

*Territory of Guam*  
*Territorio Guam*

OFFICE OF THE GOVERNOR  
UFISINAN I MAGA LAHI  
AGANA, GUAM 96910 U.S.A.

RECEIVED  
OFFICE OF THE SPEAKER  
DATE: 4/28/94  
TIME: 6:45 PM  
RECD BY: [Signature]

APR 26 1994

The Honorable Joe T. San Agustin  
Speaker, Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

A handwritten mark or signature, possibly initials, located to the right of the recipient's address.

Dear Mr. Speaker:

Transmitted herewith is Bill No. 869 which I have signed into law this date as  
Public Law 22-118.

Sincerely yours,

A handwritten signature in cursive script, reading "Frank F. Blas".  
FRANK F. BLAS  
Governor of Guam  
Acting

220669

Attachment

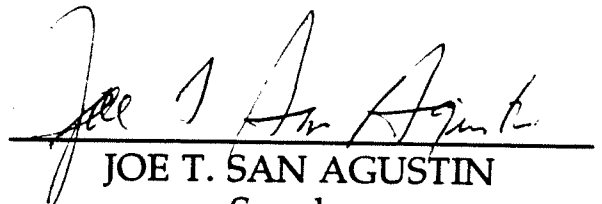


Commonwealth Now!


TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

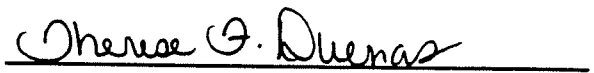
This is to certify that Substitute Bill No. 869 (LS), "AN ACT TO REPEAL AND REENACT §§11103, 11105, 11106, AND 11109, OF CHAPTER 11, TITLE 19, GUAM CODE ANNOTATED, IN ORDER TO STRENGTHEN AND CLARIFY GUAM'S CHILD LABOR LAWS," was on the 14th day of April, 1994, duly and regularly passed.

  
\_\_\_\_\_  
JOE T. SAN AGUSTIN  
Speaker


Attested:

  
\_\_\_\_\_  
HERMINIA D. DIERKING  
Senator and Acting Legislative Secretary

-----  
This Act was received by the Governor this 15th day of April,  
1994, at 5:12 o'clock P.M.

  
\_\_\_\_\_  
Theresa G. Duenas  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
FRANK F. BLAS  
Governor of Guam  
Acting

Date: APR 26 1994

Public Law No. 22-118

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 869 (LS)

As substituted by the Committee on  
Youth, Senior Citizens and Cultural  
Affairs, as further substituted by the  
Committee on Rules, and as further  
substituted on the floor.

Introduced by:

E. P. Arriola  
F. E. Santos  
M. Z. Bordallo  
H. D. Dierking  
E. D. Reyes  
D. L. G. Shimizu  
J. T. San Agustin  
J. G. Bamba  
F. P. Camacho  
T. C. Ada  
J. P. Aguon  
C. T. C. Gutierrez  
P. C. Lujan  
T. S. Nelson  
V. C. Pangelinan  
D. Parkinson  
A. C. Blaz  
D. F. Brooks  
M. D. A. Manibusan  
T. V. C. Tanaka  
A. R. Unpingco

AN ACT TO REPEAL AND REENACT §§11103, 11105,  
11106, AND 11109, OF CHAPTER 11, TITLE 19, GUAM  
CODE ANNOTATED, IN ORDER TO STRENGTHEN  
AND CLARIFY GUAM'S CHILD LABOR LAWS.

1

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

1           **Section 1.** §11103, Chapter 11, Title 19, Guam Code Annotated, is  
2 repealed and reenacted to read:

3           "§11103. **Construction of chapter.** Nothing in this chapter  
4 shall be construed:

5           (a) To apply

6           (1) To the work of a minor in any occupation, which has  
7 not been defined as hazardous or detrimental to the life,  
8 health, morals, safety or well-being of minors if the work is  
9 performed directly for his or her parents or guardians; nor

10           (2) To the work of a minor performed in connection with  
11 the sale or distribution of newspapers to the ultimate  
12 consumer; **provided**, that (i) the minor is twelve (12) years of  
13 age or older, (ii) he or she delivers newspapers only in  
14 residential areas, and (iii) he or she does not stand on or near a  
15 highway selling newspapers to persons driving by; nor

16           (3) To the work of a minor employed by persons holding  
17 temporary licenses to conduct carnivals, fairs, or similar  
18 festivities; nor

19           (4) To the work of a minor in domestic service in or about  
20 a private home; **provided**, that in any instance under items (1),  
21 (2), (3), or (4) of this paragraph (a), the work is performed when  
22 such a minor is not legally required to attend school and does  
23 not exceed three (3) hours of work in any school day after  
24 school hours and is not performed after 7 p.m., or after 9 p.m.  
25 from June 1st through Labor Day.

26           (b) To authorize the employment of any minor where  
27 forbidden by any other law of Guam; nor

1 (c) To prohibit minors of any age from receiving industrial  
2 education in any school."

