally earned it. In no event shall transferred leave be converted to cash or retirement credit by the person to whom it is transferred.
- G. Participation in the leave sharing program shall not exceeding ninety (90) working days, shall require a certification from the attending medical doctor that the recipient of the leave needs additional time for medical treatment or recovery from a medical illness and is physically unable to return to work due to the medical illness.
- H. An additional ninety (90) working days may be granted upon similar certification from the attending medical doctor made within two (2) weeks of the first ninety (90) day period.
- I. A final period of thirty (30) working days may be granted upon an additional certification from the attending medical doctor that additional time is needed for recovery.
- J. If the hourly rate of pay of the donor is less than the hourly rate of pay of the recipient, the leave will be paid at the hourly rate of the donor. If the hourly rate of pay of the donor is greater than the hourly rate of pay of the recipient, the leave shall be paid at the rate of pay of the recipient.

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## **CHAPTER 9 HEALTH AND SAFETY**

### **STATEMENT OF POLICY**

The purpose of this Chapter is to ensure that applicants and employees meet the health and physical requirements for the efficient performance of their duties. In addition, this Chapter is to develop safe and healthful environment for employees and for the public when using the University's facilities, by establishing/maintaining and properly supervising an active safety and health program tailored to meet the needs of the organizations.

### **9.00 MEDICAL STANDARDS**

#### **9.01 Establishment of Medical Standards**

Medical standards shall include, but need not be limited to, pre-entry medical examinations to include TB testing, medical re-evaluations, the method of administration of medical examinations, and the consequences of failure to meet health and physical condition requirements.

The President is authorized to establish medical standards in order to:

- A. Ensure that persons seeking employment with the University meet the health and physical requirements necessary for the safe and efficient performance of the duties of the class of position in which they seek employment, and can continue to meet the health and physical requirements for a reasonable period of time.
- B. Ensure that each employee is able to perform the duties of his position satisfactorily and without undue hazard or imminent threat to himself or others or without undue hardship on the operation of the program.
- C. After making a conditional job offer and before an individual starts work, the appropriate Vice President may request a medical examination or ask health-related questions, provided that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries.
- D. The medical exam will be paid by the employee.

#### **9.02 Kinds of Employment Medical Examinations**

The Vice President is authorized to require three types of medical examinations:

##### **A. Pre-entry**

Pre-entry physical examinations to include TB testing is required of all persons prior to initial appointment to the position.

##### **B. Periodic**

Periodic physical examinations to include TB testing is required of all employees holding positions in classes that the Vice President certify and approve, that the nature of the work

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performed is such that a periodic check of ability to meet the health and physical condition standards is necessary. The Vice President will determine the intervals, at which periodic physical examinations shall be taken consistent with the University's operational requirements. The University shall implement the standards imposed by the U.S. Department of Transportation and other OSHA standards applicable to periodic medical physical examinations for certain type of vehicle operations. Other OSHA standards are applicable relating to periodic medical examinations of certain vehicle operations (Title 10 GCA Chapter 87).

C. Independent Medical Examination

The Vice President may authorize special medical physical or psychological examinations to determine the fitness for duty of employees to continue with their assigned duties. Special physical or psychological medical examinations shall have as their purpose the determination of whether an employee should be retired from government service or assigned to duties and responsibilities that are within his physical or psychological ability to perform. The University shall pay the costs for the special medical examinations.

**9.03 Administration of Employment Medical Examinations**

Medical examinations shall be administered by a licensed physician or other licensed professional on forms prescribed by the University. The examination form will request a medical determination of the individual's fitness for employment in the class of position. For special medical examinations, forms will provide a means for recommendations by the examining physician or licensed professional, as to whether the individual employee should be retired or placed in other employment more suited to his physical or mental condition and ability and for which the employee can perform the essential function of the job.

**9.04 Temporary Medical Exemptions**

The Vice President may determine that a position must be filled immediately, making it impossible to complete the medical examination prior to appointment. In these unusual cases, the Vice President may temporarily waive the medical examination, provided that the medical examination is completed at the earliest possible date and no later than 30 days after the appointment.

**9.100 PLACEMENT OF EMPLOYEES WHO BECOME MEDICALLY NON-QUALIFIED**

**9.101 General Provisions**

- A. The provisions of this section shall apply to permanent employees who become medically non-qualified and to original probationary employees with a service-connected disability.
- B. It is the responsibility of the University to assure, to the extent possible, the continued employment of employees who become disabled as a result of an injury, accident or illness that is not a result of misconduct or who are found to be medically non-qualified for their present position, but who are medically qualified for other types of positions within the University.
- C. The employee shall be examined by a government or private physician or physicians; in such field or fields of medicine and/or psychiatry as may be applicable to evaluate the employee's

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qualifications for his present position, or assess his current physical and emotional capacities and/or evaluate his qualifications for a vacancy for which he is being considered under the provisions of this section.

- D. Employees affected by this rule shall be considered for those vacancies for which they qualify within their department/unit and may also receive consideration for vacancies in other departments/units within the University. In such an instance, the Vice President may effect a direct transfer to the new position.
- E. In the placement of an employee with a disability, all units shall consider the following:
  - 1. The ability of the employee to safely perform the essential functions of the position without undue interruption to the work program and/or undue hardship on the operations of the program.
  - 2. The ability of the employee to absorb any required training or retraining; and
  - 3. The mutual interest of both the University and the employee.
- F. If demotion is involved, whether or not initiated by the employee, he shall be compensated in accordance with Rule 6.005.

#### **9.102 Placement of Employees with Disabilities**

After medical, physical, or psychological re-evaluation of an employee who is no longer qualified to perform the duties of his position satisfactorily within a stated reasonable period of time and in spite of reasonable accommodations due to permanent medical physical or mental incapacity, the Vice President shall take the following action (provided the employee is qualified and able to perform the new duties within the limitations established by these rules and the American with Disabilities Act (ADA). Please refer to the University's Institutional Compliance Officer for further information:

- A. Transfer the employee to an equivalent position elsewhere in the University organizational structure; or
- B. Placement of the employee consistent with Chapter 4; or
- C. If no equivalent position is available, to reassign the employee to a lower graded position, without loss of pay, elsewhere within the University.

#### **9.103 Reasonable Accommodation**

Every effort shall be made by the Vice President to provide reasonable accommodations to assure continued employment.

#### **9.104 Termination of Employment**

If the employee can not be reasonably accommodated per section 9.103, the Vice President shall terminate the employment of the employee:

- A. If no suitable placement can be made or if the employee refuses placement in a suitable position.

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B. If the employee refuses or is ineligible for retirement.

C. If the Vice President has evidence that the employee is permanently disabled from performing the job, or will be disabled for a long time that termination is necessary in light of demonstrated business realities. (In such cases, the injury must permit a prognosis with reasonable medical certainty.)

The Vice President should engage in the interactive process with the employee to determine that he cannot perform the essential functions of his job or of other open positions for which he qualifies, with or without reasonable accommodation.

Such termination shall be consistent with the Adverse Action Procedures.

#### **9.200 SAFETY STANDARDS**

The minimum safety standards will be those as established in the Occupational Safety and Health Code (Title 10 GCA Chapter 87) and administered by the Division of Occupational Safety and Health of Department of Labor in conjunction with the University's Safety Office.

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## **CHAPTER 10**

### **EMPLOYEE PERFORMANCE**

#### **STATEMENT OF POLICY**

The purpose of this Chapter encourages efficiency and productivity among employees and the orderly and constructive relationships between management and employees in the interest of effective personnel management, and the efficient operation of the University.

#### **10.00 EMPLOYEE PERFORMANCE EVALUATION**

##### **10.01 Performance Evaluation**

The Chief Human Resources Officer shall establish and maintain a performance evaluation system for the fair and objective appraisal of work performance of employees of the University. The performance evaluation system may be used to (Title 4 GCA Chapter 4 and Chapter 6):

- A. Improve individual performance.
- B. Strengthen supervisor/employee relationships.
- C. Recognize employee accomplishments and good work.
- D. Identify job standards.
- E. Identify training needs.
- F. Grant or deny pay increments.
- G. Determine order of layoffs.
- H. Determine whether a probationary employee shall be given a permanent appointment.
- I. Determine eligibility for promotion.
- J. Determine whether disciplinary action is required.

##### **10.02 Performance Evaluation Training**

The Chief Human Resources Officer shall be responsible for providing periodic training for all levels of management concerning the performance evaluation system, including the development of performance standards, performance interview techniques and performance ratings.

##### **10.03 Performance Evaluation Records**

- A. The performance evaluation report will be transmitted to the Chief Human Resources Officer 30 days prior to the anniversary date. Upon receipt of the performance evaluation report and recommendations the Chief Human Resources Officer shall effect the appropriate personnel action in accordance with the recommendation of the immediate supervisor and the Vice-President. No action will be taken by the Chief Human Resources Officer until receipt of the performance evaluation report.



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- B. Records of the performance evaluation report shall be filed in the employee's personnel record.

#### **10.04 The Chief Human Resources Officer's Responsibilities for Performance Evaluation**

The Chief Human Resources Officer shall be responsible for the effective implementation and administration of the performance evaluation system within the University. He shall approve all performance ratings made within the University and shall ensure that supervisory personnel receive adequate training in the performance evaluation system. He shall ensure that performance evaluations and reports are completed and submitted on a timely basis.

#### **10.05 Supervisor's Responsibility for Performance Evaluations**

- A. The performance standards shall be developed and the performance rating shall be completed by the immediate supervisor responsible for the employee's work with input from the employee. The rater should be the individual who oversees, reviews and checks the daily work performance of the employee being rated, or is the immediate supervisor who is most closely acquainted with the employee's daily work performance. The immediate supervisor shall also be responsible for the timely preparation and submission of performance reports for all employees under his supervision. Pursuant to Rule 10.003 and 10.007, failure to submit timely performance appraisal reports constitutes grounds for disciplinary action. The Vice-President may impose disciplinary action against supervisors in violation of this rule when it is found that there was no reasonable cause for delay. The employee's supervisor must have supervised the employee for at least ninety (90) days to render a fair evaluation. When a supervisor retires, resigns or transfers, he will render an evaluation for the assigned employees before leaving the University.
- B. For employees on temporary assignments due to work injury, disability (light duty), details, etc., for ninety (90) days or more, the supervisor may establish additional performance standards to reflect current duties. A composite rating for the temporary assignment and permanent position may be made.

#### **10.06 Performance Evaluation Form**

Performance evaluations shall be accomplished on a form approved by the President consistent with the performance evaluation system in effect. The performance evaluation forms shall be filed in the employee's personnel record. (Appendix H)

#### **10.07 Performance Evaluation Period**

In accordance with the system and procedures prescribed by the Chief Human Resources Officer, supervisors shall evaluate the work performance for employees:

- A. In accordance with Title 4 GCA, Chapter 6, Section 6202, every 12 months of service for permanent employees in Pay Grade Steps 1 through 6; every 18 months of service for permanent employees in Pay Steps 7 through 9; and every 24 months of service for permanent employees in Pay Steps 10 through 20 to coincide with the employee's employment anniversary date or increment due date. Immediate supervisors may opt to conduct intermittent performance assessments of subordinates.

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- B. Immediate Supervisors may conduct mid-term performance evaluations for all of their staff.
  - C. No later than the end of the probationary period for those employees serving original probationary appointments including those probationary periods that have been extended. The final Probationary Performance Evaluation shall be submitted and received by the Chief Human Resources Officer no later than ten (10) workdays prior to the probationary period due date.

#### **10.08 Salary Increments - Permanent Employees**

Every classified employee shall be entitled to a one-step salary increment for satisfactory performance, except as otherwise provided by statute Pursuant to Title 4 GCA, Chapter 6, Section 6202.

#### **10.09 Performance Evaluation for Probationary Employees**

- A. An overall performance rating of at least **Satisfactory**, shall be necessary before an employee serving an original probationary period may receive a permanent appointment in the class of position he occupies.
- B. When an employee serving an original probationary period receives an overall performance rating of **Marginal**, or if the rating of the employee is unclear, the probationary period shall be extended for a minimum period of 30 days during which the employee has the opportunity to improve work performance, provided the total probationary period does not exceed 12 months.
- C. When an employee, serving an original probationary period, receives an overall performance rating of **Unsatisfactory**, the employee serving the original probationary period shall be terminated from University employment upon approval of the Vice-President. No appeal of this termination shall be allowed.
- D. When an employee serving an original probationary period is selected for another position without completing the original probationary period, the employee must serve a new original probationary period in the new position and receive a rating pursuant to A above and Rule 4.602 in order to obtain permanent appointment.

#### **10.10 Merit Bonus**

**Outstanding** performance by a classified employee in Grades A through V shall be rewarded by a lump sum bonus based on an amount equivalent to 3.5% of the employee's base salary. The merit bonus shall be automatic upon a superior rating evaluation conducted for increment purposes (Title 4 GCA Section 6203). The Merit bonus is in addition to the increment and is limited to the fiscal year in which outstanding performance is rendered (Title 4 GCA Section 6101).

### **10.100 APPEAL PROCEDURE FOR REDETERMINATION OF PERFORMANCE RATING**

#### **10.101 Purpose**

The procedure outlines the responsibilities and procedures to be followed by management and employees in handling performance rating appeals.

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### **10.102 Coverage**

Employees covered by these procedures are those employees who have satisfactorily completed their original probationary period and have attained permanent status within the University. Such employee who feels he was unjustly rated may request for a re-determination of the performance rating. Original probationary period performance ratings are not appealable under this procedure.

### **10.103 Representation**

An employee has the right to present an appeal with or without representation. He also has the right to be accompanied, represented, and advised by a representative of his choice at any step of the appeal proceedings.

### **10.104 Freedom from Reprisal or Interference**

An employee and his representative shall be free to appeal a performance rating without restraint, interference, coercion, discrimination, or reprisal.

### **10.105 Management's Responsibility for Timely Action**

Management shall expedite the processing of an appeal and shall abide by the allotted time. Failure to render a decision within the allotted time at any step constitutes denial, and the employee may then proceed to the next step of the appeal procedure.

### **10.106 Informal Appeal Procedure – Unit Head**

- A. After the rating conference has been held and the employee has been informed of his overall annual rating, the employee who believes he was unjustly rated shall bring the matter to the attention of his Unit Head within five (5) workdays of the conference date. The employee may present his informal appeal either orally or in writing to the Unit Head.
- B. A review of the rating shall be afforded the employee by the rater and or higher level supervisor. Settlement of aggrieved matters shall be encouraged at the lowest administrative level and in the shortest possible time. The employee shall be notified of the decision not later than five workdays after presentation of his informal appeal to the Unit Head.
- C. If the employee's concerns are not resolved, or that a decision is not issued within five (5) workdays, the employee may file a formal appeal to the Vice-President.

### **10.107 Formal Appeal Procedure – President/Performance Board of Review**

- A. Whenever resolution of a performance rating cannot be reached at the informal level, an employee may appeal to the Performance Rating Board of Review (Board) via the Vice-President. The appeal shall be in writing to the President and filed within five (5) workdays after the employee receives the Unit Head's decision.
- B. The Board shall be appointed by the Vice-President and consist of three members, who are permanent government employees of agencies other than the University of which one shall be at the same position level as the appellant, one shall be at the managerial level or designated official who will serve as the hearing officer. The Vice-President shall appoint the Board

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within 5 (5) workdays of receipt of the written appeal.

- C. The Board shall conduct its first hearing within 5 workdays of its appointment. The Board shall complete the investigation and conduct the final hearing not later than 10 workdays from the date the Board convened. The Board shall give notice of hearings and shall provide all pertinent documents related to the appeal to the employee, his representative, the rater, and all other parties concerned.

The conduct of the hearings will be consistent with the opportunity to present all information necessary to decide the merits of the appeal. Both oral and written information, which the Board considers pertinent, may be submitted and other information the Board requests concerning the appeal.

- D. The hearing officer shall preside and rule on all questions and conduct of the hearing during the proceedings. Board members shall consider the case and vote objectively. They will give consideration to the merits of the case and secure all necessary information. They will encourage a harmonious relationship between the employees and supervisors during proceedings before the Board. All members of the Board will be present at all times during hearings and will participate in the decision. Hearings shall be recorded and summarized in writing.
- E. When all pertinent information in an appeal has been presented to the Board, the Board shall render a decision by majority vote. The Board may either amend the performance rating, or sustain the rating without change. When an amendment is made by the Board, to the performance rating, that amended rating shall not be lower than the original rating.

The Board shall make its final decision within five (5) workdays of the final hearing. The Board's decision shall be in writing with the hearing officer's signature. The decision shall contain a brief summary of the facts on which the Board based its decision. The written decision shall be immediately sent to the appellant, and signed copies forwarded to the Unit Head, the Chief Human Resources Officer and the Vice-President.

- F. When the Vice President receives a Board decision amending the employee's rating, the Vice-President shall immediately substitute the original rating for the amended rating. The Vice-President must reconsider administrative actions based on the original rating and re-determine and adjust those administrative actions to conform to the amended rating. (Reference to Board composition-AG opinion Reference DOA 95-1399)

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## **CHAPTER 11**

### **ADVERSE ACTION PROCEDURES**

#### **STATEMENT OF POLICY**

This Chapter sets forth the guidelines and procedures by which a Vice-President may suspend, demote, or dismiss a permanent employee.

#### **11.000 COVERAGE**

This Chapter shall apply to all permanent classified employees.

#### **11.100 SCOPE**

For the purpose of this Chapter, the term "dismissal" shall not be interpreted to include:

- A. Actions taken by the Vice-President referenced in the Chapter on “Resignation, Termination and Clearance”; or
- B. Action taken by the Vice-President in the termination of services of an original probationary employee.

#### **11.200 EMPLOYEE DISCIPLINE**

##### **11.201 General Provisions**

###### **A. Responsibility for Discipline**

The Vice-President derives authority and responsibility for employee discipline under the provisions of Title 4 GCA Section 4105. The Vice-President has the responsibility to remove, suspend, or demote to another position on a fair and equal basis, any employee in the classified service whose conduct or capacity is such that his removal, suspension or demotion will promote the efficiency of government service.

###### **B. Delegation of Authority**

The Vice-President may delegate responsibility for administration of day-to-day discipline to his line-management to include such progressive discipline, as oral admonitions/counseling (Appendix I), letters of warning (Appendix J), letters of reprimands (Appendix K), and recommendation of adverse actions.

###### **C. Vested Authority**

The President and Vice-President’s are the only officials vested with the final authority to take adverse action, including removal, demotion, or suspension against an employee.

##### **11.202 Job Protection Procedures in Employee Discipline Actions**

- A. All levels of supervisory and management officials share the responsibility for strict adherence to employee's job protection rights and considerations including:

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1. Informal counseling at the first indication that an 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 to correct unacceptable habits or practices, such as tardiness or lack of attention to work requirements.
  3. The right to reply to the notice of proposed adverse action that may result in a suspension, demotion or dismissal.
  4. The right to reply to the notice of proposed adverse action and careful consideration of any reply; and
  5. The right to appeal to the Commission as provided in the CSC Rules and Regulations Relative to Demotion, Suspension, Dismissal and Appeal of Adverse Actions.
- B. The President shall require each immediate supervisor and Unit Head to receive orientation and training on the University's basic intent that discipline is a tool for correcting people in such a way as to produce satisfactory job performance. The use of discipline in a punitive manner is inconsistent with the University's concept of discipline as an opportunity to provide constructive correction.

### **11.300 ADVERSE ACTION PROCEDURES**

#### **11.301 General Requirements**

- A. An employee must be given the notice and statement of the charges pursuant to Title 4 GCA Section 4406, no later than ninety (90) days after management knew, or should have known the facts or events which form the alleged basis for the adverse action.
- B. An employee covered by the Adverse Action Procedures may be suspended for not more than 30 workdays as the result of a single adverse action, nor may an employee be suspended for more than a total of sixty (60) workdays in a calendar year, as the result of multiple adverse actions taken by the University.
- C. Copies of the adverse action rules and appeal procedures should be made available upon request by the employee.

#### **11.302 Definition**

- A. Suspension: The temporary removal of an employee from his position with loss of pay as a disciplinary measure.
- B. Demotion: The involuntary reduction in status of an employee for disciplinary reasons from specific class, to a position in another class, where the maximum rate of pay is less than the maximum rate of pay for the class which he had held, or a reduction to a lower salary step in the same class.
- C. Dismissal: The termination of an employee for authorized cause of adverse action.

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D. Day: Refers to calendar day unless otherwise specified.

### **11.303 Authorized Causes for Adverse Action**

The Vice-President may remove an employee for such misconduct(s), which affect(s) the efficiency of the service. The authorized causes for adverse action include, but are not limited to:

- A. Fraud in securing appointment.
- B. Refusal or failure to perform prescribed duties and responsibilities.
- C. Violation of the University's Drug Free Workplace Policy.
- D. Falsification of records, such as, but not limited to reports, time records, information system records, leave records, employment applications, or other official University documents.
- E. Insubordination, including but not limited to, resisting management's legitimate directives through actions and/or verbal exchange, or failure or refusal to follow supervisor's legitimate instructions to perform assigned work, or otherwise failure to comply with applicable established written policy(ies).
- F. Reporting to work under the influence of, or when ability is impaired by the use of alcohol or the unlawful use of a controlled substance.
- G. Unlawful manufacture, distribution, dispensing, possession or use of controlled substances while on the job or on the University's premises including while operating University's equipment.
- H. Unauthorized absence.
- I. Criminal convictions for felonies or misdemeanors that are nexus to the position while employed, including conviction of a moving traffic violation while operating University's equipment.
- J. Discourteous treatment of the public, customers or other employees.
- K. Engaging in political activity prohibited by law.
- L. Misuse or theft of government property.
- M. Acts of physical violence or fighting endangering and threatening the life or safety of customers, employees, or the public.
- N. Violation of safety rules and regulations.
- O. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.
- P. Acts prohibited by Title 4 GCA, Chapter 9, Section 9102 relating to strikes against the government.

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- Q. Threatening, coercing, harassing or acts of discrimination to employees, supervisor, customers or individuals, to include sexual harassment.
  - R. Refusal to take physical examination to include TB test.
  - S. Unsatisfactory performance.
  - T. Other misconduct not specifically listed.

#### **11.304 Employees Covered**

All employees in the classified service are covered by these rules, except for the following:

- A. Contract employees whose contracts are not renewed upon expiration.
- B. Probationary employees serving original appointments.
- C. Employees on limited-term, temporary, seasonal, intermittent, part-time, provisional, or only for a specific project.
- D. Employees who are exempt by law or other legal authority from the jurisdiction of the Commission with regards to adverse actions.

#### **11.305 Adverse Action Covered**

- A. These rules apply to the following adverse actions:
  - 1. Suspension;
  - 2. Demotion (disciplinary action);
  - 3. Dismissal.
- B. The use of any combination of the adverse actions listed for the same offense is prohibited.

#### **11.306 Notice of Proposed Adverse Action**

An employee against whom adverse action is sought is entitled to immediate written notice stating any and all reasons, specifically and in detail, for the proposed action. The written notice must make it clear that it concerns only proposed action and not a matter already decided. A copy of the notice of proposed adverse action shall be submitted to the Commission. A copy of such action shall be filed with the University's Human Resources Office and Civil Service Commission. The Vice-President may issue the proposed adverse action to the employee.

#### **11.307 Employee's Answer**

An employee is entitled to seek reconsideration of the proposed adverse action by answering any charges within 10 days after receipt of the notice. The answer may be made orally, in writing, or both. The Vice-President shall be available during the notice period to meet with the employee at the designated date and time requested by the employee. The Vice-President may designate a committee to hear the employee's answer. The employee may be represented by a person of his



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choice. The Vice-President must consider the employee's answers to the charges in the proposed adverse action notice. If the employee fails to answer during the notice period, the employee's inaction shall be construed as an answer, and the Vice-President may proceed with the adverse action upon expiration of the notice period. The employee is not prohibited from meeting the Vice-President during the notice period.

The entire ten (10) days for the employee to respond to the notice of proposed adverse action must expire before a final notice of adverse action is issued.

### **11.308 Suspension During Notice Period**

- A. An employee, against whom adverse action is proposed, must be retained in active duty status during the notice period. However, in a critical situation an employee may be immediately suspended during the notice period under the following conditions:
  - 1. The employee poses a threat to co-workers or the supervisor.
  - 2. The continued presence of the employee may interfere with the efficient operation of the University or where cash or assets of the University are at risk.
  - 3. Suspension is necessary to eliminate the possibility of deliberate damage to equipment, property, or important documents.
  - 4. The employee's absence without authorized leave prevents the issuance of notice of proposed adverse action and the University's attempt to contact the employee was unsuccessful.
- B. Suspension under this Section is a separate adverse action and it is appealable to the Commission within twenty (20) days of the effective date of the suspension. A copy of the notice of immediate suspension shall be filed with the Civil Service Commission not later than the working day next following the effective date of the suspension.
- C. If the Civil Service Commission sustains the University's action in suspending the employee during the notice period, the number of days of suspension under this Section shall be considered part of the final disciplinary penalty and in no case shall the final days of suspension be more than thirty (30) workdays.

### **11.309 Leave Pending Investigation**

In cases requiring investigations of allegations against an employee involving misappropriation of public funds or property, mistreatment of persons in a government institution or acts which constitutes a crime, the department/unit head may authorize the employee an administrative leave of absence with pay for up to twenty (20) workdays. The administrative leave may be terminated by the Vice-President by giving the employee twenty-four (24) hours written notice.

### **11.310 Employment Status During Imprisonment**

- A. An employee who is incarcerated pending disposition of a case by the court, and who does not have accrued annual leave, may be granted leave without pay at the discretion of the Vice-President.

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- B. The Vice-President shall determine whether to take adverse action against an employee so imprisoned or take such action as he deems necessary pursuant to laws and the University's Personnel Rules and Regulations. Nothing in this Section shall preclude the Vice-President from taking adverse action against an employee during imprisonment or upon release.

### **11.311 Final Notice of Adverse Action**

- A. An employee is entitled to written notice of the University's decision within ten (10) days after receipt of the employee's answer to the charge(s) except as provided in the Commission's Hearing Procedures for Adverse Action Appeals, and provided further that the Vice-President shall not issue a final decision during the notice period. The decision shall be made by the Vice-President, shall be delivered to the employee at or before the time the action will be made effective, except as provided in the Civil Service Commission's Hearing Procedures for Adverse Action Appeals. The notice shall be in writing; be dated; state the specific facts found upon which such action is based; inform the employee of his right to appeal to the Commission; and, inform him of the time limit of twenty (20) days within which an appeal may be submitted as provided in Section CSC-100(C) Civil Service Commission's Hearing Procedures for Adverse Action Appeals. (Appendix L)
- B. In the event the Vice-President cannot locate the employee, the Notice of Proposed Adverse Action and/or Notice of Final Adverse Action shall be sent, certified mail, to the employee's last known address.
- C. Prior to the final notice of adverse action, the Vice-President may conduct an inquiry or investigation into the charges and proposed action, including calling a meeting with the employee.
- D. Copies of the final notice of adverse action shall be filed by the department/unit with the Civil Service Commission not later than the next workday following the effective date of the action. A copy of the final notice shall be retained by the University's Human Resources Office.

### **11.312 Appeal to the Civil Service Commission**

The Hearing Procedures for Adverse Action Appeals adopted by the Civil Service Commission shall be applicable for all Adverse Action Appeals Proceedings.

### **11.313 Service of Proposed and Final Notices of Adverse Action**

The proposed and final notices of adverse action shall be personally served upon the employee. In the event the Vice-President cannot locate the employee, after reasonable efforts have been made to locate the employee, service of the proposed or final notices may be made by leaving the notice at the employee's dwelling or usual place of abode with some person of suitable age and discretion residing therein, or by registered mailing the notice to the employee at the last known address. Service by registered mail is complete upon mailing.

## **11.400 GUIDELINES FOR DISCIPLINARY OFFENSES AND PENALTIES**

### **11.401 General Provisions**

- A. The list that follows is not intended to cover every possible type of offense affecting the

efficiency of the service. Penalties for offenses not listed will be prescribed by the Vice-President.

- B. Many of the items listed on this schedule combine several offenses in one statement, connected by the word "OR". Usage of the word "OR" in a charge makes it non-specific. Use only the items which describe the employee's actual conduct, and leave out parts which do not apply.
- C. Penalties for disciplinary offenses will, in general, range from the minimum penalty to the maximum indicated. In unusual circumstances, depending on the gravity of the offense, the past record, and the position of the employee (including the degree to which the position is a position of trust), a penalty outside the general range may be imposed.
- D. Suspension penalties on this schedule apply to workdays and holidays.
- E. Depending on the gravity of the offenses, dismissal proceedings may be instituted against an employee for any number of offenses committed. A greater penalty may be imposed for any offense if the circumstances justify greater penalty.
- F. A reprimand or letter of warning is not an adverse action under these rules; a management official need not apply the Adverse Action Procedures. The penalty of reprimand is included in the schedule of penalty to provide certain flexibility for management's discretion to institute progressive disciplinary action against an employee or group of employees.
- G. Documents relating to reprimand(s)/warning(s) may be withdrawn by the supervisor at his or her discretion if there are no further problems after one year from date of issuance.

**11.402 Range of Penalties for Stated Offenses  
(Reprimands – Suspensions – Dismissals)**

A reprimand is not an adverse action under these rules; a managerial official need not apply the Adverse Action Procedure. The penalty of reprimand is included in the schedule to institute a progressive disciplinary action against an employee or group of employees.

NATURE OF OFFENSE		1ST OFFENSE		2ND OFFENSE	
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
A.	Unauthorized absence.	Reprimand*	Suspension	Suspension	Dismissal
B.	Falsifying attendance record for oneself or another employee.	Reprimand*	Suspension	Suspension	Dismissal
C.	Leaving job to which assigned at any time during working hours without proper permission.	Reprimand*	Suspension	Suspension	Dismissal
D.	Unexcused or unauthorized absence on one or more scheduled days of work or assigned overtime.	Reprimand*	Suspension	Suspension	Dismissal
E.	Unexcused tardiness.	Reprimand*	Suspension	Suspension	Dismissal
F.	Actual or attempted theft of government property or the property of others.	Reprimand*	Dismissal	Suspension	Dismissal

CONDUCT	1ST OFFENSE		2ND OFFENSE	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM

A.	Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on duty or off duty).	Reprimand*	Dismissal	Suspension	Dismissal
B.	Disobedience or disrespectful actions to constituted authorities, or deliberate refusal to carry out any proper order from any supervisor having responsibility for the work of the employee; insubordination.	Reprimand*	Dismissal	Suspension	Dismissal
<b>CONDUCT CON'T</b>		<b>1ST OFFENSE</b>		<b>2ND OFFENSE</b>	
		<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
C.	Disorderly conduct; fighting, threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay, or resisting competent authority.	Reprimand*	Dismissal	Suspension	Dismissal
D.	Disrespectful conduct; use of insulting, abusive, or obscene language to or about other personnel.	Reprimand*	Dismissal	Suspension	Dismissal
E.	Falsification, misstatement, or concealment of material fact in connection with any official record.	Reprimand*	Dismissal	Suspension	Dismissal
F.	False testimony or refusal to testify in an inquiry, investigation or other official proceeding.	Reprimand*	Suspension	Suspension	Dismissal
G.	Knowingly make false or malicious statements with the intent to harm or destroy the reputation of authority, or other official standing of individuals or organizations.	Reprimand*	Dismissal	Suspension	Dismissal
H.	Gambling or unlawful betting during working hours.	Reprimand*	Dismissal	Suspension	Dismissal
I.	Promotion of gambling on government premises.	Reprimand*	Dismissal	Suspension	Dismissal
J.	Willful damage to government property or the property of others.	Reprimand*	Dismissal	Suspension	Dismissal
K.	Engaging in prohibited Political Activity (Appendix R) acts covered in Title 4 GCA Section 9102.	Suspension	Dismissal	Dismissal	Dismissal
L.	Acts of retaliation against a Whistleblower or an employee who has filed a grievance through the EEO process.	Suspension	Dismissal	Dismissal	Dismissal
M.	Violating the University's Sexual Harrassment Policy	Suspension	Dismissal	Dismissal	Dismissal
(Penalty shall be imposed pursuant to Title 4GCA Section 9103.)					

<b>DISCRIMINATION</b>	<b>1ST OFFENSE</b>		<b>2ND OFFENSE</b>	
	<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>

A.	Discriminating against an employee or applicant because of race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability, sexual orientation or other prohibited discriminatory practices.	Reprimand*	Dismissal	Suspension	Dismissal
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<b>INTOXICANTS</b>		<b>1ST OFFENSE</b>		<b>2ND OFFENSE</b>	
		<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
A.	Reporting for duty or being on duty under the influence of intoxicants, unauthorized possession of or attempting to bring intoxicants on government premises.	Reprimand*	Dismissal	Suspension	Dismissal
B.	Reporting for duty while under the influence of a narcotic or dangerous drug or use of same on government property or on duty.	Reprimand*	Dismissal	Suspension	Dismissal
C.	Unauthorized sale or transfer of narcotic or dangerous drug on government property or during duty hours.	Reprimand*	Dismissal	Suspension	Dismissal
<b>PERFORMANCE</b>		<b>1ST OFFENSE</b>		<b>2ND OFFENSE</b>	
		<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
A.	Careless workmanship resulting in spoilage or waste of materials or delay in production.	Reprimand*	Suspension	Suspension	Dismissal
B.	Covering up or attempting to conceal defective work; removing or destroying same without permission.	Reprimand*	Suspension	Suspension	Dismissal
C.	Failure or delay in carrying out orders, work assignments or instructions of superiors.	Reprimand*	Suspension	Suspension	Dismissal
D.	Loafing, wasting time, or inattention to duty.	Reprimand*	Suspension	Suspension	Dismissal
E.	Sleeping on duty where life or property is endangered.	Reprimand*	Dismissal	Suspension	Dismissal
F.	Unauthorized use or possession of, loss of or damage to government property or the property of others.	Reprimand*	Suspension	Suspension	Dismissal

<b>SAFETY</b>		<b>1ST OFFENSE</b>		<b>2ND OFFENSE</b>	
		<b>MINIMUM</b>	<b>MAXIMUM</b>	<b>MINIMUM</b>	<b>MAXIMUM</b>
A.	Failure to observe precautions for personal safety posted rules, signs, written or oral safety instructions, or to use protective clothing or equipment.	Reprimand*	Suspension	Suspension	Dismissal
B.	Violation of safety regulations, which endangers life or property.	Reprimand*	Suspension	Suspension	Dismissal
C.	Endangering the safety of or causing injury to personnel through carelessness.	Reprimand*	Suspension	Suspension	Dismissal
D.	Failure to observe no smoking regulations or carrying matches in restricted areas.	Reprimand*	Suspension	Suspension	Dismissal
E.	Violating traffic regulations, reckless driving on or off government premises, or improper operation of government motor vehicles.	Reprimand*	Dismissal	Suspension	Dismissal

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## **CHAPTER 12**

### **GRIEVANCE PROCEDURES**

#### **STATEMENT OF POLICY**

It shall be the policy of the University to promote favorable relations between management and its employees by resolving complaints expeditiously; preventing similar complaints; assuring fair and equitable treatment of all employees; and promote harmonious working relationships among all levels of employees (Title 4 GCA, Chapter 10, Article 5).

The President shall develop procedures outlining the responsibilities and steps to be followed by employees in the presentation of an informal or formal grievance. All levels of management shall carefully and promptly respond to an employee's grievance and shall be guided by these procedures.

#### **12.000 APPLICABILITY**

The regulations in this Chapter shall apply to all permanent classified employees.

#### **12.100 DEFINITION**

A grievance is any question or complaint filed by a permanent employee alleging that there has been a misinterpretation, misapplication or violation of a personnel statute, rule, regulation, written policy which directly affects the employee in the performance of his official duties; or that he has received prejudicial, unfair, arbitrary, capricious treatment in his working conditions or work relationships.

The time frames will serve as guide and may be extended or shortened on concurrence of the parties involved.

#### **12.200 COVERAGE**

Grievances may include, but are not limited to, such actions as employee-supervisor relationships, duty assignments not related to job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and other related matters.

#### **12.300 EXCLUSIONS**

##### **12.301 General Exclusions**

The following actions are not covered by these grievance procedures:

- A. Disqualification of an applicant;
- B. Disqualification of an eligible;
- C. Examination ratings;
- D. Removal during original probationary period;
- E. Appeals from classification determinations;
- F. Appeals of adverse personnel actions;
- G. Allegations or complaints of discrimination; and
- H. Appeals of performance evaluations.

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### **12.302 Grievance Procedures for Employee Organizations**

These procedures are also not applicable 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 or group grievances.

### **12.303 Equal Employment Opportunity Discrimination Complaint**

When an aggrieved employee submits a written allegation of discrimination on grounds of race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability or sexual orientation in connection with a matter which is subject to the University's grievance procedures, as well as the EEO Discrimination Complaint Procedures, that allegation shall be processed under the EEO Discrimination Complaint Procedures.

## **12.400 GENERAL PROVISIONS FOR USE OF GRIEVANCE PROCEDURES**

### **12.401 Freedom from Reprisal or Interference**

- A. An employee (and his representative) shall be free to use the grievance system without restraint, interference, coercion, discrimination, or reprisal.
- B. An employee, whether acting in an official capacity for the University, or on any other basis, must not interfere with, or attempt to interfere with, another employee's exercise of his rights under the grievance system. To be fully effective, the spirit as well as the letter of this non-interference requirement must be enforced. It is not enough for an official to abstain from overt threats or interference. He should refrain from making any statement or taking any action, which has the appearance or even the flavor of a threat, interference, or intimidation.

### **12.402 Employee's Status During Grievance Procedures**

An employee's status during each procedural level shall be status quo.

### **12.403 Right to Seek Advice**

All levels of management will provide an opportunity for an employee to communicate with and seek advice from:

- A. The University's Human Resources Office;
- B. The EEO Coordinator or Counselor; or
- C. A supervisory or management official of higher rank than the employee's immediate supervisor.

### **12.404 Representation**

- A. An employee has the right to present a grievance without representation.
- B. An employee has the right to present a grievance with representation.

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1. An employee has the right to be accompanied, represented, and advised by a representative of his choice at any stage of the grievance proceedings.
  2. An employee may change his representative, but to do so, he must notify his immediate supervisor and the Vice-President of the change in writing.
  3. A person chosen by the employee must be willing to represent him.

#### **12.405 Official Time for Presentation of the Grievance**

- A. An employee must be given a reasonable amount of official time to present his grievance if he is otherwise in an active duty status.
- B. An employee's representative, if he is an employee of the government of Guam and is otherwise in an active duty status, must be given a reasonable amount of official time to present the grievance.
- C. There is no requirement that the official time for the presentation include time for investigation or preparation, or that it includes travel expense or per diem travel allowance or consultation with private attorney.

#### **12.406 Termination of Grievance**

- A. An employee who has filed a grievance may terminate the grievance at any time.
- B. Failure on the part of the employee to proceed to a higher step of the grievance procedure within the time period specified will terminate the grievance.

#### **12.407 Management's Responsibility for Timely Action and Settlement at the Lowest Possible Level.**

- A. It shall be the responsibility of management to settle grievances fairly and promptly at, or near the organizational level where the employee brought the grievance to their attention.
- B. Failure by management to render a decision to the employee within the allotted time at any step constitutes denial; the employee may then proceed to the next step of the grievance procedures.

### **STEP 1 - INFORMAL GRIEVANCE PROCEDURES**

#### **Management's Responsibility**

An employee's grievance may or may not be objectively justified. When the grievance is well founded, appropriate administrator has both a duty and a need to eliminate the cause. When the grievance is not well founded, it is equally important to reach an understanding based on the full facts. Therefore, the informal procedure should assure consideration of every employee's grievance with a degree of promptness, sympathy, empathy, understanding, fairness, competence, and authority that convinces the employee the complaint has been taken seriously and he has been treated fairly.



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## **Settlement at the Lowest Possible Level of Management**

The informal procedures should be as simple as possible consonant with bona fide consideration of grievances. It should encourage settlement of matters at the lowest possible administrative level in the shortest possible time and should not, therefore, require any written explanation from the employee. The employee may present his grievance under the informal procedures, either orally or in writing, and he should not be prevented from submitting a written explanation if he desires.

### **Supervisor's Responsibility**

- A. Normal day-to-day discussions between employees and supervisors regarding work requirements and deadlines and related employment matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships.
- B. Each employee of the University has the right to present matters to his supervisor, and each supervisor has the obligation to consider such matters, and act promptly upon them, seeking advice and assistance from others when necessary.

### **Employee's Responsibility**

- A. Each employee is expected to make a concerted effort to achieve informal settlement of his grievance. He should promptly bring his grievance to the attention of the appropriate supervisory level.
- B. Tolling Period: In counting the number of days for each step, if the last day of the period falls on a weekend, the filing time or receipt time falls on the next working day.

### **Using the Informal Grievance Procedure - Step 1**

#### **A. Initiation by Employee**

In keeping with the personal nature of matters covered by grievance procedures, only employees can initiate grievances, singly or jointly. They may not be initiated by employee organizations. Employee organizations maybe permitted to present a grievance on behalf of an employee or a group of employees when requested to do so by the employee or employees.

#### **B. Time Limit**

1. An employee may present a grievance to his immediate supervisor concerning a continuing practice or condition at any time. Grievances concerning a particular act or occurrence must be presented within fifteen (15) calendar days of that action or occurrence.
2. The immediate supervisor shall render a decision within ten (10) calendar days of the presentation of the grievance.

#### **C. Form of the Grievance**

An employee may present a grievance under the informal procedure either orally or in

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writing.

D. Non-rejection Provision

A grievance may not be rejected in the informal procedure for any reason.

If the grievance is not timely or consists of a matter not covered under the grievance system, the employee should be so advised, but he must be allowed to submit his grievance under the formal procedures if he insists.

E. Mandatory Use of the Informal Procedure

An employee must complete the informal procedure before the University may accept from him a grievance concerning the same matter under the formal procedure.

**12.600 STEP 2 - FORMAL GRIEVANCE PROCEDURES – NEXT ADMINISTRATIVE LEVEL**

**12.601 Presentation of the Grievance - Step 2**

A. An employee is entitled to present a grievance under the formal procedure if:

1. He has completed the informal procedure; and
2. The grievance is not satisfactorily resolved at the informal level; or
3. The immediate supervisor failed to render a decision within ten (10) calendar days of the presentation of the grievance at the informal level.

B. The grievance presented in Step 2 must:

1. Be in writing on a form prescribed by the Chief Human Resources Officer;
2. Contain sufficient detail to identify and clarify the basis for the grievance;
3. Specify the remedy requested by the employee or the appropriate supervisory level; and
4. Be submitted to the supervisor who is the next in the supervisory chain above the employee's immediate supervisor within five (5) calendar days after receipt of the answer in Step 1 or after the answer was due.

**12.602 Responsibility of Next Higher Supervisor**

- A. The next higher supervisor must determine whether the grievance is timely, is covered by the grievance procedures, and has been processed through the informal procedure.
- B. The next higher supervisor shall make a positive attempt to resolve the grievance. He shall render a decision, in writing, to the employee within five (5) calendar days of receipt of the written grievance.

**12.700 STEP 3 - FORMAL GRIEVANCE PROCEDURES – VICE-PRESIDENT**

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### **12.701 Presentation of the Grievance - Step 3**

An employee is entitled to present a grievance under Step 3 if:

- A. He has completed Step 2 of the procedures; and
- B. The grievance is not satisfactorily resolved at Step 2 level; or
- C. Specify the remedy requested by the employee; and
- D. Be submitted to the Vice-President within five (5) calendar days after receipt of the answer in Step 2 or after the answer was due.

### **12.702 University Grievance Committee**

#### **A. Appointment of Committee**

Within three (3) calendar days of receipt of the written grievance from the employee, the Vice-President shall appoint a Grievance Committee to investigate the circumstances of the grievance and to make a recommendation as to its disposition.

#### **B. Committee Membership**

The Committee shall consist of five (5) members who are permanent government employees of agencies other than the University; two (2) members from the employee's peer group and three (3) members who are permanent employees at the managerial level.

