

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

AUG 11 2015

The Honorable Judith T. Won Pat, Ed.D.

Speaker

*I Mina'trentai Tres Na Liheslaturan Guåhan*

155 Hesler Place

Hagåtña, Guam 96910

**RE: Committee Report on Bill No. 102-33(COR) As Corrected by the Author**

*Hafa Adai* Speaker Won Pat:

The Committee on Rules, Federal, Foreign and Micronesian Affairs, Human and Natural Resources, Election Reform and Capitol District hereby reports out its findings and recommendations on **Bill No. 102-33 (COR) As Corrected by the Author - "AN ACT TO AMEND §§ 5201 AND 5202 OF ARTICLE 2, CHAPTER 5, TITLE 22, AND TO AMEND SUBSECTION (a) OF § 4101, ARTICLE 1, CHAPTER 4, TITLE 4, BOTH OF GUAM CODE ANNOTATED; RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.,"** by B.J.F. Cruz

Committee votes are as follows:

<u>9</u>	TO PASS
<u>0</u>	NOT TO PASS
<u>0</u>	TO REPORT OUT ONLY
<u>0</u>	TO ABSTAIN
<u>0</u>	TO PLACE IN INACTIVE FILE

Very Truly Yours,

  
Rory J. Respicio

2015 AUG 11 AM 9:39

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**COMMITTEE REPORT**  
**ON**  
**BILL NO. 102-33 (COR)**  
**As Corrected By the Author**

**“AN ACT TO *AMEND* §§ 5201 AND 5202 OF ARTICLE 2, CHAPTER 5, TITLE 22, AND TO *AMEND* SUBSECTION (a) OF § 4101, ARTICLE 1, CHAPTER 4, TITLE 4, BOTH OF GUAM CODE ANNOTATED; RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.,” sponsored by Senator B.J.F. Cruz**

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**August 10, 2015**

**MEMORANDUM**

**To:** **All Members**  
*Committee on Rules, Federal, Foreign and Micronesian Affairs, Human and Natural Resources  
Election Reform and Capitol District*

**From:** **Senator Rory J. Respicio** 

**Subject:** **Committee Report on Bill No. 102-33 (COR) As Corrected by the Author**

Transmitted herewith for your review and consideration is the **Bill No. 102-33 (COR) As Corrected by the Author - "AN ACT TO AMEND §§ 5201 AND 5202 OF ARTICLE 2, CHAPTER 5, TITLE 22, AND TO AMEND SUBSECTION (a) OF § 4101, ARTICLE 1, CHAPTER 4, TITLE 4, BOTH OF GUAM CODE ANNOTATED; RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.,"** sponsored by B.J.F. Cruz

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 102-33 (COR) As Introduced
- Copy of Bill No. 102-33 (COR) As Corrected by the Author
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Note Requirement for Bill No. 102-33 (COR)
- Referral of Bill No. 102-33 (COR)
- Public Hearing Notices
- Public Hearing Agenda

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

*Si Yu'os Ma'åse!*



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**COMMITTEE VOTING SHEET**

Bill No. 102-33 (COR) As Corrected by the Author - "AN ACT TO AMEND §§ 5201 AND 5202 OF ARTICLE 2, CHAPTER 5, TITLE 22, AND TO AMEND SUBSECTION (a) OF § 4101, ARTICLE 1, CHAPTER 4, TITLE 4, BOTH OF GUAM CODE ANNOTATED; RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.," by B.J.F. Cruz

	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
Senator Rory J. Respicio Chairperson		<input checked="" type="checkbox"/> 8-11-15				
Senator Thomas C. Ada Vice-Chairperson		<input checked="" type="checkbox"/>				
Speaker Judith T. Won Pat, Ed.D. Member						
Vice-Speaker Benjamin J.F. Cruz Member		<input checked="" type="checkbox"/>				
Legislative Secretary Tina Rose Muña Barnes Member		<input checked="" type="checkbox"/>				
Senator Frank B. Aguon, Jr. Member	 8/11/15	<input checked="" type="checkbox"/>				
Senator Dennis G. Rodriguez, Jr. Member						
Senator Michael F.Q. San Nicolas Member		<input checked="" type="checkbox"/>				
Senator Nerissa B. Underwood, Ph.D. Member	 8/11/15	<input checked="" type="checkbox"/>				
Senator V. Anthony Ada Minority Leader	 8/11/15	<input checked="" type="checkbox"/>				
Senator Mary Camacho Torres Minority Member	 8/11/15	<input checked="" type="checkbox"/>				



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**BILL NO. 102-33 (COR) DIGEST**  
**PUBLIC HEARING OVERVIEW AND TESTIMONY/DISCUSSION**  
**JUNE 22, 2015, 6:00 P.M.**

**I. OVERVIEW**

**Bill No. 102-33 (COR)**, "An act to *amend* 22 GCA §§ 5201 and 5202, and to *amend* 5 GCA § 4101(a); relative to discrimination in the workplace and to citing this act as the Guam Employment Nondiscrimination Act (GENDA) of 2015," was introduced by Vice Speaker Benjamin J.F. Cruz on May 22, 2015, and subsequently referred to the **Committee on Rules, Federal, Foreign and Micronesian Affairs, Human and Natural Resources, Election Reform, and Capitol District** on May 23, 2015.

The **Committee on Rules, Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District** convened a public hearing on **Monday, June 22, 2015**, beginning at **6:00PM** in the Guam Legislature Public Hearing Room. The hearing for Bill No. 102-33 (COR) began at **6:00PM** and ended at **6:58PM**.

**Public Notice Requirements**

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on June 15, 2015, and June 17, 2015, via email. Copies of the hearing notices are appended to the report.

**Senators Present**

**Senator Thomas C. Ada**, *Acting Chairperson*

**Vice Speaker Benjamin J.F. Cruz**, *Member*

**Senator Frank B. Aguon, Jr.**, *Member*

**Senator V. Anthony Ada**, *Member*

**Senator Frank F. Blas, Jr.**, *Member*

**Appeared Before the Committee**

**Mrs. Jacqueline Arriola Marati**, *Legislative and Public Relations Committee Chair, Guam Women's Chamber of Commerce*

**Ms. Theresa Obispo**, *Senior Vice President of Human Resources, Bank of Guam*

**SGM Martin A. Manglona (Ret.)**, *Administrator, Guam Veterans Affairs Office*

**Rev. James Moore**, *St. John's Episcopal Church*

**Ms. Lasia Casil**, *Founder/Designer, Infinite Charm; LGBT community member*

**Mrs. Maria S. Connelley**, *Director, Guam Department of Labor*

**Mr. Alan T.K. Wang**, *Research and Statistics Analyst, Guam Department of Labor*

**Ms. Joann Waki Muna**, **SHRM-SCP, SPHR**, *Pacific Council State Director, Society for Human Resource*

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*Management*

**Mr. William D. Pesch**, Attorney, Guam Family Law Office; LGBT community member

**Col. Roderick R. Leon Guerrero**, Adjutant General, Guam National Guard

**Submitted Written Testimony**

**Mrs. Jacqueline Arriola Marati**, Legislative and Public Relations Committee Chair, Guam Women's Chamber of Commerce

**Ms. Theresa Obispo**, Senior Vice President of Human Resources, Bank of Guam

**SGM Martin A. Manglona (Ret.)**, Administrator, Guam Veterans Affairs Office

**Rev. James Moore**, St. John's Episcopal Church, LGBT community member

**Ms. Lasia Casil**, Founder/Designer, Infinite Charm; LGBT community member

**Mrs. Maria S. Connelley**, Director, Guam Department of Labor (attachment: Training and Employment Guidance Letter No. 37-14, Employment and Training Administration, U.S. Department of Labor)

**Ms. Joann Waki Muna, SHRM-SCP, SPHR**, Pacific Council State Director, Society for Human Resource Management

**Mr. William D. Pesch**, Attorney, Guam Family Law Office; LGBT community member

**Col. Roderick R. Leon Guerrero**, Adjutant General, Guam National Guard

**Ms. Florecita Mesa**, LGBT community ally

**Mr. Anthony C. Blaz**, Director, Department of Administration

**Mr. Evan San Nicolas**, LGBT community member

**Ms. Crimsona Amistad-Kaiser**, private citizen

**Mr. Derrick Baza Hills**, private citizen

**Ms. Sarah G. Warbelow**, Legal Director, and **Mr. James Perez Servino**, Associate Director of Online Mobilization & Social Media, Human Rights Campaign

**Ms. Maria Kottermair**, private citizen

**Mrs. Kalo Aguero-Pangelinan**, private citizen

**Mr. James Servino**, private citizen

**Mr. Allan San Nicolas**, private citizen

**Mrs. Aja Coc**, private citizen

**Mr. Eric Cox**, private citizen

**Mr. Eric Ihden**, private citizen

**Ms. Amanda Leppert**, private citizen

**Ms. Thilani Pereda**, private citizen

**Mr. Brian Crane**, private citizen

**Ms. Maggie Bell**, private citizen

**Ms. Lynn Flores**, private citizen

**Ms. Chelsea Wardenski**, private citizen

**Mr. Devin McEachern**, private citizen

**Mr. William Spilliard**, private citizen

**Ms. Colleen Weller**, private citizen



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**Mr. Francis Wilson Dumaliang**, *private citizen*  
**Ms. Jaclyn Servino**, *private citizen*  
**Ms. Breanna Lai**, *private citizen*  
**Mr. Oran Hill**, *private citizen*  
**Mr. Jessie VanVleet**, *private citizen*  
**Ms. Raisa Kakigi**, *private citizen*  
**Mr. Phillip John R. Cruz**, *private citizen*  
**Mr. Luis Mesngon, Jr.**, *private citizen*

**II. TESTIMONY & DISCUSSION**

**Acting Chairman Thomas C. Ada** announced that the Committee on Rules; Federal, Foreign & Micronesia Affairs; Human & Natural Resources; Election Reform and Capitol District has called the public hearing to order; recognized the senators in attendance; and stated for the record the time and date of the hearing, the bills on the agenda and the dates on which notices were transmitted to senators, stakeholders and local media. The Chairman added that the Committee would receive written testimony regarding the bills on the agenda until 5:00PM on Monday, June 29, 2015. He announced the commencement of the hearing for **Bill No. 102-33 (COR)**, noted that a number of individuals have signed up to testify, and allowed the sponsor of the legislation to provide an explanatory statement.

**Vice Speaker Benjamin J.F Cruz** thanked Chairman Ada for conducting the hearing and proceeded with his statement:

"The two of us (Senators Cruz and T. Ada) had a conversation at about five o'clock (5:00PM)—just before this hearing began. [Chairman Ada] asked why certain provisions were in this bill, and I wanted to make sure that we [come to an understanding]. That though we [here] on Guam think that we are at the center of the universe and that what we experience on Guam is what [is experienced by] the rest of the world—that though Reverend [James] Moore can rise to the top of his [Episcopalian] Church and I can rise to the top of the Judiciary [of Guam]—that's not the case everywhere else.

"The Chairman asked me a very interesting question, and before [Veterans Affairs Office Administrator] Mr. [Martin] Manglona speaks, I just wanted to make clear why I included military status [in the protected classes]. The Chairman was concerned—he wanted to know why I included military reservists. I responded that it is a very current issue—maybe not on Guam—but it is real.

