

FILE COPY

*I MINA'TRENTA NA LIHESLATURAN GUÅHAN*  
2010 (SECOND) Regular Session

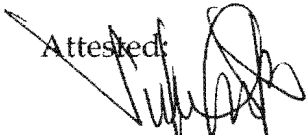
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that Substitute Bill No. 221-30 (LS), "AN ACT TO AMEND §4109 (a) OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO ANNUAL LEAVE FOR JUDGES AND JUSTICES," was on the 19<sup>th</sup> day of March, 2010, duly and regularly passed.



Judith T. Won Pat, Ed. D.  
Speaker

Attested:



Tina Rose Muña Barnes  
Legislative Secretary

.....

This Act was received by *I Maga'lahaen Guåhan* this 22<sup>nd</sup> day of March, 2010, at 2:15 o'clock P.M.



Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. \_\_\_\_\_

**I MINA'TRENTA NA LIHESLATURAN GUÁHAN**  
**2009 (FIRST) Regular Session**

**Bill No. 221-30 (LS)**

As substituted by the Committee on Labor,  
the Public Structure, Public Libraries  
and Technology, and amended.

Introduced by:

Adolpho B. Palacios, Sr.  
T. C. Ada  
F. B. Aguon, Jr.  
F. F. Blas, Jr.  
E. J.B. Calvo  
B. J.F. Cruz  
J. V. Espaldon  
Judith P. Guthertz, DPA  
T. R. Muña Barnes  
v. c. pangelinan  
R. J. Respicio  
Telo Taitague  
Ray Tenorio  
Judith T. Won Pat, Ed.D.

**AN ACT TO AMEND §4109 (a) OF TITLE 4, GUAM  
CODE ANNOTATED, RELATIVE TO ANNUAL LEAVE  
FOR JUDGES AND JUSTICES.**

1           **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2           **Section 1. Legislative Intent.** Public Law 29-019:VI:60 (Sept. 29, 2007)  
3 amended §4109(a), Title 4, Guam Code Annotated, and inadvertently repealed the  
4 exemption of judges and justices from accruing annual leave provided for by  
5 Section 2 of Public Law 28-137 (July 11, 2006). This inadvertent action failed to

1 consider Section 3 of Public Law 28-137, which prevents any annual leave accrued  
2 by a judge *or* justice prior to the effective date of Section 2 from being used *or*  
3 disposed of except on retirement, disability, death, resignation *or* removal. The  
4 unintended and unfair result is that the leave accrued by a judge or justice prior to  
5 October 1, 2006 may *not* be used *or* disposed of by a judge *or* justice who, since  
6 the amendment of §4109(a), Title 4, Guam Code Annotated, by Public Law 29-  
7 019: VI:60, accrues annual leave.

8 This Act is intended to restore judges and justices who are *not* members of  
9 the defined benefits retirement plan to the exemption from annual leave. Judges  
10 and justices who are members of the defined benefits retirement plan will continue  
11 accruing annual leave.

12 **Section 2.** §4109(a) of Title 4, Guam Code Annotated, is *amended* to read  
13 as follows:

14 **“§4109. Annual Leave.**

15 (a) Annual leave *shall* be granted to employees occupying  
16 permanent positions, except personnel of the Department of Education, the  
17 Guam Community College *or* the University of Guam, who are employed on  
18 a school year basis, and judges and justices of the Judiciary of Guam who  
19 are *not* members of the defined benefits retirement plan of the government  
20 of Guam, in accordance with the following schedule:

21 (1) One-half day (4 hours) for each full bi-weekly pay period  
22 in the case of employees with *less than* five (5) years of service;

23 (2) Three-fourths day (6 hours) for each bi-weekly pay  
24 period in the case of employees with five (5) years of service but *less*  
25 *than* fifteen (15) years of service.

26 (3) One (1) day (8 hours) for each full biweekly pay period  
27 in the case of employees with fifteen (15) years *or* more service.

1                   For purposes of this Subsection (a), all elected officials except  
2                   members of the Guam Education Policy Board, and the Consolidated  
3                   Commission on Utilities *shall* be deemed employees occupying  
4                   permanent positions.”

5                   **Section 3.** Section 3 of Guam Public Law 28-137 is *repealed* as of its  
6                   effective date in said public law.