


**GUAM MEMORIAL HOSPITAL AUTHORITY
ADMINISTRATIVE MANUAL**

APPROVED BY:  Peter John D. Camacho MPH Hospital Administrator/CEO	RESPONSIBILITY: Human Resources, Hospital-wide	EFFECTIVE DATE: Interim Approved April 29, 2018	POLICY NO: A-HR3400	PAGE 1 of 12
TITLE: COMPENSATION POLICY FOR EXEMPT AND NON-EXEMPT EMPLOYEES				
LAST REVIEWED/REVISED:				
ENDORSED:				

PURPOSE:

To establish guidelines regarding compensation for Guam Memorial Hospital Authority (GMHA) employees under the Fair Labor Standards Act (FLSA) and the requirements of Title 4 of the Guam Code Annotated, Chapter 6, Subsection 6229.7, Work Compensation for Nursing and other Healthcare Professionals.

POLICY:

It is the policy of the Guam Memorial Hospital Authority (GMHA) that employees are paid in accordance with the Fair Labor Standards Act (FLSA) provisions and other applicable pay statutes, policies, rules and regulations.

I. DEFINITIONS

A. **EXEMPT EMPLOYEES** are defined by GMHA and the FLSA as follows:

1. Meeting the criteria from three tests (“Salary Level”, “Salary”, and “Job Duties” tests).
2. **Executive Exemption**-All of the following tests must be met:
 - a. The employee must be compensated on a salary basis at a rate not less than \$455 per week;
 - b. The employee’s primary duty must be managing the enterprise, or managing a customarily recognized department or subdivision of the enterprise;
 - c. The employee must customarily and regularly direct the work of at least two or more other full-time employees or their equivalent; and
 - d. The employee must have the authority to hire or fire other employees, or the employee’s suggestions and recommendations as to the hiring, firing, advancement, promotion or any other change of status of other employees must be given particular weight.

3. **Administrative Exemption**-All of the following tests must be met:
 - a. The employee must be compensated on a salary or fee basis at rate not less than \$455 per week;
 - b. The employee's primary duty must be the performance of office or non-manual work directly related to the management or general business operations of the employer or the employer's customers; and
 - c. the employee's primary duty includes the exercise of discretion and independent judgment with respect to matters of significance.

4. **Professional Exemption** including, but not limited to:
 - a. **Learned Professional**(Practice of Law or Medicine)-All of the following tests must be met:
 - i. The employee must be compensated on a salary or fee basis at rate not less than \$455 per week;
 - ii. The employee's primary duty must be the performance of work requiring advanced knowledge, defined as work which is predominantly intellectual in character and which includes work requiring the consistent exercise of discretion and judgment; advanced knowledge must be in a field of science or learning; and advanced knowledge must be customarily acquired by a prolonged course of specialized intellectual instruction.

 - b. **Highly Compensated Employees**-Employees performing office or non-manual work and paid total annual compensation of \$100,000 or more (which must include at least \$455 per week paid on a salary or fee basis) are exempt from the FLSA if they customarily and regularly perform at least one of the duties of an exempt executive, administrative or professional employee identified in the standard tests for exemption.

 - c. **Computer Employees**-All of the following tests must be met:

The employee must be compensated either on a salary or fee basis at a rate not less than \$455 per week or, if compensated on an hourly basis, at a rate not less than \$27.63 an hour.

 - i. The employee must be employed as a computer systems analyst, computer programmer, software engineer or other similarly skilled worker in the computer field performing the following duties: application of systems analysis techniques and procedures, consulting with users, to determine hardware, software or system functional specifications; design, development, documentation, analysis, creation, testing or modification of computer systems or programs, including prototypes, based on and related to user or system design specifications; design, documentation, testing, creation or modification of

computer programs related to machine operating systems; or a combination of the aforementioned duties, the performance of which requires the same level of skills.

GMHA has identified bona fide exempt positions attached as **Appendix A** for which employee (s) holding the position are considered “exempt”. Additionally, all GMHA positions meeting the above exemptions must have a salary level at a rate not less than \$455 per week. Should there be changes in the FLSA, those changes shall apply.

