



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

OFFICE OF THE LEGISLATIVE SECRETARY  
 ACKNOWLEDGMENT RECEIPT  
 Received By Heifin  
 Time 11:14  
 Date 5/6/96

MAY 01 1996

The Honorable Speaker  
 Twenty-Third Guam Legislature  
 Guam Legislature Temporary Building  
 155 Hesler Street  
 Agana, Guam 96910

OFFICE OF THE SPEAKER  
 Date: 5/6/96  
 Time: 3:30 P  
 Received by: W.F.  
 Print Name: W.F. FORTES

REFER TO  
 LEGISLATIVE SECRETARY


Dear Speaker:

Enclosed please find a copy of Bill No. 346 (LS), "AN ACT TO AMEND §3409 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE EMPLOYMENT OF MINORS AGED SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT", which I have signed into law today as **Public Law No. 23-92**.

This legislation allows trainees in various positions in the food service industries, such as waiters, bus persons, traditional restaurant staff, and management trainees, who are as young as the age of 16 years, to work in on-the-job settings in actual restaurants that also serve alcoholic beverages, so long as the minors so employed are under close supervision to insure compliance with prohibitions against consumption or handling of alcoholic beverages. The restaurant settings in which these minors may work must prove that at least 70% of their business is from the sale of food, and no more than 30% from the sale of alcoholic beverages. This allows trainees to work in hotel restaurants and other restaurants.

I believe that on-the-job training is important in developing actual skills in the visitor industry related positions such as those in the food service industry.

Very truly yours,

  
 Carl T. C. Gutierrez  
 Governor of Guam

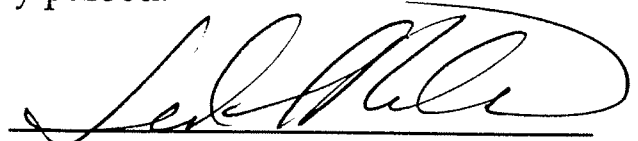
Attachment

251114

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Bill No. 346 (LS), "AN ACT TO AMEND §3409 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE EMPLOYMENT OF MINORS AGED SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT," was on the 19th day of April, 1996, duly and regularly passed.

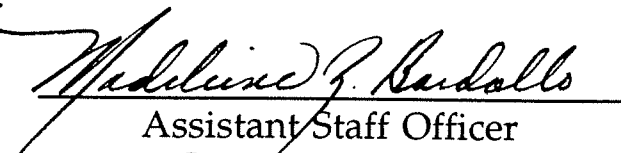


TED S. NELSON  
Acting Speaker

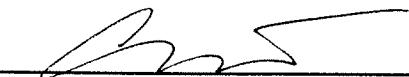
Attested:

  
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 24 day of April,  
1996, at 6:00 o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:

  
\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 5-1-96

Public Law No. 23-92

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 346 (LS)

As amended by the Committee on Youth,  
Labor & Parks and Recreation

Introduced by:

M. Forbes  
T. S. Nelson  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
A. C. Blaz  
J. M. S. Brown  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO AMEND §3409 OF TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO THE EMPLOYMENT OF MINORS AGED SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT.

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

2           **Section 1. Legislative intent.** The desire to restrict the access of young  
3 people to alcoholic beverages is surely a laudable one. But in pursuit of that  
4 desire, it is important to recognize limitations that exist to our ability to deny  
5 totally access to the very presence of alcoholic beverage, as well as to ensure  
6 that we do not create harmful circumstances or deny young people access to  
7 important training opportunities. Guam has a tourism based economy and it  
8 has been Territorial policy to encourage the employment of our people,  
9 especially in management training programs, in our largest industry. Food  
10 and Beverage represents one of the cornerstones of the hospitably and hotel  
11 industries and one cannot receive training in hotel management without  
12 some exposure to the Food and Beverage aspects of the industry. Yet current  
13 laws prevent students under the age of eighteen from work or practicum  
14 experiences in Food and Beverage settings. The Legislature finds that while  
15 it is the public intent to restrict the access and the employment of people under  
16 the age of eighteen in places commonly considered bars, young people should  
17 have opportunities to work and train in establishments that are restaurants  
18 and hotel banquets halls, that such experience does not constitute a major  
19 threat to the moral fiber of the young person and that indeed such work  
20 experience is essential if we seriously want to encourage our young people to  
21 develop careers in hotel management.