#### **C. Responsibility of the Committee**

The Committee must determine whether the grievance is timely, is covered by the grievance procedures, and has been processed through the informal procedure.

#### **D. Committee Inquiry**

The Committee shall be expected to convene and initiate a grievance inquiry appropriate to the nature and scope of the issues involved in the grievance. The inquiry will typically include the securing of documentary evidence and personal interviews in an effort to fully understand the issues and obtain the maximum information available pertinent to the issues.

#### **E. Grievance File**

When the Committee begins a grievance inquiry, the Committee Chairperson (elected by the members of the Committee) shall establish an employee grievance file. This is an independent file, separate and distinct from the personnel record. The grievance file must contain all documents pertaining to the grievance including:

1. Statements of witnesses;
2. Records or copies of records; and
3. Reports of personal interviews.

#### **F. Open Record**

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The grievance file is an open record. It is open for review by the employee and his representative and must not contain any document that is not available to the employee. Information to which the Committee is exposed which cannot be made available to the employee in the form it was received must be included in a file in a form, which the employee can review or it must not be used.

G. Committee Report

The Committee shall complete its investigation within fifteen (15) calendar days of the date the Committee was appointed and shall submit a written report of its findings and recommendations to the Vice-President within two (2) calendar days following completion of its investigation.

H. Vice-President's Written Decision

The Vice-President shall render a written decision to the employee within five (5) calendar days of receipt of the written report from the Committee.

**12.800 STEP 4 - APPEAL TO THE COMMISSION**

**12.801 Presentation of the Grievance - Step 4**

A. An employee is entitled to present a grievance appeal under Step 4 if:

1. He has completed Step 3 of these procedures; and
2. The grievance is not satisfactorily resolved at Step 3 level; or
3. The Vice-President failed to render a decision within five calendar days of the submission of the written report from the University Grievance Committee at Step 3 level; or
4. There has been a violation of the Guam Code or University Personnel Rules and Regulations; or
5. The procedural rights of the employee filing the complaint as outlined have been disregarded; or
6. The decision of the supervisor, University Grievance Committee and the Vice-President has been unjust, inequitable or not in accord with the facts; or
7. The Vice-President fails to act on the University Grievance Committee's recommendations.

B. The grievance presented in Step 4 must:

1. Be in writing on a form prescribed by the President;
2. Contain sufficient details to identify and clarify the basis of the grievance;

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3. Include copies of the grievance forms submitted in Steps 2 and 3;
  4. Specify the remedy requested by the employee; and
  5. Be submitted to the Commission within five (5) calendar days after receipt of the answer in Step 3 or after the answer was due.

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## **CHAPTER 13**

### **RESIGNATION AND TERMINATION**

#### **STATEMENT OF POLICY**

The purpose of this Chapter is to provide orderly, uniformed and fair procedures for non-disciplinary separation of employees from the University's service.

#### **13.00 RESIGNATION**

##### **13.01 Coverage**

This section shall apply to all classified service employees.

##### **13.02 Notice of Resignation**

An employee may resign by giving written notice of the resignation to the Vice-President via the appropriate Unit Head. The employee should notify the Unit Head in writing at least ten (10) workdays before the date of separation. When a resignation letter is directed to the Vice-President, it shall by its terms, be effective immediately or on a certain date. If no effective date is indicated, it shall be effective upon delivery to the Vice-President.

Upon receipt by the Vice-President, of any resignation letter, the Vice-President, may make the resignation effective immediately or sooner than the effective date in the resignation letter. Such resignation shall be effective according to its terms unless the Vice-President, at his discretion, makes the resignation effective immediately or at some time sooner than the resignation letter. Acceptance of such resignation by the Vice-President is not required for the resignation to become effective.

##### **13.03 Withdrawal of Resignation**

With the consent of the Vice-President, the employee may withdraw a resignation at any time prior to the effective date of the resignation.

##### **13.04 Resignation in Good Standing**

A resignation shall be deemed to be in good standing when it is made voluntarily and not as a direct result of a final adverse action, a pending adverse action or criminal conviction. With the exception of an employee serving an original probationary period, an employee who resigns in good standing shall have reemployment rights consistent with 4 GCA and Rules 4.406 and 4.502.

##### **13.05 Resignation Pending Adverse Action**

An employee who resigns after receipt of a notice of proposed adverse action is deemed to have resigned voluntarily and has no right to appeal to the Commission. Any employee, who resigns under this section and is subsequently convicted of a crime based on the same facts, which forms the basis of the adverse action, shall be deemed not to resign in good standing.

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## **13.100 TERMINATION OF EMPLOYMENT**

### **13.101 Termination of Employment**

The Vice-President, may terminate the services of an employee for any of, but not limited to the following reasons:

- A. The duration of the temporary period of employment is ended.
- B. The employee failed to demonstrate satisfactory work performance during the original probationary period or failed to satisfy other conditions of employment.
- C. For misconduct, in which case, the adverse action procedures shall be adhered to. (Refer to Adverse Action Procedures)

## **13.200 EXIT INTERVIEW**

A personal interview will be conducted with each employee separating from the services of the University. The interview will be held prior to the employee's effective date of separation. The interview will 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 Chief Human Resources Officer and made part of the separating employee's personnel record. A representative of the University's Human Resources Office shall conduct the interview using the Exit Interview Form in Appendix M. Nothing in this section shall prevent the Unit Head or Vice-President from conducting their own exit interview.

### **13.201 Clearance**

Each separating employee must be cleared of all obligations within the University and other applicable Government of Guam agencies no later than the employee's last working day. Final payment of wages will be withheld pending completion of exit interview and clearance of all obligations to the University.

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## **CHAPTER 14**

### **MERIT CAREER PLAN**

#### **STATEMENT OF POLICY**

This procedure outlines the responsibilities of the Chief Human Resources Officer when permanent classified University employees apply and are being considered for career opportunities.

#### **14.000 COVERAGE OF THE MERIT CAREER PLAN**

This plan applies only to permanent classified employees.

#### **14.100 ANNOUNCEMENT AND EXAMINATION UNDER THE MERIT CAREER PLAN**

- A. No person shall be promoted under the Merit Career Plan unless a vacancy exists. The same examination will be used for all persons responding to a particular Merit Career Job Announcement, provided a vacant position exists.
- B. All employees must submit an employment application and be processed consistent with the merit principles of recruiting, selecting applicants and advancing employees on the basis of skills, knowledge, and abilities, and be placed on the eligibility list as “eligible” for the position.

#### **14.200 REFERRAL OF CERTIFICATION LIST**

A list of all qualified eligibles shall be furnished to the Vice-President.

#### **14.300 SELECTION INTERVIEW**

The Chief Human Resources Officer shall establish procedures for interviewing certified eligibles.

#### **14.4 00 EVALUATION OF CANDIDATES DURING THE SELECTION INTERVIEW PROCESS**

- A. Evaluation of candidates shall be based on job-related criteria, which measures the skills, knowledge, abilities, and personal characteristics essential to successful performance in the position to be filled. Due consideration shall be given to formal recognition of superior performance of candidates, job-related training, and performance appraisals.
- B. Length of service, length of experience or level of formal education may be used as an evaluation factor when there is a clear and positive relationship with the requirements of the job to be performed. Length of service or experience may not be the factor given the greatest weight unless the nature of the vacant job is such that other factors cannot be expected to identify significant qualitative differences between qualified candidates.

#### **14.500 SELECTION DOCUMENTATION REQUIREMENTS**

- A. The basis for selection must be job-related. The results of the selection process must be on file with the University’s Human Resources Office. Evaluation results are confidential and form a part of the selection process for the candidates being considered for the position. The Chief Human Resources Officer reserves the right to post audit selection documentation



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- records.
- B. The Chief Human Resources Officer will advise all persons certified under a Merit Career Job Announcement about the selection within ten (10) working days of the selection.
  - C. Individuals who were certified and were not selected may request the Vice-President to review the adequacy of the consideration they received provided that such a request is received in writing by the Vice-President, within five (5) working days after the non-selected received the notice about the selection.

A competitor may not contest the minimum qualifications established for the position. The following information shall be made available to competitors under a Merit Career Job Announcement upon request, and the Chief Human Resources Officer shall periodically publish the competitor's right to this information:

- 1. Whether the individual was considered eligible on the basis of minimum qualification requirements for the position;
- 2. Whether an individual was one of those in the group from which selection was made; and
- 3. Who was selected.

#### **14.600 HANDLING EMPLOYEE COMPLAINTS**

- A. The Chief Human Resources Officer shall respond to employee questions or complaints about the career program, or about a specific promotion action, and provide the employee with appropriate information or explanation.
- B. Issues that are not a basis for a formal complaint are:
  - 1. Failure to be selected when proper procedures are used. A complaint may not be filed for non-selection from a group of properly ranked and certified candidates; and
  - 2. Any action required to be taken under the provisions of the statute, or instructions of the Vice-President.

#### **14.700 EXCEPTIONS TO THE MERIT CAREER PLAN**

- A. The provisions of the Merit Career Plan are not required for career promotions, which are:
  - 1. Promotions without current competition where at an earlier date an employee was selected under a Merit Career Job Announcement for a position with known promotion potential to the position to which he is being promoted. The promotion potential must have been included in the announcement, and where appropriate, the career ladder (intervening promotion) documented in the original announcement.
  - 2. Where the employee's position is reconstituted in a higher grade because of gradual accretion of additional duties and responsibilities and the accretion was not the result of planned management action. For example, an increase in the level of the employee's performance or change in workload, procedures, or organization that affects the grade of the positions only incidentally.

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To be eligible for a career promotion when the position is upgraded under these conditions, an employee must continue to perform the same basic function and his former position must be absorbed in the new one. When an additional position is created, or when the new position is not a clear successor to the former position, career promotion is not authorized. Similarly, a career promotion may not be made from a non-supervisory position to a supervisory position because these levels of position inherently have specific administrative authority that can only be delegated by Unit Heads or executive management.

B. The provisions of this Merit Career Plan are not required for the following personnel actions:

1. A transfer from a position having known promotion potential to a position having no higher promotion potential.
2. A detail appointment.
3. An action taken as a remedy for failure to receive proper consideration in a competitive promotion procedure.
4. A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standards or the correction of a classification error.
5. Re-promotion to a class or position from which an employee was demoted without personal cause and not at his request. Acceptance of a demotion in lieu of layoff is not a demotion at the employee's request for these purposes.

The competitive procedures of the Merit Career Plan will not be used before these individuals are accorded their rights for re-promotion.

#### **14.800 ADMINISTRATION REQUIREMENTS**

- A. The Chief Human Resources Officer shall provide for initial and periodic orientation to all employees, supervisors and managers concerning the provisions of this Merit Career Plan and the training of the President, in their respective responsibilities for assuring the maximum publicity of Merit Career Job Announcements and for advising employees on requirements and provisions of this Merit Career Plan.
- B. The Chief Human Resources Officer shall institute controls and audit procedures as deemed necessary to assure that all promotion actions are consistent with the provisions of the Merit Career Plan.
- C. The Chief Human Resources Officer will assure that each current and future Unit Head is provided a copy of the Merit Career Plan and any subsequent changes to the Plan.

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**CHAPTER 15**  
**DRUG FREE WORKPLACE PROGRAM POLICY**

**(PLEASE REFER TO BOR 20-01)**

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**PERSONNEL RULES &  
REGULATIONS FOR  
CLASSIFIED EMPLOYEES**

**Draft**

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## CHAPTER 1 PURPOSE AND SCOPE OF PERSONNEL RULES AND REGULATIONS

### STATEMENT OF POLICY

This Chapter establishes the fundamental character of the system of personnel administration governed by these rules and regulations, consistent with the merit principles and the principles of equal employment opportunity; provisions of Title 4 of the Guam Code Annotated (GCA); and other paramount laws pertaining to the employment of classified employees at the University of Guam.

#### 1.00 COVERAGE

- A. These rules shall apply to all employees occupying classified positions employed by the University of Guam, hereinafter referred to as "University".
- B. Unclassified or non-classified employees occupying positions at the University are not governed by these rules and regulations, unless otherwise identified. Furthermore, Academic Personnel are not covered by these rules pursuant to Title 17 GCA Chapter 16 Section 16113.
- C. These rules and regulations may be supplemented by administrative policies and procedures established by the Board of Regents and procedures established by the President of the University.

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#### 1.100 GUIDING PERSONNEL PRINCIPLES

The following merit system principles shall guide personnel administration:

- A. Recruiting, selecting applicants and advancing employees on the basis of their knowledge, abilities, and skills;
- B. Providing a uniform compensation policy pursuant to Title 4 GCA Chapter 6 Section 6201;
- C. Training employees to improve performance;
- D. Retaining employees based on their performance;
- E. Classifying positions systematically through job evaluation; and
- F. Providing fair, expedient and responsive processes for grievance, adverse action, and conflict resolution.

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#### 1.200 AVAILABILITY OF FUNDS

Employment in the classified service is subject to the availability of funds, except where otherwise specified.

#### 1.300 EQUAL EMPLOYMENT OPPORTUNITY

- A. The University is an Equal Employment Opportunity Employer and Provider. It is the policy of the University that there shall be no discrimination in employment against any person on

Commented [A7]: Ask Joe G. to respond to this rule.

the basis of race, color, religion, age, sex, political affiliation, marital status, national origin, disability, or sexual orientation, except for *bona fide* occupational qualifications or legal requirements. Employees should refer to the University's EEO/ADA & Title IX Office for further information.

- B. Pursuant to Title 4 GCA, Chapter 4, Section 4701, sex discrimination includes Sexual Harassment. Sexual harassment is a specific form of prohibited harassment which occurs when an individual's behavior constitutes (1) unwelcome sexual advances, or (2) unwelcome requests for sexual favors, or (3) other unwelcome verbal or physical behavior of a sexual nature where:
1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, or
  2. Submission to, or rejection of, such conduct by an individual is used as a basis for employment decisions affecting the individual's welfare, or
  3. Such conduct has the purpose or effect of unreasonably interfering with an individual's welfare, academic, residential life or work performance, or creates an intimidating, hostile, or offensive educational, living or work environment at the University.
- C. The University shall implement Equal Employment Opportunity (EEO) programs pursuant to the guidelines of Federal and Local Statutes.
- D. The EEO program calls for positive results-oriented action toward equal opportunity. Affirmative efforts will be made by the President to assure equal opportunity in employment and to assure non-discrimination in programs and activities offered and/or conducted by the University.
- E. For this EEO program to become a management objective, all levels of management which includes the first line supervisors, will continue to be trained in the legal requirements of equal employment opportunity.

Commented [UOGHRO8]:

Commented [UOGHRO9]: Guam Laws:

Organic Act of Guam Section 5n, Executive Order No. 76-9, Executive Order No. 78-24, Executive Order 2006-16, 17GCA CH41 § 41210, 4GCA CH4 § 4101.1, Guam Public Law 28-112, 17GCA CH2 § 2101, 17GCA CH16 § 16103, 17GCA CH16

Federal Laws:  
14th Amendment of the Constitution  
Equal Pay Act of 1963  
Title VI of the Civil Rights Act of 1964  
Title VII of the Civil Rights Act of 1964  
Age Discrimination in Employment Act of 1967  
Title IX of the Education Amendments of 1972  
Rehabilitation Act of 1973  
Pregnancy Act of 1978  
Immigration Reform and Control Act of 1989  
Americans with Disabilities Act of 1990  
Civil Rights Act of 1991

#### 1.400 PENALTIES

Any penalty imposed on any employee for violation of these rules shall be in accordance with applicable rules, regulations, and statutes.

#### 1.500 GENDER

Pursuant to Title 1 GCA, Chapter 7, Section 715, words used in the masculine gender include the feminine. pursuant to Title 1 GCA, Chapter 7, Section 715

Commented [A10]: Return 1.500 CSC

Commented [UOGHRO11]: Move GCA citations to end of sentence.

#### 1.600 STATUTORY CONFLICT

- A. In the event any rule or regulation is in conflict with statute, the statute shall prevail. ~~to the extent of inconsistency.~~
- B. In the event that any rule or regulation is amended or repealed explicitly by a public law, the new law shall prevail.

Commented [UOGHRO12]: Delete strike throughs.

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**1.700 SEVERABILITY**

If any part of the Personnel Rules and Regulations are held inorganic ~~or rules in violation of law,~~ then the remaining Personnel Rules and Regulations shall continue in force and effect.

**Commented [UOGHRO13]:** Delete strike throughs.

DRAFT

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## CHAPTER 2 ADMINISTRATION

### STATEMENT OF POLICY

This policy sets forth the responsibilities of the President as defined in **Title 17 GCA Section 16108** in the implementation of the University of Guam Charter; **Title 4 GCA**; these Personnel Rules and Regulations; and other laws.

### 2.000 AUTHORITIES DEFINED

President – Shall mean the President of the University of Guam pursuant to **Title 17 GCA Chapter 16 Section 16110**. The President shall be the hiring authority for all classified positions that do not fall under the authority of the Senior Vice President of Academic and Student Affairs and Provost or the Vice President Administration and Finance and Chief Business Officer. Unless otherwise delegated. To the extent the President retains inherent hiring authority for positions that fall under the authority of the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer, they are hereby delegated to the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer

Commented [UOGHRO14]:

Board of Regents- Shall mean Board of Regents of the University of Guam pursuant to **Title 17 GCA Chapter 16 Section 16104**.

Commented [UOGHRO15]:

Commission – Shall mean the Civil Service Commission of the Government of Guam pursuant to **Title 4 GCA Chapter 4 Article 4 Section 4401**.

Commented [UOGHRO16]:

Vice President – shall mean the Senior Vice President of Academic and Student Affairs and Provost and the Vice President Administration and Finance and Chief Business Officer and any other position the President designates as serving the Vice President role under which the position reports. Some duties of the President are delegated to the Vice Presidents in this document pursuant to **Title 17 Chapter 16 Section 16108**.

Unit Heads and Division Managers – Shall mean Vice Presidents, Deans, and Directors of the University of Guam pursuant to **Title 17 GCA Chapter 16 Section 16108**. Some duties of the President are delegated to Unit Heads in this document.

Commented [UOGHRO17]:

Commented [RW18]: Does this read right?

Immediate Supervisor – Shall mean one who supervises the work of employees to include approval of leave requests and performance evaluations pursuant to **Title 17 GCA Chapter 16 Section 16108**. Some duties of the President are delegated to the Immediate Supervisors in this document.

Commented [UOGHRO19]:

### 2.100 RESPONSIBILITY OF THE PRESIDENT.

A. The University of Guam Charter, the provisions of **Title 4 GCA** and **Title 17 GCA Division 3** and these rules and regulations, and other applicable statutes shall control the administration of classified personnel within the University.

Commented [UOGHRO20]:

B. The President shall:

1. Be responsible for the implementation and enforcement of these Personnel Rules and



Regulations and all other applicable statutes pursuant to Title 17 GCA Chapter 16 Section 16110.

Commented [UOGHRO21]:

2. Advise the Board of Regents and employees on policies and procedures concerning personnel management matters pursuant to Title 17 GCA Chapter 16 Section 16110.

Commented [UOGHRO22]:

3. Maintain an adequate monitoring system to ensure statutes, executive orders, rules, regulations, and standards relating to personnel management are properly carried out. Whenever the review of with established policies, rules, regulations, and standards reveal that there have been infractions, the President shall take such affirmative resolution as may be appropriate to obtain compliance herewith pursuant to Title 17 GCA Chapter 16 Section 16108.

Commented [UOGHRO23]:

4. Develop and promulgate policies, rules, regulations, and standards to promote the efficiency of services pursuant to Title 17 GCA Chapter 16 Section 16110.

Commented [UOGHRO24]:

**2.200 RESPONSIBILITY OF THE CHIEF HUMAN RESOURCES OFFICER**

Commented [UOGHRO25]: Delete all of Rule 2.200.

Within the University's administrative organization, the Chief Human Resources Officer shall provide direction and assistance to all Unit Heads and Division Managers regarding employment matters such as staff projections, classification, recruitment, staffing, compensation, labor and employee management relations, and training, and employee development. The Chief Human Resources Officer shall provide professional advice to ensure proper administration of the University's personnel management program and compliance with provisions of these rules and all other applicable personnel laws. In addition to the above, the Chief Human Resources Officer shall:

Commented [UOGHRO26R25]: This rule has been re-instated because of relevance in later chapters.

- A. Determine through reviews, the appropriate classification standards for all positions in the classified service, maintain a schematic list of all classes in the classification plan, and prepare and maintain job specifications for each class.
- B. Direct, prepare, coordinate, and conduct all employment examinations.
- C. Ensure that managers and supervisors are equipped with proper training, skills, and information required to manage, supervise, evaluate, and discipline employees.
- D. Determine the minimum qualifications of all applicants, the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.
- E. Respond to all inquiries and/or appeals relating to the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.
- F. Perform all other functions necessary to execute and carry out the intentions of these rules.
- G. Maintain records of all personnel employed by the University covered by these rules.
- H. Consult with and provide guidance and direction to the President in maintaining an adequate system of review to determine whether the application of statutes, rules, regulations, and standards relating to personnel management are being carried out by all units and divisions.
- I. Carry out personnel administration activities for the promotion and continuity of the merit-based personnel system.
- J. Provide initial and periodic orientation to all employees concerning the provisions of these rules, to include training of all Unit Heads and Division Managers, and immediate supervisors in their specific responsibilities for advising employees about the requirements and provisions of these rules.

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~~2.200 RESPONSIBILITY OF THE CHIEF HUMAN RESOURCES OFFICER~~

~~Within the University's administrative organization, the Chief Human Resources Officer shall provide direction and assistance to all Unit Heads and Division Managers regarding employment matters such as staff projections, classification, recruitment, staffing, compensation, labor and employee management relations, and training, and employee development. The Chief Human Resources Officer shall provide professional advice to ensure proper administration of the University's personnel management program and compliance with provisions of these rules and all other applicable personnel laws. In addition to the above, the Chief Human Resources Officer shall:~~

- ~~A.K. Determine through reviews, the appropriate classification standards for all positions in the classified service, maintain a schematic list of all classes in the classification plan, and prepare and maintain job specifications for each class.~~
- ~~B.L. Direct, prepare, coordinate, and conduct all employment examinations.~~
- ~~C.M. Ensure that managers and supervisors are equipped with proper training, skills, and information required to manage, supervise, evaluate, and discipline employees.~~
- ~~D.N. Determine the minimum qualifications of all applicants, the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.~~
- ~~E.O. Respond to all inquiries and/or appeals relating to the subjects to be covered in each examination, methods of testing, and the relative weights for requirement.~~
- ~~F.P. Perform all other functions necessary to execute and carry out the intentions of these rules.~~
- ~~G.Q. Maintain records of all personnel employed by the University covered by these rules.~~
- ~~H.R. Consult with and provide guidance and direction to the President in maintaining an adequate system of review to determine whether the application of statutes, rules, regulations, and standards relating to personnel management are being carried out by all units and divisions.~~
- ~~I.S. Carry out personnel administration activities for the promotion and continuity of the merit-based personnel system.~~
- ~~J.T. Provide initial and periodic orientation to all employees concerning the provisions of these rules, to include training of all Unit Heads and Division Managers, and immediate supervisors in their specific responsibilities for advising employees about the requirements and provisions of these rules.~~

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~~2.300 RESPONSIBILITY OF THE UNIT HEAD AND DIVISION MANAGER~~

~~For purposes of proper enforcement of these rules, the President has delegated the authority and responsibility to the Unit Heads and Division Managers to:~~

- ~~A. Communicate and disseminate all information regarding employee policies.~~
- ~~B. Ensure that all immediate supervisors within their organization or unit possess adequate supervisory and managerial skills necessary for effective supervisor-subordinate~~

Commented [UOGHRO27]: Delete all of Rule 2.200.

Commented [UOGHRO28R27]: Re-instate "2.200 Responsibility of the CHRO"

Commented [UOGHRO29]: Delete all of Rule 2.300.

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relationships.

C. ~~Ensure that current and future immediate supervisors are provided a copy of these rules and apprise them of any subsequent changes to personnel policies.~~

D. ~~Ensure goals regarding conduct and performance established by management are achieved and that the personnel policies established by these rules are in the best interest of the University and its employees.~~

E. ~~Initiate and recommend adverse actions to the President as required by these rules.~~

F. ~~Consult on personnel matters relative to all levels of employee discipline, sub-standard performance, and the grievance and appeals procedures.~~

#### ~~2.400 RESPONSIBILITY OF THE IMMEDIATE SUPERVISORS~~

Commented [UOGHRO30]: Delete all of Rule 2.400.

~~It shall be a standard rule and practice that each employee will have only one supervisor. Supervisors are considered the link between management and non-management employees. Supervisors communicate to the employees under their supervision the goals and policies of management and they communicate to management the attitudes, suggestions and complaints of employees. The scope of responsibilities for immediate supervision to effectively enforce these rules shall be to:~~

A. ~~Keep employees informed on factors relating to their work assignments, division operational requirements, policies and standard operating procedures.~~

B. ~~Advise employees of their work progress and conduct evaluations on the performance of duties of an employee as required and make recommendations there from.~~

C. ~~Control absenteeism and tardiness which adversely affect the employee's performance and duties.~~

D. ~~Ensure that all rules are observed by employees under their supervision. Investigate and determine if any performance shortfalls warrant disciplinary action.~~

E. ~~Consult with the Human Resources Office on personnel matters relative to all levels of employee disciplinary actions.~~

F. ~~Initiate disciplinary action to correct the behavior and conduct of employees in accordance with the policies and procedures set forth in these rules.~~

G. ~~Initiate and recommend adverse actions to the President as required in these rules.~~

H. ~~Respond to and address employee complaints to ensure proper compliance with these rules relative to the grievance process.~~

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## CHAPTER 3 CODE OF CONDUCT

### STATEMENT OF POLICY

All classified employees are expected to maintain the highest standards of conduct to ensure that **University** services are properly **performed consistent with the mission of the institution.**

### 3.00 ETHICAL CONDUCT AND RESPONSIBILITIES OF EMPLOYEES

- A. Public service is a public trust. Employees are expected to **follow/adhere** to the U.S. Constitution, the Organic Act of Guam, and to perform their duties and responsibilities ethically and in accordance with laws.
- B. **Employees shall put forth honest effort in the performance of their duties.**
- C. **Employees shall be courteous and helpful to employees, students, and members of the public.**
- D. **Employees shall respect supervisory authority and follow legitimate supervisory instructions.**
- E. **Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15205 employees shall not hold financial interests in any organization and/or business where there is potential conflict with their duties and position held.**
- F. **Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15203 employees shall not engage in financial transactions using confidential, ~~private~~ or non-public information or allow the improper use of such information to further any private interest.**
- G. **Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15201 employees shall not, except as permitted by statute or regulation, solicit or accept directly or indirectly any gift or other item of monetary value **greater than \$200.00** from any person or entity seeking official action from, doing business with, or conducting activities regulated by the **University or government**, to include persons whose interests may be substantially affected by the performance or non-performance of the employee's duties, or that of the **University**. ~~or government as written would rule out leave sharing, gift giving, etc.~~**
- H. **Pursuant to Title 17 GCA Chapter 3 Section 3103.1 employees shall not knowingly make unauthorized commitments or promises of any kind purporting to bind the **University**.**
- I. **Pursuant to Title 5 GCA Chapter 5 Section 5626 employees shall not use public office for private gain.**
- J. Employee shall protect and conserve **University** ~~or public~~ property and shall not use it for other than authorized activities.
- K. **Pursuant to Title 4 GCA Chapter 15 Article 2 Section 15205 employees shall not engage in unauthorized outside employment or activities, including seeking or negotiating for employment that conflict with official **University or government** duties and responsibilities.**
- L. **Employees shall, in good faith, disclose waste and abuse and corruption to their Vice - President and in doing so shall be protected from reprisal.**

**Commented [GW31]:** What does this mean?

**Commented [UOGHRO32R31]:** Strike the word legitimate.

**Commented [UOGHRO33]:** Use existing B

**Commented [UOGHRO34R33]:** B is defined by E. No change.

**Commented [UOGHRO35]:**

**Commented [UOGHRO36]:** Add "directly or indirectly" amendment.

**Commented [UOGHRO37R36]:** Found in statute

**Commented [UOGHRO38]:** Add "knowingly" amendment.

**Commented [UOGHRO39R38]:** Borrowed from said GCA related to GDOE, modified for UOG. Originally Ch 3, rule 3(f) of IPRR. Recommend to strike citation.

**Commented [UOGHRO40]:**

**Commented [UOGHRO41]:** Delete "or public".

**Commented [UOGHRO42]:**

**Commented [A43]:** Look up "whistle blower" in GCA

**Commented [UOGHRO44R43]:** 4 GCA, Ch 4 § 4706

M. Employees shall respect the rights and privacy of other employees and shall not use their position, authority or other means, to injure another person or employee for personal reasons or malicious purposes.

N. Pursuant to U.S. Public Law 100-690 and Title 10 GCA Chapter 75 employees shall refrain from unlawful use of drugs and alcohol while on University grounds and off-campus facilities. Drugs shall mean those identified in the Drug-Free Workplace Policy (DFWP) as approved by the Board of Regents found in Chapter 15 and Appendix A.

Commented [UOGHRO45]:

O. Pursuant to Title 10 GCA Chapter 90 Section 90106 employees will adhere to the tobacco free policy on campus.

Commented [UOGHRO46]:  
Commented [d47]: delete  
Commented [A48]: UOG Resolution 13-24  
Commented [UOGHRO49R48]: Recommend to use UOG Resolution 13-24 instead of GCA?

**3.100 OATH OF OFFICE**

All persons employed by the University or accepting employment with the University shall subscribe and certify to the prescribed loyalty oath. This oath may be administered by the President, or the employees designated by him at the time of employment processing. Failure to take such oath, or certifying falsely to such oath, shall be cause for disciplinary action, dismissal or rescission of employment offer.

**3.200 NEPOTISM**

A. Spouses and persons within the first degree and second degree of relation, such as, brother/sister or parent/child, may not be employed with the University in a direct supervisor-subordinate relationship in the or unclassified service. Exception to this rule may be made when it is in the best interest of the University and with upon the approval of the President.

Commented [A50]: Delete "and second degree" Flag for possible deletion. (Blue highlight)  
Commented [UOGHRO51R50]: Verified. There is no "and second degree in DOA PRR.

B. Pursuant to Title 4 GCA Chapter 4 Article 2 Section 4105(d)(2) no spouse of any Unit Head and Division Managers within the University may be employed in a college/ school / unit headed by such person.

Commented [d52]: Added language?  
Commented [UOGHRO53R52]: Strike "Division Managers"

C. Pursuant to Title 4 GCA Chapter 4 Article 2 Section 4104 whenever there are already two or more members of an immediate family in the public service under the University, no other members of such family shall be eligible for appointment to any such division; provided, however, that such prohibition shall not apply to employees in the medical, paramedical field. As used in this Section, "immediate family" means a collective body of persons living together in the same house.

**3.300 CONVICTED FELONS**

A. No person who is convicted of a felony concerning family violence (not a misdemeanor) after August 14, 1998, is eligible to hold a managerial or supervisory position. (Title 4 GCA Section 4203.2)

Commented [UOGHRO54]: Verified, supervisory position and above.

B. No person convicted of a sex offense under the provisions of Title 9 GCA Chapter 25 or an offense in any jurisdiction which includes, at a minimum, all of the elements of said offenses, or who is listed on the Sex Offender Registry shall work for the University. (Title 4 GCA, Chapter 4, Section 4203.3)

C. The University shall not request that a police or a court clearance be provided as part of the application for employment; however, upon a conditional offer, the

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University may request an employee provide evidence as to any pending criminal cases or criminal history. (Title 22 GCA, Chapter 6)

- D. The University shall not make an inquiry about, or require the disclosure of, an applicant's arrest record or criminal cases which resulted in dismissal, expungement, sealing, or did not result in a conviction. (Title 22 GCA, Chapter 6)

### 3.400 METHODS OF COMMUNICATION

Electronic forms of communication, e-mail, and Internet use have become an efficient, fast, and cost-effective method of communication that has many advantages over printed communication. Because of the importance of this type of communication, e-mail is considered one of the official forms of communication at the University. University confidential information must not be shared outside of the University, without authorization, at any time.

Telephones, computers, voice mail, email, ~~and Internet usage,~~ and other equipment assigned to an employee are solely for the purpose of conducting University business. Some require access to the Internet and the use of software. Software needed, in addition to the Microsoft ~~Office~~ suite of products, must be authorized by the Department/Unit Head and downloaded by the Office of Information Technology staff. Only employees appropriately authorized, for University purposes, may use the Internet or access hardware, software, and networks. Subject to any violation of University's IT Policy, this policy and procedure is subject to disciplinary action as noted on Rule 11.402.

### 3.500 CONFIDENTIALITY

University confidential information must not be shared inside or outside of the University, without authorization, at any time. The University owns any and all communications sent via email or that is stored on University equipment. The Unit Heads and ~~Division Managers~~, and other authorized staff have the right to access any material in the employee's email or on his computer at any time. Electronic communication, storage, or access should not be considered private if it is created or stored at work.

**Commented [GW55]:** Should we call them out? I'm not sure we really need what follows.

**Commented [UOGHRO56R55]:** No comment form Ad Hoc.

**Commented [UOGHRO57]:** Ask Rommel for IT Policy 11.402.

**Commented [A58]:** This section could be challenged. Mr. Larry to check with legal.

**Commented [UOGHRO59R58]:** No change.

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**CHAPTER 4**  
**FILLING POSITIONS IN THE UNIVERSITY**

**STATEMENT OF POLICY**

This policy implements a system of recruitment and selection of University classified employees in accordance with the merit system principles and Equal Employment Opportunity guidelines.

**4.00 APPOINTMENT THROUGH THE MERIT SYSTEM**

**4.01 Recruitment and Examinations**

- A. Recruitment of persons for employment in the classified service within the University shall be accomplished consistent with the merit principles of recruiting, selecting applicants, and advancing employees on the basis of their relative knowledge, abilities and skill.
- B. A person may be employed in the classified service contingent upon the availability of a grant, federal program or federal funds. An appointment in the classified service may be commensurate with the duration of a grant, federal grant, federal program or federal funds including renewals and extensions (Title 4 GCA, Chapter 4, Subsections 4103 (g)).
- C. A person may be employed in a professional level position in the classified service for a specific project or program. An appointment in the classified service may be commensurate with the duration of a specific project or program (Title 4 GCA, Chapter 4, Subsection 4103 (h)).

**4.02 Filling of Vacancies**

- A. No person shall be appointed to, or employed in, or paid for service in any classified position until that position has been established, funded, and allocated to its proper class. No person shall be allowed to begin work before such person submits an employment application, is placed on the eligibility list as "eligible" for the position applied for, and is certified, selected, and processed under University competitive examination. This applies to all initial and promotional appointments. Exception to the establishment and certification requirement may be made for transfers, demotions, and reinstatement immediately after active military service and temporary appointments consistent with these rules.
- B. Competitive examinations shall also apply to the following:
  - 1. Demotion to a position with Known Promotion Potential (KPP) per section 4.505 within a class series;
  - 2. Transfer to a position with KPP per section 4.501 within a class series;
  - 3. Reinstatement or reemployment to a position with KPP per section 4.502 and 4.503 within a class series;
  - 4. Appointment to a position with KPP within a class series.

- C. All employees and applicants selected and offered employment with the University must

Commented [UH60]: LTA

Commented [UOGHRO61R60]: From the 90's only if on the eligibility list. Recommend to disregard LTA comment.

Commented [UOGHRO62]: Recommend "As a condition of employment with the University all persons must have..."

have a test for tuberculosis (skin or x-ray) performed and found free of communicable diseases by a physician licensed to practice within a state or territory of the United States prior to starting employment and annually thereafter. For retirement purposes, physical examinations must be done within sixty (60) days from hire date (Title 10 GCA, Chapter 25, Section 25103).

**Commented [UOGHRO63]:** Recommend to delete. Does not appear in GCA citation.

D. Applicants selected for and offered employment with the University may be requested to undergo and pass a mandatory Drug test and examination before hire date. Failure to submit to, or pass such Drug test and shall be grounds for rescinding the offer of employment, unless the applicant is undergoing treatment through a rehabilitation program approved or recognized by the Department of Mental Health and Substance Abuse, in which case the applicant must successfully complete the program within the prescribed time before being employed.

**Commented [UOGHRO64]:** Recommend to delete section "D". Already in Drug Free Policy.

Employees selected for Testing Designated Positions (TDP) will be tested as provided in Chapter 15.

All expenses incurred shall be borne by the applicant or employee pursuant to these provisions. As used in this Section, "applicant" refers to those individuals who are applying for initial employment within the University, promotion/transfer/demotion from other Government of Guam agencies and reemployment/reinstatement.

**Commented [UH65]:** Flag for cost. Applicant or HRO.

**Commented [UOGHRO66R65]:** Recommend to delete the paragraph.

#### 4.03 Certification from Eligibility Lists

All initial and promotional appointments to University positions shall be made through certifications from eligibility lists resulting from competitive examinations and for selections covered under the Merit Career Plan and Preferential Hiring for Scholarship Recipients (Title 4 GCA, Chapter 4, Section 4104.1).

#### 4.04 Order of Use and Limitation on the Establishment of Lists

The order listed below shall be followed in the use of the eligibility lists, and the Vice President shall be limited to selection from the top five (5) or ten (10) Labor/ found on these lists the order of precedence herewith established with the exception of Preferential Hiring for Scholarship Recipients (Title 4 GCA, Chapter 4, Section 4104.1):

**Commented [d67]:** Five/10 rule? Do we define?

**Commented [GW68]:** Labor Custodial?

**Commented [UOGHRO69R68]:** No definition required.

A. All qualified Student Financial Assistance Program (SFAP) recipients shall be certified ahead of all other qualified applicants on an eligibility list. Certifying with other qualified applicants is prohibited.

**Commented [GW70]:** I think we need to discuss this

**Commented [UOGHRO71R70]:** Ad Hoc agrees to further discuss.

B. University-wide

1. Priority Placement/Lay-off Reinstatement List
2. Promotional List

C. Government-wide or Open

1. Preferential/Priority Placement/Lay-off Reinstatement Lists
2. Reemployment List
3. Promotional List/Open Competitive List



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## **4.100 RECRUITMENT**

### **4.101 Announcement of Recruitment and Examination**

A. Whenever there is a need to establish a list of eligibles, the Chief Human Resources Officer shall publish and disseminate announcements of recruitment and examination on a University-wide, Government-wide and/or Open competitive basis, and shall cause such announcements to be posted throughout the University, government of Guam instrumentalities, departments and agencies. Other methods of announcing examinations may be used at the discretion of the Chief Human Resources Officer so as to better disseminate information to the employees and the public.

1. University-wide competitive examinations shall be held to allow all interested and qualified permanent status employees occupying classified positions within the University the opportunity to compete for vacant positions.
2. Government-wide or open competitive examinations may be held when, in the judgment of the Chief Human Resources Officer, there are insufficient number of qualified applicants within the University for adequate competition and flexibility of selection. The Chief Human Resources Officer shall determine the need for open competitive announcements.

B. Open competitive examinations may be re-announced when the Chief Human Resources Officer determines that there are less than five (5) / ten (10) -Labor/Custodial individuals meeting the qualifications for the class.

C. The Vice President may request for certification of eligibles even if there are less than five (5) /ten (10) – Labor/Custodial on the eligibility listing.

### **4.102 Maintenance or Distribution Lists**

The Chief Human Resources Officer shall establish and maintain distribution lists of public and private agencies or groups, by occupation or other appropriate categories, to which appropriate examination announcements or other information regarding prospective examinations shall be uploaded onto the University's Human Resources website and further dissemination to prospective applicants on the Guam Department of Labor website.

### **4.103 Content of Recruitment and Examination Announcements**

Each recruitment and examination announcement for an original appointment or promotion shall contain the title of the class, applicable pay grade, selective certification when applicable, character of duties and responsibilities and illustrative sample of duties to be performed, closing date and place for filing applications, minimum qualifications for entry into the position, and other information deemed necessary by the Chief Human Resources Officer. Appointments other than from an eligibility list, for example by transfer, demotion, or reinstatement shall be bound by the minimum qualification requirements.

### **4.104 Minimum Period of Recruitment**

- A. Job announcements shall be posted for a minimum of ten (10) working days.
- B. The Human Resources Office may post job announcements on a continuous basis upon the

**Commented [UH72]:** Change to Chief HR officer

**Commented [UOGHRO73R72]:** In 2.200 CHRO was removed and now in Ch.4 it is inserted?

**Commented [GW74]:** Should this be VP also?

**Commented [UOGHRO75R74]:** Ad Hoc agrees more work required for this. No comment to add VP with CHRO.

**Commented [UH76]:** Announcements found on website and uploaded to DOL

**Commented [UOGHRO77R76]:** No further comments.

request of the Unit Head. Notice of the final closing of an announcement shall be sent to the original distribution list at least five (5) days prior to the final closing date for receipt of applications.

- C. The Human Resources Office in consultation with the Unit Head may extend the period for receipt of applications. Announcement of an extension shall be disseminated to the original distribution list for posting.

#### 4.105 The Application Form

- A. The Human Resources Office shall prescribe a form to be used by applicants, which shall require information covering experience, training, and other pertinent data, indicated as being necessary in the examination announcement as provided in [redacted]. Applications shall be signed and the truth of all statements therein certified to by such signature.
- B. No one may make any pre-employment inquiry about a disability or about the nature or severity of a disability on application forms, job interviews, or in background or reference checks (Title 29 Code of Federal Regulations, Chapter 14, Section 1630.13(a)).
- C. Medical information received on an employee as a result of an employment requirement shall be filed separate and apart from the employee's active personnel records.

#### 4.106 Acceptance of Employment Applications

- A. Applications for competitive examinations shall be accepted during the filing period specified in the examination announcement. All applications submitted shall be date stamped to indicate the date received by the Human Resources Office.
- B. Applications submitted online by mail must be postmarked by midnight Chamorro Standard Time of the announced last day for filing applications in order to be accepted.
- C. [redacted] for competitive examinations may be accepted if the examination has not been administered and an eligibility list established subject to the approval of the Chief Human Resources Officer and the President. The reasons for such acceptance shall be duly documented.

#### 4.107 Evaluation of Applications

- A. An eligibility list shall be established within two (2) months sixty (60) business days after the closing date of the position announcement. Failure to establish an eligibility list within two (2) months sixty (60) business days of the closing date may require that the position be re-announced with a new closing date and that all applications previously received shall be re-stamped and re-accepted to coincide with the new announcement period.
- B. The closing date of the announcement shall be the ending date to credit the job applicant's education, experience and training for the position under application. For continuous job announcements, the ending date to credit the job applicant's education, experience and training shall be the date of application.

#### 4.108 Rejection of Applicants

The Human Resources Office shall not be required to accept applications or, after acceptance and

Commented [GW78]: Can we re-word?

Commented [UOGHRO79R78]: "requiring equal employment opportunities for individuals with disabilities. The ADA as amended, and these regulations, are intended to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities, and to provide clear, strong, consistent, enforceable standards addressing discrimination."

Commented [UOGHRO80R78]: Recommend to delete "No one may make any"

Commented [UOGHRO81]:

Commented [UH82]: Remove "by mail" and submitted by Chamorro Standard Time

Commented [UOGHRO83R82]: Completed

Commented [GW84]: Need to discuss

Commented [UOGHRO85R84]: No recommendations.

Commented [UH86]: Remove President.

Commented [GW87]: Can we push ourselves on this? 30 days?

Commented [UOGHRO88R87]: DOA PRR is two months. IPRR 30 days. Ad Hoc agrees to come back to this.

Commented [HG89]: Change to 60 business

Commented [UOGHRO90]: Ad Hoc recommendation strike "will", add "may"

evaluation, establish an applicant as eligible on an eligibility list or allow an applicant admission to an examination when any of the following conditions exists:

A. Refusal or failure to furnish documents required verifying any statements made in the application.

B. Intentional false statements, deception or fraud omission in the application process. ~~Any employee who has falsified his application or otherwise misrepresented his background shall immediately be placed on leave without pay pending termination proceedings as provided in Rule 11.402.~~

Commented [HG91]: Delete and keep for a future rule/section.

