

CONSOLIDATED COMMISSION ON UTILITIES

Guam Power Authority | Guam Waterworks Authority P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamicu.org

GWA RESOLUTION NO. 27-FY2021

RELATIVE TO AMENDING THE GWA OVERTIME POLICY

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual, and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, pursuant to Public Law 28-159 and Title 12, Chapter 14 of the Guam Code Annotated, the Consolidated Commission on Utilities has the power and authority to establish policy for the Guam Waterworks Authority ("GWA") which includes terms and conditions of employment applicable to all to all Certified, Technical and Professional employees; and

WHEREAS, the Guam Waterworks Authority is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Fair Labor Standards Act (FLSA), as amended in December 2019, and effective 16 January 2020; enforces the payment of overtime to employees meeting established criteria of positions deemed Exempt and Non-Exempt; and

WHEREAS, the CCU agrees with GWA Management that all employees holding CTP positions listed on appendix A as Non-Exempt be authorized overtime payment subject to proper budget authority and other GWA policies in place; and

WHEREAS, CCU Resolution No. 14-FY2021 (Exhibit "A") authorized that only GWA Non-Exempt employees be allowed to earn overtime under any circumstances subject to proper budget authority and other GWA policies in place; and

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WHEREAS, the first resolve clause in CCU Resolution No. 14-FY2021 erroneously cited Resolution 90-FY2010 instead of Resolution 09-FY2010; and

WHEREAS, the fourth resolve clause in CCU Resolution No. 14-FY2021 only allows the GWA General Manager to append Appendix A, Position Inventory for newly created Non-Exempt positions but not newly created Exempt positions; and

WHEREAS, prior to Resolution No. 14-FY2021, private contractors agreed to reimburse GWA for overtime incurred by GWA employees, primarily Engineers, who perform after hours inspections of their construction projects; and

WHEREAS, private contractors are being negatively impacted by CCU Resolution No. 14-FY2021 because GWA employees now perform inspections during the work day which reduces private contractors' productivity; and

WHEREAS, GWA is part of the Government of Guam Comprehensive Emergency Response Plan which includes GWA employee's participation as an Emergency Coordination Officer (ECO); and

WHEREAS, during emergency situations such as a typhoon, ECO's work extended shifts before, during and after the emergency, often incurring significant amounts of overtime for which GWA is reimbursed by the Federal Emergency Management Agency (FEMA); and

WHEREAS, the positions appointed by GWA to be ECO's are generally Exempt making them ineligible to receive overtime pay and denying GWA the opportunity to be reimbursed for the hours worked by ECO's; and

WHEREAS, the age of GWA infrastructure results in occasional line breaks causing service outages and environment hazards. During 2nd and 3rd shift outages and emergencies, supervisors are often challenged by insufficient human resources necessary to ensure expeditious completion of service repairs; thus, they proceed to assume the duties of Non-Exempt employees for the benefit of the mission to deliver the highest level of service to ratepayers.

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve the following:

- 1. The recitals set forth above hereby constitute the findings of the CCU.
- 2. This resolution shall amend Resolution 14-FY2021 (Exhibit "A") resolve clause #2 to read "This Resolution shall supersede the previous policy contained in Resolution 09-FY2010."
- 3. This resolution shall amend Resolution 14-FY2021 resolve clause #4 to read "The CCU hereby authorizes GWA General Manager to further designate newly created positions as necessary, pursuant to applicable FLSA criteria for subsequent inclusion in the GWA Position Inventory shown in Appendix A."
- 4. This resolution shall amend Resolution 14-FY2021, by adding a new resolve clause #5 to read "The GWA General Manager is authorized to approve compensation for Exempt employees at the rate of 1 time the regular rate of pay for each hour, or portion of the hour worked in excess of 40-hours per week for whom GWA is reimbursed for the cost of said hours by a third party."
- 5. This resolution shall amend Resolution 14-FY2021, by adding a new resolve clause #6 to read "The GWA General Manager is authorized to approve compensation for Operations and Maintenance Exempt employees at the rate of 1 time the regular rate of pay for each hour, or portion of the hour worked in excess of 40-hours per week when employee assumes the role of a Non-Exempt employee during scheduled days off or during a 2nd or 3rd shift."

RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 24th day of August, 2021.

Certified by:

JOSEPH T. DUENAS

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Chairperson

Attested by:

MICHAEL T. LIMTIACO

Secretary

SECRETARY'S CERTIFICATE

I, Michael T. Limtiaco, Board Secretary of the Consolidated Commission on Utilities as evidenced by my signature above do hereby certify as follows:

The foregoing is a full, true and accurate copy of the resolution duly adopted at a regular meeting by the members of the Guam Consolidated Commission on Utilities, duly and legally held at a place properly noticed and advertised at which meeting a quorum was present and the members who were present voted as follows:

AYES: ______S

NAYS: ______

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ABSENT:

ABSTAIN:



CONSOLIDATED COMMISSION ON UTILITIES Guam Power Authority | Guam Waterworks Authority P.O. Box 2977 Hagatna, Guam 96932 | (671)649-3002 | guamccu.org

GWA RESOLUTION NO. 14-FY2021 (AMENDED)

RELATIVE TO UPDATING THE GWA OVERTIME POLICY FOR EXEMPT EMPLOYEES

WHEREAS, under 12 G.C.A. § 14105, the Consolidated Commission on Utilities ("CCU") has plenary authority over financial, contractual, and policy matters relative to the Guam Waterworks Authority ("GWA"); and

WHEREAS, pursuant to Public Law 28-159 and Title 12, Chapter 14 of the Guam Code Annotated, the Consolidated Commission on Utilities has the power and authority to establish policy for the Guam Waterworks Authority ("GWA") which includes creating policies applicable to all Certified, Technical and Professional employees; and

WHEREAS, the Guam Waterworks Authority is a Guam Public Corporation established and existing under the laws of Guam; and

WHEREAS, the Fair Labor Standards Act (FLSA), as amended in December 2019, and effective 16 January 2020; enforces the payment of overtime to employees meeting established criteria of positions deemed Exempt and Non-Exempt; and

WHEREAS, the CCU agrees with GWA Management that all employees holding CTP positions listed on appendix A as Non-Exempt be authorized overtime payment subject to proper budget authority and other GWA policies in place; and

WHEREAS, CCU Resolution No. 09-FY2010 authorized that all GWA Exempt employees be allowed to earn overtime under any circumstances subject to proper budget authority and other GWA policies in place; and

Certified by:

NOW BE IT THEREFORE RESOLVED, the Consolidated Commission on Utilities does hereby approve the following:

- 1. The recitals set forth above hereby constitute the findings of the CCU.
- 2. This Resolution shall supersede the previous policy contained in Resolution 0990-FY2010.
- 3. The CCU finds that GWA Management desires to enhance compliance with the FLSA, as amended in December 2019 and effective 16 January 2020, by allowing overtime payment to its employees holding CTP positions deemed as Non-Exempt in Appendix A.
- 4. The CCU hereby authorizes GWA General Manager to further designate newly created positions as necessary, pursuant to applicable FLSA criteria, as meeting non-exempt status for subsequent inclusion in the GWA Position Inventory shown in Appendix A.
- 5. The GWA General Manager is authorized to approve compensation for Exempt employees at the rate of 1 time the regular rate of pay for each hour, or portion of the hour worked in excess of 40-hours per week for whom GWA is reimbursed for the cost of said hours by a third party.
- 4.6. The GWA General Manager is authorized to approve compensation for Exempt employees at the rate of 1 time the regular rate of pay for each hour, or portion of the hour worked in excess of 40-hours per week when employee assumes the role of a Non-Exempt employee during scheduled days off or during a 2nd or 3rd shift.

RESOLVED, that the Chairman certified and the Board Secretary attests to the adoption of this Resolution.

DULY AND REGULARLY ADOPTED, this 24th 23rd day of August March, 2021.