3 **Section 2.** §11105, Chapter 11, Title 19, Guam Code Annotated, is  
4 repealed and reenacted to read:

5 "§11105. **Hazardous conditions.** No minor under the age of  
6 eighteen (18) years of age shall be employed or permitted to work in  
7 any occupation which has been defined or declared by regulation,  
8 federal law or by the Commissioner of Wages and Hours or by the  
9 Administrator of Wages and Hours, as hazardous or detrimental to  
10 the life, health, morals, safety or well-being of minors."

11 **Section 3.** §11106, Chapter 11, Title 19, Guam Code Annotated, is  
12 repealed and reenacted to read:

13 "§11106. **Hours of work.** (a) No minor aged sixteen (16) or  
14 seventeen (17) shall be employed or permitted to work more than  
15 eight (8) hours in any one (1) day or more than forty (40) hours per  
16 week, nor shall a minor aged sixteen (16) or seventeen (17) be  
17 employed on a school night past 10 p.m.. During non-school nights,  
18 such minors may be employed up to 12 midnight; **provided,**  
19 however, they may not be employed before 6 a.m. on any week day  
20 of the year.

21 (b) No minor aged fourteen (14) or fifteen (15) shall be  
22 employed during school hours **except** as provided in school work  
23 experience or career exploration programs; and not before 7 a.m. or  
24 after 7 p.m., or after 9 p.m. from June 1st through Labor Day; no  
25 minor aged fourteen (14) or fifteen (15) shall work more than three  
26 (3) hours a day on school days nor more than eighteen (18) hours a  
27 week in school weeks, nor more than eight (8) hours a day on non-

1 school days, and not more than forty (40) hours a week in non-  
2 school weeks.

3 (c) A minor aged sixteen (16) or seventeen (17) who has  
4 graduated from high school or has been awarded a certificate of  
5 proficiency, or who is married or supporting dependents, or who  
6 has been declared an adult by a court, may be employed for the same  
7 hours as an adult, **except** such minor may not be employed past 12  
8 midnight or not before 6 a.m. on any given day of the week.

9 (d) No minor under the age of eighteen (18) shall be employed  
10 or permitted to work for more than four (4) hours continuously  
11 without an interval of at least thirty (30) minutes for lunch or a rest  
12 period, and no period of less than thirty (30) minutes shall be deemed  
13 to interrupt a continuous period of work.

14 (e) No minor under the age of eighteen (18) shall be employed  
15 or permitted to work during the time such minor is legally required  
16 to attend school.

17 (f) The term 'school night' when used in this §11106 shall  
18 mean Sunday through Thursday nights, and shall also exclude  
19 nights preceding a holiday during a school week."

20 **Section 4.** §11109, Chapter 11, Title 19, Guam Code Annotated, is  
21 repealed and reenacted to read:

22 "**§11109. Penalty.** Any person, whether a parent, guardian,  
23 employer or otherwise, and any firm or corporation, as employer or  
24 otherwise, who permits a minor to work in violation of this chapter  
25 shall be guilty of a misdemeanor punishable by a fine not exceeding  
26 One Thousand Dollars (\$1,000), or by imprisonment not exceeding  
27 one (1) year, or by both such fine and imprisonment, **provided,**

1           however, that in the event the court finds the violation to be flagrant  
2           and willful, the fine may be increased to up to Ten Thousand Dollars  
3           (\$10,000)."

# TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

6

Date: 4/14/94

## VOTING SHEET (AS REVISED)

Bill No. 869  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	AYE	NO	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	✓			
BLAZ, Anthony C.	✓			
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.	✓			
CAMACHO, Felix P.	✓			
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	✓			
NELSON, Ted S. <span style="margin-left: 20px;">+</span>	✓			
PANGELINAN, Vicente	✓			
PARKINSON, Don				✓
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francis E.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.	✓			
UNPINGCO, Antonio R.	✓			

TOTAL                      20   0   \_\_\_\_\_   1



# Elizabeth P. Arriola

Committee on Youth, Senior Citizens and Cultural Affairs

April 8, 1994

The Honorable Joe T. San Agustin  
Speaker  
Twenty-Second Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

Dear Mr. Speaker:

The Committee on Youth, Senior Citizens and Cultural Affairs to which was referred **Bill No. 869, "AN ACT TO REPEAL AND REENACT §§11103, 11105, 11106, AND 11109, CHAPTER 11, TITLE 19, GUAM CODE ANNOTATED, ON CHILD LABOR LAWS"**, has had the same under consideration and now wishes to report back its recommendation **TO DO PASS** as substituted by the Committee.

Committee votes received:

<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>REPORT OUT</u>	<u>OTHER</u>
11	-0-	-0-	-0-

Attached herewith are the Committee Report and other pertinent documents for your perusal.