"I will read a news story (*Military reservists allege discrimination by DEA management*, D. Gotfredson, CBS News 8) dated May 19, 2015—[this was published] last month:

*SAN DIEGO, Calif. (CBS 8) -- More than a dozen federal agents with the Drug Enforcement Administration have filed an employment complaint in Washington, DC alleging*



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*discrimination and harassment by DEA management.*

*Two of the 16 agents agreed to speak out to CBS News 8 in their first television interview.*

*They (DEA) have a consistent, perpetual harassment that continues to escalate," said DEA Special Agent Mark Coast of San Diego. "Servicemen should not be treated as second class citizens."*

*Coast says he has been constantly harassed by DEA managers because he also serves his country as a U.S. Marine colonel reservist.*

*He says DEA managers don't like military reservists taking time off work from the DEA to deploy overseas.*

*"You sit at your desk and your supervisors will constantly come by and tell you, 'You need to get out of the service. You can't serve two masters,'" said Coast, a member of the U.S. Marine Corps Reserves since 1987.*

*And, Coast is not alone. On Saturday, a total of 16 DEA special agents from all over the country signed on to the employment complaint filed with the U.S. Merit Systems Protection Board in Washington, DC.*

*The complaint claims DEA supervisors routinely subject military reservists to "hostile and offensive comments in the workplace" and that DEA managers discriminate against agents who serve in the military by "denying reservists promotions and assignments."*

*Most of the agents named in the complaint have worked at the DEA office in San Diego and more are expected to come forward.*

*"It's okay to assert your rights. It's okay to come forward," said Darek Kitlinski, a supervisory DEA special agent currently working in Washington, DC.*

*Kitlinski said he was denied a transfer to work in the same city with his wife.*

*He said DEA managers did not want to give him the job because they knew he might be called into active duty as a U.S. Coast Guard reservist.*

*"Upon hearing of me being a reservist, the tone of the meeting quickly changed and the next day my transfer was denied," Kitlinski said.*

*In the complaint, the DEA agents are seeking back pay, retroactive promotions, monetary damages, and mandatory employment discrimination training for all DEA managers.*

*Washington, DC attorney Kevin Byrnes represents the agents named in the employment complaint.*

*"One of my agents was in Kandahar Province and he got an email from his supervisor at DEA saying, 'I hope you're enjoying the sunny weather.' He was under mortar attack at the time,"*

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said Byrnes.

*The complaint seeks class action status for DEA reservists who have suffered damages:*

*'The Reservists contend that they themselves have suffered concrete acts of discrimination, retaliation, reprisal and a hostile work environment by DEA supervisors and senior management up to and including the DEA Administrator, Deputy Administrator and Career Board. Further, they suspect that since September 11, 2001, the DEA has hired and retained far fewer Drilling Reservists, as part of a pattern and practice of dissuading agents from remaining in the Armed Forces. The Reservists seek to have designated as a class, all current and former Drilling Reservists who have worked for the DEA from 1990 to the present and continuing throughout the course of this suit.'*

*"They want to be recognized for the commitment they have and they want the agency's management personnel, who are engaging in discrimination, to be held accountable for that discrimination," said attorney Byrnes.*

*Managers at the San Diego DEA office declined to comment on the complaint because of the ongoing legal proceedings.*

"I want to make sure that everyone understands that this is real. This occurred a month before I introduced this bill—which is why I included [military status] in this measure.

"A woman also came to me informing that she was fired because she was pregnant. I was going to include pregnancy in this measure as well, but I found federal legislation [that] already made [pregnancy a medical condition covered under protections against discrimination based on gender].

"I understand that some people were offended by my inclusion of military status in the GENDA but I felt the need to address the needs of everyone [as they relate to workplace discrimination].

"The U.S. Congress, in 1994—twenty-one (21) years ago—first introduced the Employment Non-Discrimination Act, ENDA. It has been re-introduced in every Congress since, with the exception of the 108th Congress. It has passed one (1) House in each of those Congresses but failed to pass the second. So, I decided to take this on, to pass a Guam Employment Non-Discrimination Act because, though it seems the federal government is unwilling to move forward with it, I believe it must be addressed.

"There are twenty-nine (29) states in this country, and Guam—which makes it thirty (30) [jurisdictions] where you can still be fired because of your sexual orientation. Many of us believe that because I was appointed to the bench thirty (30) years ago, there is no employment discrimination here on Guam. Yet, I have come to realize that many of my brothers and sisters in the community have faced discrimination at all levels of the workplace.



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Over the last six (6) years in attempting to gain the community's support for some other [Lesbian, Gay, Bisexual and Transexual (LGBT) rights] legislation—and not receiving it in public—I came to realize that not everyone is as fortunate as I and some other members of the community who have professions where we lack [employers] concerned about our sexual identity. As a consequence, many people are afraid to come forward.

"In anticipation of a U.S. Supreme Court ruling next week—of which I am hopeful—and the U.S District Court of Guam's ruling earlier this month, I wanted to make sure that [LGBT individuals] in expressing their love for each other at ten o'clock in the morning (10:00AM) weren't fired at two o'clock that afternoon (2:00PM) because that could still happen. While the Ninth Circuit has held that our laws regarding marriage are discriminatory, it still has not addressed the issue of employment discrimination.

"Many of us believe that it had, and many of us grew up thinking that the Civil Rights Act of 1964 took care of that, but it didn't. Many people don't realize that soon after the passage of the Civil Rights Act, Mr. Franklin Kameney, of the Mattachine Society of Washington—the precursor to [Guam's Alternative Lifestyle Association] (GALA)—wrote to the White House seeking to understand the impact of the Civil Rights Act on the gay community. He received the following letter from Vice President Hubert H. Humphrey on June 9, 1965. Below the letterhead of the Vice President, the letter read:

*Dear Mr. Kameney:*

*Thank you for sending me the formal statement of purpose for your organization.*

*As coordinator of the Federal Civil Rights activities, it is indeed my responsibility and intention to seek the full implementation of the Civil Rights Act of 1964, including its prohibition against discrimination in employment because of race, color, religion, sex or national origin.*

*Neither the Federal Executive orders on Fair Employment nor the Civil Rights Act of 1964 which constitute the authority for this program of non-discrimination are relevant to the problems of homosexuals.*

*Best wishes,*

*Hubert H. Humphrey.*

"Many people don't realize that. Many people don't realize that in 1953 President [Dwight D.] Eisenhower signed an Executive Order—Executive Order 10450. (Vice Speaker Cruz tangentially mentioned a New York Times article, Perverts Called Government Peril, on April 19, 1950, that stated, "Guy George Gabrielson, Republican National Chairman, asserted today that 'sexual perverts who have infiltrated our Government in recent years' were 'perhaps as dangerous as the actual Communists.'")



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"This Executive Order [that] President Eisenhower signed in 1953 remained in effect until July 21, 2014—until President [Barack H. Obama] repealed [it] and required that federal contractors no longer discriminate on the basis of sexual orientation. President Obama was continually criticized because although he had supported ENDA as a senator, he had failed to act on it in any meaningful way as president. For nearly sixty (60) years that Executive Order remained in effect, and it wasn't until July 21, 2014—our own Liberation Day—that it was repealed.

"Just last week Secretary of Defense Ashton Carter signed new orders requiring that there no longer be any form of discrimination based on sexual orientation—[this happened] just last week, June 19, 2015. [Prior to that], despite the repeal of 'Don't Ask, Don't Tell', you could still be tossed out of the military because of your sexual orientation.

"These are all current issues. I know some people keep thinking, 'Where did this come from, BJ?' The [U.S. Department of Defense] (DOD) just addressed it last week; the President just addressed it last year; there is an active suit against the DEA; and a number of police departments are being sued by reservists and guardsmen who feel like they have been discriminated against because of their [military] status.

"Locally—and I hate to admit this—after our guys returned home, the six hundred (600), I pushed for them to seek employment, where available, in a government agency. One person responsible for employment—I won't mention who—said, 'I don't think we can hire them; they may have [post-traumatic stress disorder] (PTSD).'

"It's real, and it's on Guam. I am hoping this Committee understands that and we need to address it, too. Many of our brothers and sisters—too many of the men and women who fought so that I can [freely express] my orientation—suffer discrimination and that must stop.

"I am hoping that with the support of this Committee and this [LGBT] community, we will no longer be a part of the thirty (30) jurisdictions where discrimination on the basis of orientation continues to exist.

"Thank you, Mr. Chairman."

**Chairman Ada** thanked Vice Speaker Cruz and called the first panel of individuals to provide testimony.

**Mrs. Jacqueline Arriola Marati** introduced herself and proceeded to read her testimony (*appended to this report*) in support of the legislation in her capacity as Legislative and Public Relations Committee Chair of the Guam Women's Chamber of Commerce.

**Chairman Ada** thanked Ms. Marati.

**Ms. Theresa Obispo** introduced and proceeded to read her testimony (*appended to this report*) in

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support of the legislation in her capacity as Senior Vice President of Human Resources of the Bank of Guam.

**Chairman Ada** thanked Ms. Obispo.

**SGM Martin A. Manglona (USA, Retired)**, thanked Chairman Ada and the rest of the Committee and proceeded to provide oral testimony in support of the legislation in his capacity as Administrator of the Guam Veterans Affairs Office:

"Before I start my testimony, I'd like to echo what [Vice Speaker] [Benjamin J.] Cruz was talking about. I represent the administration of Veterans Affairs in Guam and I [held the same office] in Saipan; I was the special assistant to the Governor. In 1990, [*incomprehensible*] I was deployed to Kuwait and eighty percent (80%) percent of those deployed are from police departments. They start hiring local people to replace those police officers so I called the director, Mr. Camacho, and I said, 'You have to follow the Soldier/Sailor Act.' That act protects those members that work in the community so that they have their jobs when they come back. To me, I think it's a matter of education because they are not aware of federal law. Right now, we have a good executive director, David Sablan. He worked at Employee Support of the Guard and Reserve (ESGR) [as Guam-CNMI State Chair]. People [who] would deploy under the National Guard have an orientation with their employer so that they have their job secured when they got deployed to either Afghanistan or Iraq. So I think it's a matter of education. Because any employer would like to have an employee working twenty-four (24) hours [a day], but they have to follow federal law.

"Now going back to my testimony, I am in support of Bill No. 102-33 (COR). It enforces [policy that conforms to] federal laws prohibiting discrimination: Title 7 of the Civil Rights Act of 1964, which prohibits discrimination based on color, religion, sex, race and national origin; the Equal Pay Act of 1963, [which] would protect men and women who perform the equal amount of work in the same establishment; the Age Discrimination Act of 1967, which protects the individual 40 years and older; Title 1 and Title 5 of the American Disability Act of 1990, which would prohibit employment discrimination against people who have disabilities in the private sector, state or federal government; Section 501 and Section 505 [of the Rehabilitation Act of 1973], [relative to employment discrimination against individuals with disabilities in the federal sector]; the Civil Rights Act of 1991 provides monetary damages in case of intentional employment discrimination.

"I am in full support of this act and I think it's about time [to put] this law in effect. Thank you."

**Chairman Ada** thanked Mr. Maglona.

**Rev. James Moore**, St. John's Episcopal Church, introduced himself and proceeded to read his



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written testimony (*appended to this report*) in support of the legislation.

**Chairman Ada** thanked Reverend Moore and paused to ask the Committee if anyone had questions for the first set of panelists. He then called on another group of individuals to form the second panel and reminded them to ensure that the microphone was turned on.

**Ms. Lasia Casil** introduced herself and proceeded to read her written testimony (*appended to this report*) in support of the legislation in her capacity as Founder and Designer of Infinite Charm, and as a transgender woman and a victim of employment discrimination.

**Chairman Ada** thanked Ms. Casil.

**Mrs. Maria S. Connelley** greeted the Chairman and the Committee members and thanked them for the opportunity to provide testimony. She stated that she has submitted written testimony (*appended to this report*), including a copy of latest guidance from the U.S. Department of Labor Employment and Training Administration titled "Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System", in support of the legislation in her capacity as Director of the Guam Department of Labor. She added that in addition to a statement of support, her testimony also includes comments for certain language as it appears in the introduced bill.

**Chairman Ada** thanked Director Connelley.

**Mr. Alan Wang** introduced himself and stated that he testifying in support of the legislation in his capacity as a Guam Department of Labor Research and Statistics Analyst. He proposed to add the words "national origin" after "or ancestry" on Page 2, Lines 3, 8, 17 and 24 of the bill.

