

CHAPTER 5
CHILD LABOR REGULATIONS
(WAGE AND HOUR COMMISSIONER)

- Article 1 Certificate of Employment
2 Hazardous Occupations for Minors
3 Minors in Theatrical Employment

Article 1
Certificate of Employment

- §5101. Definitions.
§5102. Employment Certificate: Effect.
§5103. Information Concerning Application for Minor's Employment Certificate, the Employment Certificate and Proof of Age Required.
§5104. Periods and Conditions of Employment.

§5101. Definitions. As used in this Section:

(a) *Act* means the child labor provisions 19 GCA Chapter 11.

(b) *Wage and Hour Division* means the Wage and Hour Division of the Department of Labor.

(c) *Employment Certificate* means a certificate of employment issued by the Commissioner pursuant to regulations to an employer of a minor under the age of sixteen (16), which the employer keeps on file.

§5102. Employment Certificate: Effect. (a) If an employer of a minor under the age of sixteen (16) obtains from the Commissioner of Wage and Hour or his designated representative, a certificate of employment issued and held in accordance with this Regulation, he shall have complied with 19 GCA §11104.

(b) The prospective employer of a minor in order to protect himself from unwitting violation of the Child Labor Law, must obtain a certificate of employment for the minor if there is any reason to believe that the minor's age is or may be below the applicable minimum for the occupation in which he is to be employed.

§5103. Information Concerning Application for Minor's Employment Certificate, the Employment Certificate and Proof of Age Required. (a) Application for minor's employment certificate shall contain the following information:

- (1) Last name, first name, middle name of minor.

- (2) Age of minor.
- (3) Sex.
- (4) Signature of minor and date.
- (5) Address.
- (6) Occupation.
- (7) Hours of work; from a.m. to p.m.; time for lunch; hours per day; days per week.
- (8) Date employment begins on.
- (9) Business name of employer and type of business.
- (10) Signature of Employee and title.
- (11) Business address of employer, zip code and phone.
- (12) Signature of either parent or guardian.
- (13) Address and phone number of parent or guardian.

(b) The employment certificate shall contain the following information:

- (1) Signature of minor.
- (2) Minor's last name, first name and middle name.
- (3) Minor's street address, city, zip code.
- (4) Sex of minor.
- (5) Minor's date and place of birth.
- (6) Statement of issuing officer indicating evidence upon which number (5) above is based.
- (7) Occupation of minor.
- (8) Name and address of either of minor's parents or person standing in place of parent.
- (9) Name and address of employer.
- (10) Industry of employer and phone number.
- (11) Signature of issuing officer, title of issuing officer and date and place of issuance.
- (12) Year and number assigned.

(c) A certificate of employment shall be issued only upon application of the minor desiring employment, who must personally return the completed application together with acceptable documentary evidence of his age. Such evidence shall consist of one of the following proof of age, to be required in the order of preference herein designated,

as follows:

(1) A birth certificate or attested transcript thereof or a signed statement of the recorded date and place of birth, issued by a registrar of vital statistics or other officer charged with the duty of recording births.

(2) A record of baptism or attested transcript thereof showing the date and place of birth and date and place of the baptism of the minor, or a bona fide contemporary record of the date and place of the minor's birth kept in the bible in which the records of the births in the family of the minor are preserved, or other documentary evidence satisfactory to the Commissioner or Administrator of the Wage and Hour Division, such as a passport showing the age of the minor or a certificate of arrival in the U.S. issued by the U.S. Immigration Office and showing the age of the minor, or a life insurance policy: Provided, that such other documentary evidence has been in existence at least one (1) year prior to the time it is offered as evidence; and provided further, that a school record of age or an affidavit of a parent or a person standing in place of a parent, or other written statement of age shall not be accepted except as specified in Paragraph (d) following.

(d) The school record or the school census record of the age of the minor, together with the sworn statement of a parent or person standing in place of a parent as to the age of the minor and also a certificate signed by a physician specifying what in his opinion is the physical age of the minor. Such certificate shall show the height and weight of the minor and other facts concerning his physical development which were revealed by such examination and upon which the opinion of the physician as to the physical age of the minor is based. If the school record or school census record of age is not available, the sworn statement of the parent or person standing in place of a parent as to the date of birth of the minor, together with a physician's certificate of age as herein before specified, may be accepted as evidence of age.

(e) The officer issuing a certificate of employment for a minor shall require that the documentary evidence of age specified in 17 GAR §5103(c) be received in preference to that specified in 17 GAR §5103(c)(2) or §5103(d), and shall not accept the evidence of age permitted by either subsequent paragraph unless he shall receive and file

evidence that reasonable efforts have been made to obtain the preferred evidence required by the preceding paragraph or paragraphs before accepting any subsequently named evidence: Provided, that to avoid any undue delay in the issuance of an employment certificate, evidence specified in 18 GAR §5103(c) may be accepted, or if such evidence is not available, evidence specified in 17 GAR §5103(d) may be accepted if a verification of birth has been requested but has not been received from the appropriate Bureau of Vital Statistics.

(f) The certificate of employment for a minor under sixteen (16) years of age shall be delivered (or sent by a person authorized to issue such certificates) to the prospective employer of the minor, who shall keep such certificate on file at the place of the minor's employment and who on the termination of the employment of the minor shall return the certificate to the person issuing it. A certificate returned to the issuing officer may be accepted as proof of age for the issuance of any subsequent certificate of age for that minor, without presentation of further proof of age, unless it is found that the proof of age originally submitted was in error.

§5104. Periods and Conditions of Employment. (a) Except as provided in Subsection (b) of this Section, employment in any of the occupations to which this Section is applicable shall be confined to the following periods:

- (1) Outside school hours;
- (2) Not more than six (6) consecutive days in any one (1) week;
- (3) Or more than forty (40) hours in any one (1) week;
- (4) Or more than eight (8) hours in any one (1) day;
- (5) Nor shall a minor enrolled in a school who is employed on a school day work past 7:00 p.m.;
- (6) Nor may the combined hours of work and hours in school of a minor employed on school days exceed a total of nine (9) hours per school day.

(b) In the case of enrollees in work training programs conducted under the Comprehensive Employment Training Act, or the Manpower Development Training Act

or other federal programs or locally funded programs, there is an exception to the requirement of Subsection (a) of this Section [Paragraph D(1)] if the employer has on file with his records kept pursuant to the law, an unrevoked written statement of the Administrator (or his representative) of any of the above- mentioned programs; setting out the periods which the minor will work and who certifies that his employment confined to such periods will not interfere with his health and well-being, countersigned by the principal of the school which the minor is attending with his certification that such employment will not interfere with the minor's schooling.