22           **Section 2.** §3409 of Title 11, Guam Code Annotated, is hereby amended  
23 to read:

24           **"§3409. Minors: Employment Forbidden.** A licensee shall not  
25 employ any minor under the age of eighteen (18), in or about that  
26 portion of the premises which is used for the sale or service of alcoholic  
27 beverages for consumption on the premises. Provided, however, the

1 minors ages sixteen (16) and above may be employed as entertainers in  
2 on-sale premises under regulations made by the Board. Such  
3 regulations shall include, but are not limited to, provisions for  
4 registrations of entertainers, hours of employment, conditions of  
5 employment, and the responsibility of licensees employing such minors.  
6 Minors aged sixteen (16) and above may also be employed as waiters,  
7 bus persons, or other traditional restaurant staff, or as management  
8 trainees, provided the licensee can prove that at least seventy percent  
9 (70%) of the licensee's revenue at the food establishment comes from the  
10 sale of food, and that no more than thirty percent (30%) of the licensee's  
11 revenue at the food establishment comes from the sale of alcoholic  
12 beverages and provided further that minors so employed shall not be  
13 permitted to handle alcoholic beverages. Minors employed under the  
14 provisions of this section must work where close supervision exists to  
15 ensure compliance with prohibitions against consumption or handling  
16 of alcoholic beverages by minors. Nothing in this section shall be  
17 construed as exempting minors from the provisions of Guam's curfew  
18 laws or restrictions on working hours for minors that may exist in  
19 Guam law."

Date: 4/19/96

VOTING SHEET

Bill No. 346  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	YEAS	NAYS	NOT VOTING/ ABSTAINED	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
BARRETT-ANDERSON, Elizabeth	✓			
BLAZ, Anthony C.	✓			
BROWN, Joanne S.	✓			
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C	✓			
CRISTOBAL, Hope A.	✓			
FORBES, - MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R.	✓			
WONPAT-BORJA, Judith	✓			

TOTAL

21 0 0 0

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Recording Secretary

6-13-92  
Office of



The People

Senator Vicente C. Pangelinan  
Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation  
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

26 March 1996

Speaker Don Parkinson  
Twenty-Third Guam Legislature  
155 Hesler St.  
Agana, Guam 96910


Dear Speaker Parkinson,

The Committee on Youth, Labor, & Parks and Recreation, to which was referred Bill No. 346 " An act to amend §3406, 11 GCA, relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff or as management trainees in the Territory of Guam as a means of furthering vocational training in hotel and hospitality industry management," wishes to submit its report to the Legislature with its recommendation **TO DO PASS**. The voting record is as follows:

TO PASS	8
NOT TO PASS	0
ABSTAIN	0
TO PLACE IN INACTIVE FILE	0

As prescribed in Rule 8 of the Standing Rules, the Committee conducted a public hearing within 50 days and filed this report within 60 days after the appointment was transmitted to the Legislature. Copies of the Committee Report and other pertinent documents are attached. Your attention to this matter is appreciated.

Sincerely,

  
vicente c. pangelinan  
Chairman

Attachments.



Senator Vicente C. Pangelinan  
Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation  
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

21 March 1996

MEMORANDUM

TO: Members  
Committee on Youth, Labor & Parks and Recreation

FROM: Sen. Vicente C. Pangelinan

SUBJECT: Committee Report and Voting Sheet

Transmitted herewith for your information and action is the Committee Report on Bill 346. *An act to amend §3406, 11 GCA, relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff, or as management trainees in the territory of Guam as a means of furthering vocational training in hotel and hospitality industry management,* as amended by the Committee.

The narrative report is accompanied by the following:

1. Committee Voting Sheet
2. Written Testimony
3. Evidentiary Materials

Should you have any questions on the narrative report or the accompanying documents, I would be happy to answer any of them. Please take the appropriate action on the attached voting sheet and return the documents to my office for transmittal to the other members. Your prompt attention and cooperation in this matter is greatly appreciated.

  
Vicente C. Pangelinan  
Chairman

Attachments





Senator Vicente C. Pangelinan  
Twenty-Third Guam Legislature

Chairman, Committee on Youth, Labor & Parks and Recreation  
130 Aspinall Avenue • Suite 101 • Agana Guam • 96910 Phone (671) 472-3552-4 Fax (671) 472-3556

COMMITTEE VOTING SHEET

SUBJECT: Committee Report on Bill 346, "An act to amend §3409, 11 GCA, relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff, or as management trainees in the Territory of Guam as a means of furthering vocational training in hotel and hospitality industry mangement.

Committee Members	Initial	To Pass	Not to Pass	Abstain	To Place In Inactive File
V.C. Pangelinan	<i>VP</i>	✓			
J. Won Pat-Borja	<i>JB</i>	✓			
T.C. Ada	<i>TA</i>	✓			
H. Cristobal					
E. Barrett-Anderson					
J. Brown					
M. Charfauros	<i>MC</i>	✓			
C. Leon Guerrero	<i>CLG</i>	✓			
L. Leon Guerrero	<i>LLG</i>	✓			
T.S. Nelson	<i>TN</i>	✓			
A. Santos	<i>AS</i>	✓			

COMMITTEE ON YOUTH, LABOR, PARKS AND RECREATION  
COMMITTEE REPORT ON

**BILL 346**

(as amended by the Committee)

AN ACT TO AMEND §3409, 11 GCA, RELATIVE TO THE EMPLOYMENT OF MINORS AGES SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT.

