

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

DEC 16 2014

The Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos na Liheslaturan Guåhan
155 Hesler Place
Hagåtña, Guam 96910

RE: Committee Report on Bill No. 425-32 (LS) As Substituted

Hafa Adai Speaker Won Pat:

The Committee on Rules, Federal, Foreign & Micronesia Affairs, Human & Natural Resources, and Election Reform hereby reports out its findings and recommendations on **Bill No. 425-32 (LS) As Substituted- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM,"** sponsored by Senator Michael T. Limtiaco and Senator Rory J. Respicio

Committee votes are as follows:

<u>6</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>4</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Very Truly Yours,
Rory J. Respicio
Rory J. Respicio

2014 DEC 16 PM 4:14

SENATOR RORY J. RESPICIO
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HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guahan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE REPORT ON
BILL NO. 425-32 (LS)
As Substituted

“AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM,” sponsored by Senator Michael T. Limtiaco and Senator Rory J. Respicio

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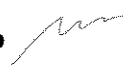


I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

DEC 16 2014

MEMORANDUM

To: All Members
Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources; and Election Reform

From: Senator Rory J. Respicio 

Subject: Committee Report on Bill No. 425-32 (LS) As Substituted

Transmitted herewith for your review and consideration is the **Bill No. 425-32 (LS) As Substituted- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM,"** sponsored by Senator Michael T. Limtiaco and Senator Rory J. Respicio

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 425-32 (LS) As Introduced
- Copy of Bill No. 425-32 (LS) As Substituted
- Public Hearing Sign-in Sheet
- Referral of Bill No. 425-32 (LS) As Substituted
- Fiscal Note for Bill No. 425-32 (LS) As Substituted
- Fiscal Note Waiver for Bill No. 425-32 (LS) As Substituted
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Si Yu'os Ma'åse!

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE VOTING SHEET

Bill No. 425-32 (LS) As Substituted- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM," sponsored by Senator Michael T. Limtiaco and Senator Rory J. Respicio

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson		<input checked="" type="checkbox"/> 12-16-14				
Senator Thomas C. Ada Vice-Chairperson		<input checked="" type="checkbox"/>				
Speaker Judith T. Won Pat, Ed.D. Member		<input checked="" type="checkbox"/>				
Vice-Speaker Benjamin J.F. Cruz Member		<input checked="" type="checkbox"/>				
Legislative Secretary Tina Rose Muña Barnes Member		<input checked="" type="checkbox"/>				
Senator Dennis G. Rodriguez, JR. Member				<input checked="" type="checkbox"/> 12/14		
Senator Frank Blas Aguon Jr. Member				<input checked="" type="checkbox"/>		
12/14/14 Senator Michael F.Q. San Nicolas Member				<input checked="" type="checkbox"/> 12/15/14		
Minority Leader Senator V. Anthony Ada Member		<input checked="" type="checkbox"/> 12/16				
Senator Aline Yamashita Member				<input checked="" type="checkbox"/> 12/16/14		

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

COMMITTEE REPORT DIGEST

I. OVERVIEW

Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT," sponsored by Senator Michael T. Limtiaco and Senator Rory J. Respicio introduced on November 18, 2014; and was subsequently referred to the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform on November 18, 2014.

Senator Rory J. Respicio, Chairperson of the Committee on Rules; Federal, Foreign & Micronesia Affairs; and Human & Natural Resources; and Election Reform convened a public hearing on **Bill No. 424-32 (LS)** on Tuesday, November 25, 2014, 9:00 A.M. in the Legislature's Public Hearing Room to receive public testimony on the measure.

Public Notice Requirements

In accordance with the Open Government Law, notices were disseminated to all senators and to all main media broadcasting outlets on November 18, 2014 and November 20, 2014.

Senators Present

Senator Rory J. Respicio, Chairman
Senator V. Anthony Ada, Member
Senator Aline A. Yamashita, Member
Senator Michael Limtiaco

II. SUMMARY OF TESTIMONY & DISCUSSION

Mr. Manny Cruz, Director, Department of Labor, provided written and oral testimony in support of the bill.
Ms. Phyllis Topasna, Department of Labor, provided oral testimony in support of the bill.
Mr. James Martinez, President, Guam Contractors Association, provided oral testimony in support of the bill.

Chairman Senator Rory J. Respicio called the public hearing to order at 9:00 A.M. and deferred to the sponsor of **Bill No. 425-32 (LS)**, Senator Michael T. Limtiaco, to provide opening remarks on the bill.

Senator Limtiaco

Thank you Mr. Chair and thank you also for your co-sponsorship on this bill and for the panel for providing testimony. In November 2011, the US Department of Labor formally recognized the Guam DOL as a state apprentice agency, which is, authorized to oversee the island's apprentice programs system, which we currently have. In the past, we had been required to submit these approvals to different states I believe we had been sending it to Hawaii and I think we are currently sending it to San Francisco but this formal recognition will allow us to authorize those companies and apprentice applications here locally which would only reinforce our commitment to workforce development.

Senator Respicio invited the first panel to testify.

Mr. Manny Cruz, Director, Department of Labor, provided written and oral testimony in support of the bill. *See attached for written testimony.*

Senator Respicio

Director, I understand the need for the third item, but is there a way we can word this so that we don't make the legislature the act of Guam subject to a federal entity? The Legislature would pass this if it does, the Governor would sign it and we are admitting that this doesn't take effect until a federal agency approves it and I am very uncomfortable about that.

Ms. Phyllis Topasna

The stipulation of Guam being an state apprenticeship agency as with all the other agencies, is that the US DOL Employment and Training Administration Office of Apprenticeship must approve any changes before they are enacted so that is why that language was put into the law.

Senator Respicio

Would we still accomplish this if we still remain silent?

Senator Limtiaco

Thank you Mr. Chair. Director, I believe that the law in its current form, already is approved by the federal agency, correct?

Mr. Cruz

Yes. This is a federal activity and they are delegating Guam to be an agency to help the DOL.

Senator Limtiaco

Correct and the draft was already approved in its current form. The amendments that you are calling for with the deletion of Article 2 and 3 are really just administrative sense right because it is reciting the CFR. So all you are really attempting to do is deleting Articles 2 and 3 and is rather recite the CFR verbatim, you are basically referring to it as the guidelines. Do you feel that this revision would not be approved by the federal agency or do you feel that it's in line with the draft and you see no issues with it being approved?

Mr. Cruz

It should be approved.

Senator Limtiaco

Mr. Chair that might make things clear. The draft has already been approved and we don't foresee any issues with the delay of the approval.

Senator Respicio

Do we have to say that this law is effective upon the approval of Administrator Office of the Apprenticeship US DOL. Will we accomplish the same thing if we don't say anything about it?

Mr. Cruz

These are federal mandates.

Senator Respicio

If we have to change it, the next Legislature would have to change it.

Mr. Cruz

To run this program, this is what we have to do. If any changes need to be done, they need to approve it.

Senator Respicio

Phyllis, would you like to go next or are you here to support your Director?

Ms. Topasna

Yes, here to support the Director

Mr. James Martinez

Thank you for giving an opportunity for the Guam Contractors Association (GCA) to talk a little about Bill No. 425-32. I am the President of the GCA and we stand in support of this bill. We are a sponsor of registered apprenticeship training here on the island and the other sponsors could be a trade association or resource for employees. In the past, we had to report to the Honolulu Office when registering these apprentices. Under the guidance of them, they would make Guam a state agency for apprenticeship so they would have to go through those hoops and hurdles over in Hawaii or even in San Francisco. I'm glad this has come to fore wishing, it makes things a lot more easier for those who are registering apprentices. This is pretty much mirroring the federal rule and CFR. I have no problems with that. For the definition of an employer on Page 9 Line 3 it states, "Employer means any person or organization employing an apprentice whether or not such person or organization is a party to an Apprenticeship Agreement with the apprentice." I don't know why it's there because the employers are an integral part of the apprenticeship agreement. On page 19 regarding apprenticeship agreements, it should say "and employer or program sponsor". The GCA is a program sponsor or registered apprentice. We develop the standards to get it approved by the state agency to improve our standards. If they don't want to be a sponsor on their own right as an employer, they can be a sponsor through the GCA, which means they have to follow our standards. It's very important we have the employer name on the agreement. It's that employer that has to pay. We support the bill.

Senator Limtiaco

If the committee implements the DOL's suggestion, the entire section would be deleted. But if I understand it correctly, for the companies that have already been approved, there are sections in there that require the employer to sign on there.

Senator Respicio thanked his colleagues present and the panel for testifying and considered **Bill No. 425-32 (LS)** duly heard.

III. ADDITIONAL WRITTEN TESTIMONY

Mr. Alfredo O. Antolin, Jr., Agency of Human Resources Development provided written testimony in support of the bill. *See attached for written testimony.*

IV. FINDINGS AND RECOMMENDATIONS

- Delete Article 2 on page 5 (Sections 10201 to 10213) and Article 3 (Sections 10301 to 10322) and add new paragraph, revise Sections 10104 (a) and 10107 per DOL's written testimony recommendations for amendments to the bill.

The Committee on Rules, Federal, Foreign & Micronesian Affairs, and Human & Natural Resources; and Election Reform hereby reports out Bill No. 425-32 (LS) As Substituted with the recommendation *TO DO PASS.*

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (Second) Regular Session

Bill No. 425-32 (LS)


Introduced by:

Michael T. Limtiaco

Rory Respicio

AN ACT TO ADDING A NEW CHAPTER 10,
ARTICLE 1, TO TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE
ESTABLISHMENT OF THE APPRENTICESHIP
ACT OF GUAM, TO ADD ARTICLE 2 TO
CHAPTER 10 OF TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO ESTABLISHMENT
OF THE LABOR STANDARDS FOR THE
REGISTRATION OF APPRENTICESHIP
PROGRAMS, AND TO ADD ARTICLE 3 TO
CHAPTER 10 OF TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE
ESTABLISHMENT OF A STATE PLAN FOR
EQUAL EMPLOYMENT OPPORTUNITY IN THE
GUAM APPRENTICESHIP ACT

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

2 **§10101. Citation.**

3 **§10102. Statement of Public Policy.**

4 **§10103. Definitions.**

5 **§10104. Guam State Apprenticeship Council.**

6 **§10105. Powers and Duties of Director.**

7 **§10106. Territorial-Federal cooperation.**

8 **§10107. Severability.**

9 **§10108. Enactment.**

10 **§10101. Citation.**

11 A new Chapter 10 is *added* to Title 22, Guam Code Annotated, to read: *The*
12 *Apprenticeship Act of Guam.*

13 **§10102. Statement of Public Policy.**

14 (a) Skilled manpower constitutes a great resource on Guam. Registered
15 Apprenticeship programs, through supervised training and education, develop
16 skilled journeyworkers and help meet the increasing needs for such workers in the
17 traditional labor force. The continuing development of skilled manpower is
18 essential for individual self-realization and for an expanding industrial economy.
19 To these ends, it is the declared public policy of Guam to develop sound
20 apprenticeship training standards and to encourage industry and labor to institute
21 training programs.

22 (b) This chapter shall apply to a person, firm, corporation, or craft only after
23 such person, firm, corporation, or craft has voluntarily elected to conform with its
24 provisions, for the purpose of participating in Registered Apprenticeship.

25 **§10103. Definitions.**

26 *Agency* means the Guam Department of Labor, Division of Apprenticeship.

1 *Department* means the U.S. Department of Labor, Employment and Training
2 Administration, Office of Apprenticeship.

3 *Director* means the Director, Guam Department of Labor.

4 *Apprentice* means a worker at least 16 years of age, except where a higher
5 minimum age standard is otherwise fixed by law, who is employed to learn an
6 apprenticeable occupation as provided in §10204 under standards of apprenticeship
7 fulfilling the requirements of §10205.

8 *Apprenticeship Agreement* means a written agreement, complying with §10207,
9 Apprenticeship Agreement, between an apprentice and either the apprentice's
10 program sponsor, or an apprenticeship committee acting as agent for the program
11 sponsor(s), which contains the terms and conditions of the employment and
12 training of the apprentice.

13 **§10104. Guam State Apprenticeship Council.**

14 (a) The Governor shall establish the Guam State Apprenticeship Council
15 (GSAC) and, upon recommendation of the Director, will appoint all members. The
16 GSAC shall be composed of persons familiar with apprenticeable occupations with
17 an equal number of representatives of employer and of employee organizations and
18 one public member. Each representative so named shall have one vote. Ex officio
19 members may be added to the GSAC, but shall have no vote. The Director shall be
20 a member of the GSAC and may have the tie-breaking vote.

21 (b) The GSAC: (a) shall advise the Director or his designee on apprentice
22 training matters, including the matters of related and supplemental instruction; (b)
23 may recommend suggested standards for apprenticeship agreements; (c) shall
24 maintain a close and effective liaison with governmental and non governmental
25 agencies which are concerned with skilled manpower development and problems;
26 and (d) may recommend research projects on facts and trends relating to
27 apprenticeship training and the supply of and needs for skilled manpower.

1 **§10105. Powers and Duties of Director.**

2 The Director shall:

3 (a) Establish standards for Apprenticeship Agreements in conformity with this
4 chapter;

5 (b) Provide assistance for the development of on-the-job learning programs in
6 apprenticeable occupations or local apprenticeable occupations;

7 (c) Encourage and promote the making of Apprenticeship Agreements
8 conforming to the standards established by this chapter;

9 (d) Register such Apprenticeship Agreements as are in the best interest of
10 apprenticeship and which conform to the standards established by this chapter;

11 (e) Keep a record of Apprenticeship Agreements and upon determination
12 thereof issue either an Interim Credential or a Certificate of Completion of
13 Apprenticeship;

14 (f) Terminate or cancel any Apprenticeship Agreements in accordance with the
15 agreements;

16 (g) Bring about the settlement of difference arising out of the Apprenticeship
17 Agreement where the differences cannot be otherwise adjusted locally;

18 (h) Issue such rules and regulations as may be necessary to carry out the intent
19 and purpose of this chapter;

20 (i) Appoint personnel as are necessary to execute the functions required under
21 this chapter; and

22 (j) Perform other duties as are necessary to carry out the intent and purpose of
23 this chapter.

24 (k) Submit all proposed modifications in legislation, regulations, policies and/or
25 operation procedures planned or anticipated by the Agency, either at the time of
26 application for recognition or subsequently, to the Department for review and
27 obtain the Department's concurrence prior to implementation.

1 **§10106. Territorial-Federal cooperation.**

2 The Agency may promote the administration of this chapter by accepting and
3 utilizing information, services, and facilities made available to it by the
4 Department.

5 **§10107. Severability.**

6 If any provision of this Law or its application to any person or circumstance is
7 found to be invalid or contrary to law, such invalidity shall *not* affect other
8 provisions or applications of this Law which can be given effect without the
9 invalid provisions or application, and to this end the provisions of this Law are
10 severable.

11 **§10108. Enactment.**

12 This act shall become effective upon enactment.

13 **Division 1**

14 **Labor Regulations**

15 **CHAPTER 10**

16 **THE APPRENTICESHIP ACT OF GUAM**

17 **ARTICLE 2**

18 **GUAM LABOR STANDARDS FOR THE REGISTRATION OF**
19 **APPRENTICESHIP PROGRAMS**

- 20 10201. Purpose and scope.
- 21 10202. Definitions.
- 22 10203. Eligibility and procedure for registration of an apprenticeship
23 program.
- 24 10204. Criteria for apprenticeable occupations.
- 25 10205. Standards of apprenticeship.
- 26 10206. Program performance standards.
- 27 10207. Apprenticeship agreement.

- 1 10208. Deregistration of a registered program.
- 2 10209. Reinstatement of program registration.
- 3 10210. Hearings for deregistration.
- 4 10211. Limitations.
- 5 10212. Complaints.
- 6 10213. Reciprocity.

7 **§10201. Purpose and scope.**

8 (a) The Guam Apprenticeship Act, Title 22, Guam Code Annotated (GCA),
9 Chapter 10, authorizes and directs the Guam Department of Labor as the Guam
10 State Apprenticeship Agency, to formulate and promote the furtherance of labor
11 standards necessary to safeguard the welfare of apprentices, to extend the
12 application of such standards by encouraging the inclusion thereof in contracts of
13 apprenticeship, to bring together employers and labor for the formulation of
14 programs of apprenticeship.

15 (b) The purpose of this part is to set forth labor standards to safeguard the welfare
16 of apprentices, promote apprenticeship opportunity, and to extend the application
17 of such standards by prescribing policies and procedures concerning the
18 registration, for certain Federal purposes, of acceptable apprenticeship programs
19 with the Guam Department of Labor. These labor standards, policies and
20 procedures cover the registration, cancellation and deregistration of apprenticeship
21 programs and of apprenticeship agreements; the recognition of the Guam
22 Department of Labor as an authorized agency for registering apprenticeship
23 programs for certain Federal purposes; and matters relating thereto.

24 **§10202. Definitions.**

25 *Administrator* means the Administrator of the Office of Apprenticeship, U.S.
26 Department of Labor, or any person specifically designated by the Administrator.

1 *Agency* means the Guam Department of Labor, Division of Apprenticeship which
2 is the State Registration Agency for the purposes of 29 CFR 29.

3 *Apprentice* means a worker at least 16 years of age, except where a higher
4 minimum age standard is otherwise fixed by law, who is employed to learn an
5 apprenticeable occupation as provided in §10204 under standards of apprenticeship
6 fulfilling the requirements of §10205.

7 *Apprenticeship Agreement* means a written agreement, complying with §10207,
8 Apprenticeship Agreement, between an apprentice and either the apprentice's
9 program sponsor, or an apprenticeship committee acting as agent for the program
10 sponsor(s), which contains the terms and conditions of the employment and
11 training of the apprentice.

12 *Apprenticeship Committee (Committee)* means those persons designated by the
13 sponsor to administer the program. A committee may be either joint or non-joint,
14 as follows:

15 (1) A joint committee is composed of an equal number of representatives of the
16 employer(s) and of the employees represented by a bona fide collective bargaining
17 agent(s).

18 (2) A non-joint committee, which may also be known as a unilateral or group
19 non-joint (which may include employees) committee, has employer representatives
20 but does not have a bona fide collective bargaining agent as a participant.

21 *Apprenticeship Program* means a plan containing all terms and conditions for the
22 qualification, recruitment, selection, employment and training of apprentices, as
23 required under 22 GCA 10, Article 2, Guam Labor Standards for the Registration
24 of Apprenticeship Programs, and Article 3, Guam State Plan for Equal
25 Employment Opportunity in Apprenticeship Programs, including such matters as
26 the requirement for a written apprenticeship agreement.

1 *Cancellation* means the termination of the registration or approval status of a
2 program at the request of the sponsor, or termination of an Apprenticeship
3 Agreement at the request of the apprentice.

4 *Certification or Certificate* means documentary evidence that:

5 (1) The Agency has established that an individual is eligible for probationary
6 employment as an apprentice under a registered apprenticeship program;

7 (2) The Agency has registered an apprenticeship program as evidenced by a
8 Certificate of Registration;

9 (3) The Agency has determined that an apprentice has successfully met the
10 requirements to receive an interim credential; or

11 (4) The Agency has determined that an individual has successfully completed
12 apprenticeship.

13 *Competency* means the attainment of manual, mechanical or technical skills and
14 knowledge, as specified by an occupational standard and demonstrated by an
15 appropriate written and hands-on proficiency measurement.

16 *Completion* rate means the percentage of an apprenticeship cohort who receive a
17 certificate of apprenticeship completion within 1 year of the projected completion
18 date. An apprenticeship cohort is the group of individual apprentices registered to a
19 specific program during a 1 year time frame, except that a cohort does not include
20 the apprentices whose apprenticeship agreement has been cancelled during the
21 probationary period.

22 *Department* means U.S. Department of Labor, Employment and Training
23 Administration, Office of Apprenticeship.

24 *Electronic media* means media that utilize electronics or electromechanical energy
25 for the end user (audience) to access the content; and includes, but is not limited to,
26 electronic storage media, transmission media, the Internet, extranet, lease lines,

1 dial-up lines, private networks, and the physical movement of
2 removable/transportable electronic media and/or interactive distance learning.

3 *Employer* means any person or organization employing an apprentice whether or
4 not such person or organization is a party to an Apprenticeship Agreement with the
5 apprentice.

6 *Federal Purposes* includes any Federal contract, grant, agreement or arrangement
7 dealing with apprenticeship; and any Federal financial or other assistance, benefit,
8 privilege, contribution, allowance, exemption, preference or right pertaining to
9 apprenticeship.

10 *Guam State Apprenticeship Council* is an entity established to assist the Agency.
11 The Guam State Apprenticeship Council provides advice and guidance to the
12 Agency on the operation of the State's Apprenticeship System.

13 *Interim credential* means a credential issued by the Agency, upon request of the
14 appropriate sponsor, as certification of competency attainment by an apprentice.

15 *Journeyworker* means a worker who has attained a level of skill, abilities and
16 competencies recognized within an industry as having mastered the skills and
17 competencies required for the occupation. (Use of the term may also refer to a
18 mentor, technician, specialist or other skilled worker who has documented
19 sufficient skills and knowledge of an occupation, either through formal
20 apprenticeship or through practical on-the-job experience and formal training.)

21 *Office of Apprenticeship* means the office designated by the Employment and
22 Training Administration of the U.S. Department of Labor to administer the
23 National Apprenticeship system or its successor organization.

24 *Provisional registration* means the 1-year initial provisional approval of newly
25 registered programs that meet the required standards for program registration, after
26 which program approval may be made permanent, continued as provisional, or
27 rescinded following a review by the Agency, as provided for in the criteria

1 described in §10203(g) and (h), Eligibility and procedure for registration of an
2 apprenticeship program.

3 *Quality Assurance Assessment* means a comprehensive review conducted by the
4 Agency regarding all aspects of an apprenticeship program's performance,
5 including but not limited to, determining if apprentices are receiving: on-the-job
6 training in all phases of the apprenticeable occupation; scheduled wage increases
7 consistent with the registered standards; related instruction through appropriate
8 curriculum and delivery systems; and that the registration agency is receiving
9 notification of all new registrations, cancellations, and completions as required in
10 this part.

11 *Registration of an apprenticeship agreement* means the acceptance and recording
12 of an apprenticeship agreement by the Agency as evidence of the apprentice's
13 participation in a particular registered apprenticeship program.

14 *Registration of an apprenticeship program* means the acceptance and recording of
15 such program by the Agency as meeting the basic standards and requirements of
16 the Department for approval of such program for Federal purposes. Approval is
17 evidenced by a Certificate of Registration.

18 *Related instruction* means an organized and systematic form of instruction
19 designed to provide the apprentice with the knowledge of the theoretical and
20 technical subjects related to the apprentice's occupation. Such instruction may be
21 given in a classroom, through occupational or industrial courses, or by
22 correspondence courses of equivalent value, electronic media, or other forms of
23 self-study approved by the Agency.

24 *Secretary* means the Secretary of Labor or any person designated by the Secretary.

25 *Sponsor* means any person, association, committee, or organization operating an
26 apprenticeship program and in whose name the program is (or is to be) registered
27 or approved.

1 *State* means any of the 50 States of the United States, District of Columbia, or any
2 Territory or possession of the United States.

3 *Technical assistance* means guidance provided by the Agency staff in the
4 development, revision, amendment, or processing of a potential or current program
5 sponsor's Standards of Apprenticeship, Apprenticeship Agreements or advice or
6 consultation with a program sponsor to further compliance with part or guidance
7 from the Office of Apprenticeship, to the Agency on how to remedy
8 nonconformity with this part.

9 *Transfer* means a shift of apprenticeship registration from one program to another
10 or from one employer within a program to another employer within that same
11 program, where there is agreement between the apprentice and the affected
12 apprenticeship committees or program sponsors.

13 **§10203. Eligibility and procedure for registration of an apprenticeship**
14 **program.**

15 (a) No apprenticeship program or agreement shall be eligible for registration
16 unless it conforms with §10205, Standards of Apprenticeship.

17 (b) Only an apprenticeship program or agreement that meets the following criteria
18 is eligible for Agency registration:

19 (1) It is in conformity with the requirements of this part and the training is in
20 an apprenticeable occupation having the characteristics set forth in §10204 of this
21 part; and

22 (2) It is in conformity with the requirements of the Department's regulation on
23 Equal Employment Opportunity in Apprenticeship and Training in 22 GCA 10,
24 Article 3.

25 (c) Except as provided under paragraph (d) of this section, apprentices must be
26 individually registered under a registered program. Such individual registration
27 may be affected:

1 (1) By filing copies of each individual apprenticeship agreement with the
2 Agency; or

3 (2) Subject to prior Agency approval, by filing a master copy of such
4 agreement followed by a listing of the name, and other required data, of each
5 individual when apprenticed.

