

APPLICATION OF THE FAIR LABOR STANDARDS ACT, AS AMENDED
TO THE GOVERNMENT OF GUAM

WHEREAS, the Supreme Court in Garcia vs. San Antonio Mass Transit Authority ET. AL., (Garcia), 105S.CT.1005 in February 1985, rendered an opinion that the Fair Labor Standards Act, as amended applies to state and local governments; and

WHEREAS, on November 13, 1985, the U.S. Congress (P.L. 99-150, Section 2C) passed certain amendments to the Fair Labor Standards Act, as amended; and

WHEREAS, the Fair Labor Standards Act, as amended takes precedence over local laws, rules and regulations and policies which conflict with the Fair Labor Standards Act; and

WHEREAS, the Fair Labor Standards Act, as amended sets minimum standards on wage, overtime pay, equal pay, recordkeeping and child labor standards for employees who are covered by the Act; and

WHEREAS, the Fair Labor Standards Act, as amended require fire department and law enforcement positions to elect a work cycle prior to April 15, 1986; and

WHEREAS, the Fair Labor Standards Act, as amended has declared maximum accrual of compensatory time for law enforcement and non-law enforcement employees; and

WHEREAS, the Fair Labor Standards Act, as amended addresses conditions by which volunteer work can be properly performed; and

WHEREAS, the Fair Labor Standards Act, as amended require stringent recordkeeping procedures; and

WHEREAS, the Fair Labor Standards Act, as amended as it applies to the Government of Guam will take effect April 15, 1986; and

WHEREAS, it is the expressed intention of the Government of Guam to comply or achieve greater compliance to the provisions of the Fair Labor Standards Act, as amended;

NOW, THEREFORE, I, RICARDO J. BORDALLO, Governor of Guam, by the virtue of authority vested in me by the Organic Act of Guam and the U.S. Supreme Court decision, do hereby direct and order:

1. All government agencies and sub-divisions thereof, to assure compliance in carrying out the management of their employees in accordance with current laws, rules and regulations not inconsistent with the Fair Labor Standards Act, as amended. It shall be the responsibility of management personnel of each department to assure such compliance.

2. The Guam Fire Department employees as well as other agencies which employ law enforcement positions shall operate on a twenty-eight (28) work day cycle as provided in the Fair Labor Standards Act, as amended.

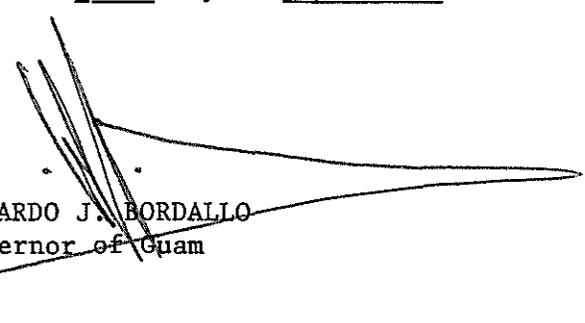
3. With respect to Compensatory Time, all firefighter and law enforcement positions may accrue a maximum of 480 comp-time hours; all non-law enforcement positions may accrue a maximum of 240 comp-time hours. Appropriate application of compensatory time shall adhere to the provisions of the Fair Labor Standards Act, as amended. Compensatory time accrued on or after April 15, 1986 shall hereafter be reported to the official central payroll officer for recordkeeping purposes.

4. There is hereby created a Fair Labor Standards Act Compliance Task Force chaired by the Director of Administration, co-chaired by the Director of Labor with members composed of the appointing authorities of the Department of Law, Guam Fire Department, Guam Police Department, Department of Corrections, Department of Commerce, Department of Agriculture, Port Authority of Guam, Guam Airport Authority, Guam Memorial Hospital, the Department of Public Health and Social Services, Department of Education and the Civil Service Commission.

It shall be the responsibility of this Task Force to develop appropriate standards that will assure compliance to the Fair Labor Standards Act, as amended. The Task Force shall report on its development within sixty (60) days of the official issuance of Title 29 of the Code of Federal Regulations (CFR).

5. The Director of Administration shall be responsible for training and conducting employee orientations on the Fair Labor Standards Act.

Signed and promulgated at Agana, Guam this 14th day of April, 1986.


RICARDO J. BORDALLO
Governor of Guam