

Welcomed Changes

Revised foreign labor rules to ease process

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Local builders who depend on contract workers from the Philippines say the Department of Labor's recent revision of regulations regarding H2 workers will not significantly hurt their hir-

ing practices.

Most employers say the new regulations — to be fully implemented on Oct. 1 — are more a matter of housekeeping than they are a drastic change, with identification badges being the issue of top concern to employers.

The increase in the cost of the department-issued IDs in 2007 was disconcerting enough for Susan Bustamante, human resources manager at Inland Builders.

The revised regulations

now clearly state that the ID cards must have set expiration dates and that they will be void thereafter, unless an extension is approved by the department.

According to her, the IDs were previously offered to employers at the prorated rate of \$200, but in

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ON THE NET

■ Revised regulations to be fully implemented by DOL Oct. 1

■ Visit www.gdol.net to obtain revised exit clearance applications.

■ Visit www.guampdn.com to see highlighted list of revised regulations.



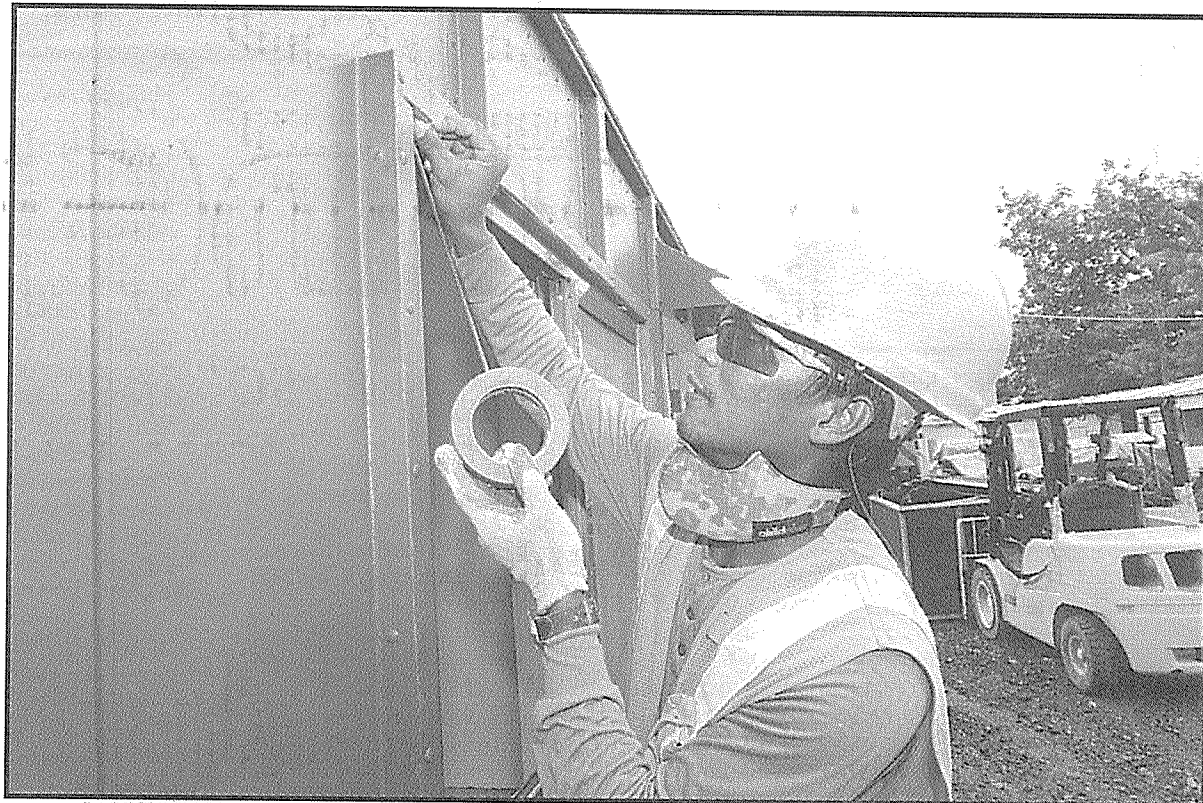
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Digging: H2 workers Enrico Bondoc, right, and Joselito Yade dig a water supply line trench at the Reliable Builders compound in Tamuning Wednesday.