6 (d) The names of persons in probationary employment as an apprentice under an
7 apprenticeship program registered by the Agency, if not individually registered
8 under such program, must be submitted within 45 days of employment to the
9 Agency for certification to establish the apprentice as eligible for such
10 probationary employment.

11 (e) The Agency must be notified within 45 days of persons who have successfully
12 completed apprenticeship programs; and of transfers, suspensions, and
13 cancellations of apprenticeship agreements and a statement of the reasons
14 therefore.

15 (f) Apprenticeship programs approved by the Agency must be accorded
16 registration and/or approval evidenced by a Certificate of Registration.

17 (g) Applications for new programs that the Agency determines meet the required
18 standards for program registration must be given provisional approval for a period
19 of 1 year. The Agency must review all new programs for quality and for
20 conformity with the requirements of this part at the end of the first year after
21 registration. At that time:

22 (1) a program that conforms with the requirements of this part:

23 (i) may be made permanent; or

24 (ii) may continue to be provisionally approved through the first full
25 training cycle.

26 (2) a program not in operation or not conforming to the regulations during the
27 provisional approval period must be recommended for deregistration procedures.

1 (h) The Agency must review all programs for quality and for conformity with the
2 requirements of this part at the end of the first full training cycle. A satisfactory
3 review of a provisionally approved program will result in conversion of provisional
4 approval to permanent registration. Subsequent reviews must be conducted no less
5 frequently than every five years. Programs not in operation or not conforming to
6 the regulations must be recommended for deregistration procedures.

7 (i) Any sponsor proposals or applications for modification(s) or change(s) to
8 registered programs must be submitted to the Agency. The Agency must make a
9 determination on whether to approve such submissions within 90 days from the
10 date of receipt. If approved, the modification(s) or change(s) will be recorded and
11 acknowledged within 90 days of approval as an amendment to such program. If
12 not approved, the sponsor must be notified of the disapproval and the reasons
13 therefore and provided the appropriate technical assistance.

14 (j) Under a program proposed for registration by an employer or employers'
15 association, where the standards, collective bargaining agreement or other
16 instrument provides for participation by a union in any manner in the operation of
17 the substantive matters of the apprenticeship program, and such participation is
18 exercised, written acknowledgement of union agreement or no objection to the
19 registration is required. Where no such participation is evidenced and practiced, the
20 employer or employers' association must simultaneously furnish to an existing
21 union, which is the collective bargaining agent of the employees to be trained, a
22 copy of its application for registration and of the apprenticeship program. The
23 Agency must provide for receipt of union comments, if any, within 45 days before
24 final action on the application for registration and/or approval.

25 (k) Where the employees to be trained have no collective bargaining agreement, an
26 apprenticeship program may be proposed for registration by an employer or group
27 of employers, or an employer association.

1 **§10204. Criteria for apprenticeable occupations.**

2 An apprenticeable occupation is one which is specified by industry and which
3 must:

4 (a) Involve skills that are customarily learned in a practical way through a
5 structured, systematic program of on-the-job supervised learning;

6 (b) Be clearly identified and commonly recognized throughout an industry;

7 (c) Involve the progressive attainment of manual, mechanical or technical skills
8 and knowledge which, in accordance with the industry standard for the occupation,
9 would require the completion of at least 2,000 hours of on-the-job learning to
10 attain; and

11 (d) Require related instruction to supplement the on-the-job learning.

12 **§10205. Standards of apprenticeship.**

13 An apprenticeship program, to be eligible for approval and registration by the
14 Agency, must conform to the following standards:

15 (a) The program must have an organized, written plan (program standards)
16 embodying the terms and conditions of employment, training, and supervision of
17 one or more apprentices in an apprenticeable occupation, as defined in this part,
18 and subscribed to by a sponsor who has undertaken to carry out the apprentice
19 training program.

20 (b) The program standards must contain provisions that address:

21 (1) The employment and training of the apprentice in a skilled occupation.

22 (2) The term of apprenticeship, which for an individual apprentice may be
23 measured either through the completion of the industry standard for on-the-job
24 learning (at least 2,000 hours) (time-based approach), the attainment of
25 competency (competency-based approach), or a blend of the time-based and
26 competency-based approaches (hybrid approach).

1 (i) The time-based approach measures skill acquisition through the
2 individual apprentice's completion of at least 2,000 hours of on-the-job learning as
3 described in a work process schedule.

4 (ii) The competency-based approach measures skill acquisition through the
5 individual apprentice's successful demonstration of acquired skills and knowledge,
6 as verified by the program sponsor. Programs utilizing this approach must still
7 require apprentices to complete an on-the-job learning component of Registered
8 Apprenticeship. The program standards must address how on-the-job learning will
9 be integrated into the program, describe competencies, and identify an appropriate
10 means of testing and evaluation for such competencies.

11 (iii) The hybrid approach measures the individual apprentice's skill
12 acquisition through a combination of specified minimum number of hours of on-
13 the-job learning and the successful demonstration of competency as described in a
14 work process schedule.

15 (iv) The determination of the appropriate approach for the program
16 standards is made by the program sponsor, subject to approval by the Agency of
17 the determination as appropriate to the apprenticeable occupation for which the
18 program standards are registered.

19 (3) An outline of the work processes in which the apprentice will receive
20 supervised work experience and training on the job, and the allocation of the
21 approximate amount of time to be spent in each major process.

22 (4) Provision for organized, related instruction in technical subjects related to
23 the occupation. A minimum of 144 hours for each year of apprenticeship is
24 recommended. This instruction in technical subjects may be accomplished through
25 media such as classroom, occupational or industry courses, electronic media, or
26 other instruction approved by the Agency. Every apprenticeship instructor must:

1 (i) Meet the Guam Department of Education's requirements for a
2 vocational-technical instructor, or be a subject matter expert, which is an
3 individual, such as a journeyworker, who is recognized within an industry as
4 having expertise in a specific occupation; and

5 (ii) Have training in teaching techniques and adult learning styles, which
6 may occur before or after the apprenticeship instructor has started to provide the
7 related technical instruction.

8 (5) A progressively increasing schedule of wages to be paid to the apprentice
9 consistent with the skill acquired. The entry wage must not be less than the
10 minimum wage prescribed by the Fair Labor Standards Act, where applicable,
11 unless a higher wage is required by other applicable Federal law, State law,
12 respective regulations, or by collective bargaining agreement.

13 (6) Periodic review and evaluation of the apprentice's performance on the job
14 and in related instruction; and the maintenance of appropriate progress records.

15 (7) A numeric ratio of apprentices to journeyworkers consistent with proper
16 supervision, training, safety, and continuity of employment, and applicable
17 provisions in collective bargaining agreements, except where such ratios are
18 expressly prohibited by the collective bargaining agreements. The ratio language
19 must be specific and clearly described as to its application to the job site,
20 workforce, department or plant.

21 (8) A probationary period reasonable in relation to the full apprenticeship term,
22 with full credit given for such period toward completion of apprenticeship. The
23 probationary period cannot exceed 25 percent of the length of the program, or 1
24 year, whichever is shorter.

25 (9) Adequate and safe equipment and facilities for training and supervision,
26 and safety training for apprentices on the job and in related instruction.

1 (10)The minimum qualifications required by a sponsor for persons entering the
2 apprenticeship program, with an eligible starting age not less than 16 years.

3 (11)The placement of an apprentice under a written Apprenticeship Agreement
4 that meets the requirements of §10207. The agreement must directly, or by
5 reference, incorporate the standards of the program as part of the agreement.

6 (12)The granting of advanced standing or credit for demonstrated competency,
7 acquired experience, training, or skills for all applicants equally, with
8 commensurate wages for any progression step so granted.

9 (13)The transfer of an apprentice between apprenticeship programs and within
10 an apprenticeship program must be based on agreement between the apprentice and
11 the affected apprenticeship committees or program sponsors, and must comply
12 with the following requirements:

13 (i) The transferring apprentice must be provided a transcript of related
14 instruction and on-the-job learning by the committee or program sponsor;

15 (ii) Transfer must be to the same occupation; and

16 (iii) A new apprenticeship agreement must be executed when the transfer
17 occurs between program sponsors.

18 (14)Assurance of qualified training personnel and adequate supervision on the
19 job.

20 (15)Recognition for successful completion of apprenticeship evidenced by an
21 appropriate certificate issued by the Agency.

22 (16)Program standards that utilize the competency-based or hybrid approach for
23 progression through an apprenticeship and that choose to issue interim credentials
24 must clearly identify the interim credentials, demonstrate how these credentials
25 link to the components of the apprenticeable occupation, and establish the process
26 for assessing an individual apprentice's demonstration of competency associated
27 with the particular interim credential. Further, interim credentials must only be

1 issued for recognized components of an apprenticeable occupation, thereby linking
2 interim credentials specifically to the knowledge, skills, and abilities associated
3 with those components of the apprenticeable occupation.

4 (17) Identification of the Agency.

5 (18) Provision for the registration, cancellation and deregistration of the
6 program; and for the prompt submission of any program standard modification or
7 amendment to the Agency for approval.

8 (19) Provision for registration of apprenticeship agreements, modifications, and
9 amendments; notice to the Agency of persons who have successfully completed
10 apprenticeship programs; and notice of transfers, suspensions, and cancellations of
11 apprenticeship agreements and a statement of the reasons therefore.

12 (20) Authority for the cancellation of an apprenticeship agreement during the
13 probationary period by either party without stated cause; cancellation during the
14 probationary period will not have an adverse impact on the sponsor's completion
15 rate.

16 (21) Compliance with 22 GCA 10, Article 3, including the equal opportunity
17 pledge prescribed in 22 GCA §10303(b); an affirmative action plan complying
18 with 22 GCA §10304; and a method for the selection of apprentices authorized by
19 22 GCA §10306. The apprenticeship standards must also include a statement that
20 the program will be conducted, operated and administered in conformity with
21 applicable provisions of 22 GCA 10, Article 3.

22 (22) Contact information (name, address, telephone number, and e-mail address
23 if appropriate) for the appropriate individual with authority under the program to
24 receive, process and make disposition of complaints.

25 (23) Recording and maintenance of all records concerning apprenticeship as
26 may be required by the Agency and other applicable law.

27 **§10206. Program performance standards.**

1 (a) Every registered apprenticeship program must have at least one registered
2 apprentice, except for the following specified periods of time, which may not
3 exceed 1 year:

4 (1) Between the date when a program is registered and the date of registration
5 for its first apprentice(s); or

6 (2) Between the date that a program graduates an apprentice and the date of
7 registration for the next apprentice(s) in the program.

8 (b) The Agency must evaluate performance of registered apprenticeship programs.

9 (1) The tools and factors to be used must include, but are not limited to:

- 10 (i) Quality assurance assessments;
- 11 (ii) Equal Employment Opportunity (EEO) Compliance Reviews; and
- 12 (iii) Completion rates.

13 (2) Any additional tools and factors used by the Agency in evaluating program
14 performance must adhere to the goals and policies of the Department articulated in
15 this part and in guidance issued by the Office of Apprenticeship.

16 (c) In order to evaluate completion rates, the Agency must review a program's
17 completion rates in comparison to the national average for completion rates. Based
18 on the review, the Agency must provide technical assistance to programs with
19 completion rates lower than the national average.

20 (d) Cancellation of apprenticeship agreements during the probationary period will
21 not have an adverse impact on a sponsor's completion rate.

22 **§10207. Apprenticeship agreement.**

23 The apprenticeship agreement must contain, explicitly or by reference:

24 (a) Names and signatures of the contracting parties (apprentice, and the program
25 sponsor or employer), and the signature of a parent or guardian if the apprentice is
26 a minor.

1 (b) The date of birth and, on a voluntary basis, Social Security number of the
2 apprentice.

3 (c) Contact information of the Program Sponsor and Agency.

4 (d) A statement of the occupation in which the apprentice is to be trained, and the
5 beginning date and term (duration) of apprenticeship.

6 (e) A statement showing:

7 (1) The number of hours to be spent by the apprentice in work on the job in a
8 time-based program; or a description of the skill sets to be attained by completion
9 of a competency-based program, including the on-the-job learning component; or
10 the minimum number of hours to be spent by the apprentice and a description of
11 the skill sets to be attained by completion of hybrid program; and

12 (2) The number of hours to be spent in related instruction in technical subjects
13 related to the occupation, which is recommended to be not less than 144 hours per
14 year.

15 (f) A statement setting forth a schedule of the work processes in the occupation or
16 industry divisions in which the apprentice is to be trained and the approximate time
17 to be spent at each process.

18 (g) A statement of the graduated scale of wages to be paid to the apprentice and
19 whether or not the required related instruction is compensated.

20 (h) Statements providing:

21 (1) For a specific period of probation during which the apprenticeship
22 agreement may be cancelled by either party to the agreement upon written notice to
23 the Agency, without adverse impact on the sponsor.

24 (2) That, after the probationary period, the agreement may be:

25 (i) Cancelled at the request of the apprentice, or

1 (ii) Suspended or cancelled by the sponsor, for good cause, with due notice
2 to the apprentice and a reasonable opportunity for corrective action, and with
3 written notice to the apprentice and to the Agency of the final action taken.

4 (i) A reference incorporating as part of the agreement the standards of the
5 apprenticeship program as they exist on the date of the agreement and as they may
6 be amended during the period of the agreement.

7 (j) A statement that the apprentice will be accorded equal opportunity in all phases
8 of apprenticeship employment and training, without discrimination because of
9 race, color, religion, national origin, or sex.

10 (k) Contact information (name, address, phone, and e-mail if appropriate) of the
11 appropriate authority designated under the program to receive, process and make
12 disposition of controversies or differences arising out of the apprenticeship
13 agreement when the controversies or differences cannot be adjusted locally or
14 resolved in accordance with the established procedure or applicable collective
15 bargaining provisions.

16 **§10208. Deregistration of a registered program.**

17 Deregistration of a program may be effected upon the voluntary action of the
18 sponsor by submitting a request for cancellation of the registration in accordance
19 with paragraph (a) of this section, or upon reasonable cause, by the Agency
20 instituting formal deregistration proceedings in accordance with paragraph (b) of
21 this section.

22 (a) Deregistration at the request of the sponsor. The Agency may cancel the
23 registration of an apprenticeship program by written acknowledgment of such
24 request stating the following:

25 (1) The registration is cancelled at the sponsor's request, and the effective date
26 thereof;

1 (2) That, within 15 days of the date of the acknowledgment, the sponsor will
2 notify all apprentices of such cancellation and the effective date; that such
3 cancellation automatically deprives the apprentice of individual registration; that
4 the deregistration of the program removes the apprentice from coverage for Federal
5 purposes which require the Secretary's approval of an apprenticeship program, and
6 that all apprentices are referred to the Agency for information about potential
7 transfer to other registered apprenticeship programs.

8 (b) Deregistration by the Agency upon reasonable cause.

9 (1)(i) Deregistration proceedings may be undertaken when the apprenticeship
10 program is not conducted, operated, or administered in accordance with the
11 program's registered provisions or with the requirements of this part, including not
12 but limited to: failure to provide on-the-job learning; failure to provide related
13 instruction; failure to pay the apprentice a progressively increasing schedule of
14 wages consistent with the apprentices skills acquired; or persistent and significant
15 failure to perform successfully. Deregistration proceedings for violation of equal
16 opportunity requirements must be processed in accordance with the provisions
17 under 22 GCA 10, Article 3.

18 (ii) For purposes of this section, persistent and significant failure to
19 perform successfully occurs when a program sponsor consistently fails to register
20 at least one apprentice, shows a pattern of poor quality assessment results over a
21 period of several years, demonstrates an ongoing pattern of very low completion
22 rates over a period of several years, or shows no indication of improvement in the
23 areas identified by the Agency during a review process as requiring corrective
24 action.

25 (2) Where it appears the program is not being operated in accordance with the
26 registered standards or with requirements of this part, the Agency must notify the
27 program sponsor in writing.

1 (3) The notice sent to the program sponsor's contact person must:

2 (i) Be sent by registered or certified mail, with return receipt requested;

3 (ii) State the shortcoming(s) and the remedy required; and

4 (iii) State that a determination of reasonable cause for deregistration will be
5 made unless corrective action is effected within 30 days.

6 (4) Upon request by the sponsor for good cause, the 30-day term may be
7 extended for another 30 days. During the period for corrective action, the Agency
8 must assist the sponsor in every reasonable way to achieve conformity.

9 (5) If the required correction is not effected within the allotted time, the
10 Agency must send a notice to the sponsor, by registered or certified mail, return
11 receipt requested, stating the following:

12 (i) The notice is sent under this paragraph;

13 (ii) Certain deficiencies were called to the sponsor's attention (enumerating
14 them and the remedial measures requested, with the dates of such occasions and
15 letters), and that the sponsor has failed or refused to effect correction;

16 (iii) Based upon the stated deficiencies and failure to remedy them, a
17 determination has been made that there is reasonable cause to deregister the
18 program and the program may be deregistered unless, within 15 days of the receipt
19 of this notice, the sponsor requests a hearing with the Agency; and

20 (iv) If the sponsor does not request a hearing, the entire matter will be
21 submitted to the Administrator, for a decision on the record with respect to
22 deregistration.

23 (6) If the sponsor does not request a hearing, the Agency will transmit to the
24 Administrator a report containing all pertinent facts and circumstances concerning
25 the nonconformity, including the findings and recommendation for deregistration,
26 and copies of all relevant documents and records. Statements concerning
27 interviews, meetings and conferences will include the time, date, place, and

1 persons present. The Administrator will make a final order on the basis of the
2 record presented.

3 (7) If the sponsor requests a hearing, the Agency shall prepare and transmit to
4 the Administrator a report containing all the data listed in paragraph (b)(6) of this
5 section, and the Administrator will refer the matter to the Office of Administrative
6 Law Judges. An Administrative Law Judge will convene a hearing in accordance
7 with §10210, and issue a decision as required in §10210(c).

8 (8) Every order of deregistration must contain a provision that the sponsor
9 must, within 15 days of the effective date of the order, notify all registered
10 apprentices of the deregistration of the program; the effective date thereof; that
11 such cancellation automatically deprives the apprentice of individual registration;
12 that the deregistration removes the apprentice from coverage for Federal purposes
13 which require the Director's approval of an apprenticeship program; and that all
14 apprentices are referred to the Agency for information about potential transfer to
15 other registered apprenticeship programs.

16 **§10209. Reinstatement of program registration.**

17 Any apprenticeship program deregistered under §10208 may be reinstated upon
18 presentation of adequate evidence that the apprenticeship program is operating in
19 accordance with this part. Such evidence must be presented to the Agency.

20 **§10210. Hearings for deregistration.**

21 (a) Within 10 days of receipt of a request for a hearing, the Administrator of the
22 Office of Apprenticeship must contact the Office of Administrative Law Judges to
23 request the designation of an Administrative Law Judge to preside over the
24 hearing. The Administrative Law Judge shall give reasonable notice of such
25 hearing by registered mail, return receipt requested, to the appropriate sponsor.
26 Such notice will include:

27 (1) A reasonable time and place of hearing;

1 (2) A statement of the provisions of this part pursuant to which the hearing is
2 to be held; and

3 (3) A concise statement of the matters pursuant to which the action forming the
4 basis of the hearing is proposed to be taken.

5 (b) The procedures contained in 29 CFR part 18 will apply to the disposition of the
6 request for hearing except that:

7 (1) The Administrative Law Judge will receive, and make part of the record,
8 documentary evidence offered by any party and accepted at the hearing. Copies
9 thereof will be made available by the party submitting the documentary evidence
10 to any party to the hearing upon request.

11 (2) Technical rules of evidence will not apply to hearings conducted pursuant
12 to this part, but rules or principles designed to assure production of the most
13 credible evidence available and to subject testimony to test by cross-examination
14 will be applied, where reasonably necessary, by the hearing conducting the
15 hearing. The hearing officer may exclude irrelevant, immaterial, or unduly
16 repetitious evidence.

17 (c) The Administrative Law Judge should issue a written decision within 90 days
18 of the close of the hearing record. The Administrative Law Judge's decision
19 constitutes final agency action unless, within 15 days from receipt of the decision,
20 a party dissatisfied with the decision files a petition for judicial review with the
21 Administrative Review Board, specifically identifying the procedure, fact, law or
22 policy to which exception is taken. Any exception not specifically urged is
23 deemed to have been waived. A copy of the petition for judicial review must be
24 sent to the opposing party at the same time. Thereafter, the decision of the
25 Administrative Law Judge remains final agency action unless the Administrative
26 Review Board, within 30 days of the filing of the petition for review, notifies the
27 parties that it has accepted the case for review. The Administrative Review Board

1 may set a briefing schedule or decide the matter on the record. The Administrative
2 Review Board must decide any case it accepts for judicial review within 180 days
3 of the close of the record. If not so decided, the Administrative Law Judge's
4 decision constitutes final agency action.

5 **§10211. Limitations.**

6 Nothing in this part or in any apprenticeship agreement will operate to invalidate:

7 (a) Any apprenticeship provision in any collective bargaining agreement
8 between employers and employees establishing higher apprenticeship standards; or

9 (b) Any special provision for veterans, minority persons, or women in the
10 standards, apprentice qualifications or operation of the program, or in the
11 apprenticeship agreement, which is not otherwise prohibited by law, Executive
12 Order, or authorized regulation.

13 **§10212. Complaints.**

14 (a) This section is not applicable to any complaint concerning discrimination or
15 other equal opportunity matters; all such complaints must be submitted, processed
16 and resolved in accordance with applicable provisions in 22 GCA 10, Article 3.

17 (b) Except for matters described in paragraph (a) of this section, any controversy or
18 difference arising under an apprenticeship agreement which cannot be adjusted
19 locally and which is not covered by a collective bargaining agreement, may be
20 submitted by an apprentice, or the apprentice's authorized representative, to the
21 Agency, which has registered and/or approved the program in which the apprentice
22 is enrolled, for review. Matters covered by a collective bargaining agreement are
23 not subject to such review.

24 (c) The complaint must be in writing and signed by the complainant, or authorized
25 representative, and must be submitted within 60 days of the final decision. It must
26 set forth the specific matter(s) complained of, together with relevant facts and

1 circumstances. Copies of pertinent documents and correspondence must
2 accompany the complaint.

3 (d) The Agency as appropriate will render an opinion within 90 days after receipt
4 of the complaint, based upon such investigation of the matters submitted as may be
5 found necessary, and the record before it. During the 90-day period, the Agency
6 will make reasonable efforts to effect a satisfactory resolution between the parties
7 involved. If so resolved, the parties will be notified that the case is closed. Where
8 an opinion is rendered, copies will be sent to all interested parties.

9 (e) Nothing in this section precludes an apprentice from pursuing any other remedy
10 authorized under another Federal, State, or local law.

11 **§10213. Reciprocity.**

12 The Agency will accord reciprocal approval for Federal purposes to apprentices,
13 apprenticeship programs and standards that are registered in other States by the
14 Office of Apprenticeship (OA) or a State Apprenticeship Agency recognized by
15 OA, if such reciprocity is requested by the apprenticeship program sponsor.
16 Program sponsors seeking reciprocal approval must meet the wage and hour
17 provisions and apprentice ratio standards of the reciprocal State.

18 **Division 1**

19 **Labor Regulations**

20 **CHAPTER 10**

21 **THE APPRENTICESHIP ACT OF GUAM**

22 **ARTICLE 3**

23 **GUAM STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN**

24 **APPRENTICESHIP AND TRAINING**

25 §10301. Scope and purpose

26 §10302. Definitions

27 §10303. Equal opportunity standards

- 1 §10304. Affirmative action plans
- 2 §10305. Goals and timetables
- 3 §10306. Selection of apprentices
- 4 §10307. Selection on basis of rank from pool of eligible applicants
- 5 §10308. Random selection from pool of eligible applicants
- 6 §10309. Selection from pool of current employees
- 7 §10310. Alternative selection methods
- 8 §10311. List of eligibles and public notice
- 9 §10312. Records
- 10 §10313. Compliance reviews
- 11 §10314. Noncompliance with federal and state equal opportunity requirements
- 12 §10315. Complaint procedure
- 13 §10316. Adjustments in schedule for compliance review or complaint
- 14 processing
- 15 §10317. Sanctions
- 16 §10318. Reinstatement of program registration
- 17 §10319. Retaliatory acts or intimidation
- 18 §10320. Nondiscrimination
- 19 §10321. Exemptions
- 20 §10322. Hearings
- 21 **§10301. Scope and Purpose.** This plan sets forth policies and procedures to
- 22 promote equality of opportunity in apprenticeship programs registered with the
- 23 *Guam Department of Labor, Division of Apprenticeship.* These policies and
- 24 procedures apply to the recruitment and selection of apprentices, and to all
- 25 conditions of employment and training during apprenticeship. The procedures
- 26 established provide for review of apprenticeship programs, for registering
- 27 apprenticeship programs, for processing complaints, and for deregistering non-

1 complying apprenticeship programs. The purpose of this plan is to promote
2 equality of opportunity in apprenticeship by prohibiting discrimination based on
3 race, color, religion, national origin, or sex in apprenticeship programs, by
4 requiring affirmative action to provide equal opportunity in such apprenticeship
5 programs, and by coordinating this plan with other equal opportunity programs.