Commented [UOGHRO92R91]: Ad Hoc agrees to delete.

C. Failure to attest to the accuracy of information presented on the application.

D. Failure to submit an application within the announcement period, with exception of Rules 4.106B and 4.106C.

E. Evidence that the applicant has been removed from his position within the University, other Government departments or agencies, or otherwise for reasons, which would render him, unsatisfactory for the position and for the class for which he is applying.

~~When any such finding is made, the Chief Human Resources Officer may shall reject the application and notify the applicant of such action.~~

Commented [HG93]: Replace with "shall"

Commented [UOGHRO94R93]: Keep "shall"

#### **4.109 Notification of Rejection of Applicants**

A. A rejected applicant shall be notified promptly of such action and reasons for rejection within ten (10) workdays of the rejection.

B. Whenever an application has been rejected prior to a scheduled examination (assembled), notice thereof, with the reason or reasons for such rejection, ample time shall be given to permit the applicant to respond in writing, or to amend an incomplete or defective application at least three days before the date of the examination. If sufficient time is not available for this purpose, the applicant may be admitted to the examination with the condition that the applicant shall not be certified as eligible until all the established requirements for eligibility are met.

### **4.200 EXAMINATIONS**

#### **4.201 Scopes and Character of Examinations**

A. Competitive examinations shall be held for original appointments and promotions and shall be job-related in nature and designed to reveal the capacity and fitness of the applicant to satisfactorily perform the characteristic duties of the class or position for which the examination is held.

B. Any accepted personnel examination technique may be employed, including a verification and evaluation of education, training and experience, tests of skill, knowledge, ability, intelligence or aptitude, medical examinations, appraisals of personal suitability, social media searches, and any other matters that the Chief Human Resources Officer deems appropriate.

C. All examinations shall be either or both:

1. Assembled, wherein the applicants assemble in a designated place at a specific time to take written, oral or performance tests pertinent to the position(s) sought; or
2. Unassembled, wherein interested persons responding to an examination announcement, submit to designated places and by designated times, their records of education, training, experience and such other information as requested in the announcement be evaluated and rated by a qualified analyst or by a board of rating examiners.

**4.202 Parts of Examination**

- A. The examination may consist, in various combinations, of selection criteria such as work sample and performance tests, written tests, individual or group oral examinations, assessment center exams, medical examinations, rating of training and experience and background and reference.
- B. An applicant for any examination must pass all parts of that examination with a minimum of 70.00 in order to qualify for appointment to a position.

**4.203 Education and Experience**

- A. The minimum requirement of a high school diploma or a successful completion of a General Educational Development (GED) Test, or any equivalent of a general education high school program, to include the “Onra I [redacted]” program ( [redacted] ), or a successful completion of a certification program from a recognized accredited or certified vocational technical institution, in a specialized field shall be required for the job (Title 4 GCA, Chapter 4 Section 4101(c) and Public Law 29-113).

This Subsection shall not be applicable to the Summer Youth Employment and Training Act, a person with a disability which would prevent him or her from complying with this Section, or a person born on Guam whose eighteenth (18<sup>th</sup>) birthday was prior to August 1, 1950 and shall only apply to individuals hired after May 17, 2002.

An [redacted] program awarding an honorary high school diploma to World War II, Korean War and Vietnam Conflict veterans as well as persons who served in World War II in the Guam Combat Patrol, Wake Island Defenders, Guam Militia or Civilian Scouts, who were unable to complete their high school education will be accepted as meeting the requirements of the section ( [redacted] );

- B. If education and experience form a part of the total examination, the Chief Human Resources Officer shall determine and publish a procedure for the evaluation of the education and experience qualifications of the various applicants. The criteria used in appraisal shall give regard to recency and quality, as well as, quantity of experience and to the pertinence of the education. This procedure shall allow for the substitution of the education for experience and experience for education within the limits stated in the class standards.

**4.204 Development and Validation of Tests**

Tests for each examination shall be developed and validated in compliance with EEO objectives and merit system principles, and in accordance with professionally approved validation strategies, such as, content, criterion related or construct validation where it is technically feasible.

**Commented [GW95]:** Is this still relevant?

**Commented [UOGHRO96R95]:** Ad Hoc recommends to keep. Honorary HS diplomas still issued.

**Commented [HG97]:** Remove paragraph.

**Commented [STM98]:** Remove in favor to provide proof of having met the HS Diploma requirement

**Commented [HG99]:** Remove “and published”

**Commented [d100]:** This paragraph not included in daft #4

**Commented [UOGHRO101R100]:** Comment is ignored.

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#### **4.205 Admission to Compete in Assembled Examinations**

Persons submitting applications during the period specified in the examination announcement shall be admitted to compete in the examination provided that it is clearly shown that requirement for admission is met. Where doubt exists as to whether or not the applicant meets the minimum requirements for admission to the examination, the Chief Human Resources Officer may authorize conditional admission. Such action shall not be construed as entitling the applicant to certification or appointment until the Chief Human Resources Officer has confirmed such conditional admission. Persons admitted to take an examination must provide a valid document verifying their identity.

**Commented [GW102]:** Are we spending a lot of time with something we don't do any more?

**Commented [UOGHRO103R102]:** Application is now used as the test based on qualification requirements. Ad Hoc agrees to keep in case of a future need.

#### **4.206 Conduct of Examinations**

A. Examinations shall be held at the time and place which is most practical and meets the need of the service, and shall be administered by an authorized representative designated by the ~~Chief Human Resources Officer~~ Chief Human Resources Officer.

**Commented [HG104]:** Change to "President or hiring authority"

B. If an assembled examination is to be administered, qualified applicants shall be notified of the date, time and place of the examination. The Chief Human Resources Officer shall not be responsible if a notice is lost or delayed in the mail, or sent to an applicant's former address through failure of the applicant to inform the University of any change of address.

C. No applicant shall be entitled to take an examination at a date, time or place other than that stated in his notification, except as the Chief Human Resources Officer may authorize.

D. All applicants for examinations involving physical ability or performance tests ~~will~~ shall be required to sign a waiver of liability.

**Commented [HG105]:** Change to "shall"

E. Reasonable precautions shall be taken to protect the confidentiality of information about applicants.

F. Applicants with disabilities shall be given reasonable accommodation in the administration of tests, if so requested in advance of the date of the test.

#### **4.207 Assembled Examinations for Closed and Continuous Announcements**

A. For announcements having a specific closing date, and closed announcements, an examination shall not be administered until after the closing date and until such time all applications have been evaluated. Applicants applying under a closed announcement may take the required examination only once and only one eligibility list established.

B. For continuous announcements, the following provisions shall prevail:

1. No examination shall be administered until ten (10) workdays after the date of the announcement.

2. Candidates who fail an examination may retake the same examination after thirty (30) days have elapsed. Exception to this rule may apply when the Human Resources Office has certified that there are less than five (5) eligibles for each vacancy in a given class of position.

3. An applicant who has passed all parts of an examination for a particular position and who

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requests to retake the examination for the purpose of upgrading his final earned rating, may retake the examination provided that thirty (30) days have elapsed since his last examination, and provided the announcement has not been closed. The higher score shall be used to determine the final earned rating.

4. When a closing date is announced, a final eligibility list shall be established and no examinations shall be administered thereafter.

#### **4.208 Ratings of Examinations**

- A. Appropriate psychometrics and measurement techniques and procedures shall be used in evaluating the results of examinations, and in determining the minimum rating by which eligibility may be achieved, and the relative rank of candidates.
- B. The Human Resources Office shall set the minimum ratings for each part of an examination. All candidates shall be required to obtain the set minimum passing score for each part of the examination in order to proceed to each successive test. In order to receive a final passing rating, the final earned rating of each applicant shall be determined by combining the earned rating of each part of the examination in accordance with the weights established for each part.

#### **4.209 Notification of Examination Results**

Each applicant who participates in an examination shall be given written notice, in person or by mail, of his examination results. The record of ratings, as well as, examination papers, shall be held as official records for the life of the resulting eligibility lists.

#### **4.210 Inspection of Written Examination Papers**

The Chief Human Resources Officer shall, upon request of a candidate, authorize such candidate to inspect his own written examination papers, within thirty (30) days of the date of examination and in the presence of an authorized representative except that when a candidate is scheduled to retake the same examination, inspection shall not be allowed more than five workdays prior to the examination date. The privilege of inspection shall not be deemed to include authorization to copy examination papers, or to inspect or to copy examination instructions, questions, or answers.

#### **4.211 Administrative Review of Examination Rating**

An applicant may request administrative review of his rating assigned in an examination by submitting to the Chief Human Resources Officer, in writing, information to substantiate his request within ten (10) workdays following the date his examination notice was postmarked. The applicant has the burden of proof and must demonstrate substantial evidence that there was an error on the rating assignment given on his application. Certification of Eligibles is authorized only after the administrative review period has elapsed. Unless the Chief Human Resources Officer determines that a delay in the services will hamper the operations of a division, Certification of Eligibles is authorized only after the administrative review period has elapsed.

#### **4.212 Changes in Rating**

- A. Changes in rating may be made as a result of a discovery of errors in the rating or scoring process, or as a result of an administrative review wherein the facts warrant a change.

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- B. Rating errors may be corrected throughout the life of the eligibility list.
  - C. Any such changes shall be reported to the applicants affected.
  - D. Changes in rating that generally will not affect a certification already issued, or invalidate an appointment already made from the eligibility list.

#### **4.213 Duration of Examination Ratings**

- A. Examination ratings are good only for the life of the eligibility list and shall not be carried over to a new eligibility list for the same position after a period of one (1) year or as deemed appropriate by the Chief Human Resources Officer.
- B. Exceptions to this rule shall also apply when minimum qualifications are amended or when written, oral or performance examinations are likewise amended. In this event, the existing eligibility list will be invalidated and candidates must take and pass any and all new examinations, both assembled and unassembled, in order to remain eligible for certification.

#### **4.214 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 the examination. Disclosure of unauthorized release of examination material by any employee shall be the basis for disciplinary action.

#### **4.215 Protection of Confidentiality of Materials**

- A. The review of test materials shall not be permitted due to the continuing use of the examination materials prepared by the Human Resources Office. Exposure would jeopardize the confidentiality of the examination questions.
- B. All examination materials relating to a particular applicant or applicants including, but not limited to rating scores, reports of character and material regarding personal suitability of the applicant, shall be considered confidential material. Such examination material shall be maintained for a period of one year from date the eligibility list was established or as deemed appropriate by the Chief Human Resources Officer.

#### **4.216 Special Provisions**

Special arrangement for examination on a non-competitive basis, upon reallocation of position and for employment of labor or custodial personnel, may be made by the President subject to the limitations which follows:

##### A. Non-competitive Examinations

The Chief Human Resources Officer may authorize non-competitive examinations under the following conditions:

1. No more than one person applies who meets the minimum qualification requirements.

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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 grade, but which requires a skill not required in the present classification. However, the provisions of the Merit Career Plan shall apply to a transfer to a position with Known Promotion Potential (KPP) as [per section 4.505](#).
  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 permanent position is to be filled by a temporary appointment.
  5. To facilitate the employment of qualified persons with disabilities consistent with provisions of law and these rules.
  6. Examination given is to test the fitness of a permanent employee who has been previously selected under an announcement for a position with Known Promotional Potential (KPP) [per section 4.505](#) and who is promoted to a higher grade position.

**B. Labor/Custodial Positions**

Examinations of applicants for entry level labor/custodial positions shall be governed by the following regulations:

1. Each applicant for these classes shall, prior to appointment, qualify by examination, which shall consist of completing an application form. The Chief Human Resources Officer shall certify the names of the ten (10) top applicants in order of their rating.
2. Notwithstanding the limitation of this rule, the Chief Human Resources Officer may at any time prescribe such additional tests for applicants in these classes, as he shall deem practical and feasible to assure equitable consideration of all applicants.

**C. Appointment of Qualified Individuals with Disabilities**

1. The University shall employ at least two percent of the work force with severe disabilities and certified by the Division of Vocational Rehabilitation of the Department of Integrated Services for Individual with Disabilities. Such employment shall be on a temporary limited-term appointment not to exceed a total of six months regardless of whether the position being filled is budgeted as temporary or permanent ([Title 17 GCA, Chapter 4, Chapter 41, Section 41210\(b\)](#))
2. All such individuals with disabilities shall possess the qualifications for the position to which appointed. Eligibility lists shall be developed for the various positions for which individuals with disabilities are certified.
3. Nothing contained in this section shall be construed to deter or prevent the Vice President from employing:
  - a. Individuals with disabilities when available and eligible for permanent employment.
  - b. Individuals with disabilities employed pursuant to [Rule 4.216.C.2](#) above, if such persons qualify for permanent employment before the termination of their temporary



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appointment.

- c. If such individual is appointed pursuant to this section to a permanent position during or immediately after the six-month period, such six (6) months or portion thereof shall be credited toward such employee's probationary period.
- d. Appointment of individuals with disabilities to permanent positions must be consistent with the merit system requirements. In this exception, if the immediate supervisor determines satisfactory performance either prior to, or after the expiration of the six (6) months appointment, the position occupied by the person with a disability(ies) may be converted to permanent employment by the Vice President.

#### **4.300 PREFERENCE**

##### **4.301 Preference Credit for Individuals with Disabilities**

Residents of Guam who have physical or mental disabilities, but are physically or mentally able to perform efficiently and safely the duties of the position applied for, as certified by the Director of Public Health and Social Services, shall receive a preferential credit of five (points which shall be added to their passing examination score for initial appointment only. The preference credit does not apply to subsequent applications for employment in the government after separation (Title 4 GCA, Chapter 4, Section 4104).

##### **4.302 Preference Credit for Veterans of the United States Armed Forces or Former Members of the Guam Police Combat Patrol**

Veterans of the Armed Forces of the United States, or former members of the Guam Police Combat Patrol, as certified by the Chief of Police, shall receive a preferential credit of five (5) points which shall be added to their passing competitive score upon initial employment only. Such veterans, or former members who are disabled as a result of their services in the Armed Forces or Combat Patrol, shall receive a preferential credit of ten (10) points which shall be added to their passing competitive scores upon initial employment only. The preference credit does not apply to subsequent applications for employment in the government after separation (Title 4 GCA, Chapter 4, Section 4104).

##### **4.303 Proof of Eligibility for Veteran's Preference Credit**

Persons claiming veteran's status must submit their DD Form 214, Armed Forces of the United States Report of Transfer or Discharge. A person must have completed at least 180 consecutive days of service in the Armed Forces of the United States and must have received other than a dishonorable discharge from such service to be eligible for veteran's preference ( Title 4 GCA, Chapter 2, Section 2103.5).

##### **4.304 Offer of Employment for Preference Credit Recipient**

When two applicants are equally qualified for the position to be filled and one is a recipient, pursuant to Rule 4.301 or 4.302, while the other is not, the former shall be given the first offer of position.

##### **4.305 Preferential Hiring of a Recipient of an Award or Scholarship**

Residents of Guam who have completed their post-secondary education assisted by the award of

educational scholarships or loans from the government of Guam, shall be given preference to jobs for which they have applied and are qualified as certified by the University's Director of Financial Aid. Such preference shall be applicable only in selection for initial employment. The preference does not apply to subsequent applications for employment after separation or after an initial job offer is declined. All qualified applicants shall be certified ahead of all eligibles on the eligibility list pursuant to this rule (Title 4 GCA Section 4104 ).

Commented [GW106]: Does this read right? It seems like the last sentence needs to be earlier.

Commented [UOGHRO107R106]: Ad Hoc agrees that it does read right.

#### **4.400 CERTIFICATION**

##### **4.401 Eligibility Lists**

Employees shall be selected from among the eligibles on appropriate eligibility lists, established and maintained by the Human Resources Office, except those employees who are demoted, transferred within the University, or reinstated. Within the limitations found elsewhere in these rules, qualified applicants shall be placed on eligibility lists as a result of examinations. When more than one competitive examination is announced simultaneously for a particular class, an appropriate eligibility list shall be established for each competitive for that class.

##### **4.402 Establishment of Eligibility Lists**

Names of candidates shall be placed on the eligibility lists in rank order of qualifying scores after appropriate examination. This list shall be designated as an "Eligibility List" for that class of position. After the Human Resources Office has approved the eligibility list, it shall then be considered "established".

##### **4.403 Ranking of Eligibles**

After each examination, the Chief Human Resources Officer shall prepare a list of persons with passing scores. The names of such persons shall be placed on eligibility lists in order of their final earned rating, starting with the highest.

##### **4.404 Determination of Rank in Event of Tie**

Final earned ratings shall be calculated in two decimal places and ranked from highest to lowest. When, upon certification of eligibles in accordance with Rule 4.410 a tie score occurs, such tied scores shall not be broken and all such eligibles shall be certified as being the fifth (5<sup>TH</sup>)/ tenth (10<sup>th</sup>) - entry level labor/custodial eligible.

##### **4.405 Duration of the Eligibility List**

An eligible on a University-wide, Government-wide, or open competitive eligibility list, shall have eligibility for employment consideration until a selection is made or as deemed appropriate by the Chief Human Resources Officer for one (1) year from the establishment date of the eligibility list or as deemed by the Chief Human Resources Officer.

##### **4.406 University-wide Competitive Eligibility Lists**

University-wide competitive lists shall be established consistent with Rules 4.402 and 4.403 and selections shall be made in accordance with the Merit Career Plan.

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#### **4.407 Government-Wide Competitive Eligibility Lists**

Government-wide competitive lists shall be established consistent with **Rules 4.402, 4.403, 4.404 and 4.405** and selections shall be made in accordance with the Merit Career Plan.

#### **4.408 Open Competitive Eligibility Lists**

Open competitive eligibility lists shall be established consistent with **Rules 4.402, 4.403, 4.404 and 4.40**

#### **4.409 Certification of Eligibles**

Certification of eligibles shall consist of five (5)/ ten (10) for entry level labor/custodial positions or such fewer eligibles as may be available for the class. Eligibles shall be certified in the order that they appear on the eligible list provided that:

- A. All eligibles who are recipients of a scholarship pursuant to **Rule 4.305** shall be provided priority certification ahead of other eligibles.
- B. Eligibles with reemployment rights shall be accorded priority certification if there are no eligibles pursuant to A. above.
- C. When the fifth (5<sup>TH</sup>)/tenth (10<sup>th</sup>) - entry level labor/custodial eligible to be certified is one of two or more eligibles who have identical examination scores, such two or more eligibles shall be certified notwithstanding the fact that more than five (5)/ ten (10) persons are thereby certified to fill a vacancy.
- D. For entry level labor and custodial positions, the top ten (10) eligibles on the eligibility list shall be certified.
- E. In the event one or more eligibles decline or fail to respond to an employment interview, the Vice President shall be entitled to such additional eligibles as would provide him with a full certification. (Refer to **Rule 4.412**, Supplemental Certification.)
- F. If the Unit Head rejects one (1) or more of the eligibles certified, they shall submit in writing to the Vice President the reasons for rejection. If the rejections are within the confines of the Merit System Principles, the Unit Head shall be entitled to such additional eligibles as would provide them with a full certification. The Chief Human Resources Officer shall ascertain the validity of the rejections before providing additional qualified eligibles. (Refer to **Rule 4.412**, Supplemental Certification.)
- G. A certification of eligibles shall be effective for no more than thirty (30) days after the date of certification, unless extended by the Chief Human Resources Officer.

#### **4.410 Certification of Eligibles from a Multiple List**

After eligibility lists are established for a particular job announcement with multiple competitive examinations, the Chief Human Resources Officer may certify in one of three ways:

Certify, in accordance with **Rules 4.409, 4.411, 4.412 and 4.413** from each list in the following order: University-wide, Government-wide, and Open. Each list must be exhausted in accordance

**Commented [UOGHRO108]:** Should it be the division or unit head?

**Commented [UOGHRO109R108]:** No change.

**Commented [UOGHRO110]:** CHRO instead?

**Commented [UOGHRO111R110]:** No change

with these rules before certification from the next list will be authorized.

#### **4.411 Certification of Eligibles for More than One Vacancy**

A. For more than one vacancy, the Chief Human Resources Officer shall certify an additional eligible for each additional vacancy with the exception of preferential hiring of qualified scholarship recipients pursuant to Rule 4.305.

B. When the last eligible to be referred is one (1) of two (2) or more eligibles who have identical examination scores such two (2) or more eligibles shall also be certified.

C. For example, when certification is made for two (2) vacancies, certification of eligibles will appear as follows:

All qualified scholarship recipients pursuant to Rule 4.305

First Ranked Eligible

Second Ranked Eligible

Third Ranked Eligible

Fourth Ranked Eligible

Fifth Ranked Eligible

Sixth Ranked Eligible

The Vice President shall make their selections according to the following:

1. The Vice President must select from the qualified applicant(s) of scholarship recipients pursuant to Rule 4.305.
2. The Vice President may select two (2) persons from the six (6) certified to fill two (2) vacancies.
3. Should the Vice President decide to fill only one (1) of two (2) vacancies to be filled, he shall be restricted to select from the first five (5) eligibles on the certification and may not select the sixth (6<sup>th</sup>) ranked eligible.
4. Should an additional vacancy exist and certification was not made for such vacancy, the Vice President may not select from among the six (6) eligible to fill the third (3<sup>rd</sup>) vacancy. They must request an additional eligible and then make the selection for the third (3<sup>rd</sup>) vacancy from among the seven certified eligibles.
5. If the Vice President does not wish to select any of the eligibles certified, they must document the reasons for non-selection of each eligible, before a new certification is authorized.

#### **4.412 Supplemental Certification**

The Chief Human Resources Officer may submit a supplemental certification of eligibles to provide the Vice President a full certification.

A. The supplemental certification may be used only upon failure to appear for an interview, refusal of appointment by eligibles, or the rejection of eligibles by the Vice President.

B. The additional eligibles to be certified shall be of such number that will provide the Vice

**Commented [GW112]:** Do we want to say this? Don't we mean preference in points?

**Commented [UOGHRO113R112]:** Ad Hoc says rule of 5 not satisfied.

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President with a full certification.

- C. The Human Resources Office shall contact eligibles in descending order to ascertain their interest in the vacant position. If the last eligible contacted is one (1) of two (2) or more eligibles with identical examination scores, such two (2) or more eligibles shall also be contacted.

**4.413 Selective Certification**

- A. Upon approval of the Chief Human Resources Officer, selective certification may be made when specific identifiable qualifications and skills are essential to successful performance of the duties and responsibilities of the position. The factors shall pertain to knowledge, abilities and skills pertinent to certain program operations when these qualifications and skills cannot be readily acquired after appointment. As a standard for determining qualifications on a selective factor basis applicants must have at least six (6) months of work experience in the particular selective knowledge, ability and skill or the equivalent in education.
- B. Selective certification may also be made which specifies a Bona Fide Occupational Qualification Requirement (BFOQ) when justified. For example, certification based on sex is a BFOQ when duties and responsibilities involve certain institutional or custodial services, which can be properly performed only by a member of the same sex for the recipient of the services.
- C. All selective certifications must be indicated on the proper job announcement and be job-related.

**4.414 Interview of Eligibles and Notification of Selection/Non-Selection**

- A. The Chief Human Resources Officer shall establish procedures for interviewing certified eligibles for selection.
- B. Within thirty (30) calendar days from the date of the interview a selection must be made and must include administrative review.
- C. Within thirty (30) calendar days from the date a selection is made, the Chief Human Resources Officer shall notify, in writing, all eligibles certified as to whether they were selected or not.

**4.415 Suspension and Removal of Eligible from Competitive List of Eligibles; Restoration to List**

- A. The Chief Human Resources Officer may suspend or remove an eligible from an Eligibility List for any of the following reasons:
1. Refusal of an offer of permanent employment in the class of position for which eligibility has been established;
  2. Failure to reply within fifteen (15) calendar days to a written inquiry relative to availability for employment;
  3. Appointment to a permanent position for the class;

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4. Failure to report to work within the prescribed time provided a legitimate reason beyond the control of the applicant such as death in the immediate family, serious illness or other extenuating circumstances is approved by the Vice President;
  5. In the case of University-wide or Government-wide lists, termination of service with the Government;
  6. When further investigation of eligible's suitability needs to be conducted;
  7. Withdrawal by the eligible;
  8. Findings of deception and fraud in the employment process;
  9. Conviction of a crime, which bears a nexus to the position applied;
  10. Advocates, aids or belongs to any party, organization or association which advocates the overthrow of the government of Guam or United States;
  11. Refuses or ignores the requirement to take a Drug test and a physical examination to include the TB test, without cause; or the verified Drug test or physical examination to include the TB test, result is found to be positive; and the applicant is not participating in a rehabilitation or medical treatment program.

In the event that the eligible has already received an appointment, the Vice President shall take appropriate action to ensure the termination of the employee.

#### **4.416 Notification of Disqualification of Eligibles**

An eligible who is disqualified pursuant to Rule 4.415B shall be notified in writing of such action and the reasons of disqualification within ten (10) workdays of the action.

#### **4.417 Cancellation of Competitive Eligibility Lists**

The Chief Human Resources Officer may cancel an eligibility list for any of the following reasons:

- A. Changes in the minimum qualifications or classification standards of a class of position;
- B. Abolishment of the class for which the list of eligibles was established;
- C. All eligibles on the list are unavailable for employment.

The eligibility list shall be null and void after one (1) year from date of establishment or as deemed appropriate by the Chief Human Resources Officer.

### **4.500 NON-COMPETITIVE ACTIONS**

#### **4.501 Transfer**

##### **A. Transfer Defined**

A transfer is defined as a change from one position to another position of the same class, or a

change to a related position in another class, which carries the same pay grade and substantially the same qualification requirements as determined by the Chief Human Resources Officer.

**B. Involuntary Transfer**

1. No employee may be involuntarily transferred to a position, which is unrelated with respect to duties and responsibilities to the position occupied by the employee before the transfer.
2. No employee shall be transferred if the employee has filed a legitimate viable grievance with the Civil Service Commission for ~~discrimination based on race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability or sexual orientation~~ harrasment, unless the employee agrees to the said transfer or unless the ~~grievance has been heard and a judgment made in favor of the employee~~ consents to such transfer (Public Law 34-42, Chapter 12, Section 10(a)(3)).
3. No employee shall be transferred for reporting or exposing bad business practices, illegal activities and unofficial conduct by public or University officials, (Title 4 GCA , Chapter 4, Section 4504.1).
4. No employee shall be involuntarily transferred into a line department or agency of the government of Guam without his consent.

**Commented [UOGHRO114]:** As it reflect on PL34-42

**C. Intra-departmental and Inter-departmental**

Upon the approval of the appropriate Vice President, employees may transfer within the University when all of the following conditions are met:

1. The employee meets the minimum qualification including any assembled examination requirements.
2. Movement is within the same class of position or from one class of position to another class of position having comparable duties and responsibilities and qualification requirements.

Any such transfer shall require the clearance of the Vice President and the consent of the employee. The employee shall give the releasing unit reasonable notice of the transfer. Prior approval of the transfer is not required by the releasing unit or agency. The releasing unit or department/agency cannot require the employee to resign.

Any employee affected by this section shall not have affected adversely his government service, retirement credits, sick or annual leave and other fringe benefits normally granted to an employee of the Government.

**D. Inter-Governmental**

The transfer of an employee of any Federal, State or other local government to the University may be made when the following conditions are met:

1. The position requires highly developed skills and technical abilities as determined by the Chief Human Resources Officer.

**Commented [GW115]:** Are we talking about between agencies? Need to make sure the sectn works.

**Commented [UOGHRO116R115]:** No comments.

**Commented [GW117]:** What is this?

**Commented [UOGHRO118R117]:** No comment.

2. The employee meets the minimum qualification requirements for the position, including any assembled examination requirements;

3. The President or his designee approves.

Commented [GW119]: Is this right?

Commented [UOGHRO120R119]: Ad Hoc agrees with "or his designee".

#### **4.502 Reemployment**

A permanent classified employee who separated from the University through resignation while in good standing may be eligible for reemployment without competition to the same or comparable position within the University within four years from the date of separation upon the approval of the appropriate Vice President if such position is unfilled and funded. The former employee shall submit an official request to apply for reemployment to the Chief Human Resources Officer. For reemployment, the Chief Human Resources Officer must determine that the person has met the current minimum qualification requirements for the class to which reemployment are requested. A reemployed employee may be hired at not less than the salary earned at the former position. Per section 6.006, Reemployment appointments are subject to the certification procedures as described in these rules. Former employees covered by this rule shall not be affected by the Merit Career Plan requirements.

#### **4.503 Reinstatement Immediately After Active Military Service**

In accordance with the Uniform Services Employment Reemployment Act (USERRA) (Appendix C), to be entitled to reinstatement rights at the University, a veteran must meet the following requirements:

- A. Leave a classified position at the University for the purpose of entering the Armed Forces, voluntarily or involuntarily;
- B. Have completed his original probationary period;
- C. Serve for not more than four years plus any involuntary service thereafter, plus a one-year additional voluntary extension of active duty, if this is at the request and for the convenience of the Federal Government;
- D. Satisfactorily completed the period of active duty and has a certificate of discharge under honorable conditions;
- E. Be qualified to perform the duties of his position. If the employee is disabled during military service and cannot perform the duties of his former position, the employee may be entitled to the nearest comparable job he is qualified to perform;
- F. Prior to enlistment in the Armed Forces, the employee must have submitted a military leave without pay request to the Vice President for approval accompanied with a copy of the military orders or other appropriate documents authorizing such duty;
- G. Make timely application for reinstatement within ninety (90) days after discharge from military service.

Upon meeting the foregoing requirements, the veteran employee shall be entitled to reinstatement to his previous position or its equivalent, in the step within his former pay, to which such employee would have attained before military service as per section 6.006. In the event, the



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veteran employee's former position is reallocated to a higher or lower pay grade, appropriate pay adjustments shall be made. An employee on military leave without pay forfeits his reinstatement rights if he re-enlists or voluntarily extends the original tour of active duty, except as authorized in Rule 4.503 C above.

#### **4.504 Voluntary Demotions**

Voluntary demotion may be made when the following conditions are met:

- A. The employee meets the minimum qualification requirements of the position to which he seeks movement, including any assembled examination requirements;
- B. The employee to be demoted is a permanent employee and the movement is from a position in which he last held a permanent appointment;
- C. Such demotion shall require the prior approval of the Vice President with the consent of the employee;
- D. Movement is to a lower grade position within the same class series or from one class to another class of position provided that the employee is returning to a former permanent position or to a position within a former class series.

#### **4.505 Developmental Promotions under Known Promotional Potential (KPP) Conditions**

- A. Promotions without competition may be made where at an earlier date, an employee was selected under an announcement (competitive examination) for a position with Known Promotion Potential (KPP) and the employee is now to be promoted to the higher level position (Title 4 GCA Section 6229.13), provided the employee:
  - 1. Has completed the probationary period in the position he currently holds;
  - 2. Meets the minimum qualifications of the higher grade position including any assembled examination requirements; and
  - 3. Meets management's developmental criteria guidelines for advancement to the higher grade position.
- B. The types of KPP are:
  - 1. KPP within a class or related class series not to exceed the highest non-supervisory level position within the series.
  - 2. KPP within a class series up to the supervisory position within the series (first line), provided the KPP position is no more than two levels below the supervisory position.

(NOTE: Organizational charts shall be utilized, to determine the position for KPP.)
- C. To be eligible for promotion without competition when the position is upgraded under these conditions, an employee must continue to perform the same basic functions; and his former position must be absorbed in the new one. When an additional position is created, or when the new position is not a clear successor to the former position, non-competitive promotion is

not authorized and the provisions of the Merit Career Plan must be complied with.

#### **4.506 Detail Assignments**

- A. A detail is a temporary assignment to meet management needs 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. A position is not filled by a detail if the employee continues to be the incumbent of the position from which he is detailed, and his salary during the detail does not change. For details to unbudgeted positions, the President must provide to the Chief Human Resources Officer a position description and justification for such detail (Title 4 GCA, Chapter 4, Section 4117).
- B. Details shall be made only for meeting temporary needs of the University's programs, such as, but not limited to:
1. Details to meet emergencies or urgent needs occasioned by abnormal workload, change in organization, or unanticipated absences; or
  2. Pending description and formal classification of a new position; or
  3. To replace an incumbent who is undergoing training.
- C. All details in excess of thirty (30) calendar days must be documented and submitted to the Chief Human Resources Officer prior to the effective date of the detail for approval. No personnel action shall be transacted unless proper documentation is provided.
- D. An employee shall not be detailed while serving a probationary period.
- E. No employee shall be temporarily assigned or detailed to a position nor shall the employee assume the duties and responsibilities of a position other than the one to which he has been appointed for a period in excess of ninety (90) days within a calendar year, unless the President obtains an exemption upon written application to the Civil Service Commission. Such exemption shall not extend beyond the additional ninety (90) days within that calendar year. No exception shall be granted to the ninety (90) day detail limitation except upon express approval of the Civil Service Commission.
- F. An employee in the unclassified position, or an individual employed under a contract will not be detailed to a position in the classified service on a permanent basis.
- G. Nothing in this regulation is intended to infringe on management's prerogatives in day-to-day operational activities which may occasionally require that an employee be assigned, for brief periods up to thirty (30) calendar days, work normally performed by another employee.
- H. Employees serving on a detail in excess of thirty (30) consecutive calendar days in a position having a higher pay grade than his regular position, shall receive a retroactive payment differential in accordance with Rule 6.008 provided, the detail appointment is consistent with classification principles as determined by the President.
- I. Employees serving a detail in excess of thirty (30) calendar days in a position having a lower pay grade shall not have their pay adjusted to the lower pay.
- J. An employee may not be detailed beyond ninety (90) calendar days to any classified position.

**Commented [UOGHRO121]:** Ad Hoc – Possible change from CSC to DOA.

**Commented [GW122]:** Do we have any ability to increase this?

**Commented [UOGHRO123R122]:** No change.

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unless the employee has met all of the qualification requirements of the position.

- K. A classified employee who is temporarily detailed to an unclassified or Academic position must follow the rules provided herein.

### **TYPES OF APPOINTMENTS**

#### **Permanent Appointment**

A permanent appointment is granted to an employee after successfully completing a probationary period in the permanent position as per [section 4.602](#).

#### **Probationary Appointment**

##### **A. Probationary Period**

The probationary period shall be utilized as fully as possible to determine the fitness of the employee for the position.

##### **B. Original Probationary Period**

An original probationary period shall be required when an individual who has not obtained permanent status is appointed a permanent position. This also applies to former employees who have not been employed in the University service after four (4) years of separation in good standing.

##### **C. Duration of Probationary Period**

1. Original probationary periods will be for six (6) months, except that service as a result of the six (6) months employment program provided for placement of persons with severe disabilities may be credited consistent with statute. Employees holding classified positions under temporary employment or limited term appointment, who are subsequently appointed to the same position in the same unit under a permanent appointment, shall be credited for time served towards their probationary period under temporary appointment provided they received the temporary or limited term appointment through a competitive process. Those who have not been appointed through a competitive process shall compete for the position in order for the time served in the position to be credited to the probationary period.
2. In entry-level trainee positions, the probationary period may be established at not more than twelve (12) months, upon the approval of the Vice President
3. The Vice President may extend an original probationary period not to exceed a total of (12) months. Written notice of the extension shall be given to the employee by the Vice President prior to the expiration of the probationary period. Failure to provide written notice of the extension of the probationary period does not automatically lead to the acceptance of the employee into the classified service.

##### **D. Discontinuance of a Probationary Appointment**

If the employee fails to render satisfactory service during the original probationary period, the Vice President may dismiss him at any time. The Vice President shall submit a notice of

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dismissal, together with the employee's performance evaluation report, to the Chief Human Resources Officer. The dismissal notice shall indicate the effective date of the action..

Employees dismissed while completing an original probationary period may appeal the dismissal only if the employee alleges that the dismissal was discriminatory based on race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability or sexual orientation. Submission of such appeals shall be in accordance with the **EEO Complaint Procedures (Appendix D)** adopted by Board of Regents.

### **Temporary Appointment**

#### **A. Limited-Term Appointments for Classified, Unclassified and Non-Classified**

1. Limited-term appointments may be made to fill temporary vacancies in permanent positions, where there are no eligibles or an insufficient number of eligibles for that particular position.
2. Where limited-term appointments are proper, the appointments shall not be made until the Chief Human Resources Officer certifies that the candidate has qualified for the position.
3. Limited-term appointments are for a specified period not to exceed one (1) year unless authorized by the Vice President and subject to availability of funds.
4. Limited-term appointments may be made without competition except that any person appointed on a limited-term basis must meet all qualification requirements including any assembled examinations.
5. Limited-term appointments are unclassified appointments and may be terminated at any time prior to the expiration of the term of employment.
6. Employees appointed on a limited-term basis   be given the usual employee benefits, as approved by the Vice President and subject to the availability of funds.
7. Limited-term employees do not serve a probationary period and will not become classified employees unless and until they apply through the merit system..

**Commented [GW124]:** will be?

**Commented [UOGHRO125R124]:** Ad Hoc agrees no change.

#### **B. 90-Day Appointments**

Temporary appointments shall be consistent with the provisions of **Title 4 GCA, Chapter 4, Sections 4117** as follows:

1. A person may not be temporarily employed in a non-professional capacity for more than 90 in any calendar year.
2. A person may not be temporarily employed in a professional capacity for more than 90 workdays except, upon a contract in writing and a determination in writing by the President that such employment is critical to either the public health, safety or welfare of the community. (A person is employed as a professional if the person's job description in the Dictionary of Occupational Titles published by the U.S. Department of Labor, has as its first digit zero or one. Any person whose job description does not have as its first digit zero or one shall be deemed to be a non-professional employee.)

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3. The following provisions shall apply to appointments made consistent with Sub-rules 1 and 2 above:
- a. A classified employee who fills a temporary classified or unclassified position has classified employment status absent other controlling legislation.
  - b. A newly hired employee who fills a temporary classified or unclassified position has unclassified employment status.
  - c. Such temporary appointments shall be made without competition, except that any person appointed on a temporary basis must meet the minimum qualification requirements and satisfy all examination requirements for the position as determined by the Chief Human Resources Officer prior to appointment.
  - d. A person appointed on a temporary basis shall not perform the duties and responsibilities of a position other than that to which he was appointed.

**Contracts for Personnel Services**

- A. Contracts shall not be used as a substitute for merit system employment. Except on a limited and temporary basis, the University will not contract for personnel services, which normally are performed by classified employees under the merit system unless every effort has been exhausted to recruit on-island. Such effort must be documented to prove there was lack of qualified individual on-island.
- B. Contracts for personnel services may be used only when the use of a contract is in accordance with all legal provisions, including the merit system, laws, and rules.
- C. All contracts after approval by the Vice President shall be submitted to the University's Legal Counsel for review and approval as to form. All contracts of whatever nature shall be executed upon the approval of the Vice President
- D. Factors to be considered which could provide an adequate justification for using contracts with individuals for services include:
  - 1. Emergency short-term (less than two (2) months) normally exempt from competitive appointment methods;
  - 2. Temporary – to augment staff during peak load periods.
  - 3. Part-time professional work;
  - 4. Inability of the University's merit personnel system to provide qualified employees;
  - 5. A contract for expert consultation services not available in the University, 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 any of the University's functions;
  - 6. Part-time services of a medical, dental, legal, or other professional specialists; and

7. Contract with an individual to produce an identifiable work product.

#### Vacation Employment for

The President may employ during the vacation period between school years, at a rate not exceeding the minimum wage specified any applicable Federal or Guam law, students of the various public or private schools in Guam who are at least sixteen (16) years of age, provided that such employment may not exceed eight hours in one day and five days in one week and that such employment may not be of a hazardous nature or in any way injurious to, or endangering the student. Students employed under the University under this section shall not be eligible for retirement, sick, or annual leave benefits, and except as may be specifically provided therein, the personnel rules shall not apply to such employment, provided, however, that such employment shall be considered as employment for purposes of the Worker's Compensation Act, pursuant to Title 4 GCA, Chapter 4, Section 4112 and the availability of funds.

Commented [GW126]: Do we want this?

Commented [UOGHRO127R126]: No comment

#### 4.700 RECRUITMENT ABOVE STEP

Step 1 of the Pay Grade assigned to a classified position shall be the regular rate for initial employment; however, provided that the President may with the approval of the Board of Regents, authorize initial employment at a higher step not to exceed Step 10, if such action is warranted by recruitment difficulties or exceptional qualifications. The petition shall be posted upon the approval of the President on the University's website for ten (10) days (except for Saturdays, Sundays and government of Guam holidays). The petition to the Board of Regents shall be made before an applicant is hired (Title 4 GCA, Chapter 6, Section 6205).

#### 4.800 EMPLOYMENT ELIGIBILITY VERIFICATION

- A. The Chief Human Resources Officer or his designee must complete Section 2 of the Form I-9; Employment Eligibility Verification (Appendix E) by examining evidence of identity and employment eligibility within three (3) business days of the date employment begins.
- B. If the employee is authorized to work, but is unable to present the required document(s) within three business days, he must present a receipt for the application of the document(s) within three business days and the actual document(s) within ninety (90) days.
- C. If the employee is hired for a duration of less than three business days, Section 2 of the Employment Eligibility Verification, Form I-9, must be completed at the time employment begins.
- D. The Human Resources Office must record:
1. document title
  2. issuing authority
  3. document number
  4. expiration date, if any
  5. the date employment begins
- E. The Chief Human Resources Officer or his designee must sign and date the certification.
- F. The employee must present original documents.
- G. The Human Resources Office may, but is not required to, photocopy the document(s) presented. These photocopies may only be used for the verification process and must be

Commented [UOGHRO128]: Check new I-9 and check the number of days.

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retained with the Form I-9. However, the Chief Human Resources Officer or his designee is still responsible for completing the Form I-9.

**CHAPTER 5**  
**POSITION CLASSIFICATION SYSTEM AND COMPENSATION**  
**PLAN**

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## **STATEMENT OF POLICY**

The purpose of this chapter is to develop and maintain a system for the objective, consistent and timely classification of all classified positions and for the reasonable and consistent assignment of classes of positions to pay grades.

Compensation of position classes shall be based on The Hay Methodology concepts of Know-How, Problem Solving, and Accountability. Where not otherwise specified by laws, pay relationships shall take into consideration prevailing wage in the primary area of recruitment for the same or related classes of positions.

**Commented [d129]:** A commonly accepted methodology.

**Commented [UOGHRO130R129]:** No thing to add.

### **5.00 POSITION CLASSIFICATION SYSTEM**

#### **5.01 The Official Classification Plan**

Title 4 GCA, Chapter 6 established the "Uniform Position Classification and Salary Administration Act of 1991".

#### **5.02 Preparation and Publication of Classification Standards**

Classification standards established by the Director, Department of Administration placed positions in their proper classes and pay grades to:

- A. Define the various classes of positions that exist in the classified service in terms of duties, responsibilities and qualification requirements. Standards may be created, amended or abolished;
- B. Establish the official class titles and
- C. Set forth the pay grades.

#### **5.003 Delegation of Classification Authority and Responsibility**

The President, as delegated by the Director, Department of Administration, is authorized to assign the Chief Human Resources Officer to classify individual positions under its jurisdiction, subject to:

- A. Existing policies and procedures;
- B. Class standards published by the Director, Department of Administration;
- C. Post-audit by the Civil Service Commission; and
- D. Classification appeal by the employee.

The President may review published standards and may submit requests to the Chief Human Resources Officer for amendments to the standards for approval by the Director, Department of Administration.

#### **5.04 Classification Maintenance**

- A. The Director, Department of Administration may review positions in the University to

**Commented [GW131]:** Are we sure this applies? I think we need to check this whole chapter.

**Commented [UOGHRO132R131]:** Although UOG has its own classification everything still aligns with DOA

**Commented [UOGHRO133R131]:** The President is authorize to assign the CHRO to classify. (delete DOA Director?)



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determine whether positions are allocated to classes and grades in conformance with, or consistent with the uniform and unified system of position classification and compensation.