**I. OVERVIEW:**

The Committee on Youth, Labor, Parks and Recreation having oversight responsibilities on matters relating to the youth of Guam was referred Bill 346, "*An act to amend §3409, 11 GCA., relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff or as management trainees in the territory of Guam as a means of furthering vocational training in hotel and hospitality industry management.*" A Public Hearing was conducted on October 12, 1995 and notice was published in the Pacific Daily News. Chairman Vicente C. Pangelinan presided and Senator Tom Ada, Committee Member, was in attendance.

**Intent:** Bill 346, authored by Senator Mark Forbes, is intended to allow minors age sixteen (16) and above to work and actively participate, as a method of exposure and training in the hospitality industry, in establishments that serve alcoholic beverages.

**II. SUMMARY OF TESTIMONY**

**A. From Written Testimony**

Chairman Pangelinan opened the floor for testimony and the following individuals representing the Guam Hotel and Restaurant Association were present: Mr. Michael Crisostomo, Chairman of the Food & Beverage Committee of the Association and Manager of the Kurumaya Seahorse Restaurant, Mr. David Tydingco, President of the Guam Hotel and Restaurant and Mr. Mike McDonald, Human Resources Director for the Onward Again Beach Hotel. Mr. Crisostomo spoke for the members and presented testimony in support of Bill 346.

In his prepared testimony, Crisostomo commented on the importance of providing local individuals with the proper tools and education needed to advance and excel in the hospitality industry. He further stated that without the benefit of hands on training and firsthand exposure, his own knowledge of career possibilities would have been limited. He added that in the tourism industry, the island currently has an abundance of training opportunities giving the local population a head start

in the industry. The Guam Community College, the Guam Public School System and the Agency for Human Resources Development are just a few entities that provide training for those interested in immediately joining the job market after graduation.

Mr. Crisostomo concluded that 35% to 38% of those in the hospitality industry work directly within food and beverage sector. With such a large sector of the tourism industry, allowing on the job training for minors interested in this career opportunity makes good sense.

Ms. Eloise R. Baza, President of the Guam Chamber of Commerce, also submitted written testimony in support of Bill 346. She stated the enactment of bill will provide minors the opportunity to obtain valuable work experience. The exposure will be of great assistance in learning good work habits and responsibility when seeking employment after graduation. Local residents gain advantage in the demand for their services since more job opportunities will become available when the bill is passed. She further added that language in Bill 346 must address close supervision of the minors, as well as cooperative training with educational institutions.

Testimony on Bill 346 from Mr. Andrew Orsini, former Executive Director of SCOVE, expressed concern over the context and language of Bill 346. Mr. Orsini stated that allowing young individuals the opportunity to excel via the enactment of this Bill may result in the failure of our island's educational system. He added that federal law currently prevents young individuals from working excessive hours and following the intent of this bill, may result in a workforce without the proper education. The outcome of such a law may open the door for failure of minors in our present educational system. Sacrificing education to earn a living is one concern expressed.

Furthermore, Mr. Orsini stated that the bill does not reflect the current programs that provide young citizens with on-the-job-training. AHRD, GCC, and GPSS currently provide educational training and this Bill will circumvent the progress currently being made. Presently, Congress has pending legislation that will consolidate education and labor programs into a type of block grant. Mr. Orsini recommends that no action be taken on this Bill pending Congress' action on the "Workforce Development Act."

Written testimony was also received from the Wage and Hour Division of the Department of Labor. Citing P.L. 22-118, Guam's Child Labor Laws, DOL stated that the passage of such strict laws were enacted to protect the interest of minors under the age of 18. Child Labor Laws regulate the amount of hours young individuals can work, so that education doesn't become secondary. Child Labor Laws also identify the type of acceptable work performed by the minors. It is with this in mind that the Wage and Hour Division expressed much concern about the proposed Bill and states that it may be in conflict with Title 19, Chapter 11 of the Guam Code Annotated, §11101-§11109.

Although not opposed to training programs for the growth and development of young adults entering the workplace, changes in the language of the Bill needs to be made to ensure that there is no conflict with the current Labor Laws and that minors are not allowed to serve alcohol and kept away from the bar area. It is their belief that exposing minors to the presence of alcohol may possibly be detrimental.

### ORAL TESTIMONY

Author of Bill 369, Senator Mark Forbes, was in attendance and presented testimony before the Committee and members of the public. The intent of the Bill as written was to provide opportunities to enable young individuals to excel in the tourism industry. In his brief tenure as a Senator and his role in the prior Administration, the ABC laws specifically, relative to the employment of minors, poses a barrier to employment for many young individuals. He stated that providing

the mechanism for local people to advance to management positions in the tourism industry requires the opportunity for training, exposure and education of the food and beverage sector of the hotel industry. The success stories of present managers are due in part to on the job training and exposure.

