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NINTH GUAM LEGISLATURE  
1968 (SECOND) Regular Session


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CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This certifies that Bill No. 262, "An Act to amend the Minimum Wage and Hour Act of Guam, Title XIII, Government Code of Guam, extending the coverage of the Act, increasing the minimum wage, and for other purposes", was on the 6th day of February, 1968, duly and regularly passed.

  
S. C. ARRIOLA  
Speaker

ATTESTED:

  
F. T. RAMIREZ  
Legislative Secretary

-----  
This Act was received by the Governor this 20<sup>th</sup> day  
of February, 1968 at 11:59 o'clock 4 .M.

Elise L. San Augustin

Acting Secretary of Guam

APPROVED:

/s/ Denver Dickerson  
DENVER DICKERSON  
Governor of Guam  
Acting  
DATED: March 7, 1968  
10:10 a.m.

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Public Law 9-159

NINTH GUAM LEGISLATURE  
1967 (FIRST) Regular Session

Bill No. 262

Introduced by

Committee on Rules, by  
request of the Governor  
in accordance with Section  
6(b) of the Organic Act  
of Guam.

AN ACT TO AMEND THE MINIMUM WAGE AND HOUR ACT OF  
GUAM, TITLE XLII, GOVERNMENT CODE OF GUAM, EXTENDING  
THE COVERAGE OF THE ACT, INCREASING THE MINIMUM  
WAGE, AND FOR OTHER PURPOSES.

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

2 Section 1. Sections 46006 through 46017 of Chapter 1, Title  
3 XLII, Government Code of Guam, wherever mentioned in said Title, are  
4 hereby renumbered Sections 46007 through 46018, except that the  
5 reference in Subsection 46003(6) to Section 46014 (as renumbered) is  
6 renumbered 46014 and the reference in Section 46009 (as renumbered to  
7 Section 46007) as renumbered is renumbered 46008.

8 Section 2. Item 4 of Section 46003, Government Code, is hereby  
9 amended to read as follows:

10 "4. 'Employee' includes any individual employed by an  
11 employer, but shall not include any individual employed: (a)  
12 in agriculture for any workweek in which the employer of the  
13 individual employs less than 10 persons; (b) in domestic employment  
14 in or about a private home."

15 Section 3. Item 6 of Section 46003, Government Code, is hereby  
16 amended to read as follows:

17 "6. 'Wage' means (except as the Wage and Hour Commissioner  
18 may provide under Section 46014) legal tender of the United States,  
19 or checks on banks convertible into cash on demand at full face  
20 value thereof and in addition thereto the reasonable cost, as  
21 determined by the Commissioner, to the employer of furnishing  
22 an employee with board, lodging or other facilities if such board,



1 lodging or other facilities are customarily furnished by such  
2 employer to his employees but shall not include tips or gratuities  
3 of any kind: Provided, that the cost of board, lodging or other  
4 facilities shall not be included as a part of the wage paid to any  
5 employee to the extent it is excluded therefrom under the terms  
6 of a bona fide collective bargaining agreement applicable to the  
7 particular employee."

8 Section 4. Section 46004, Government Code, is hereby amended to  
9 read as follows:

10 "Section 46004. Minimum Wages. Every employer shall pay  
11 to each employee employed by him wages at the rate of not less  
12 than \$1.40 per hour."

13 Section 5. A new Section 46006 is hereby added to Chapter 1, Title  
14 XIII, Government Code, to read as follows:

15 "Section 46006. Exemptions. The provisions of Sections  
16 46004 and 46005 shall not apply with respect to: (a) any employee  
17 employed by his son, daughter, spouse or parent; (b) any employee  
18 employed in a bona fide executive, administrative or professional  
19 capacity, or in the capacity of outside salesman, or as an outside  
20 collector; (c) any employee employed in the propagating, catching,  
21 taking, harvesting, cultivating or farming of any kind of fish,  
22 shellfish, crustacea, sponges, seaweeds or other aquatic forms  
23 of animal or vegetable life, including the going to and returning  
24 from work and the loading and unloading of such products prior  
25 to first processing; (d) any employee employed as a seaman;  
26 (e) any employee employed as a driver of a vehicle carrying  
27 passengers for hire operated solely on call from a fixed stand;  
28 (f) any employee employed as a golf caddy; (g) any employee  
29 employed as a newspaper boy in the delivery of newspapers to the  
30 consumer; (h) any student enrolled in a public or private school  
31 of Guam employed during a school summer vacation; or (i) any

1 employee to the extent that such employee is exempted by the  
2 Commissioner pursuant to Sections 46011 and 46012."

3 Section 6. Section 46008, Government Code, as renumbered by  
4 Section 1 hereof, is hereby amended to read as follows:

5 "Section 46008. Employer's Record; Commissioner's Rights  
6 and Duties. Every employer shall keep in or about the premises  
7 wherein any employee is employed a record of the name, address  
8 and occupation of each such employee, of the amount paid each  
9 pay period to each such employee, of the hours worked each day  
10 and each workweek by each employee, and of such other information,  
11 and for such periods of time as the Commissioner may by regula-  
12 tion prescribe. The Commissioner or his authorized representative  
13 shall, for the purpose of examination, have access to, and the  
14 right to copy from, such records. The Commissioner is authorized  
15 to inspect and use as evidence all reports and/or statements of  
16 any kind or nature submitted to any department of the government  
17 of Guam for the purpose of enforcing the provisions of this  
18 chapter. Every employer shall furnish to the Commissioner or  
19 his authorized representative such information relating to the  
20 employment of workers and in such manner as the Commissioner may  
21 prescribe, and shall permit the Commissioner or his representative  
22 to interview employees during working hours at the place of  
23 employment. The Commissioner shall cause this chapter to be  
24 printed and copies thereof shall be furnished to interested  
25 persons upon request without charge. Copies of orders of the  
26 Commissioner and of rules and regulations of the Commissioner  
27 shall also be furnished to employers affected thereby without  
28 charge."

29 Section 7. Section 46014, Government Code, as renumbered by  
30 Section 1 hereof, is hereby amended to read as follows:

31 "Section 46014. Administrative Regulations. For any



1            occupation, the Commissioner shall make and revise, subject to  
2            the approval of the Governor, such administrative regulations as  
3            he may deem appropriate to carry out the purposes of this Chapter  
4            or necessary to prevent the circumvention or evasion thereof and  
5            to safeguard the minimum wage rates thereby established. Such  
6            regulations may include, but are not limited to, regulations  
7            defining and governing outside salesmen; learners and apprentices,  
8            their number, proportion, and length of service; part-time pay;  
9            handicapped workers; bonuses; overtime pay; special pay for  
10           special or extra work; permitted charges to employees or allowances  
11           for board, lodging, or other facilities customarily furnished by  
12           employers to employees; or allowances for such other special  
13           conditions or circumstances which may be usual in a particular  
14           employer-employee relationship. Regulations or revisions thereof  
15           pursuant to this section shall be made only after a public  
16           hearing subsequent to publication of notice of the hearing, at  
17           which any person may be heard. Such regulations or revisions  
18           shall, except as may otherwise be provided, take effect upon  
19           promulgation by Executive Order."

20           Section 8. This Act shall become effective on the first day of  
21           the third month following its approval.