Article 2
Hazardous Occupation for Minors

- §5201. Definitions.
- §5202. Occupations of Motor Vehicle Driver and Outside Helper.
- §5203. Occupations in Operation of Power-Driven Woodworking Machines.
- §5204. Occupations Involving Exposure to Radioactive Substances and to Ionizing Radiations.
- §5205. Occupations Involved in the Operation of Elevators and Other Power-Driven Hoisting Apparatus.
- §5206. Occupations Involved in the Operation of Power-Driven Metal Forming, Punching and Shearing Machines.
- §5207. Occupations in or About Slaughtering and Meat Packing Establishments and Rendering Plants.
- §5208. Occupations Involved in the Operation of Certain Power-Driven Bakery Machines.
- §5209. Occupations Involved in the Operation of Certain Power-Driven Paper Products Machines.
- §5210. Occupations Involved in the Manufacture of Brick, Tile and Kindred Products.
- §5211. Occupations Involved in the Operation of Circular Saws, Band Saws and Guilloting Shears.
- §5212. Occupations Involved in Wrecking, Demolition and Shipbreaking Operations.
- §5213. Occupations Involved in Roofing Operations.
- §5214. Occupations in Excavation Operations.
- §5215. Occupations in Connection with Mining, Other Than Coal.
- §5216. Logging Occupations and Occupations in the Operation of any Sawmill, Lath Mill, Shingle Mill or Cooperage Stock Mill.
- §5217. Occupations Involved in Agricultural Operations.
- §5218. Additional Hazardous Occupations for Minors Under Sixteen (16).
- §5219. Non-Hazardous Occupations for Minors Fourteen (14) Years of Age and Over in Retail, Food Service and Gasoline Service Establishments.
- §5220. Occupations in or About Plants or Establishments Manufacturing or Storing Explosives or Articles Containing Explosive Components.

§5201. Definitions. As used in this Regulation, *Commissioner, Employ, Employer, Employee, Industry, Wage and Week* mean the same as the terms are defined in 19 GCA Chapter 11.

§5202. Occupations of Motor Vehicle Driver and Outside Helper. (a) Except as otherwise provided in this Section, the occupations of motor vehicle driver and outside helper on any public road, highway, in or about any mine (including open-pit mine or quarry), place where logging or sawmill operations are in progress, or in any excavation of the type identified in 17 GAR §5214 are declared to be hazardous occupations for minors under eighteen (18) years of age.

(b) **Exceptions.** Operation of automobiles or trucks not exceeding six thousand (6,000) pounds gross vehicle weight by a minor who has attained the age of sixteen (16) shall not be deemed hazardous if:

(1) The operation is restricted to daylight hours;

(2) The minor holds a valid license for the type of driving involved in the job which he performs and has completed an approved driver education course; and

(3) The vehicle is equipped with a seat belt or similar device for the driver and for each helper and the employer has instructed each minor that the belts or other safety devices must be used.

This Paragraph on exceptions shall not apply to any occupation of motor vehicle driver which involves towing of vehicles.

(c) **Definitions.** As used in this Section:

(1) *Motor Vehicle* means any automobile, truck, truck-tractor, trailer, semi-trailer, motorcycle or similar vehicle propelled or drawn by mechanical power and designed for use as a means of transportation but shall not include any vehicle operated exclusively on rails.

(2) *Driver* means any individual who, in the course of his employment drives a motor vehicle at any time.

(3) *Outside Helper* means any individual, other than a driver, whose work includes riding on a motor vehicle outside the cab for the purpose of assisting in transporting or delivering goods.

(4) *Gross Vehicle Weight* includes the truck chassis with lubricants, water and full tank or tanks of fuel, plus the weight of the cab or driver's compartment, body, special chassis, body equipment and payload.

§5203. Occupations in Operation of Power-Driven Woodworking Machines. (a) Except as otherwise provided in this Section, the following occupations involved in the operation of power-driven woodworking machines are declared to be hazardous for minors under eighteen (18) years of age:

(1) The occupation of operating power- driven woodworking machines, including supervising or controlling the operation of such machines, feeding

material into such machines, and helping the operator to feed material into such machines but not including the placing of material on a moving chain or in a hopper or slide for automatic feeding.

(2) The occupations of setting up, adjusting, repairing, oiling or cleaning power-driven woodworking machines.

(3) The occupation of off-bearing from circular saws and from guillotine action veneer clippers.

(b) **Definitions.** As used in this Section:

(1) *Power-Driven Woodworking Machines* means all fixed or portable machines or tools driven by power and used or designed for cutting, shaping, forming, surfacing, nailing, stapling, wire stitching, fastening or otherwise assembling, pressing or printing wood or veneer.

(2) *Off-Bearing* means the removal of material or refuse directly from a saw table or from the point of operation. Operations not considered as off-bearing within the intent of this Section include:

(A) The removal of material or refuse from a circular saw or guillotine action veneer clipper where the material or refuse has been conveyed away from the saw table or point of operation by a gravity chute or some mechanical means such as a moving belt or expulsion roller; and

(B) The following operations when they do not involve the removal of material or refuse directly from a saw table or from the point of operation:

(i) The carrying, moving or transporting of materials from one machine to another or from one part of a plant to another;

(ii) The piling, stacking or arranging of materials for feeding into a machine by another person; and

(iii) The sorting, typing, bundling or loading of materials.

(c) **Exceptions.** This Section shall not apply to the employment of any apprentice, trainee, student-learner or enrollee if:

(1) The apprentice or trainee is a party to an apprenticeship or trainee agreement registered with the Department of Labor within thirty (30) days after execution of the agreement and the work of the apprentice or trainee in the occupation declared hazardous is incidental to his training.

(2) The student-learner is enrolled in a course of study and training in a cooperative vocational training program under a bona fide vocational training program, authorized and approved by the Department of Education; provided that:

(A) The employment is intermittent and for short periods of time, and under the direct and close supervision of a qualified and experienced person; and

(B) Safety instructions are given by the school and correlated by the employer with on-the-job training.

(3) The enrollee is enrolled in a work training program conducted under the Comprehensive Employment and Training Act of 1974 and similar training programs approved and conducted by or under the auspices of a governmental agency.