**Chairman Ada** thanked Mr. Wang.

**Ms. Joann Waki Muna, SHRM-SCP, SPHR** greeted the Committee, introduced herself, and proceeded to read written testimony (*appended to this report*) in support of the legislation in her capacity as Pacific Council State Director of the Society for Human Resource Management (SHRM). She interspersed the following comments throughout her reading:

"And let me give you some background [information]. Again, I'm here to support [the bill on behalf of the] national organization and the local organization [of the Society for Human Resource Management]. I cannot overemphasize how large we are—over one hundred sixty (160) countries inclusive of the United States."

"So basically, in summary, although there is no federal law that prohibits [discrimination based on sexual orientation], there are case laws that found it discriminatory. And it is



**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
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interesting that it's the federal case laws that found it discriminatory—case in point, *Macy v. Department of Justice*. The Vice Speaker spoke a little bit about law enforcement. It was the case that was against the alcohol and the tobacco bill, the federal agency—issue at hand for SHRM.”

“Vice Speaker, I apologize; I did not put a position on the military benefits. And it's simply because right now, I am representing SHRM as a whole. And gender identity is one of our very, very big priorities and we wanted that to be the focus. SHRM does support our veterans, [and] as Mr. Manglona has mentioned, there's lot of legislation out there. On Guam, we do work closely with ESGR and with [Lt. Col. Robert Crisostomo, Human Resource Specialist, Guam Army National Guard] and I think we've been successful. So I think [in] having [military status] in your bill for discrimination, it doesn't hurt what's currently out there; I think it just reemphasizes. But in terms of gender identity, I think this is the biggest piece of legislation that we have before our community, and again, I think SHRM as a whole will continue to fight at the congressional level.”

**Chairman Ada** thanked Ms. Muna and called on the third panel.

**Mr. William D. Pesch** thanked Chairman Ada and proceeded to read written testimony (*appended to this report*), addressed to Vice Speaker Cruz, in support of the legislation in his capacity as a private attorney and a member of the LGBT community. After reading his testimony, he gave additional remarks:

“I'd like to stray from my prepared text just for a minute and just say, the reason I'm probably sitting here today is because of discrimination against the LGBT community. When I graduated from college in 1976, there were two (2) careers I was particularly interested in: one was the military and the other was working for the Federal Bureau of Investigation (FBI). Neither of those were very realistic possibilities for me, although my [father] had a very long, thirty-six (36) –year, distinguished career in the military, [and] my brother was also a member of the military. I knew because of my sexual orientation I would not be allowed to join the military. The FBI was my next choice. You would have to go through a lie detector test in order to become a member of the FBI and one of the first questions they ask you is if you were gay; I was not going to lie. And so early on in my career, when I was looking at the two (2) things I wanted to do most, those doors were shut to me. And today I am willing to sit before the community and advocate on behalf of the LGBT community because I don't want any one person to have to put up—excuse my language—with the [*expletive*] that I had to put up with and the [*expletive*] that a lot of us had to put up with in this room solely because of our sexual identity or sexual orientation. It isn't fair. You could put it under the color of any religion that you want, but it isn't fair, it isn't right, and none of you should support discrimination based on [sexual orientation or identity], and for that reason, I ask you to support this bill.”

**Chairman Ada** thanked Mr. Pesch.



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**Col. Roderick R. Leon Guerrero** greeted the senators and proceeded to provide testimony regarding the legislation in his capacity as the Adjutant General of the Guam National Guard. He thanked Vice Speaker Cruz for comments the senator made earlier during the hearing. He stated that he had technical questions, beginning with the inclusion of the words “reserve components” (Page 5, Lines 22-27). He asked the Vice Speaker if it was the bill’s legislative intent to ensure the exclusion of any active components.

**Vice Speaker Cruz** thanked Colonel Leon Guerrero for the question and answered that it was not the intention of the bill to leave out active duty components. The senator added that that particular issue was addressed by DOD in the preceding week and stated that nonetheless he will address that as the bill undergoes revisions.

**Colonel Leon Guerrero** moved on to his second question relative to language specifying prohibited acts (“No person shall be discriminated against in the application for employment, or promotion, or dismissed from employment,” Page 6, Line 7). The Adjutant General elaborated:

“And what I suggest—before I took this job as Adjutant General, I’m a personnelist by trade and so I anticipate someone may be discriminated on evaluations. I don’t know—does the government of Guam do evaluations? And so [employers] can write that in their [employees’] evaluations or [issue] reprimands—so I don’t know if that’s necessary to put that in there? So they don’t [get] reprimanded for—let’s say, a person who is transgender, a male dressing as a female and that supervisor writes that individual up for not dressing like a male. So you may want to put reprimands and evaluations in that clause. And that’s all I have to offer, subject to your questions.”

**Chairman Ada** thanked Colonel Leon Guerrero, and asked the Committee members for questions they may have for the third panel.

**Vice Speaker Cruz** noted that though he did not have any questions, he wanted to thank Colonel Leon Guerrero for his attendance and testimony regarding the legislation. He mentioned that he was very proud of the speech Colonel Leon Guerrero gave during his pinning ceremony as Adjutant General, wherein he declared that the National Guard under his helm was going to be one that encouraged diversity. The Vice Speaker added that he does not recall if he had the chance to thank Colonel Leon Guerrero during that event but he now wishes to state publicly his appreciation that the issue of diversity was repeatedly mentioned in the Adjutant General’s speech.

**Colonel Leon Guerrero** thanked the Vice Speaker and added:

“My motto is all about diversity, so I emphasized sexual [orientation, identity], and preference. And I have my philosophy and it’s focused on hatred around the world, and how discrimination turns to anger and hate, and [then] it turns to violence. So this is one of the



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reasons why, in my mind, we [should] nip it in the bud—[have everyone] getting along and working with each other—[so] we wouldn't be in this situation where we are trying to fight each other. And the big thing [in the current military theater] is religious discrimination; [the aggressors] hate you because you don't believe in the same [religious tenets] that they do, so diversity is very important."

**Chairman Ada** thanked the third set of panelists and, on account that there were no other individuals present to testify, considered Bill No. 102-33 (COR) heard.

### III. FINDINGS & RECOMMENDATION

After a thorough review of all testimony submitted relative to Bill No. 102-33 (COR) as Corrected by the Author, the Committee recommends the following amendments:

**1) List of protected classes in Section 2 and Section 4 are reordered for clarity.**

• **§ 5201. Discriminatory Practices Made Unlawful; Offenses Defined.**

It shall be an unlawful employment practice or unlawful discrimination:

(a) For any employer to refuse to hire or employ or to bar or discharge from employment, or otherwise to discriminate against any individual in compensation or in the terms, conditions, or privileges of employment because of ~~race, sex including gender identity or expression, age, religion, color, honorably discharged veteran and military status, sexual orientation, or ancestry~~ race, age, religion, color, ancestry, national origin, military status, or sex, including sexual orientation, gender identity, and gender expression;

(b) For any employment agency to fail or refuse to refer or employ, or to classify or otherwise to discriminate against any individual because of ~~race, sex including gender identity or expression, age, religion, color, honorably discharged veteran and military status, sexual orientation, or ancestry~~ race, age, religion, color, ancestry, national origin, military status, or sex, including sexual orientation, gender identity, and gender expression;

(c) For any employer or employment agency to print, circulate or cause to be printed or circulated any statement, advertisement or publication or to use any form of application for employment or to make any inquiry in connection with prospective employment, which expresses, directly or indirectly, any limitation, specification or discrimination as to ~~race, sex including gender identity or expression, age, religion, color, honorably discharged veteran and military status, sexual orientation, or ancestry~~ race, age, religion, color, ancestry, national origin, military status, or sex, including sexual orientation, gender identity, and gender expression;

(d) For any labor organization to exclude or expel from its membership any person or to discriminate in any way against any of its members, employer



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or employees because of ~~race, sex including gender identity or expression, age, religion, color, honorably discharged veteran and military status, sexual orientation, or ancestry~~ race, age, religion, color, ancestry, national origin, military status, or sex, including sexual orientation, gender identity, and gender expression.

• § 4101. Personnel Policy.

(a) Employment in the service of the government of Guam shall be based upon merit, and selection and promotion of employees shall be free of personal or political consideration. No person shall be discriminated against in an application for employment or promotion or dismissed from employment on account of ~~honorably discharged veteran and military status, sexual orientation, race, color, age, religion, sex — including gender identity or expression, national origin or physical or mental impairment~~ race, color, age, religion, color, national origin, military status, physical or mental impairment, or sex, including sexual orientation, gender identity, and gender expression. No person shall be discriminated against in an application for employment or promotion or dismissed from employment because of the country where the college or university from which he received any degree or training is located. All personnel actions, including appointments and promotions, shall be based, insofar as practicable, on competitive practical tests and evaluations. Continuity of employment shall be dependent upon good behavior, satisfactory performance and availability of funds. For the purpose of this Section, the terms *sexual orientation, gender identity or expression, and veteran and military status* shall be defined in 22 GCA § 5202.

2) Definition of *Military Status* in Section 3 is enumerated for clarity.

(j) *Military status* means:

(1) A person's status as an active duty member of the armed forces of the United States;

(2) A person's status as a current member of a reserve component of the armed forces of the United States, including the Army Reserve, Navy Reserve, Marine Corps Reserve, Air Force Reserve, the Coast Guard Reserve, the Army National Guard, and the Air National Guard; or

(3) A person's veteran status based on prior service in any component of the armed forces of the United States, from which the discharge was under circumstances other than dishonorable.

3) The measure as amended bars discrimination on the basis of National Origin. The Committee notes that while this prohibition exists relative to the employment of government of Guam employees enacted in 4 GUAM CODE ANN. § 4101(a), existing local statute required additional clarity.

4) Changes to the format and style of the bill were made throughout the measure to ensure its

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**compliance with the adopted drafting standards of the Legislature during the amendment process.**

The Committee on Rules; Federal, Foreign & Micronesia Affairs; Human & Natural Resources; Election Reform and Capitol District to which was referred Bill No. 105-33 (COR) – B.J.F. Cruz – “An act to *amend* §§ 5201 And 5202 of Article 2, Chapter 5, Title 22, and to *amend* Subsection (a) of § 4101, Article 1, Chapter 4, Title 4, both of Guam Code Annotated; relative to discrimination in the workplace and to citing this act as the Guam Employment Nondiscrimination Act (GENDA) of 2015,” hereby submits these findings to *I Mina'trentai Tres Na Liheslaturan Guåhan* and reports out Bill No. 102-33 (COR), As Corrected by the Author, with a recommendation TO PASS.



***I MINA' TRENTAI TRES NA LIHESLATURAN GUÅHAN***  
**2015 (FIRST) Regular Session**

Bill No. 102-33 (COR)

\*As Corrected By the Author

Introduced by:

B.J.F. Cruz

**AN ACT TO AMEND §§ 5201 AND 5202 OF ARTICLE 2, CHAPTER 5, TITLE 22, AND TO AMEND SUBSECTION (a) OF § 4101, ARTICLE 1, CHAPTER 4, TITLE 4, BOTH OF GUAM CODE ANNOTATED; RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.**

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

2           **Section 1. Title.** This Act may be known and referred to as the *Guam*  
3 *Employment Nondiscrimination Act (GENDA) of 2015.*

4           **Section 2. Nondiscrimination in Employment.** § 5201 of Article 2,  
5 Chapter 5, Title 22, Guam Code Annotated, is *amended* to read:

6                   **“§ 5201. Discriminatory Practices Made Unlawful; Offenses**  
7 **Defined.**

8                   It shall be an unlawful employment practice or unlawful  
9 discrimination:

10                   (a) For any employer to refuse to hire or employ or to bar  
11 or discharge from employment, or otherwise to discriminate  
12 against any individual in compensation or in the terms,  
13 conditions, or privileges of employment because of race, sex

14

1 including gender identity or expression, age, religion, color,  
2 honorably discharged veteran and military status, sexual  
3 orientation, or ancestry.