He added that in order for people to fully expose themselves to the hospitality industry, the early introduction to the food and beverage aspect is definitely needed. The education and training received in a banquet or dining type settings would help advance careers.

Chairman Pangelinan inquired whether minors should be able to actually serve the beverages or specifically act in the capacity of waiter or waitresses. Mr. Crisostomo stressed the importance of establishing a controlled environment i.e. the professionalism of a dining area and clearly not that of a bar type environment. Minors would not handle the alcoholic beverages but are able to be in its' vicinity. The Food and Beverage Commission is very much in favor of having minors actively participate and learn hands on experience in the hotel & restaurant industry without the involvement of alcohol.

The Chairman further inquired as to whether a separate license would be required for an establishment to allow minors to work and the current filing system for GRT's in the food and beverage industry. Mr. Crisostomo stated that each business operation separates the food and beverage costs. The beverage cost is then acknowledged as a retail cost.

According to Sen. Forbes, the main issue is enforcement and inspection. Using the broad powers of the ABC, if a minor is working in an establishment that is clearly a bar, it is clearly prohibited and their license would be revoked. With the bill currently citing a 60/40 split of food and alcohol, Chairman Pangelinan requested suggestions in terms of how to differentiate situations so that no mistakes will come about with regards to imposing penalties.

Mr. Dave Tydingco stated legislation exists that distinguishes a bar establishment from that of restaurant, i.e. the sale of alcohol is incidental to the sale of food. From this standpoint, the legislation seems somewhat broad due to its lack of being able to measure the consumption monetarily. On the other hand, the current Child Labor Laws identifies the hours minor are allowed to work. If all laws are followed, the laws work accordingly.

Senator Forbes stated that his reasoning for the 60/40 split is the certain establishments serve primarily alcoholic beverages while others are food servers primarily. If the establishment mainly serves food, that the bill would directly apply. The 60/40 split could be changed should other suggestions prevail.

Senator Ada inquired as to the possibility of amending the current bill to include language stating that a minor be enrolled in an educational institution - not necessarily enrolled in a hospitality training program. Mr. Crisostomo added that several programs are currently designed and targeted to the hospitality industry but others still need to be identified. DOE's School to Work Program that is in the planning stages and the GCC Tourism Program are such examples. AHRD also has a program equipped for the disadvantage individuals.

Mr. Crisostomo and Senator Forbes both agreed to the statements made by Senator Ada regarding allowing individuals, regardless of their participation in a hospitality training but who are enrolled in an educational institution, to actively participate in the intent of the bill. Making the opportunity available in the hospitality industry is a solid long term investment for the island and the growing industry.

#### **FINDINGS & RECOMMENDATIONS:**

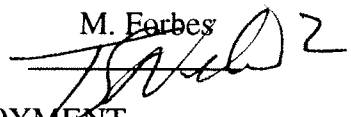
The Committee on Youth, Labor, Parks and Recreation finds that the intent of Bill 346 that allows minors in our community to work and actively participate, as a method of exposure and training in the hospitality industry in establishments that serve alcoholic beverages, has numerous merits. The Committee however cited several amendments that have been included in the final version of the bill:

- Require minors age sixteen (16) and above to be enrolled in an institution of higher learning - not necessarily one geared specifically to the hospitality industry - to encourage education.
- Language should be included to prohibit minors from handling and serving the alcohol.
- Language should also be included stating that minors must be in a controlled environment (i.e. dining facility, restaurant) where close supervision could be established to ensure that alcohol consumption or direct handling of the beverages by the minors does not occur.
- The percentage of food sales and alcohol sales - used to determine when an establishment qualifies to employ minors - needs to be revised.
- Minors only work the hours allowed under current laws and restrictions placed by the curfew law.

With the above changes to the bill made, the Committee on Youth, Labor, Parks and Recreation wishes to submit the Committee Report on Bill 346 with the recommendation **TO DO PASS** as amended by the author.

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

Bill No. 346  
As Amended by Committee  
Introduced by:

M. Forbes  


AN ACT TO AMEND §3409, 11 GCA, RELATIVE TO THE EMPLOYMENT OF MINORS AGES SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT.

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

**Section 1. Legislative Intent.** The desire to restrict the access of young people to alcoholic beverages is surely a laudable one. But in pursuit of that desire, it is important to recognize limitations that exist to our ability to deny totally access to the very presence of alcoholic beverage, as well as to ensure that we do not create harmful circumstances or deny young people access to important training opportunities. Guam has a tourism based economy and it has been Territorial policy to encourage the employment of our people, especially in management training programs, in our largest industry. Food and Beverage represents one of the cornerstones of the hospitably and hotel industries and one cannot receive training in hotel management without some exposure to the Food and Beverage aspects of the industry. Yet current laws prevent students under the age of eighteen from work or practicum experiences in Food and Beverage settings. The legislature finds that while it is the public intent to restrict the access and the employment of people under the age of eighteen in places commonly considered bars, young people should have opportunities to work and train in establishments that are restaurants and hotel banquets halls, that such experience does not constitute a major threat to the moral fiber of the young person and that indeed such work experience is essential if we seriously want to encourage our young people to develop careers in hotel management.