(4) The apprentice, trainee, student- learner or enrollee is fourteen (14) or older.

§5204. Occupations Involving Exposure to Radioactive Substances and to Ionizing Radiations. (a) The following occupations involving exposure to radioactive substances and to ionizing radiations are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) Any work in any workroom in which:

(A) Radium is stored or used in the manufacture of self-luminous compound;

(B) Self-luminous compound is made, processed or packaged;

(C) Self-luminous compound is stored, used or worked upon;

(D) Incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged;

(E) Other radioactive substances are present in the air in average concentrations exceeding ten percent (10%) of the maximum permissible concentrations in the air recommended for occupations exposure by the National Committee on Radiation Protection, as set forth in the 40-hour week column on Table One of the National Bureau of Standards Handbook No. 69 entitled "Maximum Permissible Body Burdens and Maximum Permissible Concentrations of Radionuclides in Air and in Water for Occupational Exposure," issued June 5, 1959.

(2) Any other work which involves exposure to ionizing radiations in excess of 0.5 rem per year.

(b) **Definitions.** As used in this Section:

(1) *Self-Luminous Compound* means any mixture of phosphorescent material and radium, mesothorium or other radioactive element.

(2) *Workroom* includes the entire area bounded by walls of solid material and extending from floor to ceiling.

(3) *Ionizing Radiations* means alpha and beta particles, electrons, protons, neutrons, gamma and x-ray and all other radiations which produce ionizations directly or indirectly, but does not include electromagnetic radiations other than gamma and x-ray.

§5205. Occupations Involved in the Operation of Elevators and Other Power-Driven Hoisting Apparatus.

(a) The following occupations involved in the operation of power-driven hoisting apparatus are declared to be hazardous for minors under eighteen (18) years of age:

(1) Work of operating an elevator, crane, derrick, hoist or high-lift truck, except operating an unattended automatic operation passenger elevator or an electric or air-operated hoist not exceeding one (1) ton capacity.

(2) Work which involved riding on a manlift or on a freight elevator, except a freight elevator operated by an assigned operator.

(3) Work of assisting in the operation of a crane, derrick or hoist performed by crane hookers, crane

chasers, hookers-on, riggers, rigger helpers and like occupations.

(b) **Definitions.** As used in this Section:

(1) *Elevator* means any power-driven hoisting or lowering mechanism equipped with a car or platform which moves in guides in a substantially vertical direction. The term shall include both passenger and freight elevators (including portable elevators or tiering machines), but does not include dumbwaiters.

(2) *Crane* means a power-driven machine for lifting and lowering a load and moving it horizontally, in which the hoisting mechanism is an integral part of the machine. The term includes all types of cranes, such as cantilever gantry, crawler, gantry, hammerhead, ingot-pouring, jib, locomotive, motor-truck, overhead traveling, pillar jib, pintle portal, semi-gantry, semi-portal, storage bridge, tower, walking jib and wall cranes.

(3) *Derrick* means a power-driven apparatus consisting of a mast or equivalent members held at the top by guys or braces, with or without a boom, for use with hoisting mechanism or operating ropes. The term includes all types of derricks, such as A-frame, breast, Chicago boom, gin-pole guy and stiff-leg derrick.

(4) *Hoist* means a power-driven apparatus for raising or lowering a load by the application of a pulling force that does not include a car or platform running in guides. The term includes all types of hoists, such as a base mounted electric, clevis suspension, hook suspension, monorail, overhead electric, simple drum and trolley suspension hoists.

(5) *High-Lift Truck* means a power-driven industrial type of truck used for lateral transportation that is equipped with a power-operated lifting device usually in the form of a fork or platform capable of tiering loaded ballets of skids one above the other. Instead of a fork or platform, the lifting device may consist of a ram, scoop, shovel, crane, revolving fork or other attachments for handling specific loads. The term includes high-lift trucks known under such names as fork lifts, fork trucks, forklift trucks, tiering trucks or stacking trucks, but does not include low-lift trucks or low-lift platform trucks that are designed for the transportation of but not the tiering of material.

(6) *Manlift* means a device intended for the conveyance of persons which consists of platforms or brackets mounted on or attached to an endless belt, cable, chain or similar method of suspension; such belt, cable or chain operating in a substantially vertical direction and being supported by and driven through pulleys, sheaves or sprockets at the top and bottom.

(c) **Exceptions:**

(1) This Section shall not prohibit the operation of an automatic elevator and an automatic signal operation elevator by a minor who has attained the age of sixteen (16); provided that:

(A) The exposed portion of the car interior (exclusive of vents and other necessary small openings), the car door and the hoistway doors are constructed of solid surfaces without any opening through which a part of the body may extend;

(B) All hoistway openings at floor level have doors which are interlocked with the car door so as to prevent the car from starting until all such doors are closed and locked;

(C) The elevator (other than hydraulic elevators) is equipped with a device which will stop and hold the car in case of overspeed or if the cable slackens or breaks; and

(D) The elevator is equipped with upper and lower travel limit devices which will normally bring the car to rest at either terminal, and a final limit switch which will prevent the movement in either direction and will open in case of excessive overtravel by the car.

(2) For the purpose of this Subsection the term *automatic elevator* means a passenger elevator, a freight elevator or a combination passenger-freight elevator, the operation of which is controlled by push buttons in such a manner that the starting, going to the landing selected, leveling and holding and the opening and closing of the car and hoistway doors are entirely automatic; and the term "automatic signal operation elevator" means an elevator which is started in response to the operation of a switch (such as a lever or push button) in the car which when operated by the

operator actuates a starting device that automatically closes the car and hoistway doors - from this point on, the movement of the car to the landing selected, leveling and holding when it gets there, and the opening of the car and hoistway doors are entirely automatic.

§5206. Occupations Involved in the Operation of Power-Driven Metal Forming, Punching and Shearing Machines. (a) Except as otherwise provided in this Section, the occupations of operator or helper on the following power-driven metal forming, punching and shearing machines are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) All rolling machines, such as beading, straightening, corrugating, flanging or bending rolls; and hot or cold rolling mills.

(2) All pressing or punching machines, such as punch presses except those provided with full automatic feed and ejection and with a fixed barrier guard to prevent the hands or fingers of the operator from entering the area between the dies; power presses; and plate punches.

(3) All bending machines, such as apron brakes and press brakes.

