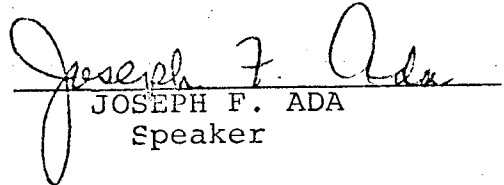


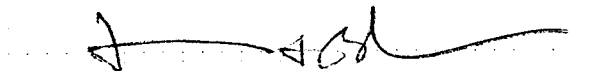
THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

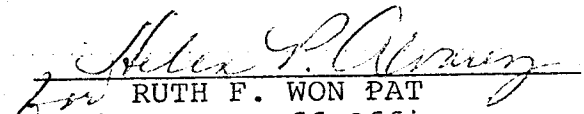
This is to certify that Bill No. 696, "An Act to add a new Chapter III to Title XLVI of the Government Code to provide for regulation of Commercial Employment Agencies", was on 23rd day of November, 1976, duly and regularly passed.


JOSEPH F. ADA
Speaker

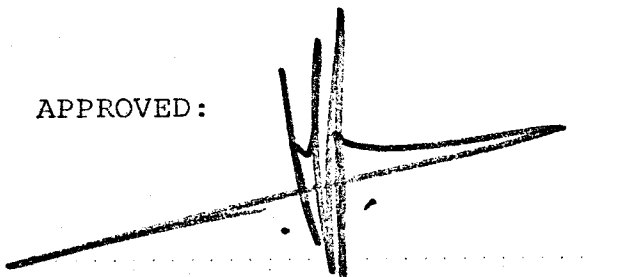
ATTESTED:


FRANK F. BLAS
Acting Legislative Secretary

This Act was received by the Governor this 7th day of December, 1976, at 9:30 o'clock A.M.


RUTH F. WON PAT
Assistant Staff Officer
Governor's Office

APPROVED:


RICARDO J. BORDALLO
Governor of Guam

DATED:

December 17, 1976
5:30 PM

P.L. No. 13-206

THIRTEENTH GUAM LEGISLATURE
1975 (FIRST) Regular Session

Bill No. 696

Introduced by

E. T. Charfauros
A. C. Sanchez

AN ACT TO ADD A NEW CHAPTER III TO TITLE
XLVI OF THE GOVERNMENT CODE TO PROVIDE FOR
REGULATION OF COMMERCIAL EMPLOYMENT AGENCIES.

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

2 Section 1. A new Chapter III is added to Title XLVI of
3 the Government Code to read:

4 "CHAPTER III

5 Commercial Employment Agencies

6 Section 48300. Short Title. This Act may be cited
7 as the 'Commercial Employment Agencies Regulatory Law'.

8 Section 48301. Definitions. As used in this Chapter:

9 (a) 'Director' means the Director of Labor.

10 (b) 'Employment agency' means any individual,
11 agent, partnership, corporation or association, engaged
12 in the business of providing employment information,
13 procuring employment for applicants, or procuring
14 employees for placement with employers upon request,
15 for a fee or other valuable thing, exacted, charged, or
16 received, but shall not include the United States or the
17 Territory of Guam or instrumentalities thereof.

18 (c) 'Employer' includes any individual, agent,
19 partnership, corporation, or association, employing or
20 seeking to employ any person for hire.

1 (d) 'Applicant' means any person who uses the
2 services of an employment agency to secure employment
3 for himself.

4 (e) 'Gross wages, salaries, or commissions' means
5 the gross amount of the applicant's actual earnings
6 from employment.

7 Section 48302. License required. No employment agency
8 shall engage in business without a license obtained under
9 this Chapter. Further, all licenses shall be issued in
10 accordance with rules and regulations promulgated by the
11 Director of Labor. Such rules and regulations shall be
12 promulgated in accordance with the Administrative Adjudica-
13 tion Act.

14 Section 48303. License fee. Every employment agency
15 shall pay an annual license fee of Twenty-Five Dollars
16 (\$25.00):

17 (a) The fee shall be paid to the Director of Labor
18 on or before July 1 of each year.

19 (b) Failure to pay the annual license fee shall
20 constitute a forfeiture of license.

21 (c) Fees collected by the Director shall be
22 deposited in the General Fund.

