11/20 B

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

EXECUTIVE ORDER NO. 84-13

Amendment to Executive Orders 83-007 and 84-4

WHEREAS, there is a need to amend but continue to maintain a cost containment policy to insure the prudent management of government resources while pursuing a policy of normalcy in the administration of agency functions and activities; and

WHEREAS it is deemed that the Bureau of Budget and Management Research's agency resources can best be maximized through the conduct of management audits and oversignt activities vested in it in P.L. 12-115 leading to the formation of fiscal and program policies which would place accountability at every agency's doorstep; and

WHEREAS, this policy of accountability can best be pursued by giving to managers, directors, and other agency heads full responsibility and flexibility in performing their management duties within the confines of policies, laws, and regulations applicable to such matters; and

WHEREAS, this redirection requires that we modify our approach in restraining the cost of government;

NOW, THEREFORE, I, RICARDO J. BORDALLO, by virtue of the authority vested in me as Governor of Guam, do hereby order as follows:

1. That the Bureau of Budget and Management Research shall determine the monthly operating allotments for each department and agency;

2. That all departments and agencies, autonomous or otherwise, shall not expend, encumber or in any way obligate funds beyond respective monthly allocations; and

3. In line with this redirection, Executive Order 83-007 is hereby amended in its entirety as follows:

I. Handling of Personnel Actions:

1. Filling of Vacancies: All agencies, including autonomous and semi-autonomous agencies, desiring to fill vacant or new positions must submit such recruitment requests to the Governor's Office for clearance

and approval to insure there is a government-wide coordination of the filling of vacancies while attempting a reduction in force. Agencies shall be prohibited from filling any vacancy without adhering to this policy. Any action in violation of this guideline is null and void.

Priorities in the filling of vacancies shall be determined on a case by case basis and shall be prioritized according to the following guidelines:

A. The position is critical to the department's operation and failure to fill such a position shall result in the program and/or agency's inability to fulfill major program or departmental objectives and/or tasks which need to be performed.

B. The position is fully funded (100%) by the federal government and approved in the federal grant application and/or by federal officials as verified in writing.

C. The position is considered vital for the provision of essential functions directly related to public health, safety, or welfare.

D. The position is a "key" technical position needed to insure that the government improves revenue generating programs and/or perform urgent program and policy-making functions.

E. The position is required to be filled by local or federal law or by contract.

2. Promotions: All promotions and position upgrading by departments, agencies, autonomous or otherwise will be reviewed on a case by case basis by the Governor's Office with a view towards reducing government costs.

3. Detail Appointments: All detail appointments by departments, agencies autonomous or otherwise shall be made pursuant to Rule X, Item 10.06, of the Personnel Rules and Regulations and must receive the Governor's prior approval.

II. Travel Requests: All off-island travel shall be restricted and subject to the Governor's final approval. Government employees/board members shall be discouraged from attending conferences which are less than four (4) days in duration. All air travel taken by government employees and board members must be based on economy, apex or excursion fare.

Except for exceptional circumstances no more than one traveler shall be allowed to attend the same conference unless there are concurrent sessions of benefit to agency business. Persons on government travel shall be allowed to claim only the following basic expenses:

1. air fare
2. per diem at rate authorized
3. registration/conference fee

Reimbursement for transportation funding under the miscellaneous category shall be allowed only if approved by the Governor. Requests for miscellaneous expense in a travel authorization must be justified. All travel requests shall be submitted to the Governor's Office for review at least ten (10) working days prior to the commencement date of travel.

The guidelines for evaluating such travel shall include the following:

1. Travel is essential to the conduct of pending or important government business. (This shall include the accompanying of patients and/or inmates off-island.)
2. The travel may result in the securing of additional revenues to Guam, achieve current or future cost-savings for government operations, programs and/or relate to the agency's priority work program activities.
3. The travel is required as per existing contracts terms, public law, rules or regulations.
4. The travel is 100% federally funded, is important for the conduct of the agency's affairs, and has been identified in the agency's grant application or approved by the federal government, and the grant award has been received by the agency.
5. Sufficient funding is available and adequate funds have been released under the agency's allotment.

III. Overtime and Night Differential Pay:

All departments, agencies, autonomous or otherwise are requested to minimize the scheduling of employees which may result in their accrual of overtime or night differential payment.