(4) All hammering machines, such as drop hammers and power hammers.

(5) All shearing machines, such as guilloting or squaring shears; alligator shears; and rotary shears. The occupations of setting up, adjusting, repairing, oiling or cleaning these machines including those with automatic feed and ejection are also declared to be hazardous for said minors.

(b) **Definitions.** As used in this Section:

(1) *Operator* means a person who operates a machine covered by this Section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine or any other functions directly involved in operation of the machine.

(2) *Helper* means a person who assists in the operation of a machine covered by this Section by

helping place materials into or remove them from the machine.

(3) *Forming, Punching and Shearing Machines* mean power-driven metal working machines, other than machine tools, which change the shape of or cut metal by means of tools, such as dies, rolls or knives which are mounted on rams, plungers or other moving parts. Types of forming, punching and shearing machines enumerated in this Section are the machines to which the designation is by custom applied.

(c) **Exceptions.** This Section shall not apply to the employment of any apprentice trainee, student-learner or enrollee under conditions prescribed in 17 GAR §5203(c).

§5207. Occupations in or About Slaughtering and Meat Packing Establishments and Rendering Plants. (a) Except as otherwise provided in this Section, the following occupations in or about slaughtering and meat packing establishments, rendering plants or wholesale, retail or service establishments are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) All occupations on the killing floor, in curing cellars and in hide cellars, except the work of messengers, runners, hand-truckers and similar occupations which require entering such workrooms or workplaces infrequently and for short periods of time.

(2) All occupations involved in the recovery of lard and oils, except packaging and shipping of such products and the operation of lard-roll machines.

(3) All occupations involved in tankage or rendering of dead animals, animal offal, animal fats, scrap meats, blood and bones into stock feeds, tallow, inedible greases, fertilizer ingredients and similar products.

(4) All occupations involved in the operation or feeding of the following power-driven meat processing machines, including setting up and adjusting, repairing, oiling or cleaning meat patty forming machines, meat and bone cutting saws, knives (except bacon slicing machines), headsplitters and guillotine cutters; snout-pullers and jaw-pullers; skinning machines; horizontal rotary washing machines; casing cleaning machines such as crushing,

stripping and finishing machines; grinding, mixing, chopping and hasing machines; and presses (except belly-rolling machines).

(5) All boning occupations.

(6) All occupations that involved the pushing or dropping of any suspended carcass, half-carcass or quarter-carcass.

(7) All occupations involving hand-lifting or hand-carrying any carcass or half-carcass of beef, pork or horse or any quarter-carcass of beef or horse.

(b) **Definitions.** As used in this Section:

(1) *Slaughtering and Meat packing Establishments* mean places in or about which cattle, calves, hogs, sheep, lambs, goats or horses are killed, butchered or processed. The term shall also include establishments which manufacture or process meat products or sausage casings from such animals.

(2) *Rendering Plants* means establishments engaged in the conversion of dead animals, animal offal, animal fats, scrap meats, blood and bones into stock feeds, tallow, inedible greases, fertilizer ingredients and similar products.

(3) *Killing Floor* includes the workroom or workplace where cattle, calves, hogs, sheep, lambs, goats or horses are immobilized, shackled or killed and the carcasses are dressed prior to chilling.

(4) *Curing Cellar* includes the workroom or workplace which is primarily devoted to the preservation and flavoring of meat by curing materials. It does not include the workroom or workplace where meats are smoked.

(5) *Hide Cellar* includes the workroom or workplace where hides are graded, trimmed, salted and otherwise cured.

(6) *Boning Occupations* means the removal of bones from meat cuts. It does not include work that involves cutting, scraping or trimming meat from cuts containing bones.

(c) **Exceptions.** This Section shall not apply to minors who have attained the age of sixteen (16) engaged in:

(1) The killing and processing of poultry, rabbits or small game in areas physically separated from the killing floor.

(2) This Section shall not apply to the employment of any apprentice, trainee, student-learner or enrollee under conditions prescribed in 17 GAR §5203.

§5208. Occupations Involved in the Operation of Certain Power-Driven Bakery Machines. The following occupations involved in the operation of power-driven bakery machines are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) The occupations of operating, assisting to operate or setting up, adjusting, repairing, oiling or cleaning any horizontal or vertical dough mixer; batter mixer, bread dividing, rounding or molding machines; dough brake; dough sheeter; combination bread slicing and wrapping machine; or cake cutting band saw.

(2) The occupation of setting up or adjusting a cookie or cracker machine.

§5209. Occupations Involved in the Operation of Certain Power-Driven Paper Products Machines. (a) Except as otherwise provided in this Section, the following occupations are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) The occupations of operating or assisting to operate any of the following power-driven paper products machines:

(A) Arm-type wire, stitcher or stapler, circular or band saw, corner cutter or mitering machine, corrugating and single or double-facing machine, envelope die- horizontal bar scorer, laminating or combining machine, sheeting machine, scrap paper baler or vertical slotter.

(B) Platen die-cutting press, platen printing press or punch press which involves hand-feeding of the machine.

(2) The occupations of setting up, adjusting, repairing, oiling or cleaning these machines including those which do not involve hand-feeding.

(b) **Definitions.** As used in this Section:

(1) *Operating or Assisting to Operate* means all work which involves starting or stopping a machine covered by this Section, placing materials into or removing them from the machine, or any other work directly involved in operating the machine.

(2) *Paper Products Machine* means a power-driven machine used in the remanufacture or conversion of paper or pulp into a finished product. The term is understood to apply to such a machine whether it is used in establishments that manufacture converted paper or pulp products, or in any other type of manufacturing or non-manufacturing establishment.

(c) **Exceptions.** This Section shall not apply to the employment of any apprentice, trainee, student-learner or enrollee under conditions prescribed in 17 GAR §5203(c).

§5210. Occupations Involved in the Manufacture of Brick, Tile and Kindred Products. (a) The following occupations involved in the manufacture of clay construction products and of silica refractory products are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) All work in or about establishments in which clay construction products are manufactured, except:

(A) Work in storage and shipping;

(B) Work in offices, laboratories and storerooms; and

(C) Work in the drying department of plants manufacturing sewer pipe.

(2) All work in or about establishments in which silica brick or other silica refractories are manufactured, except work in offices.

Nothing in this Section shall be construed as permitting employment of said minors in any occupation declared to be hazardous by any other section.

