

1 **§ 10101. Title.** Chapter 10 of Title 22, Guam Code Annotated is
2 hereby created to make its title *Military Family Leave Act of Guam*
3 (*MFLAG*) and throughout the Chapter the acronym *MFLAG* will be
4 referred to as this act.

5 **§ 10102. Purpose.** In order to serve the families of those troops
6 currently serving in military conflicts in Iraq and Afghanistan, and to
7 assure that these families are able to spend time together during the
8 qualified member's leave from deployment and to handle their
9 personal affairs prior to deployment of their spouse, it is necessary
10 that this act take effect immediately.

11 **§ 10103. Definitions.** The following definitions shall be used in
12 interpreting this Chapter.

13 (1) *Qualified Employee* means a person who satisfies all
14 of the following:

15 (a) Is the spouse of a qualified member.

16 (b) Performs service for hire for an employer for an
17 average of 20 or more hours per week, but does not
18 include an independent contractor.

1 (c) Provides the qualified employer with notice,
2 within two business days of receiving official notice that
3 the qualified member will be on leave from deployment,
4 of his or her intention to take the leave provided for in
5 §10104 of this chapter as requested.

6 (d) Submits written documentation to the qualified
7 employer certifying that the qualified member will be on
8 leave from deployment during the time the leave
9 provided for in subdivision (a) is requested.

10 (2) *“Qualified Employer”* means any individual,
11 corporation, company, firm, state, Government of Guam
12 instrumentality, Federal Government instrumentality on Guam,
13 Military related unit on Guam, municipal village
14 instrumentality, public authority, or any other governmental
15 entity on Guam subdivision, that employs 15 or more
16 employees.

17 (3) *“Period of military conflict”* means either of the
18 following:

1 (a) A period of war declared by the United States
2 Congress.

3 (b) A period of deployment for which a member of
4 a reserve component is ordered to active duty pursuant to
5 either of the following: (i) Sections 12301 and 12302 of
6 Title 10 of the United States Code, or (ii) Title 32 of the
7 United States Code.

8 (4) *“Qualified member”* means a person who is any of the
9 following:

10 (a) A member of the Armed Forces of the United
11 States who has been deployed during a period of military
12 conflict to an area designated as a combat theater or
13 combat zone by the President of the United States; or

14 (b) A member of the National Guard who has been
15 deployed during a period of military conflict; or

16 (c) A member of the Reserves who has been
17 deployed during a period of military conflict.

1 (5) "*Qualified leave period*" means the period during
2 which the qualified member is on leave from deployment
3 during a period of military conflict.

4 § 10104. **Leave Required.** Notwithstanding any other provision
5 of law, a qualified employer shall allow a qualified employee to take
6 up to 15 days of unpaid leave during a qualified leave period.

7 § 10105. **Provisions.**

8 (a) A qualified employer shall not retaliate against a
9 qualified employee for requesting or taking the leave provided
10 for in this section.

11 (b) The leave provided for in this section shall not affect
12 or prevent a qualified employer from allowing a qualified
13 employee to take a leave that the qualified employee is
14 otherwise entitled to take.

15 (c) This section shall not affect a qualified employee's
16 rights with respect to any other employee benefit provided for
17 in other laws."

18 **Section 2.** A new § 4119.1 is hereby *added* to Chapter 4 of Title 4,
19 Guam Code Annotated to read:

1 “§ 4119.1. **Military Family Leave Act.** The provisions of the
2 Military Family Leave Act of Guam (MFLAG) contained Chapter 10
3 of Title 22, Guam Code Annotated shall apply to all qualified
4 employees of the Government of Guam as defined in this Chapter.”