**Section 2. §3409, 11 GCA is hereby amended to read:**

"§3409. Minors: Employment Forbidden. A licensee shall not employ any minor under the age of eighteen (18), in or about that portion of the premises which is used for the sale or service of alcoholic beverages for consumption on the premises. Provided, however, the minors ages sixteen (16) and above may be employed as entertainers in on-sale premises under regulations made by the Board. Such regulations shall include, but are not limited to, provisions for registrations of entertainers, hours of employment, conditions of employment, and the responsibility of licensees employing such minors. Minors ages sixteen (16) and above may also

1 be employed as waiters, bus persons, or other traditional restaurant staff, or as management  
2 trainees, provided the licensee can prove that at least seventy percent (70%) of the licensee's  
3 revenue at the establishment comes from the sale of food, and that no more than thirty percent  
4 (30%) of the licensee's revenue at the establishment comes from the sale of alcoholic beverages  
5 and provided further that minors so employed shall not be permitted to handle alcoholic  
6 beverages. Any minor employed under the provisions of this section must be enrolled in an  
7 educational institution or have graduated from high school or have the equivalent of a high  
8 school diploma. Minors employed under the provisions of this section must work in a controlled  
9 environment, such as a restaurant or dining facility, or a location where close supervision exists  
10 to ensure compliance with prohibitions against consumption or handling of alcoholic beverages  
11 by minors. Nothing in this section shall be construed as exempting minors from the provisions  
12 of Guam's curfew laws or restrictions on working hours for minors that may exist in Guam law."



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910

August 16, 1995

## MEMORANDUM

**TO:** Chairman, Committee on Youth, Labor & Parks and  
Recreation

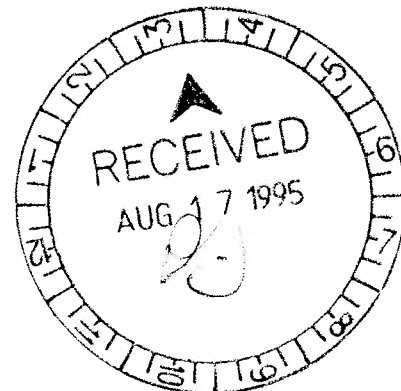
**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 346

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.

  
**SONNY LUJAN ORSINI**

Attachment:





TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 346  
Introduced by:

M. Forbes  


AN ACT TO AMEND §3409, 11 GCA, RELATIVE TO THE  
EMPLOYMENT OF MINORS AGES SIXTEEN (16) AND ABOVE AS  
WAITERS, BUS PERSONS, OR OTHER TRADITIONAL  
RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN  
THE TERRITORY OF GUAM AS A MEANS OF FURTHERING  
VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY  
INDUSTRY MANAGEMENT.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:  
2

3 Section 1. **Legislative Intent.** The desire to restrict the access of young  
4 people to alcoholic beverages is surely a laudable one. But in pursuit of that desire,  
5 it is important to recognize limitations that exist to our ability to totally access to the  
6 very presence of alcoholic beverages, as well as to ensure that we do not create  
7 harmful circumstances or deny young people access to important training  
8 opportunities. Guam has a tourism based economy and has been Territorial policy  
9 to encourage the employment of our people, especially in management training  
10 programs, in our largest industry. Food and Beverage represents one of the  
11 cornerstones of the hospitality and hotel industries and one cannot receive training  
12 in hotel management without some exposure to the Food and Beverage aspects of  
13 the industry. Yet current laws prevent students under the age of eighteen from  
14 work or practicum experiences in Food and Beverage settings. The legislature finds  
15 that while it is the public intent to restrict the access and the employment of people  
16 under the age of eighteen in places commonly considered bars, young people  
17 should have opportunities to work and train in establishments that are restaurants  
18 and hotel banquet halls, that such experience does not constitute a major threat to  
19 the moral fiber of the young person and that indeed such work experience is  
20 essential if we seriously want to encourage our young people to develop careers in  
21 hotel management.