4 (b) For any employment agency to fail or refuse to refer  
5 or employ, or to classify or otherwise to discriminate against  
6 any individual because of race, sex including gender identity or  
7 expression, age, religion, color, honorably discharged veteran  
8 and military status, sexual orientation, or ancestry.

9 (c) For any employer or employment agency to print,  
10 circulate or cause to be printed or circulated any statement,  
11 advertisement or publication or to use any form of application  
12 for employment or to make any inquiry in connection with  
13 prospective employment, which expresses, directly or  
14 indirectly, any limitation, specification or discrimination as to  
15 race, sex including gender identity or expression, age, religion,  
16 color, honorably discharged veteran and military status, sexual  
17 orientation, or ancestry, unless based on a bona fide  
18 occupational qualification;

19 (d) For any labor organization to exclude or expel from  
20 its membership any person or to discriminate in any way  
21 against any of its members, employer or employees because of  
22 race, sex including gender identity or expression, age, religion,  
23 color, honorably discharged veteran and military status, sexual  
24 orientation, or ancestry;

25 (e) For any employer, labor organization or employment  
26 agency to discharge, expel, or otherwise discriminate against  
27 any person because he has opposed any practice forbidden by



1 this Chapter, or because he has filed a complaint, testified or  
2 assisted in any proceeding respecting the employment practices  
3 and discrimination prohibited under this Chapter.

4 (f) For any person whether an employer, employee or  
5 not, to aid, abet, incite, compel or coerce the doing of any of the  
6 practices forbidden by this Chapter, or to attempt to do so.

7 (g) for any employer, labor organization or employment  
8 agency to require any person to become or remain a member of  
9 any labor union or labor organization as a condition of  
10 employment or continuation of employment, or to require a  
11 person to abstain or refrain from membership in any labor  
12 union or labor organization as a condition of employment or  
13 continuation of employment, or to require any person to pay  
14 dues, fees or other charges of any kind to any labor union or  
15 labor organization as a condition of employment.”

16 **Section 3. Statutory Definitions.** § 5202 of Article 2, Chapter 5, Title  
17 22, Guam Code Annotated, is *amended* to read:

18 “§ 5202. **Definitions.**

19 As used in this Chapter:

20 (a) *Disability* means any condition or characteristic that renders  
21 a person a disabled person as defined in Subsection (b) of this Section.

22 (b) *Disabled person* means any person who:

23 (1) has a physical or mental impairment which  
24 substantially limits one or more major life activities;

25 (2) has a history of, or has been classified as having an  
26 impairment which substantially limits one or more major life  
27 activities;

1 (3) has a physical or mental impairment that does not  
2 substantially limit major life activities but that is treated by  
3 others as constituting such a limitation; or

4 (4) has a physical or mental impairment that substantially  
5 limits major life activities only as a result of the attitudes of  
6 others as having such an impairment.

7 (c) *Discriminate* or *discrimination* means to segregate or  
8 unreasonably differentiate in treatment, whether intended or  
9 unintended, or to act in a manner fair in form but discriminatory in  
10 operation based upon disability or use of adaptive devices.

11 (d) *Major life activities* means functions such as, but not limited  
12 to, caring for one's self, performing manual tasks, walking, seeing,  
13 hearing, speaking, breathing, learning and working.

14 (e) *Physical or mental impairment* means:

15 (1) any physiological disorder or condition, cosmetic  
16 disfigurement or anatomical loss affecting one or more of the  
17 following body systems: neurological, musculoskeletal, special  
18 sense organs, respiratory, including speech organs,  
19 cardiovascular, reproductive, digestive genito-urinary, hemic  
20 and lymphatic, skin and endocrine; or

21 (2) any mental or physiological disorder, such as mental  
22 retardation, organic brain syndrome, emotional or mental illness  
23 and specific learning disabilities.

24 (f) *Use of adaptive device* means the utilization of any item to  
25 compensate for a physical or mental impairment, including but not  
26 limited to, braces or other supports, wheel chairs, talking boards,  
27 hearing aids, corrective lenses or seeing eye dogs.



1 (g) *Qualified individual* means an individual who can perform  
2 the essential functions of the job in question. As applied to a disabled  
3 individual, *qualified individual* means an individual who, with  
4 reasonable accommodation, can perform the essential functions of the  
5 job in question. Receipt or alleged receipt of treatment for a disability,  
6 whether physical or mental shall not constitute evidence of a person's  
7 inability to perform the essential functions of a particular job or  
8 position. In addition, uninsurability or increased cost of insurance  
9 under a group or employee insurance plan does not render a disabled  
10 person unqualified.

11 If a disabled person is qualified to perform a particular  
12 occupation by reason of training or experience, the nature of that  
13 occupation shall not be the basis for exception to the unfair or  
14 discriminatory practices prohibited by this Section.

15 (h) Sexual orientation means having a preference for  
16 heterosexuality, homosexuality, or bisexuality, having a history of any  
17 one or more of these preferences, or being identified with any one or  
18 more of these preferences.

19 (i) Gender identity or expression means a person's actual or  
20 perceived gender, as well as a person's gender identity, gender-related  
21 self-image, gender-related appearance, or gender-related expression,  
22 regardless of whether that gender identity, gender-related self-image,  
23 gender-related appearance, or gender-related expression is different  
24 from that traditionally associated with the person's sex at birth.

25 (j) Veteran and military status means a person's status on active  
26 duty in or status as a veteran of the armed forces of the United States,  
27 status as a current member or veteran of any reserve component of the

1 armed forces of the United States, including the United States Army  
2 Reserve, United States Marine Corps Reserve, United States Navy  
3 Reserve, United States Air Force Reserve, and United States Coast  
4 Guard Reserve, or status as a current member or veteran of the Guam  
5 National Guard.”

6 **Section 4. Employment in the Service of the Government of Guam.**

7 Subsection (a) of § 4101 of Chapter 4, Title 4, Guam Code Annotated is  
8 *amended* to read:

9 “(a) Employment in the service of the government of Guam  
10 shall be based upon merit, and selection and promotion of employees  
11 shall be free of personal or political consideration. No person shall be  
12 discriminated against in an application for employment or promotion  
13 or dismissed from employment on account of honorably discharged  
14 veteran and military status, sexual orientation, race, color, age,  
15 religion, sex—including gender identity or expression, national origin  
16 or physical or mental impairment. No person shall be discriminated  
17 against in an application for employment or promotion or dismissed  
18 from employment because of the country where the college or  
19 university from which he received any degree or training is located.  
20 All personnel actions, including appointments and promotions, shall  
21 be based, insofar as practicable, on competitive practical tests and  
22 evaluations. Continuity of employment shall be dependent upon good  
23 behavior, satisfactory performance and availability of funds. For the  
24 purpose of this Section, the terms *sexual orientation, gender identity*  
25 *or expression, veteran and military status* shall be defined in 22 GCA  
26 § 5202.”

27 **Section 5. Religious Exemption.**



1 (a) In General. This Act *shall not* apply to a corporation, association,  
2 educational institution or institution of learning, or society that is exempt  
3 from the religious discrimination provisions of Title VII of the Civil Rights  
4 Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or  
5 703(e)(2) of such Act (42 U.S.C. 2000e-1(a), 2000e-2(e)(2)) (referred to in  
6 this Section as a “religious employer”).

7 (b) Prohibition On Certain Government Actions. A religious  
8 employer's exemption under this section *shall not* result in any action by the  
9 government to penalize or withhold licenses, permits, certifications,  
10 accreditation, contracts, grants, guarantees, tax-exempt status, or any  
11 benefits or exemptions from that employer, or to prohibit the employer's  
12 participation in programs or activities sponsored by that government.  
13 Nothing in this Subsection shall be construed to invalidate any other law  
14 (including a regulation) that otherwise applies to a religious employer  
15 exempt under this Section.


16 **Section 6. Codification.** The Compiler of Laws is authorized to  
17 codify Section 5 of this Act within the appropriate title of the Guam Code  
18 Annotated. Section 5 *shall* apply only to the specific amendments made  
19 pursuant to this Act.

20 **Section 7. Severability.** *If* any provision of this Act or its application  
21 to any person or circumstance is found to be invalid or contrary to law, such  
22 invalidity *shall not* affect other provisions or application of this Act which  
23 can be given effect without the invalid provisions or application, and to this  
24 end the provisions of this Act are severable.

**MINA' TRENTAI DOS NA LIHESLATURAN GUÁHAN**  
2015 (FIRST) Regular Session

Bill No. 102-33 (COR)

Introduced by:

B.J.F. Cruz 

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**AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.**

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

2 **Section 1. Title.** This Act may be known and referred to as the  
3 *Guam Employment Nondiscrimination Act (GENDA) of 2015.*

4 **Section 2. Nondiscrimination in Employment.** 22 GCA § 5201 is  
5 *amended* to read:

6 “§ 5201. Discriminatory Practices Made Unlawful; Offenses  
7 Defined. It shall be an unlawful employment practice or unlawful  
8 discrimination:

9 (a) For any employer to refuse to hire or employ or to bar  
10 or discharge from employment, or otherwise to discriminate  
11 against any individual in compensation or in the terms,  
12 conditions, or privileges of employment because of race, sex  
13 including gender identity or expression, age, religion, color,

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1 honorably discharged veteran and military status, sexual  
2 orientation, or ancestry.

3 (b) For any employment agency to fail or refuse to refer  
4 or employ, or to classify or otherwise to discriminate against  
5 any individual because of race, sex including gender identity or  
6 expression, age, religion, color, honorably discharged veteran  
7 and military status, sexual orientation, or ancestry.

8 (c) For any employer or employment agency to print,  
9 circulate or cause to be printed or circulated any statement,  
10 advertisement or publication or to use any form of application  
11 for employment or to make any inquiry in connection with  
12 prospective employment, which expresses, directly or  
13 indirectly, any limitation, specification or discrimination as to  
14 race, sex including gender identity or expression, age, religion,  
15 color, honorably discharged veteran and military status, sexual  
16 orientation, or ancestry, unless based on a bona fide  
17 occupational qualification;

18 (d) For any labor organization to exclude or expel from  
19 its membership any person or to discriminate in any way  
20 against any of its members, employer or employees because of  
21 race, sex including gender identity or expression, age, religion,  
22 color, honorably discharged veteran and military status, sexual  
23 orientation, or ancestry;

24 (e) For any employer, labor organization or employment  
25 agency to discharge, expel, or otherwise discriminate against  
26 any person because he has opposed any practice forbidden by  
27 this Chapter, or because he has filed a complaint, testified or



1           assisted in any proceeding respecting the employment practices  
2           and discrimination prohibited under this Chapter.

3           (f) For any person whether an employer, employee or  
4           not, to aid, abet, incite, compel or coerce the doing of any of the  
5           practices forbidden by this Chapter, or to attempt to do so.

6           (g) for any employer, labor organization or employment  
7           agency to require any person to become or remain a member of  
8           any labor union or labor organization as a condition of  
9           employment or continuation of employment, or to require a  
10          person to abstain or refrain from membership in any labor  
11          union or labor organization as a condition of employment or  
12          continuation of employment, or to require any person to pay  
13          dues, fees or other charges of any kind to any labor union or  
14          labor organization as a condition of employment.”

15       **Section 3. Statutory Definitions.** 22 GCA § 5202 is *amended* to read:

16       “§ 5202. Definitions. As used in this Chapter:

17           (a) *Disability* means any condition or characteristic that renders  
18           a person a disabled person as defined in Subsection (b) of this Section.

19           (b) *Disabled person* means any person who:

20               (1) has a physical or mental impairment which  
21               substantially limits one or more major life activities;

22               (2) has a history of, or has been classified as having an  
23               impairment which substantially limits one or more major life  
24               activities;

25               (3) has a physical or mental impairment that does not  
26               substantially limit major life activities but that is treated by  
27               others as constituting such a limitation; or

1 (4) has a physical or mental impairment that substantially  
2 limits major life activities only as a result of the attitudes of  
3 others as having such an impairment.

