

**BEFORE THE 2006 JUDICIAL COUNCIL OF GUAM
RESOLUTION NO. JC 06-005**

**RELATIVE TO ADOPTING ADMINISTRATIVE POLICY UJ06-08 REGARDING
COMPENSATION POLICY FOR DETAIL OR ACTING APPOINTMENTS TO
UNCLASSIFIED POSITIONS**

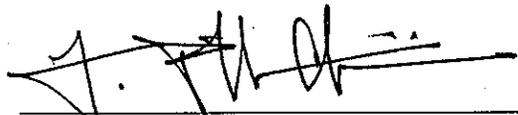
WHEREAS, it is the desire of the Unified Judiciary to ensure that a uniform compensation policy regarding employees who are detailed or appointed acting to unclassified positions is in place and is properly utilized by the Judiciary; and

WHEREAS, this compensation policy will provide for the clear and consistent administration of such detail or acting appointments to unclassified positions for all personnel of the Judiciary of Guam; and

WHEREAS, Guam law requires that administrative policies related to Judiciary employee compensation issues be adopted by the Judicial Council;

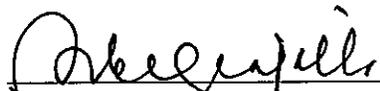
NOW THEREFORE BE IT RESOLVED, that Administrative Policy UJ06-08 which appears as Exhibit "A" hereto is **HEREBY ADOPTED.**

DULY ADOPTED AND EFFECTIVE this 15th day of February, 2006 at a duly noticed meeting of the Judicial Council of Guam.



F. PHILIP CARBULLIDO, Chairman
Dated: 3/10/06

ATTEST:



ANNABELLE C. MAJILLO, Secretary
Dated: 3/10/06



ADMINISTRATIVE OFFICE OF THE COURTS

ADMINISTRATIVE COMPENSATION POLICY #UJ06-08

REF: COMPENSATION POLICY FOR DETAIL OR ACTING APPOINTMENTS TO AN UNCLASSIFIED POSITION

BACKGROUND/AUTHORITY

The Judiciary recognizes that from time to time operational requirements may warrant management's need to temporarily appoint or assign an employee to perform duties of another position. As the Judiciary establishes new administrative policies pertaining to unclassified positions, this new policy will provide a uniform and consistent process in compensating employees when appointed by the Administrator of the Courts to an unclassified position on a temporary basis. Legal authority for Judicial Council adoption of this compensation policy is found at 4 GCA §§ 6301 and 6302 as well as in the Organic Act of Guam at 48 U.S.C. 1424-1 (b).

Section 1. POLICY

The Administrator of the Courts may temporarily appoint an employee to an unclassified position when operational needs deemed it necessary. As the Personnel Rules and Regulations allow for these types of appointment, acting or detail assignment is dependent upon the position an employee is being appointed to. Consistent with other policies adopted by the Judicial Council for unclassified positions, this policy will provide for a uniform and consistent process for compensating employees appointed to unclassified positions temporarily. This policy is only applicable to those unclassified positions being compensated under the Unified Pay Schedule, Pay Grades A through V.

Section 2. DEFINITION OF A DETAIL AND/OR ACTING APPOINTMENT

- 2.1 Detail assignment for purposes of this policy is when an employee is recommended and selected by the Administrator of the Courts to temporarily assume the duties and responsibilities of a higher unclassified position.
- 2.2 Detail assignment is applicable to positions which are not a part of the Judiciary's Senior Management Team.
- 2.3 Acting appointment for purposes of this policy is when an employee is recommended and selected by the Administrator of the Courts to temporarily assume the duties and responsibilities of an unclassified position.

- 2.4 Acting appointment is applicable to positions which are members of the Judiciary's Senior Management Team.

Section 3. COMPENSATION - PAY DIFFERENTIAL

- 3.1 Classified Employee Appointed to Unclassified Position: When a classified employee is appointed to an unclassified position with a higher pay grade, his/her salary shall be slotted from his current pay grade/step to a step (in the unclassified position's pay grade) which is equal to and not less than a three-step salary increase in the pay grade of the position he/she holds as a classified employee.