Sincerely,



ELIZABETH P. ARRIOLA

Attachments





# TWENTY-SECOND GUAM LEGISLATURE

## VOTE SHEET

### COMMITTEE ON YOUTH, SENIOR CITIZENS AND CULTURAL AFFAIRS

on  
**Bill No. 869**

As Substituted

AN ACT TO REPEAL AND REENACT §§11103, 11105, 11106, AND 11109, CHAPTER 11,  
TITLE 19, GUAM CODE ANNOTATED, ON CHILD LABOR LAWS.

Chairperson:	To Pass	Not To Pass	Report Out	Inactive File
<i>E. Arriola</i> ELIZABETH P. ARRIOLA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>J. Agumon</i> JOHN P. AGUMON, Vice-Chair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>J. Bamba</i> J. GEORGE BAMBA	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>A. Blaz</i> ANTHONY C. BLAZ	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>M. Z. Bordallo</i> MADELEINE Z. BORDALLO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>F. Camacho</i> FELIX P. CAMACHO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>H. Dierking</i> HERMINIA D. DIERKING	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>E. Reyes</i> EDWARD D. REYES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>F. Santos</i> FRANCISE SANTOS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>D. Shimizu</i> DAVID L. G. SHIMIZU	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<i>J. T. San Agustin</i> SPEAKER JOE T. SAN AGUSTIN, Ex-officio	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 869

As substituted by the Committee

Introduced by:

E. P. Arriola

---

AN ACT TO REPEAL AND REENACT §§11103, 11105, 11106,  
AND 11109, CHAPTER 11, TITLE 19, GUAM CODE  
ANNOTATED, ON CHILD LABOR LAWS.

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

2 **Section 1.** §11103, Chapter 11, Title 19, Guam Code Annotated, is  
3 repealed and reenacted to read:

4 "§11103. **Construction of Chapter.** Nothing in this chapter shall  
5 be construed:

6 (a) To apply

7 (1) To the work of a minor in any occupation, which  
8 has not been defined as hazardous or detrimental to the life,  
9 health, morals, safety or well-being of minors if the work is  
10 performed directly for his parents or guardians; nor

11 (2) To the work of a minor performed in connection  
12 with the sale or distribution of newspapers to the ultimate  
13 consumer; provided the minor is twelve (12) years of age or  
14 older and not on highways or industrial vicinities; nor

15 (3) To the work of a minor employed by temporarily-  
16 licensed persons in carnivals, fairs, or similar festivities; nor

1                   (4) To the work of a minor in domestic service in or  
2 about a private home; provided that in any instance under (1),  
3 (2), (3), or (4) hereof, the work is performed when such a minor  
4 is not legally required to attend school and does not exceed three  
5 (3) hours of work in any school day after school hours and is not  
6 performed after 7 p.m. except 9 p.m. from June 1 through Labor  
7 Day; nor

8                   (b) To authorize the employment of any minor where  
9 forbidden by any other law of Guam; nor

10                   (c) To prohibit minors of any age from receiving industrial  
11 education in any school."

12           **Section 2.** §11105, Chapter 11, Title 19, Guam Code Annotated, is  
13 repealed and reenacted to read:

14                   "§11105. **Hazardous Conditions.** No minor under the age of  
15 eighteen (18) years of age shall be employed or permitted to work in  
16 any occupation which has been defined or declared by regulation,  
17 federal law or **the Commissioner of Wage and Hour or the**  
18 **Administrator of Wage and Hour**, as hazardous or detrimental to the  
19 life, health, morals, safety or well-being of minors."

20           **Section 3.** §11106, Chapter 11, Title 19, Guam Code Annotated, is  
21 repealed and reenacted to read:

22                   "§11106. **Hours of Work.** (a) No minor aged sixteen (16) or  
23 seventeen (17) shall be employed or permitted to work more than eight  
24 (8) hours in any one (1) day or more than forty (40) hours per week, nor  
25 shall a minor aged sixteen (16) or seventeen (17) be employed on a  
26 school night past 10 p.m.. During non-school nights, such minors may

1 be employed up to 12 a.m.; provided, however, they may not be  
2 employed before 6 a.m. on any week day of the entire year.

3 (b) No minor aged fourteen (14) and fifteen (15) shall be  
4 employed during school hours except as provided in Work Experience  
5 and Career Exploration Programs; and not before 7 a.m. or after 7 p.m.,  
6 except 9 p.m. from June 1 through Labor Day; no minor aged fourteen  
7 (14) or fifteen (15) shall work more than three (3) hours a day on school  
8 days nor more than eighteen (18) hours a week in school weeks, nor  
9 more than eight (8) hours a day on non-school days, and not more than  
10 forty (40) hours a week in non-school weeks.

11 (c) A minor aged sixteen (16) and seventeen (17) who have  
12 graduated from high school or have been awarded a certificate of  
13 proficiency, who are married or supporting dependents, or have been  
14 declared as adults by the court, may be employed the same hours as  
15 adults, however, not past 12 a.m. and not before 6 a.m. on any given  
16 day of the week.