22

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2

3 "§3409. **Minors: Employment Forbidden.** A licensee shall not employ  
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5 which is used for the sale or service alcoholic beverages for the consumption on the  
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7 employed as entertainers in on-sale premises under regulations made by the Board.  
8 Such regulations shall include, but are not limited to, provisions for registrations of  
9 entertainers, hours of employment, conditions of employment, and the  
10 responsibility of licensees employing such minors. Minors ages sixteen (16) and  
11 above may also be employed as waiters, bus persons, or other traditional restaurant  
12 staff, or as management trainees, provided the licensee can prove that at least sixty  
13 percent (60%) of the licensee's revenue at the establishment comes from the sale of  
14 food, and that no more that forty percent (40%) of the licensee's revenue at the  
15 establishment comes from the sale of alcoholic beverages."



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR, Post Office Box 2950, Agaña, Guam 96910

**CARL T.C. GUTIERREZ**  
GOVERNOR

SEP 05 1995

**JOSEPH E. RIVERA**  
DIRECTOR

**MADELEINE Z. BORDALLO**  
I.T. GOVERNOR

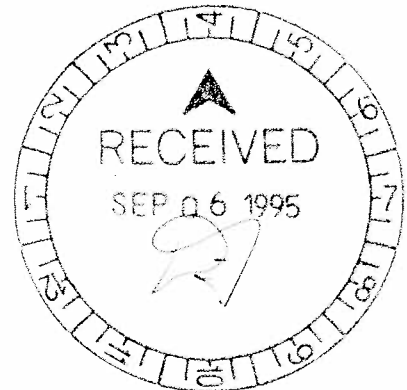
**FRANCES J. BALAJADIA**  
DEPUTY DIRECTOR

The Bureau requests that Bill No(s). 346 be granted a waiver pursuant to Public Law 12-229 for the following reasons:

Bill 346 seeks to amend ss3409, 11, GCA, relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff, or as management trainees in the Territory of Guam as a means of furthering vocational training in hotel and hospitality industry management.

The intent of the proposed legislation is administrative in nature and poses no fiscal impact on the General Fund.

*frances Balajadia*  
JOSEPH E. RIVERA  
Acting



*Handwritten initials*



## TESTIMONY ON BILL 346

Mr. Chairperson and Committee members, I would like to submit my testimony on the proposed Bill 346 with regard to the amendment of §3409, 11 GCA, relative to the employment of minors ages sixteen (16) and above as waiters, bus persons, or other traditional restaurant staff, or as management trainees in the Territory of Guam as a means of furthering vocational training in hotel and hospitality industry management.

Bill No. 869 was passed by the Twenty-Second Guam Legislature and subsequently became Public Law No. 22-118 on April 26, 1994. This law was enacted in order to strengthen and clarify Guam's Child Labor Laws. In other words, this law was enacted so that tighter and more strict controls could be placed on the employment of minors under the age of eighteen (18). Without a doubt, Guam's Child Labor Laws is one of the most stringent regulation compared to other U.S. Jurisdictions.

However, it is the opinion of the Wage and Hour Division of the Department of Labor that these controls serve two very important purposes. First of all, the Child Labor regulation tries to ensure that a minor's education will not be adversely affected by being employed. Thus, the hours that a minor can work is limited. Secondly and more importantly, this law controls the type of occupation that a minor can obtain. This ensures that the occupation or place of employment for the minors will not be "...hazardous or detrimental to the life, health, morals, safety or well being of minors."

It is with this in mind that the Department of Labor would like to express concern with Bill No. 346 sponsored by Senator Mark Forbes. We feel that this bill, which is an act "relative to the employment of minors ages 16 and above as waiters, bus persons, or other traditional restaurant staff..." is in conflict with Title 19, Chapter 11, of the Guam Code Annotated, §11101 through 11109.

We feel that the language of the bill should be changed to make sure that the minors are not allowed to serve alcohol and kept away from the bar area. Exposing a minor directly to alcohol, without close supervision, could have a detrimental effect on the health, morals or well being of the minor. A minor, by having direct access to alcoholic beverages, could partake in these beverages, which could lead to much more serious problems in the future. This is the exact issue that the Child Labor Law tries to prevent.

The Department of Labor is not opposed to training programs that prepare youths for successful employment opportunities and careers. We are just requesting that more research be done to ensure that the health, morals, and well being of minors will not be adversely affected by such programs.



**GUAM STATE COUNCIL ON VOCATIONAL EDUCATION**

Office of the Governor - Adelup Complex

P.O. Box 2950, Agana, Guam 96910 U.S.A.

TEL: (671) 475-9322 / 9325 / 9436 FAX: (671) 477-4826

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October 18 1995

The Honorable Vicente C. Pangelinan  
Chairman, Committee on Youth, Labor  
and Park Recreation  
Senator, Twenty-Third Guam Legislature  
130 Aspinall Avenue, Suite 101  
Agana, Guam 96910



**SUBJECT: Bill No. 346**

Dear Senator Pangelinan:

The Guam State Council on Vocational Education reviewed Bill No. 346. In the review process, the Council's findings were disturbing upon the true intent of the pending legislation. Questions arise to the part whether the author of the bill mean to amend labor legislation to increase the workforce in the field of tourism through the demise of our young citizens.

