



TERRITORY OF GUAM  
OFFICE OF THE GOVERNOR  
AGAÑA, GUAM 96910  
U. S. A.

**EXECUTIVE ORDER NO. 97-02**

**RELATIVE TO EXEMPTIONS FROM EXECUTIVE ORDER  
NO. 95-11 FOR CERTAIN EMERGENCY SERVICES  
RELATIVE TO SOCIAL SERVICE NEEDS OF THE  
TERRITORY.**

**WHEREAS**, Executive Order No. 95-11 prevents payment of overtime compensation to all those employees of the Executive Branch who occupy executive, administrative, or professional positions, and those positions are enumerated in that executive order pursuant to the Fair Labor Standards Act; and

**WHEREAS**, certain employees who offer emergency services on a 24-hour basis, or on a regular basis not necessarily 24-hour, must routinely work overtime and yet are occupying positions enumerated in Executive Order No. 95-11 as being executive, administrative, or professional; and

**WHEREAS**, there is no relief in sight for the overtime requirements of certain employees offering emergency and essential services because of the shortage of certain types of professionals on the island and the necessity to respond to emergency situations around the clock every day of the week; and

**WHEREAS**, for the most part, the employees affected by the exemption in this Executive Order are paid from 100% federal funds and local funds are not used for their positions; and

**WHEREAS**, the Social Security Administration has requested that the individual occupying the position of Disability Determination Service Claims Examiner within the Department of Vocational Rehabilitation be allowed overtime as this position is very important for processing of social security benefits and is paid 100% with federal funds; and

**WHEREAS**, certain social worker positions in the Child Protective Services Division of the Department of Public Health and Social Services have been responding to calls regarding child abuse for the last 2 years at all times of the day or night, whether during the week or on weekends and holidays, and this, unfortunately, is still necessary to keep up with the complaints of abuse coming into the Department; and

**WHEREAS**, the Department of Mental Health and Substance Abuse suffers from a chronic shortage of qualified social workers for the needed programs, and the persons employed in intake functions, which are 24-hour functions, as well as those employed in operating the Crisis Hot Line and the Healing Hearts Rape Crisis Center must respond to emergency situations at all times when they occur;

**NOW, THEREFORE, I, CARL T. C. GUTIERREZ**, Governor of Guam, by virtue of the authority vested in me by the Organic Act do order:



1. Persons occupying the following positions in the following named agencies are exempt from the provisions of Executive Order No. 95-11 prohibiting overtime payment.
  - a) Disability Determination Service Claims Examiner within the Department of Vocational Rehabilitation. There is only One (1) person occupying this position and the service is needed by the Social Security Administration. This exemption in Subsection a) of this Section 1 is retroactive to the beginning of Fiscal Year 1996. The amount of funds to be paid is approximately
  - b) Social Worker positions within the Child Protective Services Division of the Department of Public Health and Social Services. This exemption in Subsection b) of Section 1 is retroactive to Fiscal Year 1995. The total amount of funds to be paid for Fiscal Years 1995 and 1996 is approximately Three Thousand Eight Hundred Ninety-Five Dollars (\$3,895).
  - c) Social Worker and nurse positions offering services through the 24-hour emergency On-Call/intake and Assessment services, the Crisis Hot Line, and the Healing Hearts Rape Crisis Center at the Department of Mental Health and Substance Abuse. The exemption in Subsection c) of this Section 1 is retroactive to Fiscal Year 1996.
2. Payment of prior year obligations under this executive order may be made when authorized by law. Current obligations may be paid as incurred.

**SIGNED AND PROMULGATED at Agana, Guam this 29th day of January, 1997.**

**CARL T. C. GUTIERREZ**  
Governor of Guam

**COUNTERSIGNED:**

**MADELEINE Z. BORDALLO**  
Lieutenant Governor of Guam