17 (d) No minor under the age of eighteen (18) shall be  
18 employed or permitted to work for more than four (4) hours  
19 continuously without an interval of at least thirty (30) minutes for  
20 lunch or rest period and no period of less than thirty (30) minutes shall  
21 be deemed to interrupt a continuous period of work.

22 (e) No minor under the age of eighteen (18) shall be  
23 employed or permitted to work during the time such minor is legally  
24 required to attend school.

25 (f) The term 'school week' or 'school day' when used in this  
26 subsection shall mean Sunday thru Thursday nights, excluding nights  
27 preceding a holiday during a school week."

1           **Section 4.** §11109, Chapter 11, Title 19, Guam Code Annotated, is repealed  
2 and reenacted to read:

3           “**§11109. Penalty.** Any person whether a parent, guardian,  
4 employer or otherwise and any firm or corporation, who as employer or otherwise,  
5 who permits a minor to work, in violation of this Chapter shall be guilty of a  
6 misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000.00),  
7 or Ten Thousand Dollars (\$10,000.00) for a willful violation, or by imprisonment  
8 not exceeding one (1) year, or by both such fine and imprisonment.”

**COMMITTEE REPORT**  
of the  
**COMMITTEE ON YOUTH, SENIOR CITIZENS  
AND CULTURAL AFFAIRS**

on

**Bill No. 869**

***"AN ACT TO REPEAL AND REENACT §§11103, 11105,  
11106, AND 11109, CHAPTER 11, TITLE 19,, GUAM  
CODE ANNOTATED, ON CHILD LABOR LAWS."***

**PUBLIC HEARING**

The Committee on Youth, Senior Citizens and Cultural Affairs held a public hearing at 9 a.m. on Wednesday, March 2, 1994, in the Temporary Legislative Building to receive testimony on Bill No. 869. The hearing was conducted by Committee Vice-Chairperson, Senator John P. Aguon and attended by Senators Ted Nelson and Felix P. Camacho.

**BACKGROUND**

Bill No. 869 has been introduced to address the concerns cited by the Governor in vetoing Bill No. 397. Bill No. 397 was intended to bring Guam's laws governing child labor into conformity with Federal law. However, amendments made during the Legislature's consideration of the measure have made it inconsistent with and more restrictive than Federal law. Bill No. 869 complies with Federal law.

**SUMMARY OF TESTIMONY**

Department of Labor Acting Director Juan M. Taijito submitted written testimony saying that the enactment of Bill No. 869 will ensure that both the Federal and local statutes consistently and effectively. The Department of Labor is in support for Bill No. 869, but the Acting Director recommends that additional provisions be included in the bill.

There being no further testimony on Bill No. 869, Senator John P. Aguon adjourned the public hearing.

## COMMITTEE FINDINGS/RECOMMENDATIONS

The Committee on Youth, Senior Citizens and Cultural Affairs finds that enacting Bill No. 869 would bring Guam's laws governing child labor into conformity with Federal law. While local statute governing child labor regulations is not consistent with Federal regulations and while Federal statutes do not prevail locally, the Committee concurs with testimonials that consistency is necessary for purposes of enforcement between the Federal government and government of Guam.

The Committee recommends to the Twenty-Second Guam Legislature to do pass Bill No. 869, as substituted.

## ATTACHMENTS

1. Written testimony by Juan M. Taijito, Acting Director, Department of Labor.
2. Substitute Bill No. 869.
3. Analysis of Bill No. 869.



COMMITTEE ON YOUTH, SENIOR CITIZENS  
AND CULTURAL AFFAIRS

**BILL NO. 869**

***"AN ACT TO REPEAL AND REENACT §§11103, 11105,  
11106, AND 11109, CHAPTER 11, TITLE 19, GUAM  
CODE ANNOTATED, ON CHILD LABOR LAWS."***

**ANALYSIS**

**Intent of Bill No. 869:** The employment of minors for the periods specified in the Bill does not interfere with their schooling or with their health and well being.

**Section 1. (a)(2)**

New - would prohibit a minor under twelve (12) years of age to perform in connection with the sale or distribution of newspapers to the ultimate consumer.

**Section 2.**

Expands the language of hazardous or detrimental as used in this section "to the life, health, morals, safety or well-being of minors."

**Section 3. Minor aged 16 or 17.**

1. Cannot work more than eight (8) hours in any one (1) day nor be employed past 10:00 p.m. on school nights.
2. May work up to 12:00 a.m. during non-school nights.
3. May not be employed before 6:00 a.m. on any day.

**Subsection (b). Minors aged 14 and 15.**

1. Cannot work more than three (3) hours on a school day nor more than eighteen (18) hours during a school week.
2. Cannot work more than eight (8) hours on a non-school day nor more than forty (40) hours on a non-school week.
3. Cannot work before 7:00 a.m. or after 7:00 p.m. May work up to 9:00 p.m. from June 1st through Labor Day.