4 (c) *Discriminate* or *discrimination* means to segregate or  
5 unreasonably differentiate in treatment, whether intended or  
6 unintended, or to act in a manner fair in form but discriminatory in  
7 operation based upon disability or use of adaptive devices.

8 (d) *Major life activities* means functions such as, but not limited  
9 to, caring for one's self, performing manual tasks, walking, seeing,  
10 hearing, speaking, breathing, learning and working.

11 (e) *Physical or mental impairment* means:

12 (1) any physiological disorder or condition, cosmetic  
13 disfigurement or anatomical loss affecting one or more of the  
14 following body systems: neurological, musculoskeletal, special  
15 sense organs, respiratory, including speech organs,  
16 cardiovascular, reproductive, digestive genito-urinary, hemic  
17 and lymphatic, skin and endocrine; or

18 (2) any mental or physiological disorder, such as mental  
19 retardation, organic brain syndrome, emotional or mental illness  
20 and specific learning disabilities.

21 (f) *Use of adaptive device* means the utilization of any item to  
22 compensate for a physical or mental impairment, including but not  
23 limited to, braces or other supports, wheel chairs, talking boards,  
24 hearing aids, corrective lenses or seeing eye dogs.

25 (g) *Qualified individual* means an individual who can perform  
26 the essential functions of the job in question. As applied to a disabled  
27 individual, qualified individual means an individual who, with

1 reasonable accommodation, can perform the essential functions of the  
2 job in question. Receipt or alleged receipt of treatment for a disability,  
3 whether physical or mental shall not constitute evidence of a person's  
4 inability to perform the essential functions of a particular job or  
5 position. In addition, uninsurability or increased cost of insurance  
6 under a group or employee insurance plan does not render a disabled  
7 person unqualified.

8 If a disabled person is qualified to perform a particular  
9 occupation by reason of training or experience, the nature of that  
10 occupation shall not be the basis for exception to the unfair or  
11 discriminatory practices prohibited by this Section.

12 (h) Sexual orientation means having a preference for  
13 heterosexuality, homosexuality, or bisexuality, having a history of any  
14 one or more of these preferences, or being identified with any one or  
15 more of these preferences.

16 (i) Gender identity or expression means a person's actual or  
17 perceived gender, as well as a person's gender identity, gender-related  
18 self-image, gender-related appearance, or gender-related expression,  
19 regardless of whether that gender identity, gender-related self-image,  
20 gender-related appearance, or gender-related expression is different  
21 from that traditionally associated with the person's sex at birth.

22 (j) Veteran and military status means a person's status on active  
23 duty in or status as a veteran of the armed forces of the United States,  
24 status as a current member or veteran of any reserve component of the  
25 armed forces of the United States, including the United States Army  
26 Reserve, United States Marine Corps Reserve, United States Navy  
27 Reserve, United States Air Force Reserve, and United States Coast



1       Guard Reserve, or status as a current member or veteran of the Guam  
2       National Guard.”

3       **Section 4. Employment in the Service of the Government of**  
4       **Guam.** 5 GCA § 4101(a) is *amended* to read:

5               “(a) Employment in the service of the government of Guam  
6       shall be based upon merit, and selection and promotion of employees  
7       shall be free of personal or political consideration. No person shall be  
8       discriminated against in an application for employment or promotion  
9       or dismissed from employment on account of honorably discharged  
10       veteran and military status, sexual orientation, race, color, age,  
11       religion, sex including gender identity or expression, national origin  
12       or physical or mental impairment. No person shall be discriminated  
13       against in an application for employment or promotion or dismissed  
14       from employment because of the country where the college or  
15       university from which he received any degree or training is located.  
16       All personnel actions, including appointments and promotions, shall  
17       be based, insofar as practicable, on competitive practical tests and  
18       evaluations. Continuity of employment shall be dependent upon good  
19       behavior, satisfactory performance and availability of funds. For the  
20       purpose of this Section, the terms *sexual orientation, gender identity*  
21       *or expression, veteran and military status* shall be defined in 22 GCA  
22       § 5202.”

23       **Section 5. Religious Exemption.**

24       (a) In General. This Act shall not apply to a corporation, association,  
25       educational institution or institution of learning, or society that is exempt  
26       from the religious discrimination provisions of Title VII of the Civil Rights  
27       Act of 1964 (42 U.S.C. 2000e et seq.) pursuant to section 702(a) or

1 703(e)(2) of such Act (42 U.S.C. 2000e-1(a), 2000e-2(e)(2)) (referred to in  
2 this section as a “religious employer”).

3 (b) Prohibition On Certain Government Actions. A religious  
4 employer's exemption under this section shall not result in any action by the  
5 government to penalize or withhold licenses, permits, certifications,  
6 accreditation, contracts, grants, guarantees, tax-exempt status, or any  
7 benefits or exemptions from that employer, or to prohibit the employer's  
8 participation in programs or activities sponsored by that government.  
9 Nothing in this subsection shall be construed to invalidate any other law  
10 (including a regulation) that otherwise applies to a religious employer  
11 exempt under this section.

12 **Section 6. Codification.** The Compiler of Laws is authorized to  
13 codify Section 6 of this Act within the appropriate title of the Guam Code  
14 Annotated. Section 6 shall only apply to the specific amendments made  
15 pursuant to this Act.

16 **Section 7. Severability.** If any provision of this Act or its application  
17 to any person or circumstance is found to be invalid or contrary to law, such  
18 invalidity shall not affect other provisions or application of this Act which  
19 can be given effect without the invalid provisions or application, and to this  
20 end the provisions of this Act are severable.

21 **Section 8. Enactment.** This Act shall be effective upon enactment.

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Liheslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Monday, June 22, 2015 • 6:00 PM

*I Liheslatura* • Public Hearing Room • Hagåtña, Guam

Bill No. 102-33 (COR)- "AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015," by Vice-Speaker Benjamin J.F. Cruz

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
✓ JACQUELINE MARON	GUAM WOMEN'S CHAMBER OF COMMERCE	SUPPORT	✓	✓	472525	
✓ MARTIN MANJONA	GUAM VET. AFFAIRS	"		✓	487-7434	
✓ James Moore	Retired Gov Guam	"	✓		688 6 959	jamesm@guam.net
✓ Lasia Gasil	Infratech	Support!		✓	688-1139	lasia@infratech.com
✓ Maria Connelley	GDOL	Support	✓		475-7043	maria.connelley@doh.gu
✓ Alan Wang	GDOL	"		✓	475-7037	alan.wang@doh.gu
✓ HERESA BUSTO	BANK OF GUAM	Support	✓	✓	6871671	
✓ JOURNALIST MARIA	STRM	Support	✓		735-559	journalistmaria@gmail.com



**SENATOR RORY J. RESPICIO**  
**MAJORITY LEADER**

**CHAIRPERSON**

COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
 HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
**THIRTY-THIRD GUAM LEGISLATURE**

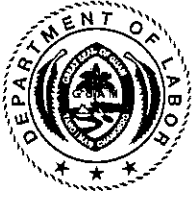
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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
✓ BILL PESCH	LAW OFFICE	SUPPORT	✓	✓	472-8472	wdp@gmail.com
✓ Rodrick L.G.						



DEPARTMENT OF  
**LABOR**

DIPĀTTMENTON HUMOTNĀT • Maria S. Connelley, Director • Sam Mabini, Ph.D., Deputy Director

EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

June 22, 2015

The Honorable Rory J. Respicio  
Chairperson, Committee on Rules;  
Federal, Foreign & Micronesia Affairs;  
Human & Natural Resources;  
Election Reform and Capitol District  
155 Hesler Place  
Hagåtña, Guam 96910

Dear Senator Respicio:

Thank you for the opportunity to comment on Bill No. 102-33, an act to amend 22 GCA §§5201 and 5202, and to amend 5 GCA §4101(a); relative to discrimination in the workplace and to citing this act as the Guam Employment Nondiscrimination Act (GENDA) of 2015.

Bill No. 102-33 is timely as a recent advisory was issued at the federal level. On May 29, 2015, the U.S. Department of Labor Employment and Training Administration issued Training and Employment Guidance Letter 37-14, regarding the prohibitions on discrimination based on gender identity, gender expression and sex stereotyping. This advisory was issued to entities that receive federal financial assistance under Title I of the Workforce Investment Act (WIA) and that will begin implementing Title I of the Workforce Innovation and Opportunity Act (WIOA) on July 1, 2015, as well as education and training programs or activities receiving Department of Labor financial assistance.

In addition, through a work-sharing agreement with the U.S. Equal Employment Opportunity Commission (EEOC), the Guam Department of Labor (GDOL) is designated as the Fair Employment Practice Agency (FEPA). Through this agreement, FEPA is authorized to receive, initiate and investigate charges of discrimination filed against employers on the basis of race, sex, religion, national origin, color, age, disability, genetic information, and retaliation.

GDOL is respectfully submitting the following recommendations for Bill No. 102-33:

**Section 2. Nondiscrimination in Employment**

- *Page 1, line 12:*
  - Reflect all aspects of employment – “...or privileges of employment, including, but not limited to recruiting, hiring, training, termination, job assignment, fringe benefits, promotion, demotion, pay rate changes, etc.”

- Reflect all other protected status on sections a through g – *“...because of race, sex including gender identity or expression (Lesbian, Gay, Bisexual or Transgender), pregnancy, age, religion, color, disability, ancestry, genetic information, retaliation, honorably discharged veteran and military status.”*  
Source: [www.eeoc.gov/eeoc/publications/brochure-gender\\_stereotyping.cfm](http://www.eeoc.gov/eeoc/publications/brochure-gender_stereotyping.cfm)
- Delete “sexual orientation” – this is covered under “sex including gender identity or expression (Lesbian, Gay, Bisexual or Transgender)”
- Add section on Retaliation – *(h) For any employer, labor organization or employment agency to fire, demote, harass, or otherwise “retaliate” against people (applicants or employees) because they filed a charge of discrimination, because they complained to their employer or other covered entity about discrimination on the job, or because they participated in an employment discrimination proceeding (such as an investigation or lawsuit).*  
Source: [www.eeoc.gov/laws/types/retaliation.cfm](http://www.eeoc.gov/laws/types/retaliation.cfm)
- Add section on “Caregiver’s Rights” – *(i) For any employer, labor organization or employment agency to discriminate against workers with caregiving responsibilities on the basis of prohibited characteristics under Title VII of the Civil Rights Act of 1964 or the Americans with Disabilities Act of 1990.*  
Source: [www.eeoc.gov/policy/docs/qanda\\_caregiving.html](http://www.eeoc.gov/policy/docs/qanda_caregiving.html)
- Add section on “Use of criminal history information” – *(j) For any employer, labor organization or employment agency to use criminal history information when making employment decisions treating people with similar criminal records differently because of their race, sex including gender identity or expression (Lesbian, Gay, Bisexual or Transgender), pregnancy, age, religion, color, disability, ancestry, genetic information, retaliation, honorably discharged veteran and military status.*  
Source: [www.eeoc.gov/laws/practices/inquiries\\_arrest\\_conviction.cfm](http://www.eeoc.gov/laws/practices/inquiries_arrest_conviction.cfm)

**Section 3. Statutory Definitions**

- Page 4, line 10:
  - Include “major bodily functions” as described in EEO regulations – *Major life activities include the operation of major bodily functions, including functions of the immune system, special sense organs and skin, normal cell growth, digestive, genitourinary, bowel, bladder, neurological, brain, respiratory, circulatory, cardiovascular, endocrine, hemic, lymphatic, musculoskeletal, and reproductive functions. These are functions such as, but not limited to, caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working.*  
Source: [www.eeoc.gov/laws/regulations/ada\\_ga\\_final\\_rule.cfm](http://www.eeoc.gov/laws/regulations/ada_ga_final_rule.cfm)

A copy of TEGL 37-14 is attached. Once again, thank you for the opportunity to comment on Bill No. 102-33.