Employees occupying exempt positions are expected to successfully perform the duties and responsibilities described in their position descriptions. Situations may arise when an Exempt Employee will be required to work in excess of 40 hours in one workweek to complete their job duties and/or responsibilities without additional pay.

- B. **NON EXEMPT EMPLOYEES** are defined as employees who do not meet the “Exempt” status detailed in paragraph I. A.
- C. **NURSES AND OTHER HEALTHCARE PROFESSIONALS** are those entitled to receive compensation pursuant to 4 GCA, Chapter 6, §6229.7. Compensation includes overtime pay, weekend pay, and holiday pay.
- D. **WORK SHIFT** is the designated start and stop time of an employee’s work schedule. The Department Manager, in conjunction with the Division Head, can define work shifts to best complete the Department’s responsibilities. Employees who do not report to work on time or work beyond their assigned shift without authorization may be subject to disciplinary action.
- E. **HOURS WORKED** is all time during which an employee is suffered, or permitted to work and required to be on government of Guam’s premises on duty or at a prescribed work place, is considered as hours worked, except for meals or other periods when he is free from duty, or for any such time that an employee is performing personal business. Essentially, this means that once a supervisor allows the employee to work, or “knows” that the employee is working, the employee must be compensated.

II. PAY CATEGORIES

- A. **OVERTIME (OT) PAY** is compensation for hours that non-exempt employees work in excess of 40 hours in one workweek. For Nurses and Other Health Professionals, overtime pay is compensated pursuant to 4GCA, Chapter 6, §6229.7. It is the responsibility of the Division Heads, Department Managers and supervisors to manage and control the overtime work in their respective areas.
- B. **STRAIGHT TIME PAY** is an employee’s regular hourly rate of pay.

- C. **CALL BACK PAY** is compensation for employees that work on a day when no work is scheduled or at a time which requires the employee to return to work from an off duty status. Call back is compensated at a minimum of 2 hours of work time. If a second call back overlaps a previous call back, the work hours will be considered continuous to the initial call back. The 2 hour minimum work will apply only once if both call backs fall within the 2 hours period. Call back hours are compensated at overtime pay as long as the hours meet the overtime pay criteria. Non-exempt employees and Nurses and other Healthcare Professionals that perform direct patient care are eligible for call back pay.
- D. **COMPENSATORY TIME (CT) OFF** is paid time off given to an eligible employee in lieu of overtime pay. The number of overtime hours worked is converted to compensatory time credit at a rate of one and a half times the number of overtime hours worked. These hours are coded by the assigned timekeeper on the employee's timesheet and banked in the Hospital's timekeeping system. A maximum of 240 hours of compensatory time is allowed to be banked. Compensatory time hours must be exhausted prior to the use of Annual Leave hours. Refer to GMHA Rules and Regulations, Chapter 7, section 7.405 as adopted.
- E. **TYPHOON COMPENSATION** is compensation during typhoon emergency periods as defined and declared by the Governor of Guam pursuant to the provisions of 4GCA, Chapter 6 §6226. Any other declared disaster is subject to an executive order by the Governor of Guam.
- F. **ADMINISTRATIVE PAY**

Attendances at lectures, meetings, training, workshops, classes, or other mandatory function are excused absences from duty administratively authorized without loss of pay and without charge to leave.

Attendances at lectures, meetings, training, workshops, classes, or other mandatory functions are considered productive work hours as approved. Overtime rules shall apply to this situation.

To be considered non-compensable for overtime purposes all of the following criteria must be met:

- Attendance is outside regular working hours
- Attendance is voluntary
- The course, lecture, or meeting is not job related
- The employee does not perform any productive work during attendance

Employees attending classes for "voluntary" certifications/re-certifications or for certifications that are a requirement of the position are not entitled to administrative leave and must use their personal leave to attend classes that fall within their regularly scheduled shift.