Certified by:	Attested by:
JOSEPH T. DUENAS Chairperson	MICHAEL T. LIMTIACO Secretary

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10			SECRETARY'S CERTIFICATE
11		I Michael T Limitica	Don't Country of the Countillated Countries of Ville
12			 Board Secretary of the Consolidated Commission on Utilities as ature above do hereby certify as follows:
13		The foregoing is a ful	l, true and accurate copy of the resolution duly adopted at a regular
15		meeting by the memb	ers of the Guam Consolidated Commission on Utilities, duly and
16			e properly noticed and advertised at which meeting a quorum was ers who were present voted as follows:
17		present and the memo	ors who were present voted as follows.
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19		AYES:	
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Exempt Status	Job Code	Position Title	Total
Non-Exempt	0.230	Legal Secretary III	1
Non-Exempt	0.431	Utility Payroll Clerk II	1
Non-Exempt	0.432	Utility Payroll Clerk III	1
Non-Exempt	0.434	Utility Cashier I	1
Non-Exempt	0.435	Utility Cashier II	1
Non-Exempt	0.512	Computer Operator I	1
Non-Exempt	0.515	Computer Operator II	1
Non-Exempt	0.518	Computer Operator III	1
Non-Exempt	1.112	Utility Administrative Aide	1
Non-Exempt	1.117	Customer Service Representative	1
Non-Exempt	1.133	Utility Administrative Assistant	1
Non-Exempt	1.220	Land Agent I	1
Non-Exempt	1.221	Land Agent II	1
Non-Exempt	1.222	Land Agent III	1
Non-Exempt	1.433	Utility Storekeeper I	1
Non-Exempt	1.434	Utility Storekeeper II	1
Non-Exempt	1.445	Buyer I	1
Non-Exempt	1.446	Buyer II	1
Non-Exempt	2.387	Utility Accounting Technician I	1
Non-Exempt	2.388	Utility Accounting Technician II	1
Non-Exempt	2.389	Utility Accounting Technician III	1
Non-Exempt	2.509	Utility Personnel Assistant I	1
Non-Exempt	2.510	Utility Personnel Assistant II	1
Non-Exempt	2.640	Programmer Analyst I	1
Non-Exempt	2.641	Programmer Analyst II	1
Non-Exempt	2.685	GIS Analyst I	1
Non-Exempt	2.686	GIS Analyst II	1
Non-Exempt	2.687	GIS Analyst III	1
Non-Exempt	2.805	Legal Secretary I	1
Non-Exempt	2.806	Legal Secretary II	1
Non-Exempt	4.120	Safety Inspector I	1
Non-Exempt	4.121	Safety Inspector II	1
Non-Exempt	4.122	Safety Inspector III	1
Non-Exempt	4.242	Utility Compliance Inspector I	1
Non-Exempt	4.243	Utility Compliance Inspector II	1
Non-Exempt	4.244	Utility Compliance Inspector Leader	1
Non-Exempt	6.205	Construction Inspector I	1
Non-Exempt	6.206	Construction Inspector II	1
Non-Exempt	6.209	Construction Inspector III	1
Non-Exempt	9.305	Building Custodian	1
Non-Exempt	9.499	Trouble Dispatcher	1
Non-Exempt	9.521	Equipment Operator I	1
Non-Exempt	9.522	Equipment Operator II	1
Non-Exempt	9.523	Equipment Operator III	1
Non-Exempt	9.524	Equipment Operator IV	1
Non-Exempt	9.525	Equipment Operator Leader I	1
Non-Exempt	9.526	Equipment Operator Leader II	1
Non-Exempt	9.610	Shop Planner	1
Non-Exempt	9.740	Water Meter Maintenance & Repair Worker I	1
Non-Exempt	9.741	Water Meter Maintenance & Repair Worker II	1