23 Section 48304. Bond. Each licensed employment agency
24 shall give and keep in force a bond with the Director of Labor
25 on the penal sum of Five Thousand Dollars (\$5,000.00) with
26 good and sufficient surety or sureties approved by the
27 Director, conditioned:

28 (a) That the licensee shall not violate this
29 Chapter.

1 (b) That the licensee shall faithfully,
2 promptly and truly refund all fees illegally or
3 incorrectly obtained from applicant to the Director.

4 Section 48305. Application for license. Every
5 individual, agent, partnership, corporation, or association
6 seeking a license to operate an employment agency shall
7 file a written application with the Director of Labor which
8 shall contain such information and shall be in such form
9 as the Director may prescribe.

10 Section 48306. Issuance of license. Upon receipt of an
11 application for a license to conduct an employment agency,
12 the Director of Labor may order the issuance of the license
13 provided that the application is complete and in proper form.

14 Every license issued shall be valid only as to the
15 employment agency and premises named therein. The location
16 of an employment agency shall not be changed without the
17 written consent of the Director and such change of location
18 shall be endorsed on the license.

19 The license shall not be transferable except on
20 approval of the Director.

21 Section 48307. Termination of license. Every license
22 to conduct an employment agency shall be valid under the
23 terms set forth in the license. The license shall expire
24 on June 30 of each year.

25 Section 48308. Posting. Every license to conduct an
26 employment agency together with a copy of the fee schedule
27 shall be posted in a conspicuous place in the main room of
28 the agency.

29 Section 48309. Records and reports. Every employment
30 agency shall keep records and make such reports with

1 respect to the operation of the business as the Director
2 of Labor by rule or regulation may prescribe. Such
3 records as required by regulation shall be preserved by
4 the agency and kept in the office of the employment agency
5 for a period of at least two (2) years.

6 Section 48310. Fees. The Director of Labor shall
7 have the power to make rules and regulations as to the
8 fees that employment agencies may charge. No employment
9 agency shall charge, receive, or attempt to collect any
10 fee in excess of that established by the Director, provided
11 that no fee shall be charged unless it shall be stated as a
12 percentage of an amount actually received by an employee.

13 Section 48311. Prohibitions. No employment agency
14 licensed under this Chapter and no agent or employee of
15 an employment agency shall do, make, or cause to be made or
16 done any of the following acts herein prohibited and every
17 such employment agency, its agents, and employees shall do
18 and perform every act, duty, or requirement hereinafter
19 prescribed:

20 (a) No employment agency shall cause to be
21 printed, published, or circulated any false, fraudulent,
22 or misleading information, notice, or advertisement, nor
23 shall an employment agency give or cause to be made or
24 given any false promise, misrepresentation, or misleading
25 statement or information.

26 (b) No employment agency shall send out any appli-
27 cant for employment without having first obtained
28 either orally or in writing a bona-fide job order from
29 the prospective employer.

30 (c) No employment agency shall knowingly send out

1 any applicant for employment to any place where a
2 strike, walk-out, or other labor dispute exists without
3 first furnishing the applicant with a written
4 statement as to the existence of the labor dispute,
5 and the employment agency shall retain on file for two
6 (2) years after the date thereof, a copy of the statement
7 of fact, signed by the applicant so sent.

8 (d) No employment agency shall divide or share,
9 or offer to divide or share with any employer, his
10 employees, agents, or representatives, any fee, charge,
11 or compensation received from any applicant. No
12 employment agency shall cause or attempt to cause
13 the discharge of any person not an employee of the employ-
14 ment agency for the purpose of obtaining other employment
15 through the agency for such person.

16 (e) No employment agency shall send out any minor
17 or female applicant for employment without making an
18 investigation of the nature of the employment or
19 engagement and the duties thereof and reputation of the
20 employer. No employment agency shall wilfully or
21 knowingly send or direct any female applicant for
22 employment or any minor to any employment of an immoral
23 character. No employment agency shall wilfully or
24 knowingly procure or place or attempt to place any
25 minor in any employment in any place where intoxicating
26 liquors are served or sold.