Hours beyond the 40 hour workweek shall be compensated pursuant to FLSA or as defined in 4GCA, Chapter 6, §6229.7 for Nurses and other Healthcare Professionals as applicable.

Administrative Leave for attendance at approved government sanctioned events as a participating member of an official delegation; absence pending formal investigation; and absence for disabled veteran reexamination or treatment are not considered productive work hours for the purposes of OT compensation.

- G. **CERTIFICATION PAY** is a differential pay calculated at the rate of the regular wage plus fifteen percent (15%) for all nursing and other healthcare professional positions who have a national or Guam Board certification, and are practicing in their area of certification pursuant to 4 GCA, Chapter 6, §6229.6.
- H. **WEEKEND PAY** is given to eligible employees for work performed between the hours of 12:00 midnight on any Saturday and 12:00 midnight of the following Sunday night as stipulated 4GCA, Chapter 6, §6229.7 . Weekend pay is paid at a rate of one-half (1/2) times the Nurse's or Other Healthcare Professional's straight time rate when the employee is being compensated at straight time for weekend work. If the employee is already being compensation at overtime pay (1 and ½ time his/her rate), the weekend pay differential no longer applies. Compensation of overtime pay and weekend pay is NOT cumulative.
- I. **HOLIDAY PAY** is given to full time employees (other than nurses and other healthcare professionals essential to the delivery of patient care services) who are required to work on holidays (or their equivalent day) shall be paid at the rate equivalent to double their hourly rate of pay exclusive of any additional pay, except as otherwise provided by statute.

Part time employees other than nurses and other healthcare professionals who work on a holiday are paid at their regular rate. Overtime pay will apply to holiday work when the overtime pay rule has been met.

All nurses and other healthcare professionals essential to the delivery of patient care services who perform work between the hours of 12:00 midnight on any Friday and 12:00 midnight of the following Sunday night shall be compensated at the rate of one and one-half (1-1/2) times the regular straight time rate.

- J. **ON CALL/STANDBY** Pay is compensation for employees who maintain their availability (either on or off the premises) during off-duty hours to report to work to perform emergency or needed tasks. On Call Pay is compensated at the prevailing minimum wage as stipulated by the Board of Trustees Resolution #07-04.

Compensation is exclusively for on-call that is restrictive. Restrictive on-call limits the employee's ability to freely engage in personal activities. Employees

on restrictive call may face disciplinary action for refusal to comply with the on call restrictions. Factors to be considered in determining restrictive call are:

- Is the employee required to remain on the premises?
- If the employee is off premises, are there geographic restrictions on the employee's movements?
- How often is the employee contacted while on call?
- Is there a fixed time for an employee to respond while on call, and how long is the response time?
- Is it difficult to trade on call responsibilities with another employee?
- To what extent is the employee freely allowed to use time while on call?

Employees are not allowed to be placed on-call/standby status while on sick leave or on other leave status that make it difficult for the employee to report to work or engage in work. Once an on call employee reports for duty, the on-call pay is discontinued and the employee will be compensated for call back pay. The Department Manager will decide which employee(s) will be assigned to take call and receive additional compensation with the approval of the Division Head. Exempt employees will not be eligible to receive call pay unless approved by the Hospital Administrator. Department Managers are not eligible for On Call/Stand By pay.

PROCEDURE:

I. NON-EXEMPT EMPLOYEES

- A. Nonexempt employees are eligible for OT and/or CT inclusive of Nurses and other Healthcare Professionals.
- B. Nonexempt employees are required to time in and out in their designated areas.
- C. Department Heads/Supervisors shall monitor and be held responsible for time keeping of employees within their department.
- D. Nonexempt employees shall be compensated for work in excess of 40 hours in one workweek in accordance with the FLSA guidelines relative to OT compensation. Prior written approval must be obtained by the employee's department head/supervisor and final approval by the department and division head for the employee to receive OT compensation.
- E. Nonexempt employees shall work additional hours as scheduled. Failure to report for duty may result in progressive disciplinary action.
- F. If an employee agrees to work additional hours that entitle him/her to overtime hours but OT compensation is not available due to lack of

certification of funds, an employee may agree to CT in lieu of OT compensation prior to working.