**Subsection (c).**

Minor aged sixteen (16) or seventeen (17) who graduated from high school, who are married or supporting dependents, or have been declared as adult by Court, may be employed the same hours as adults, but may not work between 12 a.m. and 6 a.m. on any given day of the week.

**Subsection (d).**

No minor under age eighteen (18) may work for more than four (4) hours continuously without thirty (30) minute rest or lunch period.

**Subsection (e).**

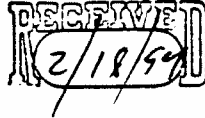
No minor under age eighteen (18) shall be permitted to work during the time the minor is required to attend school.

**Subsection (f).**

Define what is "school week" or "school day" when used in this section.

**Section 4.**

This section expands the language who may be punished for violation of Chapter 11, Title 19, Guam Code Annotated, on Child Labor Laws.



February 17, 1994

Committees:

## MEMORANDUM

CHAIRPERSON:

Rules

VICE CHAIRPERSON:

Ways & Means

MEMBER:

Economic-  
Agricultural  
Development,  
and Insurance

Education

Electrical  
Power and  
Consumer  
Protection

Federal and  
Foreign Affairs

General  
Governmental  
Operations and  
Micronesia Affairs

Health,  
Ecology and  
Welfare

Judiciary  
and  
Criminal Justice

Tourism and  
Transportation

Youth, Senior  
Citizens and  
Cultural Affairs

**TO:** Chairperson, Committee on Youth, Senior Citizens and Cultural Affairs

**FROM:** Chairperson, Committee on Rules

**SUBJECT:** Referral - Bill No. 869

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.

**HERMINIA D. DIERKING**

Attachment

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 869

Introduced by:

E. P. Arriola *Eda*

---

AN ACT TO REPEAL AND REENACT §46055 OF TITLE XLII,  
GOVERNMENT CODE, ON THE HOURS OF WORK  
PERMITTED UNDER GUAM'S CHILD LABOR LAWS.

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

2 Section 1. §46055 of Title XLII of the Government Code is repealed and  
3 reenacted to read:

4 "§46055. Hours of Work. (a) No minor aged sixteen (16) or  
5 seventeen (17) shall be employed or permitted to work more than eight  
6 (8) hours in any one one (1) day nor shall a minor aged sixteen (16) or  
7 seventeen (17) be employed on a school night past 10 p.m.. During  
8 non-school nights, such minors may be employed up to 12 a.m.;  
9 provided, however, they may not be employed before 6 a.m. on any  
10 week day of the entire year.

11 (b) No minor under the age of sixteen (16) shall work more  
12 than three (3) hours on a school day, nor more than eighteen (18)  
13 hours during a school week; no minor under the age of sixteen (16)  
14 shall work more than eight (8) hours on a non-school day, nor more  
15 than forty (40) hours on a non-school week; and not before 7 a.m. or  
16 after 7 p.m., except 9 p.m. from June 1 through Labor Day.

1 (c) The term 'school week' or 'school day' when used in this  
2 Section shall mean Sunday thru Thursday nights, excluding nights  
3 preceding a holiday during a school week.

4 (d) No minor under the age of eighteen (18) shall be  
5 employed or permitted to work for more than four (4) hours  
6 continuously without an interval of at least thirty (30) minutes for  
7 lunch or rest period, and no period of less than thirty (30) minutes  
8 shall be deemed to interrupt a continuous period of work.

9 (e) No minor under the age of eighteen (18) shall be  
10 employed or permitted to work during the time such minor is legally  
11 required to attend school. This limitation shall not apply to anyone  
12 under the age of eighteen (18) who is married or supporting  
13 dependents.

14 (f) No minor under the age of eighteen (18) shall be  
15 employed or permitted to work more than forty (40) hours in any one  
16 (1) week."



DEPARTMENT OF

# LABOR

DIPATTAMENTON HUMOTNAT

J.M. TAIJITO, Director • JOHN M. VEGA, Deputy Director

JOSEPH F. ADA  
*Governor*

FRANK F. BLAS  
*Lieutenant Governor*

March 1, 1994

Senator Elizabeth P. Arriola  
Twenty-Second Guam Legislature  
155 Hessler Street  
Agana, Guam 96910

Dear Senator Arriola:

Submitted herein is our testimony relative to Bill No. 869, repealing and reenacting ss11103, 11105, 11106, and 11109, Chapter 11, Title 19, Guam Code Annotated, on Child Labor Laws.

Although, we are in full support of the proposed measure, particular points of interest should also be taken into considerations. Specifically, in the previous years, the Department of Labor had attempted to incorporate proposed recommendations and/or modifications during the introductions of the present Public Law 21-140, as well as the recently vetoed Bill 397; thus, our attempts were basically to ensure that both the federal and local statutes are parallel with one another.