- B. Positions shall be placed in its appropriate class and grade, provided that if a position is downgraded, the position title and pay grade shall not be applicable to an incumbent until the expiration of two years from the date of downgrade as provisioned in Rule 5.012. The President shall take action in accordance with such determination.
- C. Whenever the Director, Department of Administration finds that the positions are not placed in classes and grades in conformance with the uniform and unified system, it may prescribe, revoke or suspend in whole, or in part the classification authority of the President. Further, the Director, Department of Administration may require its prior approval be secured before an action placing a position in a class and pay grade becomes effective for payroll and other purposes. The Director, Department of Administration may at any time restore such authority to the extent that it is satisfied that subsequent actions placing positions in classes and pay grades will be taken in conformance with the Classification Plan.

#### **5.05 Class Standards**

The class standards shall be considered in allocating positions and shall be applied as follows:

- A. Class standards are descriptive and explanatory and are 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 standards 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 consistent with statutory provisions.
- C. A class standard shall be construed as general description of 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 President has to take from, add to, eliminate entirely, or otherwise change the duties and responsibilities; to assign duties or delegate responsibilities 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 standards 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, nor 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 standard.
- E. The statement of minimum qualification is to be construed as an expression of the minimum knowledge, abilities and 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 standard for any class, as interpreted herein, shall constitute the basis for other tests to be included in examinations for the class, and for the evaluation of qualifications of applicants.

#### **5.06 Title of Positions**

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The assigned class title shall be the official title for the purpose of personnel actions, and shall be used on payroll, budget, and official records and reports. This requirement, however, shall not prevent the use of organizational or other titles for internal administration, public convenience, law enforcement, or similar purposes.

#### **5.07 Position Description**

- A. The University must prepare a written description of duties and responsibilities of each budgeted position on a form prescribed by the Director, Department of Administration. A group of like positions may be covered by a single description. The employee, supervisor and/or position classifier may prepare the description. However, the major responsibility to insure accurate descriptions is on the supervisor.
- B. The supervisor must certify as to the accuracy of the duties assigned and such certification should be authenticated by the President, the Chief Human Resources Officer and the Unit Head and Division Manager. The position classifier must certify as to the proper classification of the position. Copies of the position description must be filed with the Director, Department of Administration, the University's Human Resources Office and the respective unit concerned.
- C. 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 President and the Chief Human Resources Officer so that a review of the position can be made to determine the proper classification of the position.

#### **5.08 University Responsibilities**

- A. The University shall insure that the duties and responsibilities assigned to each of its positions are accurately reflected in an official position description. Amended descriptions should be submitted on a timely basis if significant changes in the duties and responsibilities of a position are made.
- B. The University shall not use the classification process to evade the principles of the merit system and effect personnel changes for which other personnel processes exist.

#### **5.09 Periodic Review of Descriptions and Classifications**

In addition to the day-to-day work of describing and classifying new or changed positions to reflect current duties assigned and reported by the Unit Head, the supervisors or the employees, the President or the Chief Human Resources Officer must review, at reasonable intervals as appropriate to changes taking place, all positions of the classified service within the University 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.

#### **5.10 Determination of Proper Allocation for Newly Budgeted or Vacant Positions**

When a new position is to be established/budgeted or vacant position is to be filled, the Unit Head within the University shall submit a position description to the Chief Human Resources Officer

via the President in order that a determination of proper classification may be made. The Chief Human Resources Officer will recommend an allocation. After the President approves the allocation, he shall notify the Unit Head and Division Manager within the University affected, in writing, of the approved allocation. No position may be filled until the Chief Human Resources Officer certifies that the position is properly classified. Copies of all classification reviews shall be filed with the Director, Department of Administration for post-audit purposes.

### **5.11 Reclassification/Reallocation of Positions**

A. The Chief Human Resources Officer may, upon his own initiative, or upon the written request of a permanent employee, the Unit Head, or the President, review the duties of any position to determine if it is properly classified; and shall take appropriate action as necessary in accordance with the Director, Department of Administration regulations, policies and procedures.

In making a request for the review of a position, the employee, Unit Head awithin the University or the President 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 provided, that such changes in duties and responsibilities have been acquired or performed for at least three (3) months and are not temporary in nature.

B. The Chief Human Resources Officer and the Vice President shall, after a thorough review and approval of position, notify the Unit Head within the University and the employee affected of the classification study result within twenty (20) work days from the completion of the audit. A copy of the study, documented in a form prescribed and the personnel action shall be filed with the Civil Service Commission for post-audit purposes.

**Commented [GW134]:** Is it me or does it seem like I am being made irrelevant?

**Commented [UOGHRO135R134]:** Add "Vice" in front of President.

**Commented [UOGHRO136R134]:** Delete Division Manager through out all chapters.

### **5.12 Effective Date of Reclassification of Positions**

A. When a position is reclassified to a class of the same or higher pay grade, the effective date of such reclassification shall not be prior to the date of the President's and the Chief Human Resources Officer's approval and;

B. When a position is reclassified to a class of a lower pay grade, the effective date of such reclassification shall not be applicable to an incumbent until the expiration of two (2) years from the date of downgrade.

C. Six months prior to execution of the downgrade, a classification audit must be performed to ascertain the current duties and responsibilities of the incumbent.

### **5.13 Status of Incumbents When Positions Are Reallocated**

A. When a position is reallocated as a result of gradual accretion of duties and responsibilities, the employee in the position shall be entitled to serve in that class series provided he continues to perform the same basic functions and meets the minimum qualifications for the class to which the position is reallocated. Reallocation within a class series of positions that is non-supervisory shall be without competition.

B. When a position is reallocated as a result of Planned Management Action as per section 5.011, the requirements of the Merit Career Plan per section 14.800 must be complied with. The employee holding a permanent position shall retain the position currently held should the requirements of the Merit Career Plan result in his non-selection.

**Commented [H137]:**

**Commented [H138]:**

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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. The incumbent of the position designated for downgrade shall not have his current salary reduced. Salary adjustment in the reclassified position shall be suspended until the incumbent's salary increment in the new grade is granted. This salary adjustment is subsequent to Rule 5.012.B.

#### **5.14 Administrative Review**

A. An administrative review may be requested by an employee of the position, his designated representative acting on his behalf or, the Unit Head in which the position is located.

B. All requests for administrative review must be in writing, shall contain the specific reason(s) for disagreement with the classification action taken by the President and Chief Human Resources Officer, and shall state the action requested and the reasons the action is deemed more appropriate.

C. An administrative review consists of a reevaluation of a classification action and is, therefore confined to the duties and responsibilities assigned to the position at the time the description was prepared, and which was the basis for the classification action. Subsequent changes in duties and responsibilities cannot be the basis for a request for administrative review, but must be reported on a new description and submitted for another classification action.

D. The Unit Head and Division Manager within the University shall notify the affected employees of the original notice of classification action immediately upon receipt from the President and the Chief Human Resources Officer. Requests for administrative review shall be filed with the President and the Chief Human Resources Officer within twenty (20) calendar days of the date of notice of classification action was received by the employee.

E. The President and Chief Human Resources Officer shall take such action as deemed appropriate, which may include rescinding the earlier action and taking a different classification action. The affected employee and Unit Head and Division Manager within the University shall be notified of the action taken.

F. Any permanent employee whose position is reviewed may appeal to the Civil Service Commission. The employee may file a written appeal with the Civil Service Commission within fifteen (15) calendar days upon receipt of the decision of the President and Chief Human Resources Officer.

#### **5.15 Creation of New Positions and Classes of Positions**

A. New positions or classes of positions may be created by the President and Chief Human Resources Officer when necessary for the efficient performance of the duties and functions of the University, in accordance with Title 4 GCA, Chapter 6, Section 6303. The petition of the President and Chief Human Resources Officer shall include:

1. The justification for the new position;
2. The essential details concerning the creation of the position;

3. An analysis of the similarities and differences between the position to be created and positions listed pursuant to Title 4 GCA, Chapter 4, Section 4101.1;
  4. The position description;
  5. The proposed pay range and demonstration of compliance with Title 4 GCA, Chapter 6, Section 6301;
  6. A fiscal note as that term is described in Title 2 GCA, Chapter 9, Section 9101 et seq.; and any other pertinent information.
- B. The petition shall be posted on the University’s website for ten (10) days (except Saturdays, Sundays and government of Guam holidays). After the posting, the President and Chief Human Resources Officer shall forward the petition, along with evidence of compliance with Title 4 GCA Section 6303.1, to the Board of Regents who, if they approve the same, shall approve the petition by resolution and file the petition and resolution for record with the Director, Department of Administration and the Legislative Secretary.
- C. No new position may be filled until after compliance with the provisions of this Section and thirty (30) days have elapsed from the date of filing with the Legislative Secretary.
- D. In accordance with Title 4 GCA, Chapter 6, Sections 6205, 6303 and 6303.1, when creating a new position, transparency and disclosure shall include:
1. Prompt notice of the posting shall be provided to each newspaper of general circulation and broadcasting station which airs a regular local news program within Guam. In this section “prompt notice” shall be defined as no more than five (5) work days from the date of approval.
  2. Petitions are public documents for the purpose of Title 5 GCA Chapter 10 Article 1 (Sunshine Law).
  3. Any attempted creation of a position not in compliance with the provisions stipulated above shall be void.

**5.100 COMPENSATION PLAN**

**5.101 Assignment of Classes to Pay Grades**

Pay grades for all classes of positions are assigned by the Director, Department of Administration pursuant to Title 4 GCA Chapter 6 Article 3.

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**5.102 Evaluation of Classes for Assignment to Pay Grades**

A. Pursuant to Title 4 GCA Chapter 6 Article 1, classes shall be evaluated on the basis of job know-how, problem solving and accountability consistent with the Hay Methodology concepts and salary administration procedures.

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B. The assignment of classes of pay grades shall be in accordance with policies and

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standards established in conformance with statute and the following principles:

1. Classes, which are related and are substantially equal, shall be assigned to the same pay grade.
2. Significant differences between related classes in job know-how, problem solving and accountability shall be reflected in the relative difference in assignment to pay grades.

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## **CHAPTER 6** **PAY ADMINISTRATION**

### **STATEMENT OF POLICY**

It is the University's policy to provide a uniformed pay administration to facilitate pay actions, while ensuring the proper compensation of employees and to provide the opportunity for the University to carry out its mission.

These pay administration rules are subject to the Board of Regents' policies and procedures.

### **6.00 PAY ACTIONS RELATED TO APPOINTMENTS**

#### **6.01 Compensation at Initial Appointments**

All initial appointments shall be made at the first step of the appropriate pay grade, except as provided below:

- A. The President may authorize initial employment in a position at a higher step not to exceed Step 10 of the pay grade, if such action is warranted by recruitment difficulties or exceptional qualifications. This petition to the Board of Regents shall be posted on the University's website for ten (10) days (except for Saturday, Sunday and government of Guam holidays). This petition to the Board of Regents shall be made before the applicant is hired.
- B. The increment schedule consisting of Steps 11 through 20 shall not be used for recruitment above-step.
- C. The Board of Regents may establish policies to administer this action.
- D. In accordance with Title 4 GCA Sections 6205, 6303 and 6303.1, when recruiting above minimum step, transparency and disclosure shall include:
  - 1. Prompt notice of the posting shall be provided to each newspaper of general circulation and broadcasting station, which airs a regular local news program within Guam.
  - 2. Petitions are public documents for the purpose of Title 5 GCA Chapter 10 Article 1 (Sunshine Law).
  - 3. Any attempted above-step recruitment not in compliance with the provisions stipulated above shall be void.
  - 4. In this section "prompt notice" shall be defined as no more than five (5) work days from the date of petition.

#### **6.02 Compensation Adjustment Following a Promotion**

- A. An employee, when promoted from one class to another of a higher pay grade, shall receive a salary increase closest to and not less than a two-step salary increase in the pay grade held prior to the promotion.
- B. For employees on Step 20 or beyond prior to the promotion, an equivalent rate increase provided in Rule 6.002.A above is added to the salary held prior to the promotion for the purpose

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of determining the employee's salary in the higher grade.

**6.03 Compensation Adjustment Following a Voluntary Demotion**

The minimum reduction shall be to the salary in the new pay grade closest to, but not more than, the employee's salary at the time of demotion.

**6.04 Compensation Adjustment Following an Involuntary Demotion**

A. Employees demoted for adverse action shall have their compensation reduced at least one step and may, upon the discretion of the Vice President have their compensation reduced to the lowest step on the pay grade of the position to which they are demoted.

B. Employees demoted involuntarily due to fiscal constraints or lack of funds shall be compensated at a rate, which is less than the rate held prior to the demotion.

**6.05 Compensation Following a Non-Service Connected Disability Demotion (Medical Condition)**

Employees who are unfit to perform the duties and responsibilities of their position due to a medical condition, may be demoted to the salary that is closest to and not more than their current salary; provided that the maximum salary authorized shall not exceed Step 20 of the demoted position.

**6.06 Compensation Adjustment Following Reemployment**

A person, who is reemployed under the provisions of Rule 4.502, shall be paid at the 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 pay grade.

**6.07 Compensation Following a Transfer**

An employee who is laterally transferred shall continue at the same pay grade and step.

**6.08 Compensation Following a Detail Appointment**

A. Employees serving a detail appointment, consistent with Rule 4.506 in a position having a higher pay grade than his regular position, shall receive a salary increase closest to and not less than a two (2) step increase in the current pay grade. Payment differential shall be made when the employee has served a waiting period of thirty (30) consecutive calendar days from the effective date of the detail appointment.

B. At the discretion of the Vice President, employees detailed to an unclassified position, whose detailed step does not exceed Step 10, may receive up to Step 10 of the unclassified position or the difference in the amount between the step in the pay grade he holds and the salary paid.

**6.100 PAY ACTIONS RELATED TO REALLOCATION OF POSITIONS**

**6.101 Compensation Following Reallocation of Position**

A. When a position is reallocated to a class of a higher pay grade, the employee shall receive a salary increase closest to, and not less than a two-step increase in the pay grade held prior to



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reallocation.

- B. When a position is reallocated to another class of the same pay grade, the salary of the incumbent shall remain unchanged.
- C. When a position is reallocated to a class of a lower pay grade, the implementation shall not be effected until the expiration of the two-year waiver, as provided in **Rule 5.012**.

**6.102 Salary Adjustment Upon Demotion Due to Position Reclassification Action**

- A. The salary in the new grade that is closest to and not more than the incumbent's salary shall be identified as the incumbent's step in the new pay grade.
- B. Implementation of the reclassification in terms of position title shall be made upon approval of the reclassification determination by Chief Human Resources Officer.
- C. The incumbent of the position designated for downgrade shall not have his current salary reduced. Salary adjustment in the reclassified position shall be suspended until the incumbent's salary increment in the new grade is granted.
- D. The salary increment anniversary date before reclassification determination shall be used to determine the appropriate salary increment date in the new pay grade. Where there is no change in the waiting period, the salary increment date and the pay grade before the reclassification shall be maintained.

Where there is a change to a shorter waiting period (Steps 1-7), the salary increment date before the reclassification shall be maintained. Where there is a change to a longer waiting period (Steps 8 - 10, 11 - 20), the new waiting period shall be applied.

**6.200 PAY ACTIONS RELATED TO PAY GRADE REASSIGNMENT**

**6.201 Pay Grade Reassignment**

Any employee, Unit Head or immediate supervisor may initiate a written request for consideration of an amendment to the pay grade allocation for the class of position with justification to the Chief Human Resources Officer. If the findings of the Chief Human Resources Officer indicate the need to amend the pay grade allocation, he shall submit a written request with justification to the Director, Department of Administration in accordance with the Department of Administration's policies and procedures. Changes adopted shall become effective as directed by the Director, Department of Administration.

**6.202 Pay Adjustment Following Pay Grade Reassignment**

When a pay grade for any class is reassigned to a higher or lower pay grade and there is no change in the position classification, the pay adjustment shall be consistent with Department of Administration's current policies.

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**6.300 PAY ACTIONS RELATED TO INCREMENTS**

**6.301 General Provisions Relating to Salary Increment Increases**

A. Salary increment increases shall be granted as authorized by law.

B. Increment Status upon Demotion Due to Position Reclassification:

The salary increment anniversary date before the reclassification determination shall be used to determine the appropriate salary increment date in the new pay grade. Where there is no change in the waiting period, the salary increment date in the pay grade before the reclassification shall be maintained. Where there is a change to a shorter waiting period (Steps 1-7), the salary increment date before the reclassification shall be maintained. Where there is a change to a longer waiting period (Steps 8-10, 11-20), the new waiting period shall be applied.

C. Personnel Actions Not Affecting Increment Anniversary Dates:

The following personnel actions shall not change increment anniversary dates:

1. The pay grade for a class or classes of positions has been reassigned;
2. Pay adjustments from statutory amendments to the pay grade schedule;
3. Detail appointment;
4. Transfer from one position to another of the same or related class of position while retaining the same salary rate upon transfer;
5. Involuntary demotion for other than adverse or disciplinary reasons;
6. Reclassification to a class of the same pay grade or lower while the employee retains the same salary rate;
7. Salary increment freeze; and
8. Other situations as may be determined by the Department of Administration

D. Voluntary Demotion to the Same or Related Class of Positions:

The employee's next salary increment shall include the period served prior to the voluntary demotion; and provided that work performed is satisfactory.

E. Creditable Service Upon Reemployment:

Permanent classified employees who separated with the University in good standing shall be credited for time served in the increment held prior to separation when exercising their reemployment rights.

**6.302 Salary Increment - Procedure**

Employees entitled to an increment increase shall receive such increase according to the following schedule and upon certification by the Vice President that satisfactory service has been

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rendered for the performance rating period preceding such increase, (Title 4 GCA Section 6202);

- A. Employees at Steps 1 through 6 shall be entitled to one step adjustment after 12 months of satisfactory performance;
- B. Employees at Steps 7 through 9 shall be entitled to one step adjustment after 18 months of satisfactory performance;
- C. Employees at Steps 10 through 19 shall be entitled to a one step adjustment after 24 months of satisfactory performance.
- D. Employees at Step 20 shall be entitled to a pay increment equivalent to 3.5 percent of an employee's base salary, subject to satisfactory performance. The schedule will be determined by the Civil Service Commission.

When the Vice President determines that a particular employee shall not be granted a salary increment, the Vice President shall inform the Chief Human Resources Officer of such denial thirty (30) [days] prior to the employee's anniversary date as illustrated in Rule 10.003. If the Chief Human Resources Officer does not receive a performance report or a notification of denial of an employee's salary increment, no action will be taken to adjust the employee's pay.

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**CHAPTER 7**  
**HOURS OF WORK, OVERTIME AND PREMIUM PAY**

**STATEMENT OF POLICY**

The purpose of this Chapter is to establish the standard for hours of work, wages, overtime compensation, compensatory time-off in lieu of overtime pay, observance of holidays and a system under which the pay of certain employees shall be adjusted for certain hours, days or conditions of work. These provisions shall be in compliance with the Fair Labor Standards Act (FLSA) found in Title 22 GCA Chapter 3.

**7.00 GENERAL PROVISIONS**

**7.01 Workweek**

- A. The basic workweek is forty (40) hours. Alternatively, a workweek is a regular recurring period of 168 consecutive hours seven consecutive 24-hour periods. The workweek need not coincide with the calendar week. It may begin any day of the week and any hour of the day, but it must in each case, be established in advance. The workweek may be changed, but only if the change is intended to be permanent and is not made to evade overtime requirements or policies.
- B. An employee's workweek may be in accordance with office hours, with designated shifts, or with such flexible or variable hours program as are implemented by the University provided that the University shall not operate less than a forty (40) hour workweek, except as provided by law.

**7.02 Break Periods**

A full-time employee may be allowed a fifteen (15) minute break period in the first half and second half of the workday provided further that:

- A. No single work break shall exceed fifteen (15) minutes absence from the employee's workstation.
- B. An employee may not accumulate unused work breaks.
- C. Work break time shall not be authorized for covering an employee's late arrival on duty or early departure from duty.

**7.03 Meal Periods**

The meal periods shall apply as follows pursuant to Title 22 GCA, Division 1, Chapter 3, Article 1, Section 3107(c):

- A. Full-time employees shall be allowed a minimum of thirty (30) minutes and up to a one-hour meal period during each workday of more than five hours.
- B. When a workday of not more than six (6) hours will complete the day's work, the meal period may be waived by mutual consent of the employee and the Unit Head.
- C. Meal period shall not be considered "on duty" or counted as time worked, unless the nature of work prevents an employee from being relieved of duty.

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**7.04 Workweek Schedule**

A. The schedule of workweek for shift workers will be prepared and prominently posted two (2) weeks where possible up to one (1) week in advance, so that the employees affected will be informed. Such schedules shall not be less than two (2) weeks and shall not be changed, except for good cause and provided affected employees are given at least twenty-four (24) hours prior notice. Whenever possible, work schedules should permit an employee to enjoy a holiday on the day it is observed. The posting requirements may be waived if the schedule is intended to stay in place continuously.

B. The Unit Heads may permit flexible work schedules as may be appropriate to meet the needs of the University.

**7.05 Safe Hours of Work**

A. To ensure that the employee's work is performed in a safe manner, the following maximum hours of work will be observed:

1. An employee shall not be allowed to work more than sixteen (16) hours consecutively, or in one 24-hour period.
2. An employee shall not be authorized to work more than eighty-four (84) hours total within a single seven-day period.
3. An employee shall not be required to work more than twenty-eight (28) hours within a time span of two days.

B. Exceptions to the above may be made only:

1. If the employee volunteers his services and has the specific approval of the Vice President; or
2. In cases where excessive hours of work are necessary because of weather conditions, necessary seasonal activities or emergencies.

Should such an occasion for Item 1 arise, written documentation must be submitted to the Vice President within forty-eight (48) hours of such occurrence.

**7.100 MINIMUM WAGE**

Employees shall be paid not less than the established minimum wage for Guam. ( Title 22 GCA, Division 1, Chapter 3, Article 1, Section 3105)

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**7.200 HOURS WORKED**

\_\_\_\_\_ As a general rule, hours worked will include:

- \_\_\_\_\_ A. All time during which an employee is required to be on the University's premises or at a prescribed work place.

B. All time during which an employee is suffered or permitted to work, whether or not required to do so. The determination of an employee's working hours will include, in the ordinary case, all hours from the beginning of the workday to the end of the workday, with the exception of periods when the employee is relieved of all duties for the purpose of eating meals.

C. All time worked in accordance with the UOG Telecommuting policy.

### **7.300 HOURLY RATE OF PAY**

The hourly rate of pay is the rate published by the Director, Department of Administration.

**Commented [GW150]:** Is this necessary?

### **7.400 OVERTIME**

#### **7.401 Coverage**

A. Upon the occurrence of overtime work, covered classified employees shall be entitled to receive overtime compensation calculated at the rate of 1 and ½ times the regular rate of pay for each hour or portion of the hour of overtime worked.

B. In determining the number of hours worked by an employee within a given workweek or work period, time spent off on annual, administrative, sick, compensatory time-off, other leave (with or without pay), or holidays will not be counted as time worked. Such time off with pay shall be included in the straight time pay, but it is not included in computing whether a covered employee has worked in excess of forty (40) straight time hours in a workweek.

C. Any fraction of an hour of overtime worked shall be converted to the nearest fifteen (15) minutes.

D. Covered employees, include those classes of positions that are not in the executive, administrative, and professional categories, in accordance with the FLSA.

E. Employees in the executive, administrative, and professional categories are expected to work additional hours required to get the job task completed. A Vice President may approve overtime for a classified employee in the executive, administrative, and professional categories who is asked to consistently work additional hours beyond what is normal for the category.

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#### **7.402 Occurrence of Overtime Work**

A. Overtime work may be authorized by the Vice President in cases of emergency or when the best interests of the University indicate that overtime work is required.

B. The Vice Presidents shall hold hours worked by the employees to the University's established 40-hour workweek standard, except in those cases where excessive hours of work are necessary because of weather, health, safety conditions, necessary activities, or emergencies.

C. It shall be the responsibility of the Vice President to determine that the provisions of overtime pay are administered in the best interest of the University's services. Recognizing that the Vice Presidents are responsible for the manner in which overtime work is authorized, it is especially important for all options to be explored before authorizing overtime.

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D. The President is responsible for internal controls, which will provide a means of reviewing and evaluating the use of overtime. The practice of overtime work will be subject to review by the President.

E. Overtime work will occur when an employee renders service under any of the following conditions:

1. The employee renders service in excess of forty (40) straight time hours per workweek as approved in advance by the Vice President.
2. The employee renders service on the employee's scheduled day off and there has been no change, by mutual consent or by due prior notice, in the work schedule.

#### **7.403 Emergency Situations Defined**

The Vice Presidents will arrange the employment and work programs of the University in such a way that overtime is minimized in emergency situations.

Overtime work may be required for any covered employee in emergency situations as described below:

- A. Where an established post of duty must be covered twenty (24) hours per day, and an employee is not available to cover that post on a given shift.
- B. When danger to life, health, or well-being of students, the public, employees or other persons could occur if an employee is not required to be on duty or where danger to property is imminent.
- C. Other situations where the Vice President determines that the University's mission cannot be accomplished unless overtime work is authorized.
- D. Employees who work during emergency periods as declared by the Governor of Guam.

#### **7.404 Compensation for Overtime Work**

- A. Payment for overtime work will be made by the next pay period after the overtime work is performed.
- B. Overtime compensation shall be at the rate of 1 and 1/2 times the regular rate of pay for each hour or portion of the hour of overtime worked.
- C. An employee who is subject to the maximum 240 (480 for law enforcement) hours of compensatory time under the FLSA, as amended, shall be paid cash wages of time and one-half the regular rate of pay for overtime hours in excess of this maximum. Overtime must be authorized in advance and applicable only for the pay period.
- D. The requirement that overtime must be paid after 40 hours a week may not be waived by an agreement between management and the employee except provided in **Rule 7.405**.
- E. No person shall be required to work overtime unless the employee has received certification by the Vice President that funds for overtime pay are available. (Title 4 GCA, **Chapter 4**)

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**Section 4105(d)(5)**

F. Employees who work during emergency periods as declared by the Governor of Guam, shall be compensated in the following manner, (Title 4 GCA, Chapter 6, Section 6226):

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1. Employees occupying permanent positions in the classified service whose regularly scheduled hours of work fall within such an emergency period, but whose presence is not required at work, shall be granted administrative leave. Employees not occupying permanent positions are not eligible for administrative leave.
2. Employees not occupying permanent positions in the classified service, who were required to report to, and did work during such an emergency period, shall be entitled to overtime pay for all such hours worked.
3. Employees occupying permanent positions in the classified service whose regularly scheduled hours of work fall within such an emergency period, and who are required to report for, and be on duty during such an emergency period, shall be entitled to overtime pay for all such hours worked including overtime, in addition to full compensation for any administrative leave taken.
4. Employees occupying permanent positions in the classified service whose regularly scheduled hours of work do not fall within such an emergency period, but who are required to report for, and be on duty shall be entitled to overtime pay for all such hours worked including overtime, but not for administrative leave.
5. In the event that a typhoon emergency period includes a legal holiday, then employees in the classified service who report for and are on duty, shall be entitled to overtime pay for all hours worked, including overtime, in addition to full compensation for holiday leave.

**7.405 Compensatory Time Off In Lieu of Overtime Pay**

- A. In the absence of any funds for overtime compensation there will be a mutual agreement to work between the employee and management, before the work is performed. A record of this agreement must be kept with University's Payroll Office.
- B. The number of hours of overtime work shall be converted to compensatory time credit at the rate of 1 and 1/2 hours for each hour of overtime work, or portion of the hour consistent with Rule 7.401.
- C. Any additional overtime work performed by employees, who have already accumulated the maximum 240 hours of compensatory time off, or 160 hours of actual overtime work, compensatory time off credits will be compensated not later than the pay period immediately following the period during which the overtime was worked.
- D. When sickness lasting one (1) or more days occurs during a scheduled compensatory time off, and the employee substantiates such to the satisfaction of the Unit Head and Division Manager, the employee shall be charged for sick leave and permitted to reschedule his compensatory time off. Application for such substitution of sick leave for compensatory time off shall be made within three (3) workdays upon return to duty and shall be in conformance to applicable provisions of the sick leave policies and rules and regulations.
- E. An employee who has requested the use of compensatory time off shall be permitted to use



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such time, within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the unit.

F. An employee on compensatory time off shall be deemed to be on official leave with pay status.

G. The Vice President may require an employee to use any accumulated compensatory time off credits upon mutual agreement with the employee as to the use of these credits.

#### **7.406 Conversion of Compensatory Time Off to Cash**

A. The Vice President may direct, at the option of the employee, payments for accrued compensatory time earned, at any time, in any combination, and which shall be paid at the regular rate earned by the employee at the time the employee receives such payment.

B. At the time of separation, the employee shall be paid in cash for all unused compensatory time credit earned at a rate of compensation not less than:

1. The average regular rate received by such employee during the last three (3) years of the employee's employment; or

2. The final three (3) regular rate received by such employee, whichever is higher.

#### **7.500 NON-OVERTIME WORKWEEKS**

When an employee is on non-duty pay status for less than forty (40) hours during a workweek, such workweek shall be considered a non-overtime workweek and all hours shall be paid at the regular rate in accordance with established personnel policies except as provided by law.

#### **7.600 UNAUTHORIZED WORK**

All hours exceeding the 40-hour workweek worked by an employee must have the appropriate Vice President's authorization before overtime pay is given. Unrecorded hours worked during a workweek or work period by an employee at the job site, or at his home or other duly authorized designated place, must be counted as hours worked if the Vice President has reasons to know of such practice. The University is not obligated to compensate any employee for work which was not authorized by the Vice President in advance.

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#### **7.700 HOLIDAY PAY**

A. Employees will be compensated at their regular rate of pay and generally need not report to work on any official holiday of the University.

B. When an employee is absent from duty at the close of the workday immediately preceding a holiday, and at the beginning of the workday immediately following a holiday, and such absences are determined to have been on leave without pay status, the employee shall not be eligible for compensation for the holiday under these rules, but shall be considered as on leave without pay status.

C. Employees who are required, because of an emergency or other reasons, to work on holidays (or their equivalent day) shall be paid at the rate equivalent to double their hourly rate of pay exclusive of any additional pay, except as otherwise provided by statute.

C. For purposes of these rules, holidays are declared to be those identified in these rules.

#### 7.800 NIGHT DIFFERENTIAL PAY

Work performed between the hours of 6:00 p.m. to 6:00 a.m. shall be compensated in accordance with Title 4 GCA, Chapter 6, Section 6217.

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All classified employees of the University shall be entitled to night differential pay, calculated at the rate of their regular wage plus 10% for all periods worked between the hours of 6:00 p.m. and 6:00 a.m., provided he works a minimum of four (4) consecutive hours within that time period.

#### 7.900 DUAL EMPLOYMENT

Pursuant to Title 4 GCA, Chapter 6, Section 6504.1, no classified employee of the University may be employed on a full-time, part-time, or contractual basis by more than one department, agency, or branch of the government of Guam at any time, except for:

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A. Persons serving as part-time teachers, and instructors for the Guam Community College and University of Guam and instructors who may be employed during the summer, or at any other time not in conflict with their primary employment if they are employed in the government of Guam.

B. Persons employed by the Youth Congress.

C. Persons employed on a part-time basis by boards or commissions.

D. Persons employed as nurses, physicians, and as ancillary/allied health professionals in the government of Guam.

E. Attorneys engaging in the active practice of law, part-time judges or part-time referees.

F. Persons employed on a part-time or contractual basis who are individuals and family counselors or chemical dependency specialists.

#### 7.910 OUTSIDE EMPLOYMENT

Employees may not be permitted to work at outside private employment in conflict with their service to the University, nor such as would bring the University 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 of work with the University and only with the consent in writing of the President. Consent may not be unreasonably withheld. The President may review the adequacy of such request and the approval shall be renewed on an annual basis pursuant to Title 4, Guam Code Annotated, Chapter 4, Section 4105(d)(4). In the case of an employee placed on furlough, the Furlough Policy shall govern.

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#### 7.920 RECORD KEEPING

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Records of hours worked and wages paid are required to be kept for each employee subject to this policy. The President is responsible for making available the following information for review by the Federal Wage and Hour Division. Records must be preserved for at least three (3) years. (Title 22 Guam Code Annotated, Chapter 3, Article 1, Section 3110)

- A. Name
- B. Home Address
- C. Date of birth
- D. Sex and position classification in which employed
- E. Time and day of work, the workweek or work period begins
- F. Total wages paid each pay period
- G. Date of payment and pay period covered
- H. Basis on which wages are paid
- I. Regular hourly rate of pay for any week in which overtime is worked
- J. Amount and nature of each payment excluded from regular rate
- K. Hours worked each workday and total hours worked each workweek
- L. Total daily or weekly straight time earned or wages
- M. Other records or information as the President may require.

#### **7.930 OFFICIAL PERSONNEL RECORD**

An Official Personnel record shall be maintained for each employee by the University's Human Resources Office. The record shall contain the employee's employment application, employment history, pertinent letters and papers, personal data, and any training and education records sponsored by the University or other educational training or institutions. Employees are required to keep the University's Human Resources Office informed of name, address, telephone number and next of kin changes.

Employee records and its contents become the property of the University once surrendered to the University's Human Resources Office.

The address on file at the Human Resources Office shall be considered the employee's official address for purposes of the University's communications with the employee.

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## **CHAPTER 8** **LEAVES OF ABSENCE**

### **STATEMENT OF POLICY**

The purpose of this Chapter establishes a uniform and equitable system where employees may be reasonably excused from work for rest, recreation, health, education, welfare and other purposes without any appreciable decrease in the productivity of and services provided by the University as monitored by the University's Payroll Office.

### **8.00 GENERAL PROVISIONS FOR LEAVE OF ABSENCE**

#### **8.01 Leave of Absence Defined**

A leave of absence is an approved absence from duty, by the Vice President and is monitored by the University's Payroll Office, for a prescribed period of time, with or without pay.

#### **8.02 Revocation of Leave**

Approved leave may be revoked by the Vice President or any delegated representatives when the good of the service requires it, or when evidence shows that the employee on leave is engaged in activities for which the leave would not have been granted.

#### **8.03 Denial of Leave of Absence**

- A. No leave of absence, with or without pay, shall be authorized where it appears or was discovered that it was requested for the purpose of:
1. Allowing the employee to work at his outside employment.
  2. Engaging in prohibited or unlawful activities.
- B. Leave may also be denied when the loss of the employee's services on days for which leave is requested would result in discontinuance of critical services to the students and the public.

#### **8.04 Form of Leave Application**

Application for leave of absence shall be made in the form prescribed by the Chief Human Resources Officer.

#### **8.05 Failure to Return**

Failure to report for assignment at the expiration of leave of absence without acceptable excuse shall be subject to Employee Disciplinary Action pursuant to [Chapter 11](#).

### **8.100 ANNUAL LEAVE**

#### **8.101 Policy**

It shall be the policy of the University to afford an opportunity for employees to take leave, and particularly to avoid, whenever possible, loss of leave by forfeiture. However, leave may be

denied by the Unit Head when the services of the employee are required after good faith consideration of the employee's request and operational requirements.

#### **8.102 Requests for Annual Leave**

Requests for annual leave will be submitted to the appropriate supervisor by the employee, at least four (4) weeks in advance, for leave in excess of forty (40) consecutive hours and twenty-four (2) weeks in advance for leaves less than forty (40) hours, in order to avoid unnecessary disruption of work. Reasonable consideration will be afforded for situations that arise suddenly.

#### **8.103 Minimum Charge for Annual Leave**

Any employee who uses annual leave in the amount of time which is less than a full hour, will be charged leave daily according to the following table:

Minutes Used	Time Charged (Minutes)
00 - 14	00
15 - 30	30
31 - 60	60

#### **8.104 Accrual of Annual Leave**

A. Classified employees occupying permanent positions shall accrue annual leave in accordance with the following schedule, (Title 4 GCA, Chapter 4, Article 1, Section 4109):

1. One-half day (four (4) hours) for each full bi-weekly pay period in the case of employees with less than five (5) years of service.
2. Three-fourths day (six (6) hours) for each full bi-weekly pay period in the case of employees with five (5) years of service but less than fifteen (15) years of service.
3. One (1) day (eight (8) hours) for each full bi-weekly pay period in the case of employees with fifteen (15) years or more of service.

B. Annual leave earned during any pay period shall be credited to the employee's account on the last day of that pay period or, in case of separation, the last day the employee is on the payroll.

C. An employee shall continue to earn annual leave credits during leave of absence with pay for each bi-weekly pay period; otherwise there shall be no accrual for such period.

#### **8.105 Determination of Years of Service for Annual Leave Accrual Purposes**

Computation of years of service as a basis for the rate of accrual of annual leave shall be in accordance with the following:

A. In determining the years of service prior to the 1961 leave year, employees shall be credited with:

1. All periods of employment to include service with the Naval Government of Guam, or with other Federal instrumentalities or agencies within Guam prior to August 1, 1950.

Commented [UOGHRO162]:

Commented [GW163]: I'd like to eliminate the last clause

Commented [UOGHRO164R163]: After separation a lump sum is paid at the PPE.

Commented [GW165]: We should be able to modify this. I'm not sure how many people we have that had service prior to 1961 – maybe Lee?

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2. Period of service with the Armed Forces of the United States subsequent to August 1, 1950.

B. In determining years of service commencing with the 1961 leave year, employees shall be credited with:

1. All service for which annual leave shall accrue.
2. Full-time employment in the Judicial or Legislative branches.
3. Service with the Naval Government of Guam, or with other Federal instrumentalities or agencies within Guam prior to August 1, 1950, and to include honorable service with the Armed Forces of the United States, provided no more than three (3) years of service shall be credited to any individual for purposes of this Section. Years of service shall include one (1) year for each year served as a school year employee.

#### **8.106 Carry Over and Accumulation of Annual Leave**

Annual leave accrued and unused in a leave year may be accumulated and carried over to the next leave year except that total accumulation by such carry over shall not exceed 320 hours. Annual leave in excess of 320 hours shall be automatically credited to accumulated sick leave, provided that not more than 100 hours shall be credited to sick leave at the end of each fiscal year. All other excess annual leave accrued unused in a fiscal year shall be automatically forfeited at the end of such year. However, employees should be given an opportunity to exhaust excess leave. The determination of accumulation of annual leave, and crediting of excess hours sick leave, shall be done at the end of each fiscal year (Title 4 GCA Chapter 4, Section 4109(c)(2)).

Commented [UOGHRO166]:

#### **8.107 Avoiding Forfeiture of Annual Leave**

- A. Employees shall submit advance requests for planned annual leave, which will be earned in the current leave year to preclude forfeiture of annual leave.
- B. Supervisors share the responsibility with employees for avoiding forfeiture of annual leave. Supervisors will develop by the end of the second quarter of each fiscal year, a schedule of annual leave for employees under their supervision. Employees will be expected to submit reasonable estimates for use of their leave for the current leave year.

#### **8.108 Liberal Consideration of Annual Leave Requests upon Birth or Adoption of a Child**

Employees may, upon the birth or adoption of a child, submit a request on the appropriate leave form for annual leave for the purposes of assisting or caring for the child. Such requests should be liberally considered by supervisors and for other leaves set forth in the Family and Medical Leave Act (FMLA) (Appendix F).

#### **8.109 Annual Leave Requests to Participate in an Athletic Contingent Recognized by the Guam National Olympic Committee**

Pursuant to Title 4 GCA Chapter 4, Section 4109(f), an employee, who is a participating athletic, coach or administration in an athletic contingent recognized by the Guam National Olympic Committee representing Guam by invitation in any regional, national or international tournament,

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game or other sporting event sanctioned by the Committee, shall be granted leave by the Unit Head for the time it takes to complete both competition and any necessary travel, not to exceed fifteen (15) working days, provided that his accumulated annual leave or compensatory time is charged with the hours he is absent from duty. The employee must request such leave in writing thirty (30) calendar days prior to his first day of leave. If the employee has exhausted his annual leave, or chooses not to use such, he shall be granted leave without pay. The employee may be granted said leave for competition not more than three (3) times in a calendar year.

#### **8.110 Advance Annual Leave Credit Not Permitted**

Annual leave shall not be granted in advance of being earned. If an employee has insufficient leave credit to cover a period of absence, the employee shall be placed on leave without pay status or request for leave sharing provided that all requirements are met under the Leave Sharing Policy (Appendix G).

#### **8.111 Advance Lump Sum Payment for Annual Leave**

When an employee takes authorized annual leave they will receive their pay through the regular ACH transfer. If an employee desires to receive a lump sum payment in advance of their annual leave, they may do so by submitting a request to their supervisor two weeks in advance of the leave start date. Title 4 GCA, Chapter 4, Section 4111.

If any such employee returns to work status prior to the expiration of the leave period for which he received a payment in advance, he shall reimburse the University for any portion of such period which shall not have expired no later than the pay period following the return to work status and shall be credited with the unused annual leave for future use.

#### **8.112 Lump Sum Payment for Annual Leave upon Separation or Transfer**

A. Pursuant to Title 4 GCA, Chapter 4, Section 4111, when an employee is separated from the University's service, he shall be given a lump sum payment for any accrued and unused annual leave as of the date of separation. In computing lump sum payment, leave on leave shall not be allowed.

B. Any employee who transfers from a branch of the government of Guam to another, or from one department, agency, instrumentality, or corporation of the government of Guam to another department, agency, instrumentality or corporation at his option, may accept cash value of his earned leave at the time of transfer, or transfer his accumulated annual leave to his new government position, notwithstanding the fact that such transfer may appear on the employee's personnel records as a resignation and reappointment.

C. Pursuant to Title 4 GCA, Chapter 4, Section 4109, any employee who has been authorized to accumulate annual leave beyond 320 hours shall not be allowed lump sum compensation or retirement credit for annual leave in excess of 320 hours.

### **8.200 SICK LEAVE**

#### **8.201 Purpose and Eligibility**

A. Sick leave shall be allowed to an employee when the employee:

**Commented [GW168]:** Do we have any flexibility on this?

**Commented [UOGHRO169R168]:** Ultimately DOA Director approves or disapproves Leave Sharing requests. Refresh the Leave Sharing document?

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**Commented [GW171]:** Joe will need to review this

**Commented [UOGHRO172]:**

**Commented [UOGHRO173]:**

1. Receives medical, dental or optical examination or treatment, or any mental health examination, counseling or treatment;
2. Is incapacitated for the performance of duties by sickness, injury, complications due to pregnancy, medical confinement; or would jeopardize the health of others by his presence at his duty assignment because of exposure to a contagious disease; or
3. Gives birth or becomes a father pursuant to maternity or paternity statutes.
4. To provide health care for a member of the employee's immediate family as a result of serious illness or injury and the employee has exhausted all annual leave and compensatory time available pursuant to Title 4 GCA, Chapter 4, Section 4108(c)(2).

“Serious illness or injury” means an urgent condition that is certified by the attending physician as requiring hospitalization, institutionalization, or extended home care in which the person needs the constant administration of special medical care or support.

Immediate family member means the employee’s spouse, common law, parents, parents-in-law, grandparents, brothers, sisters, children, grandchildren, any step or adoptive parents, adopted children or grandchildren of both the employee and the spouse, a guardian or person in loco parentis

- B. Sick leave with pay shall be allowed during leaves 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. Responsibility for compliance of this section shall remain with the President and University’s Payroll Office subject to such audit as ordered by the Director, Department of Administration.

#### **8.202 Notification of Sickness**

Notification of absence on account of sickness shall be given to the immediate supervisor on the first day of absence, or if impracticable, as soon thereafter as circumstances permit. If such notification has not been given in accordance with this section, the employee may be subject to disciplinary action. This can be subsequently withdrawn by the supervisor if the impracticality of notice is confirmed.

#### **8.203 Application for Sick Leave**

- A. Application for sick leave shall be filed on a form prescribed by the President.
- B. Sick leave shall be granted in accordance with statute, rules, policies and procedures.

#### **8.204 Sick Leave Charged Only for Working Hours**

An employee shall be charged for sickness for only those hours for which he was, or would have been scheduled to work.