6 The U.S. Department of Labor has the authority to conduct compliance reviews
7 and complaint investigations to determine whether this plan is administered in
8 accordance with federal regulations.

9 **§10302. Definitions.** As used in this plan:

10 *Agency means the Guam Department of Labor, Division of Apprenticeship.*

11 *Apprenticeship Program means a plan containing all terms and conditions for the*
12 *qualification, recruitment, selection, employment and training of apprentices, as*
13 *required under 22 GCA 10, Article 2, Guam Labor Standards for the Registration*
14 *of Apprenticeship Programs, and Article 3, Guam State Plan for Equal*
15 *Employment Opportunity in Apprenticeship Programs, including such matters as*
16 *the requirement for a written apprenticeship agreement.*

17 *Department means U.S. Department of Labor, Employment and Training*
18 *Administration, Office of Apprenticeship.*

19 *Employer means any person or organization employing an apprentice whether or*
20 *not such person or organization is a party to an Apprenticeship Agreement with the*
21 *apprentice.*

22 *Guam State Apprenticeship Council (GSAC) is an entity established to assist the*
23 *Agency. The Guam State Apprenticeship Council provides advice and guidance to*
24 *the Agency on the operation of the State's apprenticeship system.*

25 *Sponsor means any person, association, committee, or organization operating an*
26 *apprenticeship program and in whose name the program is (or is to be) registered*
27 *or approved.*

1 **§10303. Equal Opportunity Standards.**

2 (a) *Obligations of sponsors.* Each sponsor of an apprenticeship program shall:

3 (1) Recruit, select, employ, and train apprentices during their apprenticeship,
4 without discrimination because of race, color, religion, national origin, or sex; and,

5 (2) Uniformly apply rules and regulations concerning apprentices,
6 including but not limited to, equality of wages, periodic advancement, promotion,
7 assignment of work, job performance, rotation among all work processes of the
8 trade, imposition of penalties or other disciplinary action, and all other aspects of
9 the apprenticeship program administration by the program sponsor; and,

10 (3) Take affirmative action to provide equal opportunity in apprenticeship,
11 including adoption of an affirmative action plan as required by this plan.

12 (4) The Sponsor will provide equal employment opportunity in
13 apprenticeship, and the apprenticeship program shall be operated as required under
14 22 Guam Code Annotated (GCA) 10, Article 2.

15 (b) *Equal opportunity pledge.* Each sponsor of an apprenticeship program shall
16 include in its standards the following equal opportunity pledge: "***The recruitment,***
17 ***selection, employment, and training of apprentices during their apprenticeship,***
18 ***shall be without discrimination because of*** race, color, religion, national origin, or
19 ***sex. The sponsor will take affirmative action to provide equal opportunity in***
20 ***apprenticeship and will operate the apprenticeship program as required under 22***
21 ***GCA 10, Article 3.***"

22 (c) *Programs presently registered.* Each sponsor of a program registered with
23 the Agency as of the effective date of this plan shall within 90 days of the effective
24 date take the following action:

25 (1) Include in the standards of its apprenticeship program the equal
26 opportunity pledge prescribed in subsection (b); of this section;

27 (2) Adopt an affirmative action plan required by §10304; and

1 (3) Adopt a selection procedure required by §10306. A sponsor adopting a
2 selection method under §10307, 10308 or 10309 shall prepare, and have available
3 for submission upon request, copies of its amended standards, affirmative action
4 plans, and selection procedure. A sponsor adopting a selection method under
5 §10310 shall submit to the Agency copies of its standards, affirmative action plan
6 and selection procedure in accordance with the requirements of that section.

7 (d) *Sponsors seeking new registration.* A sponsor of a program seeking new
8 registration with the Agency shall submit copies of its proposed standards,
9 affirmative action plan, selection procedures, under control number 1205-0224 [43
10 FR 20760, May 12, 1978, as amended at 49 FR information as may be required].
11 The program shall be registered if such standards, affirmative action plan, and
12 selection procedure meet the requirements of this plan.

13 (e) *Programs subject to approved equal employment opportunity programs.* A
14 sponsor shall not be required to adopt an affirmative action plan under §10304 or a
15 selection procedure under §10306 if it submits to the Agency satisfactory evidence
16 that it is in compliance with an equal employment opportunity program providing
17 for the selection of apprentices and for affirmative action in apprenticeship
18 including goals and timetables for women and minorities which has been approved
19 as meeting the requirements of Title VII of the Civil Rights Act of 1964, as
20 amended and its implementing regulations published in 29 CFR, Chapter XIV
21 (Equal Employment Opportunity Commission Rules and Regulations) or
22 Executive Order 11246, as amended, and its implementing regulations of 41 CFR,
23 Chapter 60. Provided, that programs approved, modified or renewed subsequent to
24 the effective date of this amendment will qualify for this exception only if the
25 goals and timetables for minorities and women for the selection of apprentices
26 provided for in such programs are equal to or greater than the goals required under
27 this plan.

1 (f) *Program with fewer than five apprentices.* A sponsor of a program in which
2 fewer than five apprentices are indentured shall not be required to adopt an
3 affirmative action plan under §10304 or a selection procedure under §10306,
4 provided that such a program was not adopted to circumvent the requirements of
5 this plan.

6 **§10304. Affirmative Action Plans.**

7 (a) *Adoption of affirmative action plans.* A sponsor's commitment to equal
8 opportunity in the recruitment, selection, employment, and training of apprentices
9 shall include the adoption of a written affirmative action plan.

10 (b) *Definition of affirmative action.* Affirmative action is not mere passive
11 nondiscrimination. It includes procedures, methods, and programs for the
12 identification, positive recruitment, training, and motivation of present and
13 potential minority and female (minority and nonminority) apprentices, including
14 the establishment of goals and timetables. It is action which will equalize
15 opportunity in apprenticeship so as to allow full utilization of the work potential of
16 minorities and women. The overall result to be sought is equal opportunity in
17 apprenticeship for all individuals participating in or seeking entrance to the
18 Nation's labor force.

19 (c) *Outreach and positive recruitment.* An acceptable affirmative action plan
20 must also include adequate provision for outreach and positive recruitment that
21 would reasonably be expected to increase minority and female participation in
22 apprenticeship by expanding the opportunity of minorities and women to become
23 eligible for apprenticeship selection. In order to achieve these objectives, sponsors
24 shall undertake activities such as those listed below. It is not contemplated that
25 each sponsor necessarily will include all the listed activities in its affirmative
26 action program. The scope of the affirmative action program will depend on all the
27 circumstances including the size and type of the program and its resources.

1 However, the sponsor shall be required to undertake a significant number of
2 appropriate activities in order to enable it to meet its obligations under this plan.
3 The affirmative action plan shall set forth the specific steps the sponsor intends to
4 take in the areas listed below. Whenever special circumstances warrant, the
5 Agency may provide such financial or other assistance as it deems necessary to
6 implement the requirements of this paragraph.

7 (1) Dissemination of information concerning the nature of the
8 apprenticeship, requirements for admission to apprenticeship, availability of
9 apprenticeship opportunities, sources of apprenticeship applications, and the equal
10 opportunity policy of the sponsor. For programs accepting applications only at
11 specific intervals, such information shall be disseminated at least 30 days in
12 advance of the earliest date for application at each interval. For programs
13 customarily receiving applications throughout the year, such information shall be
14 regularly disseminated but not less than semiannually. Such information shall be
15 given to the Agency, local schools, employment service offices, women's centers,
16 outreach programs, and community organizations which can effectively reach
17 minorities and women, and shall be published in newspapers which are circulated
18 in the minority community and among women, as well as in the general areas in
19 which the program sponsor operates.

20 (2) Participation in annual workshops conducted by the Agency's One Stop
21 Career Center and the Agency's quarterly labor clinics for the purpose of
22 familiarizing school, employment service, and other appropriate personnel with the
23 apprenticeship system and current opportunities therein;

24 (3) Cooperation with the state department of education, local school boards
25 and vocational education systems Guam Department of Education, the local school
26 board and the Guam Community College to develop programs for preparing

1 students to meet the standards and criteria required to qualify for entry into
2 apprenticeship programs.

3 (4) Internal communication of the sponsor's equal opportunity policy in
4 such a manner as to foster understanding, acceptance, and support among the
5 sponsor's various officers, supervisors, employees, and members and to encourage
6 such persons to take the necessary action to aid the sponsor in meeting its
7 obligations under this plan.

8 (5) Engaging in programs such as outreach for the positive recruitment and
9 preparation of potential applicants for apprenticeships; where appropriate and
10 feasible, such programs shall provide for pretesting experience and training. If no
11 such programs are in existence, the sponsor shall seek to initiate these programs,
12 or, when available, to obtain financial assistance from the Agency. In initiating
13 and conducting these programs, the sponsor may be required to work with other
14 sponsors and appropriate community organizations. The sponsor shall also initiate
15 programs to prepare women and encourage women to enter traditionally male
16 programs.

17 (6) To encourage the establishment and utilization of programs of pre-
18 apprenticeship, preparatory trade training, or others designed to afford related work
19 experience or to prepare candidates for apprenticeship, a sponsor shall make
20 appropriate provision in its affirmative action plan to assure that those who
21 complete such programs are afforded full and equal opportunity for admission into
22 the apprenticeship program.

23 (7) Utilization of journeypersons to assist in the implementation of the
24 sponsor's affirmative action program.

25 (8) Granting advance standing or credit on the basis of previously acquired
26 experience, training, skills, or aptitude for all applicants equally.

1 (9) Admitting to apprenticeship, persons whose age exceeds the maximum
2 age for admission to the program, where such action assists the sponsor in
3 achieving its affirmative action obligations.

4 (10) Other appropriate action to ensure that the recruitment, selection,
5 employment, and training of apprentices during apprenticeship shall be without
6 discrimination because of race, color, religion, national origin, and sex (e.g.,
7 general publication of apprenticeship opportunities and advantages in
8 advertisements, industry reports, articles, etc.; use of present minority and female
9 apprentices and journeypersons as recruiters; career counseling; periodic auditing
10 of affirmative action programs and activities; and development of reasonable
11 procedures between the sponsor and employers of apprentices to ensure that
12 employment opportunity is being granted, including reporting systems, on-site
13 reviews, briefing sessions, etc.). The affirmative action program shall set forth
14 the specific steps the sponsor intends to take, in the above areas, under this
15 paragraph (c). Whenever special circumstances warrant, the Agency may provide
16 such financial or other assistance as it deems necessary to implement the above
17 requirements.

18 **§10305. Goals and timetables.**

19 (a) The following shall apply in the establishment of goals and timetables:

20 (1) A sponsor adopting a selection method under §10307 or 10308, which
21 determines on the basis of the analysis described in subsection (b) that it has
22 deficiencies in terms of underutilization of minorities and/or women (minority and
23 nonminority), in the craft or crafts represented by the program shall include in its
24 affirmative action plan percentage goals and timetables for the admission of
25 minority and/or female (minority and nonminority) applicants, into the eligibility
26 pool.

1 (2) A sponsor adopting a selection method under §10309 or 10310, which
2 determines on the basis of the analysis described in subsection (b) that it has
3 deficiencies in terms of the underutilization of minorities and/or women, in the
4 craft or crafts represented by the program shall include in its affirmative action
5 plan percentage goals and timetables for the selection of minority and female
6 (minority and nonminority) applicants for the apprenticeship program.

7 (3) "Underutilization" as used in this plan refers to the situation where
8 there are fewer minorities and/or women (minority and nonminority) in the
9 particular craft or crafts represented by the program than would reasonably be
10 expected in view of an analysis of the specific factors in subsection (b). Where, on
11 the basis of the analysis, the sponsor determines that it has no deficiencies, no
12 goals and timetables need be established. However, where no goals and timetables
13 are established, the affirmative action plan shall include a detailed explanation why
14 no goals and timetables have been established.

15 (4) Where the sponsor fails to submit goals and timetables as part of its
16 affirmative action plan or submits goals and timetables which are unacceptable,
17 and the Agency determines that the sponsor has deficiencies in terms of
18 underutilization of minorities and/or women (minority and nonminority) within the
19 meaning of this section, the Agency shall establish goals and timetables applicable
20 to the sponsor for the admission of minority and female (minority and
21 nonminority) applicants into the eligibility pool or selection of apprentices, as
22 appropriate. The sponsor shall make good faith efforts to attain these goals and
23 timetables in accordance with the requirements of §10304 and 10305.

24 (b) *Analysis to determine if deficiencies exist.* The sponsor's determination as to
25 whether goals and timetables shall be established, shall be based on an analysis of
26 at least the following factors, which analysis shall be set forth in writing as part of
27 the affirmative action plan:

1 (1) The size of the working age minority and female (minority and
2 nonminority) population in the program sponsor's labor market area;

3 (2) The size of the minority and female (minority and nonminority) labor
4 force in the program sponsor's labor market area;

5 (3) The percentage of minority and female (minority and nonminority)
6 participation as apprentices in the particular craft as compared with the percentage
7 of minorities and women (minority and nonminority) in the labor force in the
8 program sponsor's labor market area;

9 (4) The percentage of minority and female (minority and nonminority)
10 participation as journeypersons employed by the employer or employers
11 participating in the program as compared with the percentage of minorities and
12 women (minority and nonminority) in the sponsor's labor market area and the
13 extent to which the sponsor should be expected to correct any deficiencies through
14 the achievement of goals and timetables for the selection of apprentices; and,

15 (5) The general availability of minorities and women (minority and
16 nonminority) with present or potential capacity for apprenticeship in the program
17 sponsor's labor market area.

18 (c) *Establishment and attainment of goals and timetables.* The goals and
19 timetables shall be established on the basis of the sponsor's analyses of its
20 underutilization of minorities and women and its entire affirmative action program.
21 A single goal for minorities and a separate single goal for women is acceptable
22 unless a particular group is employed in a substantially disparate manner in which
23 case separate goals shall be established for such group. Such separate goals would
24 be required, for example, if a specific minority group of women were underutilized
25 even though the sponsor had achieved its standards for women generally. In
26 establishing the goals, the sponsor should consider the results which could be
27 reasonably expected from its good faith efforts to make its overall affirmative

1 action program work. Compliance with these requirements shall be determined by
2 whether the sponsor has met its goals within its timetables, or failing that, whether
3 it has made good faith efforts to meet its goals and timetables. Its "good faith
4 efforts" shall be judged by whether it is following its affirmative action program
5 and attempting to make it work, including evaluation and changes in its program
6 where necessary to obtain the maximum effectiveness toward the attainment of its
7 goals.

8 (d) Data and Information. The Agency shall make available to program
9 sponsors data and information on minority and female (minority and nonminority)
10 labor force characteristics for the Territory of Guam.

11 **§10306. Selection of Apprentices.**

12 (a) *Obligations of sponsors*. In addition to the development of a written
13 affirmative action plan to ensure that minorities and women have an equal
14 opportunity for selection as apprentices and otherwise ensure the prompt
15 achievement of full and equal opportunity in apprenticeship, each sponsor shall
16 further provide in its affirmative action program that the selection of apprentices
17 shall be made under one of the methods specified in §10307, 10308, 10309, or
18 10310.

19 (b) *Selection methods*. The sponsor shall adopt one of the following methods
20 for selecting apprentices:

21 **§10307. Selection on basis of rank from pool of eligible applicants.**

22 (a) *Selection*. A sponsor may select apprentices from a pool of eligible
23 applicants created in accordance with the requirements of subsection (e) of this on
24 the basis of the rank order of scores of applicants on one or more qualification
25 standards where there is a significant statistical relationship between rank order of
26 scores and performance in the apprenticeship program. In demonstrating such

1 relationship, the sponsor shall follow the procedures set forth in Guidelines on
2 Employee Selection Procedures published in 41 CFR, Part 60-3;

3 (b) *Requirements.* The sponsor adopting this method of selecting apprentices
4 shall meet the requirements of subsections (c) through (g);

5 (c) *Creation of Pool of eligibles.* A pool of eligibles shall be created from
6 applicants who meet the qualifications of minimum legal working age; or from
7 applicants who meet qualification standards in addition to minimum legal working
8 age, provided that any additional qualification standards conform with the
9 following requirements:

10 (1) *Qualification standards.* The qualification standards, and the procedures
11 for determining such qualification standards, shall be stated in detail and shall
12 provide criteria for the specific factors and attributes to be considered in evaluating
13 applicants for admission to the pool. The score required under each qualification
14 standard for admission to the pool shall also be specified. All qualification
15 standards, and the score required on any standard for admission to the pool, shall
16 be directly related to job performance, as shown by a significant statistical
17 relationship between the score required for admission to the pool, and performance
18 in the apprenticeship program. In demonstrating such relationship, the sponsor
19 shall follow the procedures set forth in 41 CFR, Part 60-3. Qualifications shall be
20 considered as separately required so that the failure of an applicant to attain the
21 specified score under a single qualification standard shall disqualify the applicant
22 from admission to the pool.

23 (2) *Aptitude tests.* Any qualification standard for admission to the pool
24 consisting of aptitude test scores shall be directly related to job performance, as
25 shown by significant statistical relationships between the score on the aptitude tests
26 required for admission to the pool, and performance in the apprenticeship program.
27 In determining such relationship, the sponsor shall follow the procedures set forth

1 in 41 CFR, Part 60-3. The requirements of this paragraph shall also be applicable
2 to aptitude tests utilized by a program sponsor which are administered by the state
3 employment agency or any other person, agency, or organization engaged in the
4 selection or evaluation of personnel. A national test developed and administered
5 by a national joint apprenticeship committee shall not be approved by the Agency
6 unless such test meets the requirements of this paragraph.

7 (3) *Educational attainments.* All educational attainments or achievements as
8 qualifications for admission to the pool shall be directly related to job performance
9 as shown by a significant statistical relationship between the score required for
10 admission to the pool and performance in the apprenticeship program. In
11 demonstrating such relationship, the sponsor shall meet the requirements of 41
12 CFR, Part 60-3. School records or a passing grade on the general education
13 development tests recognized by the Guam Department of Education, the Guam
14 Community College or the University of Guam shall be evidence of educational
15 achievement. Education requirements shall be applied uniformly to all applicants.

16 (d) *Oral interviews.* Oral interviews shall not be used as a qualification standard
17 for admission into an eligibility pool. However, once an applicant is placed in the
18 eligibility pool, and prior to selection for apprenticeship from the pool, he or she
19 may be required to submit to an oral interview. Oral interviews shall be limited to
20 such objective questions as may be required to determine the fitness of applicants
21 to enter the apprenticeship program, but shall not include questions relating to
22 qualifications previously determined in gaining entrance to the eligibility pool.
23 When an oral interview is used, each interviewer shall record the questions and the
24 general nature of the applicant's answers, and shall prepare a summary of any
25 conclusions. Each applicant rejected from the pool of eligibles on the basis of an
26 oral interview shall be given a written statement of such rejection, the reasons
27 therefore, and the appeal rights available to the applicant;

1 (e) *Notification of applicants.* All applicants who meet the requirements for
2 admission shall be notified and placed in the eligibility pool. The program sponsor
3 shall give each rejected applicant who is not selected for the pool or the program
4 notice of his or her rejection, including the reasons for the rejection, the
5 requirements for admission to the pool of eligibles, and the appeal rights available
6 to the applicant.

7 (f) *Goals and timetables.* The sponsor shall establish where required by
8 §10305, percentage goals and timetables for the admission of minorities and
9 women (minority and nonminority) into the pool of eligibles, in accordance with
10 the provisions of §10305 (a), (b) and (c);

11 (g) *Compliance.* A sponsor shall be deemed to be in compliance with its
12 commitments under subsection (f) if it meets its goals or timetables or if it makes a
13 good faith effort to meet these goals and timetables. In the event of the failure of
14 the sponsor to meet its goals and timetables, it shall be given an opportunity to
15 demonstrate that it has made every "good faith effort" to meet its commitments
16 (see §10305 (c)). All the actions of the sponsor shall be reviewed and evaluated in
17 determining whether such good faith efforts have been made.

18 **§10308. Random selection from pool of eligible applicants.**

19 (a) *Selection.* A sponsor may select apprentices from a pool of eligible
20 applicants on a random basis. The method of random selection is subject to
21 approval by the Agency. Supervision of the random selection process shall be by
22 an impartial person or persons selected by the sponsor, but not associated with the
23 administration of the apprenticeship program. The time and place of the selection,
24 and the number of apprentices to be selected, shall be announced. The place of the
25 selection shall be open to all applicants and the public. The names of apprentices
26 drawn by this method shall be posted immediately following the selection at the
27 program sponsor's place of business.

1 (b) *Requirements.* The sponsor adopting this method of selecting apprentices
2 shall meet the requirements of §10307(c) through (e) of the plan relating to the
3 creation of pool of eligibles, oral interviews, and notification of applicants.

4 (c) *Goals and timetables.* The sponsor shall establish, where required by
5 §10305, percentage goals and timetables for the admission of minorities and
6 women (minority and nonminority) into the pool of eligibles in accordance with
7 the provisions of that §10305.

8 (d) *Compliance.* Determinations as to the sponsor's compliance with its
9 obligations under these regulations shall be in accordance with the provisions of
10 §10307(g).

11 **§10309. Selection from pool of current employees.**

12 (a) *Selection.* A sponsor may select apprentices from an eligibility pool of the
13 workers already employed by the program sponsor in a manner prescribed by a
14 collective bargaining agreement where such exists, or by the sponsor's established
15 promotion policy. The sponsor adopting this method of selecting apprentices shall
16 establish goals and timetables for the selection of minority and female apprentices,
17 unless the sponsor concludes, in accordance with the provisions of §10305 that it
18 does not have deficiencies in terms of underutilization of minorities and/or women
19 (minority and nonminority) in the apprenticeship of journeyperson crafts
20 represented by the program.

21 (b) *Compliance.* Determinations as to the sponsor's compliance with its
22 obligations under these regulations shall be in accordance with the provisions of
23 §10307(g).

24 **§10310. Alternative selection methods.**

25 (a) *Selection.* A sponsor may select apprentices by means of any other method
26 including its present selection method provided that the sponsor meets the
27 following requirements:

1 (1) *Selection method and goals and timetables.* The sponsor shall
2 *complete development of the* selection method it proposes to use along with the rest
3 of its written affirmative action program including, where required §10305 its
4 percentage goals and timetables for the selection of minority and/or female
5 (minority and nonminority) applicants for apprenticeship and its written analysis,
6 upon which such goals and timetables, or lack thereof, are based. The
7 establishment of goals and timetables shall be in accordance with the provisions of
8 §10305(a), (b) and (c). The sponsor may not implement any such selection method
9 until the Agency has approved the selection method as meeting the requirements of
10 this plan and has approved the remainder of its affirmative action program
11 including its goals and timetables. If the Agency fails to act upon the selection
12 method and the affirmative action program within thirty days (30) of its
13 submission, the sponsor then may implement the selection method.

14 (2) *Qualification standards.* Apprentices shall be selected on the basis of
15 objective and specific qualification standards. Examples of such standards are fair
16 aptitude tests, school diplomas or equivalent, occupationally essential health
17 requirements, fair interviews, school grades, and previous work experience.
18 Where interviews are used, adequate records shall be kept including a brief
19 summary of each interview and the conclusions on each of the specific factors,
20 e.g., motivation, ambition, and willingness to accept direction which are part of the
21 total judgment. In applying any such standards, the sponsor shall meet the
22 requirements of 41 CFR Part 60-3.

23 (b) *Compliance.* Determinations as to the sponsor's compliance with its
24 obligations under this plan shall be in accordance with the provisions of §10307(g).
25 Where a sponsor, despite its good faith efforts, fails to meet its goals and
26 timetables within a reasonable period of time, the sponsor may be required to make
27 appropriate changes in its affirmative action program to the extent necessary to

1 obtain maximum effectiveness toward the attainment of its goals. The sponsor
2 may also be required to develop and adopt an alternative selection method,
3 including a method prescribed by the Agency, where it is determined that the
4 failure of the sponsor to meet its goals is attributable in substantial part to the
5 selection method. Where the sponsor's failure to meet its goals is attributable in
6 substantial part to its use of a qualification standard which has adversely affected
7 the opportunities of minorities and/or women (minority and nonminority) for
8 apprenticeship, the sponsor may be required to demonstrate that such qualification
9 standard is directly related to job performance, in accordance with the provisions
10 of §10307(c) (1) of this subsection.