ENTERTAINMENT

On the job:

H2 permit holder mason Aris Parayno prepares to apply window sealing at the Reliable Builders' compound in Tamuning. New regulations governing foreign workers will go into effect on Oct. 1. Local builders are welcoming the changes, which they say will make the permitting process easier to navigate.



H2: Revised rules to be fully implemented starting Oct. 1

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2007, the fee increased to \$1,000. Thirty percent of those fees go to the department, and 70 percent to the Guam Community College, according to Phyllis Topasna, DOL program coordinator.

At a department seminar on Sept. 17 highlighting the recent revisions, Greg Massey, administrator for the Alien Labor Processing and Certification Division of the Guam Department of Labor, stressed the importance of workers wearing the department-issued ID visible while at the work site, and in their possession at all times, in case of inspections. The rule has always been in place but it is one of the most common violations, Massey says.

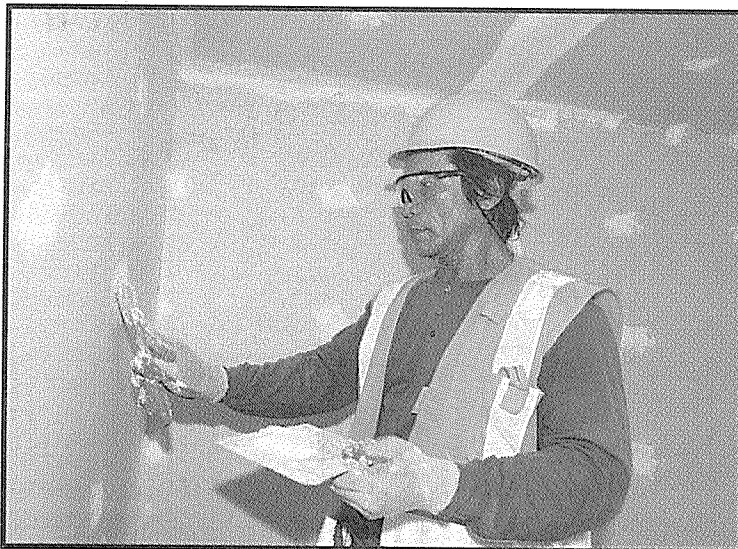
Jong Kim, president of Reliable Builders, says the rule hinders the productivity of employees. Instead, the workers should be allowed to keep the ID with them, rather than on their body where it will obstruct their workflow he says.

MUCH-AWAITED

However, he feels the revisions to the regulations have been much-awaited by many in the industry.

"I feel like it's kind of improved regulations from the past one. I welcome it," Kim says. "It will be more convenient for contractors to proceed in importing H2 workers."

To give the workers the op-



Photos by Angel Ancheta/For Bayanihan

Contract work: Reliable Builders carpenter Bartolome Pagobo applies board joint sealant to a drywall at a Tamuning compound Wednesday. New regulations governing foreign workers will go into effect on Oct. 1. Local builders are welcoming the changes.

portunity to file complaints, the department now mandates a 60-day waiting period to release the bond, but the waiting period may be waived at the discretion of the director of labor, the regulation states. The revision is to allow the department sufficient time to process audits and investigations regarding worker complaints.

Furthermore, repatriation bonds, which cover foreign workers' airfare and other costs to send them home in the event an employer defaults on the responsibility, must now be valid two

years from the date of issuance. Insurance carriers that issue repatriation bonds will be notified and non-conforming bonds will be rejected, Massey said.

Additionally, employers now have to bear costs of testing workers' skills if the department finds any single worker's skills to not meet the requirements.

"Any costs associated with the testing of workers will be paid by the petitioning employer," the rule states.

Thus the revised rules — although not a hassle for already

abiding companies — are meant to hold employers responsible, Bustamante notes.

"The burden has always been on the employers," Massey adds. "It's still business as usual."

But there are some breaks for the employers as well.

For example, the department now allows them to submit additional projects on project summary sheets for workers and projects already approved by the department.

Moreover, employers no longer need to attach an affidavit for exit clearance applications, the forms of which have also been changed to reduce paperwork.

With regard to the ID cards, in extreme cases, employers can request temporary ID cards from the DOL in the event workers need a valid ID between ID extension approvals. However, Massey says he discourages this practice unless it is absolutely necessary.

Many employers accept the revisions because the department welcomed public comments on May 1 of last year before it lapsed into law earlier this summer, he says.

The revised regulations will be fully implemented starting next month, but those interested in being involved in changes expected for 2010 can begin submitting comments to the department, Massey says.