#### **8.205 Accrual of Sick Leave**

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Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (four (4) hours) for each bi-weekly pay period in which the employees are on pay status for the entire ten (10) days. If the employee is not on pay status i.e. regular time, annual leave, sick leave, etc. for the entire ten (10) day period, no accrual of sick leave shall be granted.

Commented [GW175]: Joe to review

**8.206 Minimum Charge for Sick Leave**

An employee who uses sick leave in an amount of time, which is less than a full hour shall be, charged leave according to the following table:

Minutes Used	Time Charged (Minutes)
00 - 14	00
15 - 30	30
31 - 60	60

**8.207 Accumulation and Carry Over of Sick Leave**

Unused sick leave may be accumulated and carried over to succeeding leave years without limitation. (Title 4 GCA, Chapter 4, Section 4108(b))

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**8.208 Vesting of Sick Leave**

Sick leave accrued for service with the government of Guam or any of its instrumentalities, branches, authorities or any entity, corporation or agency, shall vest in the employee upon accrual and shall remain vested in such employee while he is employed by the government notwithstanding the fact, that from time to time, he may be transferred from one branch to another or to autonomous agency, authority or entity within the government of Guam. Sick leave accrued and unused at the time of separation from the government shall remain credited to the employee if such employee returns to government service. An employee, approved for disability retirement, shall exhaust his accrued sick leave prior to effecting his retirement. (Title 4 GCA, Chapter 4, Section 4108(g))

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**8.209 Advance of Sick Leave**

A. An employee who has suffered a serious illness or ailment and has exhausted his sick leave and who intends to return to work may submit a written request, for advance of sick leave to the Vice President. Each request for advance of sick leave must be accompanied by a certification of incapacitation for duty by the employee's physician. An advance of sick leave may not exceed thirteen (13) days, and shall be subject to the approval by the Vice President.

B. If an employee is separated from service without having earned all of his 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. (Title 4 GCA, Chapter 4, Section 4108(5))

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C. If the employee is medically certified as being unable to return to work after all accrued and/or advanced sick leave credits have been used, the employee shall be allowed to use any accrued compensatory or annual leave credits before being placed on leave without pay.

**8.210 Physician's Certification of Incapacitation**

A. An employee who is absent because of illness, injury, or quarantine in excess of three consecutive days, or for the full day immediately before or after a holiday, weekend, day off

or vacation, may be required to furnish a certification as to the incapacitation by a licensed physician or furnish administratively acceptable evidence pursuant to Title 4 GCA, Chapter 4, Section 4108(d). The Supervisor may require certification for such other periods of illness he deems advisable. Supervisors shall apply reasonable judgment when requesting a doctor's certification.

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B. If the certification required 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. (Title 4 GCA, Chapter 4, Section 4108(e))

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C. If the medical certification furnished by the employee is not acceptable, the appropriate Vice President may require the employee to submit a medical examination. Based on the medical certification, the Vice President:

1. Shall not approve further use of sick leave if the employee is medically evaluated as fit to return for work.
2. Shall allow the employee to use accrued sick leave if the employee is medically evaluated as unfit to return to work. In the event, the employee exhausts his sick leave, the provisions of these rules shall apply.

D. An employee who upon a written request by the appropriate Vice President, refuses to comply with these rules shall not be eligible to use accrued sick leave credits and any absence from work shall be handled in accordance with Rule 8.700.

#### **8.211 Lump Sum Payment for Sick Leave Prohibited**

No employee who separates from the University for any reason may receive a cash payment for sick leave accrued at the time he leaves such service, except that upon the death of the employee, a lump sum payment of unused sick leave shall be made in accordance with Title 4 GCA, Chapter 4, Section 4108(h) and except for lump sum payments to participants in the Defined Contribution Retirement System upon retirement.

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### **8.300 ON-THE-JOB INJURY**

#### **8.301 Policy**

It is the policy of the University that all employees are provided with safe working conditions. This policy is intended as an employee benefit separate and apart from Worker's Compensation Law. Unless otherwise provided by statute or the Board of Regents, this policy shall control in the event of conflict with other rules or policies. (Title 22 GCA Chapter 9)

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#### **8.302 Definitions**

- A. Classified employee: A probationary or permanent status employee occupying a classified position.??????
- B. Day: A calendar day unless otherwise specified.
- C. Death: Death resulting from an on-the-job injury.

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- D. Disability: Physical or mental incapacity due to an on-the-job injury, which prevents the employee from performing the essential functions of the employee's regular position or other temporary duties.
- E. Essential Functions: Those that an employee must be able to perform in the employee's regular position, with or without reasonable accommodation.
- F. Lateral Position: A position with substantially comparable minimum qualification or equivalent pay grade as the employee's regular position.
- G. Management Official: Official with supervisory or management responsibilities. Need to improve this.
- H. On-the-Job Injury: Injury or death arising out of and in the course of employment, including an accidental injury or injury caused by the willful act of a third person directed against an employee because of his employment, and such occupational disease or infection as arises naturally out of such employment, or as naturally or unavoidably results from such accidental injury.
- I. Personal Leave: Annual or sick leave or compensatory time off approved by a supervisor.
- J. Physician: A person licensed to practice medicine in the United States or its territories or in other medical licensing jurisdictions recognized by the American Medical Association or other practitioners of the healing arts recognized by the Workers' Compensation Commission.
- K. Public Employment: Employment by the government of Guam Executive, Judicial or Legislative departments, agencies, or instrumentalities, inclusive of semi-autonomous and autonomous agencies, and any other government of Guam entities and public corporations.
- L. Reasonable Accommodation: A modification or adjustment to the employee's regular position, the work environment, or the way things are usually done that enables the employee to perform the essential functions of his regular position.
- M. Regular Position: The position for which the employee was hired.
- N. Temporary Duties: Specific duties of limited duration assigned to the employee during the work-injury period in lieu of the regular duties of the employee.
- O. Unclassified Employee: An employee occupying an unclassified position or one employed on a temporary or limited term status.
- P. Work-Injury Leave: Leave with pay granted by the appropriate Vice President under the provisions of [Rule 8.300](#).
- Q. WCC: Worker's Compensation Commission
- R. Civil Service Commission hereinafter referred to as "Commission": The Commission shall hear appeals from the adverse actions taken to suspend, demote or dismiss an employee from the classified service if such right of appeal to the Commission is established in the personnel rules governing the employee. ([Title 4, Chapter 4, Section 4403\(b\)](#))

### **8.303 Coverage**

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A. A classified or an unclassified employee who suffers an on-the-job injury will be eligible for work-injury leave for up to sixty (60) days without charge to personal leave, beginning the day of the injury, provided:

1. The employee is unable to perform the essential functions of the employee's regular position, or temporary duties, during the sixty (60) day period or portions thereof, as certified to by the employee's physician, the appropriate Vice President shall refer the case to WCC for further medical evaluation to include any necessary tests or testing such as laboratory tests of radiological, sonographic, and computerized axial tomography, and magnetic resonance imagery evaluation. The decision of the WCC shall be final. The Vice President shall identify the essential functions of the employee's position for the purpose of this section.

2. The injury results in the death of the employee. In this event, the employee's designated beneficiary or beneficiaries, or if there are none, the estate of the employee, shall be entitled to a lump sum payment for the entire sixty (60) day work-injury period, or that portion of the work-injury period that the employee would have been entitled to had employee survived.

B. If an employee is able to perform at least the essential functions of his position or undertake temporary assignments as provided in Rule 8.303.A.1, but requires follow-up medical treatment for injuries, the employee shall be allowed work-injury leave for this purpose. The administration of this provision shall be closely monitored by the Vice President or delegated representative and coordinated with the WCC.

C. An employee who is absent from work due to a work-injury and has completed a minimum of 50% of the performance rating period will be evaluated on his performance for that period. The employee will be entitled to a salary increment upon satisfactory rating.

D. The employee on work-injury leave will continue to accrue annual and sick leave as provided in Title 4 GCA, Chapter 4, Sections 4108 and 4109.

E. Employment insurance benefits will continue pursuant to contract provisions in effect for the group life and health insurance program.

E. Work-injury leave will not be allowed if the death or injury of the employee was self-inflicted or the result of the employee's use of illegal drugs, intoxication, recklessness, gross negligence, criminal conduct, or the result of disciplinary action against the employee.

G. To prevent dual compensation, work-injury leave will not be allowed if the employee is receiving workers' compensation.

#### **8.304 Responsibilities**

A. An employee's responsibilities include:

1. Immediately reporting the injury to his supervisor. If the supervisor is not available, the employee shall report the injury to the University's safety personnel or any available management official within the University.

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2. Pursuing a workers' compensation claim in an expedient and timely fashion prior to the expiration of the approved work-injury leave period or converting to other leave status at the end of the leave period.
  3. Acting in good faith in pursuing work-injury claims. Any employee, who engages in fraud, misrepresentation, or abuse, shall be subject to discipline, prosecution, and be required to provide restitution for all monies and benefits received under **Rule 8.300.**
  4. Obtaining physician's certification to include medical evaluation and physician's detailed recommendation.

**B. Management's responsibilities include:**

1. Completing all work-injury reports, including the supervisor's portion of the worker's compensation form, to be distributed as follows:
  - a. The original to WCC.
  - b. One copy to the employee, the employee's department, the Guam Occupational Safety and Health administration, and to the University's Human Resources Office for placement in the employee's medical record.
2. The supervisory official who receives the employee's report must take immediate and expedient action to provide necessary medical treatment and prepare and submit injury report to the appropriate Vice President and other parties specified in **Rule 8.304.B.1.**
3. In cases requiring immediate treatment, medical assistance shall be sought for the employee at the nearest available medical facility. If the employee is not ambulatory, or otherwise should not be moved without medical intervention, an ambulance shall be called to transport the employee. A supervisory official or safety personnel shall accompany the injured employee to the medical facility for medical treatment as may be determined by the treating physician. Prompt notification of the employee's immediate family shall be made by the supervisory official, or the Vice President.
4. Completion of all work-injury reports and immediate submission to the appropriate Vice President who shall submit such reports to the Chief Human Resources Officer within five (5) working days following the date of notification of injury.
5. Notifying the appropriate Vice President if the employee is absent from work without authorization after the expiration of the approved work-injury leave period.
6. Immediately notifying the WCC that an employee is on work-injury leave status for the approved period.
7. Placing the employee on personal leave status pursuant to the provisions of these rules after the expiration of the approved work-injury leave period. The type of personal leave to be taken is at the employee's option.
8. Obtaining from the employee per **Rule 8.603.A. 1.** A doctor's certification of the employee's capacity to perform the essential functions of the employee's regular position, along with any specified mental/physical restrictions (e.g., no lifting over 20 pounds, no

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prolonged walking, standing, bending, stooping, no climbing of ladders, etc.), and recommendations of the physician as to other temporary duties which may be assigned without aggravating the existing condition.

9. Acting in good faith.

10. Complying with all applicable rules and regulations.

### **8.305 Employment Status**

A. A classified employee, who as a result of an on-the-job injury becomes disabled and is unable to perform the essential functions of his regular position within six months after the date of injury may, if eligible, retire from the University as stipulated in Rule 9.104.

B. If the classified employee is ineligible or declines to retire, the Vice President may allow the employee to exhaust personal leave; otherwise, the employee shall be placed in lateral or lower vacant position to which the employee qualifies, or be downgraded to a position needed by the University for which the employee qualifies, at the discretion of the Vice President. If the employee assumes the lateral position, the employee shall maintain his current salary. If the employee is downgraded or placed in a lower position, the employee shall maintain the current salary for one (1) year.

If there is no vacant position to which the employee qualifies, or the Chief Human Resources Officer determines that a downgrade is not proper, the Vice President shall exercise expedient and good faith efforts to place the employee in a position in which he qualifies in another division. If placement is unsuccessful, the Vice President shall immediately notify the employee in writing that the employee will be terminated within sixty (60) days from the receipt of the notice by the employee. The notice shall include the employee's right to appeal under Rule 8.306. If the employee is unavailable for personal service, service may be made by certified mail to the last known address, provided management has made reasonable, good faith efforts to personally serve the employee. In cases of service by mail, the sixty (60) days begin to run on the date of the mailing.

### **8.306 Appeal**

A classified employee who is terminated in accordance with Rule 8.305 B may appeal the termination to the Commission within twenty (20) days from the effective date of the termination in accordance with Commission's appeal procedures. The Commission may uphold the termination or take whatever action or remedies it deems appropriate. The Commission's decision is final, but subject to judicial review within thirty (30) days after the losing party receives the Commission's written decision.

## **8.400 EXCUSED ABSENCES/ADMINISTRATIVE LEAVE**

### **8.401 General Provision**

An excused absence is an absence from duty administratively authorized without loss of pay and without charge to leave. Supervisors and employees will apply the following procedures for excused absences.

### **8.402 Attendance at Official Meetings /Conferences On or Off-IslandDo we need**

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**this?**

- A. Employees shall initiate a written request via his supervisor for an excused absence citing the purpose of the meeting/conference, dates involved, and costs, if any, to the Unit Head.
- B. The Unit Head will evaluate relative costs, availability of funds, potential for the employee's development, ability of the employee to grasp, retain, and implement material covered, and desirability of the University's representation when approving the attendance at on or off-island meetings /conferences.
- C. Upon approval of the request, a copy shall be provided to both the employee and University's Payroll Office. ???

#### **8.403 Jury Duty**

- A. An employee who is called for jury duty in any court in Guam shall be excused from duty with full pay and without charge to leave for all hours required for such duty, not to exceed the number of hours in the employee's normal workday. However, if the jury duty does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
- B. An employee called for jury duty is required to show the Jury Duty Call Notification to his immediate supervisor.
- C. Supervisors are responsible for advising employees that all compensation earned for such jury service, except allowances for travel, must be paid to the University. An employee may elect to request annual leave for the purpose of jury duty service, in which case the employee may keep the compensation earned for such jury duty. (Title 4 GCA, Chapter 6, Section 6505)

#### **8.404 Witness Leave**

- A. Employees who are called to testify or produce official records on behalf of the government of Guam in any court in Guam shall be excused for duty with full pay and without charge to leave required for such service, not to exceed the number of hours in the employee's normal workday. However, if the witness service does not require absence for the entire workday, the employee shall return to duty immediately upon release by the court.
- B. An employee called to serve, as a witness is required to show the notification to his supervisor. The employee must provide to his immediate supervisor a certificate or certificates showing the time devoted to witness service. The fees shall be the same as the fees of witnesses before the Superior Court, except if the witness is a government employee no witness fees shall be given.

#### **Participation as a Competitor in a government of Guam Personnel Examination or Interview I've never heard of this. Is this a requirement?**

- A. Employees who are participating in a competitive examination or interview for government of Guam employment shall be excused from work with pay and without charge to leave for the time required for the examination or interview. Employees are required to report to their work location after completion of the examination or interview.





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B. Employees must advise their supervisor in advance of the need for excused absence to participate in a scheduled examination or interview. This notice should be given as soon as the employee receives information of the scheduled date and time of examination or interview.

**Participation in Examinations for Military Service**

An employee, who is scheduled to appear for an examination for entrance into the United States military service, shall be excused from work with pay and without charge to leave for the time required for the examination. The employee shall submit written confirmation of scheduled examination to his immediate supervisor.

**Military Training Leave**

- A. An employee who is a member of a Reserve Component of the Department of Defense or Transportation, including but not limited to, the U.S. Army, U.S. Navy, U.S. Marine Corps, U.S. Air Force, Army National Guard, Air National Guard and U.S. Coast Guard, shall be entitled to military training leave with pay, without charge to annual leave not to exceed 15 working days per fiscal year. The leave not used in a fiscal year will be transferred to the next fiscal year until it totals 15 days at the beginning of the fiscal year. (Title 4 GCA, Chapter 4, Section 4119).
- B. The employee shall submit a copy of his military orders or other documents which place the employee on military training, to the appropriate Vice President.
- C. A copy of the official orders shall be filed in the employee's personnel record.
- D. Any absence in excess of fifteen (15) workdays may, upon request by the employee and approval of the Vice President, be covered by accrued annual leave credits or accrued compensatory leave credits. If not requested by the employee or approved by Vice President as annual or compensatory time off leave, such absences in excess of fifteen (15) workdays shall be considered as leave without pay. Employees shall not seek leave requests beyond what is required for their military training.
- E. Military Reservists and National Guard members who are government of Guam employees may participate in the leave-sharing program that is available to employees who share their leave for other reasons. The leave sharing is restricted to ninety (90) days in accordance with Title 4 GCA Section 4109.2(b).

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**Disabled Veteran's Re-examination or Treatment**

An employee, who has been rated by the Veteran's Administration to have incurred a service-connected disability and has been scheduled by the Veterans Administration to be re-examined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be excused from duty without charge to leave for such re-examination or treatment. Excused absences shall not exceed five workdays in a calendar year. Thereafter, the employee may utilize other forms of leave as provided in these rules.

**Natural Disasters and Other Emergency Conditions**

- A. Excused absence with pay and without charge to leave shall be granted to employees when natural disasters or other emergency conditions create unsafe working conditions.
- B. Excused absence, for natural disaster or other emergency conditions, may be granted only when there has been an official proclamation of the hazardous conditions by Executive Order, or an equivalent announcement by the Governor.
- C. When the Governor declares a State of Emergency, the SVP&P shall coordinate the closure of classes and will set the time at which all students and faculty should be off the campus. The VPAF will determine when the Facilities Management and Services unit should begin to secure the campus. With the exception of the following:
  - 1. Employees determined by the SVP&P or the VPAF, as non-essential for the cause in such emergency situation shall be released from duty with pay, without charge to leave, for the period the facility is closed. These employees shall receive administrative leave for the period the campus is closed.
  - 2. Employees, required to remain on duty to provide essential services, to secure the campus or to re-open the campus, shall be paid at the regular rate in addition to administrative leave, or granted compensatory leave credits for the hours worked during the period the facility is closed and the other employees are on excused leave.
- D. Employees who are on annual or sick leave status when an emergency condition is declared by Executive Order or announcement by the Governor and are not required to report to duty, shall be considered as released from duty with pay without charge to leave for the period the work facility is closed.

**Disaster Service Volunteer Leave?????**

- A. An employee of the University of Guam, who is a certified disaster service volunteer, may be granted leave from work with pay for up to an aggregate of fifteen (15) days, consecutively or non-consecutively, in any twelve (12)-month period to participate in specialized disaster relief services without loss of seniority or any already accumulated vacation time, sick time or earned overtime due to such leave. (Title 4, Chapter 16)
- B. An employee of the University of Guam shall be compensated by the regular rate of pay for those regular work hours during which the employee is absent from work, but shall not receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition to the employee's regular pay.
- C. The University of Guam shall not be liable for workers compensation claims arising from accident or injury while an employee is on assignment as a certified disaster service volunteer for the American Red Cross, or a registered non-governmental organization.

**Participation in Officially Sanctioned Events**

An employee, who is a participating member of an official Guam delegation which is sanctioned by the Governor, shall be excused from duty with pay and without charge to leave for a period not to exceed five workdays in a calendar year. Such employee shall be placed on administrative

**Commented [UOGHRO184]:** This section was originally titled "Volunteer Service During Disasters/Emergencies"

leave.

#### **Absence Pending Formal Investigation**

An employee, who is under formal investigation by the University or other competent jurisdiction for misconduct, or violation of a rule or statute, may be placed on excused absence from duty without charge to leave, not to exceed twenty (20) workdays when the employee's absence from the work location is essential to the investigation.

**Commented [RW185]:** I'm ok if the University puts them on leave, but I don't think we want to put them on leave if they get into trouble with GPD?

#### **Bereavement Leave**

A. An employee, upon request, shall be granted fourteen (14) calendar days of excused absence without pay, upon the death of each member of the employee's immediate family. Leave taken must be completed within sixty (60) days of the date on which the eligible employee receives notice of the death of a family member. (Title 22 GCA, Chapter 3, Section 3610)

**Commented [RW186]:** I think this may have been covered earlier

**Commented [UOGHRO187]:** PL 34-40 has not been codified to Guam law as of 11/20/2017.

B. Each employee requesting bereavement leave due to a death in the immediate family shall submit a request to the President stating the name of the deceased and the relationship to the deceased.

#### **Parental Leave**

A. Paternal leave shall be granted to an eligible employee (full-time classified or full-time unclassified) occupying a permanent position upon the birth or adoption of his child or child(ren). (Title 4 GCA Section 4107.1)

**Commented [UOGHRO188]:** Formerly known as Paternity Leave.

B. Parental leave shall not exceed twenty (20) days of paid leave and must encompass the date of childbirth or adoption of a child(ren) five (5) years old or younger.

C. Additional leave taken for such purpose may be charged against accumulated sick leave, or may be unpaid leave. Total leave, whether paternity, sick or unpaid leave, shall not exceed one hundred thirty (130) days without approval of employee's immediate supervisor.

**Commented [UOGHRO189]:** Originally read as six months

D. Eligible employees who take parental leave and additional leave surrounding the birth or adoption of their child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.

#### **Pregnancy Related Medical Leave**

A. General Provisions of Leave Related to Pregnancy

**Commented [UOGHRO190]:** Formerly known as Maternity Leave.

1. Pursuant to Title 4 GCA Section 4107, the female employee has the responsibility to provide the supervisor no less than ninety (90) days notification of intent to use pregnancy related medical leave and additional leave surrounding birth of a child(ren). If less than ninety (90) days is available, then notice shall be given as soon as is reasonably practical.

**Commented [UOGHRO191]:**

2. The immediate supervisor is responsible for providing gainful employment and making use of the employee's skills for as long as the employee is not incapacitated for duty.

**Commented [RW192]:** Do we want this? I don't see it in law.

3. Sick leave shall be made available during pregnancy to cover for physical examinations

**Commented [RW193]:** I don't like this either. I don't see it in law and it looks like they get sick leave even if they don't have any.

and period of incapacitation based on certification by the employee's physician.

4. Additional leave requirements for maternity purposes must be supported by physician certification or furnish other administratively acceptable evidence of fitness for duty and approved by the appropriate Vice President.

Commented [UOGHRO194]:

Except for workforce reduction situations, an employee taking paid leave shall be restored to the same or equivalent position held prior to the leave, or restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment upon presentation of her personal physician's certification of fitness for duty or furnish other administratively acceptable evidence of fitness for duty. There shall be no loss of employment benefits accrued prior to leave, except for paid administrative leave expended.

Commented [UOGHRO195]:

6. Eligible female employees (full-time classified or full-time unclassified) who take pregnancy related medical leave and additional leave surrounding the birth of a child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.

Commented [UOGHRO196]:

Commented [UOGHRO197]:

7. The marital status of the pregnant employee shall not adversely affect her right to continued employment or use of leave.

8. An employee who gives birth to multiple children at the same time is granted the same amount of pregnancy related medical leave as an employee who gives birth to a single child.

Commented [UOGHRO198]:

**B. Granting of Pregnancy Related Medical Leave**

Commented [UOGHRO199]: Formerly known as Granting of Maternity Related Leave

1. Pregnancy related medical leave shall be granted to an eligible female employee as a result of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth. Pregnancy related medical leave shall consist of paid administrative leave not to exceed ten (10) working days, encompassing the date of childbirth.
2. The employer shall approve up to one hundred thirty (130) total work days of leave, comprised of parental leave, sick leave, annual paid leave, compensatory leave, and leave without pay, in that order.

**Participation in a Medical Examination Requested by the University**

An employee who is required to undergo a medical examination, such as to determine fitness for the job, shall be excused from work with pay and without charge to leave for the time required for the examination.

**8.417 Educational Leave Without Pay**

Commented [RW200]: This sounds like Robert

- A. In the event, the Unit head is desirous of establishing a program where employees are allowed to take educational leave with pay must have the program approved by the President in accordance with rules adopted by the University.

- B. An employee may be granted excused absence from duty with pay, and without charge to

leave, to attend on a full-time basis, a college, university, or training academy for not more than the equivalent of 2,080 hours of pay status for the purpose of receiving training that is of clearly foreseeable benefit to the University.

C. The granting of educational leave without pay shall be in accordance with the University's Employee Development Program.

D. Only employees who have completed their original probationary period are eligible to participate in this program.

#### **8.418 Leave for Child School-Related Purposes**

A. An employee, who is a parent shall not exceed eight (8) hours in any calendar month of the year to meet with a teacher or other school official concerning the employee's child to find, enroll, or re-enroll the employee's child in a school or with a licensed child care provider, or to participate in activities of the school or licensed child care provider of his or her child pursuant to Title 22 GCA Chapter 3 Section 3703.

B. The eight (8) hours may be utilized at the arrangement of the employee with the employee's supervisor, and may be split into smaller separate segments. Such leave hours are not accumulative.

C. An employee requesting such leave shall provide documentation, whatever written verification of parental participation the school or licensed child care provider deems appropriate and reasonable, from the school or licensed child care provider as proof that he or she engaged in the child-related activities on a specific date and at a particular time.

**Commented [UOGHRO201]:** Formerly known as Parental Involvement Initiative Leave

### **8.500 HOLIDAYS**

#### **8.501 General Provisions**

A. Employees may absent themselves from duty on the holidays established by these rules, provided, however, that work assignments may be required to be carried out if previous notification is given by the appropriate Vice President.

B. 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 considered eligible for compensation for the holiday under these rules but shall be considered as on leave without pay status.

#### **8.502 Legal Holidays**

Pursuant to Title 1 GCA Section 1000, Guam holidays are:

<u>New Year's Day</u>	<u>January 1</u>
<u>Martin Luther King, Jr. Day</u>	<u>Third Monday in January</u>
<u>Memorial Day</u>	<u>Last Monday in May</u>
<u>Independence Day</u>	<u>July 4</u>
<u>Liberation Day</u>	<u>July 21</u>
<u>Labor Day</u>	<u>1<sup>st</sup> Monday In September</u>

<u>All Souls Day</u>	<u>November 2</u>
<u>Veteran's Day</u>	<u>November 11</u>
<u>Thanksgiving</u>	<u>4<sup>th</sup> Thursday of November</u>
<u>Our Lady of Camarin Day</u>	<u>December 8</u>
<u>Christmas</u>	<u>December 25</u>

Whenever a holiday listed above falls on a Saturday or Sunday, the Government of Guam shall follow the Federal government's practice for that holiday.

In addition to the holidays specified above, the Governor of Guam may declare by Executive Order additional non-permanent holidays for special purposes. No holiday declared by Executive Order shall be continued beyond the year in which the Executive Order is issued.

### **LEAVE WITHOUT PAY**

#### **Leave of Absence Without Pay**

- A. Employees may request leave without pay for good cause when their current authorized annual or sick leave with pay will not cover the total period of requested leave. Leave without pay may be granted for a period not to exceed one year by the appropriate Vice President. For extenuating circumstances, the Vice President may extend the leave without pay for an additional year. No extension may be granted thereafter.
- B. When an employee is on leave without pay status, accrual of sick, annual, or retirement credit is not allowed.

#### **Request by the Employee**

Leave without pay is temporary non-pay status and absence granted in response to an employee's request. Leave without pay covers only those hours, which an employee would otherwise work or, for which he would be paid.

#### **Authorization**

- A. Authorizing leave without pay is a matter of administrative discretion. An employee cannot demand that he be granted leave without pay as a matter of right, except in the case of:
  - 1. disabled veterans who are entitled to leave without pay, if necessary, for medical treatment; and
  - 2. members of the Reserve Components of the U.S. Armed Forces who are entitled to leave without pay, if necessary, to perform military training duties.
- B. An employee who does not have adequate annual or sick leave credits may submit a written request for leave without pay to his supervisor, which requires the final approval of the Vice President. The employee's request should indicate the reasons and the need for leave without pay and the date employee intends to return to duty from leave.

**Commented [RW202]:** Is this the right title?

**Commented [UOGHRO203R202]:** Title is identical to DOA PRR.

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**Conditions for Approval of Leave Without Pay**

- A. Each request, for extended leave without pay, should be evaluated carefully to assure that the value to the University or the serious needs of the employee is sufficient to offset the costs and administrative inconveniences to the University which results from the retention of an employee in a leave without pay status. Among these costs are:
1. Encumbrance of a position;
  2. Loss of services which may be needed in the organization; and
  3. Obligation to provide active employment at the end of the approved leave period.
- B. As a basic condition for approval of extended leave without pay, there should be a reasonable expectation that the employee will return to work at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:
1. Increased job ability.
  2. Protection or improvement of employee health.
  3. Retention of a desirable employee.
  4. Furtherance of a program of interest to the University.
  5. Other reason as judged beneficial or in the best interests of the University by the Vice President.

**8.605 Examples of Appropriate Use of Leave Without Pay**

The following examples of types of cases are not all inclusive for which approval of extended leave without pay would be proper, all other factors being favorable, are:

- A. For educational purposes, when the course of study or research is in line with a type of work which is being performed by the employee, and completion of which would contribute to the University's best interests.
- B. For the purpose of recovery from illness or disability, not of a permanent or disqualifying nature, when continued employment or immediate return to employment would impact on the employee's health, or the health of other employees.
- C. For the purpose of caring for a child upon birth or adoption.
- D. For the purpose of providing care to a spouse or child who is ill or disabled or to provide care to elderly parents or parents-in-law.

**8.606 Military Leave Without Pay - Special Provision**

- A. Any classified employee of the University, except an employee who is employed in a temporary position, who is drafted, who volunteers for active military service, or who is ordered to active duty (not active duty military training as outlined in [Rule 8.407](#)) consistent

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with of Title 4 GCA Section 6218, shall be granted limited leave without pay, beginning the date of induction and, not to exceed a period of four years of military service. Active military service includes active duty with the U.S. Army, U.S. Air Force, U.S. Navy, U.S. Marine Corps, U.S. Coast Guard, National Guard of Guam or other services as provided by Guam law. Such leave of absence shall be verified by official orders or appropriate military certification, which shall be filed in the employee's personnel record.

- B. During such leave of absence, the employee shall be entitled to retain the same rights and privileges as an employee granted leave without pay in accordance with these rules.
- C. All unused leave benefits shall be retained by the employee, whom shall have the same credited to the employee's record upon return to his assigned position consistent with of Title 4 GCA Section 6218.
- D. Upon termination under honorable conditions of such active duty, the employee shall be entitled to reinstatement in his previous position provided the employee shall notify his immediate supervisor, the President for reinstatement within ninety (90) days after discharge pursuant to Title 4 GCA, Chapter 6, Section 6218(d).
- E. If the employee volunteers for an additional tour of military duty, the employee shall forfeit the right to return to the position.

Commented [UOGHRO204]:

#### **8.700 UNAUTHORIZED LEAVE OF ABSENCE FROM DUTY**

Employees are required to be at work at 8 am unless otherwise arranged with their supervisor. An employee who is absent from work without contacting their supervisor or making prior arrangements with their supervisor is on unauthorized leave of absence from duty. An employee who is absent from duty without proper authorization shall be subject to disciplinary action and placed on unauthorized leave of absence without pay or for payroll purposes. Repeated unauthorized absences may be grounds for disciplinary action up to an including termination.

#### **8.800 FAMILY AND MEDICAL LEAVE ACT**

Leave of absence, for a maximum of 12 weeks during any 12 month period under the Family and Medical Leave Act (FMLA) of 1993 (Public Law 103-3) (Federal Regulations - 29 C.F.R. Part 825) and as amended by Section 585 of the National Defense Authorization Act for FY 2008 (Public Law 110-181, Enacted January 28, 2008), shall be approved for an employee for reasons stipulated in Section 8.801.

##### **8.801 Purpose**

- A. The birth of a child of the employee and the care of such a child.
- B. The placement of a child with the employee for adoption or foster care.
- C. The care of a spouse, son, daughter, or parent with a serious health condition.
- D. A serious health condition of the employee.

##### **8.802 Eligibility**



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An employee must have worked for the government of Guam for at least 12 months and for a least 1,250 hours during the year preceding the start of the leave. Temporary employees working part-time, after completion of 1,250 hours, are counted as completing the workweek even if they do not work a 40-hour workweek.

#### **8.803 Medical Certification**

A medical certification may be required by the Unit Head to show dates of anticipated absence due to medical reasons or for childbirth.

#### **8.804 Leave Status**

- A. Leave for the purpose of childbirth or placement of a child for adoption or foster care shall not be taken intermittently or on a reduced leave schedule.
  - B. Leave for caring for spouse, son, daughter or parent or for the employee's serious health condition may be taken intermittently or on a reduced leave schedule.
  - C. When leave is taken intermittently or on a reduced leave schedule, the employee's absence under the FMLA shall not exceed the equivalence of a full-time work schedule of 12 weeks (40 hours per week x 12 weeks = 480 hours).
  - D. An employee may elect to substitute the following paid leave for any, or all of the periods of leave taken under the FMLA. However, the Vice President may not require an employee to substitute paid time off for any, or all of the period of leave taken.
    - 1. Accrued annual or sick leave, or compensatory time off (CTO) requested and approved consistent with rules governing the granted and use of annual or sick leave.
    - 2. Advanced sick leave approved under the same terms and conditions that apply to any other employee who requests advanced sick leave.
3. Leave made available to an employee under the Leave Sharing Program.

#### **8.805 Return to Employment**

Upon completion of an employee's leave, an employee must be returned to the same position and pay, benefits and working conditions at the conclusion of the leave as applicable.

#### **8.806 Procedures for Applying for FMLA**

The University shall establish operating procedures for employees in requesting for FMLA leave.

### **8.900 LEAVE SHARING**

From time to time, classified employees in the civil service of the government of Guam have occasion to need leave for personal reasons, but may have already exhausted the leave that they have earned and accrued. At times like these, particularly when the employee needs time off to take care of sick family members or in the case of the military reserves and National Guard members, being called to active duty in excess of fifteen (15) working days, the employee might be forced to take leave without pay. Through the generosity of the other employees, the affected employees could be relieved of the stress of this

**Commented [RW205]:** The current process requires the signature of the President. That isn't in law and isn't in here. Should it be in here?

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situation. (Title 4 GCA, Chapter 4, Section 4109.2)

- A. Whenever a government of Guam employee desires to transfer a number of hours of earned sick leave or annual leave to another employee in any department or agency of the government, a formal written request shall be made by the donor employee to that person's payroll supervisor, stating the name of the recipient, the number of hours of leave to be transferred and the type of leave.
- B. No transfer may be made by any employee to that person's supervisor, or to any person above that employee in the supervisory chain, or to a member of the supervisor's or such supervisory person's immediate family.
- C. If the donor has sufficient hours of leave accrued to cover the donation, the payroll supervisor shall notify the President. The President shall direct the Payroll Division to transfer the approved number of hours to the recipient.
- D. Upon receipt of the notice of transfer, the receiving employee may then submit a leave request for the number of hours of leave, sick or annual, that the employee needs and the unit head shall then approve the leave request.
- E. Leave may not be transferred to another employee if as a recipient that employee intends to use it for credit towards retirement or accumulated leave. This transfer of leave shall be strictly on a voluntary basis.
- F. Leave transferred shall be used as leave by the person to whom it is transferred, and if it is not used in its entirety, it may be re-transferred to the person who originally earned it. In no event shall transferred leave be converted to cash or retirement credit by the person to whom it is transferred.
- G. Participation in the leave sharing program shall not exceeding ninety (90) working days, shall require a certification from the attending medical doctor that the recipient of the leave needs additional time for medical treatment or recovery from a medical illness and is physically unable to return to work due to the medical illness.
- H. An additional ninety (90) working days may be granted upon similar certification from the attending medical doctor made within two (2) weeks of the first ninety (90) day period.
- I. A final period of thirty (30) working days may be granted upon an additional certification from the attending medical doctor that additional time is needed for recovery.
- J. If the hourly rate of pay of the donor is less than the hourly rate of pay of the recipient, the leave will be paid at the hourly rate of the donor. If the hourly rate of pay of the donor is greater than the hourly rate of pay of the recipient, the leave shall be paid at the rate of pay of the recipient.

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## **CHAPTER 9**

### **HEALTH AND SAFETY**

#### **STATEMENT OF POLICY**

The purpose of this Chapter is to ensure that applicants and employees meet the health and physical requirements for the efficient performance of their duties. In addition, this Chapter is to develop safe and healthful environment for employees and for the public when using the University's facilities, by establishing/maintaining and properly supervising an active safety and health program tailored to meet the needs of the organizations.

#### **9.00 MEDICAL STANDARDS**

##### **9.01 Establishment of Medical Standards**

Medical standards shall include, but need not be limited to, pre-entry medical examinations to include TB testing, medical re-evaluations, the method of administration of medical examinations, and the consequences of failure to meet health and physical condition requirements.

The President is authorized to establish medical standards in order to:

- A. Ensure that persons seeking employment with the University meet the health and physical requirements necessary for the safe and efficient performance of the duties of the class of position in which they seek employment, and can continue to meet the health and physical requirements for a reasonable period of time.
- B. Ensure that each employee is able to perform the duties of his position satisfactorily and without undue hazard or imminent threat to himself or others or without undue hardship on the operation of the program.
- C. After making a conditional job offer and before an individual starts work, the appropriate Vice President may request a medical examination or ask health-related questions, provided that all candidates who receive a conditional job offer in the same job category are required to take the same examination and/or respond to the same inquiries.
- D. The medical exam will be paid by the employee.

##### **9.02 Kinds of Employment Medical Examinations**

The Vice President is authorized to require three types of medical examinations:

###### **A. Pre-entry**

Pre-entry physical examinations to include TB testing is required of all persons prior to initial appointment to the position.

###### **B. Periodic**

Periodic physical examinations to include TB testing is required of all employees holding positions in classes that the Vice President certify and approve, that the nature of the work

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performed is such that a periodic check of ability to meet the health and physical condition standards is necessary. The Vice President will determine the intervals, at which periodic physical examinations shall be taken consistent with the University's operational requirements. The University shall implement the standards imposed by the U.S. Department of Transportation and other OSHA standards applicable to periodic medical physical examinations for certain type of vehicle operations. Other OSHA standards are applicable relating to periodic medical examinations of certain vehicle operations (Title 10 GCA Chapter 87).

#### C. Independent Medical Examination

The Vice President may authorize special medical physical or psychological examinations to determine the fitness for duty of employees to continue with their assigned duties. Special physical or psychological medical examinations shall have as their purpose the determination of whether an employee should be retired from government service or assigned to duties and responsibilities that are within his physical or psychological ability to perform. The University shall pay the costs for the special medical examinations.

#### **9.03 Administration of Employment Medical Examinations**

Medical examinations shall be administered by a licensed physician or other licensed professional on forms prescribed by the University. The examination form will request a medical determination of the individual's fitness for employment in the class of position. For special medical examinations, forms will provide a means for recommendations by the examining physician or licensed professional, as to whether the individual employee should be retired or placed in other employment more suited to his physical or mental condition and ability and for which the employee can perform the essential function of the job.

#### **9.04 Temporary Medical Exemptions**

The Vice President may determine that a position must be filled immediately, making it impossible to complete the medical examination prior to appointment. In these unusual cases, the Vice President may temporarily waive the medical examination, provided that the medical examination is completed at the earliest possible date and no later than 30 days after the appointment.

### **9.100 PLACEMENT OF EMPLOYEES WHO BECOME MEDICALLY NON-QUALIFIED**

#### **9.101 General Provisions**

- A. The provisions of this section shall apply to permanent employees who become medically non-qualified and to original probationary employees with a service-connected disability.
- B. It is the responsibility of the University to assure, to the extent possible, the continued employment of employees who become disabled as a result of an injury, accident or illness that is not a result of misconduct or who are found to be medically non-qualified for their present position, but who are medically qualified for other types of positions within the University.
- C. The employee shall be examined by a government or private physician or physicians; in such field or fields of medicine and/or psychiatry as may be applicable to evaluate the employee's

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qualifications for his present position, or assess his current physical and emotional capacities and/or evaluate his qualifications for a vacancy for which he is being considered under the provisions of this section.

D. Employees affected by this rule shall be considered for those vacancies for which they qualify within their department/unit and may also receive consideration for vacancies in other departments/units within the University. In such an instance, the Vice President may effect a direct transfer to the new position.

E. In the placement of an employee with a disability, all units shall consider the following:

1. The ability of the employee to safely perform the essential functions of the position without undue interruption to the work program and/or undue hardship on the operations of the program.

2. The ability of the employee to absorb any required training or retraining; and

3. The mutual interest of both the University and the employee.

F. If demotion is involved, whether or not initiated by the employee, he shall be compensated in accordance with **Rule 6.005**.

#### **9.102 Placement of Employees with Disabilities**

After medical, physical, or psychological re-evaluation of an employee who is no longer qualified to perform the duties of his position satisfactorily within a stated reasonable period of time and in spite of reasonable accommodations due to permanent medical physical or mental incapacity, the Vice President shall take the following action (provided the employee is qualified and able to perform the new duties within the limitations established by these rules and the American with Disabilities Act (ADA). Please refer to the University's Institutional Compliance Officer for further information:

A. Transfer the employee to an equivalent position elsewhere in the University organizational structure; or

B. Placement of the employee consistent with **Chapter 4**; or

C. If no equivalent position is available, to reassign the employee to a lower graded position, without loss of pay, elsewhere within the University.

#### **9.103 Reasonable Accommodation**

Every effort shall be made by the Vice President to provide reasonable accommodations to assure continued employment.

#### **9.104 Termination of Employment**

If the employee can not be reasonably accommodated per **section 9.103**, the Vice President shall terminate the employment of the employee:

A. If no suitable placement can be made or if the employee refuses placement in a suitable position.

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B. If the employee refuses or is ineligible for retirement.

C. If the Vice President has evidence that the employee is permanently disabled from performing the job, or will be disabled for a long time that termination is necessary in light of demonstrated business realities. (In such cases, the injury must permit a prognosis with reasonable medical certainty.)

The Vice President should engage in the interactive process with the employee to determine that he cannot perform the essential functions of his job or of other open positions for which he qualifies, with or without reasonable accommodation.

Commented [RW206]: an?

Such termination shall be consistent with the Adverse Action Procedures.

#### **9.200 SAFETY STANDARDS**

The minimum safety standards will be those as established in the Occupational Safety and Health Code (Title 10 GCA Chapter 37) and administered by the Division of Occupational Safety and Health of Department of Labor in conjunction with the University's Safety Office.

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## **CHAPTER 10** **EMPLOYEE PERFORMANCE**

### **STATEMENT OF POLICY**

The purpose of this Chapter encourages efficiency and productivity among employees and the orderly and constructive relationships between management and employees in the interest of effective personnel management, and the efficient operation of the University.

### **10.00 EMPLOYEE PERFORMANCE EVALUATION**

#### **10.01 Performance Evaluation**

The Chief Human Resources Officer shall establish and maintain a performance evaluation system for the fair and objective appraisal of work performance of employees of the University. The performance evaluation system may be used to (Title 4 GCA Chapter 4 and Chapter 6):

- A. Improve individual performance.
- B. Strengthen supervisor/employee relationships.
- C. Recognize employee accomplishments and good work.
- D. Identify job standards.
- E. Identify training needs.
- F. Grant or deny pay increments.
- G. Determine order of layoffs.
- H. Determine whether a probationary employee shall be given a permanent appointment.
- I. Determine eligibility for promotion.
- J. Determine whether disciplinary action is required.

#### **10.002 Performance Evaluation Training**

The Chief Human Resources Officer shall be responsible for providing periodic training for all levels of management concerning the performance evaluation system, including the development of performance standards, performance interview techniques and performance ratings.

#### **10.03 Performance Evaluation Records**

- A. The performance evaluation report will be transmitted to the Chief Human Resources Officer 30 days prior to the anniversary date. Upon receipt of the performance evaluation report and recommendations the Chief Human Resources Officer shall effect the appropriate personnel action in accordance with the recommendation of the immediate supervisor and the Vice-President. No action will be taken by the Chief Human Resources Officer until receipt of the performance evaluation report.

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B. Records of the performance evaluation report shall be filed in the employee's personnel record.