G. Physicians are not covered under this policy.

II. NURSES AND OTHER HEALTHCARE PROFESSIONAL EMPLOYEES

A. Nurses and other Healthcare Professionals are considered Exempt pursuant to FLSA provisions however under local statute are eligible for OT compensation as defined in 4 GCA, Chapter 6, §6229.7 which states in part:

Nurses and other Healthcare Professionals who work between the hours of 12:00 midnight on any Friday and 12:00 midnight of the following Sunday night shall be compensated at a rate of one and one-half (1 ½) times the regular straight time rate of the nurse or any employee who is responsible for direct delivery of patient care services.

B. Nurses and other Healthcare Professionals must time in and out in their designated areas.

C. Nurses and other Healthcare Professionals whose functions do not involve the direct delivery of patient care services are not eligible and authorized to earn OT and CT compensation. However, Nurses and other Healthcare Professionals may be authorized to earn straight time pay upon approval, in accordance with the procedures in Section III. 3 E.

III. EXEMPT EMPLOYEES under Public Accountability, 29 CFR Section 541.710 will not have their exempt status affected by virtue of deductions from accrued leave account taken; the requirement of record keeping of timing in and out for duty; the implementation of a specified work schedule; and the implementation of across-the-board changes in a work schedule under certain circumstances.

A. Exempt Employees are required to time in and out in their designated areas.

B. Exempt Employees must submit a leave form documenting any changes to her/his hours when he or she is absent (e.g., on sick leave or annual leave, etc.).

C. Attendance at meetings, conferences, etc. outside of the 80 hour pay period is non-compensable.

D. An employee occupying a non-exempt position detailed to an exempt position shall maintain non-exempt status during the duration of the detail appointment.

E. GMHA policy does not provide for carry-forward of hours worked beyond the pay period.

F. Exempt Employees may be eligible for Straight Time Pay for work performed in excess of 80 hours in a pay period if an extraordinary situation justifies the need for additional work (e.g., Mass JC/CMS corrective action requirements; special project assignments; unplanned audits; short-term on demand projects, etc.). Staff coverage, attendance at trainings/conferences/seminars/meetings outside of the 80 hour workweek, work backlog, etc. are not considered as extraordinary situations. Prior written approval for Straight Time Pay must be obtained by the employee's Department Head/Supervisor and Division Head, followed by final approval by the Hospital's Chief Financial Officer and Hospital Administrator/Chief Executive Officer. Straight time pay is capped at twenty (20) hours per pay period. Annual and/or sick leave taken will be offset with any straight hours for the pay period ending.

Department Heads are not eligible for Straight time Pay for work in excess of 80 hours in a pay period.

G. Exempt employees are not entitled to overtime pay or compensatory time earned.

H. Normal work hours for Exempt employees on non-twenty four hour (24) shift work as applicable shall be between 7am and 6pm (e.g., 7am-4pm; 8am-5pm, and 9pm-6pm).

IV. LIGHT DUTY is the reassignment of an employee to perform his/her own functions with limitations; or functions other than his/her own due to requirements for special accommodation; the employee shall not be scheduled for more than eight (8) hours in a day and shall not be allowed to work OT.

Coordination of the reassignment of an employee due to special accommodation, and compliance with the Americans with Disabilities Act (ADA) is the responsibility of both the department/division head and the Human Resources Department.

Employees who are provided accommodations and refuse the assignment will be placed on annual leave, sick leave, CTO, and/or Leave without Pay (LWOP) status for the duration of their restriction or a resubmission of a physician certification.

Employees under light duty for six (6) months or longer shall undergo a fitness for duty evaluation by the Employee Health Physician or by a referring Physician by the Hospital Administrator.

V. OFFENSES – PROGRESSIVE DISCIPLINE

Any employee not in compliance with this policy will be subject to progressive disciplinary action.