11 **§10311. Existing List of Eligibles and Public Notice.**

12 (a) A sponsor adopting a selection method under §10307 or §10308 and a
13 sponsor adopting a selection method under §10310 who determines that there are
14 fewer minorities and/or women (minority and nonminority) on its existing lists of
15 eligibles than would reasonably be expected in view of the analysis described in
16 §10304 shall discard all existing eligibility lists upon adoption of the selection
17 methods required by this plan. New eligibility pools shall be established and lists
18 of eligibility pools shall be posted at the sponsor's place of business. Sponsors
19 shall establish a reasonable period of not less than two (2) weeks for accepting
20 applications for admission to an apprenticeship program. There shall be at least
21 thirty (30) days of public notice in advance of the earliest date for application for
22 admission to the apprenticeship program (see §10304(c) on affirmative action with
23 respect to dissemination of information).

24 (b) Applicants who have been placed in a pool of eligibles shall be retained on
25 lists of eligibles subject to selection for a period of two (2) years. Applicants may
26 be removed from the list at an earlier date by their request or following their failure

1 to respond to an apprentice job opportunity given by certified mail, return receipt
2 requested.

3 (c) Applicants who have been accepted in the program shall be afforded a
4 reasonable period of time in light of the customs and practices of the industry for
5 reporting for work. All applicants shall be treated equally in determining such
6 period of time. It shall be the responsibility of the applicant to keep the sponsor
7 informed of his or her current mailing address. Upon request, a sponsor may
8 restore to the list of eligible applicants who have been removed from the list or
9 who have failed to respond to an apprenticeship job opportunity.

10 **§10312. Records.**

11 (a) Obligations of sponsors. Each sponsor shall keep adequate records for a
12 period of five (5) years, including:

- 13 (1) A summary of the qualifications of each applicant;
- 14 (2) Basis for evaluation and for selection or rejection of each applicant;
- 15 (3) Records pertaining to interviews of applicants;
- 16 (4) The original application for each applicant;
- 17 (5) Information relative to the operation of the apprenticeship program,
18 including but not limited to job assignment, promotion, demotion, layoff,
19 termination, rates of pay, or other forms of compensation or conditions of work,
20 hours including hours of work, and, separately, hours of training provided; and,
- 21 (6) Any other records pertinent to a determination of compliance with this
22 plan, as may be required by the Agency.
- 23 (7) The records pertaining to individual applicants, selected or rejected,
24 shall be maintained in such manner as to permit identification of minority and
25 female (minority and nonminority) participants.

26 (b) *Affirmative action plans.* Each sponsor must retain a statement of its
27 affirmative action plan required by §10304 for the prompt achievement of full and

1 equal opportunity in apprenticeship, including all data and analyses made pursuant
2 to the requirements of §10304. Sponsors shall review their affirmative action plans
3 annually and update them where necessary, including the goals and timetables.

4 (c) *Qualification standards.* Each sponsor shall maintain evidence that its
5 qualification standards have been validated in accordance with the requirements set
6 forth in §10306(b).

7 (d) *Records.* The Agency shall keep adequate records, including registration
8 requirements, individual program standards and registration records, program
9 compliance reviews and investigations, and any other records pertinent to a
10 determination of compliance with this plan.

11 (e) *Maintenance of records.* The records required by this plan and any other
12 information relevant to compliance with these regulations shall be maintained for
13 five (5) years and made available upon request to the Agency or other authorized
14 representative.

15 **§10313. Compliance reviews.**

16 (a) *Conduct of compliance reviews.* The Agency shall regularly conduct
17 systematic reviews of apprenticeship programs in order to determine the extent to
18 which sponsors are complying with this plan and will also conduct compliance
19 reviews when circumstances, including receipt of complaints not referred to a
20 private review body pursuant to §10315(b)(1)(i), so warrant, and take appropriate
21 action regarding programs which are not in compliance with the requirements of
22 this plan. Compliance reviews will consist of comprehensive analyses and
23 evaluations of each aspect of the apprenticeship program, including on-site
24 investigations and audits.

25 (b) *Reregistration.* Sponsors seeking reregistration shall be subject to a
26 compliance review as described in subsection (a), by the Agency as part of the
27 reregistration process.

1 (c) *New Registration.* Sponsors seeking new registration shall be subject to a
2 compliance review as described in subsection (a) by the Agency as part of the new
3 registration process.

4 (d) *Voluntary compliance.* Where the compliance review indicates that the
5 sponsor is not operating in accordance with this plan, the Agency shall notify the
6 sponsor in writing of the results of the review and make a reasonable effort to
7 secure voluntary compliance on the part of the program sponsor within a
8 reasonable time before undertaking sanctions under §10317. In the case of
9 sponsors seeking new registration, the Agency will provide appropriate
10 recommendations to the sponsor to enable it to achieve compliance for registration
11 purposes.

12 **§10314. Noncompliance with Federal and State Equal Opportunity**
13 **Requirements.**

14 A pattern or practice of noncompliance by a sponsor (or where the sponsor is
15 a joint apprenticeship committee, by one of the parties represented on such
16 committee) with Federal or state laws or regulations requiring equal opportunity
17 may be grounds for the imposition of sanctions in accordance with §10317 if such
18 noncompliance is related to the equal employment opportunity of apprentices
19 and/or graduates of such an apprenticeship program under this plan. The sponsor
20 shall take affirmative steps to assist and cooperate with employers and unions in
21 fulfilling their equal employment opportunity obligations.

22 **§10315. Complaint procedure.**

23 (a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes
24 that he or she has been discriminated against on the basis of race, color, religion,
25 national origin, or sex with regard to apprenticeship or that the equal opportunity
26 standards with respect to his or her selection have not been followed in the
27 operation of an apprenticeship program may, personally or through an authorized

1 representative, file a complaint with the Director, Guam Department of Labor, 414
2 West Soledad Avenue, Hagatna, Guam, contact number 671-475-7075, fax
3 number: 671-475-7045, or, at the apprentice's or applicant's election, with a private
4 review body established pursuant to paragraph (a)(3) of this section. The
5 complaint shall be in writing and shall be signed by the complainant. It must
6 include the name, address and telephone number of the person allegedly
7 discriminated against, the program sponsor involved, and a brief description of the
8 circumstances of the failure to apply the equal opportunity standards provided for
9 in this plan.

10 (2) The complaint must be filed not later than one hundred eighty (180)
11 days from the date of the alleged discrimination or specified failure to follow the
12 equal opportunity standards; and, in the case of complaints filed directly with
13 review bodies designated by program sponsors to review such complaints, any
14 referral of such complaint by the complainant to the Agency must occur within the
15 time limitation stated above or thirty (30) days from the final decision of such
16 review body, whichever is later. The time may be extended by the Agency for
17 good cause shown.

18 (3) Sponsors are encouraged to establish fair, speedy, and effective
19 procedures for a review body to consider complaints of failure to follow the equal
20 opportunity standards. A private review body established by the program sponsor
21 for this purpose should number three or more responsible persons from the
22 community serving in this capacity without compensation. Members of the review
23 body should not be directly associated with the administration of an apprenticeship
24 program. Sponsors may join together in establishing a review body to serve the
25 needs of programs within the community.

26 (b) *Processing of complaints.*

27 (1) Review Body.

1 (i) When the sponsor has designated a review body for reviewing
2 complaints, the Agency, unless the complainant has indicated otherwise or unless
3 the Agency has determined that the review body will not effectively enforce the
4 equal opportunity standards, shall upon receiving a complaint refer it to the review
5 body.

6 (ii) The Agency shall, within thirty (30) days following the referral of a
7 complaint to the review body, obtain reports from the complainant and the review
8 body as to the disposition of the complaint. If the complaint has been satisfactorily
9 adjusted and there is no other indication of failure to apply equal opportunity
10 standards, the case shall be closed and the parties appropriately informed.

11 (iii) When a complaint has not been resolved by the review body within
12 ninety (90) days or where, despite satisfactory resolution of the particular
13 complaint by the review body, there is evidence that equal opportunity practices of
14 the apprenticeship program are not in accordance with this plan, the Agency may
15 conduct such compliance review as found necessary, and will take all necessary
16 steps to resolve the complaint.

17 (2) Where no review body exists, the Agency may conduct such
18 compliance review as found necessary in order to determine the facts of the
19 complaint, and obtain such other information relating to compliance with these
20 regulations as the circumstances warrant.

21 (3) Sponsors shall provide written notice of the above complaint procedure
22 to all applicants for apprenticeship and all apprentices.

23 **§10316. Adjustments in Schedule for Compliance Review or Complaint**
24 **Processing.**

25 If, in the judgment of the Agency, a particular situation warrants and
26 requires special processing and either expedited or extended determination, it shall

1 take the steps necessary to permit such determination if it finds that no person or
2 party affected by such determination will be prejudiced by the special processing.

3 **§10317. Sanctions.**

4 (a) Where the Agency, as a result of a compliance review or other reason,
5 determines that there is reasonable cause to believe that an apprenticeship program
6 is not operating in accordance with this plan; and, voluntary corrective action has
7 not been taken by the program sponsor, the Agency shall institute proceedings to
8 deregister the program or it shall refer the matter to the Equal Employment
9 Opportunity Commission or to the Attorney General, with recommendations for
10 the institution of a court action under Title VII of the Civil Rights Act of 1964, as
11 amended, or to the Attorney General for other court action as authorized by law.

12 (b) Deregistration proceedings shall be conducted in accordance with 22 GCA
13 §10208.

14 (1) The Agency shall notify the sponsor, in writing, that a determination of
15 reasonable cause has been made under paragraph (a) of this section and that the
16 apprenticeship program may be deregistered unless, within 15 days of the receipt
17 of the notice, the sponsor requests a hearing. The notification shall specify the facts
18 on which the determination is based.

19 (2) If within 15 days of the receipt of the notice provided for in paragraph
20 (b)(1) of this section the sponsor mails a request for a hearing, the Director shall
21 convene a hearing in accordance with §10322.

22 (3) The Director shall make a final decision on the basis of the record, which
23 shall consist of the compliance review file and other evidence presented and, if a
24 hearing was conducted pursuant to 30.16, the proposed findings and recommended
25 decision of the hearing officer. The Director may allow the sponsor a reasonable
26 time to achieve voluntary corrective action. If the Director's decision is that the
27 apprenticeship program is not operating in accordance with this plan, the

1 apprenticeship program shall be deregistered. In each case in which deregistration
2 is ordered, the Director shall make public notice of the order and shall notify the
3 sponsor and the complainant, if any.

4 Any state apprenticeship program deregistered by the State Apprenticeship Agency
5 for noncompliance with requirements of this plan may, within 15 days of the
6 receipt of a notice of deregistration, appeal to the U.S. Department of Labor, Office
7 of Apprenticeship, 200 Constitution Avenue, NW, Washington, DC 20210, to set
8 aside the determination of the *Guam Department of Labor, Division of*
9 *Apprenticeship*.

10 **§10318. Reinstatement of Program Registration.**

11 Any apprenticeship program deregistered pursuant to this plan may be
12 reinstated upon presentation of adequate evidence to the Director that the
13 apprenticeship program is operating in accordance with this plan.

14 **§10319. Retaliatory Acts or Intimidation.**

15 Any intimidation, threat, coercion, or retaliation by or with the approval of
16 any sponsor against any person for the purpose of interfering with any right or
17 privilege secured by 22 GCA 10; or Title VII of the Civil Rights Act of 1964, as
18 amended; or Executive Order 11246, as amended, or because he or she has made a
19 complaint, testified, assisted, or participated in any manner in any investigation
20 proceeding, or hearing under this plan shall be considered noncompliance with the
21 equal opportunity standards of this plan. The identity of complainants shall be
22 kept confidential except to the extent necessary to carry out the purposes of this
23 plan, including the conduct of any investigation, hearing or judicial proceeding
24 arising there from.

25 **§10320. Nondiscrimination.**

1 The commitments contained in the sponsor's affirmative action program are
2 not intended and shall not be used to discriminate against any qualified applicant or
3 apprentice on the basis of race, color, religion, national origin, or sex.

4 **§10321. Exemptions.**

5 Requests for exemption from these regulations, or any part thereof, shall be
6 made in writing to the Director and shall contain a statement of reasons supporting
7 the request. Exemptions may be granted for good cause. The Agency shall notify
8 the Department of any such exemptions granted affecting a substantial number of
9 employers and the reasons therefore.

10 **§10322. Hearings.**

11 (a) Within 10 days after receiving a request for a hearing, the Director Guam
12 Department of Labor must contact the Office of the Attorney General to request
13 the designation of a hearing officer to preside over the hearing. The hearing officer
14 shall give reasonable notice of such hearing by certified mail, return receipt
15 requested, to the appropriate sponsor (Federal or state registered), the Guam State
16 Apprenticeship Council, or both, as the case may be. Such notice will include:

17 (1) A reasonable time and place of hearing;

18 (2) A statement of the provisions of this plan pursuant to which the hearing is
19 to be held; and

20 (3) A concise statement of the matters pursuant to which the action forming the
21 basis of the hearing is proposed to be taken.

22 (b) The hearing officer shall regulate the course of the hearing. Hearings shall be
23 informally conducted. Every party shall have the right to counsel, and a fair
24 opportunity to present his or her case including such cross-examination as may be
25 appropriate in the circumstances. Hearing officers shall make their proposed
26 findings and recommended decisions to the Director upon the basis of the record
27 before them.

I MINA'TRENTAI DOS NA LIHESLATURAN GUAHAN
2014 (Second) Regular Session

Bill No. 425-32 (LS) As Substituted

*By the Committee on Rules: Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform*

Introduced by:

Michael T. Limtiaco
Rory Respicio

**AN ACT TO ADDING A NEW CHAPTER 10,
ARTICLE 1, TO TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE
ESTABLISHMENT OF THE APPRENTICESHIP
ACT OF GUAM, ~~TO ADD ARTICLE 2 TO
CHAPTER 10 OF TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO ESTABLISHMENT
OF THE LABOR STANDARDS FOR THE
REGISTRATION OF APPRENTICESHIP
PROGRAMS, AND TO ADD ARTICLE 3 TO
CHAPTER 10 OF TITLE 22 OF THE GUAM CODE
ANNOTATED RELATIVE TO THE
ESTABLISHMENT OF A STATE PLAN FOR
EQUAL EMPLOYMENT OPPORTUNITY IN THE
GUAM APPRENTICESHIP ACT~~**

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

2 **§10101. Citation.**

3 **§10102. Statement of Public Policy.**

4 **§10103. Definitions.**

5 **§10104. Guam State Apprenticeship Council.**

6 **§10105. Powers and Duties of Director.**

7 **§10106. ~~Territorial-Federal cooperation.~~ Administrative Procedures,**

8 **Guidelines and Regulations**

9 **§10107. ~~Severability.~~ Territorial-Federal cooperation.**

10 **§10108. ~~Enactment.~~ Severability.**

11 **§10109~~1~~. ~~Citation.~~ Enactment**

12 **§10110. Citation**

13 A new Chapter 10 is *added* to Title 22, Guam Code Annotated, to read: *The*
14 *Apprenticeship Act of Guam.*

15 **§10102. Statement of Public Policy.**

16 (a) Skilled manpower constitutes a great resource on Guam. Registered
17 Apprenticeship programs, through supervised training and education, develop
18 skilled journeyworkers and help meet the increasing needs for such workers in the
19 traditional labor force. The continuing development of skilled manpower is
20 essential for individual self-realization and for an expanding industrial economy.
21 To these ends, it is the declared public policy of Guam to develop sound
22 apprenticeship training standards and to encourage industry and labor to institute
23 training programs.

24 (b) This chapter shall apply to a person, firm, corporation, or craft only after
25 such person, firm, corporation, or craft has voluntarily elected to conform with its
26 provisions, for the purpose of participating in Registered Apprenticeship.

27 **§10103. Definitions.**

1 *Agency* means the Guam Department of Labor, Division of Apprenticeship.

2 *Department* means the U.S. Department of Labor, Employment and Training
3 Administration, Office of Apprenticeship.

4 *Director* means the Director, Guam Department of Labor.

5 *Apprentice* means a worker at least 16 years of age, except where a higher
6 minimum age standard is otherwise fixed by law, who is employed to learn an
7 apprenticeable occupation as provided in §10204 under standards of apprenticeship
8 fulfilling the requirements of §10205.

9 *Apprenticeship Agreement* means a written agreement, complying with §10207,
10 Apprenticeship Agreement, between an apprentice and either the apprentice's
11 program sponsor, or an apprenticeship committee acting as agent for the program
12 sponsor(s), which contains the terms and conditions of the employment and
13 training of the apprentice.

14 **§10104. Guam State Apprenticeship Council.**

15 ~~(a) The Governor shall establish the Guam State Apprenticeship Council~~
16 ~~(GSAC) and, upon recommendation of the Director, will appoint all members. The~~
17 ~~GSAC shall be composed of persons familiar with apprenticeable occupations with~~
18 ~~an equal number of representatives of employer and of employee organizations and~~
19 ~~one public member. Each representative so named shall have one vote. Ex officio~~
20 ~~members may be added to the GSAC, but shall have no vote. The Director shall be~~
21 ~~a member of the GSAC and may have the tie-breaking vote. There is established~~
22 within the Guam Department of Labor, Division of Apprenticeship, the Guam
23 State Apprenticeship Council (GSAC). The GSAC shall be comprised of five (5)
24 members to be appointed by the Governor with the recommendation of the
25 Director of Labor. Four (4) of the members of the GSAC shall be persons
26 knowledgeable with apprenticeship occupations, with an equal number of
27 representatives of employer and of employee organizations. One (1) member of the

1 GSAC shall the Director of Labor. With the exception of the Director of Labor, the
2 four (4) members appointed by the Governor shall serve for a term of three (3)
3 years; provided, however, that of the members first appointed, one (1) shall be
4 appointed for a term of oen (1) year and two shall be appointed for terms of two (2)
5 years. Three (3) members of the GSAC shall constitute a valid quorum for all
6 purposes. Ex officio members may be added to the GSAC, but shall have no vote.
7 In the event of a tie, the Director of Labor shall have the tie-breaking vote.

8 (b) The GSAC: (a) shall advise the Director or his designee on apprentice
9 training matters, including the matters of related and supplemental instruction; (b)
10 may recommend suggested standards for apprenticeship agreements; (c) shall
11 maintain a close and effective liaison with governmental and non governmental
12 agencies which are concerned with skilled manpower development and problems;
13 and (d) may recommend research projects on facts and trends relating to
14 apprenticeship training and the supply of and needs for skilled manpower.

15 **§10105. Powers and Duties of Director.**

16 The Director shall:

17 (a) Establish standards for Apprenticeship Agreements in conformity with this
18 chapter;

19 (b) Provide assistance for the development of on-the-job learning programs in
20 apprenticeable occupations or local apprenticeable occupations;

21 (c) Encourage and promote the making of Apprenticeship Agreements
22 conforming to the standards established by this chapter;

23 (d) Register such Apprenticeship Agreements as are in the best interest of
24 apprenticeship and which conform to the standards established by this chapter;

25 (e) Keep a record of Apprenticeship Agreements and upon determination
26 thereof issue either an Interim Credential or a Certificate of Completion of
27 Apprenticeship;

- 1 (f) Terminate or cancel any Apprenticeship Agreements in accordance with the
2 agreements;
- 3 (g) Bring about the settlement of difference arising out of the Apprenticeship
4 Agreement where the differences cannot be otherwise adjusted locally;
- 5 (h) Issue such rules and regulations as may be necessary to carry out the intent
6 and purpose of this chapter;
- 7 (i) Appoint personnel as are necessary to execute the functions required under
8 this chapter; and
- 9 (j) Perform other duties as are necessary to carry out the intent and purpose of
10 this chapter.
- 11 (k) Submit all proposed modifications in legislation, regulations, policies and/or
12 operation procedures planned or anticipated by the Agency, either at the time of
13 application for recognition or subsequently, to the Department for review and
14 obtain the Department's concurrence prior to implementation.

15 **§10106. ~~Territorial Federal cooperation.~~ Administrative Procedures,**
16 **Guidelines and Regulations**

17 ~~The Agency may promote the administration of this chapter by accepting and~~
18 ~~utilizing information, services, and facilities made available to it by the~~
19 ~~Department.~~ The provisions incorporated in Title 29, Code of Federal Regulations
20 (CFR) Part 29 (also known as the Labor Standards for the Registration of
21 Apprenticeship Programs) and Part 30 (also known as Equal Employment
22 Opportunity (EEO) in Apprenticeship), as amended, shall serve as the basic set of
23 procedures, guidelines, and regulations governing the application of the Registered
24 Apprenticeship Program in Guam, and are hereby adopted as guidelines and

1 procedures of the Agency (Guam Department of Labor) to the extent note
2 inconsistent with Guam law, subject to later amendment or repeal by the Director
3 of Labor.

4 **§10107. Territorial-Federal cooperation.**

5 The Agency may promote the administration of this chapter by accepting and
6 utilizing information, services, and facilities made available to it by the
7 Department.

8 **§1010~~7~~7. Severability.**

9 If any provision of this Law or its application to any person or circumstance is
10 found to be invalid or contrary to law, such invalidity shall *not* affect other
11 provisions or applications of this Law which can be given effect without the
12 invalid provisions or application, and to this end the provisions of this Law are
13 severable.

14 **§1010~~9~~8. Enactment.**

15 This act shall become effective upon enactment. Any future amendment to the
16 law, will become effective upon the approval of the Administrator, Office of
17 Apprenticeship, U.S. Department of Labor.

