

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

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Bill No. 500-31 (cor)

Introduced by:

Adolpho B. Palacios, Sr.



AN ACT TO AMEND §7118(d) OF ARTICLE 1, CHAPTER 7, DIVISION 1, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO REQUIRING EMPLOYERS TO OBTAIN EXIT CLEARANCES FROM THE DEPARTMENT OF REVENUE AND TAXATION, AND THE UNIFIED JUDICIARY OF GUAM'S TRAFFIC COURT, FOR NON-IMMIGRANT TEMPORARY WORKERS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan*
3 *Guåhan* finds that the employment of foreign workers, specifically
4 individuals authorized to work on Guam pursuant to the U.S.
5 Department of Homeland Security's H-2B worker program, helps to
6 fill short-term and long-term shortages of skilled workers, especially
7 those working in Guam's construction industry.

8 *I Liheslatura* finds that according to Department of Labor's
9 Alien Labor Processing and Certification Division, there was an
10 average of one thousand two hundred fifty (1,250) H-2B employees
11 working on Guam, annually, between 1995 and 2011. H-2B

1 occupations include skilled construction workers, specialty cooks,
2 massage therapists, landscape gardeners and other occupations
3 authorized by the federal government and the government of Guam.

4 *I Liheslatura* further finds that the employment of H-2B workers
5 provides various companies on Guam with the manpower capacity
6 and skill sets necessary to provide for the timely completion of
7 projects and delivery of products and services to consumers,
8 particularly during periods where there is an inadequate pool of local
9 workers available. The employment of H-2B workers, however,
10 requires participating companies to comply with a host of local and
11 federal statutes and administrative rules and regulations which
12 govern the privilege of utilizing foreign workers.

13 Among these responsibilities, *I Liheslaturan Guåhan* is especially
14 concerned of instances involving the failure of employers of H-2B
15 workers to report and/or address any income tax obligations with the
16 Department of Revenue and Taxation. *I Liheslatura* finds that
17 unreported and under-reported income, relative to H-2B workers, is
18 not only illegal, but is unfair to taxpayers and further threatens the
19 ability of the government of Guam to provide critical services to its
20 citizenry.

21 *I Liheslaturan Guåhan* also finds it necessary for these employers
22 to address any traffic court obligations with the Unified Judiciary of
23 Guam, involving H-2B workers.

1 Therefore, it is the intent of *I Liheslatura* to require employers of
2 H-2B workers to obtain exit clearances from the Department of
3 Revenue and Taxation, and the Unified Judiciary of Guam’s Traffic
4 Court, for non-immigrant temporary workers, by amending §7118(d)
5 of Article 1, Chapter 7, Division 1, Title 22, Guam Annotated.

6 **Section 2.** Section 7118(d) of Article 1, Chapter 7, Division 1,
7 Title 22, Guam Code Annotated, is hereby amended to read:

8 “§ 7118. **Mandatory Registration of Non-Immigrant**
9 **Temporary Worker.**

10 It is unlawful for a non-immigrant temporary worker to report
11 to work prior to obtaining a work permit identification card duly
12 signed by the Director of Labor and sealed by his office. The work
13 permit identification card constitutes a work permit and shall be
14 renewed upon approval of importation, transfer or extension of non-
15 immigrant temporary workers contract.

16 (a) Work permit identification cards must be carried at all times
17 by the non-immigrant temporary worker and conspicuously
18 displayed during working hours at his place of work.
19 Failure to do so constitutes violation of this Section.

20 (b) The mandatory requirements for work registration and
21 identification cards are applicable to the importation,
22 transfer and extension of non-immigrant temporary
23 workers.

1 (c) Each non-immigrant temporary worker is required to report
2 to the Guam Department of Labor prior to repatriation to
3 point of hire.

4 (d) Employers or their agents *shall not* purchase or procure
5 repatriation transportation of a non-immigrant temporary
6 worker without obtaining exit clearances from the Guam
7 Department of Labor ~~and~~, the Guam Memorial Hospital
8 Authority, the Department of Revenue and Taxation and the
9 Unified Judiciary of Guam's Traffic Court.

10 (e) Actual departures shall be made within thirty (30) days from
11 issuance of exit clearance, and employers or their agents
12 shall furnish the Guam Department of Labor with a
13 certification from the transportation carrier that the non-
14 immigrant worker has departed from Guam. The
15 certification shall include the name of the non-immigrant
16 worker, the name of the carrier, date and ticket number."

17 **Section 3. Effective Date.** This Act shall take effect upon
18 enactment.