Example:

Employee's Current Salary, L-7 = \$35,802 per annum or \$17.21 per hour

Process 1: 3 Steps up from L-7 amount to L-10, \$39,780 or \$19.13

Process 2: Detailed to a higher position, pay grade N

Process 3: Take \$19.13 and slot into a step at pay grade N
which is closest to and not less than \$19.13.

Process 4: Compensation is slotted at N-6 = \$40,383 or \$19.41

The differential pay of +\$4,581 per annum or +\$2.20 per hour will be indicated on the personnel action accordingly for the duration of the temporary appointment.

- 3.2 Unclassified Employees Appointed to another Unclassified Position: When an unclassified employee is temporarily appointed to another unclassified position with a higher pay grade, his/her salary shall be slotted from his current pay grade and step to a step (in the appointed position's pay grade) which is equal to and not less than a three step salary increase in the pay grade he/she held prior to appointment.
- 3.3 Employee must serve thirty (30) consecutive calendar days to be eligible for the differential compensation contemplated by this policy. Upon serving the required minimum of thirty (30) days, differential compensation is available retroactive to the beginning of the appointment period. No compensation is allowed for detail and acting appointments of less than thirty (30) consecutive calendar days unless allowed by statute or personnel rules.
- 3.4 No additional waiting period of serving another thirty (30) days is required for extensions that are consecutive as approved by the Chief Justice.

Section 4. DURATION OF APPOINTMENTS

- 4.1 Detail appointments shall not exceed the normal temporary period of ninety (90) calendar days.
- 4.2 Any request to extend beyond the ninety (90) days shall require the approval of the Chief Justice. Only one extension may be granted.
- 4.3 Acting appointments shall not exceed a period of twelve (12) consecutive months. Any continuance beyond the twelve months shall require the approval of the Chief Justice.

Section 5. OTHER RELATED PROVISIONS

- 5.1 Classified employees have the option of declining any detail or acting appointment to unclassified positions.
- 5.2 Any classified employee selected for detail or acting appointment must have completed his/her initial probationary period. This is to ensure no disruption of required probationary periods.
- 5.3 Unclassified employees can only be detailed or appointed acting to other unclassified positions.
- 5.4 When an employee is due a salary increment regarding their original position while on detail or acting appointment, the salary increment will continue to be processed and if approved, adjustments to the appointment compensation will be made accordingly.
- 5.5 Leave periods that exceed eighty (80) consecutive hours during an active detail or acting status will automatically suspend the differential pay for the entire period of leave until the employee has returned to duty status.

Section 6. FLSA NON-EXEMPT TO EXEMPT STATUS WHILE ON DETAIL OR ACTING

Employees who are detailed or appointed acting from a non-exempt position to an exempt position will automatically incur the exempt status category. All policies and procedures relative to exempt positions will apply for the duration of the temporary appointment.

Section 7. ADMINISTRATIVE PROCESSING & PROCEDURE

- 7.1 Any plans for detail assignments to an unclassified position require the prior approval of the Administrator of the Courts. The submission of Form #HR01-2001 to the Human Resources Division is required. A copy of the approval will then be forwarded to the division head and the employee to be detailed.

- 7.2 Any plans to assign personnel to be acting in an unclassified position require the prior approval of the Administrator of the Courts. This may be made through a memorandum request. Such request should indicate the planned length of time for the acting appointment and the reasons therefor. A copy of the approval will then be forwarded to the division head and the employee involved.

Section 8. EXPIRATION OR TERMINATION OF APPOINTMENT

Upon expiration or termination of a detail assignment or acting appointment, the classified employee retains the right to return to his/her previous position held.

Section 9. IMPLEMENTATION AND AUTHORITY OF THIS POLICY

Any subsequent changes to this administrative policy shall require action by the Judicial Council. Nothing in this policy shall limit the discretionary authority of the Administrator of the Courts to make decisions or to establish other policies and procedures relative to issues not covered or specified by this policy.