18 **~~Division 1~~**

19 **~~Labor Regulations~~**

20 **~~CHAPTER 10~~**

21 **~~THE APPRENTICESHIP ACT OF GUAM~~**

22 **~~ARTICLE 2~~**

23 **~~GUAM LABOR STANDARDS FOR THE REGISTRATION OF~~**

24 **~~APPRENTICESHIP PROGRAMS~~**

25 ~~10201. Purpose and scope.~~

26 ~~10202. Definitions.~~

1 ~~10203. Eligibility and procedure for registration of an apprenticeship~~
2 ~~program.~~

3 ~~10204. Criteria for apprenticeable occupations.~~

4 ~~10205. Standards of apprenticeship.~~

5 ~~10206. Program performance standards.~~

6 ~~10207. Apprenticeship agreement.~~

7 ~~10208. Deregistration of a registered program.~~

8 ~~10209. Reinstatement of program registration.~~

9 ~~10210. Hearings for deregistration.~~

10 ~~10211. Limitations.~~

11 ~~10212. Complaints.~~

12 ~~10213. Reciprocity.~~

13 **~~§10201. Purpose and scope.~~**

14 ~~(a) The Guam Apprenticeship Act, Title 22, Guam Code Annotated (GCA),~~
15 ~~Chapter 10, authorizes and directs the Guam Department of Labor as the Guam~~
16 ~~State Apprenticeship Agency, to formulate and promote the furtherance of labor~~
17 ~~standards necessary to safeguard the welfare of apprentices, to extend the~~
18 ~~application of such standards by encouraging the inclusion thereof in contracts of~~
19 ~~apprenticeship, to bring together employers and labor for the formulation of~~
20 ~~programs of apprenticeship.~~

21 ~~(b) The purpose of this part is to set forth labor standards to safeguard the welfare~~
22 ~~of apprentices, promote apprenticeship opportunity, and to extend the application~~
23 ~~of such standards by prescribing policies and procedures concerning the~~
24 ~~registration, for certain Federal purposes, of acceptable apprenticeship programs~~
25 ~~with the Guam Department of Labor. These labor standards, policies and~~
26 ~~procedures cover the registration, cancellation and deregistration of apprenticeship~~
27 ~~programs and of apprenticeship agreements; the recognition of the Guam~~

1 ~~Department of Labor as an authorized agency for registering apprenticeship~~
2 ~~programs for certain Federal purposes; and matters relating thereto.~~

3 ~~§10202. Definitions.~~

4 ~~Administrator means the Administrator of the Office of Apprenticeship, U.S.~~
5 ~~Department of Labor, or any person specifically designated by the Administrator.~~

6 ~~Agency means the Guam Department of Labor, Division of Apprenticeship which~~
7 ~~is the State Registration Agency for the purposes of 29 CFR 29.~~

8 ~~Apprentice means a worker at least 16 years of age, except where a higher~~
9 ~~minimum age standard is otherwise fixed by law, who is employed to learn an~~
10 ~~apprenticeable occupation as provided in §10204 under standards of apprenticeship~~
11 ~~fulfilling the requirements of §10205.~~

12 ~~Apprenticeship Agreement means a written agreement, complying with §10207,~~
13 ~~Apprenticeship Agreement, between an apprentice and either the apprentice's~~
14 ~~program sponsor, or an apprenticeship committee acting as agent for the program~~
15 ~~sponsor(s), which contains the terms and conditions of the employment and~~
16 ~~training of the apprentice.~~

17 ~~Apprenticeship Committee (Committee) means those persons designated by the~~
18 ~~sponsor to administer the program. A committee may be either joint or non joint,~~
19 ~~as follows:~~

20 ~~—(1) A joint committee is composed of an equal number of representatives of the~~
21 ~~employer(s) and of the employees represented by a bona fide collective bargaining~~
22 ~~agent(s).~~

23 ~~—(2) A non joint committee, which may also be known as a unilateral or group~~
24 ~~non joint (which may include employees) committee, has employer representatives~~
25 ~~but does not have a bona fide collective bargaining agent as a participant.~~

26 ~~Apprenticeship Program means a plan containing all terms and conditions for the~~
27 ~~qualification, recruitment, selection, employment and training of apprentices, as~~

1 required under ~~22 GCA 10, Article 2, Guam Labor Standards for the Registration~~
2 ~~of Apprenticeship Programs, and Article 3, Guam State Plan for Equal~~
3 ~~Employment Opportunity in Apprenticeship Programs, including such matters as~~
4 ~~the requirement for a written apprenticeship agreement.~~

5 ~~*Cancellation* means the termination of the registration or approval status of a~~
6 ~~program at the request of the sponsor, or termination of an Apprenticeship~~
7 ~~Agreement at the request of the apprentice.~~

8 ~~*Certification or Certificate* means documentary evidence that:~~

9 ~~—(1) The Agency has established that an individual is eligible for probationary~~
10 ~~employment as an apprentice under a registered apprenticeship program;~~

11 ~~—(2) The Agency has registered an apprenticeship program as evidenced by a~~
12 ~~Certificate of Registration;~~

13 ~~—(3) The Agency has determined that an apprentice has successfully met the~~
14 ~~requirements to receive an interim credential; or~~

15 ~~(4) The Agency has determined that an individual has successfully completed~~
16 ~~apprenticeship.~~

17 ~~*Competency* means the attainment of manual, mechanical or technical skills and~~
18 ~~knowledge, as specified by an occupational standard and demonstrated by an~~
19 ~~appropriate written and hands on proficiency measurement.~~

20 ~~*Completion rate* means the percentage of an apprenticeship cohort who receive a~~
21 ~~certificate of apprenticeship completion within 1 year of the projected completion~~
22 ~~date. An apprenticeship cohort is the group of individual apprentices registered to a~~
23 ~~specific program during a 1 year time frame, except that a cohort does not include~~
24 ~~the apprentices whose apprenticeship agreement has been cancelled during the~~
25 ~~probationary period.~~

26 ~~*Department* means U.S. Department of Labor, Employment and Training~~
27 ~~Administration, Office of Apprenticeship.~~

1 ~~*Electronic media* means media that utilize electronics or electromechanical energy~~
2 ~~for the end user (audience) to access the content; and includes, but is not limited to,~~
3 ~~electronic storage media, transmission media, the Internet, extranet, lease lines,~~
4 ~~dial-up lines, private networks, and the physical movement of~~
5 ~~removable/transportable electronic media and/or interactive distance learning.~~

6 ~~*Employer* means any person or organization employing an apprentice whether or~~
7 ~~not such person or organization is a party to an Apprenticeship Agreement with the~~
8 ~~apprentice.~~

9 ~~*Federal Purposes* includes any Federal contract, grant, agreement or arrangement~~
10 ~~dealing with apprenticeship; and any Federal financial or other assistance, benefit,~~
11 ~~privilege, contribution, allowance, exemption, preference or right pertaining to~~
12 ~~apprenticeship.~~

13 ~~*Guam State Apprenticeship Council* is an entity established to assist the Agency.~~
14 ~~The Guam State Apprenticeship Council provides advice and guidance to the~~
15 ~~Agency on the operation of the State's Apprenticeship System.~~

16 ~~*Interim credential* means a credential issued by the Agency, upon request of the~~
17 ~~appropriate sponsor, as certification of competency attainment by an apprentice.~~

18 ~~*Journeyworker* means a worker who has attained a level of skill, abilities and~~
19 ~~competencies recognized within an industry as having mastered the skills and~~
20 ~~competencies required for the occupation. (Use of the term may also refer to a~~
21 ~~mentor, technician, specialist or other skilled worker who has documented~~
22 ~~sufficient skills and knowledge of an occupation, either through formal~~
23 ~~apprenticeship or through practical on-the-job experience and formal training.)~~

24 ~~*Office of Apprenticeship* means the office designated by the Employment and~~
25 ~~Training Administration of the U.S. Department of Labor to administer the~~
26 ~~National Apprenticeship system or its successor organization.~~

1 ~~*Provisional registration* means the 1 year initial provisional approval of newly~~
2 ~~registered programs that meet the required standards for program registration, after~~
3 ~~which program approval may be made permanent, continued as provisional, or~~
4 ~~rescinded following a review by the Agency, as provided for in the criteria~~
5 ~~described in §10203(g) and (h), Eligibility and procedure for registration of an~~
6 ~~apprenticeship program.~~

7 ~~*Quality Assurance Assessment* means a comprehensive review conducted by the~~
8 ~~Agency regarding all aspects of an apprenticeship program's performance,~~
9 ~~including but not limited to, determining if apprentices are receiving: on the job~~
10 ~~training in all phases of the apprenticeable occupation; scheduled wage increases~~
11 ~~consistent with the registered standards; related instruction through appropriate~~
12 ~~curriculum and delivery systems; and that the registration agency is receiving~~
13 ~~notification of all new registrations, cancellations, and completions as required in~~
14 ~~this part.~~

15 ~~*Registration of an apprenticeship agreement* means the acceptance and recording~~
16 ~~of an apprenticeship agreement by the Agency as evidence of the apprentice's~~
17 ~~participation in a particular registered apprenticeship program.~~

18 ~~*Registration of an apprenticeship program* means the acceptance and recording of~~
19 ~~such program by the Agency as meeting the basic standards and requirements of~~
20 ~~the Department for approval of such program for Federal purposes. Approval is~~
21 ~~evidenced by a Certificate of Registration.~~

22 ~~*Related instruction* means an organized and systematic form of instruction~~
23 ~~designed to provide the apprentice with the knowledge of the theoretical and~~
24 ~~technical subjects related to the apprentice's occupation. Such instruction may be~~
25 ~~given in a classroom, through occupational or industrial courses, or by~~
26 ~~correspondence courses of equivalent value, electronic media, or other forms of~~
27 ~~self study approved by the Agency.~~

1 ~~Secretary means the Secretary of Labor or any person designated by the Secretary.~~

2 ~~Sponsor means any person, association, committee, or organization operating an~~
3 ~~apprenticeship program and in whose name the program is (or is to be) registered~~
4 ~~or approved.~~

5 ~~State means any of the 50 States of the United States, District of Columbia, or any~~
6 ~~Territory or possession of the United States.~~

7 ~~Technical assistance means guidance provided by the Agency staff in the~~
8 ~~development, revision, amendment, or processing of a potential or current program~~
9 ~~sponsor's Standards of Apprenticeship, Apprenticeship Agreements or advice or~~
10 ~~consultation with a program sponsor to further compliance with part or guidance~~
11 ~~from the Office of Apprenticeship, to the Agency on how to remedy~~
12 ~~nonconformity with this part.~~

13 ~~Transfer means a shift of apprenticeship registration from one program to another~~
14 ~~or from one employer within a program to another employer within that same~~
15 ~~program, where there is agreement between the apprentice and the affected~~
16 ~~apprenticeship committees or program sponsors.~~

17 ~~**§10203. Eligibility and procedure for registration of an apprenticeship**~~
18 ~~**program.**~~

19 ~~(a) No apprenticeship program or agreement shall be eligible for registration~~
20 ~~unless it conforms with §10205, Standards of Apprenticeship.~~

21 ~~(b) Only an apprenticeship program or agreement that meets the following criteria~~
22 ~~is eligible for Agency registration:~~

23 ~~—(1) It is in conformity with the requirements of this part and the training is in~~
24 ~~an apprenticeable occupation having the characteristics set forth in §10204 of this~~
25 ~~part; and~~

1 ~~—(2) It is in conformity with the requirements of the Department's regulation on~~
2 ~~Equal Employment Opportunity in Apprenticeship and Training in 22 GCA 10,~~
3 ~~Article 3.~~

4 ~~(c) Except as provided under paragraph (d) of this section, apprentices must be~~
5 ~~individually registered under a registered program. Such individual registration~~
6 ~~may be affected:~~

7 ~~—(1) By filing copies of each individual apprenticeship agreement with the~~
8 ~~Agency; or~~

9 ~~—(2) Subject to prior Agency approval, by filing a master copy of such~~
10 ~~agreement followed by a listing of the name, and other required data, of each~~
11 ~~individual when apprenticed.~~

12 ~~(d) The names of persons in probationary employment as an apprentice under an~~
13 ~~apprenticeship program registered by the Agency, if not individually registered~~
14 ~~under such program, must be submitted within 45 days of employment to the~~
15 ~~Agency for certification to establish the apprentice as eligible for such~~
16 ~~probationary employment.~~

17 ~~(e) The Agency must be notified within 45 days of persons who have successfully~~
18 ~~completed apprenticeship programs; and of transfers, suspensions, and~~
19 ~~cancellations of apprenticeship agreements and a statement of the reasons~~
20 ~~therefore.~~

21 ~~(f) Apprenticeship programs approved by the Agency must be accorded~~
22 ~~registration and/or approval evidenced by a Certificate of Registration.~~

23 ~~(g) Applications for new programs that the Agency determines meet the required~~
24 ~~standards for program registration must be given provisional approval for a period~~
25 ~~of 1 year. The Agency must review all new programs for quality and for~~
26 ~~conformity with the requirements of this part at the end of the first year after~~
27 ~~registration. At that time:~~

1 ~~—(1) a program that conforms with the requirements of this part:~~
2 ~~——(i) may be made permanent; or~~
3 ~~——(ii) may continue to be provisionally approved through the first full~~
4 ~~training cycle.~~
5 ~~—(2) a program not in operation or not conforming to the regulations during the~~
6 ~~provisional approval period must be recommended for deregistration procedures.~~
7 ~~(h) The Agency must review all programs for quality and for conformity with the~~
8 ~~requirements of this part at the end of the first full training cycle. A satisfactory~~
9 ~~review of a provisionally approved program will result in conversion of provisional~~
10 ~~approval to permanent registration. Subsequent reviews must be conducted no less~~
11 ~~frequently than every five years. Programs not in operation or not conforming to~~
12 ~~the regulations must be recommended for deregistration procedures.~~
13 ~~(i) Any sponsor proposals or applications for modification(s) or change(s) to~~
14 ~~registered programs must be submitted to the Agency. The Agency must make a~~
15 ~~determination on whether to approve such submissions within 90 days from the~~
16 ~~date of receipt. If approved, the modification(s) or change(s) will be recorded and~~
17 ~~acknowledged within 90 days of approval as an amendment to such program. If~~
18 ~~not approved, the sponsor must be notified of the disapproval and the reasons~~
19 ~~therefore and provided the appropriate technical assistance.~~
20 ~~(j) Under a program proposed for registration by an employer or employers’~~
21 ~~association, where the standards, collective bargaining agreement or other~~
22 ~~instrument provides for participation by a union in any manner in the operation of~~
23 ~~the substantive matters of the apprenticeship program, and such participation is~~
24 ~~exercised, written acknowledgement of union agreement or no objection to the~~
25 ~~registration is required. Where no such participation is evidenced and practiced, the~~
26 ~~employer or employers’ association must simultaneously furnish to an existing~~
27 ~~union, which is the collective bargaining agent of the employees to be trained, a~~

1 ~~copy of its application for registration and of the apprenticeship program. The~~
2 ~~Agency must provide for receipt of union comments, if any, within 45 days before~~
3 ~~final action on the application for registration and/or approval.~~

4 ~~(k) Where the employees to be trained have no collective bargaining agreement, an~~
5 ~~apprenticeship program may be proposed for registration by an employer or group~~
6 ~~of employers, or an employer association.~~

7 **~~§10204. Criteria for apprenticeable occupations.~~**

8 ~~An apprenticeable occupation is one which is specified by industry and which~~
9 ~~must:~~

10 ~~(a) Involve skills that are customarily learned in a practical way through a~~
11 ~~structured, systematic program of on-the-job supervised learning;~~

12 ~~(b) Be clearly identified and commonly recognized throughout an industry;~~

13 ~~(c) Involve the progressive attainment of manual, mechanical or technical skills~~
14 ~~and knowledge which, in accordance with the industry standard for the occupation,~~
15 ~~would require the completion of at least 2,000 hours of on-the-job learning to~~
16 ~~attain; and~~

17 ~~(d) Require related instruction to supplement the on-the-job learning.~~

18 **~~§10205. Standards of apprenticeship.~~**

19 ~~An apprenticeship program, to be eligible for approval and registration by the~~
20 ~~Agency, must conform to the following standards:~~

21 ~~(a) The program must have an organized, written plan (program standards)~~
22 ~~embodying the terms and conditions of employment, training, and supervision of~~
23 ~~one or more apprentices in an apprenticeable occupation, as defined in this part,~~
24 ~~and subscribed to by a sponsor who has undertaken to carry out the apprentice~~
25 ~~training program.~~

26 ~~(b) The program standards must contain provisions that address:~~

27 ~~—(1) The employment and training of the apprentice in a skilled occupation.~~

1 ~~—(2) The term of apprenticeship, which for an individual apprentice may be~~
2 ~~measured either through the completion of the industry standard for on-the-job~~
3 ~~learning (at least 2,000 hours) (time-based approach), the attainment of~~
4 ~~competency (competency-based approach), or a blend of the time-based and~~
5 ~~competency-based approaches (hybrid approach).~~

6 ~~—— (i) The time-based approach measures skill acquisition through the~~
7 ~~individual apprentice's completion of at least 2,000 hours of on-the-job learning as~~
8 ~~described in a work process schedule.~~

9 ~~—— (ii) The competency-based approach measures skill acquisition through the~~
10 ~~individual apprentice's successful demonstration of acquired skills and knowledge,~~
11 ~~as verified by the program sponsor. Programs utilizing this approach must still~~
12 ~~require apprentices to complete an on-the-job learning component of Registered~~
13 ~~Apprenticeship. The program standards must address how on-the-job learning will~~
14 ~~be integrated into the program, describe competencies, and identify an appropriate~~
15 ~~means of testing and evaluation for such competencies.~~

16 ~~—— (iii) The hybrid approach measures the individual apprentice's skill~~
17 ~~acquisition through a combination of specified minimum number of hours of on-~~
18 ~~the-job learning and the successful demonstration of competency as described in a~~
19 ~~work process schedule.~~

20 ~~—— (iv) The determination of the appropriate approach for the program~~
21 ~~standards is made by the program sponsor, subject to approval by the Agency of~~
22 ~~the determination as appropriate to the apprenticeable occupation for which the~~
23 ~~program standards are registered.~~

24 ~~—(3) An outline of the work processes in which the apprentice will receive~~
25 ~~supervised work experience and training on the job, and the allocation of the~~
26 ~~approximate amount of time to be spent in each major process.~~

1 ~~—(4) Provision for organized, related instruction in technical subjects related to~~
2 ~~the occupation. A minimum of 144 hours for each year of apprenticeship is~~
3 ~~recommended. This instruction in technical subjects may be accomplished through~~
4 ~~media such as classroom, occupational or industry courses, electronic media, or~~
5 ~~other instruction approved by the Agency. Every apprenticeship instructor must:~~

6 ~~—(i) Meet the Guam Department of Education's requirements for a~~
7 ~~vocational technical instructor, or be a subject matter expert, which is an~~
8 ~~individual, such as a journeyworker, who is recognized within an industry as~~
9 ~~having expertise in a specific occupation; and~~

10 ~~—(ii) Have training in teaching techniques and adult learning styles, which~~
11 ~~may occur before or after the apprenticeship instructor has started to provide the~~
12 ~~related technical instruction.~~

13 ~~—(5) A progressively increasing schedule of wages to be paid to the apprentice~~
14 ~~consistent with the skill acquired. The entry wage must not be less than the~~
15 ~~minimum wage prescribed by the Fair Labor Standards Act, where applicable,~~
16 ~~unless a higher wage is required by other applicable Federal law, State law,~~
17 ~~respective regulations, or by collective bargaining agreement.~~

18 ~~—(6) Periodic review and evaluation of the apprentice's performance on the job~~
19 ~~and in related instruction; and the maintenance of appropriate progress records.~~

20 ~~—(7) A numeric ratio of apprentices to journeyworkers consistent with proper~~
21 ~~supervision, training, safety, and continuity of employment, and applicable~~
22 ~~provisions in collective bargaining agreements, except where such ratios are~~
23 ~~expressly prohibited by the collective bargaining agreements. The ratio language~~
24 ~~must be specific and clearly described as to its application to the job site,~~
25 ~~workforce, department or plant.~~

26 ~~—(8) A probationary period reasonable in relation to the full apprenticeship term,~~
27 ~~with full credit given for such period toward completion of apprenticeship. The~~

1 ~~probationary period cannot exceed 25 percent of the length of the program, or 1~~
2 ~~year, whichever is shorter.~~

3 ~~—(9) Adequate and safe equipment and facilities for training and supervision,~~
4 ~~and safety training for apprentices on the job and in related instruction.~~

5 ~~—(10)The minimum qualifications required by a sponsor for persons entering the~~
6 ~~apprenticeship program, with an eligible starting age not less than 16 years.~~

7 ~~—(11)The placement of an apprentice under a written Apprenticeship Agreement~~
8 ~~that meets the requirements of §10207. The agreement must directly, or by~~
9 ~~reference, incorporate the standards of the program as part of the agreement.~~

10 ~~—(12)The granting of advanced standing or credit for demonstrated competency,~~
11 ~~acquired experience, training, or skills for all applicants equally, with~~
12 ~~commensurate wages for any progression step so granted.~~

13 ~~—(13)The transfer of an apprentice between apprenticeship programs and within~~
14 ~~an apprenticeship program must be based on agreement between the apprentice and~~
15 ~~the affected apprenticeship committees or program sponsors, and must comply~~
16 ~~with the following requirements:~~

17 ~~——(i) The transferring apprentice must be provided a transcript of related~~
18 ~~instruction and on the job learning by the committee or program sponsor;~~

19 ~~——(ii) Transfer must be to the same occupation; and~~

20 ~~——(iii) A new apprenticeship agreement must be executed when the transfer~~
21 ~~occurs between program sponsors.~~

22 ~~—(14)Assurance of qualified training personnel and adequate supervision on the~~
23 ~~job.~~

24 ~~—(15)Recognition for successful completion of apprenticeship evidenced by an~~
25 ~~appropriate certificate issued by the Agency.~~

26 ~~—(16)Program standards that utilize the competency based or hybrid approach for~~
27 ~~progression through an apprenticeship and that choose to issue interim credentials~~

1 ~~must clearly identify the interim credentials, demonstrate how these credentials~~
2 ~~link to the components of the apprenticeable occupation, and establish the process~~
3 ~~for assessing an individual apprentice's demonstration of competency associated~~
4 ~~with the particular interim credential. Further, interim credentials must only be~~
5 ~~issued for recognized components of an apprenticeable occupation, thereby linking~~
6 ~~interim credentials specifically to the knowledge, skills, and abilities associated~~
7 ~~with those components of the apprenticeable occupation.~~

8 ~~—(17)Identification of the Agency.~~

9 ~~—(18)Provision for the registration, cancellation and deregistration of the~~
10 ~~program; and for the prompt submission of any program standard modification or~~
11 ~~amendment to the Agency for approval.~~

12 ~~—(19)Provision for registration of apprenticeship agreements, modifications, and~~
13 ~~amendments; notice to the Agency of persons who have successfully completed~~
14 ~~apprenticeship programs; and notice of transfers, suspensions, and cancellations of~~
15 ~~apprenticeship agreements and a statement of the reasons therefore.~~

16 ~~—(20)Authority for the cancellation of an apprenticeship agreement during the~~
17 ~~probationary period by either party without stated cause; cancellation during the~~
18 ~~probationary period will not have an adverse impact on the sponsor's completion~~
19 ~~rate.~~

20 ~~—(21)Compliance with 22 GCA 10, Article 3, including the equal opportunity~~
21 ~~pledge prescribed in 22 GCA §10303(b); an affirmative action plan complying~~
22 ~~with 22 GCA §10304; and a method for the selection of apprentices authorized by~~
23 ~~22 GCA §10306. The apprenticeship standards must also include a statement that~~
24 ~~the program will be conducted, operated and administered in conformity with~~
25 ~~applicable provisions of 22 GCA 10, Article 3.~~

1 ~~—(22) Contact information (name, address, telephone number, and e-mail address~~
2 ~~if appropriate) for the appropriate individual with authority under the program to~~
3 ~~receive, process and make disposition of complaints.~~

4 ~~—(23) Recording and maintenance of all records concerning apprenticeship as~~
5 ~~may be required by the Agency and other applicable law.~~

6 ~~**§10206. Program performance standards.**~~

7 ~~(a) Every registered apprenticeship program must have at least one registered~~
8 ~~apprentice, except for the following specified periods of time, which may not~~
9 ~~exceed 1 year:~~

10 ~~—(1) Between the date when a program is registered and the date of registration~~
11 ~~for its first apprentice(s); or~~

12 ~~—(2) Between the date that a program graduates an apprentice and the date of~~
13 ~~registration for the next apprentice(s) in the program.~~

14 ~~(b) The Agency must evaluate performance of registered apprenticeship programs.~~

15 ~~—(1) The tools and factors to be used must include, but are not limited to:~~

16 ~~———(i) Quality assurance assessments;~~

17 ~~———(ii) Equal Employment Opportunity (EEO) Compliance Reviews; and~~

18 ~~———(iii) Completion rates.~~

19 ~~—(2) Any additional tools and factors used by the Agency in evaluating program~~
20 ~~performance must adhere to the goals and policies of the Department articulated in~~
21 ~~this part and in guidance issued by the Office of Apprenticeship.~~

22 ~~(c) In order to evaluate completion rates, the Agency must review a program's~~
23 ~~completion rates in comparison to the national average for completion rates. Based~~
24 ~~on the review, the Agency must provide technical assistance to programs with~~
25 ~~completion rates lower than the national average.~~

26 ~~(d) Cancellation of apprenticeship agreements during the probationary period will~~
27 ~~not have an adverse impact on a sponsor's completion rate.~~

1 ~~§10207. Apprenticeship agreement.~~

2 ~~The apprenticeship agreement must contain, explicitly or by reference:~~

3 ~~(a) Names and signatures of the contracting parties (apprentice, and the program~~
4 ~~sponsor or employer), and the signature of a parent or guardian if the apprentice is~~
5 ~~a minor.~~

6 ~~(b) The date of birth and, on a voluntary basis, Social Security number of the~~
7 ~~apprentice.~~

8 ~~(c) Contact information of the Program Sponsor and Agency.~~

9 ~~(d) A statement of the occupation in which the apprentice is to be trained, and the~~
10 ~~beginning date and term (duration) of apprenticeship.~~

11 ~~(e) A statement showing:~~

12 ~~—(1) The number of hours to be spent by the apprentice in work on the job in a~~
13 ~~time-based program; or a description of the skill sets to be attained by completion~~
14 ~~of a competency-based program, including the on-the-job learning component; or~~
15 ~~the minimum number of hours to be spent by the apprentice and a description of~~
16 ~~the skill sets to be attained by completion of hybrid program; and~~

17 ~~—(2) The number of hours to be spent in related instruction in technical subjects~~
18 ~~related to the occupation, which is recommended to be not less than 144 hours per~~
19 ~~year.~~

20 ~~(f) A statement setting forth a schedule of the work processes in the occupation or~~
21 ~~industry divisions in which the apprentice is to be trained and the approximate time~~
22 ~~to be spent at each process.~~

23 ~~(g) A statement of the graduated scale of wages to be paid to the apprentice and~~
24 ~~whether or not the required related instruction is compensated.~~

25 ~~(h) Statements providing:~~

1 ~~—(1) For a specific period of probation during which the apprenticeship~~
2 ~~agreement may be cancelled by either party to the agreement upon written notice to~~
3 ~~the Agency, without adverse impact on the sponsor.~~

4 ~~—(2) That, after the probationary period, the agreement may be:~~

5 ~~—(i) Cancelled at the request of the apprentice, or~~

6 ~~—(ii) Suspended or cancelled by the sponsor, for good cause, with due notice~~
7 ~~to the apprentice and a reasonable opportunity for corrective action, and with~~
8 ~~written notice to the apprentice and to the Agency of the final action taken.~~

9 ~~(i) A reference incorporating as part of the agreement the standards of the~~
10 ~~apprenticeship program as they exist on the date of the agreement and as they may~~
11 ~~be amended during the period of the agreement.~~

12 ~~(j) A statement that the apprentice will be accorded equal opportunity in all phases~~
13 ~~of apprenticeship employment and training, without discrimination because of~~
14 ~~race, color, religion, national origin, or sex.~~