Respectfully,



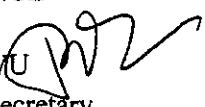

Maria S. Connelley



<b>EMPLOYMENT AND TRAINING ADMINISTRATION          ADVISORY SYSTEM          U.S. DEPARTMENT OF LABOR          Washington, D.C. 20210</b>	<b>CLASSIFICATION</b> LGBT
	<b>CORRESPONDENCE SYMBOL</b> OWI-OPDR
	<b>DATE</b> May 29, 2015

**ADVISORY:** TRAINING AND EMPLOYMENT GUIDANCE LETTER NO. 37-14

**TO:** ONE-STOP CAREER CENTERS (currently branded as AMERICAN JOB CENTERS)  
 STATE WORKFORCE AGENCIES  
 STATE WORKFORCE ADMINISTRATORS  
 STATE WORKFORCE LIAISONS  
 STATE AND LOCAL WORKFORCE BOARD CHAIRS AND DIRECTORS  
 STATE AND LOCAL EQUAL OPPORTUNITY OFFICERS  
 STATE LABOR COMMISSIONERS  
 WORKFORCE INNOVATION AND OPPORTUNITY ACT SECTION 166 INDIAN AND NATIVE AMERICAN GRANTEEES  
 WORKFORCE INNOVATION AND OPPORTUNITY ACT SECTION 167 MIGRANT AND SEASONAL FARMWORKER JOBS PROGRAM GRANTEEES  
 SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM GRANTEEES  
 JOB CORPS CONTRACTORS  
 RECIPIENTS OF DEPARTMENT OF LABOR FINANCIAL ASSISTANCE  
 SUB-RECIPIENTS OF DEPARTMENT OF LABOR FINANCIAL ASSISTANCE

**FROM:** PORTIA WU   
 Assistant Secretary  
 Employment and Training Administration  
 NAOMI BARRY-PEREZ   
 Director  
 Civil Rights Center

**SUBJECT:** Update on Complying with Nondiscrimination Requirements: Discrimination Based on Gender Identity, Gender Expression and Sex Stereotyping are Prohibited Forms of Sex Discrimination in the Workforce Development System

<b>RESCISSIONS</b> None	<b>EXPIRATION DATE</b> Continuing
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1. **Purpose.** The purpose of this Training and Employment Guidance Letter (TEGL) is to provide information to the public workforce system and other entities (including the “covered entities” listed in the “To” line above) that receive federal financial assistance under Title I of the Workforce Investment Act (WIA) and that will begin implementing Title I of the Workforce Innovation and Opportunity Act (WIOA) on July 1, 2015, as well as education and training programs or activities receiving Department of Labor financial assistance, regarding the prohibitions on discrimination based on gender identity, gender expression, and sex stereotyping. Lesbian, gay, bisexual and transgender (LGBT) individuals experience unemployment and employment discrimination at significantly higher rates compared to the rest of the American population, making it particularly important that they have full access to the services provided by the public workforce system, to help overcome the employment-related barriers they encounter.<sup>1</sup> This TEGL and related attachments explain the legal authority for these obligations, give some examples of prohibited discrimination, and suggest ways to prevent, identify, and address discrimination.
  
2. **References.** The nondiscrimination provisions that apply to the public workforce system prohibit discrimination on the basis of sex, among other bases. These provisions prohibit intentional discrimination as well as actions, policies or practices, which, though neutral on their face, have a disproportionate impact on a protected class and cannot be justified as job related and consistent with business necessity. Although gender identity is not an explicitly protected basis under the applicable federal laws, discrimination based upon gender identity, gender expression, and sex stereotyping has been interpreted to be a form of prohibited sex discrimination, including under laws that apply to federally financially assisted employment, training, and education programs and activities.
  - a. The Workforce Investment Act (WIA), 29 U.S.C. 2801 et seq., is the key source of federal assistance for state and local workforce development activities. Section 188 of the Workforce Innovation and Opportunity Act (WIOA) retains the same non-discrimination provisions currently found in Section 188 of WIA, and as the workforce system transitions to operations under this new law, this guidance will remain in effect. The relevant nondiscrimination provision in WIA states that no “individual shall be excluded from participation in, denied the benefits of, subjected to discrimination under, or denied employment in the administration of or in connection with, any such program or activity” on the basis of race, color, religion, sex, national origin, age, disability, or political affiliation or belief, among other bases. 29 U.S.C. 2938(a)(2). The regulations implementing this provision, administered and enforced by the Department of Labor’s Civil Rights Center (CRC), apply to all programs and activities that are operated by One-Stop partners as part of the One-Stop delivery system. 29 C.F.R. 37.2(a)(2). Similarly,

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<sup>1</sup> See, e.g., Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality, National Gay and Lesbian Task Force (2011), available at <http://endtransdiscrimination.org/report.html>; Documented Evidence of Employment Discrimination & Its Effects on LGBT People. The Williams Institute, (2011), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-Julv-2011.pdf>.

under the Wagner-Peyser Act regulations, states are required to assure nondiscrimination regarding any services or activities authorized under that Act. 20 C.F.R. 652.8(j)(1).

The WIA nondiscrimination regulations prohibit recipients from using any method that has the purpose or effect of subjecting individuals to discrimination on a prohibited ground due to the recipient's administration of programs providing aid, benefits, services, training, or facilities. 29 C.F.R. 37.6. In addition, the Wagner-Peyser Act regulations specifically require states to "[a]ssure that discriminatory job orders will not be accepted, except where the stated requirement is a bona fide occupational qualification (BFOQ)." 20 C.F.R. 652.8(j)(2).

The CRC, which is charged with enforcing Section 188 of WIA<sup>2</sup> and its implementing regulations, interprets the prohibition against sex discrimination consistent with the U.S. Equal Employment Opportunity Commission's interpretation of sex discrimination under Title VII of the Civil Rights Act of 1964 and the U.S. Department of Education's interpretation of sex discrimination under Title IX of the Education Amendments of 1972, as described below.<sup>3</sup> These nondiscrimination obligations apply to recipients of WIA Title I funding and programs and activities that are part of the public workforce system and are operated by One-Stop (also known as American Job Centers) partners, to the extent the programs are being conducted as part of the One-Stop delivery system.

- b. Title VII of the Civil Rights Act of 1964, as amended (Title VII), 42 U.S.C. 2000e et seq., prohibits employment discrimination based on race, color, religion, sex, and national origin. Entities within the public workforce system, such as the State Workforce Agencies and One-Stop Career Centers (currently branded as American Job Centers), may be regarded as "employment agencies" under Title VII.<sup>4</sup> Title VII prohibits employment agencies from failing or refusing to refer an individual for employment or otherwise to discriminate against any individual based on race, color, religion, sex, or

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<sup>2</sup> This document refers to Section 188 of WIA. Section 188 of Workforce Innovation and Opportunity Act (WIOA) was signed into law on July 22, 2014 and it supersedes Section 188 of WIA. In general, WIOA takes effect on July 1, 2015, which is the first full program year after it was enacted. Enactment of WIOA in no way changes the nondiscrimination and equal opportunity obligations discussed in this TEG.

<sup>3</sup> See, e.g., 29 CFR 37.10(c) ("In any investigation or compliance review, the [CRC] Director must consider . . . EEOC regulations, guidance and appropriate case law in determining whether a recipient has engaged in an unlawful employment practice"); 29 CFR 37.13 ("The [CRC] Director will make any rulings under, or interpretations of, the nondiscrimination and equal opportunity provisions of WIA or [29 CFR part 37]").

<sup>4</sup> See 42 U.S.C. 2000e(c) (defining "employment agency" as "any person regularly undertaking with or without compensation to procure employees for an employer or to procure for employees opportunities to work for an employer"); EEOC Decision No. N-917.002, 1991 WL 11665181, at \*1-2 & n.1 (Sept. 20, 1991). EEOC COMPLIANCE MANUAL, SEC. 2, THRESHOLD ISSUES, at 2-III.B.1.b (rev. 2000), available at <http://www.eeoc.gov/policy/docs/threshold.html>; EEOC POLICY GUIDANCE, NO. N-917.002, WHAT CONSTITUTES AN EMPLOYMENT AGENCY UNDER TITLE VII, HOW SHOULD CHARGES AGAINST EMPLOYMENT AGENCIES BE INVESTIGATED, AND WHAT REMEDIES CAN BE OBTAINED FOR EMPLOYMENT AGENCY VIOLATIONS OF THE ACT? available at 1991 WL 11665181, at \*1-2 & n.1 (Sept. 20, 1991). See, however, 47 U.S.C. 230, which may shield Internet-based Job Banks from civil liability for posting content created by third parties.



national origin. 42 U.S.C. 2000e-2(b).<sup>5</sup> The U.S. Equal Employment Opportunity Commission (EEOC), the Federal agency with lead responsibility for interpreting Title VII, has issued a number of decisions concluding that LGBT individuals may have claims for sex discrimination when they allege discrimination involving sex-stereotypes and gender norms.<sup>6</sup> These decisions relied, in part, on a previous decision of the U.S. Supreme Court that held discrimination based on an individual's perceived or actual failure to conform with stereotypical gender norms constitutes discrimination because of sex within the meaning of Title VII.<sup>7</sup> In addition, several federal courts and the EEOC have held that discrimination against an individual because that person is transgender (also known as gender identity discrimination) may be discrimination because of sex.<sup>8</sup>

- c. Title IX of the Education Amendments of 1972, as amended (Title IX), 20 U.S.C. 1681 prohibits discrimination on the basis of sex under any education program or activity receiving federal financial assistance. The U.S. Department of Education, which is the agency that takes the lead on enforcing Title IX, has interpreted Title IX's prohibition against discrimination on the basis of sex as including both sex stereotyping and gender identity.<sup>9</sup> As many entities within the public workforce system are federally-funded education programs and activities, this interpretation also applies to these programs.
- d. Protection Under State or Local Laws. Many state and local laws explicitly prohibit discrimination based on sexual orientation or gender identity, along with other types of discrimination. As of the date of this Guidance and according to the Human Rights Campaign ([www.hrc.org/state\\_maps](http://www.hrc.org/state_maps)), 22 states and the District of Columbia prohibit employment discrimination based on sexual orientation, with a majority of those States also extending protection based on gender identity. An additional 12 states offer protections for sexual orientation or gender identity in the public sector. The regulations

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<sup>5</sup> The Office of Federal Contract Compliance Programs (OFCCP) administers Executive Order 11246, which prohibits covered federal contractors, federally-assisted construction contractors, and covered subcontractors from discriminating in employment decisions on the basis of race, color, religion, sex, sexual orientation, gender identity, or national origin. See Executive Order 11246, as amended. OFCCP enforces the nondiscrimination requirements of Executive Order 11246 in accordance with Title VII. The Vietnam Era Veterans' Readjustment Assistance Act of 1974, as amended (VEVRAA), which requires covered federal government contractors to post certain categories of job announcements in the state workforce agency job bank or with American Job Centers, also is administered and enforced by OFCCP. See 38 U.S.C. 4212(a)(2). Nothing in this TEGE is inconsistent with the obligations of federal contractors and subcontractors under Executive Order 11246, as amended, Section 503 of the Rehabilitation Act, as amended, and 38 U.S.C. Section 4212, the Vietnam Era Veterans' Readjustment Assistance Act, as amended.

<sup>6</sup> See Article, *What you Should Know about EEOC and the Enforcement Protections for LGBT Workers*, issued November 5, 2014, available at

[http://www.eeoc.gov/eeoc/newsroom/wvsk/enforcement\\_protections\\_lgbt\\_workers.cfm](http://www.eeoc.gov/eeoc/newsroom/wvsk/enforcement_protections_lgbt_workers.cfm).

<sup>7</sup> *Price Waterhouse v. Hopkins*, 490 U.S. 228 (1989).

