



**UNIVERSITY OF GUAM
UNIBETSEDÁT GUÅHAN
Board of Regents**

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SPECIAL MEETING

**Thursday, June 22, 2023, 3p.m., Multi-Purpose Room 129,
Jesus and Eugenia Leon Guerrero Building, School of Business
and Public Administration,
UOG, Mangilao, Guam**

AGENDA

- 1.0 CALL TO ORDER**
 - 2.0 Reports from Standing Committee**
 - 2.1 Academic, Personnel and Tenure (AP&T) Committee**
 - 2.1.1 Resolution No. 23-21, Relative to Approving Pay Adjustments for Federally Funded Employees as Authorized by Public Law 37-3**

Request: AP&T Committee.

Review Process: This request was submitted by General Counsel and was reviewed and endorsed by the President, SVPP, and AP&T Committee for approval.
- 3.0 Review of Presidential Search Committee Report**
- 4.0 Executive Session**
- 5.0 Vote for the Appointment of the President**
- 6.0 Adjournment**
- Action**
- Action**
- Action**

1.0 CALL TO ORDER

2.0 REPORTS FROM STANDING COMMITTEE

2.1 ACADEMIC, PERSONNEL AND TENURE (AP&T) COMMITTEE



**UNIVERSITY OF GUAM
UNIBETSEDĀT GUÅHAN
Board of Regents**

Resolution No. 23-21

**RELATIVE TO APPROVING PAY ADJUSTMENTS FOR FEDERALLY FUNDED EMPLOYEES
AS AUTHORIZED BY PUBLIC LAW 37-3**

WHEREAS, the University of Guam (UOG) is the primary U.S. Land Grant and Sea Grant institution accredited by the Western Association of Schools and Colleges Senior College and University Commission serving the post-secondary needs of the people of Guam and the Western Pacific region;

WHEREAS, pursuant to 17 GCA § 16112, the Board of Regents (BOR) Articles of Incorporation, and the BOR Bylaws, the BOR is authorized to adopt rules and regulations governing the selection, compensation, promotion, performance evaluation, disciplinary action and other terms and conditions of employment affecting academic personnel and professional, technical, federal, and externally funded personnel;

WHEREAS, the BOR is responsible for approving and adopting budgets and plans that together serve as the primary controls to ensure the effectiveness and financial well-being of the University;

WHEREAS, Public Law 37-3 was enacted on March 31, 2023 adjusting the government of Guam General Pay Plan by 22%;

WHEREAS, Public Law 37-3 precluded the application of the pay adjustment to unclassified employees for the remainder of FY2023 except, in relevant part, to federally funded unclassified employees;

WHEREAS, in April 2022, the BOR passed Resolution No. 22-15 regarding the creation of rules and regulations regarding Professional, Technical, Federal, and Externally Funded (PTE) employees of the University – a new classification established to formalize the University's relationships with certain employee groups;

WHEREAS, the University has many federally funded employees across many units who are eligible to receive an increase in pay as a result of Public Law 37-3 which are considered PTE employees and subject to the UOG Pay Plan (UGPP);

WHEREAS, because many of these unclassified employees were not hired at the same pay rate as their counterparts in the classified service, and in order to maintain equity between different job classifications, the Human Resources Office will develop a methodology for assigning a pay target for the federally funded unclassified employees and the appropriate grant principal investigators will need to develop a plan to adjust the salaries of their federally funded unclassified employees in accordance with the 22% pay adjustment authorized by Public Law 37-3 for the rest of FY2023 if the federal grant authority authorizes and has the funds for the pay adjustment.

WHEREAS, the University will continue to work on a plan for addressing unclassified employees not covered in this action in order to maintain pay equity among all employee groups of the University;

WHEREAS, the UOG Administration and the BOR Committee on Academic, Personnel and Tenure having reviewed and discussed the adjusted General Pay Plan, recommend the enclosed documents to the BOR for approval.

NOW, THEREFORE, BE IT RESOLVED, that the BOR authorizes the President to depart from the UOG General Pay Plan and to effect the 22% pay adjustment authorized by Public Law 37-3 for federally funded employees for the remainder of FY2023 whose federal grant authorities authorize the pay adjustments;

BE IT FURTHER RESOLVED, that this action will cover only employees that are occupying 100% federally funded positions; and


BE IT FURTHER RESOLVED, that any pay actions for federally funded positions must be made in coordination and with the approval of the federal grant authorities.

Adopted this 22nd day of June, 2023.



Liza J. Prevido, Chairperson

ATTESTED:



Thomas W. Krise, Ph.D., Executive Secretary

University of Guam
Plan for Addressing Salary and Pay Issues

Background: The government of Guam passed Public Law No. 37-3 authorizing a 22% rate increase for employees under the General Pay Plan. The law provided \$1,134,249 for the University cover salary adjustments to its classified employees but included the following language as part of the appropriation: “As a condition of receiving this appropriation, the University of Guam shall not raise tuition for any semester prior to September 30, 2025.” The bill as presented to the Governor also included provisions that unclassified positions were not eligible for the 22% increase. The Governor announced after signing the bill into law that she did not believe the exclusion of unclassified employees was enforceable. We do not know if her intent is to include unclassified employees in the payment of these amounts.

The University has been concerned that this would be a violation of the Institutional Autonomy of the University and is an infringement of the type of decisions that should be left to the Board of Regents. The University is amid some extreme budget constraints and does not have the funds to provide this increase without relying on the Legislature.

Merit Bonuses. The law required that merit bonuses be paid by the University to employees who had received an outstanding rating on their evaluations. The Human Resources Office has determined the cost of paying out these merit bonuses is approximately \$300,000 for active employees. Some employees have left the University who received outstanding performance evaluation ratings. Our research on the subject of payments to personnel who have left the University has not been completed. The University will proceed with the payment of merit bonuses to employees whose employment with the University continues as this matter continues to be explored. This is an unfunded mandate of the University, and the University is under severe funding constraints at this time. The University will proceed with the payment of the merit bonuses upon approval of this plan by the Board of Regents with the bonus cost being charged to the individual units.

Increments. The law also makes reference to the payment of increments. Payment of increments is not a problem for the University that it is for other agencies of the government of Guam. Occasionally units fall behind on increment awards but in general, increments are paid on a fairly timely basis. The University is working to ensure all increment processing is current by May 31, 2023.

Salary adjustments to Classified Employees. The President has decided to drawdown the funds made available from the government and to work on the tuition limitation as we move forward. The University is anticipating to receive funding for the 22% increase in the next few days. The University will plan to effectuate the 22% adjustment for classified employees as soon as possible.

Salary adjustments to PTE employees. Because PTE positions would likely be considered by the government to be unclassified positions, the University will treat the positions as unclassified. The intent with these positions is to provide an increment which would bring them to the market value of their position. Because there is more flexibility with setting the initial salary of a PTE position, it is likely that most positions are less than 22% away from their market value. Each position will be reviewed on a case-by-case basis to ensure their compensation is set in an equitable manner. The University is anticipating funding for these employees to be included in the FY24 budget appropriation. The University will target the effective date for these increases as of 10/1/23.

3.0 REVIEW OF PRESIDENTIAL SEARCH COMMITTEE REPORT

4.0 EXECUTIVE SESSION

5.0 VOTE FOR THE APPOINTMENT OF THE PRESIDENT

6.0 ADJOURNMENT