**10.04 The Chief Human Resources Officer's Responsibilities for Performance Evaluation**

The Chief Human Resources Officer shall be responsible for the effective implementation and administration of the performance evaluation system within the University. He shall approve all performance ratings made within the University and shall ensure that supervisory personnel receive adequate training in the performance evaluation system. He shall ensure that performance evaluations and reports are completed and submitted on a timely basis.

**10.05 Supervisor's Responsibility for Performance Evaluations**

A. The performance standards shall be developed and the performance rating shall be completed by the immediate supervisor responsible for the employee's work with input from the employee. The rater should be the individual who oversees, reviews and checks the daily work performance of the employee being rated, or is the immediate supervisor who is most closely acquainted with the employee's daily work performance. The immediate supervisor shall also be responsible for the timely preparation and submission of performance reports for all employees under his supervision. Pursuant to Rule 10.003 and 10.007, failure to submit timely performance appraisal reports constitutes grounds for disciplinary action. The Vice-President may impose disciplinary action against supervisors in violation of this rule when it is found that there was no reasonable cause for delay. The employee's supervisor must have supervised the employee for at least ninety (90) days to render a fair evaluation. When a supervisor retires, resigns or transfers, he will render an evaluation for the assigned employees before leaving the University.

B. For employees on temporary assignments due to work injury, disability (light duty), details, etc., for ninety (90) days or more, the supervisor may establish additional performance standards to reflect current duties. A composite rating for the temporary assignment and permanent position may be made.

**10.06 Performance Evaluation Form**

Performance evaluations shall be accomplished on a form approved by the President consistent with the performance evaluation system in effect. The performance evaluation forms shall be filed in the employee's personnel record. (Appendix H)

**10.07 Performance Evaluation Period**

In accordance with the system and procedures prescribed by the Chief Human Resources Officer, supervisors shall evaluate the work performance for employees:

A. In accordance with Title 4 GCA, Chapter 6, Section 6202, every 12 months of service for permanent employees in Pay Grade Steps 1 through 6; every 18 months of service for permanent employees in Pay Steps 7 through 9; and every 24 months of service for permanent employees in Pay Steps 10 through 20 to coincide with the employee's employment anniversary date or increment due date. Immediate supervisors may opt to conduct intermittent performance assessments of subordinates.

Commented [UOGHRO207]:



- B. Immediate Supervisors may conduct mid-term performance evaluations for all of their staff.
- C. No later than the end of the probationary period for those employees serving original probationary appointments including those probationary periods that have been extended. The final Probationary Performance Evaluation shall be submitted and received by the Chief Human Resources Officer no later than ten (10) workdays prior to the probationary period due date.

**10.08 Salary Increments - Permanent Employees**

Every classified employee shall be entitled to a one-step salary increment for satisfactory performance, except as otherwise provided by statute Pursuant to Title 4 GCA, Chapter 6, Section 6202.

Commented [UOGHRO208]:

**10.09 Performance Evaluation for Probationary Employees**

- A. An overall performance rating of at least Satisfactory, shall be necessary before an employee serving an original probationary period may receive a permanent appointment in the class of position he occupies.
- B. When an employee serving an original probationary period receives an overall performance rating of Marginal, or if the rating of the employee is unclear, the probationary period shall be extended for a minimum period of 30 days during which the employee has the opportunity to improve work performance, provided the total probationary period does not exceed 12 months.
- C. When an employee, serving an original probationary period, receives an overall performance rating of Unsatisfactory, the employee serving the original probationary period shall be terminated from University employment upon approval of the Vice-President. No appeal of this termination shall be allowed.
- D. When an employee serving an original probationary period is selected for another position without completing the original probationary period, the employee must serve a new original probationary period in the new position and receive a rating pursuant to A above 4.602 in order to obtain permanent appointment.

Commented [RVW209]: Are we sure we can do this?

Commented [UOGHRO210R209]: This is a standard.

**10.10 Merit Bonus**

Outstanding performance by a classified employee in Grades A through V shall be rewarded by a lump sum bonus based on an amount equivalent to 3.5% of the employee's base salary. The merit bonus shall be automatic upon a superior rating evaluation conducted for increment purposes (Title 4 GCA Section 6203). The Merit bonus is in addition to the increment and is limited to the fiscal year in which outstanding performance is rendered (Title 4 GCA Section 6101).

Commented [RVW211]: I think we need to add something to ensure this never becomes routine.

Commented [UOGHRO212R211]: This is in the law. No change.

**10.100 APPEAL PROCEDURE FOR REDETERMINATION OF PERFORMANCE RATING**

**10.101 Purpose**

The procedure outlines the responsibilities and procedures to be followed by management and employees in handling performance rating appeals.

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### **10.102 Coverage**

Employees covered by these procedures are those employees who have satisfactorily completed their original probationary period and have attained permanent status within the University. Such employee who feels he was unjustly rated may request for a re-determination of the performance rating. Original probationary period performance ratings are not appealable under this procedure.

### **10.103 Representation**

An employee has the right to present an appeal with or without representation. He also has the right to be accompanied, represented, and advised by a representative of his choice at any step of the appeal proceedings.

### **10.104 Freedom from Reprisal or Interference**

An employee and his representative shall be free to appeal a performance rating without restraint, interference, coercion, discrimination, or reprisal.

### **10.105 Management's Responsibility for Timely Action**

Management shall expedite the processing of an appeal and shall abide by the allotted time. Failure to render a decision within the allotted time at any step constitutes denial, and the employee may then proceed to the next step of the appeal procedure.

### **10.106 Informal Appeal Procedure – Unit Head**

A. After the rating conference has been held and the employee has been informed of his overall annual rating, the employee who believes he was unjustly rated shall bring the matter to the attention of his Unit Head within five (5) workdays of the conference date. The employee may present his informal appeal either orally or in writing to the Unit Head.

B. A review of the rating shall be afforded the employee by the rater and or higher level supervisor. Settlement of aggrieved matters shall be encouraged at the lowest administrative level and in the shortest possible time. The employee shall be notified of the decision not later than five workdays after presentation of his informal appeal to the Unit Head.

C. If the employee's concerns are not resolved, or that a decision is not issued within five (5) workdays, the employee may file a formal appeal to the Vice-President.

### **10.107 Formal Appeal Procedure – President/Performance Board of Review**

A. Whenever resolution of a performance rating cannot be reached at the informal level, an employee may appeal to the Performance Rating Board of Review (Board) via the Vice-President. The appeal shall be in writing to the President and filed within five (5) workdays after the employee receives the Unit Head's decision.

B. The Board shall be appointed by the Vice-President and consist of three members, who are permanent government employees of agencies other than the University of which one shall be at the same position level as the appellant, one shall be at the managerial level or designated official who will serve as the hearing officer. The Vice-President shall appoint the Board

**Commented [UOGHRO213]:** This not to be confused with the BOR. Add "(Board)" so it identifies the "Performance Rating Board of Review"

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within 5 (5) workdays of receipt of the written appeal.

C. The Board shall conduct its first hearing within 5 workdays of its appointment. The Board shall complete the investigation and conduct the final hearing not later than 10 workdays from the date the Board convened. The Board shall give notice of hearings and shall provide all pertinent documents related to the appeal to the employee, his representative, the rater, and all other parties concerned.

The conduct of the hearings will be consistent with the opportunity to present all information necessary to decide the merits of the appeal. Both oral and written information, which the Board considers pertinent, may be submitted and other information the Board requests concerning the appeal.

D. The hearing officer shall preside and rule on all questions and conduct of the hearing during the proceedings. Board members shall consider the case and vote objectively. They will give consideration to the merits of the case and secure all necessary information. They will encourage a harmonious relationship between the employees and supervisors during proceedings before the Board. All members of the Board will be present at all times during hearings and will participate in the decision. Hearings shall be recorded and summarized in writing.

E. When all pertinent information in an appeal has been presented to the Board, the Board shall render a decision by majority vote. The Board may either amend the performance rating, or sustain the rating without change. When an amendment is made by the Board, to the performance rating, that amended rating shall not be lower than the original rating.

The Board shall make its final decision within five (5) workdays of the final hearing. The Board's decision shall be in writing with the hearing officer's signature. The decision shall contain a brief summary of the facts on which the Board based its decision. The written decision shall be immediately sent to the appellant, and signed copies forwarded to the Unit Head, the Chief Human Resources Officer and the Vice-President.

F. When the VicePresident receives a Board decision amending the employee's rating, the Vice-President shall immediately substitute the original rating for the amended rating. The Vice-President must reconsider administrative actions based on the original rating and re-determine and adjust those administrative actions to conform to the amended rating. ( [Reference to Board composition-AG opinion Reference DOA 95-1399](#))

**Commented [RVW214]:** Are we locking ourselves in too tightly?

**Commented [UOGHRO215R214]:** This is a standard.

**Commented [UOGHRO216]:** Should the Board make a recommendation rather than a decision? It appears that the Board is given a lot of authority. Should the Board make "recommendations" the Vice President and President

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## CHAPTER 11 ADVERSE ACTION PROCEDURES

### STATEMENT OF POLICY

This Chapter sets forth the guidelines and procedures by which a Vice-President may suspend, demote, or dismiss a permanent employee.

**Commented [UOGHRO217]:** Would this be a contradiction? Should it revert back to President? Hiring authority, clarify.

### 11.000 COVERAGE

This Chapter shall apply to all permanent classified employees.

### 11.100 SCOPE

For the purpose of this Chapter, the term "dismissal" shall not be interpreted to include:

A. Actions taken by the Vice-President referenced in the Chapter on "Resignation, Termination and Clearance"; or

B. Action taken by the Vice-President in the termination of services of an original probationary employee.

### 11.200 EMPLOYEE DISCIPLINE

#### 11.201 General Provisions

##### A. Responsibility for Discipline

The Vice-President derives authority and responsibility for employee discipline under the provisions of Title 4 GCA Section 4105. The Vice-President has the responsibility to remove, suspend, or demote to another position on a fair and equal basis, any employee in the classified service whose conduct or capacity is such that his removal, suspension or demotion will promote the efficiency of government service.

**Commented [RVW218]:** 16108?

**Commented [UOGHRO219R218]:** Citing the charter?

##### B. Delegation of Authority

The Vice-President may delegate responsibility for administration of day-to-day discipline to his line-management to include such progressive discipline, as oral admonitions/counseling (Appendix I), letters of warning (Appendix J), letters of reprimands (Appendix K), and recommendation of adverse actions.

C. Vested Authority

The President and Vice-President's are the only officials vested with the final authority to take adverse action, including removal, demotion, or suspension against an employee.

**Commented [UOGHRO220]:** If a notice of adverse action is sent out it will now require the President and the appropriate Vice President's signature. Contradiction?

**11.202 Job Protection Procedures in Employee Discipline Actions**

A. All levels of supervisory and management officials share the responsibility for strict adherence to employee's job protection rights and considerations including:

1. Informal counseling at the first indication that an 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 to correct unacceptable habits or practices, such as tardiness or lack of attention to work requirements.
3. The right to reply to the notice of proposed adverse action that may result in a suspension, demotion or dismissal.
4. The right to reply to the notice of proposed adverse action and careful consideration of any reply; and
5. The right to appeal to the Commission as provided in the CSC Rules and Regulations Relative to Demotion, Suspension, Dismissal and Appeal of Adverse Actions.

B. The President shall require each immediate supervisor and Unit Head and Division Manager to receive orientation and training on the University's basic intent that discipline is a tool for correcting people in such a way as to produce satisfactory job performance. The use of discipline in a punitive manner is inconsistent with the University's concept of discipline as an opportunity to provide constructive correction.

**11.300 ADVERSE ACTION PROCEDURES**

**11.301 General Requirements**

A. An employee must be given the notice and statement of the charges pursuant to Title 4 GCA Section 4406, no later than ninety (90) days after management knew, or should have known the facts or events which form the alleged basis for the adverse action.

**Commented [RVW221]:** Joe should probably look at 34-145.

B. An employee covered by the Adverse Action Procedures may be suspended for not more than 30 workdays as the result of a single adverse action, nor may an employee be suspended for more than a total of sixty (60) workdays in a calendar year, as the result of multiple adverse actions taken by the University.

**Commented [UOGHRO222R221]:** Public Law 34-145 ninety (90) days.

C. Copies of the adverse action rules and appeal procedures should be made available upon request by the employee.

**11.302 Definition**

A. Suspension: The temporary removal of an employee from his position with loss of pay as a disciplinary measure.

B. Demotion: The involuntary reduction in status of an employee for disciplinary reasons from specific class, to a position in another class, where the maximum rate of pay is less than the maximum rate of pay for the class which he had held, or a reduction to a lower salary step in the same class.

C. Dismissal: The termination of an employee for authorized cause of adverse action.

D. Day: Refers to calendar day unless otherwise specified.

### **11.303 Authorized Causes for Adverse Action**

The Vice-President may remove an employee for such misconduct(s), which affect(s) the efficiency of the service. The authorized causes for adverse action include, but are not limited to:

A. Fraud in securing appointment.

B. Refusal or failure to perform prescribed duties and responsibilities.

C. Violation of the University's Drug Free Workplace Policy.

D. Falsification of records, such as, but not limited to reports, time records, information system records, leave records, employment applications, or other official University documents.

E. Insubordination, including but not limited to, resisting management's legitimate directives through actions and/or verbal exchange, or failure or refusal to follow supervisor's legitimate instructions to perform assigned work, or otherwise failure to comply with applicable established written policy(ies).

F. Reporting to work under the influence of, or when ability is impaired by the use of alcohol or the unlawful use of a controlled substance.

G. Unlawful manufacture, distribution, dispensing, possession or use of controlled substances while on the job or on the University's premises including while operating University's equipment.

H. Unauthorized absence.

I. Criminal convictions for felonies or misdemeanors that are nexus to the position while employed, including conviction of a moving traffic violation while operating University's equipment.

J. Discourteous treatment of the public, customers or other employees.

K. Engaging in political activity prohibited by law. \_\_\_\_\_

L. Misuse or theft of government property.

**Commented [RVW223]:** We should take another look at this.. Also, I think I messed the numbering up.

**Commented [UOGHRO224]:** VPAF requests to have "are".

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M. Acts of physical violence or fighting endangering and threatening the life or safety of customers, employees, or the public.

N. Violation of safety rules and regulations.

O. Refusal to take and subscribe to any oath or affirmation which is required by law in connection with employment.

P. Acts prohibited by Title 4 GCA, Chapter 9, Section 9102 relating to strikes against the government.

Q. Threatening, coercing, harassing or acts of discrimination to employees, supervisor, customers or individuals, to include sexual harassment.

R. Refusal to take physical examination to include TB test.

S. Unsatisfactory performance.

T. Other misconduct not specifically listed.

#### **11.304 Employees Covered**

All employees in the classified service are covered by these rules, except for the following:

A. Contract employees whose contracts are not renewed upon expiration.

B. Probationary employees serving original appointments.

C. Employees on limited-term, temporary, seasonal, intermittent, part-time, provisional, or only for a specific project.

D. Employees who are exempt by law or other legal authority from the jurisdiction of the Commission with regards to adverse actions.

#### **11.305 Adverse Action Covered**

A. These rules apply to the following adverse actions:

1. Suspension;

2. Demotion (disciplinary action);

3. Dismissal.

B. The use of any combination of the adverse actions listed for the same offense is prohibited.

#### **11.306 Notice of Proposed Adverse Action**

An employee against whom adverse action is sought is entitled to immediate written notice stating any and all reasons, specifically and in detail, for the proposed action. The written notice must make it clear that it concerns only proposed action and not a matter already decided. A copy

of the notice of proposed adverse action shall be submitted to the Commission. A copy of such action shall be filed with the University's Human Resources Office and Civil Service Commission. The Vice-President may issue the proposed adverse action to the employee.

**Commented [UOGHRO225]:** GovGuam agencies it is the highest officer. May need to clarify that it will be the Vice President.

### **11.307 Employee's Answer**

An employee is entitled to seek reconsideration of the proposed adverse action by answering any charges within 10 days after receipt of the notice. The answer may be made orally, in writing, or both. The Vice-President shall be available during the notice period to meet with the employee at the designated date and time requested by the employee. The Vice-President may designate a committee to hear the employee's answer. The employee may be represented by a person of his choice. The Vice-President must consider the employee's answers to the charges in the proposed adverse action notice. If the employee fails to answer during the notice period, the employee's inaction shall be construed as an answer, and the Vice-President may proceed with the adverse action upon expiration of the notice period. The employee is not prohibited from meeting the Vice-President during the notice period.

The entire ten (10) days for the employee to respond to the notice of proposed adverse action must expire before a final notice of adverse action is issued.

### **11.308 Suspension During Notice Period**

A. An employee, against whom adverse action is proposed, must be retained in active duty status during the notice period. However, in a critical situation an employee may be immediately suspended during the notice period under the following conditions:

**Commented [UOGHRO226]:** VPAF says to change "a" to "an"

1. The employee poses a threat to co-workers or the supervisor.
2. The continued presence of the employee may interfere with the efficient operation of the University or where cash or assets of the University are at risk.
3. Suspension is necessary to eliminate the possibility of deliberate damage to equipment, property, or important documents.
4. The employee's absence without authorized leave prevents the issuance of notice of proposed adverse action and the University's attempt to contact the employee was unsuccessful.

**Commented [RVW227]:** Does this fit here?

B. Suspension under this Section is a separate adverse action and it is appealable to the Commission within twenty (20) days of the effective date of the suspension. A copy of the notice of immediate suspension shall be filed with the Civil Service Commission not later than the working day next following the effective date of the suspension.

C. If the Civil Service Commission sustains the University's action in suspending the employee during the notice period, the number of days of suspension under this Section shall be considered part of the final disciplinary penalty and in no case shall the final days of suspension be more than thirty (30) workdays.

**Commented [RVW228]:** I think we say calendar days earlier

**Commented [UOGHRO229R228]:** DOA PRR indicates workdays.

### **11.309 Leave Pending Investigation**

In cases requiring investigations of allegations against an employee involving misappropriation of



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public funds or property, mistreatment of persons in a government institution or acts which constitutes a crime, the department/unit head may authorize the employee an administrative leave of absence with pay for up to twenty (20) workdays. The administrative leave may be terminated by the Vice-President by giving the employee twenty-four (24) hours written notice.

**11.310 Employment Status During Imprisonment**

- A. An employee who is incarcerated pending disposition of a case by the court, and who does not have accrued annual leave, may be granted leave without pay at the discretion of the Vice-President.
- B. The Vice-President shall determine whether to take adverse action against an employee so imprisoned or take such action as he deems necessary pursuant to laws and the University's Personnel Rules and Regulations. Nothing in this Section shall preclude the Vice-President from taking adverse action against an employee during imprisonment or upon release.

**11.311 Final Notice of Adverse Action**

- A. An employee is entitled to written notice of the University's decision within ten (10) days after receipt of the employee's answer to the charge(s) except as provided in the Commission's Hearing Procedures for Adverse Action Appeals, and provided further that the Vice-President shall not issue a final decision during the notice period. The decision shall be made by the Vice-President, shall be delivered to the employee at or before the time the action will be made effective, except as provided in the Civil Service Commission's Hearing Procedures for Adverse Action Appeals. The notice shall be in writing; be dated; state the specific facts found upon which such action is based; inform the employee of his right to appeal to the Commission; and, inform him of the time limit of twenty (20) days within which an appeal may be submitted as provided in **Section CSC-100(C) Civil Service Commission's Hearing Procedures for Adverse Action Appeals.** (Appendix L)
- B. In the event the Vice-President cannot locate the employee, the Notice of Proposed Adverse Action and/or Notice of Final Adverse Action shall be sent, certified mail, to the employee's last known address.
- C. Prior to the final notice of adverse action, the Vice-President may conduct an inquiry or investigation into the charges and proposed action, including calling a meeting with the employee.
- D. Copies of the final notice of adverse action shall be filed by the department/unit with the Civil Service Commission not later than the next workday following the effective date of the action. A copy of the final notice shall be retained by the University's Human Resources Office.

**11.312 Appeal to the Civil Service Commission**

The Hearing Procedures for Adverse Action Appeals adopted by the Civil Service Commission shall be applicable for all Adverse Action Appeals Proceedings.

**11.313 Service of Proposed and Final Notices of Adverse Action**

The proposed and final notices of adverse action shall be personally served upon the employee. In

the event the Vice-President cannot locate the employee, after reasonable efforts have been made to locate the employee, service of the proposed or final notices may be made by leaving the notice at the employee's dwelling or usual place of abode with some person of suitable age and discretion residing therein, or by registered mailing the notice to the employee at the last known address. Service by registered mail is complete upon mailing.

**11.400 GUIDELINES FOR DISCIPLINARY OFFENSES AND PENALTIES**

**11.401 General Provisions**

- A. The list that follows is not intended to cover every possible type of offense affecting the efficiency of the service. Penalties for offenses not listed will be prescribed by the Vice-President.
- B. Many of the items listed on this schedule combine several offenses in one statement, connected by the word "OR". Usage of the word "OR" in a charge makes it non-specific. Use only the items which describe the employee's actual conduct, and leave out parts which do not apply.
- C. Penalties for disciplinary offenses will, in general, range from the minimum penalty to the maximum indicated. In unusual circumstances, depending on the gravity of the offense, the past record, and the position of the employee (including the degree to which the position is a position of trust), a penalty outside the general range maybe imposed.
- D. Suspension penalties on this schedule apply to workdays and holidays.
- E. Depending on the gravity of the offenses, dismissal proceedings may be instituted against an employee for any number of offenses committed. A greater penalty may be imposed for any offense if the circumstances justify greater penalty.
- F. A reprimand or letter of warning is not an adverse action under these rules; a management official need not apply the Adverse Action Procedures. The penalty of reprimand is included in the schedule of penalty to provide certain flexibility for management's discretion to institute progressive disciplinary action against an employee or group of employees.
- G. Documents relating to reprimand(s)/warning(s) may be withdrawn by the supervisor at his or her discretion if there are no further problems after one year from date of issuance.

**Commented [RVW230]:** What are dismissal proceedings?  
**Commented [UOGHRO231R230]:** Meaning management will make a decision.

**Commented [UOGHRO232]:** What happens to the document after the year?

**11.402 Range of Penalties for Stated Offenses (Reprimands – Suspensions – Dismissals)**

A reprimand is not an adverse action under these rules; a managerial official need not apply the Adverse Action Procedure. The penalty of reprimand is included in the schedule to institute a progressive disciplinary action against an employee or group of employees.

NATURE OF OFFENSE	1ST OFFENSE		2ND OFFENSE	
	MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
A. Unauthorized absence.	Reprimand*	Suspension	Suspension	Dismissal
B. Falsifying attendance record for oneself or another employee.	Reprimand*	Suspension	Suspension	Dismissal

C.	Leaving job to which assigned at any time during working hours without proper permission.	Reprimand*	Suspension	Suspension	Dismissal
D.	Unexcused or unauthorized absence on one or more scheduled days of work or assigned overtime.	Reprimand*	Suspension	Suspension	Dismissal
E.	Unexcused tardiness.	Reprimand*	Suspension	Suspension	Dismissal
F.	Actual or attempted theft of government property or the property of others.	Reprimand*	Dismissal	Suspension	Dismissal

<u>CONDUCT</u>		<u>1ST OFFENSE</u>		<u>2ND OFFENSE</u>	
		<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
A.	Criminal, dishonest, infamous or notoriously disgraceful conduct adversely affecting the employee/employer relationship (on duty or off duty).	Reprimand*	Dismissal	Suspension	Dismissal
B.	Disobedience or disrespectful actions to constituted authorities, or deliberate refusal to carry out any proper order from any supervisor having responsibility for the work of the employee; insubordination.	Reprimand*	Dismissal	Suspension	Dismissal
<u>CONDUCT CON'T</u>		<u>1ST OFFENSE</u>		<u>2ND OFFENSE</u>	
		<u>MINIMUM</u>	<u>MAXIMUM</u>	<u>MINIMUM</u>	<u>MAXIMUM</u>
C.	Disorderly conduct; fighting, threatening or attempting to inflict bodily injury to another; engaging in dangerous horseplay, or resisting competent authority.	Reprimand*	Dismissal	Suspension	Dismissal
D.	Disrespectful conduct; use of insulting, abusive, or obscene language to or about other personnel.	Reprimand*	Dismissal	Suspension	Dismissal
E.	Falsification, misstatement, or concealment of material fact in connection with any official record.	Reprimand*	Dismissal	Suspension	Dismissal
F.	False testimony or refusal to testify in an inquiry, investigation or other official proceeding.	Reprimand*	Suspension	Suspension	Dismissal
G.	Knowingly make false or malicious statements with the intent to harm or destroy the reputation of authority, or other official standing of individuals or organizations.	Reprimand*	Dismissal	Suspension	Dismissal
H.	Gambling or unlawful betting during working hours.	Reprimand*	Dismissal	Suspension	Dismissal
I.	Promotion of gambling on government premises.	Reprimand*	Dismissal	Suspension	Dismissal
J.	Willful damage to government property or the property of others.	Reprimand*	Dismissal	Suspension	Dismissal
K.	Engaging in prohibited Political Activity (Appendix R) acts covered in Title 4 GCA Section 9102.	Suspension	Dismissal	Dismissal	Dismissal

L.	Acts of retaliation against a Whistleblower or an employee who has filed a grievance through the EEO process.	Suspension	Dismissal	Dismissal	Dismissal
M.	Violating the University's Sexual Harrassment Policy	Suspension	Dismissal	Dismissal	Dismissal
(Penalty shall be imposed pursuant to Title 4GCA Section 9103)					

**Commented [UOGHRO233]:** The following does not appear in the DOA PRR: All of L. Maximum = Dismissal.

		1ST OFFENSE		2ND OFFENSE	
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
<b>DISCRIMINATION</b>					
A.	Discriminating against an employee or applicant because of race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability, sexual orientation or other prohibited discriminatory practices.	Reprimand*	Dismissal	Suspension	Dismissal

		1ST OFFENSE		2ND OFFENSE	
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
<b>INTOXICANTS</b>					
A.	Reporting for duty or being on duty under the influence of intoxicants, unauthorized possession of or attempting to bring intoxicants on government premises.	Reprimand*	Dismissal	Suspension	Dismissal
B.	Reporting for duty while under the influence of a narcotic or dangerous drug or use of same on government property or on duty.	Reprimand*	Dismissal	Suspension	Dismissal
C.	Unauthorized sale or transfer of narcotic or dangerous drug on government property or during duty hours.	Reprimand*	Dismissal	Suspension	Dismissal

		1ST OFFENSE		2ND OFFENSE	
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
<b>PERFORMANCE</b>					
A.	Careless workmanship resulting in spoilage or waste of materials or delay in production.	Reprimand*	Suspension	Suspension	Dismissal
B.	Covering up or attempting to conceal defective work; removing or destroying same without permission.	Reprimand*	Suspension	Suspension	Dismissal
C.	Failure or delay in carrying out orders, work assignments or instructions of superiors.	Reprimand*	Suspension	Suspension	Dismissal
D.	Loafing, wasting time, or inattention to duty.	Reprimand*	Suspension	Suspension	Dismissal
E.	Sleeping on duty where life or property is endangered.	Reprimand*	Dismissal	Suspension	Dismissal
F.	Unauthorized use or possession of, loss of or damage to government property or the property of others.	Reprimand*	Suspension	Suspension	Dismissal

		1ST OFFENSE		2ND OFFENSE	
		MINIMUM	MAXIMUM	MINIMUM	MAXIMUM
<b>SAFETY</b>					
A.	Failure to observe precautions for personal safety posted rules, signs, written or oral safety instructions, or to use protective clothing or equipment.	Reprimand*	Suspension	Suspension	Dismissal
B.	Violation of safety regulations, which	Reprimand*	Suspension	Suspension	Dismissal

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	<u>endangers life or property.</u>				
<u>C.</u>	<u>Endangering the safety of or causing injury to personnel through carelessness.</u>	<u>Reprimand*</u>	<u>Suspension</u>	<u>Suspension</u>	<u>Dismissal</u>
<u>D.</u>	<u>Failure to observe no smoking regulations or carrying matches in restricted areas.</u>	<u>Reprimand*</u>	<u>Suspension</u>	<u>Suspension</u>	<u>Dismissal</u>
<u>E.</u>	<u>Violating traffic regulations, reckless driving on or off government premises, or improper operation of government motor vehicles.</u>	<u>Reprimand*</u>	<u>Dismissal</u>	<u>Suspension</u>	<u>Dismissal</u>

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## CHAPTER 12 GRIEVANCE PROCEDURES

### STATEMENT OF POLICY

It shall be the policy of the University to promote favorable relations between management and its employees by resolving complaints expeditiously; preventing similar complaints; assuring fair and equitable treatment of all employees; and promote harmonious working relationships among all levels of employees (Title 4 GCA, Chapter 10, Article 5).

The President shall develop procedures outlining the responsibilities and steps to be followed by employees in the presentation of an informal or formal grievance. All levels of management shall carefully and promptly respond to an employee's grievance and shall be guided by these procedures.

### 12.000 APPLICABILITY

The regulations in this Chapter shall apply to all permanent classified employees.

### 12.100 DEFINITION

A grievance is any question or complaint filed by a permanent employee alleging that there has been a misinterpretation, misapplication or violation of a personnel statute, rule, regulation, written policy which directly affects the employee in the performance of his official duties; or that he has received prejudicial, unfair, arbitrary, capricious treatment in his working conditions or work relationships.

The time frames will serve as guide and may be extended or shortened on concurrence of the parties involved.

### 12.200 COVERAGE

Grievances may include, but are not limited to, such actions as employee-supervisor relationships, duty assignments not related to job classification, shift and job location assignments, hours worked, working facilities and conditions, policies for granting leave, and other related matters.

### 12.300 EXCLUSIONS

#### 12.301 General Exclusions

The following actions are not covered by these grievance procedures:

- A. Disqualification of an applicant;
- B. Disqualification of an eligible;
- C. Examination ratings;
- D. Removal during original probationary period;
- E. Appeals from classification determinations;
- F. Appeals of adverse personnel actions;
- G. Allegations or complaints of discrimination; and
- H. Appeals of performance evaluations.

Commented [RVW234]: What does this mean?

Commented [UOGHRO235R234]: If you are determined not to be eligible during the rating process then it is not grievable.

Commented [UOGHRO236R234]: Should either A or B be removed?

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### **12.302 Grievance Procedures for Employee Organizations**

These procedures are also not applicable 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 or group grievances.

### **12.303 Equal Employment Opportunity Discrimination Complaint**

When an aggrieved employee submits a written allegation of discrimination on grounds of race, color, creed, religion, age, sex, political affiliation, marital status, national origin, disability or sexual orientation in connection with a matter which is subject to the University's grievance procedures, as well as the EEO Discrimination Complaint Procedures, that allegation shall be processed under the EEO Discrimination Complaint Procedures.

## **12.400 GENERAL PROVISIONS FOR USE OF GRIEVANCE PROCEDURES**

### **12.401 Freedom from Reprisal or Interference**

- A. An employee (and his representative) shall be free to use the grievance system without restraint, interference, coercion, discrimination, or reprisal.
- B. An employee, whether acting in an official capacity for the University, or on any other basis, must not interfere with, or attempt to interfere with, another employee's exercise of his rights under the grievance system. To be fully effective, the spirit as well as the letter of this non-interference requirement must be enforced. It is not enough for an official to abstain from overt threats or interference. He should refrain from making any statement or taking any action, which has the appearance or even the flavor of a threat, interference, or intimidation.

### **12.402 Employee's Status During Grievance Procedures**

An employee's status during each procedural level shall be status quo.

### **12.403 Right to Seek Advice**

All levels of management will provide an opportunity for an employee to communicate with and seek advice from:

- A. The University's Human Resources Office;
- B. The EEO Coordinator or Counselor; or
- C. A supervisory or management official of higher rank than the employee's immediate supervisor.

### **12.404 Representation**

- A. An employee has the right to present a grievance without representation.
- B. An employee has the right to present a grievance with representation.

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1. An employee has the right to be accompanied, represented, and advised by a representative of his choice at any stage of the grievance proceedings.
  2. An employee may change his representative, but to do so, he must notify his immediate supervisor and the Vice-President of the change in writing.
  3. A person chosen by the employee must be willing to represent him.

#### **12.405 Official Time for Presentation of the Grievance**

- A. An employee must be given a reasonable amount of official time to present his grievance if he is otherwise in an active duty status.
- B. An employee's representative, if he is an employee of the government of Guam and is otherwise in an active duty status, must be given a reasonable amount of official time to present the grievance.
- C. There is no requirement that the official time for the presentation include time for investigation or preparation, or that it includes travel expense or per diem travel allowance or consultation with private attorney.

#### **12.406 Termination of Grievance**

- A. An employee who has filed a grievance may terminate the grievance at any time.
- B. Failure on the part of the employee to proceed to a higher step of the grievance procedure within the time period specified will terminate the grievance.

#### **12.407 Management's Responsibility for Timely Action and Settlement at the Lowest Possible Level.**

- A. It shall be the responsibility of management to settle grievances fairly and promptly at, or near the organizational level where the employee brought the grievance to their attention.
- B. Failure by management to render a decision to the employee within the allotted time at any step constitutes denial; the employee may then proceed to the next step of the grievance procedures.

### **12.500 STEP 1 - INFORMAL GRIEVANCE PROCEDURES**

#### **12.501 Management's Responsibility**

An employee's grievance may or may not be objectively justified. When the grievance is well founded, appropriate administrator has both a duty and a need to eliminate the cause. When the grievance is not well founded, it is equally important to reach an understanding based on the full facts. Therefore, the informal procedure should assure consideration of every employee's grievance with a degree of promptness, sympathy, empathy, understanding, fairness, competence, and authority that convinces the employee the complaint has been taken seriously and he has been treated fairly.



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### **12.502 Settlement at the Lowest Possible Level of Management**

The informal procedures should be as simple as possible consonant with bona fide consideration of grievances. It should encourage settlement of matters at the lowest possible administrative level in the shortest possible time and should not, therefore, require any written explanation from the employee. The employee may present his grievance under the informal procedures, either orally or in writing, and he should not be prevented from submitting a written explanation if he desires.

### **12.503 Supervisor's Responsibility**

- A. Normal day-to-day discussions between employees and supervisors regarding work requirements and deadlines and related employment matters are the most constructive and expeditious means of developing and enhancing favorable and effective work relationships.
- B. Each employee of the University has the right to present matters to his supervisor, and each supervisor has the obligation to consider such matters, and act promptly upon them, seeking advice and assistance from others when necessary.

### **12.504 Employee's Responsibility**

- A. Each employee is expected to make a concerted effort to achieve informal settlement of his grievance. He should promptly bring his grievance to the attention of the appropriate supervisory level.
- B. Tolling Period: In counting the number of days for each step, if the last day of the period falls on a weekend, the filing time or receipt time falls on the next working day.

### **12.505 Using the Informal Grievance Procedure - Step 1**

#### **A. Initiation by Employee**

In keeping with the personal nature of matters covered by grievance procedures, only employees can initiate grievances, singly or jointly. They may not be initiated by employee organizations. Employee organizations maybe permitted to present a grievance on behalf of an employee or a group of employees when requested to do so by the employee or employees.

#### **B. Time Limit**

1. An employee may present a grievance to his immediate supervisor concerning a continuing practice or condition at any time. Grievances concerning a particular act or occurrence must be presented within fifteen (15) calendar days of that action or occurrence.
2. The immediate supervisor shall render a decision within ten (10) calendar days of the presentation of the grievance.

**Commented [RVW237]:** I'm not clear what this means.

**Commented [UOGHRO238R237]:** Next work day or business day. Example if the tolling period falls on a Saturday then Monday is the next work day.

C. Form of the Grievance

An employee may present a grievance under the informal procedure either orally or in writing.

D. Non-rejection Provision

A grievance may not be rejected in the informal procedure for any reason.

If the grievance is not timely or consists of a matter not covered under the grievance system, the employee should be so advised, but he must be allowed to submit his grievance under the formal procedures if he insists.

E. Mandatory Use of the Informal Procedure

An employee must complete the informal procedure before the University may accept from him a grievance concerning the same matter under the formal procedure.

**Commented [RVW239]:** Csn an employee who misses the deadline file a formal grievance anyway?

**Commented [UOGHRO240R239]:** Needs Ad Hoc discussion. Without informal how can you move to formal?

**12.600 STEP 2 - FORMAL GRIEVANCE PROCEDURES – NEXT ADMINISTRATIVE LEVEL**

**12.601 Presentation of the Grievance - Step 2**

A. An employee is entitled to present a grievance under the formal procedure if:

1. He has completed the informal procedure; and
2. The grievance is not satisfactorily resolved at the informal level; or
3. The immediate supervisor failed to render a decision within ten (10) calendar days of the presentation of the grievance at the informal level.

B. The grievance presented in Step 2 must:

1. Be in writing on a form prescribed by the Chief Human Resources Officer;
2. Contain sufficient detail to identify and clarify the basis for the grievance;
3. Specify the remedy requested by the employee or the appropriate supervisory level; and
4. Be submitted to the supervisor who is the next in the supervisory chain above the employee's immediate supervisor within five (5) calendar days after receipt of the answer in Step 1 or after the answer was due.

**12.602 Responsibility of Next Higher Supervisor**

A. The next higher supervisor must determine whether the grievance is timely, is covered by the grievance procedures, and has been processed through the informal procedure.

B. The next higher supervisor shall make a positive attempt to resolve the grievance. He shall render a decision, in writing, to the employee within five (5) calendar days of receipt of the written grievance.

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## **12.700 STEP 3 - FORMAL GRIEVANCE PROCEDURES – VICE-PRESIDENT**

### **12.701 Presentation of the Grievance - Step 3**

An employee is entitled to present a grievance under Step 3 if:

- A. He has completed Step 2 of the procedures; and
- B. The grievance is not satisfactorily resolved at Step 2 level; or
- C. Specify the remedy requested by the employee; and
- D. Be submitted to the Vice-President within five (5) calendar days after receipt of the answer in Step 2 or after the answer was due.

### **12.702 University Grievance Committee**

#### **A. Appointment of Committee**

Within three (3) calendar days of receipt of the written grievance from the employee, the Vice-President shall appoint a Grievance Committee to investigate the circumstances of the grievance and to make a recommendation as to its disposition.

#### **B. Committee Membership**

The Committee shall consist of five (5) members who are permanent government employees of agencies other than the University; two (2) members from the employee's peer group and three (3) members who are permanent employees at the managerial level.

#### **C. Responsibility of the Committee**

The Committee must determine whether the grievance is timely, is covered by the grievance procedures, and has been processed through the informal procedure.

#### **D. Committee Inquiry**

The Committee shall be expected to convene and initiate a grievance inquiry appropriate to the nature and scope of the issues involved in the grievance. The inquiry will typically include the securing of documentary evidence and personal interviews in an effort to fully understand the issues and obtain the maximum information available pertinent to the issues.

#### **E. Grievance File**

When the Committee begins a grievance inquiry, the Committee Chairperson (elected by the members of the Committee) shall establish an employee grievance file. This is an independent file, separate and distinct from the personnel record. The grievance file must contain all documents pertaining to the grievance including:

1. Statements of witnesses;
2. Records or copies of records; and
3. Reports of personal interviews.

Commented [RVW241]: This doesn't work

Commented [RVW242]: I don't think we have this.

Commented [UOGHRO243R242]: Outside of the University so managerial still works.

F. Open Record

The grievance file is an open record. It is open for review by the employee and his representative and must not contain any document that is not available to the employee. Information to which the Committee is exposed which cannot be made available to the employee in the form it was received must be included in a file in a form, which the employee can review or it must not be used.

G. Committee Report

The Committee shall complete its investigation within fifteen (15) calendar days of the date the Committee was appointed and shall submit a written report of its findings and recommendations to the Vice-President within two (2) calendar days following completion of its investigation.

H. Vice-President's Written Decision

The Vice-President shall render a written decision to the employee within five (5) calendar days of receipt of the written report from the Committee.

**12.800 STEP 4 - APPEAL TO THE COMMISSION**

**12.801 Presentation of the Grievance - Step 4**

A. An employee is entitled to present a grievance appeal under Step 4 if:

1. He has completed Step 3 of these procedures; and
2. The grievance is not satisfactorily resolved at Step 3 level; or
3. The Vice-President failed to render a decision within five calendar days of the submission of the written report from the University Grievance Committee at Step 3 level; or
4. There has been a violation of the Guam  or University Personnel Rules and Regulations; or
5. The procedural rights of the employee filing the complaint as outlined have been disregarded; or
6. The decision of the supervisor, University Grievance Committee and the Vice-President has been unjust, inequitable or not in accord with the facts; or
7. The Vice-President fails to act on the University Grievance Committee's recommendations.

B. The grievance presented in Step 4 must:

1. Be in writing on a form prescribed by the President;

**Commented [RVW244]:** Is this GCA?

**Commented [UOGHRO245R244]:** Change "Government" to "Guam"

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2. Contain sufficient details to identify and clarify the basis of the grievance;
  3. Include copies of the grievance forms submitted in Steps 2 and 3;
  4. Specify the remedy requested by the employee; and
  5. Be submitted to the Commission within five (5) calendar days after receipt of the answer in Step 3 or after the answer was due.

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## **CHAPTER 13** **RESIGNATION AND TERMINATION**

### **STATEMENT OF POLICY**

The purpose of this Chapter is to provide orderly, uniformed and fair procedures for non-disciplinary separation of employees from the University's service.

### **13.00 RESIGNATION**

#### **13.01 Coverage**

This section shall apply to all classified service employees.

#### **13.02 Notice of Resignation**

An employee may resign by giving written notice of the resignation to the Vice-President via the appropriate Unit Head. The employee should notify the Unit Head in writing at least ten (10) workdays before the date of separation. When a resignation letter is directed to the Vice-President, it shall by its terms, be effective immediately or on a certain date. If no effective date is indicated, it shall be effective upon delivery to the Vice-President.

Upon receipt by the Vice-President, of any resignation letter, the Vice-President, may make the resignation effective immediately or sooner than the effective date in the resignation letter. Such resignation shall be effective according to its terms unless the Vice-President, at his discretion, makes the resignation effective immediately or at some time sooner than the resignation letter. Acceptance of such resignation by the Vice-President is not required for the resignation to become effective.

#### **13.03 Withdrawal of Resignation**

With the consent of the Vice-President, the employee may withdraw a resignation at any time prior to the effective date of the resignation.

#### **13.04 Resignation in Good Standing**

A resignation shall be deemed to be in good standing when it is made voluntarily and not as a direct result of a final adverse action, a pending adverse action or criminal conviction. With the exception of an employee serving an original probationary period, an employee who resigns in good standing shall have reemployment rights consistent with 4 GCA and Rules 4.406 and 4.502.

#### **13.005 Resignation Pending Adverse Action**

An employee who resigns after receipt of a notice of proposed adverse action is deemed to have

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resigned voluntarily and has no right to appeal to the Commission. Any employee, who resigns under this section and is subsequently convicted of a crime based on the same facts, which forms the basis of the adverse action, shall be deemed not to resign in good standing.

### **13.100 TERMINATION OF EMPLOYMENT**

#### **13.101 Termination of Employment**

The Vice-President, may terminate the services of an employee for any of, but not limited to the following reasons:

- A. The duration of the temporary period of employment is ended.
- B. The employee failed to demonstrate satisfactory work performance during the original probationary period or failed to satisfy other conditions of employment.
- C. For misconduct, in which case, the adverse action procedures shall be adhered to. (Refer to Adverse Action Procedures)

### **13.200 EXIT INTERVIEW**

A personal interview will be conducted with each employee separating from the services of the University. The interview will be held prior to the employee's effective date of separation. The interview will 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 Chief Human Resources Officer and made part of the separating employee's personnel record. A representative of the University's Human Resources Office shall conduct the interview using the Exit Interview Form in Appendix M. Nothing in this section shall prevent the Unit Head or Vice-President from conducting their own exit interview.

#### **13.201 Clearance**

Each separating employee must be cleared of all obligations within the University and other applicable Government of Guam agencies no later than the employee's last working day. Final payment of wages will be withheld pending completion of exit interview and clearance of all obligations to the University.