Payment for overtime claim shall be prepared only if they are properly documented and presented within two (2) weeks after the overtime work was performed and after an Overtime Plan has been approved by the Bureau of Budget and Management Research. Overtime payment should be used as a management tool of last resort. The Overtime Plan should reflect the following:

1. names, position titles, pay ranges and salaries of persons who may need to perform overtime work:
2. amount anticipated to be paid for such overtime work;
3. justification and purpose for the overtime;
4. funding source and budgeted amount.

Standards for the review of overtime shall be as follows:

1. overtime is authorized for the agency and is fully budgeted.
2. overtime work is essential to the performance of a major agency objective or is of an emergency nature (rash of crime incidence, typhoon, flooding, power outages, accidents, etc.)

IV. Contracts: Notwithstanding the provisions of Executive Order 83-002, all contracts executed by departments, agencies, autonomous or otherwise, must be reviewed by the Bureau of Budget and Management Research and approved by the Governor. Additionally, agencies must insure that all rules, regulations and procedures affecting such contracts have been complied with or are addressed. After review by the Bureau, such contracts shall be submitted to the Attorney General and the Governor for approval. All contracts shall be submitted for review at least thirty (30) days prior to their effect date.

1. Office Space Contract: All proposed office contracts or renewal requests must be submitted to the Bureau of Budget and Management Research for review and approval by the Governor fifteen (15) days prior to the submission of bid proposals or expiration date of existing contracts.

   The standards which shall govern the review of such contracts are as follows:

   A. Office space requirements proposed are in harmony with the spirit of the austerity program in that:

      1) space requested is minimum space needed by the agency;

2) agency has selected the lowest responsible bidder; and

3) adequate funding has been appropriated.

2. Procurement Contracts: All departments, agencies, autonomous or otherwise, shall submit procurement contract for clearance by the Bureau of Budget and Management Research and must be approved by the Governor.

Such contracts must be accompanied by the following:

A. a copy of the bid specifications;

B. a copy of the prior year's agreement if a renewal is sought;

C. evidence that adequate funding has been appropriated (budget and allotment schedule); and

D. justification showing that procurement through contractual arrangements is more cost-effective by the agency.

3. Off-Island Recruitment and Consultant Contracts: All off-island recruitment and consultant contracts shall be reviewed and cleared by the Bureau of Budget and Management Research and approved by the Governor. Such contracts shall be in compliance with existing laws and related policies.

Agencies shall submit the following documents in support of such contracts:

A. evidence that funding for the contract is budgeted and authorized.

B. certification that the contract is in conformance with P.L. 17-25 and other contract legislations.

4. Contracts for Services and all other Contracts: Departments, agencies, autonomous or otherwise, seeking to enter into other types of contractual arrangements shall be required to submit contract proposals to the Bureau for review along with corresponding documentation indicating the following:

A. Inability to perform services contracted in-house;

B. Appropriate documentation indicating how cost estimates for the proposal were derived and some form of a cost-benefits assessment;

C. That adequate funding has been released by the Bureau of Budget and Management Research to provide for monthly payments of the contractual obligation; and

D. Contractual commitments shall only be for the term of the fiscal year unless statutorily exempted and approved by the Governor.

V. Monitoring Requirements for Autonomous, Semi-Autonomous Agencies and Entities:

All autonomous agencies, semi-autonomous agencies, public corporations, commissions, and boards shall be required to submit quarterly cash flow statements, financial statements, and updated staffing patterns to the Bureau of Budget and Management Research. Agencies shall also submit copies of their current fiscal year budget to the Bureau within thirty (30) days from the approval of such budgets by the respective boards and/or commissions.

These entities are required to adhere to the following guidelines:

1. Handling of Personnel Actions - See Section 1 of these guidelines.
2. Travel policies - See Section II of these guidelines.
3. Overtime and Night Differential Pay - See Section III of these guidelines.
4. Contracts - See Sections 1, 2, 3 and 4.

VI. All agencies shall provide a quarterly update of its Federal Programs Inventory on BBMR Form 85.

VII. Miscellany: The Governor shall establish such other procedures, guidelines, and policies as necessary to carry out the provisions and intent of this Executive Order.

VIII. All departments, agencies, autonomous or otherwise, shall comply with the provisions of this Order except for the University of Guam, the Guam Community College, and other agencies as determined by the Governor.

All Executive Orders and Circulars on austerity measures are hereby superseded.

Signed and promulgated at Agana, Guam this 27th day of April, 1984.

RICARDO J. BORDALLO
Governor of Guam

COUNTERSIGNED:

EDWARD D. REYES
Lieutenant Governor of Guam