

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. ~~248~~-33 ()

Introduced by:

Mary Camacho Torres *MC*

**AN ACT TO AMEND § 4107 OF ARTICLE 1, CHAPTER 4,
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO
MATERNITY LEAVE OF PUBLIC OFFICERS AND
EMPLOYEES.**

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BE IT ENACTED BY THE PEOPLE OF GUAM

Section 1. Legislative Findings Intent. *I Liheslaturan Guåhan* finds it is beneficial to local families, the local community, and local workforce to provide a reasonable amount of paid maternity leave to new mothers. Research shows that paid maternity leave contributes not only to the health and welfare of mother and child, but also makes it more likely that women will return to the workforce after giving birth.

In January 2015, the President of the United States issued a Presidential Memorandum directing that federal executive agencies increase the amount of paid leave to be used by federal employees be increased to the equivalent of six weeks in connection with the birth or adoption of a child. In doing so, he so aptly stated, “Now more than ever, our Nation’s economic success rests on our ability to empower our citizens to choose jobs that best utilize their talents and interests. All employers, including the Federal Government, should support parents to ensure they can both contribute fully in the workplace and also meet the needs of their families. The

1 availability of paid maternity leave, for example, has been shown to increase the
2 likelihood that mothers return to their jobs following the birth of a child, and paid
3 maternity ... leave has been shown to improve the health and development
4 outcomes of the infant. In addition, it is critically important for parents and their
5 newborn or newly adopted child to have the opportunity to form strong family
6 attachments and relationships.”

7 **Section 2.** §4107 of Article 1, Chapter 4, Title 4 of Guam Annotated Code,
8 is hereby *amended* to read:

9 “(a) “Maternity leave shall be granted to an eligible female employee
10 ~~occupying a permanent position who is absent from work~~ as a result of
11 childbirth or adoption of a child(ren) five (5) years old or younger. Maternity
12 ~~leave shall consist of paid administrative leave not to exceed twenty (20) thirty~~
13 ~~(30) business days, encompassing the date of childbirth or adoption. Any~~
14 ~~additional leave taken for such childbirth or adoption purpose may be charged~~
15 ~~against accumulated sick leave, or may be unpaid leave, at the option of the~~
16 ~~employee. Total leave, whether maternity, sick or unpaid leave, shall not~~
17 ~~exceed six (6) months without approval of the employee’s supervisor.”~~

18 (b) Definition. As used in this Section,
19 “*Eligible female employee*” is defined as a classified employee
20 occupying a permanent position in the executive branch of the government of
21 Guam. Eligible female employees shall include those within government of
22 Guam autonomous agencies.

23 (c) Use of Additional Leave Subsequent to Paid Administrative
24 Leave for Maternity.

25 Subsequent to the use of paid administrative maternity leave, an eligible
26 female employee is permitted to take additional leave that, in combination
27 with paid administrative leave, does not exceed a total of 130 business days

1 of total maternity leave. After paid administrative maternity leave is
2 exhausted, employees shall then use sick leave, annual paid leave,
3 compensatory leave and leave without pay, in that order. If employees have
4 exhausted all of the previously stated forms of leave, they may then use any
5 donated sick leave obtained through the leave sharing program.

6 (d) Approval of Maternity Leave.

7 Provided that employee has accumulated enough leave, employer shall
8 approve up to 130 total business days of maternity leave, comprised from the
9 various leave sources as listed and pursuant to the order provided in
10 Subsection (c). Maternity leave requested in excess of 130 business days may
11 be approved on a case-by-case basis at the discretion of the employee's
12 supervisor.

13 (e) Eligible Female Employees on a Probationary Status.

14 Eligible female employees who take maternity leave while on a
15 probationary status will have their probationary status increased by the
16 number of work days they miss during the maternity period.

17 (f) Notice of Foreseeable Leave. Employee has responsibility to
18 provide supervisor no less than 90 days notification of intent to use maternity
19 leave, or if less than 90 days is available, as soon as is reasonably practical.

20 (g) Maternity leave is granted on a per child basis and is not
21 cumulative. Maternity leave cannot be sold or donated to other employees.

22 (h) Employment and Benefits Protection. Except for workforce
23 reduction situations, an employee taking paid maternity leave shall be restored
24 to the same or equivalent position held prior to the leave, or restored to an
25 equivalent position with equivalent employment benefits, pay, and other terms
26 and conditions of employment. There shall be no loss of employment benefits
27 accrued prior to leave, except paid leave expended for maternity leave.

1 (i) Notification to Eligible Female Employees. Written notice by
2 the hiring agency setting forth employee's rights and responsibilities under
3 the statute is required at the time of hire.