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## **CHAPTER 14** **MERIT CAREER PLAN**

### **STATEMENT OF POLICY**

This procedure outlines the responsibilities of the Chief Human Resources Officer when permanent classified University employees apply and are being considered for career opportunities.

### **14.000 COVERAGE OF THE MERIT CAREER PLAN**

This plan applies only to permanent classified employees.

### **14.100 ANNOUNCEMENT AND EXAMINATION UNDER THE MERIT CAREER PLAN**

- A. No person shall be promoted under the Merit Career Plan unless a vacancy exists. The same examination will be used for all persons responding to a particular Merit Career Job Announcement, provided a vacant position exists.
- B. All employees must submit an employment application and be processed consistent with the merit principles of recruiting, selecting applicants and advancing employees on the basis of skills, knowledge, and abilities, and be placed on the eligibility list as “eligible” for the position.

### **14.200 REFERRAL OF CERTIFICATION LIST**

A list of all qualified eligibles shall be furnished to the Vice-President.

### **14.300 SELECTION INTERVIEW**

The Chief Human Resources Officer shall establish procedures for interviewing certified eligibles.

### **14.4 00 EVALUATION OF CANDIDATES DURING THE SELECTION INTERVIEW PROCESS**

- A. Evaluation of candidates shall be based on job-related criteria, which measures the skills, knowledge, abilities, and personal characteristics essential to successful performance in the position to be filled. Due consideration shall be given to formal recognition of superior performance of candidates, job-related training, and performance appraisals.
- B. Length of service, length of experience or level of formal education may be used as an evaluation factor when there is a clear and positive relationship with the requirements of the job to be performed. Length of service or experience may not be the factor given the greatest weight unless the nature of the vacant job is such that other factors cannot be expected to identify significant qualitative differences between qualified candidates.

### **14.500 SELECTION DOCUMENTATION REQUIREMENTS**

- A. The basis for selection must be job-related. The results of the selection process must be on file with the University’s Human Resources Office. Evaluation results are confidential and form a part of the selection process for the candidates being considered for the position. The Chief Human Resources Officer reserves the right to post audit selection documentation



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records.

- B. The Chief Human Resources Officer will advise all persons certified under a Merit Career Job Announcement about the selection within ten (10) working days of the selection.
- C. Individuals who were certified and were not selected may request the Vice-President to review the adequacy of the consideration they received provided that such a request is received in writing by the Vice-President, within five (5) working days after the non-selected received the notice about the selection.

A competitor may not contest the minimum qualifications established for the position. The following information shall be made available to competitors under a Merit Career Job Announcement upon request, and the Chief Human Resources Officer shall periodically publish the competitor's right to this information:

- 1. Whether the individual was considered eligible on the basis of minimum qualification requirements for the position;
- 2. Whether an individual was one of those in the group from which selection was made; and
- 3. Who was selected.

#### **14.600 HANDLING EMPLOYEE COMPLAINTS**

A. The Chief Human Resources Officer shall respond to employee questions or complaints about the career program, or about a specific promotion action, and provide the employee with appropriate information or explanation.

B. Issues that are not a basis for a formal complaint are:

- 1. Failure to be selected when proper procedures are used. A complaint may not be filed for non-selection from a group of properly ranked and certified candidates; and
- 2. Any action required to be taken under the provisions of the statute, or instructions of the Vice-President.

#### **14.700 EXCEPTIONS TO THE MERIT CAREER PLAN**

A. The provisions of the Merit Career Plan are not required for career promotions, which are:

- 1. Promotions without current competition where at an earlier date an employee was selected under a Merit Career Job Announcement for a position with known promotion potential to the position to which he is being promoted. The promotion potential must have been included in the announcement, and where appropriate, the career ladder (intervening promotion) documented in the original announcement.
- 2. Where the employee's position is reconstituted in a higher grade because of gradual accretion of additional duties and responsibilities and the accretion was not the result of planned management action. For example, an increase in the level of the employee's performance or change in workload, procedures, or organization that affects the grade of the positions only incidentally.

**Commented [RVW246]:** Do we have to do this? It seems like we wouldn't want to offer this.

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To be eligible for a career promotion when the position is upgraded under these conditions, an employee must continue to perform the same basic function and his former position must be absorbed in the new one. When an additional position is created, or when the new position is not a clear successor to the former position, career promotion is not authorized. Similarly, a career promotion may not be made from a non-supervisory position to a supervisory position because these levels of position inherently have specific administrative authority that can only be delegated by Unit Heads or executive management.

B. The provisions of this Merit Career Plan are not required for the following personnel actions:

1. A transfer from a position having known promotion potential to a position having no higher promotion potential.
2. A detail appointment.
3. An action taken as a remedy for failure to receive proper consideration in a competitive promotion procedure.
4. A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standards or the correction of a classification error.
5. Re-promotion to a class or position from which an employee was demoted without personal cause and not at his request. Acceptance of a demotion in lieu of layoff is not a demotion at the employee's request for these purposes.

The competitive procedures of the Merit Career Plan will not be used before these individuals are accorded their rights for re-promotion.

#### **14.800 ADMINISTRATION REQUIREMENTS**

- A. The Chief Human Resources Officer shall provide for initial and periodic orientation to all employees, supervisors and managers concerning the provisions of this Merit Career Plan and the training of the President, in their respective responsibilities for assuring the maximum publicity of Merit Career Job Announcements and for advising employees on requirements and provisions of this Merit Career Plan.
- B. The Chief Human Resources Officer shall institute controls and audit procedures as deemed necessary to assure that all promotion actions are consistent with the provisions of the Merit Career Plan.
- C. The Chief Human Resources Officer will assure that each current and future Unit Head is provided a copy of the Merit Career Plan and any subsequent changes to the Plan.

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**CHAPTER 15**  
**DRUG FREE WORKPLACE PROGRAM POLICY**

**STATEMENT OF POLICY**

The University is committed to maintaining a safe and healthy work environment free from the influence of alcohol and drugs. To that end, the University has adopted a Drug-Free Workplace Program. Compliance with the University's drug policy is a condition of employment. The University intends to take severe disciplinary action, up to including termination, against an employee who violates the University's Drug Free Workplace Program.

**15.000 PREVENTION AND TREATMENT**

The University encourages any employee with a drug or alcohol abuse problem to voluntarily seek treatment. The University has established an employee assistance program to provide counseling and referral services for employees with drug or alcohol abuse problems that voluntarily seek help.

**15.100 PROHIBITED ACTIVITY**

The University strictly prohibits unauthorized use, possession (including storage in a desk, locker, car or other repository), manufacture, distribution, dispensation or sale of illegal drugs, drug paraphernalia, controlled substances, or alcohol on the University's premises, in official vehicles, during working hours or any activity that compromises the integrity or accuracy of the University's drug and alcohol program, or any failure or refusal to abide by the Drug-Free Workplace Program, and conviction under any criminal drug statute.

**15.200 TESTING**

The University may require employees and applicants to be tested for drugs or alcohol upon hiring; when the University suspects that the employee's work performance or on-the-job behavior may have been affected in any way by drugs or alcohol; or when the University determines that an employee may have contributed to an accident involving fatality, serious bodily injury, or substantial damage to property. In addition, certain employees occupying specifically designated sensitive positions, referred to as Testing Designated Positions, will be subject to random drug testing. Any positive drug or alcohol test is a violation of the University's Drug Free Workplace Program. Any test for drug or alcohol abuse will be conducted using reasonable procedural safeguards.

**15.300 PROCEDURES**

The procedures to effectively administer the Drug Free Workplace Program shall be those established by the University and from time to time may seek the assistance of the Director of Administration or other exterior sources through a memorandum of understanding or agreement to enhance these procedures.

**CHAPTER 13**  
**RESIGNATION AND TERMINATION**

**STATEMENT OF POLICY**

Commented [RVW247]: We don't need this section do we?

Commented [UOGHRO248R247]: Remove this and replace with BOR 20-01

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The purpose of this Chapter is to provide orderly, uniformed and fair procedures for non-disciplinary separation of employees from the University's service.

### **13.00 RESIGNATION**

#### **13.01 Coverage**

This section shall apply to all classified service employees.

#### **13.02 Notice of Resignation**

An employee may resign by giving written notice of the resignation to the Vice-President via the appropriate Unit Head. The employee should notify the Unit Head in writing at least ten (10) workdays before the date of separation. When a resignation letter is directed to the Vice-President, it shall by its terms, be effective immediately or on a certain date. If no effective date is indicated, it shall be effective upon delivery to the Vice-President.

Upon receipt by the Vice-President, of any resignation letter, the Vice-President, may make the resignation effective immediately or sooner than the effective date in the resignation letter. Such resignation shall be effective according to its terms unless the Vice-President, at his discretion, makes the resignation effective immediately or at some time sooner than the resignation letter. Acceptance of such resignation by the Vice-President is not required for the resignation to become effective.

#### **13.03 Withdrawal of Resignation**

With the consent of the Vice-President, the employee may withdraw a resignation at any time prior to the effective date of the resignation.

#### **13.04 Resignation in Good Standing**

A resignation shall be deemed to be in good standing when it is made voluntarily and not as a direct result of a final adverse action, a pending adverse action or criminal conviction. With the exception of an employee serving an original probationary period, an employee who resigns in good standing shall have reemployment rights consistent with 4 GCA and Rules 4.406 and 4.502.

#### **13.05 Resignation Pending Adverse Action**

An employee who resigns after receipt of a notice of proposed adverse action is deemed to have resigned voluntarily and has no right to appeal to the Commission. Any employee, who resigns under this section and is subsequently convicted of a crime based on the same facts, which forms the basis of the adverse action, shall be deemed not to resign in good standing.

### **13.100 TERMINATION OF EMPLOYMENT**

#### **13.101 Termination of Employment**

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**13.200 EXIT INTERVIEW**

A personal interview will be conducted with each employee separating from the services of the University. The interview will be held prior to the employee's effective date of separation. The interview will 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 Chief Human Resources Officer and made part of the separating employee's personnel record. A representative of the University's Human Resources Office shall conduct the interview using the Exit Interview Form in [Appendix M](#). Nothing in this section shall prevent the Unit Head or Vice-President from conducting their own exit interview.

**13.201 Clearance**

Each separating employee must be cleared of all obligations within the University and other applicable Government of Guam agencies no later than the employee's last working day. Final payment of wages will be withheld pending completion of exit interview and clearance of all obligations to the University.

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### **14.500 SELECTION DOCUMENTATION REQUIREMENTS**

- B. The basis for selection must be job-related. The results of the selection process must be on file with the University’s Human Resources Office. Evaluation results are confidential and form a part of the selection process for the candidates being considered for the position. The Chief Human Resources Officer reserves the right to post audit selection documentation

records.

- D. The Chief Human Resources Officer will advise all persons certified under a Merit Career Job Announcement about the selection within ten (10) working days of the selection.
- E. Individuals who were certified and were not selected may request the Vice-President to review the adequacy of the consideration they received provided that such a request is received in writing by the Vice-President, within five (5) working days after the non-selected received the notice about the selection.

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#### **14.700 EXCEPTIONS TO THE MERIT CAREER PLAN**

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- 3. Promotions without current competition where at an earlier date an employee was selected under a Merit Career Job Announcement for a position with known promotion potential to the position to which he is being promoted. The promotion potential must have been included in the announcement, and where appropriate, the career ladder (intervening promotion) documented in the original announcement.
- 4. Where the employee's position is reconstituted in a higher grade because of gradual accretion of additional duties and responsibilities and the accretion was not the result of planned management action. For example, an increase in the level of the employee's performance or change in workload, procedures, or organization that affects the grade of the positions only incidentally.

**Commented [RVW249]:** Do we have to do this? It seems like we wouldn't want to offer this.

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To be eligible for a career promotion when the position is upgraded under these conditions, an employee must continue to perform the same basic function and his former position must be absorbed in the new one. When an additional position is created, or when the new position is not a clear successor to the former position, career promotion is not authorized. Similarly, a career promotion may not be made from a non-supervisory position to a supervisory position because these levels of position inherently have specific administrative authority that can only be delegated by Unit Heads or executive management.

B. The provisions of this Merit Career Plan are not required for the following personnel actions:

6. A transfer from a position having known promotion potential to a position having no higher promotion potential.
7. A detail appointment.
8. An action taken as a remedy for failure to receive proper consideration in a competitive promotion procedure.
9. A promotion resulting from the upgrading of a position without significant change in duties and responsibilities due to issuance of a new classification standards or the correction of a classification error.
10. Re-promotion to a class or position from which an employee was demoted without personal cause and not at his request. Acceptance of a demotion in lieu of layoff is not a demotion at the employee's request for these purposes.

The competitive procedures of the Merit Career Plan will not be used before these individuals are accorded their rights for re-promotion.

#### **14.800 ADMINISTRATION REQUIREMENTS**

- C. The Chief Human Resources Officer shall provide for initial and periodic orientation to all employees, supervisors and managers concerning the provisions of this Merit Career Plan and the training of the President, in their respective responsibilities for assuring the maximum publicity of Merit Career Job Announcements and for advising employees on requirements and provisions of this Merit Career Plan.
- D. The Chief Human Resources Officer shall institute controls and audit procedures as deemed necessary to assure that all promotion actions are consistent with the provisions of the Merit Career Plan.
- D. The Chief Human Resources Officer will assure that each current and future Unit Head is provided a copy of the Merit Career Plan and any subsequent changes to the Plan.



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**CHAPTER 15**  
**DRUG FREE WORKPLACE PROGRAM POLICY**

**STATEMENT OF POLICY**

The University is committed to maintaining a safe and healthy work environment free from the influence of alcohol and drugs. To that end, the University has adopted a Drug-Free Workplace Program. Compliance with the University's drug policy is a condition of employment. The University intends to take severe disciplinary action, up to including termination, against an employee who violates the University's Drug Free Workplace Program.

**15.000 PREVENTION AND TREATMENT**

The University encourages any employee with a drug or alcohol abuse problem to voluntarily seek treatment. The University has established an employee assistance program to provide counseling and referral services for employees with drug or alcohol abuse problems that voluntarily seek help.

**15.100 PROHIBITED ACTIVITY**

The University strictly prohibits unauthorized use, possession (including storage in a desk, locker, car or other repository), manufacture, distribution, dispensation or sale of illegal drugs, drug paraphernalia, controlled substances, or alcohol on the University's premises, in official vehicles, during working hours or any activity that compromises the integrity or accuracy of the University's drug and alcohol program, or any failure or refusal to abide by the Drug-Free Workplace Program, and conviction under any criminal drug statute.

**15.200 TESTING**

The University may require employees and applicants to be tested for drugs or alcohol upon hiring; when the University suspects that the employee's work performance or on-the-job behavior may have been affected in any way by drugs or alcohol; or when the University determines that an employee may have contributed to an accident involving fatality, serious bodily injury, or substantial damage to property. In addition, certain employees occupying specifically designated sensitive positions, referred to as Testing Designated Positions, will be subject to random drug testing. Any positive drug or alcohol test is a violation of the University's Drug Free Workplace Program. Any test for drug or alcohol abuse will be conducted using reasonable procedural safeguards.

**15.300 PROCEDURES**

The procedures to effectively administer the Drug Free Workplace Program shall be those established by the University and from time to time may seek the assistance of the Director of Administration or other exterior sources through a memorandum of understanding or agreement to enhance these procedures.

Commented [RVW250]: We don't need this section do we?

Commented [UOGHRO251R250]: Remove this and replace with BOR 20-01

## 5.3 PHYSICAL FACILITIES COMMITTEE

### 5.3.1 Facilities Management and Services Update

## 5.4 INVESTMENT COMMITTEE

### 5.4.1 Investment Update



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-38**

**RELATIVE TO AUTHORIZING THE UNIVERSITY OF GUAM TO ENTER INTO A CONTRACT  
FOR INVESTMENT ADVISORY SERVICES**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the governance and well-being of the University is vested in the Board of Regents (BOR);

**WHEREAS**, UOG's Investment Fund has a market value of \$27 million as of September 30, 2020;

**WHEREAS**, the BOR and UOG administration, who are the investment stewards of the UOG's Investment Fund, have a fiduciary responsibility as they manage investment decision-making;

**WHEREAS**, the BOR and UOG administration have determined that University interests will be best served through the use of professional Investment Advisory Services;

**WHEREAS**, in September 2020, the University issued a Request For Proposals (RFP) for Investment Advisory Services;

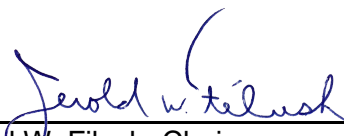
**WHEREAS**, two proposals were received in response to the RFP and an evaluation committee was formed consisting of a Regent and Administrators to review the proposals;

**WHEREAS**, the evaluation committee unanimously recommended Raymond James to provide Investment Advisory Services for the next three years; and


**WHEREAS**, the President and the Investment Committee have reviewed the recommendation by the evaluation committee and recommend it to the BOR for approval.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby authorizes UOG to enter into a contract for Investment Advisory Services with Raymond James for a three year period with two options to extend for an additional one-year period.

Adopted this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

## 5.5 BUDGET, FINANCE, AND AUDIT COMMITTEE

FY 2020 ALLOTMENT REPORT

As of September 30, 2020

Programs	Fund Source	Appropriation	Appropriation	Appropriation	Requested	Amount Paid	Requested	Appropriations
<b>UOG Operations (10-2A)</b>								
DOA Payments								
Total for DOA Payments	General Fund	27,661,845.00	27,661,845.00	27,661,845.00	27,661,845.00	27,661,845.00	0.00	-
<b>Total UOG General Operations</b>		<b>27,661,845.00</b>	<b>27,661,845.00</b>	<b>27,661,845.00</b>	<b>27,661,845.00</b>	<b>27,661,845.00</b>	<b>0.00</b>	<b>-</b>
						100%	0%	0%
<b>Special Appropriations (10-30/51/61/67)</b>								
Student Financial Assistance Program (67) (Less \$250K 1st Gen TF)	General Fund	3,065,285.00	3,065,285.00	3,065,285.00	3,065,285.00	3,065,285.00	0.00	-
First Generations Trust Fund Initiative (90-902061)	General Fund	250,000.00	250,000.00	250,000.00	250,000.00	250,000.00	0.00	-
Aquaculture Development and Training Center (61)	General Fund	115,364.00	115,364.00	115,364.00	115,364.00	115,364.00	(0.00)	-
WERI - Guam Hydrologic Survey (10-30)	General Fund	168,275.00	168,275.00	168,275.00	168,275.00	168,275.00	(0.00)	-
WERI - Comprehensive Water Resource Monitoring Program (10-30)	General Fund	143,348.00	143,348.00	143,348.00	143,348.00	143,348.00	(0.00)	-
UOG Capital Improvements Fund - Debt Service (51)	Facilities Fund	500,000.00	500,000.00	500,000.00	500,000.00	500,000.00	0.00	-
UOG Capital Improvements Fund - Rental Payts (51)	Facilities Fund	874,056.00	874,056.00	874,056.00	874,056.00	874,056.00	(0.00)	-
Guam Cancer Trust Fund (10-30)	Healthy Futures Fund	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	1,000,000.00	0.00	-
<b>Total Special Appropriations</b>		<b>6,116,328.00</b>	<b>6,116,328.00</b>	<b>6,116,328.00</b>	<b>6,116,328.00</b>	<b>6,116,328.00</b>	<b>0.00</b>	<b>-</b>
						100%	0%	0%
<b>Agency Funds (90)</b>								
Northern & Southern Soil and Water Conservation Districts (90-90205)	General Fund	137,594.00	137,594.00	137,594.00	137,594.00	137,594.00	(0.00)	-
KPRG (Public Radio) (90-902002)	General Fund	115,134.00	115,134.00	115,134.00	115,134.00	115,134.00	-	-
Guampedia Foundation (90-902003)	Attraction Fund	200,000.00	200,000.00	200,000.00	200,000.00	183,330.60	16,669.40	16,669.40
<b>Total Agency Funds</b>		<b>452,728.00</b>	<b>452,728.00</b>		<b>452,728.00</b>	<b>436,058.60</b>	<b>16,669.40</b>	<b>16,669.40</b>
<b>Grand Total PL 35-36</b>		<b>34,230,901.00</b>	<b>34,230,901.00</b>		<b>34,230,901.00</b>	<b>34,214,231.60</b>	<b>16,669.40</b>	<b>16,669.40</b>
Total		34,230,901.00	34,230,901.00		34,230,901.00	34,214,231.60	16,669.40	16,669.40
Difference		-	-		-	100%	0%	0%

FY 2021 ALLOTMENT REPORT

As of October 29, 2020

Programs	Fund Source	p .L. 35-99 Appropriation	Net Appropriation	Amount Requested	Amount Paid	Unpaid from Amount Requested	Unpaid from Total Appropriations
<b>UOG Operations (10-2A)</b>							
DOA Payments							
Total for DOA Payments	General Fund	26,056,761.00	26,056,761.00	2,004,368.00	2,004,368.00	-	24,052,393.00
<b>Total UOG General Operations</b>		<b>26,056,761.00</b>	<b>26,056,761.00</b>	<b>2,004,368.00</b>	<b>2,004,368.00</b>	<b>-</b>	<b>24,052,393.00</b>
					100%	0%	92%
<b>Special Appropriations (10-30/51/61/67)</b>							
Student Financial Assistance Program (67)	General Fund	3,065,285.00	3,065,285.00	235,792.00	235,792.00	-	2,829,493.00
First Generations Trust Fund Initiative (90-902061)	General Fund	250,000.00	250,000.00	19,232.00	19,232.00	-	230,768.00
Aquaculture Development and Training Center (61)	General Fund	109,661.00	109,661.00	8,436.00	8,436.00	-	101,225.00
WERI - Guam Hydrologic Survey (10-30)	General Fund	159,956.00	159,956.00	9,231.00	12,304.00	(3,073.00)	147,652.00
WERI - Comprehensive Water Resource Monitoring Program (10-30)	General Fund	136,262.00	136,262.00	10,484.00	10,480.00	4.00	125,782.00
UOG Capital Improvements Fund - Debt Service (51)	Territorial Educational Facilities Fund	500,000.00	500,000.00	41,667.00	-	41,667.00	500,000.00
Guam Cancer Trust Fund (10-30)	Healthy Futures Fund	1,000,000.00	1,000,000.00	83,334.00	-	83,334.00	1,000,000.00
Guam Green Growth (G3) Initiative	Recycling Revolving Fund	500,000.00	500,000.00	41,667.00	-	41,667.00	500,000.00
<b>Total Special Appropriations</b>		<b>5,721,164.00</b>	<b>5,721,164.00</b>	<b>449,843.00</b>	<b>286,244.00</b>	<b>163,599.00</b>	<b>5,434,920.00</b>
					64%	36%	95%
<b>Agency Funds (90)</b>							
Northern & Southern Soil and Water Conservation Districts (90-902059)	General Fund	133,466.00	133,466.00	11,123.00	10,268.00	855.00	123,198.00
KPRG (Public Radio) (90-902002)	General Fund	109,442.00	109,442.00	8,420.00	8,420.00	-	101,022.00
Guampedia Foundation (90-902003)	Tourist Attraction Fund	150,000.00	150,000.00	12,500.00	-	12,500.00	150,000.00
<b>Total Agency Funds</b>		<b>392,908.00</b>		<b>32,043.00</b>	<b>18,688.00</b>	<b>13,355.00</b>	<b>374,220.00</b>
<b>Grand Total PL 35-99</b>							
		<b>32,170,833.00</b>		<b>2,486,254.00</b>	<b>2,309,300.00</b>	<b>176,954.00</b>	<b>29,861,533.00</b>
Total		32,170,833.00		2,486,254.00	2,309,300.00	176,954.00	29,861,533.00
Difference		-		-	93%	7%	93%

UNIVERSITY OF GUAM  
Statement of Revenues, Expenses, and Changes in Net Position  
For the month ending September 30, 2020

Cash Basis (Unaudited)  
9/30/2020

A- OPERATING REVENUES

Student tuition and fees, net	26,157,883
Scholarships Discount and Allowances	(10,243,405)
Federal Grants/contracts	35,625,158
Gov Guam grants & contracts	2,543,997
Non govt. grants & contracts	1,372,423
Sales & Services of education dept.	356,131
Auxilliary enterprises	1,570,942
Other Revenues	7,013,030
<b>Total operating revenues</b>	<b>64,396,159</b>

B- OPERATING EXPENSES

Educational and general:	
Instruction	20,662,160
Research	14,701,812
Public Service	9,984,499
Academic Support	10,756,822
Student services (net of allowance)	6,110,965
Institutional support	8,887,198
Operations and maintenance plant	6,336,385
Depreciation	4,077,164
Scholarships and fellowships	8,439,553
Auxilliary enterprises	2,166,335
-Bookstore	866,042
-Housing	819,742
-English Language Institute	164,731
-Other auxilliary service	315,820
<b>Total operating expenses</b>	<b>92,122,893</b>
<b>Operating income (loss)</b>	<b>(27,726,734)</b>

C- NON-OPERATING REVENUES (EXPENSES)

GovGuam appropriations	33,528,173
Investments income (net of expenses)	1,494,879
Interest on capital assets- debts related	(504,518)
Contribution from Endowment	66,551
<b>Net non operating revenues</b>	<b>34,585,085</b>
<b>Income (Loss) before other revenues/expenses</b>	<b>6,858,351</b>

D- OTHERS

Expended for plant facilities, net	(1,935,426)
<b>Total other revenues/expenses</b>	<b>(1,935,426)</b>
<b>Change in net position</b>	<b>4,922,925</b>

E- NET POSITION

Net Position beginning (Audited)	(100,314,900)
Net Position ending YTD FY 2020	(95,391,975)

Note 1:

\$4.9M INCREASE in net position using CASH BASIS;  
\$4.9M INCREASE in net position using ACCRUAL BASIS;  
GOVGUAM is \$0K in arrears for FY 2020 allotment.

Breakdown of General Operations Appropriation Request:	Appropriation PL 34-116	Requested	Received Pd.	Balance Due
General Operations ( from General Fund)	27,661,845	27,661,845	27,661,845	-
Capital Improvement Fund- Debt Service	500,000	500,000	500,000	-
Special Appropriations (excludes CIP, KPRG & Guampedia & Soil)	5,366,328	5,366,328	5,366,328	-
Total Appropriations	33,528,173	33,528,173	33,528,173	-



**UNIVERSITY OF GUAM**  
**Statement of Net Position**

Unaudited

	<b>Unaudited</b>	<b>Audited</b>
	<b>9/30/2020</b>	<b>09/30/19</b>
<b>ASSETS</b>		
Cash in Bank/On Hand	7,808,908	10,523,823
Short Term Investments*	13,234,189	7,358,865
Due from Gov Guam (approp balance)	-	-
Accounts Receivable, tuitions net	8,153,321	7,499,429
Accounts Receivable, others- net	977,019	199,143
Accounts receivable grants/contracts	5,504,363	4,873,157
Due fr UOG Foundation	-	325,000
Inventories	806,779	806,779
Investment**	15,458,866	6,814,372
Investments, endowments***	16,939,578	26,800,443
Capital assets, net	66,216,485	66,386,758
Other current assets	749,402	708,825
Deferred Outflows from pension	19,882,608	19,882,608
<b>Total assets</b>	<b>155,731,518</b>	<b>152,179,202</b>
<b>LIABILITIES</b>		
Current portion of long term	276,137	276,137
Accounts payable & accrued liabilities	3,080,810	5,775,955
Unearned Revenue	10,130,035	8,575,257
Deferred revenue GovGuam Appro	-	-
Current portion of accrued annual leave	893,498	893,498
Accrued annual leave, net of current portion	975,498	975,498
Deposits agency	309,430	274,201
Net pension liability	87,642,038	87,642,038
Long Term debt	10,261,786	10,527,252
DCRS sick leave liability	1,512,059	1,512,059
Net OPEB liability	92,474,461	92,474,461
Deferred inflows of Resources	43,567,745	43,567,745
<b>Total liabilities and deferred inflows of Resources</b>	<b>251,123,497</b>	<b>252,494,102</b>
<b>FUND BALANCES</b>		
Invested capital assets, net related debts	55,675,398	55,583,370
<b>Restricted</b>	<b>3,155,000</b>	<b>9,262,498</b>
Non expendable:		
Institutional support		
Capital project maintenance		
Scholarships and fellowships		
Student service		
Expendable	8,287,782	24,125,061
Institutional support		
Capital proj maintenance		
Scholarships and fellowships		
Student services		
Research and public service		
Loans		
Capital projects		
Debt service		
Others		
<b>Unrestricted</b>	<b>(162,510,155)</b>	<b>(189,285,829)</b>
<b>Total fund balance end, 9.30.20</b>	<b>(95,391,975)</b>	<b>(100,314,900)</b>
<b>Total liabilities and fund balances</b>	<b>155,731,518</b>	<b>152,179,202</b>

## INVESTMENT DETAILS as of September 30, 2020

### Short Term Investments

#### *Bank of Guam*

Savings I	SOH	\$	771,624.10
Savings II	Fund 10		933
BOG Money Concepts	Fund 10		2,966,933
BOG Money Concepts	Tobacco Settlement		2,279,831
Investment Account	Fund 10	\$	1,078,600
TCD	ISLA		129,699

\$ 7,227,620

#### *Coast 360*

6 months Jumbo Share	Fund 10	\$	1,046,009
6 months Jumbo Share	Fund 10		522,383
6 months Jumbo Share	Fund 10		1,256,221

2,824,613

Bank Pacific	IAI		4,277,135
First Hawaiian Bank	Auxilliary (SGA)		49,975
Bank of Guam	Auxilliary (SGA)		12,429

#### Community First

Guam Cancer Trust Fund	\$	3,873,089
------------------------	----	-----------

3,873,090

#### **Subtotal**

**\$ 18,264,862**

### **Raymond James Investment**

True Endowment	LRGE (Land Grant)	\$	15,458,866
Current Fund Unrest	UOG-CPBA		1,368,057
Current Fund Unrest	UOG-Common		3,327,078
	Faculty & Staff, Dorm, Campus Maintenance, Self- Insurance		5,569,868
QUASI Endowment	Planetarium Maintenance		102,088
True Endowment	Student Scholarship (Tan, Taitano, MACS SNAH, DeLeon, Ho, Daniel, Guthertz)		1,541,814

#### **Subtotal**

**\$ 27,367,771**

### **TOTAL INVESTMENTS**

**\$ 45,632,633**

University of Guam

Budget to Actual Statement

FY 2020 General Operations Local Appropriation

As of Sept 30, 2020

	Budget	Actual	Variance
Revenues	Total	as of 9/30/20	
GovGuam Appropriations (cash)	27,661,845	27,661,845	-
Tuition, net (accrual)	14,618,695	14,354,017	264,678
Federal Matching Funds	1,586,631	1,586,631	-
PIP/NAFs Transfer	440,000	440,000	-
Total Revenues	44,307,171	44,042,493	264,678
General Operations Expenses			
Personnel Expenses	\$ 36,249,537	36,079,026	170,511
Operating (Non-Personnel) Expenses			
Travel (faculty search)	100,000	16,743	83,257
Contracts	3,215,634	3,395,481	(179,847)
Supplies	250,000	313,287	(63,287)
Equipment	-	34,143	(34,143)
Repairs	-	318,447	(318,447)
Capital Outlay	392,000	166,678	225,322
Miscellaneous	-	81,115	(81,115)
Utilities	4,100,000	3,330,133	769,867
Subtotal Operating (Non-Personnel) Expenses	8,057,634	7,656,026	401,608
Total General Operations Expenses	\$ 44,307,171	\$ 43,735,051	\$ 572,120
Surplus (Deficit)	-	307,442	(307,442)

**SFAP Receivables Data**

	Principal \$	Interest \$	Paid \$	Balance	
Service Credit	18.79M	N/A	7.50M	11.29M	
Paying	1.49M	195K	600K	1.09M	} 4.38M
Non-Paying	3.33M	582K	630K	3.29M	

**A C T U A L C O L L E C T I O N S**

	ACTUAL COLLECTIONS				Forecast	Actual
	FY2016	FY2017	FY2018	FY2019	FY2020	FY2020
SFAP	250,072	710,464	534,038	361,345	220,000	376,968
DOC	4,500	14,671	2,000	8,104	5,000	14,955
YEC	81,334	79,533	36,045	51,738	75,000	27,230
	<b>335,906</b>	<b>804,668</b>	<b>572,083</b>	<b>421,187</b>	<b>300,000</b>	<b>419,153</b>
PROJECTION:	300,000	300,000	400,000	350,000	300,000	140% Actual
					300,000.00	100% Forecast FY20

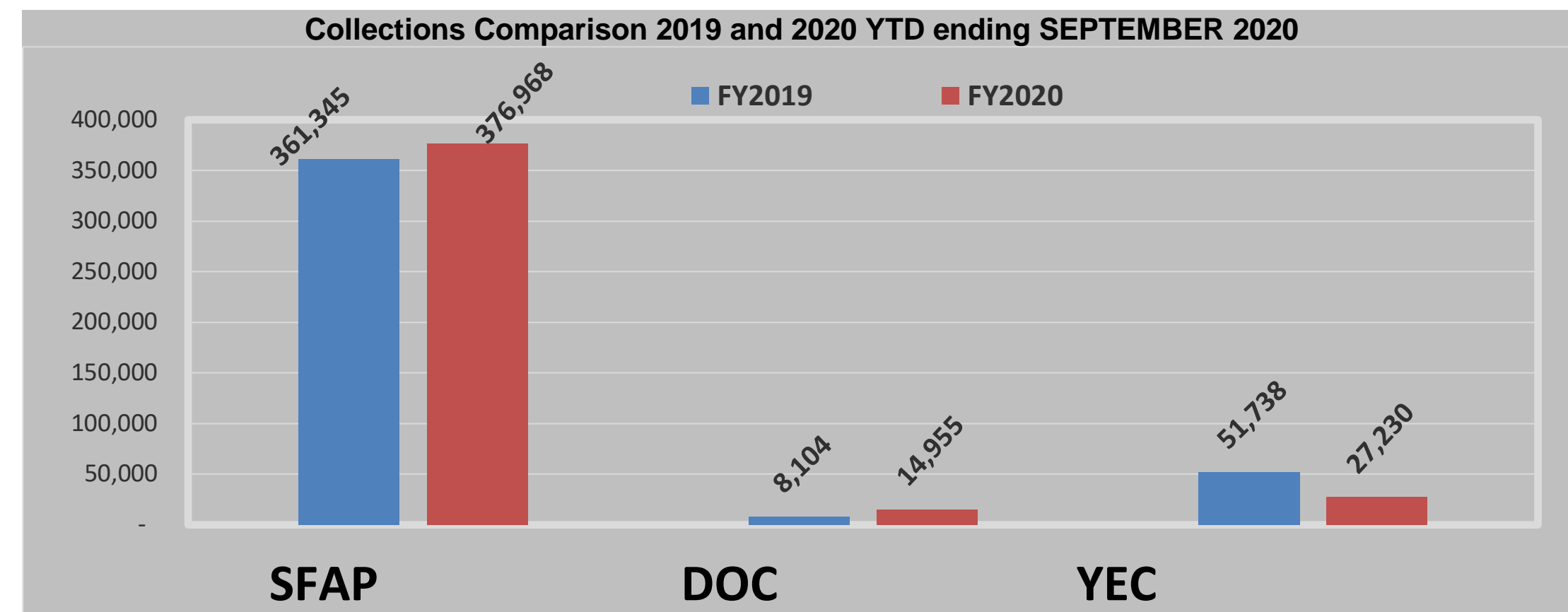
**1.a. Monthly Aging Summary (Paying/Non-Paying)**

	TOTAL	Paying			Non-Paying			
		0-30	31-60	61-90	90+	120+	180+	365+
YEC	831,970	43,548	58,039	26,138	0	0	0	704,245
Merit	1,440,840	249,017	79,245	10,122		39,276		1,063,180
Nurses	134,302	30,892	0	43,560			13,389	46,461
DocFell	298,396	91,561	0	0				206,835
DocSanc	30,025	0	0	0				30,025
Protech	797,427	250,837	14,261	22,918				509,411
GGSL	746,821	77,679	20,890	34,684	720	7,707	605,140	
ROTC	26,821	0	0	0	4,571			22,250
AHEG	13,793	1,351	0	2,527	4,300			5,615
UOG Retention	1,500	1,500						
Soc Wrk	53,818	30,441		0				23,377
<b>Total</b>	<b>\$4,375,713</b>	<b>\$776,827</b>	<b>\$172,435</b>	<b>\$139,950</b>	<b>\$9,591</b>	<b>\$46,983</b>	<b>\$618,529</b>	<b>\$2,611,399</b>
		Paying>>> \$1,089,211			Non-Paying>>> \$3,286,503			

**1.a. Combined Total Outstanding**

	Sept 2020	August 2020	July 2020	June 2020
YEC	831,970	832,437	805,178	810,865
Merit	1,440,840	1,476,864	1,466,259	1,526,233
Nurses	134,302	147,900	121,824	121,403
DocFell	298,396	439,639	347,457	440,568
DocSanc	30,025	31,699	31,699	33,470
Pro-Tech	797,427	800,823	778,469	781,362
GGSL	746,821	747,646	712,956	708,170
ROTC	26,821	26,821	26,821	28,033
AHEG	13,793	13,998	14,653	14,503
UOG Retention	1,500	1,600	1,700	1,800
Soc Wrk	53,818	54,287	55,036	55,505
<b>Total</b>	<b>4,375,713</b>	<b>4,573,714</b>	<b>4,362,052</b>	<b>4,521,912</b>

	FY2019	FY2020	FYTD	FYTD
	Month SEPT	Month SEPT FY20	FY2019 SEPT	FY2020 SEPT
1 SFAP	58,594	15,151	361,345	376,968
2 DOC	925	4,591	8,104	14,955
3 YEC	3,043	467	51,738	27,230
<b>Total</b>	<b>\$ 62,562</b>	<b>\$ 20,208</b>	<b>\$ 421,187</b>	<b>\$ 419,153</b>





FY 2020 Procurement Report  
As of October 31, 2020

Compliance with BOR Resolution 05-54 (Adopted 12/5/05): At each monthly Board meeting, the Board requires a listing of approved procurement transactions and contracts greater than \$100,000.00.

Purchase Order > \$100k				
	Count	\$ Value	Vendor	Description
October 2019	1	\$104,400.00	Lagu Sanitation	Trash Collection Services UOG Bid#07-16
November 2019	1	\$115,953.00	Bascon Corporation	Change Order (C/O) #3 dtd 10/14/2019 (Change order 3, 4, & 5) breakdown: C/O#3 Time extension#2 dated 9/9/19 from 245 calendar days to 275 calendar days. C/O#4 (BC-0191-141) dtd 9/27/19 Price increase of \$36,984.00. Construction of Earth Berm and Catch Basin @ Manhole-2 \$1,432,066.00 to \$1,468,050.00 and additional 30-days extension from 275 calendar days to 305 calendar days. C/O#5 (BC-1019-145) dtd 10/11/19 Breaking of unforeseen hard rocks/boulders \$78,969.00 and additional extension 30-days per Contract Change Order from \$1,468,050.00 to \$1,548,019.00 and from 305 calendar days to 335 calendar days.
December 2019	None	None	None	None
January 2020	None	None	None	None
February 2020	1	\$154,315.00	Powerful Learning Practice LLC	Consultation/Training for Guam DOE
March 2020	None	None	None	None
April 2020	None	None	None	None
May 2020	None	None	None	None
June 2020	None	None	None	None
July 2020	None	None	None	None
August 2020	None	None	None	None
September 2020	None	None	None	None
October 2020	None	None	None	None
Contracts >\$100k				
October 2019	1	\$150,689.00	Department of Public Health & Social Services	MOU between DPHSS, GNCDPCP & PIP to implement activities for all projects stated: Project A: Curriculum Development Project B: Tobacco Prevention & Education Project C- Chronic Disease Self-Management Program. Project D -Conference Project E- Media Campaign Development and Distribution

	2	\$101,955.00	College of Micronesia-FSM	MOA between UOG and College of Micronesia – FSM to provide administrative services for the benefit and services in support of the Grant/ Contract Number 5 U77HP26848-07-00 and the CFDA number is 93.107 “AHEC Point of Service Maintenance & Enhancement”
	3	\$613,124.00	RCUOG & EA Engineering, Science, and Technology, Inc.	AMENDMENT 1 – Complete deliverables outlined in the SOW for the MGT-Invasive Vegetation (Ironwood), Wake Island (CA# W911KB-18-2-7000)
November 2019	1	\$234,043.00	RCUOG & EA Engineering, Science, and Technology, Inc.	Appoint Daniel M. Savercool (PI), Jaquay Soriano (PM), & Michael Crowley (FST) to complete tasks 5 through 9 in the attached SOW under Cooperative Agreement No. N40192-17-2-8003 for the Naval Magazine site (NMS)
	2	\$123,100.00	FSM National Government	AMENDMENT to Contract No. C190190 at no additional costs. Time and performance of 1Oct18 through 30Sep19, amended to extend the ending period from 30Sep19 to 31Dec19
	3	\$145,625.00	U.S. Geological Survey, Pacific Islands Water Science Center, United States Department of Interior - Brian Loving (Assistant Center Director USGS)	Joint Funding Agreement between DOI & UOG WERI – to maintain in cooperation a water-resource monitoring program –Agreement between USGS & Pacific Water Island Science Center US DOI, & UOG WERI Western Pacific Water Resource Monitoring Program from 10/01/2019-9/30/2020
December 2019	1	\$240,858.00	Department of Public Health & Social Services	MOU between DPHSS & UOG to develop and implement the Supplemental Nutrition Assistance Program – Education (SNAP-ED) To help SNAP households and those eligible for SNAP to lead healthier lives. This MOU is a sub-award of federal grant received by DPHSS/DPW from the USDA/FNS
	2	\$242,726.02	Department of Agriculture, Agricultural Development	MOU between DOAG, ADS, & UOG CNAS – to implement “Improvement of seed distribution system of heirloom eggplants and chili peppers for sustainable agriculture of Guam”. Signed through September 29, 2021. Sub-award of USDA Federal award No. AM180 IO0XXXXG048
	3	\$115,000.00	Department of Public Works, Department of Parks & Rec and University of Guam	MOU between DPW, DPR, & UOG – to manage Guam’s State Comprehensive Outdoor Recreation Plan, which encompasses upgrades to playing facilities. The Fieldhouse will require some upgrades to its lighting and flooring to satisfy FIBA specifications
	4	\$100,000.00	Department of Public Health and Social Services	MOU between DPHSS & UOG CEDDERS- collaborative partnerships in the development of the Guam Affordable Care Act Maternal, Infant and Early Childhood Home Visiting Program (MIECHV):

				Project Bisita I Familia, a grant application submitted to the USDHHS, HRSA, & MCHB
January 2020	1	\$293,250.00	American Cancer Society	BC201121: Cancer Support Services - Provide patients w/airfare, lodging reimbursements, gas cards for ground transport, garments, head-covering and books
	2	\$190,465.00	Bureau of Statistics & Plans	Amendment to MOU between the Bureau of Statistics and Plans and UOG for the FY2019-2020 Comprehensive Coral Reef Monitoring at long-term sites
	3	\$630,000.00	Serve Guam Commission (Office of the Governor)	Operate the AmeriCorps UOG Volunteer Center with respect to the Grantor's National and Community Service Trust Act of 1990
	4	\$671,480.00	Ayuda Foundation	BC201102: Cancer Support Services Provide financial assistance to cancer patients and/or escort seeking off-island treatment from Jan 25, 2020 to Jan 31, 2021
	5	\$795,000.00	Edward M. Calvo Cancer Foundation	BC201120: Cancer Support Services Provide financial assistance to cancer related treatment; expenses to include nutritional supplements, airfare, ground transportation, medical equipment, and lodging and rehabilitation items from Jan 25, 2020 to Jan 31, 2021
February 2020	1	\$150,528.00	US Geological Survey, Pacific Islands Water Science, US Dept of Interior	BC201009: Amendment to Joint Funding Agreement dated 01Oct19 – 30Sep20, to increase amount from \$145,625.00 to \$150,528.00
	2	\$136,668.00	Republic of Palau Ministry of Education	UOG Guam CEDDERS to provide on-site and off-site technical support needed from Feb 1, 2020 to Jan 31, 2021 for meeting the timelines required for reporting and delivering the prioritized technical assistance and training activities for incorporation into the required individuals with Disabilities Education Act (IDEA) reporting
March 2020	1	\$10,000,000.00	Reliable Builders	BC201158- Performance Based Design-Build for the Design and Construction of the Guam Cultural Repository
April 2020	1	\$ 246,344.10	G4S Security Solutions (Guam) Inc.	BC201160 - IFB P25-16 Security Force Manpower Services
	2	\$216,105.60	G4S Security Solutions (Guam) Inc.	BC201161 - IFB P12-16 Fire Alarm and Intrusion Alarm Systems Assessment, Maintenance, Repair and Monitoring Services
	3	\$823,550.00	Guam Cancer Care	BC201162 – Cancer Support Services to Access Treatment, Island Transport, Temp Housing during Active Treatment, Local Transport to and from Cancer Center, Consumable Supplies, Provision of Special Dietary Needs or Food Assistance during Active Treatment, Medication Required for Symptom

	4	\$141,000.00	LSG Sky Chefs	Control Beginning May 1, 2020 to February 23, 2021 BC201164 - Residence Hall Vendor Agreement with LSG; Ref P16-15 Spring 2020 Semester 188 Students x \$750/meals = \$141,000.00
May 2020	1	\$350,000.00	SSFM International	BC201175 - Contract #5 Perform Construction Management Services for the Construction of the Guam Cultural Repository (GCR) at UOG
June 2020	NONE	NONE	NONE	NONE
July 2020	NONE	NONE	NONE	NONE
August 2020	NONE	NONE	NONE	NONE
September 2020	1	\$144,000.00	Outerbridge Technical Solutions	BC201247 - RFP P20-02 PISBDC: Independent Contractor Services for CARES Act
	2	\$251,306.00	GDOE & UOG CEDDERS	GDOE RFP 010-2019 Professional Services Contract Agreement (First Renewal)
	3	\$100,000.00	DPHSS & UOG CEDDERS	MOA between DPHSS & UOG CEDDERS for the sub-award of a federal grant received by BFHNS from the US Dept of Health and Human Services, Health Resources and Services Administration, Maternal and Child Health Bureau
October 2020	1	\$508,392.00 \$957,860.00	CEDDERS & GDOE	MOU between UOG CEDDERS, AKUDI Program and Pacific Islands Microcredit Institute to administer the GOAL-AT and GGT Loan funds
	2	\$330,772.00	UOG & DPHSS	MOU between DPHSS & UOG to support the operations of the Guam Cancer Registry by providing funds pursuant to PL 30-80





**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-39**

**RELATIVE TO APPROVING A REVISED RE-APPORTIONED  
FY2021 GENERAL OPERATIONS BUDGET**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the UOG Board of Regents (BOR) is responsible for approving and adopting budgets and plans that together serve as the primary controls to ensure the effectiveness and financial well-being of the University;

**WHEREAS**, UOG's general operations budget addresses government and University generated funding for personnel and operational expenditures;

**WHEREAS**, on February 13, 2020, the BOR approved Resolution No. 20-03, approving the FY2021 general operations and special appropriations budgets for submittal to the Guam Legislature;

**WHEREAS**, the Government of Guam FY2021 budget became law on September 16, 2020 through P.L. 35-99 and identified the FY2021 level of appropriations for UOG's general operations, special appropriations, and Student Financial Assistance Program (SFAP);

**WHEREAS**, on September 17, 2020, the BOR approved Resolution No. 20-28, approving re-apportioned FY2021 general operations and special appropriations budgets to approve spending beyond FY2020;

**WHEREAS**, the BOR has the authority to make policy for academic personnel, including faculty, administrators, and externally funded personnel;

**WHEREAS**, the level of appropriation identified for UOG's FY2021 general operations is \$1.6 million less than FY2020 and will cause financial sustainability challenges ahead, specifically the ability to pay for increases in personnel costs to include health insurance benefits;

**WHEREAS**, the University continues to implement financial management controls to help reduce expenditures, however the University must take further steps to sustain its operations within its current and forecasted financial position and will need to implement a freeze on salary step increases for administrators, faculty, and externally funded personnel;

**WHEREAS**, the University has demonstrated commitment to a stable, balanced budget in an atmosphere of declining resources related to the problems facing the economies of the island and the region; and

**WHEREAS**, based upon an assessment of the priority needs of the University and the recommendations of the University Planning and Budget Advisory Committee (UPBAC) and the Administration, the President and the Budget, Finance, and Audit Committee reviewed and recommend the attached re-apportioned FY2021 General Operations Budget for BOR approval.

