

MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

Bill No. 312 (EC / LS)

Introduced by:

R. Klitzkie 

AN ACT TO CONFORM THE GUAM WAGE AND HOUR LAW TO CHANGES IN THE FEDERAL FAIR LABOR STANDARDS ACT REGULATIONS BY AMENDING TITLE 22 G.C.A. § 3108(b), BY REPEALING THE FIRST FOUR SUBSECTIONS OF RULE ONE OF E.O. 61-14 AND THEIR CORRESPONDING SECTIONS IN TITLE 17 G.A.R. §4101, DEEMING TITLE 17 G.A.R., DIVISION 1, CHAPTER 4 AMENDED TO CONFORM TO FEDERAL REGULATIONS ON WAGE AND HOUR ISSUES AND ALSO TO REQUIRE THE DIRECTOR OF LABOR TO POST SAID LAWS ON THE DOL WEBSITE.

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section One.** Title 22 G.C.A. § 3108(b) is amended to read:

3 ~~“(b) any employee employed in a bona fide executive, administrative or~~  
4 ~~professional capacity, or in the capacity of outside salesman, or as an outside collection;~~

5 (b)(1) Any employee employed in a bona fide executive capacity, which is any  
6 employee who is compensated on a salary or fee basis at a rate of not less than Four  
7 Hundred Fifty-five Dollars (\$455.00) per week and whose primary duty is management  
8 of the enterprise where the employee is employed or of a recognized department thereof;  
9 who customarily and regularly directs the work of two or more other employees; and who  
10 has the authority to hire or fire other employees or whose suggestions and

1 recommendations as to hiring, firing, advancement, promotion, or any other change of  
2 status of other employees are given particular weight.

3 (2) Any employee who is employed in a bona fide administrative capacity,  
4 which is any employee who is compensated on a salary or fee basis at a rate of not less  
5 than Four Hundred and Fifty-five Dollars (\$455.00) per week and whose primary duty is  
6 the performance of the office or non-manual work directly related to the management of  
7 the general business operations of the employer or the employer's customers, and whose  
8 primary duty includes the exercise of discretion and independent judgment with respect  
9 to matters of significance.

10 (3) An employee who is employed in a bona fide professional capacity, which  
11 is any employee who is compensated on a salary or fee basis at a rate of not less than  
12 Four Hundred and Fifty-five Dollars (\$455.00) per week and whose primary duty is the  
13 performance of work requiring knowledge of an advanced type in a field of science or  
14 learning customarily acquired by a prolonged course of specialized intellectual  
15 instruction or requiring invention, imagination, originality or talent in a recognized field  
16 of artistic or creative endeavor. It shall include any employee with a primary duty of  
17 teaching, tutoring, instructing or lecturing in the activity of imparting knowledge and who  
18 is employed in this activity as a teacher in an educational establishment. It shall also  
19 include computer systems analysts, computer programmers, software engineers or other  
20 similarly skilled workers in the computer field.

21 (4) An employee who is employed as an outside salesperson, which is an  
22 employee who is employed for the purpose of and who is customarily and regularly  
23 engaged away from the employer's place of business in making sales or obtaining orders

1 or contracts for services or the use of facilities for which a consideration will be paid by  
2 the client or customer.”

3 **Section Two.** Subsections A, B, C and D of Rule 1 in Executive Order 61-14 are  
4 repealed.

5 **Section Three.** Title 17 G.A.R § 4101(a), (b), (c) and (d) are repealed.

6 **Section Four.** Title 17 G.A.R., Division 1, Chapter 4 is hereby deemed amended to  
7 conform to 541 of Subchapter A of Chapter V of Subtitle B of Title 29 C.F.R., also cited  
8 as Title 29 C.F.R. § 541, et seq.

9 **Section Five.** A new § 3109.1 is added to Title 22 G.C.A. to read:

10 **“§ 3109.1. Publishing Applicable Laws.** The Director of Labor shall post on the  
11 Department’s internet website Title 22 G.C.A. § 3108 and Title 17 G.A.R., Division 1,  
12 Chapter 4, as amended herein.”