



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

05 JAN 2007

The Honorable Mark Forbes
Speaker
Mina' Bente Ocho Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910



Dear Mr. Speaker:

Transmitted herewith is Bill No. 368(EC), "AN ACT TO CONFORM THE GUAM WAGE AND HOUR LAW TO CHANGES IN THE FEDERAL FAIR LABOR STANDARDS ACT REGULATIONS BY AMENDING TITLE 22 G.C.A. § 3108(b), BY REPEALING THE FIRST FOUR SUBSECTIONS OF RULE ONE OF E.O. 61-14 AND THEIR CORRESPONDING SECTIONS IN TITLE 17 G.A.R. §4101, DEEMING TITLE 17 G.A.R., DIVISION 1, CHAPTER 4 AMENDED TO CONFORM TO FEDERAL REGULATIONS ON WAGE AND HOUR ISSUES AND ALSO TO REQUIRE THE DIRECTOR OF LABOR TO POST SAID LAWS ON THE DOL WEBSITE," which I signed into law on January 4, 2007, as Public Law 28-164.

Sinseru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy attached of signed bill

cc: The Honorable Eddie Baza Calvo
Senator and Secretary of the Legislature

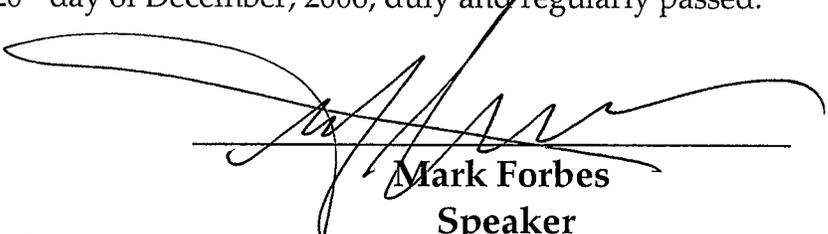
Office of the Speaker
MARK FORBES
Date: 01-05-07
Time: 5:05 pm
Rec'd by: [Signature]
Dist Name: [Signature]

29-07-0019

I MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN  
2006 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 368 (EC), "AN ACT TO CONFORM THE GUAM WAGE AND HOUR LAW TO CHANGES IN THE FEDERAL FAIR LABOR STANDARDS ACT REGULATIONS BY AMENDING TITLE 22 G.C.A. §3108(b), BY REPEALING THE FIRST FOUR SUBSECTIONS OF RULE ONE OF E.O. 61-14 AND THEIR CORRESPONDING SECTIONS IN TITLE 17 G.A.R. §4101, DEEMING TITLE 17 G.A.R., DIVISION 1, CHAPTER 4 AMENDED TO CONFORM TO FEDERAL REGULATIONS ON WAGE AND HOUR ISSUES AND ALSO TO REQUIRE THE DIRECTOR OF LABOR TO POST SAID LAWS ON THE DOL WEBSITE," was on the 20<sup>th</sup> day of December, 2006, duly and regularly passed.

  
Mark Forbes  
Speaker

Attested:

  
Edward J.B. Calvo  
Senator and Secretary of the Legislature

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This Act was received by I Maga'lahaen Guåhan this 27 day of Dec, 2006, at 10:36 o'clock A.M.

  
Michele Duenas  
Assistant Staff Officer  
Maga'lahaen's Office

APPROVED:

  
FELIX P. CAMACHO  
I Maga'lahaen Guåhan

Date: 4 JANUARY 2007

Public Law No. 28-164

**MINA'BENTE OCHO NA LIHESLATURAN GUÅHAN**  
**2006 (SECOND) Regular Session**

**Bill No. 368 (EC)**

As substituted by the  
Committee on Aviation,  
Immigration, Labor and  
Housing and amended.

