



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

EXECUTIVE ORDER NO. 98-33

RELATIVE TO ESTABLISHING GUIDELINES FOR  
FISCAL MANAGEMENT OF GOVERNMENT OF GUAM  
DEPARTMENTS AND AGENCIES.

WHEREAS, the economy of Guam is affected by the Asian economic downturn, resulting in a projected General Fund shortfall for line agencies for Fiscal Year 1999 of \$35 Million; and

WHEREAS, recent news reports have stated that there will be a shortfall of \$68 Million, however, this number includes matters not under control of the Chief Executive such as the one-time expenditures required by Super typhoon Paka, the payment of prior year's obligations with current appropriations, and the allotments fixed by law to DOE and which cannot be modified; also, it is derived by comparing unofficial estimated revenues for Fiscal Year 1999 with actual expenditures of Fiscal Year 1998, instead of comparing estimated revenues for Fiscal Year 1999 with probable expenditures for Fiscal Year 1999; and

WHEREAS, even so, projections for Fiscal Year 1999 General Fund budget requirements provided to the Bureau of Budget and Management Research (BBMR) by line departments and agencies indicate that the government of Guam is facing a significant shortfall in accommodating existing personnel and operational requirements; and

WHEREAS, in these times of shrinking economic resources, it is mandatory that the government takes steps to stretch the available dollars as far as possible, while ensuring that essential services are provided to the people; and

WHEREAS, it is important that optional items which are desirable but not necessarily essential be eliminated and that the general welfare of all of our island residents, government employees, private sector, and visitors as well, be foremost in fiscal planning;

NOW, THEREFORE, I, CARL T. C. GUTIERREZ, I Maga'lahaen Guåhan, Governor of Guam, by virtue of the authority vested in me by the Organic Act of Guam, as amended, do order:

1. **Fiscal management directives.** Unless another date is otherwise specified, the following fiscal management directives are effective immediately:
  - a) **Personnel Actions.**
    - i) **Hiring, above-step recruitment, pay scale reassignment, and reclassification curtailed.** Effective January 4, 1999, with the exception of cabinet level appointments, all departments and agencies are **prohibited** from processing any personnel action request for recruitment, limited term, and temporary appointments for positions not filled as of



the date of the effective date of this paragraph. Only positions vacated subsequent to the effective date of this paragraph may be filled; in addition, vacated positions shall be filled only if existing appropriated funds are identified within the operational budget of the department or agency to cover the cost of the personnel action without jeopardizing current operational requirements. Also, effective January 4, 1999, no position shall be filled by above step recruitment, nor shall any pay scale reassignment or reclassification take place.

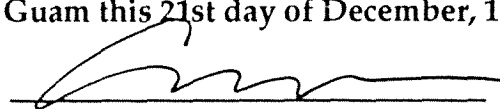
- ii) **Bureau of Budget and Management Research to monitor compliance.** BBMR is directed to review all personnel actions to ensure compliance with the provisions of this Paragraph (1)(a) of this Executive Order;
- b) **Overtime.**
  - i) **Not authorized for supervisory positions.** No department or agency is authorized to incur overtime charges unless the duties or tasks to be performed are necessary to address an emergency situation or required to ensure the health and safety of the public.
  - ii) **Previous exemptions rescinded.** Notwithstanding the provisions of any other Executive Order, all departments and agencies shall ensure that no overtime is incurred by employees occupying positions listed in Attachment 1 of Executive Order No. 95-11. Any Executive order exempting positions or employees from complying with the provisions of Executive Order No. 95-11 are hereby rescinded, included but not limited to Executive Order Nos. 96-12, 97-02, 97-04, 97-20, 97-21, 97-22, 97-24, 97-32, and 97-32; and all departments and agencies are hereby required to comply with the provisions contained in this Executive Order as well as Executive Order No. 95-11 with regard to overtime.
  - iii) **Department of Administration (DOA) to monitor compliance.** The DOA is directed to review all payment requests for overtime (**for departments and agencies whose payroll they process**) to ensure compliance with the provisions of this Subsection (1)(b) of this Executive Order;
- c) **Operations.** BBMR is directed to hold in reserve funds equal to One (1) months' allotment for overall department and agency operational appropriations funded by the General Fund;
- d) **Miscellaneous and Capital Improvement.** Except for matters under court order, BBMR is directed to withhold any further release of allotments for appropriations for miscellaneous and capital improvements categories which are not essential for the public health and safety of the people of Guam;
- e) **Travel.**
  - i) **Travel prohibited unless meeting certain requirements.** With the exception of travel required to ensure the health, safety, or welfare of the public, including, but not limited to travel to accompany patients or inmates to off-island institutions and travel for witnesses required for criminal cases, all off-island travel funded by the General Fund is prohibited. In



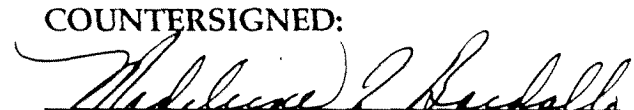
addition, all federal funds authorized for travel which are reprogrammable for other purposes shall be so reprogrammed.

- ii) **Submission of travel authorization requests.** All requests for travel authorizations shall be submitted to BBMR no later than 15 working days prior to date of travel. If not submitted by this deadline, travel funds requested shall be reprogrammed to other needs. In addition to this mandatory deadline, all travel authorization requests for Directors and Deputy Directors shall be approved first by the Governor before processing at BBMR.
2. **Responsibility for compliance.** BBMR shall strictly scrutinize all requests for exception to compliance with the provisions of this Executive Order, and shall recommend exception to compliance only in the most urgent circumstances, or for the betterment of the economic and fiscal condition of Guam.
3. **Exceptions.** Exceptions may be made to the provisions of this Executive Order only upon recommendation by BBMR and concurrence by i Maga'lahren Guåhan, the Governor of Guam, which concurrence may be made by Governor's written approval.
4. **Monitoring of autonomous agencies:** i) **Submission of documentation of financial condition.** All autonomous agencies shall submit quarterly cash flow statements, financial statements, and staffing patterns to BBMR. These agencies shall also submit copies of their current fiscal year budgets to BBMR upon approval by their respective boards and commissions. In order to fulfill the obligation of these agencies to also provide the level of quality service expected and deserved by our people, these agencies should also submit to BBMR all requests to fill vacancies, for promotions, for travel, and for overtime, and for contracts.
- ii) **Submission of travel authorizations.** All travel authorization requests for autonomous agencies shall be submitted to the Governor or Governor's designated representative at least 15 working days prior to the date of travel, for the information of the Chief Executive in the furtherance of overall coordinated government operations and planning.
5. **Duration.** The provisions of this Executive Order shall remain in effect until the revenues of the government General Fund allow amendment, which shall be by Executive Order.

SIGNED AND PROMULGATED at Hagåtña, Guam this 21st day of December, 1998.

  
CARL T. C. GUTIERREZ  
I Maga'lahren Guåhan  
Governor of Guam

COUNTERSIGNED:

  
MADELEINE Z. BORDALLO  
I Segunda na Maga'lahren Guåhan  
Lieutenant Governor of Guam