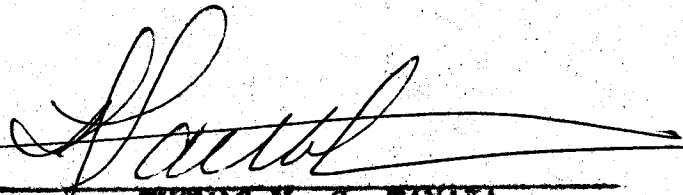


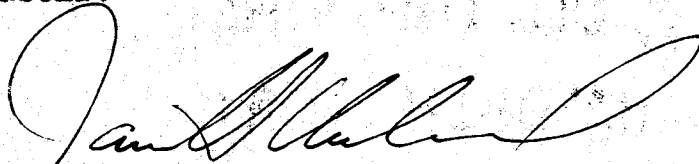
FIFTEENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

This is to certify that Bill No. 44, "An Act to add Chapter IV to Title XLII of the Government Code to prohibit age discrimination in employment practices", was on the 4th day of April 1979, duly and regularly passed.



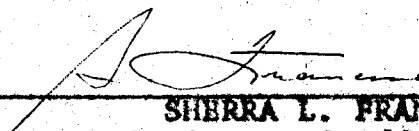
THOMAS V. C. TANAKA
Speaker

ATTESTED:



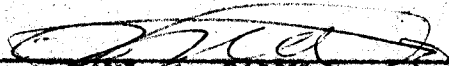
JAMES H. UNDERWOOD
Legislative Secretary

This Act was received by the Governor this 12th day of April 1979, at 3:55 o'clock P.M.



SHERRA L. FRANCISCO
Assistant Staff Officer
Governor's Staff

APPROVED:



PAUL M. CALVO
Governor of Guam

DATED: 4/18/79
PL15-17

FIFTBENTH GUAM LEGISLATURE
1979 (FIRST) Regular Session

Bill No. 44

Introduced by E. M. Espaldon

AN ACT TO ADD CHAPTER IV TO TITLE XLII OF
THE GOVERNMENT CODE TO PROHIBIT AGE
DISCRIMINATION IN EMPLOYMENT PRACTICES.

1 WHEREAS, the territory's social policy for the aging should
2 ensure that middle aged and older workers have the opportunity
3 to continue in productive employment as long as they wish and
4 are able physically, mentally and medically to maintain the
5 appropriate level of job efficiency; and

6 WHEREAS, the setting of unrealistic employment or retirement
7 policies based upon age regardless of potential for job
8 performance has become a common practice and may work to the
9 disadvantage of older persons; and

10 WHEREAS, the incidence of unemployment, especially long-term
11 unemployment with resultant deterioration of skill, morals,
12 health and employer acceptability is, with respect to elder
13 persons, a serious territorial and national problem; now, there-
14 fore,

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

16 Section 1. Chapter IV is added to Title XLII of the Govern-
17 ment Code to read:

18 "Section 46100. As used in this Chapter:

19 (a) 'person' means one or more individuals,
20 partnerships, associations, corporations, legal repre-
21 sentatives, business trustees, receivers or any
22 organized group of persons;

1 (b) 'employer' means the territory of Guam or
2 any authority, board, commission, department or
3 institution thereof, and every other person employing
4 an individual within this territory; and

5 (c) 'employee' means an individual employed by
6 a person.

7 Section 46101. Prohibition of age or sex discrimina-
8 tion. It shall be unlawful for an employer:

9 (a) to fail or refuse to hire or to discharge any
10 individual or otherwise discriminate against any in-
11 dividual with respect to his compensation, terms,
12 conditions or privileges of employment because of such
13 individual's age or sex; or

14 (b) to limit, segregate or classify his employees
15 in any way which would deprive or tend to deprive any
16 individual of employment opportunities or otherwise
17 adversely affect his status as an employee because of
18 such individual's age or sex.

19 Provided, however, that it shall not be unlawful
20 for any employer to take any affirmative action where
21 such action is based upon reasonable factors other
22 than age or sex.

23 Section 46102. The prohibition regarding discrimina-
24 tion based on age of this Chapter shall be limited to
25 individuals who are at least forty (40) years of age.

26 Section 46103. Enforcement. (a) Any person alleging
27 a violation of this Chapter may bring a civil action in the
28 Superior Court for such legal or equitable relief as will
29 effectuate the purposes of this Chapter.

1 (b) In any action brought to enforce this Chapter, the
2 court shall have jurisdiction to grant such legal or equit-
3 able relief as may be appropriate to effectuate the purposes
4 of this Chapter, including without limitation judgments
5 compelling employment, recovery of attorney fees, reinstatement
6 or promotion or enforcing the liability for amounts
7 deemed to be unpaid wages.

8 Section 46104. Rules and Regulations. The Director
9 of the Department of Labor may issue such rules and regula-
10 tions as may be considered necessary or appropriate for
11 carrying out this Chapter.

12 Section 46105. Invalidity. If any provision of this
13 Chapter is held by a court to be invalid, such invalidity
14 shall not affect the remaining provisions of this Chapter
15 and to this end the provisions of this Chapter are declared
16 severable."