

MAINE STATE LEGISLATURE

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AUGUSTA, MAINEOFFICE OF
THE GOVERNORNO. 6FY 85/86
DATE December 2, 1985REVOCATION OF HOURS LIMITATION FOR NON-STANDARD EMPLOYEES
AND COMPLIANCE WITH FAIR LABOR STANDARDS ACT

WHEREAS, Executive Order 15FY 84/85 was issued in response to the decision of the United States Supreme Court in Garcia v. San Antonio Metropolitan Transit Authority, 105 S.Ct. 1005 (1985), reh'g denied, 105 S.Ct. 2041 (April 15, 1985) in which the Court held that the Fair Labor Standards Act ["FLSA"] applies to State and local governments; and

WHEREAS, as a result of the Garcia decision, Executive Order 15FY 84/85 was issued to restrict the total number of hours a non-standard employee was authorized to work, notwithstanding existing practice and provisions of applicable bargaining agreements; and

WHEREAS, Congress recently enacted and, on November 13, 1985, the President signed the Act known as the "Fair Labor Standards Amendments of 1985"; and

WHEREAS, the Act known as the "Fair Labor Standards Amendments of 1985" defers the effective date of the application of the FLSA to State government until April 15, 1986;

NOW, THEREFORE, I, JOSEPH E. BRENNAN, Governor of the State of Maine, do hereby issue the following Order, effective Monday, December 2, 1985:

1. Executive Order 15FY 84/85 is hereby revoked.
2. At the direction of and in consultation with the Governor's Office of Employee Relations, all departments and agencies of State Government shall take any necessary and appropriate steps to assure that State government will be in compliance with the "Fair Labor Standards Act of 1938" and the "Fair Labor Standards Amendments of 1985" by April 15, 1986.


JOSEPH E. BRENNAN
Governor