Exempt Status	Job Code	Position Title	Total
Non-Exempt	9.770	Water Meter Reader I	
Non-Exempt	9.771	Water Meter Reader II	
Non-Exempt	9.772	Water Meter Reader Leader	
Non-Exempt	10.161	Automotive Mechanic I	
Non-Exempt	10.162	Automotive Mechanic II	
Non-Exempt	10.171	Heavy Equipment Mechanic I	
Non-Exempt	10.172	Heavy Equipment Mechanic II	
Non-Exempt	10.175	Heavy Equipment Mechanic Leader	
Non-Exempt	10.208	Utility Trades Helper	
Non-Exempt	10.251	Water / Sewer Maintenance Worker I	
Non-Exempt	10.252	Water / Sewer Maintenance Worker II	
Non-Exempt	10.255	Water / Sewer Maintenance Leader	
Non-Exempt	10.261	Carpenter I	
Non-Exempt	10.262	Carpenter II	,
Non-Exempt	10.265	Carpenter Leader	
Non-Exempt	10.281	Electrician I	
Non-Exempt	10.282	Electrician II	
Non-Exempt	10.285	Electrician Leader	
Non-Exempt	10.411	Pumping Station Operator I	
Non-Exempt	10.412	Pumping Station Operator II	
Non-Exempt	10.415	Pumping Station Leader	
Non-Exempt	10.421	Sewer Plant Operator I	
Non-Exempt	10.422	Sewer Plant Operator II	2
Non-Exempt	10.425	Sewer Plant Leader	
Non-Exempt	10.431	Wastewater Maintenance Mechanic I	
Non-Exempt	10.432	Wastewater Maintenance Mechanic II	
Non-Exempt	10.435	Wastewater Maintenance Mechanic Leader	
Non-Exempt	10.451	Water Plant Operator I	
Non-Exempt	10.452	Water Plant Operator II	
Non-Exempt	10.455	Water Plant Leader	
Non-Exempt	10.455	Plant Electrical Instrument Technician I	
Non-Exempt	10.461	Plant Electrical Instrument Technician II	
Non-Exempt	10.463	Plant Electrical Instrument Technician Leader	
Non-Exempt	10.500	Water & Wastewater Systems Control Dispatcher I	
Non-Exempt	10.501	Water & Wastewater Systems Control Dispatcher II	
Non-Exempt	10.880	Leak Detection Technician I	
Non-Exempt	7.420	Utility Laboratory Technician I	
Non-Exempt	10.881	Leak Detection Technician II	
Non-Exempt	7.421	Utility Laboratory Technician II	
Non-Exempt	10.882	Leak Detection Technician Leader	,
Non-Exempt	7.423	Utility Laboratory Technician Leader	
Non-Exempt	10.947	Water Distribution System Manager	
lon-Exempt Tot	al		9:
Exempt	0.423	Payroll Supervisor	
Exempt	0.521	Computer Operations Supervisor	
Exempt	1.118	Customer Service Representative Supervisor	<u> </u>
Exempt	1.435	Warehouse Supervisor I	
Exempt	1.436	Warehouse Supervisor II	1
Exempt	1.438	Inventory Management Officer	1

xempt Status	Job Code	Position Title	Tota
Exempt	1.448	Buyer Supervisor I	
Exempt	1.449	Buyer Supervisor II	
Exempt	1.451	Supply Management Administrator	
Exempt	2.005	Budget Analyst	
Exempt	2.01	Administrative Officer	
Exempt	2.02	Management Analyst I	
Exempt	2.021	Management Analyst II	
Exempt	2.022	Management Analyst III	
Exempt	2.023	Management Analyst IV	
Exempt	2.059	Utility Services Administrator	
Exempt	2.07	Chief Budget Officer	
Exempt	2.12	Program Coordinator I	
Exempt	2.121	Program Coordinator II	
Exempt	2.122	Program Coordinator III	
Exempt	2.123	Program Coordinator IV	
Exempt	2.149	Contracts & Small Claims Administrator	
Exempt	2.195	Grants Administrator	
Exempt	2.33	Accountant I	
Exempt	2.331	Accountant II	
Exempt	2.332	Accountant III	
Exempt	2.366	Internal Auditor	
Exempt	2.379	Controller (Unclassified)	1
Exempt	2.39	Utility General Accounting Supervisor	
Exempt	2.522	Communications Manager	
Exempt	2.535	Personnel Specialist I	
Exempt	2.536	Personnel Specialist II	
Exempt	2.537	Personnel Specialist III	-
Exempt	2.538	Personnel Specialist IV	
Exempt	2.559	Personnel Services Administrator	
Exempt	2.585	Employee Development Specialist I	
Exempt	2.586	Employee Development Specialist II	+
Exempt	2.587	Employee Development Specialist III	
Exempt	2.631	Network Systems Administrator	+
Exempt	2.661	Asset Man. and Maint. Information System Officer	
Exempt	2.67	Information Technology Manager	
Exempt	2.675	Systems & Programming Administrator	
Exempt	2.678	Network Analyst	
Exempt	4.125	Safety Supervisor	
Exempt	4.125	Senior Regulatory Analyst	
Exempt	6.226		_
		Right of Way Supervisor	
Exempt	6.237 6.261	GIS/LIS Manager	-
Exempt	-	Engineer II (Associate)	
Exempt Exempt	6.262	Engineer III (Senior)	
Exempt Exempt	6.264	Engineer Supervisor	
Exempt	6.28	Chief Engineer, PE (GWA)	
Exempt	6.281	Assistant Chief Engineer	
Exempt	6.283	Senior Engineer, PE	
Exempt	6.285	Engineer I (Junior)	
Exempt	6.315	Planner I	