To reflect to the portion of the bill which states *"The legislature finds that while it is the public intent to restrict the access and the employment of people under the age of eighteen in places commonly considered bars, young people should have opportunities to work and train in establishments that are restaurants and hotel banquet halls, that such experience does not constitute a major threat to the moral fiber of the young person and that indeed such work experience is essential if we seriously want to encourage our young people to develop careers in hotel management."*

However, the author failed to recognize that the opportunity of the young individual may permit their failure through our education system. Encouraging individuals from the age of sixteen up does not guarantee quality education. In contrast, the Bill do not have clauses that will prevent young citizens from sacrificing their education to earn a living. Our society has grown to a point of material substance over moral discipline.

Further, federal laws that were previously established prevent individuals from the age of sixteen to contribute certain work hours over their education studies. Our law which permits individuals at the age of sixteen to enroll or disassociate themselves from a quality education does not guarantee that our education institutions will prevent individuals from leaving.

Amending the Guam Labor Codes will not give our young individuals the proper education to compete in the world. Thus, we as leaders will fail to enhance our workforce without the proper education that will increase the standard of living for our citizens.

Furthermore, the bill does not reflect current programs that are giving our young citizens the on-the-job training required for entry and middle management. These programs are located at the Guam Community College - Vocational Technical High School, the Guam Public School Systems through the Alternative Learning Paths and Vocational Education Satellites Programs, and the Agency for Human Resources and Development - Job Training Partnership Act Program.

All the mentioned entities have educational training for employers to develop a business-education cooperative. Therefore, the pending legislation will automatically circumvent the progress that our education and labor leaders have worked hard to implement.

In addition, the United States Congress has a pending legislation that will consolidate 90-100 education and labor programs into a so call block grant. The pending legislation is the Workforce Development Act which will incorporate both education and job training as one entity.

It is recommended that Bill 346 be set aside until the implementation of the "Workforce Development Act" which is in conference and will be sent to the President for his approval. The President states that the legislation will become law.

Should you require more information in the pending federal legislation, please do not hesitate to contact our office.

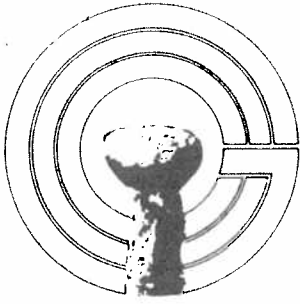
Sincerely,



ANDREW LUJAN ORSINI  
Executive Director

LTR007

cc:     • Governor of Guam  
          • Senator Mark Forbes  
          • Director, Department of Labor



**GUAM CHAMBER OF COMMERCE**  
**PARTNERS IN PROGRESS**

October 12, 1995

Senator Vicente C. Pangelinan  
Chairman  
Committee on Youth, Labor & Parks and Recreation  
Twenty-Third Guam Legislature  
155 Hesler Street  
Agana, Guam 96910

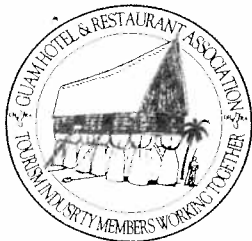
Dear Mr. Chairman & Committee Members:

I am writing to advise that the Guam Chamber of Commerce Board of Directors has not completed its deliberations on Bill No. 346 relative to the employment of minors ages sixteen and above in hotel and hospitality establishments. We therefore request the opportunity to submit our testimony to the committee after this evening's public hearing.

Thank you for your attention and assistance in this matter.

Sincerely yours,

ELOISE R. BAZA  
President



GUAM HOTEL & RESTAURANT ASSOCIATION

SUITE 106 HENGI PLAZA • P. O. BOX 8565 • TAMUNING, GUAM 96931 • TEL: 671 649 1447 • FAX: 671 649 8565

October 12, 1995

Honorable Ben Pangelinan  
Chairman, Committee on Youth, Labor & Parks and Recreation  
23rd Guam Legislature  
Agana, Guam 96910

Re: Bill No. 346

Hafa Adai Mr. Chairman, Members of the Committee:

My name is Michael Crisostomo, Manager of the Kurumaya Seahorse Restaurant, and Chairman of the Food & Beverage Committee of the Guam Hotel & Restaurant Association. Accompanying me is Mr. David Tydingco, President of the Guam Hotel & Restaurant Association. We are here to testify in support of Bill No. 346, An Act to Amend Subsection 3409, 11 GCA, Relative to the Employment of Minors ages Sixteen (16) and above as waiters, buspersons, or other traditional restaurant staff, or as management trainees in the Territory of Guam as a means of furthering vocational training in hotel and hospitality industry management.

As you may well know, tourism is the driving force of this economy, and there are many opportunities for local people to advance themselves professionally in this dynamic industry. One of the critical elements of our business is the ability to appropriately service our guests. We must be in a position to provide trained personnel to assure that the quality of service we provide is second to none.

