



**ISLAND OF GUAM**  
**OFFICE OF THE GOVERNOR**  
HAGÁTÑA, GUAM 96932  
U.S.A.

**EXECUTIVE ORDER NO. 2005- 28**

**RELATIVE TO RE-DEFINING THE POSITIONS EXEMPTED BY THE FAIR LABOR STANDARDS ACT FROM MINIMUM WAGE AND OVERTIME PROVISIONS AND RE-DESIGNATING BONAFIDE EXECUTIVE, ADMINISTRATIVE AND PROFESSIONAL CATEGORIES PREVIOUSLY DESIGNATED BY EXECUTIVE ORDER 95-11. A POLICY IS HEREBY ESTABLISHED TO DECLARE EMPLOYEES OCCUPYING EXEMPT POSITIONS INELIGIBLE TO BE COMPENSATED FOR OVERTIME HOURS OR COMPENSATORY TIME WORKED, AND DIRECTING IMMEDIATE IMPLEMENTATION.**

**WHEREAS**, the government of Guam has previously designated bonafide executive, administrative and professional positions to be exempted from the minimum wage and overtime provisions of the Fair Labor Standards Act;

**WHEREAS**, the new U.S. Department of Labor Rules, which became effective August 23, 2004, have revised and re-defined the duties and salary tests for the executive, administrative and professional positions;

**WHEREAS**, the new Federal Rules added new exemption categories to include other Professional categories, e.g., the Learned Professionals, Creative Professionals; Computer Professionals, Academic Professionals and Nurses; and

**WHEREAS**, all agencies and departments of the government of Guam are governed by the term "bonafide executive, administrative, or professional exemption; as defined in 29 Code of Federal Regulations, Part 541 and Department of Labor Fact Sheets 17A, B, C, D, E, G, H, I, J, K, L, N and O.

**NOW, THEREFORE, I, FELIX P. CAMACHO**, by virtue of the authority vested in me by the Organic Act of Guam, do hereby order the following:

1. Effective August 23, 2004, employees in non-autonomous departments and agencies, who occupy position titles listed in Attachment I herein, as set by §6201 of Title 4, Guam Code Annotated, and which are defined as bona fide administrative, executive and/or professional positions of the government of Guam, accordingly, shall not receive overtime pay or compensatory time for working more than forty (40) hours per week.

2. Heads of autonomous agencies are required to identify and define bona fide administrative, executive and/or professional positions in their agencies and submit to the Civil Service Commission to be included in the list of exempt positions.

3. The Department of Administration shall provide guidance through a departmental circular to assist heads of departments and agencies in the implementation and application of the exemption procedures based on the federal guidelines.



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4. The Department of Administration and the Civil Service Commission shall conduct appropriate orientations to departments and agencies regarding the provisions of this Executive Order.

**SIGNED AND PROMULGATED** at Hagåtña, Guam this 11<sup>th</sup> day of **July, 2005**.

A handwritten signature in cursive script, appearing to read "F. Camacho", written over a horizontal line.

**FELIX P. CAMACHO**  
*I Maga' lâhen Guåhan*  
Governor of Guam