<sup>8</sup> See, *supra*, *What You Should Know about EEOC and the Enforcement Protections for LGBT Workers* (discussing EEOC cases); *Glenn v. Brumby*, 663 F.3d 1312 (11th Cir. 2011); *Smith v. City of Salem*, 378 F.3d 566, 574 (6th Cir. 2004); *Schroer v. Billington*, 577 F. Supp.2d 293 (D.D.C. 2008).

<sup>9</sup> U.S. Department of Education, Office of Civil Rights, "Questions and Answers on Title IX and Sexual Violence" at 5, available at <http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>; U.S. Department of Education, Office of Civil Rights, "Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities," at 25, Dec. 1, 2014, available at <http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>.

implementing WIA Section 188 state that they “do not preempt consistent State and local requirements.” Therefore, state or local laws that provide greater protections on the basis of sexual orientation or gender identity than WIA Section 188, 29 CFR part 37, and the other Federal civil rights laws mentioned herein are fully consistent with those Federal legal provisions.

3. **Action Requested.** One-stop centers should ensure that they are providing equal access to services. As such, DOL is requesting that one-stop centers and other entities in the public workforce system take the following actions.
  - a. One-stop centers and other entities in the public workforce system should use Attachment 2 when reviewing their existing policies and procedures and make any changes necessary to implement the guidance discussed in this directive.
  - b. Workforce System staff should familiarize themselves with Attachment 1, “Key Terminology for Working with Lesbian, Gay, Bisexual, and Transgender Persons.” Understanding and using this terminology can facilitate more effective communication with LGBT customers and employees of the workforce system.
  - c. Equal Opportunity (EO) Officers should carefully investigate complaints by customers or employees alleging gender identity or sex stereotyping discrimination to determine whether discrimination has occurred on the basis of sex, as discussed in Attachment 2.
  - d. Where State or local laws explicitly bar discrimination based on gender identity and/or sex stereotyping, EO Officers should advise customers or employees that additional State and local laws may also cover their claims, and how to file a complaint.
4. **Inquiries.** Inquiries about civil rights issues in the public workforce system should be addressed to CRC, by phone at 202-693-6500 (voice); by relay at 800-877-8339 (TTY/TDD); or by e-mail at [CivilRightsCenter@dol.gov](mailto:CivilRightsCenter@dol.gov). Complaints alleging discrimination by entities in the system may be filed with CRC by postal mail, e-mail, or fax, addressed to Director, Civil Rights Center, U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-4123, Washington, DC 20210, [CRCEXternalComplaints@dol.gov](mailto:CRCEXternalComplaints@dol.gov), 202-693-6505 (fax). Further information about the discrimination complaint process is available on CRC’s website at <http://www.dol.gov/oasam/programs/crc/external-enforc-complaints.htm>.

#### 5. **Attachments.**

Attachment 1: Key Terminology for Working with Lesbian, Gay, Bisexual, and Transgender Persons

Attachment 2: Further Guidance Regarding Forms of Sex Discrimination Against LGBT Individuals

## Attachment 1

### **Key Terminology for Working with Lesbian, Gay, Bisexual, and Transgender Persons**

**Sex:** A characteristic assigned at birth based on a combination of an infant's biological characteristics.

**Gender:** Socially constructed roles, behaviors, activities, and attributes that a given society considers appropriate for men and women.<sup>10</sup>

**Sexual Orientation:** An individual's physical, romantic, and/or emotional attraction to people of the same and/or opposite gender. Examples of sexual orientation include straight (or heterosexual), lesbian, gay, and bisexual.

**Gender Identity:** A term that refers to one's internal sense of one's own gender. It may or may not correspond to the sex assigned to a person at birth, and may or may not be made visible to others.

**Gender Expression:** A term that refers to how a person represents or expresses one's gender identity to others, often through behavior, clothing, hairstyles, voice, and/or body characteristics.

**Gender non-conforming:** Refers to individuals whose gender expression is different from societal expectations related to gender.

**Transgender:** A term that refers to people whose gender identity, expression, or behavior is different from that typically associated with their assigned sex at birth. Transgender is a broad term and an acceptable descriptive term for non-transgender people to use. "Trans" is shorthand for "transgender." (Note: "Transgender" is correctly used as an adjective, not as a noun; thus "transgender people" is appropriate, but "transgenders" is often viewed as disrespectful.)

**Transgender woman:** A term that refers to a person whose assigned sex at birth was male but whose gender identity is female.

**Transgender man:** A term that refers to a person whose assigned sex at birth was female but whose gender identity is male.

**Transitioning:** A term that refers to the time when a person begins living as the gender with which they identify rather than the gender they were assigned at birth, which often includes changing one's first name and dressing and grooming differently. Transitioning may or may not also include medical and legal aspects, such as taking hormones, having surgery, or changing identity documents (e.g., driver's license, Social Security record) to reflect one's gender identity. Medical and legal steps may be very costly and sometimes unaffordable.

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<sup>10</sup> World Health Organization, available at <http://www.who.int/gender/whatisgender/en/index.html>.



**Sex reassignment surgery:** A term that refers to surgical procedures that change one's body to better reflect a person's gender identity. Contrary to popular belief, there is not one surgery; in fact there are many different surgeries. These surgeries are medically necessary for some people; however, not all people want, need, or can have surgery as part of their transition. "Sex change surgery" is considered a derogatory term by many.<sup>11</sup>

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<sup>11</sup> National Center for Transgender Equality, *Transgender Terminology* (2014), available at <http://transequality.org/issues/resources/transgender-terminology>.

## Attachment 2

### **Further Guidance Regarding Forms of Sex Discrimination Against LGBT Individuals**

Entities in the public workforce systems are prohibited from discriminating on the basis of sex based stereotypes, including stereotypes about how persons of a particular sex are expected to look, speak, or act. Examples of unlawful discrimination include, but are not limited to, the following practices:

- Denial of access to, or otherwise subjecting the individual to adverse treatment in accessing aid, benefits, services, or training, under a WIA/WIOA Title I-financially assisted program or activity because of that individual's failure to comply with gender norms and expectations for dress, appearance and/or behavior, including wearing jewelry, make-up, high-heeled shoes, suits, or neckties.
- Treating an individual adversely because the individual identifies with or is perceived to identify with a gender different from the individual's sex assigned at birth, or the individual has undergone, is undergoing, or is planning to undergo, sex reassignment surgery or other processes or procedures designed to facilitate the adoption of a sex or gender other than the individual's assigned sex at birth.
- Subjecting or otherwise permitting an individual to be subjected to adverse action or harassment and/or physical threats following disclosure that the individual was going to marry a same-sex partner or otherwise not conform to society's sex-role expectations by being in a relationship with a person of the same sex.
- Subjecting an individual to harassment in the form of "homophobic gestures," "homosexual mannerisms," and verbal mocking using "very feminine or very masculine voices."
- Denying transgender employees access to the bathrooms used by the gender with which they identify.

### **Protection of Transgender Persons**

Because of persistent employment discrimination against transgender persons,<sup>12</sup> it may be more difficult for workforce system customers who are transgender to find jobs. To that end, and in

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<sup>12</sup> See, e.g., Injustice at Every Turn: A Report of the National Transgender Discrimination Survey, National Center for Transgender Equality, National Gay and Lesbian Task Force (2011), available at <http://endtransdiscrimination.org/report.html>; Documented Evidence of Employment Discrimination & Its Effects on LGBT People, The Williams Institute, (2011), available at <http://williamsinstitute.law.ucla.edu/wp-content/uploads/Sears-Mallory-Discrimination-Julv-20111.pdf>.

keeping with WIA non-discrimination regulations,<sup>13</sup> transgender customers cannot be denied access to workforce and training programs due to their gender identity. The customer should not be counseled to change their gender presentation in order to find work. The following should be considered when providing services:

- ***Names and Pronouns.*** Always to refer to each person by the name, and the gender-specific pronoun (for example, he, his, him or she, hers, her), by which the person wants to be called. If staff does not know an individual's pronoun preference, they should ask in a tactful way. Continued intentional misuse of the person's name and pronouns may breach the person's privacy, may put the person at risk of harm, and in some circumstances, may be considered harassment.
- ***Identification documentation.*** Transgender people may have mismatched identification documentation (i.e., "old" identification with a previous name and/or gender marker and "new" identification with corrected name and/or gender marker). This situation occurs because obtaining corrected identification documentation as a result of gender transition is a complex legal process that may take a significant amount of time and other resources. Such discrepancies should not prevent a transgender person from getting a job, participating in a program, or receiving services. If a situation in which discrepancies in personal identification pose legitimate obstacles is encountered, staff should explain what documentation must be provided (e.g., proof of a court-ordered name change).
- ***Restroom access.*** All customers and employees must be able to access restrooms consistent with their gender identities. The decision as to which restroom to use should be left to the individual to determine the most appropriate and safest option for them. Restricting customers and employees to using only restrooms that are not consistent with their gender identity, or segregating them from other workers by requiring them to use gender-neutral or other specific restrooms, singles those individuals out and may make them fear for their physical safety. Bathroom restrictions can result in customers and employees avoiding using restrooms entirely while at work, which can lead to potentially serious physical injury or illness.
- ***Confidential Medical Information.*** Information about a person's status as transgender may be considered medical information, and thus should be kept strictly confidential.<sup>14</sup>

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<sup>13</sup> 29 CFR 37.16(c) (stating that "[a] recipient must not exclude any individual from, or restrict any individual's participation in, any program or activity based on the recipient's belief or concern that the individual will encounter limited future employment opportunities" on the basis of a protected characteristic, including sex).

<sup>14</sup> See 45 CFR 160; 45 CFR 164.



**William D. Pesch**  
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Hagatna, Guam 96910  
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June 22, 2015

Senator Benjamin J.F. Cruz  
Office of Vice-Speaker  
33rd Guam Legislature  
155 Hesler Place  
Hagatna, GU 96910

*Re: Bill No. 102-33, Guam Employment Nondiscrimination Act (GENDA)  
of 2015*

Dear Senator Cruz:

Thank you for the opportunity to present input on Bill No. 102-33, the Guam Employment Nondiscrimination Act (GENDA) of 2015. I appreciate this opportunity to present my views on the matter.

These are exciting times for the Lesbian, Gay, Bi-Sexual, and Transgender (LGBT) community, both here on Guam and throughout the United States. Both public opinion and official response to our aspirations to be treated as equals to our heterosexual counterparts are finally turning in our favor. Today, thirty-seven states, the District of Columbia, and Guam authorize same-sex marriages. We remain hopeful that the U.S. Supreme Court will soon rule in the *Obergefell v. Hodges* case that all states and territories must allow same-sex couples to marry. Ten years ago, such a hope would have been a pipedream. Soon, it may become a reality.

However, even if the Supreme Court holds that all states must allow same-sex marriages, the LGBT community's fight for equality is far from over. Although a gay couple may be able to marry today, tomorrow they might be fired solely because of their sexual orientation. A study conducted by Lee Badgett, a labor economist at the University of Amherst, found that between one-quarter to two-thirds of lesbian, gay, and bisexual persons have lost jobs or been denied promotions simply because of their sexual orientation. This must stop.

In my own practice, I have been approached by several members of the Guam LGBT community complaining of unfair labor practices aimed against them because of the sexual orientation or gender identity. Recently, a transgender person told me that her employer insisted she wear a nametag with her male birth name on it rather than the female name she prefers and identifies

with. She was in fear of imminent termination if she refused to comply with the employer's directive. Hers is not an isolated case.

Fortunately, throughout the nation, the LGBT community is making great progress in combating workplace discrimination. In the early 1990's, only two states had specific laws prohibiting sexual orientation discrimination. Today, twenty-two states, the District of Columbia, Puerto Rico and over 140 cities and counties ban discrimination based on sexual orientation and/or gender identity.

Thanks to the Fortune 500 Non-discrimination Project, great progress has also been made in the private sector. Nearly 97% of the Fortune 500 companies have specific provisions in their workplace policies banning discrimination based on sexual orientation. In 2004, when the project began, only 64.4% of the companies afforded employees such protections.