In my personal experience, I began my career in 1976 at age 18, working as a bartender trainee, and worked for over 16 years to reach my current position. Without the benefit of prior hands on experience before being employed, it was quite a challenge to determine my career path in the hospitality industry. As I completed the bartender trainee program, my interests in the industry grew to other areas of food & beverage which allowed me to venture into other aspects of the restaurant business, ultimately leading to my current position. It took me quite a while to attain my current status, partly because I did not have the training opportunities in high school available that would have given me a head-start in my career.

Today, we have developed many industry related educational programs at the high school level through the Guam Community College Tourism department. The Department of Education is working on other programs, including School-to-Work, that would hopefully give students who do not wish to pursue a college education the opportunity to seek immediate employment after graduation. These programs are essential, but cannot be effectively implemented unless we can give students an opportunity to get on-the-job training in the industry prior to graduation.

Bill No. 346 is one of the first steps in removing the barriers that exist to give our students greater employment opportunities in our visitor industry. In many hotels, approximately 35% to 38% of the personnel are made up of people who work in the food & beverage area. This segment of the visitor industry provides the largest opportunity for employment and advancement for one's career.




Letter to Senator B. Pangelinan  
Subject: Testimony on Bill No. 346  
Page 2

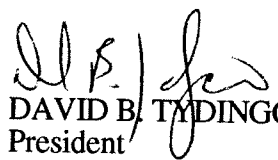
With respect to the contents of Bill No. 346, we would like to include a provision that would require minors above the age of sixteen (16) to be enrolled as part of a training program offered by one of the educational institutions in order to qualify for employment. This will encourage potential candidates to stay in school and obtain their educational requirements while obtaining on-the-job training.

We anticipate over the next few years that growth in our industry will exceed our supply of labor. We would like to assure that the first opportunities for employment are given to our local people and that they have an edge in terms of training and advancement opportunities.

We would be glad to answer any questions you may have relative to this subject.

Sincerely,

  
MICHAEL R. CRISOSTOMO  
Chairman, F & B Committee

  
DAVID B. TYDINGCO  
President



TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 346 (LS)  
Introduced by:

M. Forbes   
\_\_\_\_\_

AN ACT TO AMEND §3409, 11 GCA, RELATIVE TO THE EMPLOYMENT OF MINORS AGES SIXTEEN (16) AND ABOVE AS WAITERS, BUS PERSONS, OR OTHER TRADITIONAL RESTAURANT STAFF, OR AS MANAGEMENT TRAINEES IN THE TERRITORY OF GUAM AS A MEANS OF FURTHERING VOCATIONAL TRAINING IN HOTEL AND HOSPITALITY INDUSTRY MANAGEMENT.

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

Section 1. **Legislative Intent.** The desire to restrict the access of young people to alcoholic beverages is surely a laudable one. But in pursuit of that desire, it is important to recognize limitations that exist to our ability to totally access to the very presence of alcoholic beverages, as well as to ensure that we do not create harmful circumstances or deny young people access to important training opportunities. Guam has a tourism based economy and has been Territorial policy to encourage the employment of our people, especially in management training programs, in our largest industry. Food and Beverage represents one of the cornerstones of the hospitality and hotel industries and one cannot receive training in hotel management without some exposure to the Food and Beverage aspects of the industry. Yet current laws prevent students under the age of eighteen from work or practicum experiences in Food and Beverage settings. The legislature finds that while it is the public intent to restrict the access and the employment of people under the age of eighteen in places commonly considered bars, young people should have opportunities to work and train in establishments that are restaurants and hotel banquet halls, that such experience does not constitute a major threat to the moral fiber of the young person and that indeed such work experience is essential if we seriously want to encourage our young people to develop careers in hotel management.

1 Section 2.. §3409, 11 CG is amended to read:  
2

3 "§3409. **Minors: Employment Forbidden.** A licensee shall not employ  
4 any minor under the age of eighteen (18), in or about that portion of the premises  
5 which is used for the sale or service alcoholic beverages for the consumption on the  
6 premises. Provided, however, the minors ages sixteen (16) and above may be  
7 employed as entertainers in on-sale premises under regulations made by the Board.  
8 Such regulations shall include, but are not limited to, provisions for registrations of  
9 entertainers, hours of employment, conditions of employment, and the  
10 responsibility of licensees employing such minors. Minors ages sixteen (16) and  
11 above may also be employed as waiters, bus persons, or other traditional restaurant  
12 staff, or as management trainees, provided the licensee can prove that at least sixty  
13 percent (60%) of the licensee's revenue at the establishment comes from the sale of  
14 food, and that no more that forty percent (40%) of the licensee's revenue at the  
15 establishment comes from the sale of alcoholic beverages."