

# FAIR LABOR STANDARDS ACT

## 22 GCA. Chapter 3 FLSA TO ALL WAGE EARNERS AND EMPLOYERS

### MINIMUM WAGE

PURSUANT TO PUBLIC LAW 32-178: AN ACT TO REPEAL AND REENACT §3105 OF ARTICLE 1, CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO RESPONSIBLY RAISING THE MINIMUM WAGE



**\$8.25 PER HOUR**

Effective January 01, 2015

### OVERTIME

Employees must be paid one and one-half times their regular rate of pay for all hours worked over 40 in a workweek. The Fair Labor Standards Act does not permit an employer to give "compensatory time off" or CTO in lieu of cash wages when employees work more than 40 hours during the standard 7-day workweek.

### DEDUCTIONS

Other than deductions required by law (*taxes, court ordered payments, etc.*), the only permissible deductions from an employee's pay are: **(1)** previously agreed to costs of, or the fair value of, board, lodging & other facilities; & **(2)** deductions authorized by the employee for savings plans, loans, benefit plan contributions & the like.

The law requires employers to show, on a check stub or pay statement, all deductions taken from an employee's pay, and a copy of it must be given to the employee.

### RECORD KEEPING

The law requires employers to keep accurate records of "time worked" and wages paid for all employees. Such records must be preserved by the employer for a period of at least 3 (*three*) years.

### TIPS AND GRATUITIES

**Wage** means (*except as the Wage and Hour Commissioner may provide under §3116*) legal tender of the United States, or checks on banks convertible into cash on demand at full face value thereof and in addition thereto the reasonable cost, as determined by the Commissioner to the employer of furnishing an employee with board, lodging or other facilities if such board, lodging or other facilities are customarily furnished by such employer to his employees **but shall not include tips or gratuities of any kind.....**

### CHILD LABOR

Youths 14 and 15 years old may work outside school hours in various non-manufacturing, non-mining, non-hazardous jobs under the following conditions:

1. Must obtain a Minor's Certificate for Employment
2. Work no more than
  - 3 hours on a school day or 18 hours in a school week;
  - 8 hours on a non-school day or 40 hours in a non-school week

Work may not begin before 7 a.m. or end after 7 p.m. except from June 1st through Labor Day, when evening hours are extended to 9 p.m. Different rules apply on agricultural employment.

An employee must be at least 16 years old to work in most non-farm jobs and at least 18 years old to work in non-farm jobs declared hazardous by the Secretary of U.S. Department of Labor.

**Note:** Certain fulltime students, student learners, apprentices and workers with disabilities may be paid less than the minimum wage under special certificates issued by the Guam Department of Labor.

**New Federal Minimum Wage.** Pursuant to Title 22, Guam Code Annotated: "§3121. Minimum Wage; Automatic Increase. Whenever a Federal law establishes a minimum wage higher than the minimum wage established pursuant to §3105, the minimum wage under this Act shall be correspondingly increased to the minimum wage level of the Federal law with the same effective date."

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Wage and Hour Division**  
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Hagatña, GU 96910

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**WAGE AND HOUR RULES AND REGULATIONS REQUIRES EMPLOYERS TO DISPLAY THIS NOTICE WHERE EMPLOYEES CAN READILY SEE IT**