(b) **Definitions.** As used in this Section:

(1) *Clay Construction Products* means brick, hollow structural tile, sewer pipe and kindred products, refractories and other clay products such as architectural terra cotta, glazed structural tile, roofing tile, stove lining, chimney pipes and tops, wall coping and drain tile. The term does not include non-

structural bearing clay products as ceramic floor and wall tiles, mosaic tile, glazed and enameled tile, faience and similar tile, nor does the term includes non-clay construction products such as sand-lime brick, glass brick, cinder block or non-clay refractories.

(2) *Silica Brick or Other Silica Refractories* means refractory products produced from raw materials containing free silica as their main constituent.

§5211. Occupations Involved in the Operation of Circular Saws, Band Saws and Guillotine Shears. (a) Except as otherwise provided in this Section, the following occupations are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) The occupation of operator of or helper on the following power-driven fixed or portable machines except machines equipped with full automatic feed and ejection:

(A) Circular saws;

(B) Band saws;

(C) Guillotine shears.

(2) The occupations of setting up, adjusting, repairing, oiling or cleaning circular saws, band saws and guillotine shears.

(b) **Definitions.** As used in this Section:

(1) *Operator* means a person who operates a machine covered by this Section by performing such functions as starting or stopping the machine, placing materials into or removing them from the machine, or any other functions directly involved in operation of the machine.

(2) *Helper* means a person who assists in the operation of a machine covered by this Section by helping place materials into or remove them from the machine.

(3) *Machines Equipped with Full Automatic Feed and Ejection* means machines covered by this Section which are equipped with devices for full automatic feeding and ejection and with a fixed barrier guard to prevent completely the operator or helper from placing any part of his body in the point-of-operation area.

(4) *Circular Saw* means a machine equipped with a thin steel disc having a continuous series of notches or teeth on the periphery, mounted on shafting and used for sawing materials.

(5) *Band Saw* means a machine equipped with an endless steel band having a continuous series of notches or teeth, running over wheels or pulleys and used for sawing materials.

(6) *Guillotine Shear* means a machine equipped with a movable blade operated vertically and used to shear materials. The term shall not include other types of shearing machines, using a different form of shearing action, such as alligator shears or circular shears.

(c) **Exceptions.** This Section shall not apply to the employment of any apprentice, trainee, student-learner or enrollee under conditions prescribed in 17 GAR §5203(c).

§5212. Occupations Involved in Wrecking, Demolition and Shipbreaking Operations. (a) All occupations in wrecking, demolition and shipbreaking operations are declared to be hazardous occupations for minors under eighteen (18) years of age.

(b) As used in this Section, *wrecking, demolition and shipbreaking operations* means all work, including clean up and salvage work, performed at the site of the total or partial razing, demolishing or dismantling of a building, bridge, steeple, tower, chimney, other structure, ship or other vessel.

§5213. Occupations Involved in Roofing Operations. (a) Except as otherwise provided in this Section, all occupations in roofing operations are declared to be hazardous occupations for minors under eighteen (18) years of age.

(b) As used in this Section, *roofing operations* means all work performed in connection with the application of weatherproofing materials and substances (such as tar or pitch, asphalt prepared paper, tile, slate, metal translucent materials and shingles of asbestos, asphalt or wood) to roofs of buildings or other structures. The term also includes all work performed in connection with the installation of roofs, including related metal work such as flashing and alterations, additions, maintenance and repair, including painting and coating of existing roofs.

The term does not include gutter and downspout work; the construction of the sheathing or base of roofs; or the installation of television antennas, air conditioners, exhaust and ventilating equipment or similar appliances attached to roofs.

(c) **Exceptions.** This Section shall not apply to the employment of any apprentice trainee, student-learner or enrollee under conditions prescribed in 17 GAR 5203(c).

§5214. Occupations in Excavation Operations. (a) Except as otherwise provided in this Section, the following occupations in excavation operations are declared to be hazardous occupations for minors under eighteen (18) years of age:

(1) Excavating, working in or backfilling (refilling) trenches, except:

(A) Manually excavating or manually backfilling trenches that do not exceed four (4) feet in depth at any point; or

(B) Working in trenches that do not exceed four (4) feet in depth at any point; or

(2) Excavating for buildings or other structures or working in such excavations except:

(A) Manually excavating to a depth not exceeding four (4) feet below any ground surface adjoining the excavation; or

(B) Working in an excavation not exceeding such depth; or

(C) Working in an excavation where the side walls are shored or sloped to the angle of repose.

(3) Working within tunnels prior to the completion of all driving and shoring operations.

(4) Working within shafts prior to the completion of all sinking and shoring operations.

(b) **Exceptions.** This Section shall not apply to the employment of any apprentice trainee, student-learner or enrollee under conditions prescribed in 17 GAR §5203(c).

§5215. Occupations in Connection with Mining, Other Than Coal. (a) All occupations in connection with mining are declared to be hazardous occupations for

minors under eighteen (18) years of age except the following:

(1) Work in offices, in the warehouse or supply house, in the change house, in the laboratory and in repair or maintenance shops not located underground.

(2) Work in the operation and maintenance of living quarters.

(3) Work outside the mine in surveying, in the repair and maintenance of roads and in general clean up about the mine property such as clearing brush and digging drainage ditches.

(4) Work of track crews in the building and maintaining of sections of railroad track located in those areas of open-cut metal mines where mining and haulage activities are not being conducted at the time and place that such building and maintenance work is being done.

(5) Work in or about surface placer mining operations other than placer dredging operations and hydraulic placer mining operations.

(6) The following work in metal mills other than in mercury-recovery mills or mills using the cyanide process:

(A) Work involving the operation of jigs, sludge tables, flotation cells or drier-filters.

(B) Work of hand-sorting at picking table or picking belt.

(C) General clean up work.

Nothing in this Section shall be construed as permitting employment of minors in any occupation deemed hazardous by any other section.

(b) For the purposes of this Section, the term *all occupations in connection with mining* means all work performed underground in mines and quarries; on the surface at underground mines and underground quarries; in or about open-cut mines, open quarries, clay pits and sand and gravel operations; at or about placer mining operations; at or about dredging operations for clay, sand or gravel; at or about bore-hole mining operations; in or about all metal mills, washer plants or grinding mills reducing the bulk of the extracted minerals; and at or

about any other crushing, grinding, screening, sizing, washing or cleaning operations performed upon the extracted minerals except where such operations are performed as a part of a manufacturing process. The term does not include work performed in subsequent manufacturing or processing operations, such as work performed in smelters, electrometallurgical plants, refineries, reduction plants, cement mill plants where quarried stone in cut, sanded and further processed, or plants manufacturing clay, glass or ceramic products. Neither does the term include work performed in petroleum production, in part of mining operations, such as dredging for construction or navigation purposes.