**NOW, THEREFORE BE IT RESOLVED**, that the BOR approves UOG's revised re-apportioned FY2021 General Operations as attached hereto;

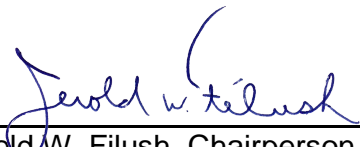
**BE IT FURTHER RESOLVED**, as the President works with the Governor and the Legislature to obtain additional funding for the FY2021 Fiscal Year, he remains authorized to utilize up to \$1.5 million from the beginning cash balance to meet the urgent needs of the University as approved in Resolution 20-17;

**BE IT FURTHER RESOLVED**, the President is authorized to seek salary increment freezes for all employees in response to potential financial shortfalls;


**BE IT FURTHER RESOLVED**, the President is directed to explore actions to prepare the University for the new reality of reduced revenues to be received from the Government of Guam; and

**BE IT FURTHER RESOLVED**, that the re-apportioned FY2021 General Operations Budget will be effective immediately.

Adopted this 24<sup>th</sup> day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary

November 4, 2020

TO: Thomas W. Krise, Ph.D., President

FROM: Randall V. Wiegand, VPAF & CBO<sup>RVW</sup>

SUBJECT: FY 2021 Budget Outlook and Financial Position

The University will continue to face financial challenges going into Fiscal Year (FY) 2021, specifically navigating through a time with lowered appropriations, uncertain enrollment, and the expectation to take extra safety precautions to keep our students, employees, and our UOG community healthy and safe. This will likely be the most challenging year the University ever faces.

While a preliminary FY 2021 Re-apportioned General Operations Budget was presented and approved through Resolution 20-28, the University is bringing to the BOR a revised re-apportioned FY 2021 Re-apportion General Operations Budget to address two things: (1) the significant increase in health insurance costs, and (2) to realize a 5% tuition increase in Fanuchånan 2021.

### **University Operating Revenues**

Prior to the COVID-19 pandemic, the University already struggled with reduced appropriations going from a \$30.74 million (M) appropriation in FY 2018 to now a \$26.05M appropriation in FY 2021. These reductions were first related to the Tax Cuts Jobs Act of 2017 and is now combined with the COVID-19 impact to our island economy. A positive note is that the government of Guam has made good on meeting its obligation paying 100% of University appropriations since FY 2018.

The FY 2021 Budget Law (PL 35-99) appropriated \$26.05M to the University for its operations and is \$1.6M less than what was appropriated in FY 2020. Enrollment has remained relatively flat and is projected to remain flat but will realize increase revenue due to Fanuchånan 2020 and 2021 tuition increases. The University implemented a 5% tuition increase for Fanuchånan 2020, however, we rebated 5% with proceeds of the CARES Act. Thus, Fañomnåkan 2021 is the first time the students will feel the increase. Because we have felt we are in a delicate situation with regards to student enrollment, it was determined that the 5% increase for Fañomnåkan 2021 should be deferred.

### **Significant Reductions in Operation Expense Budgets**

Given that 86% of the University's operational budget is in personnel, the University initially agreed to defer the hiring of 39 positions that were approved in the University's FY 2021 Budget Request. After the completion of the September 2020 BOR meeting, the University was notified

of the new employer health insurance rates that increased significantly adding approximately \$800,000 that will need to be absorbed. This only exacerbated the FY 2021 budget further and will now cause the University to revisit any remaining vacancies that are left and defer additional positions to accommodate for this adjustment. The University is also exploring the need to and will more than likely lean towards freezing salary increments for all employees until our financial position is better.

The University was not able to provide any operational funds to units as units have been directed to work within their non-appropriated funds. This has crippled many units without the ability to pay for contracts, technology subscriptions, and supplies needed to function properly through the year. What remained funded were institutional expenses like insurance, Ellucian maintenance fees, security services, accreditation fees, limited custodial supplies and some library capital resources. With the campus being projected to be closed for about half of the year, the utilities budget was reduced for this year only, but will need to remain at level funding beginning in FY 2022. The budget does not contain any funding for repairs and capital projects. The budget does not include funding for elevator maintenance. In order to get the budget to balance, we had to cut deep into our vacancy list. We are not confident the mission of the University can be met without filling many of the positions that are not funded in this budget.

The University has noticed a small dividend of electrical savings. The air conditioning units around campus generally need to remain on as some people are working and running the air conditioners will help to prevent mold buildup. However, we have noticed a savings of about 10% which we attribute to savings from minimal building entry. We have built this into the budget. If students are brought back to campus, the increase in electricity costs will cause the University to exceed its budget.

### **FY 2021 Financial Management Controls**

The University continue to implement strict financial management controls which include a 15% holdback on all non-federal fund accounts, prioritizing hiring to only critical positions, and allowing for university revenue generating activities to continue. Cash balances are monitored on a daily basis and new purchases require two VP approval.

### **Working Capital**

In the FY2020 budget, the University was again facing a very difficult budget situation. We asked for and received permission to utilize up to \$1.5 million of existing cash balances for emergency repairs, etc. Largely due to some reduction in expenditures resulting from the COVID-19 virus, the University appears to have been able to get through the year without needing additional funds. We would like to seek similar authorization for this fiscal year. We hope we won't need to utilize this authority but that doesn't appear to be possible at this point.

All of this highlights the need to push forward with planned tuition increases and to keep in constant communication with the Guam Legislature and Governor that flat funding for future fiscal years will continue to adversely impact the University's ability to meet its mission. Should no additional relief be realized, the University will have to take even more drastic measures that will reduce the mission of the university.

FY 2021

A. General Operations Budget

	FY 2021 Budget Request	FY 2021 Budget Reapportion Resolution 20-28	FY 2021 Budget Reapportion REVISED
<b>SUMMARY OF GENERAL OPERATIONS BUDGET</b>			
Revenues	54,151,029	43,047,674	43,220,274
Expenses	(54,151,029)	(43,047,674)	(43,220,275)
Balance	(0)	0	(0)
<b>Revenues</b>			
Appropriation -GovGuam General Fund	37,420,246	26,056,761	26,056,761
Tuition Fund Projected Net Revenue	14,704,152	14,831,537	15,004,137
Federal Matching Funds	1,586,631	1,719,376	1,719,376
Transfers from PIP	440,000	440,000	440,000
<b>Total Revenues</b>	<b>54,151,029</b>	<b>43,047,674</b>	<b>43,220,274</b>
<b>Expenses</b>			
	FY 2021	FY 2021	FY 2021
Personnel Expenses			
Existing Personnel - filled	(35,586,824)	(36,561,750)	(36,854,350)
Current Vacant Positions	(3,515,517)	-	-
Salary Increments - 2021	(250,000)	(95,000)	(95,000)
Annualized cost of FY20 increments	(993,000)	-	-
Other Personnel Cost	(656,000)	(376,000)	(256,000)
Subtotal Personnel Expenses	(41,001,341)	(37,032,750)	(37,205,350)
Operating (Non-personnel) Expenses			
Contracts	(4,278,184)	(2,029,924)	(1,961,924)
Supplies	(503,579)	(250,000)	(250,000)
Equipment	(261,957)	-	-
Accreditation	(35,000)	(35,000)	(35,000)
Miscellaneous	(192,969)	-	-
Utilities	(4,200,000)	(3,700,000)	(3,700,000)
Library Priorities - Capital	(178,000)	-	(68,000)
Capital Outlay repair & maint.	(1,500,000)	-	-
Subtotal Operating (Non-personnel) Expenses	(11,149,689)	(6,014,924)	(6,014,924)
<b>Total General Operations Expenses</b>	<b>(52,151,029)</b>	<b>(43,047,674)</b>	<b>(43,220,274)</b>
Non-Operating Expense	(2,000,000)	-	-
<b>Balance</b>	<b>(0)</b>	<b>0</b>	<b>0</b>

B. Special Appropriations (Continuing)

Guam Cultural Repository	1,065,745	-	-
WERI - Guam Hydrologic Survey (GHS)	388,968	159,956	159,956
WERI - Guam Comprehensive Water Monitoring Prog (CWI)	168,465	136,262	136,262
GADTC Hatchery	114,000	109,661	109,661
<b>Total Special Appropriations (Continuing)</b>	<b>1,737,178</b>	<b>405,879</b>	<b>405,879</b>

C. Capital Improvements Fund

Student Svs Ctr & Engineering Annex	1,158,283	-	-
Cont. Appropriation per §16132, Chapt. 16, Title 17 GCA	500,000	500,000	500,000

FY21 General Operations Detail	Vac	Vacant	Filled	PERSONNEL	CONTRACTS	SUPPLIES	EQUIP	MISC	UTILITIES	CAPITAL	TOTALS	%
	FTE	Positions	FTE									
<b>EXECUTIVE OFFICES</b>												
President's Office	-	-	5.0	650,488	78,398	-	-	-			728,886	1.69%
Integrated Marketing and Communications	-	-	3.0	236,939							236,939	0.55%
Alumni Relations Office	-	-	1.0	127,800							127,800	0.30%
Legal Counsel	-	-	2.0	231,187							231,187	0.53%
Office of Sponsored Programs	-	-	6.0	494,847							494,847	1.14%
<b>Executive Office Expenses</b>	-	-	<b>17.0</b>	<b>1,741,262</b>	<b>78,398</b>	-	-	-	-	-	<b>1,819,660</b>	<b>4.21%</b>
<b>ACADEMIC AND STUDENT AFFAIRS</b>												
Senior Vice President's Office	-	-	3.0	503,625				35,000			538,625	1.25%
Institutional Effectiveness/Assessment	-	-	3.0	261,034							261,034	0.60%
CEDDERS	-	-	1.0	160,767							160,767	0.37%
Academic Excellence/Graduate Studies	-	-	1.0	150,401							150,401	0.35%
School of Business and Public Administration			28.5	2,755,943							2,755,943	6.38%
School of Education			22.5	2,057,104							2,057,104	4.76%
School of Health			16.0	1,552,886							1,552,886	3.59%
College of Liberal Arts and Social Sciences			64.5	6,225,589						-	6,225,589	14.40%
College of Natural and Applied Sciences			78.0	7,659,086						-	7,659,086	17.72%
School of Engineering			6.0	690,726						-	690,726	1.60%
Enrollment Management & Student Services-Dean			2.0	220,012							220,012	0.51%
Triton Express-One Stop			1.0	68,494							68,494	0.16%
Student Life Office			-	-							-	0.00%
Student Counseling (includes ADA student services)			5.0	410,620							410,620	0.95%
Career Placement			1.0	84,923							84,923	0.20%
Admissions and Records			13.0	792,144							792,144	1.83%
Student Health			1.0	41,606							41,606	0.10%
Financial Aid Office			5.0	336,866							336,866	0.78%
Triton Advising			-	-							-	0.00%
Triton Ambassador			-	-							-	0.00%
UOG Library			17.0	1,227,433						68,000	1,295,433	3.00%
Marine Lab			16.0	1,555,664						-	1,555,664	3.60%
Micro Area Res Center (MLI, Cham Lang & Culture)			12.0	1,054,357							1,054,357	2.44%
Water and Environmental Research Institute			10.0	906,996							906,996	2.10%
<b>Academic and Student Affairs Expenses</b>			<b>306.5</b>	<b>28,716,275</b>	-	-	-	<b>35,000</b>	-	<b>68,000</b>	<b>28,819,275</b>	<b>66.68%</b>
<b>ADMINISTRATION AND FINANCE</b>												
Vice President's Office			4.0	416,397							416,397	0.96%
Office of Information Technology			12.0	868,654						-	868,654	2.01%
Comptroller's Office			23.0	1,500,902							1,500,902	3.47%
Facilities and Utilities			47.8	2,177,062							2,177,062	5.04%
Safety and Security			1.0	61,203							61,203	0.14%
Human Resources Office			9.0	597,967							597,967	1.38%
EEO (includes ADA services)			2.0	187,115							187,115	0.43%
Auxilliary and Fieldhouse			2.0	100,019							100,019	0.23%
<b>Administration and Finance Expenses</b>			<b>100.75</b>	<b>5,909,319</b>	-	-	-	-	-	-	<b>5,909,319</b>	<b>13.67%</b>
<b>Staffing Pattern</b>			<b>424.25</b>	<b>36,366,856</b>								
<b>Other Personnel Costs</b>												
Current Vacancies		487,494									487,494	1.13%
Annualized FY20 increments											-	0.00%
Salary Increments (FY21)				95,000							95,000	0.22%
HRO-Recruitment Costs				80,000							80,000	0.19%
Other Personnel Costs				176,000							176,000	0.41%
<b>Total Other Personnel Costs</b>		<b>487,494</b>		<b>351,000</b>	-	-	-	-	-	-	<b>838,494</b>	<b>1.94%</b>
<b>UTILITY COSTS, CAMPUS SUPPLIES AND BUILDING SAFETY IMPROVEMENTS</b>												
Plant Maintenance (custodial/maintenance)					100,000	250,000					350,000	0.81%
Security Guard Services					370,000						370,000	0.86%
Property and Liability Insurance Coverage					761,027						761,027	1.76%
Ellucian Software Maintenance Costs					533,627						533,627	1.23%
Capital Outlay and ADA Safety Improvements											-	0.00%
Power								2,880,000			2,880,000	6.66%
Water / Wastewater								200,000			200,000	0.46%
Telephone								520,000			520,000	1.20%
Hazardous/Metallic Waste/Trash Removal								100,000			100,000	0.23%
<b>Total</b>	-	-	-	-	<b>1,764,654</b>	<b>250,000</b>	-	-	<b>3,700,000</b>	-	<b>5,714,654</b>	<b>13.22%</b>
ITAC Priorities					118,872						118,872	0.28%
<b>Grand Total</b>		<b>487,494</b>	<b>424.25</b>	<b>36,717,856</b>	<b>1,961,924</b>	<b>250,000</b>	-	<b>35,000</b>	<b>3,700,000</b>	<b>68,000</b>	<b>43,220,274</b>	<b>100%</b>



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-40**

**RELATIVE TO APPROVING THE FY2020-2021 INSURANCE PROGRAM**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the governance and well-being of UOG is vested in the Board of Regents (BOR);

**WHEREAS**, UOG's insurance program provides liability coverage and protection for its assets, which are vital for student learning;

**WHEREAS**, UOG and its risk consultant prepared insurance specifications and solicited quotations for the following policies: property, terrorism, crime, and automobile liability;

**WHEREAS**, the administration reviewed the quotations submitted by responsive and qualified insurance providers, and selected policies which best meet the institution's need, providing the level of coverage necessary to safeguard university assets from major loss or catastrophic damage;

**WHEREAS**, UOG was not able to obtain insurance quotations in time for a BOR review prior to the expiration of coverage on September 30, 2020;

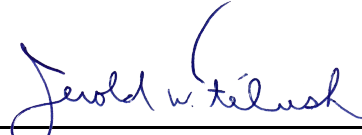
**WHEREAS**, UOG's insurance program coverage for the policy year beginning October 1, 2020 was placed into effect by the President, subject to the BOR's ratification, as authorized by BOR Resolution No. 20-31;

**WHEREAS**, in compliance with the requirements of BOR Resolution No. 20-31, the administration presents the FY2020-2021 insurance program coverage obtained by UOG to the Budget, Finance and Audit (BFA) Committee and the Physical Facilities Committee for review and recommendation to the BOR; and

**WHEREAS**, the BFA and Physical Facilities Committees have reviewed the attached summary of insurance premiums, policies and coverage and, together with the President, recommend to the BOR for approval and ratification the insurance program coverage that has been executed.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby approves and ratifies the insurance program coverage obtained and effectuated for the policy year beginning October 1, 2020.

Adopted this 24<sup>th</sup> day of November, 2020.



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Jerold W. Filush, Chairperson

**ATTESTED:**



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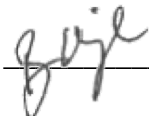
Thomas W. Krise, Ph.D., Executive Secretary





**MEMORANDUM**

TO: Thomas W. Krise, Ph.D., President

FROM: Randall V. Wiegand, VPAF & CBO  \_\_\_\_\_

DATE: November 3, 2020

RE: INSURANCE RENEWAL AND PROGRAM UPDATE

Attached is a summary of the insurance policies in place for Fiscal Year 2021.

Unfortunately, the premiums went up by about \$58,000. Usually, our risk consultant comes out a few months before the renewal to discuss the status of the insurance markets and to review the account and potential claims. They didn't come out this year as a result of the Coronavirus and that appears to have played a role in the lack of communication about such a substantial increase.

The reason given for the increase is lawsuits resulting from the "Me Too" movement. Since that isn't resulting in lawsuits at the University, I questioned why we would be having this increase this year. Our consultant explained that the insurance markets have tightened around the world. I asked our consultant to do a market test to ensure that the United Educators arrangement still makes sense for us. They said it is unlikely they could get a quote for the coverage we are receiving in this market. They said if we did get a quote, it would be exceedingly expensive. I am attaching their email response to this memorandum.

I thought this would be a good time to review our relationship with United Educators.

United Educators is a risk retention group. The University made a decision around 2004 to join the risk retention group. Thus, we are subscribers (or shareholders) of the group. There are about 2,000 colleges and universities participating in the group. Most years there is a cash dividend received of between \$10-15,000. We also receive a share of investment income earned by UE and operational income. For the last year, the total earnings added to our subscriber account amounted to approximately \$54,000. The total value of the subscriber account is \$665,600. as of 8/31/20.

The subscriber account is not accessible until UOG decides to leave the risk retention group. After we terminate, our membership the account would remain open for seven years to be applied against any payment claims. After the seven-year period, any amounts remaining in the fund would be returned to the University.

Recently, UE has begun making the dividend conditional. Some years, they ask us to create an SOP or review and SOP or ensure certain language is included in SOP's. This year they asked that a significant portion of our employees take online tutorials in cyber security. In order to receive the dividend, we had to have 100 or more employees go through the online tutorials which was achieved.

We will bring the matter of the policies to the board at the next meeting for ratification.

**University of Guam**  
 Insurance Renewals  
 Sep-20

Coverage Type	2017/2018 Premium	2018/2019 Premium	2019/2020 Premium	2020/2021 Premium	Calvo's	Guahan	Nanbo	Moylan's	Notes
Property	269,053	269,053	269,053	269,053				269,053	4th of 5 Year Term
Terrorism	8,313	8,313	8,313	8,313				8,313	4th of 5 Year Term
Automobile Liability	9,725	10,508	10,873	14,844				10,508	1st of 3 Year Term
Crime	6,000	5,700	5,700	4,860	5,700			4,860	1st of 3 Year Term
	Risk Retention Group Quotes								
General Liability	91,333	91,333	98,021	103,568					
Excess Liability	98,539	99,524	112,460	143,604					
Educators Liability	73,137	74,600	80,832	98,258					
Professional Liability	22,983	24,483	24,483	24,904					
Total U/E	285,992	289,940	315,796	370,334					
<b>Totals</b>	<b>579,083</b>	<b>583,514</b>	<b>609,735</b>	<b>667,404</b>					

**Fw: Email**

Randall V. Wiegand &lt;wiegandr@triton.uog.edu&gt;

Thu 10/8/2020 2:46 PM

To: Carmelita Blas &lt;cgblas@triton.uog.edu&gt;

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**From:** Cheryl McDowell <cmcdowell@boltonco.com>**Sent:** Thursday, October 1, 2020 5:13 AM**To:** Randall V. Wiegand <wiegandr@triton.uog.edu>**Cc:** Julio Lopez <jlopez@boltonco.com>**Subject:** RE: Email

Randy,

In follow up to our conversation yesterday, I wanted to re-cap the reasons why I believe it is in the best interest of UOG to remain with United Educators (UE) for the near future.

We have enter a hard insurance market for the first time in many, many years. This is being driven by a number of factors and impacts both property and liability. However, since we are specifically talking about UE I will stick to the liability issues, since that is all that they are providing in the way of coverage for UOG.

1. Many states have extended the statute of limitations on Abuse & Molestation claims and more states are expected to follow this trend. This has caused a huge influx of new claims from many, many years go by claimants that otherwise would have been precluded from bringing a claim because the statute had run out. This has impacted the insurance carriers' ability (not just UE) to anticipate how this will impact their financial models and the current reserving practices on a going forward basis, generating a conservative response from them with premium increases to shore up their reserves. It also has caused a restriction in capacity for this coverage in the marketplace, as fewer carriers our now willing to offer the coverage or will do so only on a limited basis.
2. Employment Practices Liability premiums have also gone up due to the influx of claims, particularly as a result of the MeToo Movement.
3. COVID-19 is also a huge variable. Many insurance carriers are now adding communicable disease exclusions to their policies. UE so far has not done that. This is not to affirm that coverage would be afforded if there is an allegation, such as negligence, against the University. That will be greatly determined by the actual allegations, should that occur, and a claimant's ability to prove that the school was the source of the transmission and that it was at fault in some way. However, I would much prefer a policy without a hard absolute exclusion, than one that does.
4. In looking at the possibility of other markets, there are several factors to consider, given that we have entered a hard market:
  - a. The school currently carriers \$40MM on the Umbrella excess of \$1MM and \$25MM on the Educators Legal Liability, which includes the Directors & Officers Liability, Professional Liability (E&O) and the Employment Practices Liability. The ability to build these limits under the current market conditions would be next to impossible. The market is constricted in capacity and the scope and breadth of coverage would be greatly reduced compared to what is provided in the UE coverage form. There would be a minimum of three (3) carriers involved in the excess liability limit layers, and in all reality, probably more. The cost associated with this effort would be significantly higher than to keep the full coverage with UE.
  - b. UE has the capability to handle defense on Guam. Most other carriers do not have the infrastructure to do so.

- c. Lastly, UE has restricted the amount of new business they are currently allowing given the volatility of the marketplace. My fear is if UOG decides to leave UE, the school may be precluded from re-entering a relationship in the future.

As I mentioned, with the premium increase at 13% after the Risk Management Premium Credit was applied, the renewal pricing was modest. I know this doesn't make it easier when there has been significant impact to the school's bottom line due to COVID-19, but my advice is to stay the status quo.

If you have any questions or need anything further from me, please do not hesitate to reach out. We are always here for you and your school.

Sincerely,

Visit [boltonco.com/covid-19-updates](https://boltonco.com/covid-19-updates) for resources and information created and curated by our team of insurance experts and thought leaders.

---

**Cheryl McDowell**, ARM CSRM CISR  
Vice President, Education Practice Group



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(626) 535-1428 *direct*  
(626) 405-2040 *fax*  
(323) 394-1592 *mobile*  
[cmcdowell@boltonco.com](mailto:cmcdowell@boltonco.com)

**Best Places  
to Work 2020**

*Los Angeles Business Journal*

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**From:** Randall V. Wiegand <wiegandr@triton.uog.edu>  
**Sent:** Tuesday, September 29, 2020 7:48 PM  
**To:** Cheryl McDowell <cmcdowell@boltonco.com>  
**Subject:** Email

Cheryl,

In your email, could you make sure to address the issue of whether or not the UE arrangement still makes sense for us? I know you just said that, but I just wanted to make sure it gets in your email.

Thanks,

Randy

Randall V. Wiegand  
VP Administration & Finance  
University of Guam  
(671) 735-2900  
[wiegandr@triton.uog.edu](mailto:wiegandr@triton.uog.edu)

*The University of Guam is a Tobacco-Free Campus*  
*The University of Guam is an Equal Opportunity Employer*



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-41**

**RELATIVE TO AUTHORIZING THE SIGNING OF CHECKS AND CORPORATION  
RESOLUTIONS AND OPENING OR CLOSING BANK ACCOUNTS,  
INVESTMENT ACCOUNTS OR CREDIT FACILITIES**

**WHEREAS**, Article VII, Section 4, of the University of Guam Board of Regents (UOG BOR) Bylaws, requires that authority to sign checks and open or close bank accounts in the name of UOG be designated by resolution of the BOR; and

**WHEREAS**, Corporate Resolutions require that authority to sign in the name of UOG be signed by resolution of the BOR.

**NOW, THEREFORE BE IT RESOLVED**, that by virtue of its authority, the BOR hereby authorizes the following named officers and employees of UOG to sign checks and corporate resolutions and to open or close bank accounts, investment accounts or credit facilities (e.g. purchase/corporate/business card, credit line) in UOG's name:

<b>DR. THOMAS W. KRISE</b>	<b>President</b>
<b>DR. ANITA B. ENRIQUEZ</b>	<b>Senior Vice President and Provost</b>
<b>RANDALL V. WIEGAND</b>	<b>Vice President and Chief Business Officer Administraton &amp; Finance</b>
<b>RACHEL F. CUBACUB</b>	<b>Associate Budget and Administrative Process Officer</b>
<b>ELSA C. FLORES</b>	<b>General Accounting Supervisor</b>

**BE IT FURTHER RESOLVED**, that such authority will be terminated either by BOR action or the termination by the officer or employee from his or her present position with UOG;

**BE IT FURTHER RESOLVED**, that UOG shall maintain applicable professional liability insurance coverage for such purposes;


**BE IT FURTHER RESOLVED**, that aforesaid officers and employees be further authorized to open or close bank accounts, investment accounts, or credit facilities on terms and conditions that are in UOG's best interests;

**BE IT FURTHER RESOLVED**, that aforesaid officers and employees be further authorized to execute online banking agreements related to the electronic transfer of funds and assign administrators for online banking as deemed necessary;

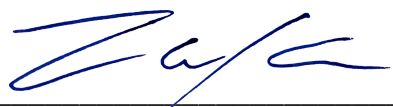
**BE IT FURTHER RESOLVED**, that two signatures are required for each check exceeding \$10,000 and for opening or closing a bank account or credit facility; and

**BE IT FURTHER RESOLVED**, that copies of this resolution be furnished to the appropriate banks and financial institutions, and that all previous resolutions authorizing the signing of checks are rescinded.

Adopted this 24th day of November, 2020.

  
\_\_\_\_\_  
Jerold W. Filush, Chairperson

**ATTESTED:**

  
\_\_\_\_\_  
Thomas W. Krise, Ph.D., Executive Secretary



**UNIVERSITY OF GUAM  
UNIBETSEDÁT GUÅHAN  
Board of Regents**

**Resolution No. 20-42**

**RELATIVE TO APPROVING A CHANGE ORDER STANDARD OPERATING  
PROCEDURE FOR THE UNIVERSITY OF GUAM**

**WHEREAS**, the University of Guam (UOG) is the primary U.S. Land Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

**WHEREAS**, the governance and well-being of the University is vested in the Board of Regents (BOR);

**WHEREAS**, UOG recently completed a project that required a number of change orders to bring to completion;

**WHEREAS**, the project revealed some weaknesses in the way change orders are handled at the University;

**WHEREAS**, the VPAF is recommending a new Standard Operating Procedure (SOP) governing change orders at UOG which includes a role for the BOR in approving change orders for all projects with a total contract value that exceeds \$500,000;

**WHEREAS**, the UOG President has concurred with the recommendation of creating a new SOP; and

**WHEREAS**, the Budget, Finance and Audit Committee and the Physical Facilities Committee have reviewed this resolution and recommend its approval by the BOR.

**NOW, THEREFORE, BE IT RESOLVED**, that the BOR hereby approves of the revised policy governing change orders incorporated into the attached Standard Operating Procedure.

Adopted this 24<sup>th</sup> day of November, 2020.

Jerold W. Filush, Chairperson

**ATTESTED:**

Thomas W. Krise, Ph.D., Executive Secretary



## University of Guam Policy

<b>Policy Type</b>	[ X ] Board; [ ] Board-approved; [ ] President; [ ] President-approved; [ ] Other				
<b>Policy/Procedure Manual Name</b>	<b>UNIVERSITY CHANGE ORDERS APPROVAL PROCESS</b>				
<b>Article No.</b>	II	<b>Article Title</b>	Policies of the Business Office		
<b>Insert Policy / Procedure in</b>	Business Office Manual				
<b>Approval Authority</b>	Board of Regents	<b>Effective</b>	11/24/2020	<b>Most Recent Review</b>	
<b>Responsible Executive</b>	VPAF	<b>Resolution No</b> (or other tracking no).		<b>Date of Next Required Review</b> (date set by Board)	__/__/__
<b>Responsible Office</b>	Business Office	<b>Revision Tracking</b>	2/2/1980; 7/7/1983; 10/11/2013; 12/6/2017		
<b>Policy/Procedure Contact &amp; Website where document is maintained</b>	671.735-3000; <a href="mailto:boardofregents@triton.uog.edu">boardofregents@triton.uog.edu</a> ; <a href="https://www.uog.edu/policy-procedures-library/">https://www.uog.edu/policy-procedures-library/</a>				
<b>Who Should Review</b> (not in specific order)	[ ] Creating group; [ ] Unit Administrator(s); [ ] Unit Academic Affairs Committee; [ ] Human Resources Office; [ X ] Business Office; [ X ] Facilities & Maintenance; [ ] Institutional Safety Committee; [ ] Faculty Senate; [ ] Faculty Union; [ ] Student Government Association; [ ] Administrative Council; [ ] Academic Officers Council; [ X ] Vice President Administration & Finance; [ ] Senior Vice President for Academic & Student Affairs; [ X ] UOG Legal Counsel; [ X ] UOG President; [ X ] UOG Board of Regents; [ ] Guam Legislature; [ ] Governor of Guam				
<b>Initiation / Review / Consultation / Approval History</b>	Created by working group of the Board of Regents 1/5/1987; Approved by BOR 4/21/1987; Revised by Board 06/1999 and 01/2001; Revisions endorsed by Admin Council 09/01/2001; Revisions endorsed by Faculty Senate 10/03/2001; Union endorsed/consulted 10/15/2001; Endorsed by President 10/18/2001; Approved by BOR 11/15/2001; Amendments approved by BOR 12/6/2017 [Res. 16-22].				

### 1. Policy Statement

This policy identifies the policies and procedures for the processing of Change Orders within the University. This policy flows out of the Delegation of Authority policy adopted by the Board of Regents.

### 2. Reason for the Policy

Change orders should be minimal if there are any at all. If a project is planned properly, there should be few to none unknowns in the scope of work used for bidding any project. This policy sets forth the standard within the University that change orders should be utilized only in appropriate circumstances. These circumstances include situations where information comes to light during a project that was unknown and possibly unknowable. Another appropriate use is when a contractor brings forth an innovation that can save present or future costs for the University. Change orders can also be appropriate for situations in which there is a change in law, regulation or policy that needs to be incorporated into the contractual relationship.

### 3. Scope of Policy and Exclusions

This policy applies to all change orders at the University.

#### 4. Who Should Read this Policy

This policy should be read by Business Office professionals and those with a role in contract management or the University's contract approval process.

#### 5. Responsibilities (list those essential to the administration, compliance, review, or reporting of the policy)

Compliance, monitoring, and review

- The University President through the Vice President of Administration and Finance ensures compliance of the University Change Order process.

Reporting

- The UOG Business Office through the Vice President of Administration and Finance ensure change orders are properly approved by the designated officials. In instances where change orders are reported to the Board of Regents, it will be reported to the Business, Finance and Audit Committee.

Records management

- The UOG Business Office, General Counsel, and units managing contracts should maintain all records related to the contract.

#### 6. Definitions (should be referenced by, and in, the UOG central definitions catalog URL)

Change Order - means a written order signed by the authorized signer directing the contractor to make changes which are approved by both parties. Change orders are needed when information becomes known that was not known or foreseen at the time of contracting and in some cases was not knowable at the time of contracting.

#### 7. Feedback

University staff and students may provide feedback about this document by emailing [policy@triton.uog.edu](mailto:policy@triton.uog.edu)

#### 8. The Policy/Procedure (with references to related UOG and non-UOG policies / procedures)

Twenty percent (**20%**) of the original contract amount is a widely recognized threshold for contractual change orders. If a change order changes the value of a contract by more than 20%, there is risk that the contract is changed substantially. If a change order or series of change orders causes the value of a contract to be changed by more than 20%, a determination should be made as to the whether the project has changed so significantly so as to require re-bidding of the scope of work for the project.

A designated authority may sign change orders up to their designated authority level. If a change order or accumulated change order exceeds 20% of the original contract value, it must be approved by the next highest signing authority level.

The amended total value of a contract determines the signatory level required on the contract. See Appendix A, "UOG Delegation of Authority, Review, and Signature Approval Process, Req'd Signatories for Contract Types 2-11, by \$ Value". For example, if a Dean signs a contract below the threshold of their signing authority, then a change order is requested, and the change order causes the total value of the contract to exceed the signing authority of the Dean, the change order would need to be approved by the Senior Vice President for Academic and Student Affairs & Provost.

**If a change order or series of change orders causes a contract with an original value in excess of \$200,000 to grow by more than 20%, the Board of Regents must be notified in a written format.**

~~A project manager with a pattern of change orders on a series of projects or on multiple projects in excess of 20% will be a reason for disciplinary action.~~

## 9. Appendix / Appendices (put required forms here)

### Appendix A

## University of Guam

### Delegation of Authority, Review, and Signature Approval Process

These approvals are based on BOR Resolutions: Approval of Procurement Awards and Contracts BOR 13–28 (updating 05–54, 12–18, 13–08); Increase of the Threshold for Small Purchases 18–08 (04–25); and the Purchase Card Program BOR 17–22 (15–26). (ver. April 2019)

Spending Amount	Approving Officials
Petty cash up to \$250	Deans, Directors, or Administrators ( <b>DD, A</b> )
P-cards up to \$2,000 (see BOR P-card rules)	Deans, Directors, or Administrators ( <b>DD, A</b> )

Procurement Award Amount	Approving Officials
Reviews ALL contracts, MOUs, MOAs, etc. for form and legality	Legal Counsel ( <b>LC</b> )
Up to \$25K (from approved unit budgets, excluding contracts)	Deans, Directors, or Assistant Vice President ( <b>DD, AVP</b> )
>\$25K to \$100K	Senior Vice President–Academic & Student Affairs ( <b>SVP</b> ) or Vice President Administration & Finance ( <b>VPAF</b> )
\$101K to \$200K	President ( <b>PRES</b> )
\$201K to \$499K	President ( <b>PRES</b> ) + Chair–BOR ( <b>CBOR</b> )
\$500K and Up	President ( <b>PRES</b> ) + Chair–BOR ( <b>CBOR</b> ) + Treasurer–BOR ( <b>TBOR</b> ) + Attorney General ( <b>AG</b> )

Certifying Officials	Verification
Certifying Officer ( <b>CO</b> ) or General Accounting Supervisor ( <b>GAS</b> )	Availability of funds
Associate Comptroller/Bursar ( <b>ACOB</b> ) or Comptroller ( <b>COMP</b> )	Availability of funds
Supply Management Administrator ( <b>SMA</b> )	Procurement regulations
Vice President for Administration & Finance ( <b>VPAF</b> ) or Comptroller ( <b>COMP</b> )	Sole Source procurement

Types of Contracts (not all inclusive)	Minimum Set of Certifying Signatories
1. Purchase Order: (Micro–purchase) Good or Services, Open POs <=\$2K	Deans, Directors, or Assistant Vice President ( <b>DD, AVP</b> )
Purchase Order: Goods or Services >\$2K to \$25K	DD&A + SMA + CO–GAS
Purchase Order: Goods or Services >\$25K to \$50K	DD&A + SMA + CO–GAS + ACOB
Purchase of Goods or Services >\$50K	DD&A + SMA + CO–GAS + COMP
2. Competitive Seal Bidding and RFPs >\$50K (\$100K -- CONST)	<b>Req'd Signatories for Contract Types 2–11, by \$ value</b>
3. Indefinite Quantity Agreement	<b>Up to \$100K:</b> CO–GAS + ACOB or COMP + LC + SVP or VPAF
4. Partnership Agreement	
5. Independent Contractor Agreement	<b>\$101K to \$200K:</b> CO–GAS + ACOB or COMP + LC + SVP or VPAF + PRES
6. Employment Agreement – Tenure Track	
7. Special Employment Agreement	<b>&gt;\$200K to &lt;\$500K:</b> CO–GAS + ACOB or COMP + LC + SVP or VPAF + PRES + CBOR
8. Amendment to Contract	
9. MOU's for various purposes	<b>\$500K and up:</b> CO–GAS + ACOB or COMP + LC + SVP or VPAF + PRES + CBOR + TBOR + AG
10. UOG Field House License Agreement	
11. A&E and CIP Contracts	

#### NOTES

1. Rule–making authority for the UOG Board of Regents is found in 17 GCA § 16108: "Notwithstanding any law, rule, or regulation to the contrary, the authority of the Board to establish personnel and administrative rules and regulations shall not be subject to the Administrative Adjudication Act."

2. Pursuant to 17 GCA, Chapter 16 – UOG Charter -- the Board of Regents is the governing board who appoints the President with the advice and consent of the Guam Legislature. Pursuant to the UOG Procurement Regulations Section 2.5 the President or his designee has authority to sign and approve contracts.

3. All contracts of \$500,000 and up require the approval of the Attorney General of Guam. As a public corporation of the government of Guam, UOG's Legal Counsel holds delegated authority to serve as an Assistant Attorney General to (1) act as a legal advisor during all phases of the solicitation or procurement process; and (2) review and approve contracts of \$500,000 or more as to form and legality.

4. All contracts for goods or services must be in compliance with UOG's Procurement Regulations as well as distributed guidelines and procedures; the Guam Procurement Law (5 GCA Chapter 5); and Guam Procurement Regulations (2 GAR Div. 4). They shall comply with federal and local government statutes.

5. VPAF is authorized to adjust petty cash level and reduce purchase order authorization levels.

6.0 AD HOC REPORT: ENDOWMENT FOUNDATION UPDATE

## 7.0 OPEN PRESENTATION (3 Minute Limit Per Person)

## 8.0 EXECUTIVE SESSION

9.1 Student Loan Action

9.2 Recommendation for Tenure for Leslie Aquino, Associate Professor of Mathematics, College of Natural and Applied Sciences

9.3 Recommendation for Tenure for Nathan Habana, Associate Professor of Ground Water Hydrology, Water and Environmental Research Institute

9.4 Recommendation for Tenure for Francis Dalisay, Associate Professor of Communication, College of Liberal Arts and Social Sciences

9.5 Recommendation for Tenure for Pyo-Yoon Hong, Associate Professor of Engineering, School of Engineering

9.6 Recommendation for Tenure for Colleen Jennings, Assistant Professor of Vocal Performance, College of Liberal Arts and Social Sciences

9.7 Recommendation for Tenure for Yoshito Kawabata, Associate Professor of Psychology, College of Liberal Arts and Social Sciences

9.8 Recommendation for Tenure for Tanisha Aflague, Associate Professor of Nutrition, College of Natural and Applied Sciences

9.9 Recommendation for Tenure for Raymond Anderson, Professor of Communication, College of Liberal Arts and Social Sciences

## 9.0 VOTING FILE

9.1 Student Loan Action

9.2 Recommendation for Tenure for Leslie Aquino, Associate Professor of Mathematics, College of Natural and Applied Sciences

9.3 Recommendation for Tenure for Nathan Habana, Associate Professor of Ground Water Hydrology, Water and Environmental Research Institute

9.4 Recommendation for Tenure for Francis Dalisay, Associate Professor of Communication, College of Liberal Arts and Social Sciences

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9.6 Recommendation for Tenure for Colleen Jennings, Assistant Professor of Vocal Performance, College of Liberal Arts and Social Sciences

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9.8 Recommendation for Tenure for Tanisha Aflague, Associate Professor of Nutrition, College of Natural and Applied Sciences

9.9 Recommendation for Tenure for Raymond Anderson, Professor of Communication, College of Liberal Arts and Social Sciences

## 10.0 ADJOURNMENT