Under the aforementioned circumstances as well as disparities that are found between both laws, the U.S. Department of Labor, on a recent audit performed on local employers, disclosed several violations amounting to approximately \$25,000 in penalties. For this reason, we have not only submitted our support for the proposed Bill 869, but also are including our recommendations, for consideration, on particular subsections.

Particularly, it is recommended that ss11105. Hazardous Conditions, Chapter 11, Title 19, Guam Code Annotated, be repealed and reenacted to read: "(a) No minor under eighteen (18) years of age shall be employed or permitted to work in any occupation which has been defined or declared by regulation, Federal laws, or the Commissioner or Administrator of Wage and Hour, as hazardous or detrimental to the life, health, morals, safety or well-being of minors."



Commonwealth Now!

Also, it is recommended that ss11109. Penalty, Chapter 11, Title 19, Guam Code Annotated, be repealed and reenacted to read: "(a) Any person whether as a parent, guardian, employer or otherwise and any firm or corporation, who as employer or otherwise, who permits a minor to work, in violation of this chapter shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment."

Should you have any questions or require additional information on the proposed recommendations, please feel free to coordinate with Pascual V.A. Sablan, Wage and Hour Administrator at 647-4207.

Your usual attention and action on this matter is appreciated.

Sincerely,

  
J.M. TAIJITO,  
Acting

TESTIMONY ON BILL NO. 869

"AN ACT TO REPEAL AND REENACT ss11103, 11105, AND 11106  
CHAPTER 11, TITLE 19, GUAM CODE ANNOTATED, ON CHILD  
LABOR LAWS"

GOOD MORNING SENATOR ARRIOLA, COMMITTEE MEMBERS, LADIES AND GENTLEMEN. THIS MORNING I WOULD LIKE TO SUBMIT MY TESTIMONY RELATIVE TO BILL NO 869, REPEALING AND REENACTING ss11103, 11105, and 11106, CHAPTER 11, TITLE 19, GUAM CODE ANNOTATED, UNDER GUAM'S CHILD LABOR LAWS.

ALTHOUGH, WE ARE IN FULL SUPPORT OF THE PROPOSED MEASURE, PARTICULAR POINTS OF INTEREST SHOULD ALSO BE TAKEN INTO CONSIDERATIONS. SPECIFICALLY, IN THE PREVIOUS YEARS, THE DEPARTMENT HAD ATTEMPTED TO INCORPORATE PROPOSED RECOMMENDATIONS AND/OR MODIFICATIONS DURING THE INTRODUCTIONS OF THE PRESENT PUBLIC LAW 21-140, AS WELL AS THE RECENTLY VETOED BILL 397. OUR ATEMPTS WERE BASICALLY TO ENSURE THAT BOTH THE FEDERAL AND LOCAL STATUTES ARE PARALLEL WITH ONE ANOTHER.

UNDER THE AFOREMENTIONED CIRCUMSTANCES, AS WELL AS DESPARITIES THAT ARE FOUND BETWEEN BOTH LAWS, THE U.S. DEPARTMENT OF LABOR, ON A RECENT AUDIT PERFORMED ON LOCAL EMPLOYERS, DISCLOSED SEVERAL VIOLATIONS AMOUNTING TO APPROXIMATELY \$25,000 IN PENALTIES. FOR THIS REASON, WE ARE NOT ONLY SUBMITTING OUR SUPPORT FOR THE PROPOSED BILL 869, BUT ALSO ARE INCLUDING OTHER SECTIONS THAT WE RECOMMEND FOR MODIFICATIONS.



PARTICULARLY, IT IS RECOMMENDED THAT THE ATTACHED DRAFT BE SERIOUSLY TAKEN INTO CONSIDERATIONS AND INCORPORATED WITH BILL NO. 869. SPECIFICALLY, OUR MODIFICATIONS INCLUDE REPEALING AND REENACTING **ss11105. HAZARDOUS CONDITIONS. AND ss11109. PENALTY**, AS DEPICTED ON THE ATTACHED.

THANK YOU FOR THE OPPORTUNITY AFFORDED ME TO SUBMIT MY SUPPORT AND RECOMMENDATIONS ON THIS MEASURE.

**TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session**

Bill No. \_\_\_\_\_

Introduced by:

E.P. Arriola

**AN ACT TO REPEAL AND REENACT SUBSECTIONS  
11103, 11105, 11106, AND 11109, CHAPTER 11, TITLE  
19, GUAM CODE ANNOTATED, ON CHILD LABOR LAWS.**

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

**Section 1. ss11103, Chapter 11, Title 19, Guam Code Annotated, is repealed and reenacted to read:**

**"ss11103. Construction of Chapter. Nothing in this chapter shall be construed:**

**(a) To apply**

**(1) To the work of a minor in any occupation which has not been defined as hazardous or detrimental to the life, health, morals, safety or well-being of minors if the work is performed directly for his parents or guardian; nor**

**(2) To the work of a minor performed in connection with the sale or distribution of newspapers to the ultimate consumer, provided however, that the minor is twelve (12) years of age or older, and not on highways or industrial vicinities; nor**

**(3) To the work of a minor employed by temporarily-licensed persons in carnivals, fairs, or similar festivities; nor**

**(4) To the work of a minor in domestic service in or about a private home; provided that in any instance under (1), (2), (3), or (4) hereof, the work is**

performed when such a minor is not legally required to attend school and does not exceed three (3) hours of work in any school day after school hours and is not performed after 7 p.m. except 9 p.m. from June 1 through Labor Day.