§5216. Logging Occupations and Occupations in the Operation of any Sawmill, Lath Mill, Shingle Mill or Cooperage Stock Mill. (a) All occupations in logging and all occupations in operation of any sawmill, lath mill, shingle mill or cooperage stock mill are declared to be hazardous for minors under eighteen (18) years of age.

(b) **Exceptions.** This Section shall not apply to the employment in the following occupations of minors who have attained the age of sixteen (16):

(1) Exceptions applying to logging:

(A) Work in offices or in repair or maintenance shops.

(B) Work in the construction, operation or repair or maintenance of living and administrative quarters of logging camps.

(C) Work in timber cruising, surveying or logging-engineering parties work in the repair or maintenance of roads, railroads or flumes; work in forest protection, such as clearing fire trails or roads, piling and burning slash, maintaining firefighting equipment, constructing and maintaining telephone lines, or acting as fire lookout or fire patrolman away from the actual logging operations; provided that the provisions of this Paragraph shall not apply to the felling or bucking of timber, the collecting or transporting of logs, the operation of power-driven machinery, the handling or use of explosives and work on trestles.

(D) Peeling of fence posts pulpwood, chemical wood, excelsior wood, cordwood or similar products, when not in conjunction with and at the same time and place as other logging occupations declared hazardous by this Section.

(E) Work in the feeding or care of animals.

(2) Exceptions applying to the operation of any permanent sawmill or the operation of any lath mill, shingle mill or cooperage stock mill; provided that these exceptions do not apply to a portable sawmill the lumberyard of which is used only for the temporary storage of green lumber and in connection with which no office or repair or maintenance shop is ordinarily maintained; and further provided that these exceptions do not apply to work which entails entering the sawmill building:

(A) Work in offices or in repair or maintenance shops.

(B) Straightening, marking or tallying lumber on the dry chain or the dry drop sorter.

(C) Pulling lumber from the dry chain.

(D) Clean up in the lumberyard.

(E) Piling, handling or shipping or cooperage stock in yards or storage sheds, other than operating or assisting in the operation of power-driven equipment.

(F) Clerical work in yards or shipping sheds, such as done by ordermen, tallymen and shipping clerks.

(G) Clean up work outside shake and shingle mills, except when the mill is in operation.

(H) Splitting shakes manually from pre-cut and split blocks with a froe and mallet, except inside the mill building or cover.

(I) Packing shakes into bundles when done in conjunction with splitting shakes manually with a froe and mallet, except inside the mill building or cover.

(J) Manual loading of bundles of shingles or shakes into trucks or railroad cars, provided that the employer has on file a statement from a

licensed doctor of medicine or osteopathy certifying the minor capable of performing this work without injury to himself.

(c) **Definitions.** As used in this Section:

(1) All Occupations in Logging all work performed in connection with the felling of timber; the bucking or converting of timber into logs, poles, piles, ties, bolts, pulpwood, chemical wood, excelsior wood, cordwood, fence posts or similar products; the collecting, skidding, yarding, loading, transporting and unloading of such products in connection with logging; the constructing, repairing and maintaining of roads, railroads, flumes or camps used in connection with logging; the moving, installing, rigging and maintenance of machinery or equipment used in logging; and other work performed in connection with logging. The term shall not apply to work performed in timber culture, timber-stand improvement or in emergency firefighting.

(2) All Occupations in the Operation of any Sawmill, Lath Mill, Shingle Mill or Cooperage Stock Mill means all work performed in or about any such mill in connection with storing of logs and bolts; converting logs or bolts into sawn lumber, laths, shingles or cooperage stock; storing, drying and shipping lumber, laths, shingles, cooperage stock or other products of such mills; and other work performed in connection with the operation of any sawmill, lath mill, single mill or cooperage stock mill. The term shall not include work performed in the planning mill department or other remanufacturing department of any sawmill, or in any planning mill or remanufacturing plant not a part of a sawmill.

§5217. Occupations Involved in Agricultural Operations. (a) The following occupations in agriculture are declared to be hazardous occupations for minors under sixteen (16) years of age:

(1) Transporting, transferring or applying anhydrous ammonia; handling or applying including, cleaning or decontaminating equipment, disposal or return of empty containers, or serving as flagmen for aircraft applying agricultural chemicals classified under the Federal Insecticide, Fungicide and Rodenticide Act (7 U.S.C. 135 et seq.) as Category I of

Toxicity, the label of which bears the word "POISON" and the "Skull and Crossbones"; or Category II of Toxicity, the label of which bears the word "WARNING."

(2) Operating a tractor of over twenty (20) up to horsepower or connecting or disconnecting an implement or any of its parts to or from such tractor.

(3) Operating or assisting to operate (including starting, stopping, adjusting, feeding or any work involving physical contact associated with the operation of) any of the following machines:

(A) Corn picker, cotton picker, grain combine, hay mower, forage harvester, hay baler, potato digger or mobile pea viner.

(B) Feed grinder, crop dryer, silo filler, forage blower, auger conveyor or the unloading mechanism of a non-gravity type self-unloading wagon or trailer.

(C) Non-walking type rotary tiller, power post-hole digger and power post-driver.

(D) Trenching or earth moving equipment.

(E) Fork lift, potato combine.

(F) Power-driven circular, band or chain saw.

(4) Working on a farm in a yard, pen or stall occupied by a bull, boar, stud horse, cow with newborn calf (with umbilical cord present) or sow with suckling pig.

(5) Working from a ladder or scaffold (painting, repairing or building structures, pruning trees, picking fruits, etc.) at a height or over twenty (20) feet.

(6) Felling, bucking, skidding, loading or unloading timber with a butt diameter of more than six (6) inches.

(7) Working inside:

(A) A fruit, forage or grain storage designed to retain an oxygen deficient or toxic atmosphere;

(B) An upright silo within two (2) weeks after silage has been added or when a top unloading device is in operating position;

(C) A manure pit; or

(D) A horizontal silo while operating a tractor for packing purposes.

(8) Driving a bus, truck or automobile when transporting passengers, or riding on a tractor as a passenger or helper.