RESCISSION:

Policy No. 6410-20, Entitlement to Overtime (OT) or Compensatory Time Off (CTO)

ATTACHMENT:

- I. [Appendix A: GMHA Exempt Positions](#)

ATTACHMENT I

**APPENDIX A
GMHA EXEMPT POSITIONS**

CLASS CODE	POSITION TITLE	PAY GRADE	STATUS
	ASSISTANT ADMINISTRATOR, NURSING SERVICES	S	UNCLASS
	ASSISTANT ADMINISTRATOR, PROFESSIONAL SUPPORT SERVICES	R	UNCLASS
	ASSISTANT CHIEF FINANCIAL OFFICER	R	UNCLASS
	ASSOCIATE ADMINISTRATOR OPERATIONS SERVICES	R	UNCLASS
	ASSOCIATE ADMINISTRATOR, MEDICAL SERVICES	S	UNCLASS
	ASSOCIATE ADMINISTRATOR, PROFESSIONAL SUPPORT SERVICES	R	UNCLASS
	ASSOCIATE ADMINISTRATOR HOSPITAL ADMINSTRATIVE SERVICES	R	UNCLASS
	CHIEF FINANCIAL OFFICER	V	UNCLASS
	DEPUTY ASSISTANT ADMINISTRATOR, NURSING SERVICES	R	UNCLASS
	DIRECTOR, HOSPITAL BUSINESS DEVELOPMENT & STRATEGIC PLANNING	S	UNCLASS
	HOSPITAL ADMINISTRATOR/CEO	W	UNCLASS
	SPECIAL PROJECTS COORDINATOR	N	UNCLASS
2.330	ACCOUNTANT I	L	CLASS
2.331	ACCOUNTANT II	M	CLASS
2.332	ACCOUNTANT III	N	CLASS
2.325	ACCOUNTING TECHNICIAN SUPERVISOR	K	CLASS
	ACCREDITATION COORDINATOR	N	CLASS
2.153	ADMINISTRATOR, QUALITY, PATIENT SAFETY, & REGULATORY COMPLIANCE	N-R	CLASS
1.450	ASSISTANT SUPPLY MANAGEMENT ADMINISTRATOR	M	CLASS
10.921	BIO-MEDICAL ELECTRONIC SUPERINTENDENT	N	CLASS
2.005	BUDGET ANALYST	M	CLASS
1.143	BUSINESS OFFICER MANAGER	M	CLASS
1.449	BUYER SUPERVISOR II	L	CLASS
8.174	CENTRAL SERVICES & SUPPLY SUPERVISOR	N	CLASS
6.267	CHIEF ENGINEER	S	CLASS
1.131	CHIEF OF ADMISSION	L	CLASS
9.333	CHIEF OF ENVIRONMENTAL SERVICES	M	CLASS
6.325	CHIEF PLANNER	Q	CLASS
0.521	COMPUTER OPERATIONS SUPERVISOR	L	CLASS
2.616	COMPUTER PROGRAMMER II	K	CLASS
2.617	COMPUTER PROGRAMMER III	K	CLASS
2.622	COMPUTER SYSTEMS ANALYST II	M	CLASS
1.144	CREDIT & COLLECTION SUPERVISOR	J	CLASS
6.260	ENGINEER I	L	CLASS