(b) To authorize the employment of any minor where forbidden by any other law of Guam; nor

(c) To prohibit minors of any age from receiving industrial education in any school.

Section 2. ss11105, Chapter 11 Title 19, Guam Code Annotated, is repealed and reenacted to read:

"ss11105. Hazardous Conditions. (a) No minor under eighteen (18) years of age shall be employed or permitted to work in any occupation which has been defined or declared by regulation, Federal laws, or the Commissioner or Administrator of Wage and Hour, as hazardous or detrimental to the life, health, morals, safety or well-being of minors.

Section 3. ss11106, Chapter 11, Title 19, Guam Code Annotated is repealed and reenacted to read:

"ss11106. Hours of Work. (a) Fourteen (14) and fifteen (15) year-old minors may not be employed, during school hours, except as provided in Work Experience and Career Exploration Programs; before 7 a.m. or after 7 p.m. except 9 p.m. from June 1 through Labor Day; more than three (3) hours a day on school days; more than eighteen (18) hours a week in school weeks; more than eight (8) hours a day on non-school days; and more than forty (40) hours a week in non-school weeks. (b) Sixteen (16) and seventeen (17) year-old minors may not be

employed, more than eight (8) hours in any one day; more than forty (40) hours per week; past 10 p.m. during a school night; past 12 a.m. during non-school nights; and not before 6 a.m. on any week day of the entire year. The term "school week" or "school day" when used in this subsection shall mean, Sunday thru Thursday nights, excluding nights preceding a holiday during a school week.

(c) No minor under eighteen (18) years of age shall be employed or permitted to work for more than four (4) hours continuously without an interval of at least thirty (30) minutes for lunch or rest period and no period of less than thirty (30) minutes shall be deemed to interrupt a continuous period of work.

(d) No minor under eighteen (18) years of age shall be employed or permitted to work during the time such minor is legally required to attend school.

(e) Sixteen (16) and seventeen (17) year-old minors who have graduated from high school or have been awarded a certificate of proficiency, who are married or supporting dependents, or have been declared as adults by the court, may be employed the same hours as adults, however, not past 12 a.m. and not before 6 a.m. on any given day of the week.

Section 4. ss11109, Chapter 11, Title 19, Guam Code Annotated, is repealed and reenacted to read:

"ss11109. Penalty. (a) Any person whether as a parent, guardian, employer or otherwise and any firm or corporation, who as employer or otherwise, who permits a minor to work, in violation of this chapter shall be guilty of a misdemeanor punishable by a fine not exceeding One Thousand Dollars (\$1,000) or by imprisonment not exceeding one (1) year or by both such fine and imprisonment.

1/2/94  
2/24/94

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session  
Bill No. 869  
As amended by the Author

Introduced by: E. P. Arriola

AN ACT TO REPEAL AND REENACT §§11103, 11105, AND 11106, CHAPTER 11, TITLE 19, GUAM CODE ANNOTATED, ON CHILD LABOR LAWS.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2 Section 1. §11103, Chapter 11, Title 19, Guam Code Annotated, is  
3 repealed and reenacted to read:

4 "§11103. Construction of Chapter. Nothing in this chapter shall  
5 be construed:

6 (a) To apply  
7 (1) To the work of a minor in any occupation, which  
8 has not been defined as hazardous or detrimental to the life,  
9 health, morals, safety or well-being of minors if the work is  
10 performed directly for his parents or guardians; nor

11 (2) To the work of a minor performed in connection  
12 with the sale or distribution of newspapers to the ultimate  
13 consumer; provided the minor is twelve (12) years of age or  
14 older and not on highways or industrial vicinities; nor ✓

15 (3) To the work of a minor employed by temporarily-  
16 licensed persons in carnivals, fairs, or similar festivities; nor

1 (4) -- To the work of a minor in domestic service in or  
2 about a private home; provided that in any instance under (1),  
3 (2), (3), or (4) hereof, the work is performed when such a minor  
4 is not legally required to attend school and does not exceed three  
5 (3) hours of work in any school day after school hours and is not  
6 performed after 7 p.m. except 9 p.m. from June 1 through Labor  
7 Day.

8 (b) To authorize the employment of any minor where  
9 forbidden by any other law of Guam; nor

10 (c) To prohibit minors of any age from receiving industrial  
11 education in any school."