(9) Handling or using a blasting agent, including but limited to, dynamite, black powder, sensitized ammonium nitrate, blasting caps and primer cord.

(b) Exceptions:

(1) The employment of any child as vocational agriculture student-learner in any of the occupations described in Subsection (a)(2)-(6) when each of the following requirements are met:

(A) The student-learner is enrolled in a vocational education training program in agriculture under a recognized territorial or local educational authority, or in a substantially similar program conducted by a private school;

(B) Each student-learner is employed under a written agreement which provides:

(i) That the work of the student- learner is incidental to this training;

(ii) That such work shall be intermittent, for short periods of time and under the direct and close supervision of a qualified and experienced person;

(iii) That safety instruction shall be given by the school and correlated by the employer with on-the-job training;

(iv) That a schedule of organized and progressive work processes to be performed on the job have been prepared;

(C) Such written agreement contains the name of the student-learner, and is signed by the employer and by a person authorized to represent the educational authority or school; and

(D) Copies of each such agreement are kept on file by both the educational authority or school and by the employer.

(2) The employment of a child under sixteen (16) years of age in a Federal Extension Service Program as described in Title 29 - Labor (U.S.D. of L.) Part 1500.72(b)(1), (2) and (3).

(3) The employment of a vocational agriculture student under sixteen (16) years of age as described in Title 29 - Labor (U.S.D. of L.) Part 1500.72(C)(1) and (2).

§5218. Additional Hazardous Occupations for Minors Under Sixteen (16). In addition to occupations hereinbefore declared hazardous, the following occupations are declared to be hazardous occupations for minors under sixteen (16) years of age:

(1) Manufacturing or processing occupations, including occupations requiring the performance of any duties in workrooms or workplaces where goods are manufactured or otherwise processed.

(2) Occupations which involve the operation or tending of hoisting apparatus or any power-driven machinery other than office machines.

(3) Public messenger service.

(4) Occupations, except such office work (including ticket office), or sales work as does not involve the performance of any duties on trains, motor vehicles, aircraft, vessels or other media of transportation or at the actual site of construction operations, in connection with:

(A) Transportation of persons or property by rail, highway, air, water, pipeline or other means;

(B) Warehousing and storage;

(C) Construction (including demolition and repair).

(5) Occupation of a motor vehicle helper whose work includes riding on the vehicle inside the cab for the purpose of assisting in transportation or delivering goods.

(6) Occupations in retail, food service and gasoline service station establishments as follows:

(A) Work performed in or about boiler or engine room;

(B) Work in connection with maintenance or repair of the establishment, machines or equipment;

(C) Outside window washing that involves working from window sills and all work requiring the use of ladders, scaffolds or their substitutes;

(D) Cooking (except at soda fountains, lunch counters, snack bars or cafeteria serving counters) and baking;

(E) Occupations which involve operating, setting-up, adjusting, cleaning, oiling or repairing power-driven food slicers and grinders, food choppers, cutters and bakery type mixers;

(F) Work in freezers and meat coolers, and all work in the preparation of meats for sale except as described in 17 GAR §5319(a(a));

(G) Loading and unloading goods to and from trucks, trailer-containers or conveyors;

(H) All occupations in warehouses except office and clerical work.

§5219. Non-Hazardous Occupations for Minors Fourteen (14) Years of Age and Over in Retail, Food Service and Gasoline Service Establishments. (a) The following occupations in retail, food service and gasoline service establishments shall not be deemed hazardous for minors who have attained the age of fourteen (14):

(1) Office and clerical work, including the operation of office machines.

(2) Cashiering, selling, modeling, art work, work in advertising departments, window trimming and comparative shopping.

(3) Price marking and tagging by hand or by machine, assembling orders, packing and shelving.

(4) Bagging and carrying out customers' orders.

(5) Errand and delivery work by foot, bicycle and public transportation.

(6) Clean up work, including the use of vacuum cleaners and floor waxer, and maintenance of

grounds, but not including the use of power-driven mowers or cutters.

(7) Kitchen work and other work involved in preparing and serving food and beverages, including the operation of machines and devices used in the performance of such work such as, but not limited to, dishwashers, toasters, dumbwaiters, popcorn poppers, milk-shake blenders and coffee grinders.

(8) Work in connection with cars and trucks if confined to dispensing gasoline and oil, courtesy service, car cleaning, washing and polishing, and other occupations permitted by this Section; but not including work involving the use of pits, racks or lifting apparatus or involving the inflation of any tire mounted on a rim equipped with a removable retaining ring.

(9) Cleaning vegetables and fruits, and wrapping, sealing, labeling, weighing, pricing and stocking goods when performed in areas physically separate from those where the work described in 17 GAR §5218 is performed.

§5220. Occupations in or About Plants or Establishments Manufacturing or Storing Explosives or Articles Containing Explosive Components. (a) **Finding and Declaration of Fact.** The following occupations in or about plants or establishments manufacturing or storing explosives or articles containing explosive components are particularly hazardous for minors between sixteen (16) and eighteen (18) years of age or detrimental to their health or well-being:

(1) All occupations in or about any plant or establishment (other than retail establishments or plants or establishments of the type described in Subparagraph (2) of this Paragraph manufacturing or storing explosives or articles containing explosive components except where the occupation is performed in a "nonexplosive area" as defined in Paragraph (b)(3) of this Section.

(2) The following occupations in or about any plant or establishment manufacturing or sorting small-arms ammunition not exceeding .60 caliber in size, shotgun shells or blasting caps when manufactured or stored in conjunction with the manufacture of small-arms ammunition:

(A) All occupations involved in the manufacturing, mixing, transporting or handling of explosive compounds in the manufacture of small-arms ammunition and all other occupations requiring the performance of any duties in the explosive area in which explosive compounds are manufactured or mixed.

(B) All occupations involved in the manufacturing, transporting or handling of primers and all other occupations requiring the performance of any duties in the same building in which primers are manufactured.

(C) All occupations involved in the priming of cartridges and all other occupations requiring the performance of any duties in the same workroom in which rim-fire cartridges are primed.

(D) All occupations involved in the plate loading of cartridges and in the operation of automatic loading machines.

(E) All occupations involved in the loading, inspecting, packing, shipping and storage of blasting caps.

(b) **Definitions.** For the purpose of this Section:

(1) The term *plant or establishment manufacturing or storing explosives or articles containing explosive components* means the land with all the building and other structures thereon used in connection with the manufacturing or processing or string of explosives or articles containing explosive components.

