

Question:	Speaker Response:
employee is due a salary increment and the agency has not processed their performance evaluation. can the employee file the claim	This issue is outside Wage Hour's jurisdiction. Please check with your HR office and/or the Department of Administration
Is it legal to work halfday as hourly and halfday as exempt for a different position	We need more information to answer this question. Please call our office to discuss further.
Can I get the numbers to his local office again?	671-473-9131 (public line). My cell phone is 671-686-0611.
DOA still follows the executive order and revely updated a list of exempt employees, has your agency reviewed that list	We haven't reviewed GovGuam's exempt position list in many years. If there is an issue, please call our office to discuss.
GovGuam exempt employees have to sign leave in order to get paid a full salary; thus they are not exempt ... can the employees file a claim?	This practice will not void the exemption as it is ok for employers to deduct from an employee's leave accounts (see slide #29). See also 29 CFR Part 541.710 for rule related to employees of public agencies.
Can we require a minimum hours worked for certain exempt employees and not for other exempt employees?	The FLSA does not prohibit this practice (see slide #29). Management controls the work hours of its employees (see 29 CFR Part 785.13). However, be mindful of potential discriminatory issues. Good idea to check with Guam DOL's Fair Employment Office or the US EEOC.
If there is a current misclassification of employee from exempt to non-exempt and vice versa, what are the steps you recommend to correct?	Please call our office to discuss further.
Do you offer guidance on calculating overtime when it involves both local and federal contracting pay rates	Yes, you can contact our office for further information.
Can we require some exempt employees to record their hours and others not?	It is not prohibited for an employer to require an exempt employee to keep track of their work hours (see slide #29). 29 CFR Part 516.3 also does not require that an employer keep a record of an exempt employee's work hours. However, again be mindful of potential discriminatory issues. Check with Guam DOL's Fair Employment Office or the US EEOC.
GovGuam employees are either Exempt or non exempt. however, these exempt employees don't fit the FLSA standard... what is your opinion	Unable to answer this question. Need more information. Please call our office to discuss further.