



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

EXECUTIVE ORDER NO. 89-25

DEPARTMENT OF LABOR,
WAGE AND HOUR TRUST FUND

WHEREAS, the Department of Labor, Wage and Hour Division, has been charged with the duties and responsibilities to administer and enforce the Fair Labor Standards Act, Title XLII of the Government of Guam Code; and

WHEREAS, the Department of Labor, Wage and Hour Division, conducts routine, lead, and complaint investigations to ascertain compliance and conformance of the Fair Labor Standards Act, Title XLII of the Government of Guam Code; and

WHEREAS, upon investigations, it is often revealed that the employer is not in compliance with the Fair Labor Standards Act, and they are required to pay back wages due to employee(s); and

WHEREAS, the establishment of a Department of Labor, Wage and Hour Trust Fund will enable the Department to collect, deposit, and disburse all back wage compensations made through investigations and/or the litigation process; and

WHEREAS, the establishment of a Department of Labor, Wage and Hour Trust Fund will enable the Commissioner of Wage and Hour to maintain complete and accurate records on all back wage collection and disbursement transactions; and

WHEREAS, the establishment of a Department of Labor, Wage and Hour Trust Fund will enable the Department to expeditiously process disbursements for back wage compensations for employee(s); and

WHEREAS, the establishment of a Department of Labor, Wage and Hour Trust Fund is not intended to contradict any existing Government of Guam rules, but since all deposits into this trust fund derive from employees' earned back wages, immediate disbursement of back wages will provide immediate economic relief to employee(s).


NOW, THEREFORE, I, JOSEPH F. ADA, Governor of Guam, by virtue of the authority vested in me by the Organic Act and the laws of Guam, as amended, and Section 6112 Government Code, do hereby order:

1. that the Commissioner of Wage and Hour shall establish and maintain a Wage and Hour Trust Fund; and



2. that back wages collected from employers and litigated judgments on behalf of employees be deposited in the Trust Fund by the Department of Labor as an agent of the Treasurer of Guam under Section 6100 Government Code; and
3. that the Trust Fund shall be an interest bearing account and that income, therefrom, may be used to defray printing of checks, bank services, and such other costs incurred in maintaining this account; and
4. that all checks must be endorsed by the Commissioner of Wage and Hour and the Wage and Hour Division Program Administrator or their designated representatives; and
5. that all collections not disbursed after two (2) years shall be transferred and deposited into the General Fund in compliance with Section 1822 of Civil Code; and
6. that the Department of Administration shall periodically audit the accounts and records of the Trust Fund and render a report to the Governor as required by Section 6112 Government Code.

SIGNED AND PROMULGATED at Agana, Guam, this 26th day of September, in the Year of Our Lord, Nineteen Hundred and Eighty-Nine.


JOSEPH F. ADA
Governor of Guam

COUNTERSIGNED:


FRANK F. BLAS
Lieutenant Governor of Guam