xempt Status	Job Code	Position Title	Tota
Exempt	6.317	Planner III	
Exempt	6.318	Planner IV	_
Exempt	7.13	Biologist I	
Exempt	7.131	Biologist II	
Exempt	7.132	Biologist III	
Exempt	7.23	Chemist I	
Exempt	7.231	Chemist II	
Exempt	7.232	Chemist III	
Exempt	7.248	Monitoring Laboratory Services Administrator	
Exempt	9.527	Equipment Operator Supervisor	
Exempt	9.742	Water Meter Maintenance & Repair Supervisor	
Exempt	9.773	Water Meter Reader Supervisor	
Exempt	10.177	Heavy Equipment Mechanic Supervisor	
Exempt	10.257	Water / Sewer Maintenance Supervisor	
Exempt	10.417	Pumping Station Supervisor	
Exempt	10.427	Sewer Plant Supervisor	
Exempt	10.437	Wastewater Maintenance Mechanic Supervisor	
Exempt	10.438	Centralized Wastewater Maintenance Superintendent	
Exempt	10.457	Water Plant Supervisor	+
Exempt	10.498	Trouble Dispatcher Supervisor	+
Exempt	10.499	Chief Water and Wastewater Systems Dispatcher	+
Exempt	10.883	Leak Detection Technician Supervisor	
Exempt	10.883	Utility Laboratory Technician Supervisor	_
	10.934		-
Exempt		Operations & Maintenance Manager	
Exempt	10.938	Wastewater Collection Superintendent	
empt	10.942	Wastewater Plant Superintendent	-
Exempt	10.944	Wastewater Construction / Maintenance Superintendent	+
Exempt	10.944	Water Construction / Maintenance Superintendent	
Exempt	10.945	Water Treatment Plant Superintendent	
Exempt	11.009	Equipment Maintenance Superintendent	_
Exempt	11.011	Plant Electrical Instrument Superintendent	_
Exempt	11.012	Source Control Manager	
Exempt	11.026	Cross Connection Control Manager	
Exempt	41.063	General Manager (GWA) (Unclassified)	
Exempt	41.095	Assistant General Manager Administration & Support (Unclassified)	
Exempt	41.096	Assistant General Manager Operations (Unclassified)	
Exempt	(blank)	Assistant Chief Financial Officer (Unclassified)	
Exempt	(blank)	Assistant General Manager Collection & Distribution (Unclassified)	
Exempt	(blank)	Assistant General Manager Compliance & Safety (Unclassified)	Î
Exempt	(blank)	Assistant General Manager Production & Treatment (Unclassified)	
Exempt	(blank)	Chief Financial Officer (GWA)	
Exempt	(blank)	Information Security Administrator	1
Exempt	(blank)	Senior Engineer Supervisor, PE	
Exempt	(blank)	Staff Attorney	
Exempt	(blank)	Training & Development Manager	
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