15 ~~(k) Contact information (name, address, phone, and e-mail if appropriate) of the~~
16 ~~appropriate authority designated under the program to receive, process and make~~
17 ~~disposition of controversies or differences arising out of the apprenticeship~~
18 ~~agreement when the controversies or differences cannot be adjusted locally or~~
19 ~~resolved in accordance with the established procedure or applicable collective~~
20 ~~bargaining provisions.~~

21 **~~§10208. Deregistration of a registered program.~~**

22 ~~Deregistration of a program may be effected upon the voluntary action of the~~
23 ~~sponsor by submitting a request for cancellation of the registration in accordance~~
24 ~~with paragraph (a) of this section, or upon reasonable cause, by the Agency~~
25 ~~instituting formal deregistration proceedings in accordance with paragraph (b) of~~
26 ~~this section.~~

1 ~~(a) Deregistration at the request of the sponsor. The Agency may cancel the~~
2 ~~registration of an apprenticeship program by written acknowledgment of such~~
3 ~~request stating the following:~~

4 ~~—(1) The registration is cancelled at the sponsor's request, and the effective date~~
5 ~~thereof;~~

6 ~~—(2) That, within 15 days of the date of the acknowledgment, the sponsor will~~
7 ~~notify all apprentices of such cancellation and the effective date; that such~~
8 ~~cancellation automatically deprives the apprentice of individual registration; that~~
9 ~~the deregistration of the program removes the apprentice from coverage for Federal~~
10 ~~purposes which require the Secretary's approval of an apprenticeship program, and~~
11 ~~that all apprentices are referred to the Agency for information about potential~~
12 ~~transfer to other registered apprenticeship programs.~~

13 ~~(b) Deregistration by the Agency upon reasonable cause.~~

14 ~~—(1)(i) Deregistration proceedings may be undertaken when the apprenticeship~~
15 ~~program is not conducted, operated, or administered in accordance with the~~
16 ~~program's registered provisions or with the requirements of this part, including not~~
17 ~~but limited to: failure to provide on the job learning; failure to provide related~~
18 ~~instruction; failure to pay the apprentice a progressively increasing schedule of~~
19 ~~wages consistent with the apprentices skills acquired; or persistent and significant~~
20 ~~failure to perform successfully. Deregistration proceedings for violation of equal~~
21 ~~opportunity requirements must be processed in accordance with the provisions~~
22 ~~under 22 GCA 10, Article 3.~~

23 ~~—(ii) For purposes of this section, persistent and significant failure to~~
24 ~~perform successfully occurs when a program sponsor consistently fails to register~~
25 ~~at least one apprentice, shows a pattern of poor quality assessment results over a~~
26 ~~period of several years, demonstrates an ongoing pattern of very low completion~~
27 ~~rates over a period of several years, or shows no indication of improvement in the~~

1 ~~areas identified by the Agency during a review process as requiring corrective~~
2 ~~action.~~

3 ~~—(2) Where it appears the program is not being operated in accordance with the~~
4 ~~registered standards or with requirements of this part, the Agency must notify the~~
5 ~~program sponsor in writing.~~

6 ~~—(3) The notice sent to the program sponsor's contact person must:~~

7 ~~—— (i) Be sent by registered or certified mail, with return receipt requested;~~

8 ~~—— (ii) State the shortcoming(s) and the remedy required; and~~

9 ~~—— (iii) State that a determination of reasonable cause for deregistration will be~~
10 ~~made unless corrective action is effected within 30 days.~~

11 ~~—(4) Upon request by the sponsor for good cause, the 30-day term may be~~
12 ~~extended for another 30 days. During the period for corrective action, the Agency~~
13 ~~must assist the sponsor in every reasonable way to achieve conformity.~~

14 ~~—(5) If the required correction is not effected within the allotted time, the~~
15 ~~Agency must send a notice to the sponsor, by registered or certified mail, return~~
16 ~~receipt requested, stating the following:~~

17 ~~—— (i) The notice is sent under this paragraph;~~

18 ~~—— (ii) Certain deficiencies were called to the sponsor's attention (enumerating~~
19 ~~them and the remedial measures requested, with the dates of such occasions and~~
20 ~~letters), and that the sponsor has failed or refused to effect correction;~~

21 ~~—— (iii) Based upon the stated deficiencies and failure to remedy them, a~~
22 ~~determination has been made that there is reasonable cause to deregister the~~
23 ~~program and the program may be deregistered unless, within 15 days of the receipt~~
24 ~~of this notice, the sponsor requests a hearing with the Agency; and~~

25 ~~—— (iv) If the sponsor does not request a hearing, the entire matter will be~~
26 ~~submitted to the Administrator, for a decision on the record with respect to~~
27 ~~deregistration.~~

1 ~~—(6) If the sponsor does not request a hearing, the Agency will transmit to the~~
2 ~~Administrator a report containing all pertinent facts and circumstances concerning~~
3 ~~the nonconformity, including the findings and recommendation for deregistration,~~
4 ~~and copies of all relevant documents and records. Statements concerning~~
5 ~~interviews, meetings and conferences will include the time, date, place, and~~
6 ~~persons present. The Administrator will make a final order on the basis of the~~
7 ~~record presented.~~

8 ~~—(7) If the sponsor requests a hearing, the Agency shall prepare and transmit to~~
9 ~~the Administrator a report containing all the data listed in paragraph (b)(6) of this~~
10 ~~section, and the Administrator will refer the matter to the Office of Administrative~~
11 ~~Law Judges. An Administrative Law Judge will convene a hearing in accordance~~
12 ~~with §10210, and issue a decision as required in §10210(e).~~

13 ~~—(8) Every order of deregistration must contain a provision that the sponsor~~
14 ~~must, within 15 days of the effective date of the order, notify all registered~~
15 ~~apprentices of the deregistration of the program; the effective date thereof; that~~
16 ~~such cancellation automatically deprives the apprentice of individual registration;~~
17 ~~that the deregistration removes the apprentice from coverage for Federal purposes~~
18 ~~which require the Director's approval of an apprenticeship program; and that all~~
19 ~~apprentices are referred to the Agency for information about potential transfer to~~
20 ~~other registered apprenticeship programs.~~

21 ~~**§10209. Reinstatement of program registration.**~~

22 ~~Any apprenticeship program deregistered under §10208 may be reinstated upon~~
23 ~~presentation of adequate evidence that the apprenticeship program is operating in~~
24 ~~accordance with this part. Such evidence must be presented to the Agency.~~

25 ~~**§10210. Hearings for deregistration.**~~

26 ~~(a) Within 10 days of receipt of a request for a hearing, the Administrator of the~~
27 ~~Office of Apprenticeship must contact the Office of Administrative Law Judges to~~

1 ~~request the designation of an Administrative Law Judge to preside over the~~
2 ~~hearing. The Administrative Law Judge shall give reasonable notice of such~~
3 ~~hearing by registered mail, return receipt requested, to the appropriate sponsor.~~

4 ~~Such notice will include:~~

- 5 ~~—(1) A reasonable time and place of hearing;~~
- 6 ~~—(2) A statement of the provisions of this part pursuant to which the hearing is~~
7 ~~to be held; and~~
- 8 ~~—(3) A concise statement of the matters pursuant to which the action forming the~~
9 ~~basis of the hearing is proposed to be taken.~~

10 ~~(b) The procedures contained in 29 CFR part 18 will apply to the disposition of the~~
11 ~~request for hearing except that:~~

- 12 ~~—(1) The Administrative Law Judge will receive, and make part of the record,~~
13 ~~documentary evidence offered by any party and accepted at the hearing. Copies~~
14 ~~thereof will be made available by the party submitting the documentary evidence~~
15 ~~to any party to the hearing upon request.~~
- 16 ~~—(2) Technical rules of evidence will not apply to hearings conducted pursuant~~
17 ~~to this part, but rules or principles designed to assure production of the most~~
18 ~~credible evidence available and to subject testimony to test by cross examination~~
19 ~~will be applied, where reasonably necessary, by the hearing conducting the~~
20 ~~hearing. The hearing officer may exclude irrelevant, immaterial, or unduly~~
21 ~~repetitious evidence.~~

22 ~~(c) The Administrative Law Judge should issue a written decision within 90 days~~
23 ~~of the close of the hearing record. The Administrative Law Judge's decision~~
24 ~~constitutes final agency action unless, within 15 days from receipt of the decision,~~
25 ~~a party dissatisfied with the decision files a petition for judicial review with the~~
26 ~~Administrative Review Board, specifically identifying the procedure, fact, law or~~
27 ~~policy to which exception is taken. Any exception not specifically urged is~~

1 ~~deemed to have been waived. A copy of the petition for judicial review must be~~
2 ~~sent to the opposing party at the same time. Thereafter, the decision of the~~
3 ~~Administrative Law Judge remains final agency action unless the Administrative~~
4 ~~Review Board, within 30 days of the filing of the petition for review, notifies the~~
5 ~~parties that it has accepted the case for review. The Administrative Review Board~~
6 ~~may set a briefing schedule or decide the matter on the record. The Administrative~~
7 ~~Review Board must decide any case it accepts for judicial review within 180 days~~
8 ~~of the close of the record. If not so decided, the Administrative Law Judge's~~
9 ~~decision constitutes final agency action.~~

10 **~~§10211. Limitations.~~**

11 ~~Nothing in this part or in any apprenticeship agreement will operate to invalidate:~~

12 ~~(a) Any apprenticeship provision in any collective bargaining agreement~~
13 ~~between employers and employees establishing higher apprenticeship standards; or~~

14 ~~(b) Any special provision for veterans, minority persons, or women in the~~
15 ~~standards, apprentice qualifications or operation of the program, or in the~~
16 ~~apprenticeship agreement, which is not otherwise prohibited by law, Executive~~
17 ~~Order, or authorized regulation.~~

18 **~~§10212. Complaints.~~**

19 ~~(a) This section is not applicable to any complaint concerning discrimination or~~
20 ~~other equal opportunity matters; all such complaints must be submitted, processed~~
21 ~~and resolved in accordance with applicable provisions in 22 GCA 10, Article 3.~~

22 ~~(b) Except for matters described in paragraph (a) of this section, any controversy or~~
23 ~~difference arising under an apprenticeship agreement which cannot be adjusted~~
24 ~~locally and which is not covered by a collective bargaining agreement, may be~~
25 ~~submitted by an apprentice, or the apprentice's authorized representative, to the~~
26 ~~Agency, which has registered and/or approved the program in which the apprentice~~

1 is enrolled, for review. Matters covered by a collective bargaining agreement are
2 not subject to such review.

3 (c) The complaint must be in writing and signed by the complainant, or authorized
4 representative, and must be submitted within 60 days of the final decision. It must
5 set forth the specific matter(s) complained of, together with relevant facts and
6 circumstances. Copies of pertinent documents and correspondence must
7 accompany the complaint.

8 (d) The Agency as appropriate will render an opinion within 90 days after receipt
9 of the complaint, based upon such investigation of the matters submitted as may be
10 found necessary, and the record before it. During the 90-day period, the Agency
11 will make reasonable efforts to effect a satisfactory resolution between the parties
12 involved. If so resolved, the parties will be notified that the case is closed. Where
13 an opinion is rendered, copies will be sent to all interested parties.

14 (e) Nothing in this section precludes an apprentice from pursuing any other remedy
15 authorized under another Federal, State, or local law.

16 **~~§10213. Reciprocity.~~**

17 The Agency will accord reciprocal approval for Federal purposes to apprentices,
18 apprenticeship programs and standards that are registered in other States by the
19 Office of Apprenticeship (OA) or a State Apprenticeship Agency recognized by
20 OA, if such reciprocity is requested by the apprenticeship program sponsor.
21 Program sponsors seeking reciprocal approval must meet the wage and hour
22 provisions and apprentice ratio standards of the reciprocal State.

23 **~~Division 1~~**

24 **~~Labor Regulations~~**

25 **~~CHAPTER 10~~**

26 **~~THE APPRENTICESHIP ACT OF GUAM~~**

27 **~~ARTICLE 3~~**

1 ~~Guam Department of Labor, Division of Apprenticeship.~~ These policies and
2 procedures apply to the recruitment and selection of apprentices, and to all
3 conditions of employment and training during apprenticeship. The procedures
4 established provide for review of apprenticeship programs, for registering
5 apprenticeship programs, for processing complaints, and for deregistering non-
6 complying apprenticeship programs. The purpose of this plan is to promote
7 equality of opportunity in apprenticeship by prohibiting discrimination based on
8 race, color, religion, national origin, or sex in apprenticeship programs, by
9 requiring affirmative action to provide equal opportunity in such apprenticeship
10 programs, and by coordinating this plan with other equal opportunity programs.
11 The U.S. Department of Labor has the authority to conduct compliance reviews
12 and complaint investigations to determine whether this plan is administered in
13 accordance with federal regulations.

14 **~~§10302. Definitions.~~** As used in this plan:

15 ~~Agency means the Guam Department of Labor, Division of Apprenticeship.~~

16 ~~Apprenticeship Program means a plan containing all terms and conditions for the~~
17 ~~qualification, recruitment, selection, employment and training of apprentices, as~~
18 ~~required under 22 GCA 10, Article 2, Guam Labor Standards for the Registration~~
19 ~~of Apprenticeship Programs, and Article 3, Guam State Plan for Equal~~
20 ~~Employment Opportunity in Apprenticeship Programs, including such matters as~~
21 ~~the requirement for a written apprenticeship agreement.~~

22 ~~Department means U.S. Department of Labor, Employment and Training~~
23 ~~Administration, Office of Apprenticeship.~~

24 ~~Employer means any person or organization employing an apprentice whether or~~
25 ~~not such person or organization is a party to an Apprenticeship Agreement with the~~
26 ~~apprentice.~~

1 ~~Guam State Apprenticeship Council (GSAC) is an entity established to assist the~~
2 ~~Agency. The Guam State Apprenticeship Council provides advice and guidance to~~
3 ~~the Agency on the operation of the State's apprenticeship system.~~

4 ~~Sponsor means any person, association, committee, or organization operating an~~
5 ~~apprenticeship program and in whose name the program is (or is to be) registered~~
6 ~~or approved.~~

7 **~~§10303. — Equal Opportunity Standards.~~**

8 ~~(a) — Obligations of sponsors. Each sponsor of an apprenticeship program shall:~~

9 ~~—— (1) Recruit, select, employ, and train apprentices during their apprenticeship,~~
10 ~~without discrimination because of race, color, religion, national origin, or sex; and,~~

11 ~~—— (2) Uniformly apply rules and regulations concerning apprentices,~~
12 ~~including but not limited to, equality of wages, periodic advancement, promotion,~~
13 ~~assignment of work, job performance, rotation among all work processes of the~~
14 ~~trade, imposition of penalties or other disciplinary action, and all other aspects of~~
15 ~~the apprenticeship program administration by the program sponsor; and,~~

16 ~~—— (3) Take affirmative action to provide equal opportunity in apprenticeship,~~
17 ~~including adoption of an affirmative action plan as required by this plan.~~

18 ~~—— (4) The Sponsor will provide equal employment opportunity in~~
19 ~~apprenticeship, and the apprenticeship program shall be operated as required under~~
20 ~~22 Guam Code Annotated (GCA) 10, Article 2.~~

21 ~~(b) — Equal opportunity pledge. Each sponsor of an apprenticeship program shall~~
22 ~~include in its standards the following equal opportunity pledge: "*The recruitment,*~~
23 ~~*selection, employment, and training of apprentices during their apprenticeship,*~~
24 ~~*shall be without discrimination because of race, color, religion, national origin, or*~~
25 ~~*sex. The sponsor will take affirmative action to provide equal opportunity in*~~
26 ~~*apprenticeship and will operate the apprenticeship program as required under 22*~~
27 ~~*GCA 10, Article 3.*"~~

1 ~~(e) *Programs presently registered.* Each sponsor of a program registered with~~
2 ~~the Agency as of the effective date of this plan shall within 90 days of the effective~~
3 ~~date take the following action:~~

4 ~~—— (1) Include in the standards of its apprenticeship program the equal~~
5 ~~opportunity pledge prescribed in subsection (b); of this section;~~

6 ~~—— (2) Adopt an affirmative action plan required by §10304; and~~

7 ~~—— (3) Adopt a selection procedure required by §10306. A sponsor adopting a~~
8 ~~selection method under §10307, 10308 or 10309 shall prepare, and have available~~
9 ~~for submission upon request, copies of its amended standards, affirmative action~~
10 ~~plans, and selection procedure. A sponsor adopting a selection method under~~
11 ~~§10310 shall submit to the Agency copies of its standards, affirmative action plan~~
12 ~~and selection procedure in accordance with the requirements of that section.~~

13 ~~(d) *Sponsors seeking new registration.* A sponsor of a program seeking new~~
14 ~~registration with the Agency shall submit copies of its proposed standards,~~
15 ~~affirmative action plan, selection procedures, under control number 1205-0224 [43~~
16 ~~FR 20760, May 12, 1978, as amended at 49 FR information as may be required].~~
17 ~~The program shall be registered if such standards, affirmative action plan, and~~
18 ~~selection procedure meet the requirements of this plan.~~

19 ~~(e) *Programs subject to approved equal employment opportunity programs.* A~~
20 ~~sponsor shall not be required to adopt an affirmative action plan under §10304 or a~~
21 ~~selection procedure under §10306 if it submits to the Agency satisfactory evidence~~
22 ~~that it is in compliance with an equal employment opportunity program providing~~
23 ~~for the selection of apprentices and for affirmative action in apprenticeship~~
24 ~~including goals and timetables for women and minorities which has been approved~~
25 ~~as meeting the requirements of Title VII of the Civil Rights Act of 1964, as~~
26 ~~amended and its implementing regulations published in 29 CFR, Chapter XIV~~
27 ~~(Equal Employment Opportunity Commission Rules and Regulations) or~~

1 ~~Executive Order 11246, as amended, and its implementing regulations of 41 CFR,~~
2 ~~Chapter 60. Provided, that programs approved, modified or renewed subsequent to~~
3 ~~the effective date of this amendment will qualify for this exception only if the~~
4 ~~goals and timetables for minorities and women for the selection of apprentices~~
5 ~~provided for in such programs are equal to or greater than the goals required under~~
6 ~~this plan.~~

7 ~~(f) — *Program with fewer than five apprentices.* A sponsor of a program in which~~
8 ~~fewer than five apprentices are indentured shall not be required to adopt an~~
9 ~~affirmative action plan under §10304 or a selection procedure under §10306,~~
10 ~~provided that such a program was not adopted to circumvent the requirements of~~
11 ~~this plan.~~

12 ~~**§10304. — Affirmative Action Plans.**~~

13 ~~(a) — *Adoption of affirmative action plans.* A sponsor's commitment to equal~~
14 ~~opportunity in the recruitment, selection, employment, and training of apprentices~~
15 ~~shall include the adoption of a written affirmative action plan.~~

16 ~~(b) — *Definition of affirmative action.* Affirmative action is not mere passive~~
17 ~~nondiscrimination. It includes procedures, methods, and programs for the~~
18 ~~identification, positive recruitment, training, and motivation of present and~~
19 ~~potential minority and female (minority and nonminority) apprentices, including~~
20 ~~the establishment of goals and timetables. It is action which will equalize~~
21 ~~opportunity in apprenticeship so as to allow full utilization of the work potential of~~
22 ~~minorities and women. The overall result to be sought is equal opportunity in~~
23 ~~apprenticeship for all individuals participating in or seeking entrance to the~~
24 ~~Nation's labor force.~~

25 ~~(c) — *Outreach and positive recruitment.* An acceptable affirmative action plan~~
26 ~~must also include adequate provision for outreach and positive recruitment that~~
27 ~~would reasonably be expected to increase minority and female participation in~~

1 apprenticeship by expanding the opportunity of minorities and women to become
2 eligible for apprenticeship selection. In order to achieve these objectives, sponsors
3 shall undertake activities such as those listed below. It is not contemplated that
4 each sponsor necessarily will include all the listed activities in its affirmative
5 action program. The scope of the affirmative action program will depend on all the
6 circumstances including the size and type of the program and its resources.
7 However, the sponsor shall be required to undertake a significant number of
8 appropriate activities in order to enable it to meet its obligations under this plan.
9 The affirmative action plan shall set forth the specific steps the sponsor intends to
10 take in the areas listed below. Whenever special circumstances warrant, the
11 Agency may provide such financial or other assistance as it deems necessary to
12 implement the requirements of this paragraph.

13 ——— (1) Dissemination of information concerning the nature of the
14 apprenticeship, requirements for admission to apprenticeship, availability of
15 apprenticeship opportunities, sources of apprenticeship applications, and the equal
16 opportunity policy of the sponsor. For programs accepting applications only at
17 specific intervals, such information shall be disseminated at least 30 days in
18 advance of the earliest date for application at each interval. For programs
19 customarily receiving applications throughout the year, such information shall be
20 regularly disseminated but not less than semiannually. Such information shall be
21 given to the Agency, local schools, employment service offices, women's centers,
22 outreach programs, and community organizations which can effectively reach
23 minorities and women, and shall be published in newspapers which are circulated
24 in the minority community and among women, as well as in the general areas in
25 which the program sponsor operates.