Introduced by:

R. Klitzkie  
F. B. Aguon, Jr.  
J. M.S. Brown  
Edward J.B. Calvo  
B. J.F. Cruz  
Mike Cruz  
Mark Forbes  
L. F. Kasperbauer  
J. A. Lujan  
A. B. Palacios, Sr.  
R. J. Respicio  
Ray Tenorio  
A. R. Unpingco  
J. T. Won Pat

**AN ACT TO CONFORM THE GUAM WAGE AND HOUR LAW TO CHANGES IN THE FEDERAL FAIR LABOR STANDARDS ACT REGULATIONS BY *AMENDING* TITLE 22 G.C.A. §3108(b), BY *REPEALING* THE FIRST FOUR SUBSECTIONS OF RULE ONE OF E.O. 61-14 AND THEIR CORRESPONDING SECTIONS IN TITLE 17 G.A.R. §4101, DEEMING TITLE 17 G.A.R., DIVISION 1, CHAPTER 4 *AMENDED* TO CONFORM TO FEDERAL REGULATIONS ON WAGE AND HOUR ISSUES AND ALSO TO REQUIRE THE DIRECTOR OF LABOR TO POST SAID LAWS ON THE DOL WEBSITE.**

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

2           **Section 1.** Title 22 G.C.A. §3108(b) is *amended* to read:

3                   “(b)(1)       Any employee who is employed in a bona fide  
4 executive capacity, which is any employee who is compensated on a salary  
5 or fee basis at a rate of *not less than* Four Hundred Fifty-five Dollars  
6 (\$455.00) per week and whose primary duty is management of the enterprise  
7 where the employee is employed or of a recognized department thereof; who  
8 customarily and regularly directs the work of two (2) or more other  
9 employees; and who has the authority to hire or fire other employees or  
10 whose suggestions and recommendations as to hiring, firing, advancement,  
11 promotion, or any other change of status of other employees are given  
12 particular weight.

13                   (2)       Any employee who is employed in a bona fide  
14 administrative capacity, which is any employee who is compensated on a  
15 salary or fee basis at a rate of *not less than* Four Hundred and Fifty-five  
16 Dollars (\$455.00) per week and whose primary duty is the performance of  
17 office or non-manual work directly related to the management of the general  
18 business operations of the employer or the employer’s customers, and whose  
19 primary duty includes the exercise of discretion and independent judgment  
20 with respect to matters of significance.

21                   (3)       Any employee who is employed in a bona fide  
22 professional capacity, which is any employee who is compensated on a  
23 salary or fee basis at a rate of *not less than* Four Hundred Fifty-five Dollars  
24 (\$455.00) per week and whose primary duty is the performance of work  
25 requiring knowledge of an advanced type in a field of science or learning  
26 customarily acquired by a prolonged course of specialized intellectual  
27 instruction or requiring invention, imagination, originality or talent in a

1 recognized field of artistic or creative endeavor. It shall also include  
2 computer systems analysts, computer programmers, software engineers or  
3 other similarly skilled workers in the computer field.

4 (4) Any employee who is employed as an outside  
5 salesperson, which is an employee who is employed for the purpose of and  
6 who is customarily and regularly engaged away from the employer's place  
7 of business in making sales or obtaining orders or contracts for services or  
8 the use of facilities for which a consideration will be paid by the client or  
9 customer.

10 (5) Any employee with a primary duty of teaching, tutoring,  
11 instructing or lecturing in the activity of imparting knowledge and who is  
12 employed in this activity as a teacher in an educational establishment.”

13 **Section 2.** Subsections A, B, C and D of Rule 1 in Executive Order  
14 61-14 are *repealed*.

15 **Section 3.** Title 17 G.A.R §4101(a), (b), (c) and (d) are *repealed*.

16 **Section 4.** Title 17 G.A.R., Division 1, Chapter 4 is hereby deemed  
17 *amended* to conform to Part 541 of Subchapter A of Chapter V of Subtitle B  
18 of Title 29 C.F.R., also cited as Title 29 C.F.R. §541, et seq.

19 **Section 5.** A new §3109.1 is *added* to Title 22 G.C.A. to read:

20 “§3109.1. **Publishing Applicable Laws.** The Director of  
21 Labor shall post on the Department's internet website Title 22 G.C.A.  
22 §3108 and Title 17 G.A.R., Division 1, Chapter 4, as *amended* herein.”