



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

Resolution No. 20-12

RELATIVE TO ADOPTING AMENDMENTS TO UNIVERSITY OF GUAM'S INTERIM PERSONNEL RULES AND REGULATIONS TO FACILITATE SOCIAL-DISTANCING, REMOTE WORK, AND OTHER FLEXIBLE WORK ARRANGEMENTS TO PREVENT THE TRANSMISSION OF THE COVID-19 VIRUS

WHEREAS, on March 14, 2020, *I Maga'hågan Guåhan*, the Governor of Guam, declared a public health emergency on Guam due to the potential dangers posed by the 2019 novel coronavirus (COVID-19);

WHEREAS, on March 16, 2020, to respond to confirmed cases of COVID-19 on Guam, *I Maga'hågan Guåhan*, the Governor of Guam, issued Executive Order No. 2020-04, which, in relevant part, for the period from March 16-30, 2020, closed all non-essential government of Guam offices, suspended their services and stated that all essential personnel shall be identified and contacted by their appropriate supervisors, prohibited gatherings of 50 people or more in a single room or single space at the same time, which stated that any place of business or public accommodation for which attendance is anticipated to be fewer than 50 people shall operate at no greater than 50% occupancy and no greater than 50% of seating capacity, and which strongly recommended that mitigation measures be implemented and enforced including but not limited to social distancing, cleaning of all surfaces, posting of signs, permitting or encouraging teleworking, and encouraging older residents and those with pre-existing medical conditions to limit excursions of any type;

WHEREAS, on March 16, 2020, *I Maga'hågan Guåhan*, the Governor of Guam, issued Governor's Circular No. 2020-07, that elaborated on the intent of Executive Order No. 2020-04 as that executive order pertains to the closure of non-essential government of Guam offices and the suspension of certain services by stating that all employees whether determined essential or not, shall be expected to continue duties and responsibilities at their place of residence to the extent that is possible and that upon immediate call, all employees shall be expected to return to their normal worksites within two hours;

WHEREAS, to comply with Executive Order No. 2020-04 and Governor's Circular No. 2020-07, on March 16, 2020, University of Guam (UOG) issued Campus Advisory No. 3 which closed UOG's campus to the public for the fourteen day period ending on March 30, 2020, cancelled or postponed all UOG events and activities, moved all classes online or to an alternate setting, placed all UOG employees on administrative leave from March 17, 2020 until the end of the fourteen day emergency period, and which stated that UOG employees with critical and essential duties will be contacted by their supervisors or administrators to determine a schedule for work, required UOG Administrators to report for duty, and which stated that some essential employees may be able to work from home;

WHEREAS, UOG's Interim Personnel Rules & Regulations (IPRR) contain provisions granting enhanced pay for some of UOG's workforce who may be called to work during periods of emergency and which place some of UOG's workforce on administrative leave if not called during periods of emergency, and which exclude some segments of UOG's workforce from being paid administrative leave if they are unable to work during periods of emergency;

WHEREAS, in order to protect the safety and health of our UOG and island community, in order to sustain UOG's academic programs and operational continuity, in order to minimize the possibility of income disruption to segments of UOG's workforce and to mitigate UOG's costs arising from a prolonged emergency period caused by Guam's response to the COVID-19 virus, UOG's Administrative Council endorses and recommends that the Board of Regents (BOR) adopt the amendments to Rule 7.403, Rule 7.404, and Rule 8.409 in UOG's IPRR, set forth in Exhibit A herein, to Facilitate Social Distancing, Remote Work, and Flexible Work Arrangements to Prevent the Transmission of the COVID-19 Virus; and

WHEREAS, the BOR Academic, Personnel, and Tenure committee, having reviewed and discussed the changes, recommends that the BOR adopt the amendments in UOG's IPRR, set forth in Exhibit A herein.

NOW, THEREFORE, BE IT RESOLVED, pursuant to 17 G.C.A. §16108, the BOR hereby adopts the amendments to Rule 7.403, Rule 7.404, and Rule 8.409 in UOG's IPRR, set forth in Exhibit A herein.

Adopted this 23rd day of April, 2020.



Elvin Y. Chiang, Chairperson

ATTESTED:



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

EXHIBIT A

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 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.

8.409 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 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.