12 Section 2. §11105, Chapter 11, Title 19, Guam Code Annotated, is  
13 repealed and reenacted to read:

14 "§11105. **Hazardous Conditions.** (a) No minor under eighteen  
15 (18) years of age shall be employed or permitted to work in any  
16 occupation which has been defined by regulation as hazardous or  
17 detrimental to the life, health, morals, safety or well-being of minors.

18 (b) No minors under the age of eighteen (18) years of age  
19 shall be employed or permitted to work in any occupation in violation  
20 of Federal laws or which has been defined or found and declared, by the  
21 Commissioner of Wage and Hour or by the Administrator of Wage  
22 and Hour, as hazardous or detrimental."

23 Section 3. §11106, Chapter 11, Title 19, Guam Code Annotated, is  
24 repealed and reenacted to read:

25 "§11106. **Hours of Work.** (a) No minor aged sixteen (16) or  
26 seventeen (17) shall be employed or permitted to work more than eight  
27 (8) hours in any one (1) day or more than forty (40) hours per week, nor

1 shall a minor aged sixteen (16) or seventeen (17) be employed on a  
2 school night past 10 p.m.. During non-school nights, such minors may  
3 be employed up to 12 a.m.; provided, however, they may not be  
4 employed before 6 a.m. on any week day of the entire year.

5 (b) No minor aged fourteen (14) and fifteen (15) shall be  
6 employed during school hours except as provided in Work Experience  
7 and Career Exploration Programs; and not before 7 a.m. or after 7 p.m.,  
8 except 9 p.m. from June 1 through Labor Day; no minor aged fourteen  
9 (14) or fifteen (15) shall work more than three (3) hours a day on school  
10 days nor more than eighteen (18) hours a week in school weeks, nor  
11 more than eight (8) hours a day on non-school days, and not more than  
12 forty (40) hours a week in non-school weeks.

13 (c) A minor aged sixteen (16) and seventeen (17) who have  
14 graduated from high school or have been awarded a certificate of  
15 proficiency, who are married or supporting dependents, or have been  
16 declared as adults by the court, may be employed the same hours as  
17 adults, however, not past 12 a.m. and not before 6 a.m. on any given day  
18 of the week.

19 (d) No minor under the age of eighteen (18) shall be  
20 employed or permitted to work for more than four (4) hours  
21 continuously without an interval of at least thirty (30) minutes for  
22 lunch or rest period and no period of less than thirty (30) minutes shall  
23 be deemed to interrupt a continuous period of work.

24 (e) No minor under the age of eighteen (18) shall be  
25 employed or permitted to work during the time such minor is legally  
26 required to attend.

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(f) The term 'school week' or 'school day' when used in this subsection shall mean Sunday thru Thursday nights, excluding nights preceding a holiday during a holiday during a school week.



FEB 15 '94

TWENTY-SECOND GUAM LEGISLATURE  
1994 (SECOND) Regular Session

Bill No. 869 (LS)

Introduced by:

E. P. Arriola *EPA*

AN ACT TO REPEAL AND REENACT §46055 OF TITLE XLII,  
GOVERNMENT CODE, ON THE HOURS OF WORK  
PERMITTED UNDER GUAM'S CHILD LABOR LAWS.

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

2 **Section 1.** §46055 of Title XLII of the Government Code is repealed and  
3 reenacted to read:

4 "§46055. **Hours of Work.** (a) No minor aged sixteen (16) or  
5 seventeen (17) shall be employed or permitted to work more than eight  
6 (8) hours in any one one (1) day nor shall a minor aged sixteen (16) or  
7 seventeen (17) be employed on a school night past **10 p.m.** During  
8 non-school nights, such minors may be employed up to **12 a.m.**;  
9 provided, however, they may not be employed before **6 a.m.** on any  
10 week day of the entire year.

11 (b) No minor under the age of sixteen (16) shall work more  
12 than three (3) hours on a school day, nor more than eighteen (18)  
13 hours during a school week; no minor under the age of sixteen (16)  
14 shall work more than eight (8) hours on a non-school day, nor more  
15 than forty (40) hours on a non-school week; and not before **7 a.m.** or  
16 after **7 p.m.**, except **9 p.m.** from June 1 through Labor Day.

1           (c) The term 'school week' or 'school day' when used in this  
2 Section shall mean Sunday thru Thursday nights, excluding nights  
3 preceding a holiday during a school week.

4           (d) No minor under the age of eighteen (18) shall be  
5 employed or permitted to work for more than four (4) hours  
6 continuously without an interval of at least thirty (30) minutes for  
7 lunch or rest period, and no period of less than thirty (30) minutes  
8 shall be deemed to interrupt a continuous period of work.

9           (e) No minor under the age of eighteen (18) shall be  
10 employed or permitted to work during the time such minor is legally  
11 required to attend school. This limitation shall not apply to anyone  
12 under the age of eighteen (18) who is married or supporting  
13 dependents.

14           (f) No minor under the age of eighteen (18) shall be  
15 employed or permitted to work more than forty (40) hours in any one  
16 (1) week."