27 (f) No employment agency shall wilfully or
28 knowingly place or assist in placing any applicant in
29 employment in violation of any law of Guam or any lawful
30 order, rule, or regulation prescribed by the Director

1 of Labor.

2 (g) No employment agency shall require an applicant
3 to pay any advance fee or any other fee, deposit, or
4 compensation other than as prescribed in this Chapter.

5 (h) No employment agency shall display, on any
6 sign or window or in any publication the name 'United
7 States Employment Service' or 'Guam Employment Service.'

8 (i) No employment agency or any person connected
9 therewith shall receive or require any applicant to
10 execute any power of attorney, promissory note, nego-
11 tiable instrument, assignment of wages or salary, note
12 authorizing a confession of judgment, or any instrument
13 or document relating to the liability of the applicant,
14 unless this instrument or other document has been
15 approved both as to form and content by the Director
16 or his authorized representative.

17 (j) No employment agency may collect any fee or
18 charge for any referral service or any assistance in
19 connection with any persons securing employment with
20 the Government of Guam or the Federal government or
21 entrance into any program or job which is partially or
22 totally funded by the Government of Guam or the
23 Federal government.

24 Section 48312. Restitution of illegal fees. Whenever
25 in the course of an investigation made pursuant to this
26 Chapter, it is determined that there has been an illegal
27 collection of fees, the employment agency shall refund the
28 fee illegally collected upon the order of the Director of
29 Labor or his authorized representative. Failure to refund
30 the fee shall constitute a violation of this Chapter subject

1 to the penalties provided herein.

2 Section 48313. Director's rights. The Director of
3 Labor and his authorized representatives may enter any
4 office, building, premises, or other place in which an
5 employment agency is operated for the purpose of making
6 investigations for the proper enforcement of this Chapter
7 and such rules and regulations as the Director may
8 prescribe. No person shall refuse the Director or his
9 authorized representative admittance to any such office,
10 building, premises, or other place. The Director and his
11 authorized representatives shall for the purpose of examina-
12 tion have access to and the right to copy any book, account,
13 receipt, contract, or other paper or document relating to
14 the business of conducting an employment agency. Every
15 person shall furnish to the Director or his authorized
16 representative such information relating to the business
17 of conducting an employment agency. The rights as specified
18 above shall be limited to regular business hours and at such
19 other times as the Director feels will be necessary effectuate
20 the purpose of this Chapter.

21 Section 48314. Revocation and cancellation. Any
22 license may be revoked or cancelled for cause at any time
23 by the Director of Labor after affording all interested
24 parties reasonable opportunity for a fair hearing. Cause
25 means violation of this Chapter or rule or regulation of
26 the Director.

27 Section 48315. Reconsideration. In the absence of
28 appeal and within ten (10) days after mailing or delivery
29 of notice of decision made pursuant to Sections 48306
30 and 48314 to the parties entitled thereto, the Director

1 of Labor may, for good cause, on his own motion or upon
2 application of any interested party reconsider the decision.
3 Upon an application for reconsideration the Director shall
4 promptly reconsider the decision or, upon his own motion
5 transfer the application to the appeal board. Upon
6 transfer the application shall be deemed to constitute
7 an appeal from the Director's decision as of the date of
8 the application.

9 Section 48316. Appeals from Director's decision.
10 Any person deeming himself aggrieved by the decision of
11 the Director of Labor made pursuant to this Chapter may
12 appeal from the decision by filing a written notice of
13 appeal within ten (10) days after mailing or delivery of
14 notice of decision with the Superior Court.

15 The Superior Court shall hold a full hearing de novo
16 on the appeal and make its decision in writing which shall
17 be filed with the record of the proceedings.

18 Section 48317. Vacant.

19 Section 48318. Stay of enforcement. In no case shall
20 an application for reconsideration or an appeal to the
21 Superior Court operate as a supersedeas or stay unless
22 the Superior Court so orders.

23 Section 48319. Rules and regulations. The Director of
24 Labor relations may make, amend, or repeal such rules and
25 regulations as he may deem proper to fully effectuate this
26 Chapter.

27 Section 48320. Penalties. Any employment agency which
28 violates this Chapter is punishable upon conviction by a fine
29 of not more than One Thousand Dollars (\$1,000.00), or
30 imprisonment for not more than six (6) months, or both."