26 ——— (2) Participation in annual workshops conducted by the Agency's One Stop
27 Career Center and the Agency's quarterly labor clinics for the purpose of

1 familiarizing school, employment service, and other appropriate personnel with the
2 apprenticeship system and current opportunities therein;

3 ~~—— (3) Cooperation with the state department of education, local school boards
4 and vocational education systems Guam Department of Education, the local school
5 board and the Guam Community College to develop programs for preparing
6 students to meet the standards and criteria required to qualify for entry into
7 apprenticeship programs.~~

8 ~~—— (4) Internal communication of the sponsor's equal opportunity policy in
9 such a manner as to foster understanding, acceptance, and support among the
10 sponsor's various officers, supervisors, employees, and members and to encourage
11 such persons to take the necessary action to aid the sponsor in meeting its
12 obligations under this plan.~~

13 ~~—— (5) Engaging in programs such as outreach for the positive recruitment and
14 preparation of potential applicants for apprenticeships; where appropriate and
15 feasible, such programs shall provide for pretesting experience and training. If no
16 such programs are in existence, the sponsor shall seek to initiate these programs,
17 or, when available, to obtain financial assistance from the Agency. In initiating
18 and conducting these programs, the sponsor may be required to work with other
19 sponsors and appropriate community organizations. The sponsor shall also initiate
20 programs to prepare women and encourage women to enter traditionally male
21 programs.~~

22 ~~—— (6) To encourage the establishment and utilization of programs of pre-
23 apprenticeship, preparatory trade training, or others designed to afford related work
24 experience or to prepare candidates for apprenticeship, a sponsor shall make
25 appropriate provision in its affirmative action plan to assure that those who
26 complete such programs are afforded full and equal opportunity for admission into
27 the apprenticeship program.~~

1 ~~—— (7) Utilization of journeypersons to assist in the implementation of the~~
2 ~~sponsor's affirmative action program.~~

3 ~~—— (8) Granting advance standing or credit on the basis of previously acquired~~
4 ~~experience, training, skills, or aptitude for all applicants equally.~~

5 ~~—— (9) Admitting to apprenticeship, persons whose age exceeds the maximum~~
6 ~~age for admission to the program, where such action assists the sponsor in~~
7 ~~achieving its affirmative action obligations.~~

8 ~~(10) Other appropriate action to ensure that the recruitment, selection,~~
9 ~~employment, and training of apprentices during apprenticeship shall be without~~
10 ~~discrimination because of race, color, religion, national origin, and sex (e.g.,~~
11 ~~general publication of apprenticeship opportunities and advantages in~~
12 ~~advertisements, industry reports, articles, etc.; use of present minority and female~~
13 ~~apprentices and journeypersons as recruiters; career counseling; periodic auditing~~
14 ~~of affirmative action programs and activities; and development of reasonable~~
15 ~~procedures between the sponsor and employers of apprentices to ensure that~~
16 ~~employment opportunity is being granted, including reporting systems, on site~~
17 ~~reviews, briefing sessions, etc.). The affirmative action program shall set forth~~
18 ~~the specific steps the sponsor intends to take, in the above areas, under this~~
19 ~~paragraph (e). Whenever special circumstances warrant, the Agency may provide~~
20 ~~such financial or other assistance as it deems necessary to implement the above~~
21 ~~requirements.~~

22 **~~§10305. Goals and timetables.~~**

23 ~~(a) The following shall apply in the establishment of goals and timetables:~~

24 ~~—— (1) A sponsor adopting a selection method under §10307 or 10308, which~~
25 ~~determines on the basis of the analysis described in subsection (b) that it has~~
26 ~~deficiencies in terms of underutilization of minorities and/or women (minority and~~
27 ~~nonminority), in the craft or crafts represented by the program shall include in its~~

1 ~~affirmative action plan percentage goals and timetables for the admission of~~
2 ~~minority and/or female (minority and nonminority) applicants, into the eligibility~~
3 ~~pool.~~

4 ~~—— (2) A sponsor adopting a selection method under §10309 or 10310, which~~
5 ~~determines on the basis of the analysis described in subsection (b) that it has~~
6 ~~deficiencies in terms of the underutilization of minorities and/or women, in the~~
7 ~~craft or crafts represented by the program shall include in its affirmative action~~
8 ~~plan percentage goals and timetables for the selection of minority and female~~
9 ~~(minority and nonminority) applicants for the apprenticeship program.~~

10 ~~—— (3) "Underutilization" as used in this plan refers to the situation where~~
11 ~~there are fewer minorities and/or women (minority and nonminority) in the~~
12 ~~particular craft or crafts represented by the program than would reasonably be~~
13 ~~expected in view of an analysis of the specific factors in subsection (b). Where, on~~
14 ~~the basis of the analysis, the sponsor determines that it has no deficiencies, no~~
15 ~~goals and timetables need be established. However, where no goals and timetables~~
16 ~~are established, the affirmative action plan shall include a detailed explanation why~~
17 ~~no goals and timetables have been established.~~

18 ~~—— (4) Where the sponsor fails to submit goals and timetables as part of its~~
19 ~~affirmative action plan or submits goals and timetables which are unacceptable,~~
20 ~~and the Agency determines that the sponsor has deficiencies in terms of~~
21 ~~underutilization of minorities and/or women (minority and nonminority) within the~~
22 ~~meaning of this section, the Agency shall establish goals and timetables applicable~~
23 ~~to the sponsor for the admission of minority and female (minority and~~
24 ~~nonminority) applicants into the eligibility pool or selection of apprentices, as~~
25 ~~appropriate. The sponsor shall make good faith efforts to attain these goals and~~
26 ~~timetables in accordance with the requirements of §10304 and 10305.~~

1 ~~(b) — *Analysis to determine if deficiencies exist.* The sponsor's determination as to~~
2 ~~whether goals and timetables shall be established, shall be based on an analysis of~~
3 ~~at least the following factors, which analysis shall be set forth in writing as part of~~
4 ~~the affirmative action plan:~~

5 ~~—— (1) The size of the working age minority and female (minority and~~
6 ~~nonminority) population in the program sponsor's labor market area;~~

7 ~~—— (2) The size of the minority and female (minority and nonminority) labor~~
8 ~~force in the program sponsor's labor market area;~~

9 ~~—— (3) The percentage of minority and female (minority and nonminority)~~
10 ~~participation as apprentices in the particular craft as compared with the percentage~~
11 ~~of minorities and women (minority and nonminority) in the labor force in the~~
12 ~~program sponsor's labor market area;~~

13 ~~—— (4) The percentage of minority and female (minority and nonminority)~~
14 ~~participation as journeypersons employed by the employer or employers~~
15 ~~participating in the program as compared with the percentage of minorities and~~
16 ~~women (minority and nonminority) in the sponsor's labor market area and the~~
17 ~~extent to which the sponsor should be expected to correct any deficiencies through~~
18 ~~the achievement of goals and timetables for the selection of apprentices; and,~~

19 ~~—— (5) The general availability of minorities and women (minority and~~
20 ~~nonminority) with present or potential capacity for apprenticeship in the program~~
21 ~~sponsor's labor market area.~~

22 ~~(c) — *Establishment and attainment of goals and timetables.* The goals and~~
23 ~~timetables shall be established on the basis of the sponsor's analyses of its~~
24 ~~underutilization of minorities and women and its entire affirmative action program.~~
25 ~~A single goal for minorities and a separate single goal for women is acceptable~~
26 ~~unless a particular group is employed in a substantially disparate manner in which~~
27 ~~case separate goals shall be established for such group. Such separate goals would~~

1 be required, for example, if a specific minority group of women were underutilized
2 even though the sponsor had achieved its standards for women generally. In
3 establishing the goals, the sponsor should consider the results which could be
4 reasonably expected from its good faith efforts to make its overall affirmative
5 action program work. Compliance with these requirements shall be determined by
6 whether the sponsor has met its goals within its timetables, or failing that, whether
7 it has made good faith efforts to meet its goals and timetables. Its "good faith
8 efforts" shall be judged by whether it is following its affirmative action program
9 and attempting to make it work, including evaluation and changes in its program
10 where necessary to obtain the maximum effectiveness toward the attainment of its
11 ~~goals[h1].~~

12 ~~(d) Data and Information. The Agency shall make available to program~~
13 ~~sponsors data and information on minority and female (minority and nonminority)~~
14 ~~labor force characteristics for the Territory of Guam.~~

15 **~~§10306. Selection of Apprentices.~~**

16 ~~(a) Obligations of sponsors. In addition to the development of a written~~
17 ~~affirmative action plan to ensure that minorities and women have an equal~~
18 ~~opportunity for selection as apprentices and otherwise ensure the prompt~~
19 ~~achievement of full and equal opportunity in apprenticeship, each sponsor shall~~
20 ~~further provide in its affirmative action program that the selection of apprentices~~
21 ~~shall be made under one of the methods specified in §10307, 10308, 10309, or~~
22 ~~10310.~~

23 ~~(b) Selection methods. The sponsor shall adopt one of the following methods~~
24 ~~for selecting apprentices:~~

25 **~~§10307. Selection on basis of rank from pool of eligible applicants.~~**

26 ~~(a) Selection. A sponsor may select apprentices from a pool of eligible~~
27 ~~applicants created in accordance with the requirements of subsection (e) of this on~~

1 ~~the basis of the rank order of scores of applicants on one or more qualification~~
2 ~~standards where there is a significant statistical relationship between rank order of~~
3 ~~scores and performance in the apprenticeship program. In demonstrating such~~
4 ~~relationship, the sponsor shall follow the procedures set forth in Guidelines on~~
5 ~~Employee Selection Procedures published in 41 CFR, Part 60-3;~~

6 ~~(b) *Requirements.* The sponsor adopting this method of selecting apprentices~~
7 ~~shall meet the requirements of subsections (c) through (g);~~

8 ~~(c) *Creation of Pool of eligibles.* A pool of eligibles shall be created from~~
9 ~~applicants who meet the qualifications of minimum legal working age; or from~~
10 ~~applicants who meet qualification standards in addition to minimum legal working~~
11 ~~age, provided that any additional qualification standards conform with the~~
12 ~~following requirements:~~

13 ~~—— (1) *Qualification standards.* The qualification standards, and the procedures~~
14 ~~for determining such qualification standards, shall be stated in detail and shall~~
15 ~~provide criteria for the specific factors and attributes to be considered in evaluating~~
16 ~~applicants for admission to the pool. The score required under each qualification~~
17 ~~standard for admission to the pool shall also be specified. All qualification~~
18 ~~standards, and the score required on any standard for admission to the pool, shall~~
19 ~~be directly related to job performance, as shown by a significant statistical~~
20 ~~relationship between the score required for admission to the pool, and performance~~
21 ~~in the apprenticeship program. In demonstrating such relationship, the sponsor~~
22 ~~shall follow the procedures set forth in 41 CFR, Part 60-3. Qualifications shall be~~
23 ~~considered as separately required so that the failure of an applicant to attain the~~
24 ~~specified score under a single qualification standard shall disqualify the applicant~~
25 ~~from admission to the pool.~~

26 ~~—— (2) *Aptitude tests.* Any qualification standard for admission to the pool~~
27 ~~consisting of aptitude test scores shall be directly related to job performance, as~~

1 shown by significant statistical relationships between the score on the aptitude tests
2 required for admission to the pool, and performance in the apprenticeship program.
3 In determining such relationship, the sponsor shall follow the procedures set forth
4 in 41 CFR, Part 60.3. The requirements of this paragraph shall also be applicable
5 to aptitude tests utilized by a program sponsor which are administered by the state
6 employment agency or any other person, agency, or organization engaged in the
7 selection or evaluation of personnel. A national test developed and administered
8 by a national joint apprenticeship committee shall not be approved by the Agency
9 unless such test meets the requirements of this paragraph.

10 ~~—— (3) Educational attainments. All educational attainments or achievements as~~
11 ~~qualifications for admission to the pool shall be directly related to job performance~~
12 ~~as shown by a significant statistical relationship between the score required for~~
13 ~~admission to the pool and performance in the apprenticeship program. In~~
14 ~~demonstrating such relationship, the sponsor shall meet the requirements of 41~~
15 ~~CFR, Part 60.3. School records or a passing grade on the general education~~
16 ~~development tests recognized by the Guam Department of Education, the Guam~~
17 ~~Community College or the University of Guam shall be evidence of educational~~
18 ~~achievement. Education requirements shall be applied uniformly to all applicants.~~

19 ~~(d) Oral interviews. Oral interviews shall not be used as a qualification standard~~
20 ~~for admission into an eligibility pool. However, once an applicant is placed in the~~
21 ~~eligibility pool, and prior to selection for apprenticeship from the pool, he or she~~
22 ~~may be required to submit to an oral interview. Oral interviews shall be limited to~~
23 ~~such objective questions as may be required to determine the fitness of applicants~~
24 ~~to enter the apprenticeship program, but shall not include questions relating to~~
25 ~~qualifications previously determined in gaining entrance to the eligibility pool.~~
26 ~~When an oral interview is used, each interviewer shall record the questions and the~~
27 ~~general nature of the applicant's answers, and shall prepare a summary of any~~

1 ~~conclusions. Each applicant rejected from the pool of eligibles on the basis of an~~
2 ~~oral interview shall be given a written statement of such rejection, the reasons~~
3 ~~therefore, and the appeal rights available to the applicant;~~

4 ~~(e) *Notification of applicants.* All applicants who meet the requirements for~~
5 ~~admission shall be notified and placed in the eligibility pool. The program sponsor~~
6 ~~shall give each rejected applicant who is not selected for the pool or the program~~
7 ~~notice of his or her rejection, including the reasons for the rejection, the~~
8 ~~requirements for admission to the pool of eligibles, and the appeal rights available~~
9 ~~to the applicant.~~

10 ~~(f) *Goals and timetables.* The sponsor shall establish where required by~~
11 ~~§10305, percentage goals and timetables for the admission of minorities and~~
12 ~~women (minority and nonminority) into the pool of eligibles, in accordance with~~
13 ~~the provisions of §10305 (a), (b) and (c);~~

14 ~~(g) *Compliance.* A sponsor shall be deemed to be in compliance with its~~
15 ~~commitments under subsection (f) if it meets its goals or timetables or if it makes a~~
16 ~~good faith effort to meet these goals and timetables. In the event of the failure of~~
17 ~~the sponsor to meet its goals and timetables, it shall be given an opportunity to~~
18 ~~demonstrate that it has made every "good faith effort" to meet its commitments~~
19 ~~(see §10305 (c)). All the actions of the sponsor shall be reviewed and evaluated in~~
20 ~~determining whether such good faith efforts have been made.~~

21 **§10308. — Random selection from pool of eligible applicants.**

22 ~~(a) *Selection.* A sponsor may select apprentices from a pool of eligible~~
23 ~~applicants on a random basis. The method of random selection is subject to~~
24 ~~approval by the Agency. Supervision of the random selection process shall be by~~
25 ~~an impartial person or persons selected by the sponsor, but not associated with the~~
26 ~~administration of the apprenticeship program. The time and place of the selection,~~
27 ~~and the number of apprentices to be selected, shall be announced. The place of the~~

1 ~~selection shall be open to all applicants and the public. The names of apprentices~~
2 ~~drawn by this method shall be posted immediately following the selection at the~~
3 ~~program sponsor's place of business.~~

4 ~~(b) *Requirements.* The sponsor adopting this method of selecting apprentices~~
5 ~~shall meet the requirements of §10307(e) through (e) of the plan relating to the~~
6 ~~creation of pool of eligibles, oral interviews, and notification of applicants.~~

7 ~~(c) *Goals and timetables.* The sponsor shall establish, where required by~~
8 ~~§10305, percentage goals and timetables for the admission of minorities and~~
9 ~~women (minority and nonminority) into the pool of eligibles in accordance with~~
10 ~~the provisions of that §10305.~~

11 ~~(d) *Compliance.* Determinations as to the sponsor's compliance with its~~
12 ~~obligations under these regulations shall be in accordance with the provisions of~~
13 ~~§10307(g).~~

14 ~~**§10309.— Selection from pool of current employees.**~~

15 ~~(a) *Selection.* A sponsor may select apprentices from an eligibility pool of the~~
16 ~~workers already employed by the program sponsor in a manner prescribed by a~~
17 ~~collective bargaining agreement where such exists, or by the sponsor's established~~
18 ~~promotion policy. The sponsor adopting this method of selecting apprentices shall~~
19 ~~establish goals and timetables for the selection of minority and female apprentices,~~
20 ~~unless the sponsor concludes, in accordance with the provisions of §10305 that it~~
21 ~~does not have deficiencies in terms of underutilization of minorities and/or women~~
22 ~~(minority and nonminority) in the apprenticeship of journey person crafts~~
23 ~~represented by the program.~~

24 ~~(b) *Compliance.* Determinations as to the sponsor's compliance with its~~
25 ~~obligations under these regulations shall be in accordance with the provisions of~~
26 ~~§10307(g).~~

27 ~~**§10310.— Alternative selection methods.**~~

1 ~~(a) Selection. A sponsor may select apprentices by means of any other method~~
2 ~~including its present selection method provided that the sponsor meets the~~
3 ~~following requirements:~~

4 ~~—— (1) Selection method and goals and timetables. The sponsor shall~~
5 ~~complete development of the selection method it proposes to use along with the rest~~
6 ~~of its written affirmative action program including, where required §10305 its~~
7 ~~percentage goals and timetables for the selection of minority and/or female~~
8 ~~(minority and nonminority) applicants for apprenticeship and its written analysis,~~
9 ~~upon which such goals and timetables, or lack thereof, are based. The~~
10 ~~establishment of goals and timetables shall be in accordance with the provisions of~~
11 ~~§10305(a), (b) and (c). The sponsor may not implement any such selection method~~
12 ~~until the Agency has approved the selection method as meeting the requirements of~~
13 ~~this plan and has approved the remainder of its affirmative action program~~
14 ~~including its goals and timetables. If the Agency fails to act upon the selection~~
15 ~~method and the affirmative action program within thirty days (30) of its~~
16 ~~submission, the sponsor then may implement the selection method.~~

17 ~~—— (2) Qualification standards. Apprentices shall be selected on the basis of~~
18 ~~objective and specific qualification standards. Examples of such standards are fair~~
19 ~~aptitude tests, school diplomas or equivalent, occupationally essential health~~
20 ~~requirements, fair interviews, school grades, and previous work experience.~~
21 ~~Where interviews are used, adequate records shall be kept including a brief~~
22 ~~summary of each interview and the conclusions on each of the specific factors,~~
23 ~~e.g., motivation, ambition, and willingness to accept direction which are part of the~~
24 ~~total judgment. In applying any such standards, the sponsor shall meet the~~
25 ~~requirements of 41 CFR Part 60-3.~~

26 ~~(b) Compliance. Determinations as to the sponsor's compliance with its~~
27 ~~obligations under this plan shall be in accordance with the provisions of §10307(g).~~

1 ~~Where a sponsor, despite its good faith efforts, fails to meet its goals and~~
2 ~~timetables within a reasonable period of time, the sponsor may be required to make~~
3 ~~appropriate changes in its affirmative action program to the extent necessary to~~
4 ~~obtain maximum effectiveness toward the attainment of its goals. The sponsor~~
5 ~~may also be required to develop and adopt an alternative selection method,~~
6 ~~including a method prescribed by the Agency, where it is determined that the~~
7 ~~failure of the sponsor to meet its goals is attributable in substantial part to the~~
8 ~~selection method. Where the sponsor's failure to meet its goals is attributable in~~
9 ~~substantial part to its use of a qualification standard which has adversely affected~~
10 ~~the opportunities of minorities and/or women (minority and nonminority) for~~
11 ~~apprenticeship, the sponsor may be required to demonstrate that such qualification~~
12 ~~standard is directly related to job performance, in accordance with the provisions~~
13 ~~of §10307(c) (1) of this subsection.~~

14 **~~§10311. Existing List of Eligibles and Public Notice.~~**

15 ~~(a) A sponsor adopting a selection method under §10307 or §10308 and a~~
16 ~~sponsor adopting a selection method under §10310 who determines that there are~~
17 ~~fewer minorities and/or women (minority and nonminority) on its existing lists of~~
18 ~~eligibles than would reasonably be expected in view of the analysis described in~~
19 ~~§10304 shall discard all existing eligibility lists upon adoption of the selection~~
20 ~~methods required by this plan. New eligibility pools shall be established and lists~~
21 ~~of eligibility pools shall be posted at the sponsor's place of business. Sponsors~~
22 ~~shall establish a reasonable period of not less than two (2) weeks for accepting~~
23 ~~applications for admission to an apprenticeship program. There shall be at least~~
24 ~~thirty (30) days of public notice in advance of the earliest date for application for~~
25 ~~admission to the apprenticeship program (see §10304(e) on affirmative action with~~
26 ~~respect to dissemination of information).~~

1 ~~(b) Applicants who have been placed in a pool of eligibles shall be retained on~~
2 ~~lists of eligibles subject to selection for a period of two (2) years. Applicants may~~
3 ~~be removed from the list at an earlier date by their request or following their failure~~
4 ~~to respond to an apprentice job opportunity given by certified mail, return receipt~~
5 ~~requested.~~

6 ~~(c) Applicants who have been accepted in the program shall be afforded a~~
7 ~~reasonable period of time in light of the customs and practices of the industry for~~
8 ~~reporting for work. All applicants shall be treated equally in determining such~~
9 ~~period of time. It shall be the responsibility of the applicant to keep the sponsor~~
10 ~~informed of his or her current mailing address. Upon request, a sponsor may~~
11 ~~restore to the list of eligible applicants who have been removed from the list or~~
12 ~~who have failed to respond to an apprenticeship job opportunity.~~

13 **~~§10312.—Records.~~**

14 ~~(a) Obligations of sponsors. Each sponsor shall keep adequate records for a~~
15 ~~period of five (5) years, including:~~

16 ~~—— (1) A summary of the qualifications of each applicant;~~

17 ~~—— (2) Basis for evaluation and for selection or rejection of each applicant;~~

18 ~~—— (3) Records pertaining to interviews of applicants;~~

19 ~~—— (4) The original application for each applicant;~~

20 ~~—— (5) Information relative to the operation of the apprenticeship program,~~
21 ~~including but not limited to job assignment, promotion, demotion, layoff,~~
22 ~~termination, rates of pay, or other forms of compensation or conditions of work,~~
23 ~~hours including hours of work, and, separately, hours of training provided; and,~~

24 ~~—— (6) Any other records pertinent to a determination of compliance with this~~
25 ~~plan, as may be required by the Agency.~~

~~(7) The records pertaining to individual applicants, selected or rejected, shall be maintained in such manner as to permit identification of minority and female (minority and nonminority) participants.~~

~~(b) Affirmative action plans. Each sponsor must retain a statement of its affirmative action plan required by §10304 for the prompt achievement of full and equal opportunity in apprenticeship, including all data and analyses made pursuant to the requirements of §10304. Sponsors shall review their affirmative action plans annually and update them where necessary, including the goals and timetables.~~

~~(c) Qualification standards. Each sponsor shall maintain evidence that its qualification standards have been validated in accordance with the requirements set forth in §10306(b).~~

~~(d) Records. The Agency shall keep adequate records, including registration requirements, individual program standards and registration records, program compliance reviews and investigations, and any other records pertinent to a determination of compliance with this plan.~~

~~(e) Maintenance of records. The records required by this plan and any other information relevant to compliance with these regulations shall be maintained for five (5) years and made available upon request to the Agency or other authorized representative.~~

§10313. Compliance reviews.

~~(a) Conduct of compliance reviews. The Agency shall regularly conduct systematic reviews of apprenticeship programs in order to determine the extent to which sponsors are complying with this plan and will also conduct compliance reviews when circumstances, including receipt of complaints not referred to a private review body pursuant to §10315(b)(1)(i), so warrant, and take appropriate action regarding programs which are not in compliance with the requirements of this plan. Compliance reviews will consist of comprehensive analyses and~~

1 evaluations of each aspect of the apprenticeship program, including on-site
2 investigations and audits.

3 ~~(b) *Reregistration.* Sponsors seeking reregistration shall be subject to a~~
4 ~~compliance review as described in subsection (a), by the Agency as part of the~~
5 ~~reregistration process.~~

6 ~~(c) *New Registration.* Sponsors seeking new registration shall be subject to a~~
7 ~~compliance review as described in subsection (a) by the Agency as part of the new~~
8 ~~registration process.~~

9 ~~(d) *Voluntary compliance.* Where the compliance review indicates that the~~
10 ~~sponsor is not operating in accordance with this plan, the Agency shall notify the~~
11 ~~sponsor in writing of the results of the review and make a reasonable effort to~~
12 ~~secure voluntary compliance on the part of the program sponsor within a~~
13 ~~reasonable time before undertaking sanctions under §10317. In the case of~~
14 ~~sponsors seeking new registration, the Agency will provide appropriate~~
15 ~~recommendations to the sponsor to enable it to achieve compliance for registration~~
16 ~~purposes.~~

17 ~~**§10314. Noncompliance with Federal and State Equal Opportunity**~~
18 ~~**Requirements.**~~

19 ~~— A pattern or practice of noncompliance by a sponsor (or where the sponsor is~~
20 ~~a joint apprenticeship committee, by one of the parties represented on such~~
21 ~~committee) with Federal or state laws or regulations requiring equal opportunity~~
22 ~~may be grounds for the imposition of sanctions in accordance with §10317 if such~~
23 ~~noncompliance is related to the equal employment opportunity of apprentices~~
24 ~~and/or graduates of such an apprenticeship program under this plan. The sponsor~~
25 ~~shall take affirmative steps to assist and cooperate with employers and unions in~~
26 ~~fulfilling their equal employment opportunity obligations.~~

27 ~~**§10315. Complaint procedure.**~~

1 ~~(a) *Filing.* (1) Any apprentice or applicant for apprenticeship who believes~~
2 ~~that he or she has been discriminated against on the basis of race, color, religion,~~
3 ~~national origin, or sex with regard to apprenticeship or that the equal opportunity~~
4 ~~standards with respect to his or her selection have not been followed in the~~
5 ~~operation of an apprenticeship program may, personally or through an authorized~~
6 ~~representative, file a complaint with the Director, Guam Department of Labor, 414~~
7 ~~West Soledad Avenue, Hagatna, Guam, contact number 671-475-7075, fax~~
8 ~~number: 671-475-7045, or, at the apprentice's or applicant's election, with a private~~
9 ~~review body established pursuant to paragraph (a)(3) of this section. The~~
10 ~~complaint shall be in writing and shall be signed by the complainant. It must~~
11 ~~include the name, address and telephone number of the person allegedly~~
12 ~~discriminated against, the program sponsor involved, and a brief description of the~~
13 ~~circumstances of the failure to apply the equal opportunity standards provided for~~
14 ~~in this plan.~~

15 ~~—— (2) The complaint must be filed not later than one hundred eighty (180)~~
16 ~~days from the date of the alleged discrimination or specified failure to follow the~~
17 ~~equal opportunity standards; and, in the case of complaints filed directly with~~
18 ~~review bodies designated by program sponsors to review such complaints, any~~
19 ~~referral of such complaint by the complainant to the Agency must occur within the~~
20 ~~time limitation stated above or thirty (30) days from the final decision of such~~
21 ~~review body, whichever is later. The time may be extended by the Agency for~~
22 ~~good cause shown.~~

23 ~~—— (3) Sponsors are encouraged to establish fair, speedy, and effective~~
24 ~~procedures for a review body to consider complaints of failure to follow the equal~~
25 ~~opportunity standards. A private review body established by the program sponsor~~
26 ~~for this purpose should number three or more responsible persons from the~~
27 ~~community serving in this capacity without compensation. Members of the review~~

1 ~~body should not be directly associated with the administration of an apprenticeship~~
2 ~~program. Sponsors may join together in establishing a review body to serve the~~
3 ~~needs of programs within the community.~~

4 ~~(b) *Processing of complaints.*~~

5 ~~——(1) Review Body.~~

6 ~~——(i) When the sponsor has designated a review body for reviewing~~
7 ~~complaints, the Agency, unless the complainant has indicated otherwise or unless~~
8 ~~the Agency has determined that the review body will not effectively enforce the~~
9 ~~equal opportunity standards, shall upon receiving a complaint refer it to the review~~
10 ~~body.~~

11 ~~——(ii) The Agency shall, within thirty (30) days following the referral of a~~
12 ~~complaint to the review body, obtain reports from the complainant and the review~~
13 ~~body as to the disposition of the complaint. If the complaint has been satisfactorily~~
14 ~~adjusted and there is no other indication of failure to apply equal opportunity~~
15 ~~standards, the case shall be closed and the parties appropriately informed.~~

16 ~~——(iii) When a complaint has not been resolved by the review body within~~
17 ~~ninety (90) days or where, despite satisfactory resolution of the particular~~
18 ~~complaint by the review body, there is evidence that equal opportunity practices of~~
19 ~~the apprenticeship program are not in accordance with this plan, the Agency may~~
20 ~~conduct such compliance review as found necessary, and will take all necessary~~
21 ~~steps to resolve the complaint.~~

22 ~~——(2) Where no review body exists, the Agency may conduct such~~
23 ~~compliance review as found necessary in order to determine the facts of the~~
24 ~~complaint, and obtain such other information relating to compliance with these~~
25 ~~regulations as the circumstances warrant.~~

26 ~~——(3) Sponsors shall provide written notice of the above complaint procedure~~
27 ~~to all applicants for apprenticeship and all apprentices.~~

1 ~~§10316. Adjustments in Schedule for Compliance Review or Complaint~~
2 ~~Processing.~~

3 ~~—— If, in the judgment of the Agency, a particular situation warrants and~~
4 ~~requires special processing and either expedited or extended determination, it shall~~
5 ~~take the steps necessary to permit such determination if it finds that no person or~~
6 ~~party affected by such determination will be prejudiced by the special processing.~~

7 ~~§10317. Sanctions.~~

8 ~~(a) Where the Agency, as a result of a compliance review or other reason,~~
9 ~~determines that there is reasonable cause to believe that an apprenticeship program~~
10 ~~is not operating in accordance with this plan; and, voluntary corrective action has~~
11 ~~not been taken by the program sponsor, the Agency shall institute proceedings to~~
12 ~~deregister the program or it shall refer the matter to the Equal Employment~~
13 ~~Opportunity Commission or to the Attorney General, with recommendations for~~
14 ~~the institution of a court action under Title VII of the Civil Rights Act of 1964, as~~
15 ~~amended, or to the Attorney General for other court action as authorized by law.~~

16 ~~(b) Deregistration proceedings shall be conducted in accordance with 22 GCA~~
17 ~~§10208.~~

18 ~~(1) The Agency shall notify the sponsor, in writing, that a determination of~~
19 ~~reasonable cause has been made under paragraph (a) of this section and that the~~
20 ~~apprenticeship program may be deregistered unless, within 15 days of the receipt~~
21 ~~of the notice, the sponsor requests a hearing. The notification shall specify the facts~~
22 ~~on which the determination is based.~~

23 ~~(2) If within 15 days of the receipt of the notice provided for in paragraph~~
24 ~~(b)(1) of this section the sponsor mails a request for a hearing, the Director shall~~
25 ~~convene a hearing in accordance with §10322.~~

26 ~~(3) The Director shall make a final decision on the basis of the record, which~~
27 ~~shall consist of the compliance review file and other evidence presented and, if a~~

1 hearing was conducted pursuant to 30.16, the proposed findings and recommended
2 decision of the hearing officer. The Director may allow the sponsor a reasonable
3 time to achieve voluntary corrective action. If the Director's decision is that the
4 apprenticeship program is not operating in accordance with this plan, the
5 apprenticeship program shall be deregistered. In each case in which deregistration
6 is ordered, the Director shall make public notice of the order and shall notify the
7 sponsor and the complainant, if any.