(2) The term *explosives and articles containing explosive components* mean and include ammunition, black powder, blasting caps, fireworks, high explosives, primers, smokeless powder and all goods classified and defined as explosives by the Interstate Commerce Commission in Regulations for the transportation of explosives and other dangerous substances by common carriers (49 CFR Parts 71 to 78) issued pursuant to the Act of June 25, 1948 (62 Stat. 739; 18 U.S.C. 835).

(3) An area meeting all of the criteria in Subdivisions a through d of this Subparagraph shall be deemed a "non-explosive area":

(A) None of the work performed in the area involves the handling or use of explosives;

(B) The area is separated from the explosives area by a distance not less than that prescribed in the American Table of Distance for the Protection of Inhabited Buildings;

(C) The area is separated from the explosives area by a fence or is otherwise located so that it constitutes a definite designated area; and

(D) Satisfactory controls have been established to prevent employees under eighteen (18) years of age within the area from entering any area in or about the plant which does not meet criteria of Subdivisions a through c of this Subparagraph.

Article 3
Minors in Theatrical Employment

- §5301. Definitions.
- §5302. Theatrical Employment Permitted.
- §5303. Hours of Employment.
- §5304. Application and Issuance of Employment Certificate.
- §5305. Revocation or Cancellation of Employment Certificate.
- §5306. Reconsideration and Appeal.

§5301. Definitions. As used herein:

(a) *Commissioner* means the Commissioner of Wage and Hour.

(b) *Theatrical Employment* means gainful occupation as a model, dancer, singer, musician, entertainer or motion picture, television, radio or theatrical performer.

(c) Other terms used are as they are defined in 22 GCA §3104.

§5302. Theatrical Employment Permitted. A minor under sixteen (16) years of age may be employed or permitted to work in theatrical employment, provided:

(a) A written consent to such employment is filed with the Commissioner by a guardian or parent with whom such a minor resides; however, if such a guardian or parent is not a resident of the territory of Guam, the consent may be filed by a person who is primarily responsible for the care and custody of such a minor;

(b) Such a minor is accompanied by and is under the immediate and direct control of the person who is required to file the consent as hereinabove provided or by a responsible adult person designated in writing by the person who is required to file such a consent;

(c) If employment is during a school year, a statement signed by an authorized school official indicating that the attendance at school and school work of the minor are satisfactory, shall be submitted to the Commissioner by the employer;

(d) Such employment does not exceed six (6) consecutive days in any calendar week; or more than forty (40) hours in any one (1) week;

(e) The combined hours of work and hours in school shall not exceed nine (9) in a day;

(f) Such employment does not injuriously affect the health, safety or well-being of such a minor or contribute towards his delinquency;

(g) Where liquor is sold for consumption on the premises, the licensee shall be in compliance with the Alcoholic and Beverage Control Commission's regulations and shall comply with the Commissioner of Wage and Hour's Regulations relating to employment of minors as entertainers;

(h) The work is performed during periods when the minor is not legally required to attend school or when he is excused by school authorities from attending school; and

(i) The employer of the minor procures and keeps on file a valid certificate of employment.

§5303. Hours of Employment. A minor under sixteen (16) years of age, but not under six (6) years of age, may be employed or permitted to work in theatrical employment after 7:00 P.M. provided that:

(a) On any night preceding a day when a minor is not legally required to attend school, the following limitations will apply:

(1) A minor six (6) years of age or over but under fourteen (14) shall not work later than 10:30 P.M.

(2) A minor fourteen (14) years of age or over but under sixteen (16) shall not work later than 11:30 P.M.

(b) On any night preceding a day when a minor is legally required to attend school, the following limitations will apply:

(1) A minor eight (8) years of age or over but under fourteen (14) shall not work later than 8:30 P.M.

(2) A minor fourteen (14) years of age or over but under sixteen (16) shall not work later than 9:30 P.M.

(c) The Commissioner may, upon employer's application showing good and sufficient reasons, grant an extension of time to be worked, but not to exceed two (2) additional hours, provided the person who is responsible for the control of such a minor as provided in 17 GAR §5302 and the employer of such a minor shall agree and adhere to such other conditions deemed necessary and prescribed by the Commissioner. Illustrative of such "other conditions" are adequate rest periods, rest facilities, transportation, compensation, safety and supervision-tutoring.

(d) A minor shall not engage in theatrical employment more than the following number of hours in any one (1) day:

(1) A minor under six (6) years of age, not more than one (1) hour.

(2) A minor six (6) years of age or over but under ten (10), nor more than two (2) hours.

(3) A minor ten (10) years of age or over but under fourteen (14), not more than three (3) hours.

(4) A minor fourteen (14) years of age or over but under sixteen (16), not more than four (4) hours.

§5304. Application and Issuance of Employment Certificate. (a) Application for employment of a minor in theatrical employment shall be made by the employer to the Commissioner on forms furnished by the Commissioner. The application must contain all information required by the form and be signed by the employer, parent and minor.

(b) Upon receipt of an application, the Commissioner or his authorized representative may issue the employment certificate under the terms and conditions established in this Regulation.

§5305. Revocation or Cancellation of Employment Certificate. A certificate for theatrical employment may be revoked or cancelled for cause at any time by the Commissioner after affording all interested parties reasonable opportunity for a fair hearing. Cause shall mean violation of this Regulation or Public Law 12-84, falsification of any information required by the application, disapproval or withdrawal of approval of the minor's employment by an authorized school official of the school attended by the minor, or a finding by the Commissioner that the employment is detrimental to the health, safety or well-being of the minor or may contribute towards his delinquency.

§5306. Reconsideration and Appeal. (a) Any person aggrieved by the Commissioner's action in denying, granting, revoking or cancellation of an employment certificate for theatrical employment may:

(1) Within ten (10) days from such action, file a written request for reconsideration by the Commissioner; or

(2) Within thirty (30) days from such action, file and appeal for judicial review in the Superior Court of Guam.

(b) A request for reconsideration shall be granted where the applicant shows that there is additional evidence which may materially affect the decision and that there are reasonable grounds for failure to adduce such evidence prior to the Commissioner's actions.

(c) Any person aggrieved by the action of the Commissioner in denying a request for reconsideration may, within thirty (30) days thereafter, file an appeal for judicial review in the Superior Court of Guam.