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**DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO. 03-016**

To: All Line Department/Agency Heads  
From: Director, Department of Administration  
Subject: Meal Breaks for Government Employees

Buenas! Recently, this office has received several complaints from employees who worked overtime and were docked for lunch period even though they were required by their superiors to remain on the job and continue their duties during their meal time.

Chapter 7.000.D of the Personnel Rules and Regulations prescribes that full-time employees shall be allowed a minimum of 30 minutes and up to one hour meal period each day. The Fair Labor Standards Act (FLSA) also prescribes the 30-minute meal time for full-time employees. However, FLSA also defines a bona fide meal time as completely relieving the employee from duty. Unless all of the following three conditions are met, meal periods must be counted as hours worked:

1. The meal period generally must be at least 30 minutes.
2. The employee must be completely relieved of all duties; for example, if the employee must sit at a desk and incidentally answer the telephone, the time would be compensable. (According to a June 23, 1986, U. S. Department of Labor, Wage and Hour Opinion Letter, an employee who chooses to remain at his or her desk during the meal period is not working so long as he or she is completely relieved of all duties and is not required by the employee to remain at the desk.)
3. The employee must be free to leave the duty post. There is no requirement, however, that the employee be allowed to leave the premises or work site.

Our Payroll Office has reported several violations of the FLSA provisions, especially for employees who worked overtime. For whatever reason, employees shall be granted meal time free of all assigned duties. Meal time should not be considered compensable, except when management requires the employee to perform work or remain on his/her desk or not leave the job site, during the employees meal break. Chapter 7 of the Personnel Rules and Regulations requires that employees be provided lunch breaks. You are therefore notified that effective immediately, the Payroll Office will automatically allocate the regular lunch period on employees' time sheets when no allowance is provided by management. Employees on overtime work are not exempt from the

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requirement to be given a lunch period. If an employee times in to work at 8:00 a.m. for a regular 8-hour day, that employee must time out at either 4:30 p.m. to provide for a half-hour meal period or 5:00 p.m. for a one-hour lunch period. Otherwise, the employee's straight 8 hours on the job will be docked 30 minutes or one hour for lunch, depending on the employee's regular lunch schedule, resulting in the employee losing either half-hour or one-hour of paid time. **No employee should be allowed to work on a continuous basis over six hours without a meal period free from job responsibilities in violation to the FLSA.**

Si Yu'os Ma'ase for your assistance and cooperation in this employment issue. If you have any questions on this subject, please contact the Human Resources Division of the Department of Administration at 475-1131.

  
LOURDES M. PEREZ