8 Any state apprenticeship program deregistered by the State Apprenticeship Agency
9 for noncompliance with requirements of this plan may, within 15 days of the
10 receipt of a notice of deregistration, appeal to the U.S. Department of Labor, Office
11 of Apprenticeship, 200 Constitution Avenue, NW, Washington, DC 20210, to set
12 aside the determination of the *Guam Department of Labor, Division of*
13 *Apprenticeship*.

14 **~~§10318. Reinstatement of Program Registration.~~**

15 ~~Any apprenticeship program deregistered pursuant to this plan may be~~
16 ~~reinstated upon presentation of adequate evidence to the Director that the~~
17 ~~apprenticeship program is operating in accordance with this plan.~~

18 **~~§10319. Retaliatory Acts or Intimidation.~~**

19 ~~Any intimidation, threat, coercion, or retaliation by or with the approval of~~
20 ~~any sponsor against any person for the purpose of interfering with any right or~~
21 ~~privilege secured by 22 GCA 10; or Title VII of the Civil Rights Act of 1964, as~~
22 ~~amended; or Executive Order 11246, as amended, or because he or she has made a~~
23 ~~complaint, testified, assisted, or participated in any manner in any investigation~~
24 ~~proceeding, or hearing under this plan shall be considered noncompliance with the~~
25 ~~equal opportunity standards of this plan. The identity of complainants shall be~~
26 ~~kept confidential except to the extent necessary to carry out the purposes of this~~

1 ~~plan, including the conduct of any investigation, hearing or judicial proceeding~~
2 ~~arising there from.~~

3 ~~§10320. — Nondiscrimination.~~

4 ~~—The commitments contained in the sponsor's affirmative action program are~~
5 ~~not intended and shall not be used to discriminate against any qualified applicant or~~
6 ~~apprentice on the basis of race, color, religion, national origin, or sex.~~

7 ~~§10321. — Exemptions.~~

8 ~~—Requests for exemption from these regulations, or any part thereof, shall be~~
9 ~~made in writing to the Director and shall contain a statement of reasons supporting~~
10 ~~the request. Exemptions may be granted for good cause. The Agency shall notify~~
11 ~~the Department of any such exemptions granted affecting a substantial number of~~
12 ~~employers and the reasons therefore.~~

13 ~~§10322. — Hearings.~~

14 ~~(a) Within 10 days after receiving a request for a hearing, the Director Guam~~
15 ~~Department of Labor must contact the Office of the Attorney General to request~~
16 ~~the designation of a hearing officer to preside over the hearing. The hearing officer~~
17 ~~shall give reasonable notice of such hearing by certified mail, return receipt~~
18 ~~requested, to the appropriate sponsor (Federal or state registered), the Guam State~~
19 ~~Apprenticeship Council, or both, as the case may be. Such notice will include:~~

20 ~~—(1) A reasonable time and place of hearing;~~

21 ~~—(2) A statement of the provisions of this plan pursuant to which the hearing is~~
22 ~~to be held; and~~

23 ~~—(3) A concise statement of the matters pursuant to which the action forming the~~
24 ~~basis of the hearing is proposed to be taken.~~

25 ~~(b) The hearing officer shall regulate the course of the hearing. Hearings shall be~~
26 ~~informally conducted. Every party shall have the right to counsel, and a fair~~
27 ~~opportunity to present his or her case including such cross examination as may be~~

1 ~~appropriate in the circumstances. Hearing officers shall make their proposed~~
2 ~~findings and recommended decisions to the Director upon the basis of the record~~
3 ~~before them.~~

4

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
 COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
 HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Tuesday, November 25, 2014 • 9:00 AM

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Manny Cruz (PHYLLIS TOPOSANA)	Guam Dept of Labor	Support	✓	✓	475-7043	manny.cruz@dbt.guam.gov
PHYLLIS TOPOSANA	"	Support			475-4558	phyllis.toposana@dbt.guam.gov
JAMES MARTINEZ	Guam Contractors	Support		✓	647-4840	gca@teleguam.net
Mayor Rudy Mactanon	Mayor's Office Yigo Mayor's Office	Support		✓	878-8815	rmanuvels.office@gmail.com
WALTER RAMOS	XXXXXXXXXXXXXXXXXXXX	XXXXXXXXXX				



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

GOVERNMENT OF GUAM
(GUBETNOMENTON GUÁHAN)
DEPARTMENT OF LABOR
(DIPÁTTMENTON HUMOTNÁT)
DIRECTOR'S OFFICE
(Ufisinan Direktot)

Post Office Box 9970 Tamuning, Guam 96931
414 W. Soledad Avenue, GCIC Building Hagatna, Guam 96910
Tel (671) 475-7075 · FAX: (671) 475-7045 · www.dol.guam.gov



Manuel Q. Cruz
Director

TESTIMONY

before the

Committee on Rules, Federal, Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform

32nd Guam Legislature

Tuesday, November 25, 2014

Legislature's Public Hearing Room

Good Morning and Hafa Adai, Mr. Chairman and Committee Members:

My name is Manuel Quitugua Cruz, better known as "Manny Cruz". I am currently serving as the Director of the Guam Department of Labor. I come before you to testify in support of **Bill No. 425-32 (LS)**, "an Act to Adding a New Chapter 10, Article 1, to Title 22 of the Guam Code Annotated Relative to the Establishment of the Apprenticeship Act of Guam, to Add Article 2 to Chapter 10 of Title 22 of the Guam Code Annotated Relative to the Establishment of the Labor Standards for the Registration of Apprenticeship Programs, and to Add Article 3 to Chapter 10 of Title 22 of the Guam Code Annotated Relative to the Establishment of a State Plan for Equal Employment Opportunity in the Guam Apprenticeship Act."

In November 2011, The U.S. Department of Labor had formally recognized the Guam Department of Labor as the State Apprenticeship Agency (SAA) which is authorized to oversee the island's Registered Apprenticeship system. Guam's now federally recognized Registered Apprenticeship program will expand career pathways that lead to good jobs for the island's workforce. Participants in Guam's apprenticeship program will receive a nationally recognized credential, and employers will benefit from a highly skilled workforce that is trained to industry standards. It is intent and purpose of **Bill No. 425-32 (LS)** to affirm this recognition through legislation.

The Guam Department of Labor has worked closely with the Office of Apprenticeship of the U.S. Department of Labor's Employment and Training Administration (ETA) to develop a Registered Apprenticeship system. This ETA's recognition of the Guam Department of Labor as a State Apprenticeship Agency (SAA) will support the island's efforts to improve opportunities for the local workforce through the Registered Apprenticeship "earn and learn" model, which prepares participants for highly skill careers while allowing them to earn a paycheck.

In July 2011, Governor Eddie Calvo submitted formal documentation requesting ETA's recognition of the Guam Department of Labor as the agency to facilitate apprenticeship programs and agreements. In addition to Guam, ETA's Office of Apprenticeship has formally

recognized apprenticeship agencies in 24 States, and the District of Columbia, Puerto Rico, and the U.S. Virgin Islands.

Funding for the Guam Registered Apprenticeship Program at the Guam Department of Labor (GDOL) had always been a long-standing issue. But, with the enactment of Public Law 32-181, the Budget Act for the Executive Branch for FY2015, the Guam Department of Labor (GDOL) was finally allocated \$113,520.00 from the General Fund to fund two (2) positions for the Guam Registered Apprenticeship Program. The program can now move forward. Prior to this, even though the GDOL has no funded positions, it was able to perform the duties of the Guam Registered Apprenticeship Program through the leveraging of federal funds under the Workforce Investment Act (WIA). In 2006, Public Law 28-141 was enacted to create a Guam Registered Apprenticeship Program (GRAP) for the main purpose of issuing tax rebates to employers for providing training to their apprentices. Funding though was not provided.

Bill No. 425-32 (LS) appears to have addressed most of the concerns that we have with the establishment of the Guam State Apprenticeship Agency at the Guam Department of Labor. However, we do have some recommendations.

1. **Delete Article 2 on page 5 (Sections 10201 to 10213) and Article 3 (Sections 10301 to 10322) and instead Add a new paragraph to Article 1 to read:**

“The provisions incorporated in Title 29, Code of Federal Regulations (CFR) Part 29 (also known as the Labor Standards for the Registration of Apprenticeship Programs) and Part 30 (also known as Equal Employment Opportunity (EEO) in Apprenticeship), as amended, shall serve as the basic set of procedures, guidelines, and regulations governing the application of the Registered Apprenticeship Program in Guam, and are hereby adopted as guidelines and procedures of the Agency (Guam Department of Labor) to the extent not inconsistent with Guam law, subject to later amendment or repeal by the Director of Labor.”

2. **Revise Section 10104 (a) to read:**

“There is established within the Guam Department of Labor, Division of Apprenticeship, the Guam State Apprenticeship Council (GSAC). The GSAC shall be comprised of five (5) members to be appointed by the Governor with the recommendation of the Director of Labor. Four (4) of the members of the GSAC shall be persons knowledgeable with apprenticeship occupations, with an equal number of representatives of employer and of employee organizations. One (1) member of the GSAC shall be the Director of Labor.

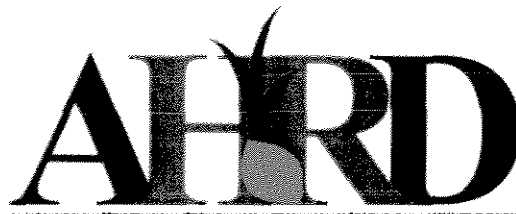
With the exception of the Director of Labor, the four (4) members appointed by the Governor shall serve for a term of three (3) years; provided, however, that of the members first appointed, one (1) shall be appointed for a term of one (1) year and two shall be appointed for terms of two (2) years. Three (3) members of the GSAC shall constitute a valid quorum for all purposes. Ex officio members may be added to the GSAC, but shall have no vote. In the event of a tie, the Director of Labor shall have the tie-breaking vote.”

3. **Revise Section 10107** to read:

This law, when passed, and any future amendments to the law, will become effective upon the approval of the Administrator, Office of Apprenticeship, U.S. Department of Labor.

This concludes my testimony. In closing, I want to thank Senator Mike Limtiaco for pursuing the introduction of **Bill No. 425-32 (LS)** and to you as the co-sponsor. Also, thank you and the Members of the Committee for allowing me to testify today on **Bill No. 425-32 (LS)**. Si Yu’os Ma’ase!


MANUEL Q. CRUZ



AGENCY FOR HUMAN RESOURCES DEVELOPMENT
Ahensian Inadilanto Yan Guinaha Para Taotao
Government of Guam

Eddie Baza Calvo, Governor of Guam • Ray Tenorio, Lieutenant Governor of Guam
Alfredo O. Antolin, Jr., Director

25 November 2014

The Honorable Rory J. Respicio
Chairperson
Committee on Rules; Federal, Foreign &
Micronesian Affairs; Human &
Natural Resources and Election Reform

Dear Senator Respicio:

Hafa Adai! Thank you for the opportunity to submit my written testimony in support of Bill No. 425-32, relative to the Establishment of the Apprenticeship Act of Guam, Labor Standards for the Registration of Apprenticeship Programs, and State Plan for Equal Employment Opportunity in the Guam Apprenticeship Act.

In line with the U.S. Department of Labor Employment and Training Administration's vision to support demand driven occupations, apprenticeship training continues to be a key workforce priority in Guam's Integrated Workforce Plan in an effort to increase our island's skilled workforce.

It has been a long process for Guam to receive its designation and now, as the State Apprenticeship Agency, GDOL will be able to register apprenticeship programs that meet federal and state standards, while protecting the safety and welfare of apprentices, and assuring that all programs provide high quality training and produce skilled competent workers.

As you may be aware, President Obama signed the Workforce Innovation and Opportunity Act (WIOA) into law on July 22, 2014. WIOA reauthorizes the Workforce Investment Act of 1998 and is designed to help job seekers access employment, education, training and support services to succeed in the labor market and to match employers with the skilled workers they need to compete in our global economy. In addition, WIOA reinforces connections with Registered Apprenticeship that provides workers with career pathways and opportunities to earn while they learn.



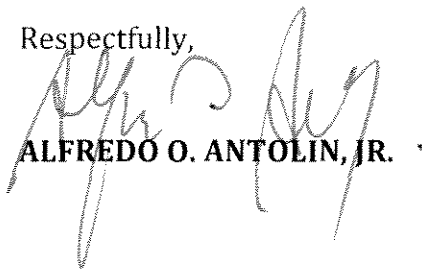
AHRD looks forward to the full implementation of WIOA as Registered Apprenticeship will provide the following opportunities:

- Registered Apprenticeship programs are included on the eligible training provider list for the Adult and Dislocated Worker programs as long as they remain registered, providing access to high-quality training.
- State boards will have representatives of Registered Apprenticeship programs as members, ensuring that a key employer voice contributes to strategic planning activities for the workforce system.
- Registered Apprenticeship completion certificates will be recognized as a post-secondary credential, providing job seekers with flexibility.
- The Youth program may offer pre-apprenticeship training to prepare youth for Registered Apprenticeship or other career opportunities.

Bill 425-32 is the next positive step towards helping our island by bringing together employers to formulate programs of apprenticeship and thereby improving workforce development on Guam.

Once again, thank you for the opportunity to submit testimony in support of Bill No. 425-32. If you have any questions, please feel free to contact me at (671) 475-7044.

Respectfully,



ALFREDO O. ANTOLIN, JR.



COMMITTEE ON RULES

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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Senator
Dennis G. Rodriguez, Jr.
Member

Vice-Speaker
Benjamin J.F. Cruz
Member

Legislative Secretary
Tina Rose Mufia Barnes
Member

Senator
Frank Blas Aguon, Jr.
Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER

Senator
Aline Yamashita
Member

Certification of Waiver of Fiscal Note Requirement

This is to certify that the Committee on Rules submitted to the Bureau of Budget and Management Research (BBMR) a request for a fiscal note, or applicable waiver, on **Bill No. 425-32 (LS) – M.T. Limtiaco and R.J. Respicio, "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT,"**– on November 25, 2014. COR hereby certifies that BBMR confirmed receipt of this request November 25, 2014 at 12:17 P.M.

COR further certifies that a response to this request was not received. Therefore, pursuant to 2 GCA §9105, the requirement for a fiscal note, or waiver thereof, on **Bill 425-32 (LS)** to be included in the committee report on said bill, is hereby waived.

Certified by:



Senator Rory J. Respicio
Chairperson, Committee on Rules

December 16, 2014

Date



COMMITTEE ON RULES

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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

November 25, 2014

VIA E-MAIL

anthony.blaz@bbmr.guam.gov

Anthony C. Blaz
Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 424-32(LS) through 427-32(COR)

Hafa Adai Mr. Blaz:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
424-32 (LS)	R.J. Respicio, T.R. Muna Barnes	AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY.
425-32(LS)	Michael T. Limtiaco R. J. Respicio	AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT.
426-32 (COR)	T. C. Ada	AN ACT RELATIVE TO THE SAFE OPERATIONS OF COMMERCIAL MOTOR VEHICLES BY ADOPTING APPLICABLE PARTS OF 49 CFR PART 180 TO ENSURE THE DEPARTMENT OF REVENUE AND TAXATION'S MOTOR CARRIER SAFETY ASSISTANCE PROGRAM (DRT/MCSAP) REMAINS COMPLIANT WITH ITS FEDERAL MANDATES.
427-32 (COR)	B. J.F. Cruz	AN ACT TO AMEND § 85103(b) OF CHAPTER 85, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE COMPOSITION OF THE COUNCIL ON THE ARTS AND HUMANITIES.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagatña, Guam 96910 • www.guamlegislature.com
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Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Speaker
Judith T.P. Won Pat, Ed.D.
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Vice-Speaker
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Member

Senator
Michael F.Q. San Nicolas
Member

Senator
V. Anthony Ada
Member
MINORITY LEADER


Senator
Aline Yamashita
Member

November 18, 2014

MEMORANDUM

To: **Rennae Meno**
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: **Senator Thomas C. Ada** 
Acting Chairperson of the Committee on Rules

Subject: Referral of Bill No. 425-32(LS)

As the Acting Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 425-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
425-32 (LS)	Michael T. Limtiaco R. J. Respicio	AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT	11/18/14 4:20 p.m.	11/18/14	Committee on Rules, Federal, Foreign, & Micronesian Affairs, Human & Natural Resources, and Election Reform			Fiscal Note Request 11/25/14

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

November 18, 2014

MEMORANDUM

To: All Senators
All Media

From: Majority Leader Rory J. Respicio

Subject: 5-Day Notice of Public Hearing-- Tuesday, November 25, 2014, 9:00 A.M.

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

9:00 A.M. Public Hearing

- Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature
Executive Director
Legal Counsel
Sergeant-at-Arms
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Rory Respicio <cor@guamlegislature.org>

5-Day Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

Senator Rory J. Respicio <cor@guamlegislature.org> Tue, Nov 18, 2014 at 5:30 PM
To: "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreddie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Thomas (Tommy) Momison" <tommy@senatormomison.com>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, phnotice <phnotice@guamlegislature.org>
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November 18, 2014

MEMORANDUM

To: All Senators

All Media

From: Majority Leader Rory J. Respicio

Subject: 5-Day Notice of Public Hearing– Tuesday, November 25, 2014, 9:00

A.M.

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on Tuesday, November 25, 2014 beginning at 9:00 A.M., the Legislature's Public Hearing Room:

9:00 A.M. Public Hearing

- Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Lintiacco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election

Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director

Legal Counsel

Sergeant-at-Arms

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—
Majority Leader Rory J. Respicio
Chairperson, Committee on Rules;
Federal, Foreign & Micronesian Affairs;
Human & Natural Resources; and Election Reform
I Mina'Trentai Dos na Liheslaturan Guåhan
155 Hesler Place, Ste. 302
Hagåtña, Guam 96910
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 **2014.11.26_RJR PH_5DayNotice.pdf**
343K

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM




I Mina'trentai Dos na Libeslaturan Guåhan
THIRTY-SECOND GUAM LEGISLATURE

November 20, 2014

MEMORANDUM

To: All Members
All Media

From: Majority Leader Rory J. Respicio 

Subject: Second Notice of Public Hearing-- Tuesday, November 25, 2014, 9:00 A.M.

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on Tuesday, November 25, 2014 beginning at 9:00 A.M., the Legislature's Public Hearing Room:

9:00 A.M. Public Hearing

- Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature
Executive Director
Legal Counsel
Sergeant-at-Arms
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Rory Respicio <cor@guamlegislature.org>

Second Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, Nov 20, 2014 at 11:00 AM

To: "Aline A. Yamashita, Ph.D" <aline4families@gmail.com>, "Christopher M. Duenas" <duenasenator@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "Benjamin JF Cruz" <senator@senatorbjcruz.com>, "Brant McCreadie" <brantforguam@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, "Michael T. Limtiaco" <mike@mikelimtiaco.com>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, phnotice <phnotice@guamlegislature.org>

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November 20, 2014

MEMORANDUM

To: All Members

All Media

From: Majority Leader Rory J. Respicio

Subject: Second Notice of Public Hearing– Tuesday, November 25, 2014, 9:00 A.M.

Håfa Adai! Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; and Election Reform will be conducting the following on **Tuesday, November 25, 2014 beginning at 9:00 A.M.**, the Legislature's Public Hearing Room:

9:00 A.M. Public Hearing

- Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY." Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
- Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT." Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs, Human & Natural Resources; Election Reform, and may be submitted via email to cor@guamlegislature.org; fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hågatña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director

Legal Counsel

Sergeant-at-Arms

MIS

AV

—
Majority Leader Rory J. Respicio
 Chairperson, Committee on Rules;
 Federal, Foreign & Micronesian Affairs;
 Human & Natural Resources; and Election Reform
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SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
HUMAN & NATURAL RESOURCES; AND ELECTION REFORM



I Mina'trentai Dos na Libeslaturan Guåban
THIRTY-SECOND GUAM LEGISLATURE

PUBLIC HEARING

Tuesday, November 25, 2014 • 9:00 AM
Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

- I. Call to Order**
- II. Announcements**
- III. Items for Public Consideration**
 - **Bill No. 424-32 (LS)- "AN ACT TO AMEND 9 GAR DIVISION 1, CHAPTER 3, SECTION 3226 (h) (2) TO CLARIFY THAT CONCRETE AND SOLID METAL WALLS ARE ACCEPTABLE AS PERIMETER FENCING FOR A COMMERCIAL QUARANTINE FACILITY."** Sponsors- Senator Rory J. Respicio and Senator Tina Rose Muña Barnes
 - **Bill No. 425-32 (LS)- "AN ACT TO ADDING A NEW CHAPTER 10, ARTICLE 1, TO TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF THE APPRENTICESHIP ACT OF GUAM, TO ADD ARTICLE 2 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO ESTABLISHMENT OF THE LABOR STANDARDS FOR THE REGISTRATION OF APPRENTICESHIP PROGRAMS, AND TO ADD ARTICLE 3 TO CHAPTER 10 OF TITLE 22 OF THE GUAM CODE ANNOTATED RELATIVE TO THE ESTABLISHMENT OF A STATE PLAN FOR EQUAL EMPLOYMENT OPPORTUNITY IN THE GUAM APPRENTICESHIP ACT."** Sponsors- Senator Michael T. Limtiaco and Senator Rory J. Respicio
- IV. Closing Remarks**
- V. Adjournment**

For copies of the above mentioned bills, please visit the Guam Legislature's website at www.guamlegislature.com. Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, Hagatna, Guam 96910, via e-mail to cor@guamlegislature.com, or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse!*