


MINA' TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

2011 DEC - 9
MAY
11 9:55

Bill No. 391-31 (cor)

Introduced by:

B.J.F. Cruz 

AN ACT TO ADD A NEW § 5011 TO PART A, ARTICLE 1 OF CHAPTER 5, TITLE 5, GUAM CODE ANNOTATED; TO AMEND § 44107 OF TITLE 22, GUAM CODE ANNOTATED; AND TO ADD A NEW § 44115 TO TITLE 22, GUAM CODE ANNOTATED; RELATIVE TO ESTABLISHING A PROCUREMENT POLICY IN FAVOR OF BUSINESSES PARTICIPATING IN THE GUAM REGISTERED APPRENTICESHIP PROGRAM OR CURRENTLY EMPLOYING PERSONS WHO COMPLETED THAT PROGRAM.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new §5011 is hereby *added* to Part A, Article 1 of Chapter 5, Title 5, Guam Code Annotated, to read as follows:

“§ 5011. Policy in favor of Apprenticeship Program Participants.

All procurement of construction services by the government of Guam, including construction services funded by federal sources, valued in excess five hundred thousand dollars (\$500,000) *shall* be made from among businesses that are certified by the Director of Labor as program participants of the Guam Registered Apprenticeship Program pursuant to 22 GCA Chapter 44 *or* that employ a person who has successfully completed that program. For the purpose of enforcing this Section, the Director of Labor *shall* promulgate rules and regulations which may include, but not be limited

1 to, reasonable fees to recover the cost of certification and compliance. Such
2 rules and regulations *shall* be established pursuant to the Administrative
3 Adjudication Law.”

4 **Section 2.** § 44107 of Title 22 of the Guam Code Annotated is hereby
5 *amended* to read as follows:

6 **“§ 44107. Administration of the Guam Registered Apprenticeship**
7 **Program.**

8 (a) The Director of Labor shall administer the *Guam Registered*
9 *Apprenticeship Program* and shall establish rules and regulations necessary
10 to implement this Chapter pursuant to the Administrative Adjudication Law
11 *within* ninety (90) days after the enactment hereof.

12 (b) The Director shall ensure proper educational accreditation
13 standards are met and maintained by program providers, using educational
14 classes provided by an institution of higher education or employer provided
15 USDOL BAT approved educational learning resources.

16 (c) Program participants having five (5) or more apprentices in
17 training shall adopt and register with the Director a written Affirmative
18 Action Plan and Selection Procedure according to Title 29 C.F.R. Part 30.
19 Program participants may set their own minimum requirements,
20 qualifications and credentials for apprentices, subject to approval by the
21 Director, provided that said requirements are fair, nondiscriminatory, and
22 comply with all applicable Program requirements and USDOL BAT
23 standards.

24 (d) The Director of Labor may establish additional rules and
25 regulations necessary to require program participants pursuant to 5 GCA §
26 5011 to provide apprenticeship opportunities to eligible persons with less

1 than two (2) years of work experience in construction trades. Such rules and
2 regulations shall be established pursuant to the Administrative Adjudication
3 Law.

4 **Section 3.** A new § 44115 is hereby *added* to Title 22 of the Guam Code
5 Annotated to read as follows:

6 **“§ 44115. Certified Apprentice Employer Fund.**

7 (a) There is hereby established a special fund called the Certified
8 Apprentice Employer Fund, hereinafter called the Fund, which shall be
9 maintained separate and apart from any other funds of the government of
10 Guam, and independent records and accounts shall be maintained in
11 connection therewith.

12 (b) All monies received from fees pursuant to 5 GCA § 5011 shall be
13 paid into the Fund, and shall be expended solely for the purposes of and in
14 amounts found necessary by the Director of Labor in order to certify that a
15 business is participating in the Guam Registered Apprenticeship Program *or*
16 currently employs a person who has successfully completed that program.

17 (c) All monies which are deposited in or paid into the Fund are hereby
18 appropriated to and made continuously available for expenditure by the
19 Director of Labor, and shall not lapse at any time, be transferred to any other
20 fund, or be subject to *any* form of interfund borrowing.

21 (d) The Director shall provide quarterly statements of revenues and
22 expenditures of the fund to the Speaker of *I Liheslaturan Guahan.*”
23
24
25
26