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CORRECTION INSTITUTION DIFFERENTIAL PAY POLICY

SUBJECT: CORRECTION INSTITUTION DIFFERENTIAL PAY

EFFECTIVE DATE: UPON APPROVAL

INQUIRIES: Department of Administration, Personnel Services Division

I. STATEMENT OF POLICY:

It is the policy of the Government of Guam to ensure that the total compensation package of government employees be consistent with Title 4 Guam Code Annotated, Chapter 6, §6301 and based on §6304 of the same chapter that differential pay be developed and uniformly administered in the government. It is the policy of the Department of Administration (DOA) that this recommended Correction Institution Differential be administered uniformly for those uniformed personnel whose duties dictate that their work environment be restricted to the confines of established secured and guarded facilities within the government of Guam.

II. STATEMENT OF PRACTICE: The provisions contained herein be implemented uniformly within all covered departments and its employees while properly documenting its administration within said departments for accountability purposes and to ensure conformance with all requirements established by this policy.

III. REFERENCES: Title 4 Guam Code Annotated, Chapter 6, §§6301 and 6304.

IV. APPLICABILITY: This policy applies to all uniformed personnel of the Department of Corrections (DOC), Department of Youth Affairs (DYA); and other departments as determined by the DOA which meet the requirements of eligibility according to this policy.

V. PURPOSE: The purpose of this policy is to establish the guidelines within which the Correction Institution Differential can be implemented within covered departments and agencies.

VI. SCOPE: This policy applies to those uniformed employees of those departments which are established by DOA as meeting the eligibility requirements to qualify for the differential. This differential only applies to those uniformed employees whose duties require them to work within the confines of secured and guarded facilities in which entrance by those other than personnel authorized by respective department heads is strictly prohibited and regulated. This includes the DOC, DYA; and other departments as determined by the Director of Administration.

VII. IMPLEMENTATION:

- a. A twenty-five percent (**25%**) differential pay will be applied to those uniformed personnel of the DOC, DYA, and other department / employees as determined by the Director of Administration.
- b. The 25% differential shall be calculated on the base salary of an employee. Correctional facilities operate on a 24-hour schedule which means that these departments and agencies regularly incur overtime. The differential is only to be applied to a covered employee's base salary. The differential is not to be paid at the overtime premium.
- c. This differential covers those employees at DOC, DYA, and other appropriate agencies whose duties require them to spend **50%** or more of their time on a daily basis within the secured confines of correctional institutions and within areas surrounded by a physical barrier designed to prevent inmates' / clients' ability to access areas outside the barrier.
- d. The differential pay is authorized beginning when employees report for work / duty in the facilities; at which time compensation will be authorized after the first hour of work performed within the facility; and will continue until the end of the shift or regular work schedule. This differential shall not be paid when an employee is on any status other than regular work status (i.e. annual, sick, administrative leave, etc...).
- e. The differential pay will be authorized in a similar context as overtime is administered. Differential pay is authorized after 40 (or other shift schedules as governed by FLSA 207[k] exemptions) hours of work would have to be performed throughout the week to be eligible to receive the differential.
- f. DOC, DYA, and other approved departments / agencies shall inform the Director of Administration of the facilities that are to be included in the implementation of this policy. This includes the name, address (physical location); and any other relevant information or description of the facilities covered by this policy. This list of covered facilities can be amended through a request by the covered department / agency, and subsequent approval by the Director of Administration.
- g. If covered employees are assigned to other areas which are considered "outside" of the identified areas; the covered department shall inform DOA of such assignment in an effort to ensure that the administration of the differential pay remains accountable.
- h. Reviews and assessments may be conducted by the DOA Payroll or Personnel Services Divisions upon determination of the necessity of a review. Findings of a review or assessment for compliance or any other purpose with respect to the policy will be forwarded to the Director of Administration for review and determination.

VIII. FISCAL CONTROL:

- a. Implementation and payment of this differential is contingent upon the availability of funding.
- b. Covered departments and agencies shall request approval for funding from the Bureau of Budget and Management Research (BBMR) prior to initial implementation of the 25% differential.
- c. Approval by the BBMR in regards to the initial implementation of the differential shall be forwarded to the DOA Personnel Services Division and Payroll Services Division for record purposes.
- d. Payment of the differential for covered employees may be suspended based on the lack of availability of funding as certified by the BBMR.

- IX. ADMINISTRATIVE REVIEW:** This policy shall be reviewed by the DOA Personnel Services Division every three (3) years to determine whether any adjustments or amendments need to be made to the authorized differential or policy requirements. Any recommended changes will be forwarded to the Director of Administration for review and approval.
- X. AMENDMENTS:** Requests for amendments to the policy can be made by departments and agencies covered by this policy. Requests shall be in writing and addressed to the Director of Administration. The requests shall be limited to administrative items and employees covered by this policy.
- XI. REPORTING REQUIREMENTS:** Departments and agencies covered by this policy shall submit a report on personnel costs associated with this policy for their respective agencies to the Director of Administration at the end of the 2nd and 4th quarters of each fiscal year.
- XII. PENALTY FOR NON-COMPLIANCE:** In the event that any review or assessment finds that policy requirements were not complied with; it may be determined by the Director of Administration that any employee or employees found to receive the differential pay in a manner which does not comply with the regulations contained herein, may have their eligibility revoked and will no longer be able to receive the authorized differential.
- XIII. EFFECTIVE DATE:** Upon approval.

(X) APPROVED
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EDWARD M. BIRN
DIRECTOR OF ADMINISTRATION

(Date)