6.261	ENGINEER II	M	CLASS
6.262	ENGINEER III	N	CLASS
6.264	ENGINEER SUPERVISOR	P	CLASS
2.530	EQUAL EMPLOYMENT OPPORTUNITY OFFICER	O	CLASS
2.335	GENERAL ACCOUNTING SUPERVISOR	P	CLASS
2.128	GUEST RELATIONS COORDINATOR	N	CLASS
8.232	HEALTH EDUCATOR III	L	CLASS
2.112	HOSPITAL CHEF SUPERVISOR	L	CLASS
2.692	HOSPITAL CLINICAL/ SYSTEMS SUPPORT SUPERVISOR	O	CLASS
2.690	HOSPITAL CLINICAL/SYSTEMS SUPPORT SPECIALIST II	K	CLASS
2.691	HOSPITAL CLINICAL/SYSTEMS SUPPORT SPECIALIST III	M	CLASS
10.969	HOSPITAL FACILITIES & MAINTENANCE ASSISTANT MANAGER	N	CLASS
10.967	HOSPITAL FACILITIES & MAINTENANCE MANAGER	P	CLASS
OP-0009	HOSPITAL INFORMATION TECHNOLOGY ADMINISTRATOR	O	CLASS
0.526	HOSPITAL IT SUPPORT SUPERVISOR	M	CLASS
1.465	HOSPITAL MATERIALS MANAGEMENT ADMINSTRATOR	P	CLASS
	HOSPITAL MEDICAL STAFF OFFICE SUPERVISOR	L	CLASS
8.179	HOSPITAL NURSE QUALITY IMPROVEMENT SPECIALIST	*N-M	CLASS
2.109	HOSPITAL NURSE RISK MANAGEMENT PROGRAM OFFICER	N-O	CLASS
8.173	HOSPITAL NURSE UTILIZATION REVIEW SPECIALIST	N-M	CLASS
8.171	HOSPITAL QUALITY IMPROVEMENT SPECIALIST	N	CLASS
8.178	HOSPITAL QUALITY MANAGEMENT ADMINISTRATOR	P	CLASS
2.119	HOSPITAL RISK MANAGEMENT PROGRAM OFFICER	O	CLASS
4.561	HOSPITAL SAFETY AND SECURITY ADMINISTRATOR	O	CLASS
8.169	HOSPITAL UTILIZATION REVIEW SPECIALIST	N	CLASS
1.438	INVENTORY MANAGEMENT OFFICER	J	CLASS
3.091	LONG TERM CARE ADMINISTRATOR (SNF)	Q	CLASS
2.020	MANAGEMENT ANALYST I	K	CLASS
2.021	MANAGEMENT ANALYST II	M	CLASS
2.022	MANAGEMENT ANALYST III	N	CLASS
2.023	MANAGEMENT ANALYST IV	O	CLASS
2.137	MEDICAL HEALTH RECORDS ADMINISTRATOR	N	CLASS
0.240	MEDICAL RECORDS CODER II	K	CLASS
3.079	MEDICAL SOCIAL SERVICES ADMINISTRATOR	P	CLASS
3.072	PASTORAL CARE COORDINATOR	M	CLASS
8.175	PATIENT SAFETY OFFICER	N-O	CLASS
0.423	PAYROLL SUPERVISOR	N	CLASS

2.146	PERFORMANCE IMPROVEMENT COORDINATOR	N	CLASS
2.559	PERSONNEL SERVICES ADMINISTRATOR (AUTO. AGENCY)	R	CLASS
2.535	PERSONNEL SPECIALIST I	L	CLASS
2.536	PERSONNEL SPECIALIST II	M	CLASS
2.537	PERSONNEL SPECIALIST III	N	CLASS
2.538	PERSONNEL SPECIALIST IV	O	CLASS
6.315	PLANNER I	K	CLASS
6.316	PLANNER II	K	CLASS
6.317	PLANNER III	M	CLASS
6.318	PLANNER IV	N	CLASS
2.120	PROGRAM COORDINATOR I	K	CLASS
2.121	PROGRAM COORDINATOR II	M	CLASS
2.122	PROGRAM COORDINATOR III	N	CLASS
2.123	PROGRAM COORDINATOR IV	O	CLASS
2.520	PUBLIC INFORMATION OFFICER	M	CLASS
2.015	RECORDS MANAGEMENT OFFICER	J	CLASS
3.073	Social Worker I	L	CLASS
3.074	Social Worker II	M	CLASS
3.075	Social Worker III	N	CLASS
*PAY GRADE RIGHT-SIZED			
**THIS LIST IS SUBJECT TO CHANGE			
Updated April 2018			