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2. A person may not be temporarily employed in a professional capacity for more than 120 days, except upon a contract in writing and a determination in writing by the Director of Education/Superintendent that such employment is critical to either the public health, safety or welfare of the community. *[A person is employed as a professional if the person's job description in the Dictionary of Occupational Titles, published by the U.S. Department of Labor, has as its first digit zero or one. Any person whose job description does not have as its first digit zero (0) or one (1), shall be deemed to be a non-professional employee.]*
 3. The following provisions shall apply to appointments made consistent with items (1) and (2) above:
 - a. A classified employee who fills a temporary classified or unclassified position has classified employment status absent other controlling legislation.
 - b. A newly hired employee who fills a temporary classified or unclassified position has unclassified employment status.
 - c. Such temporary appointments shall be made without competition, except that any person appointed on a temporary basis must meet the minimum qualification requirements and satisfy all examination requirements for the position.
 - d. A person appointed on a temporary basis shall not perform the duties and responsibilities of a position other than that to which he was appointed.

904.604 Contracts for Personnel Services

- A. Contracts shall not be used as a substitute for merit system employment. DOE shall not contract for personnel services

which normally are performed by employees appointed under the Merit System. All employment contracts shall be in compliance with 5GCA, Section 22601.

- B. Contracts for personnel services may be used only when DOE has authority to contract, and when the use of a contract is in accordance with all legal provisions including merit systems laws and rules.

- C. A basic consideration in determining the appropriateness of a contract with an individual, is whether an employee-employer relationship will exist between DOE and the individual providing the personnel services. No single criterion on the existence of an employee-employer relationship determines conclusively in all circumstances, whether personnel service contracts or appointments as employees are appropriate. It would not be considered appropriate to contract on a continuous non-emergency basis with a private organization to hire typists who work under supervision of a DOE employee, in a DOE office, using DOE equipment to perform DOE work. Factors to be considered which could provide an adequate justification for use of contracts with individuals for service include:
 - 1. emergency short-term work (less than two months) normally exempt from competitive appointment methods.
 - 2. part-time professional work.
 - 3. inability of the merit personnel system to provide qualified employees.
 - 4. contract for expert consultation services not available in the government, when full-time employment is not needed or practical, or when the need is intermittent or for a short period of time. Such an expert might provide views or recommendations, but would not perform or supervise the performance of DOE functions.

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5. part-time services of a medical, dental, or other professional specialist.
 6. contract with an individual to produce a product such as an individual research paper.

904.605 Vacation Employment for Students

The Director of Education/Superintendent may employ during the vacation period between school years, at a rate not exceeding the minimum wage specified by any applicable Federal or Guam law, students of the various public and private schools in Guam who are at least 16 years of age, provided that such employment may not exceed eight hours in one day and five days in one week, and that such employment may not be of a hazardous nature or in any way injurious to, or endangering the student. Students employed under the authority of this section shall not be eligible for retirement, sick or annual leave benefits.

904.700 APPOINTMENT TO CERTIFICATED POSITIONS

In addition to other provisions of these policies, the following applies to positions for which certification standards are set pursuant to law and Board Policies 1000 et.seq.

- (1) Citizenship Requirement. To be eligible for employment in a teaching or supervisory capacity in the Public Schools of Guam, a person must be a citizen or permanent resident of the United States of America.
- (2) College Training. College credits or degrees to be applied towards fulfilling certification and employment requirements for professional