The military has also recently taken steps to protect its LGBT soldiers. On June 11, 2015, Defense Secretary Ash Carter announced that sexual orientation would be added to the military's list of nondiscrimination protections under the military's equal opportunity program. The list also includes race, creed, color, national origin and gender. None of these factors may be used to discriminate against a recruit or military member in the processes of recruitment, hiring, firing and promotions. Although the change does not include transgender individuals, military hierarchy seems to be reconsidering its position of this matter as well.

With the help of the Guam Legislature, we hope that Guam will soon be added to the growing list of entities that protect both public and private employees from discriminatory behavior aimed at the LGBT community. I certainly believe that Bill 102-33 will address many of our concerns and I endorse its passage.

Cordially yours,



WILLIAM D. PESCH



**Eddie Baza Calvo**  
Governor  
**Ray Tenorio**  
Lieutenant Governor

GOVERNMENT OF GUÅHAN  
(GUBETNAMENTON GUÅHAN)

DEPARTMENT OF ADMINISTRATION  
(DIPATTAMENTON ATMENESTRASION)

**DIRECTOR'S OFFICE**  
(Ufisinan Direktot)

Post Office Box 884 \* Hagåtña, Guam 96932  
TEL: (671) 475-1101/1250 \* FAX: (671) 477-6788



**Anthony C. Blaz**  
Director  
**Alfred F. Duenas**  
Deputy Director

**JUN 22 2015**

Honorable Rory J. Respicio  
Chairperson, Committee on Rules, Federal,  
Foreign & Micronesian Affairs, Human &  
Natural Resources, Election Reform and Capital District  
I Mina'trentai Tres Na Liheslaturan Guahan  
Suite 302, 155 Hesler Place  
Hagatna, Guam 96910

RE: Comments on Bill 102-33 (COR)

Dear Senator Respicio:

*Buenas yan Håfa Adai!* We thank you for the opportunity to provide comments on Bill 102-33 (COR), which is an Act to amend 22 GCA §§ 5201 and 5202, and to amend 5 GCA §4101(a); relative to discrimination in the workplace and to citing this act as the Guam employment Nondiscrimination Act (GENDA) of 2015.

The Department of Administration (DOA) supports the bill as it looks to maintain nondiscrimination in the workplace which is in accordance with § 4101.1, Title 4, Guam Code Annotated; Responsibilities of the Director of Administration Regarding Personnel Policy of the Government. This section mandates the Director of Administration to administer the Equal Employment Opportunity Program for the Executive Branch of the government of Guam. The proposed amendments regarding gender identity or expression and sexual orientation will bring our local law in line with federal law. Overall we see this as positive in that it will strengthen the idea of nondiscrimination in the workplace on Guam.

In regards to the section of veteran status, there are existing federal laws such as the Uniformed Services Employment and Reemployment Rights Act (USERRA), which covers discrimination against veterans; however, criteria must be met for persons to be entitled to coverage. The bill's proposed language helps protect current military personnel and those who are honorably discharged from the various branches of military from discrimination.

We thank you again for the opportunity to comment on Bill 102-33 (COR). Should you have any questions, please contact the Human Resources Division at 475-1174 or 1132. *Dångkolo na Agradesimiento!*

Respectfully,

  
ANTHONY C. BLAZ



Rory Respicio <cor@guamlegislature.org>

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## Testimony for tomorrow's hearing on bill 102-33

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jamesm@guam.net <jamesm@guam.net>  
To: "cor@guamlegislature.org" <cor@guamlegislature.org>

Sun, Jun 21, 2015 at 2:25 PM

Mr. Chairman, senators and members of the public in attendance today,

I am Rev. James Moore, serving St. John's Episcopal Church in Upper Tumon.

I come to testify today in support of bill 102-33, relative to discrimination in the workplace.

I must honestly say that in the 21st century, we should have come to a point of respect of one another's differences that such laws and statutes be unnecessary. However, we all know the reality of the world we live in, and as news reaches us of harm brought about by hate, racism and total intolerance of certain groups and individuals to toward other groups, it shocks us into the realizing the necessity to put down on paper what should already be in the hearts of all citizens of our island.

I have lived on Guam for almost 50 and consider myself to be Guamanian. During this period of time, I have seen many changes take place on our island. Some may say for the better, others may talk about the good old days. I remember when we would get together on weekends to barbecue and then sleep under the mango tree in Malojloj. Fond memories, yes, but one thing that has not changed is the friendliness and respect that we have for each other as a people. Where else in the United States do we find so many mixed racial marriages? My own grandchildren are Chamorro, Japanese, Filipino, and Caucasian all mixed into the most beautiful kids around.

Just recently we received a ruling from the courts, and marriage equality has come to Guam. Many people may think that the fight for LGBT rights is now over and we can move on. However, as Senator Cruz points out, in introducing this bill, there are still challenges that must be faced. And these challenges are not only for LGBT people, but include a litany of groups that should not face difficulties when seeking employment, just because of who they are. This bill seeks relief from discrimination in employment for all of our citizens, giving each individual a chance to compete in the public and private sectors.

I serve a church that has a motto, "In this church there will be no outcasts". As a spiritual person, as a citizen of Guam, as a human being, I cannot believe that discrimination in any form benefits us as a community. I therefore support bill 102-33, realizing that laws may not fully solve discrimination in any community, but are a step in bringing equality to all of those who call this island of Guam our home.

James Moore  
<jamesm@guam.net>





Rory Respicio <cor@guamlegislature.org>

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## GENDA 2015

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crimsona kaiser <crimsonaamistadkaiser88888@gmail.com>

Mon, Jun 22, 2015 at 2:27 PM

To: danireyes@senatorbjcruz.com, cor@guamlegislature.org

Dear Vice Speaker Benjamin J.F.Cruz,

Thank You for the invitation in regards to the Non-Discriminatory Act.GENDA 2015 @ 6pm to provide my Testimonial on the agenda this afternoon at the Guam Legislature but unfortunately I wont be ably to attend and provide my personal response due to my prior schedule set for this evening.

With hopes and prayers this Amend of the Non-Discriminatory Act 2015 will be Transparent to all Employers that Discrimination amongst Race, Religion, Sexual Identity as well our honored Veterans and Handicapped person/s will not be tolerated and accepted.

Thank You Senator Rory Respicio for having this Act to Amend Bill 5201-5202 and 4101.

Respectfully Yours,

Crimsona Amistad-Kaiser

June 22, 2015

P.O. Box 7952  
Agat, Guam 96928  
[floreцитamesa@gmail.com](mailto:floreцитamesa@gmail.com)

Senator Rory J. Respicio  
Chairperson  
Committee on Rules  
Federal, Foreign & Micronesian Affairs  
Election Reform & Capitol District  
155 Hesler Place  
Hagatna, Guam 96910

Dear Honorable Senator Respicio,

*Hafa Adai!* As a supporter of the lesbian, gay, bisexual and transgender (LGBT) community of Guam and a straight ally, I support Bill 102-33 (COR), or the Guam Employment Nondiscrimination Act (GENDA) of 2015 introduced by Vice Speaker B.J. Cruz.

On Guam, as in most states, employers can fire or refuse to hire someone based on their sexual orientation or gender identity. Passage of GENDA will close a gap in local law that leaves members of our community vulnerable to workplace discrimination, and the terrifying threat of being unable to financially support themselves and their families.

Principles of fairness and equal opportunity should be extended to all in the workplace. Passage of GENDA would be a major step in the right direction by ensuring that current protections prohibiting employment discrimination on the basis of race, religion, gender, national origin, age, and disability are extended to include protections prohibiting employment discrimination based on sexual orientation and gender identity.

GENDA is commonsense legislation that addresses injustice with a sensible solution. I urge the Guam legislature to pass GENDA and protect LGBT persons and families!

Si Yu'use Ma'ase,

  
Florecita Mesa

June 22, 2015

137 Chalan Puntan Lagu  
611 Summer Homes Residences  
Dededo, Guam 96929  
(671) 685-6090

Senator Rory J. Respicio  
Chairperson  
Committee on Rules  
Federal, Foreign & Micronesian Affairs  
Election Reform & Capitol District  
155 Hesler Place  
Hagatna, Guam 96910

Dear Honorable Senator Respicio,

*Hafa Adai!* As a member of the lesbian, gay, bisexual and transgender (LGBT) community of Guam, I support Bill 102-33 (COR), or the Guam Employment Nondiscrimination Act (GENDA) of 2015 introduced by Vice Speaker B.J. Cruz.

On Guam, as in most states, employers can fire or refuse to hire someone based on their sexual orientation or gender identity. Passage of GENDA will close a gap in local law that leaves members of our community vulnerable to workplace discrimination, and the terrifying threat of being unable to financially support themselves and their families. Although I am submitting my support of the bill as a private citizen, through my professional affiliation with GALA, a local non-profit organization serving the LGBT community, I have worked with individuals who have experienced employment discrimination on island simply because they were LGBT. Among the LGBT, transgender persons, report higher discrimination, being told to act according to their assigned sex at birth or were denied a job promotion because of their gender identity.

Principles of fairness and equal opportunity should be extended to all in the workplace. Passage of GENDA would be a major step in the right direction by ensuring that current protections prohibiting employment discrimination on the basis of race, religion, gender, national origin, age, and disability are extended to include protections prohibiting employment discrimination based on sexual orientation and gender identity.

GENDA is commonsense legislation that addresses injustice with a sensible solution.

*Si Yu'use Ma'ase,*



Evan San Nicolas



**GUAM WOMEN'S**  
CHAMBER OF COMMERCE

**President:**

Lourdes Leon Guerrero

**Vice President:**

Anita Borja Enriquez, D.B.A

**Treasurer:**

Antoinette (Toni) Sanford

**Secretary:**

Denise M. Hertslet

**Founding Board Members:**

Monica O. Guzman  
Siska S. Hutapea, MAI, MRE  
Jackie Marati  
Doyon Ahn Morato  
Mary A.Y. Okada, Ed.D.  
Lorraine Okada  
Vanessa Williams, Esq.

**Other information:**

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## **TESTIMONY FAVORING BILL 102-33 (COR)**

**Submitted by Guam Women's Chamber of Commerce  
Jackie Marati, Legislative and Public Relations Committee Chair  
Monday, June 22, 2015**

Hafa adai, Honorable Chairman and Senators of the 33<sup>rd</sup> Guam Legislature.

I am Jackie Arriola Marati, Guam Women's Chamber of Commerce Board member and Chair of the GWCC Legislative and Public Relations Committee. I appear before you today to submit testimony in favor of Bill 102-33 (COR) RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS **The Guam Employment Nondiscrimination Act (GENDA) of 2015.**

Briefly, the bill includes "gender identity or expression" and "honorably discharged veteran and military status, sexual orientation or ancestry" as covered classifications against which employment discrimination is specifically prohibited.

The Guam Women's Chamber of Commerce supports this bill as law as our organization identifies initiatives and advocates for equality and fairness in all facets of issues facing women and by extension our families. In particular, workplace parity allows women and our families to be treated equally and also protected under local statutes.

Bill 102-33 recognizes the changes in the family and workplace and updates Guam's laws to optimize inclusiveness in our community. We applaud the author and supporters of the Bill for their purposefulness in introducing this initiative.





Member FDIC

# BANK OF GUAM

THE PEOPLE'S BANK

Headquarters • P.O. Box BW • Hagåtña, Guam 96932

Tel: (671) 472-5300

## TESTIMONY FAVORING BILL 102-33 (COR)

Submitted by Bank of Guam

Theresa Obispo, Senior Vice President of Human Resources

Monday, June 22, 2015

Hafa adai, Honorable Chairman and Senators of the 33<sup>rd</sup> Guam Legislature.

I am Theresa Cruz Obispo, Bank of Guam's Senior Vice President of Human Resources. I appear before you today to submit testimony in favor of Bill 102-33 (COR) RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS **The Guam Employment Nondiscrimination Act (GENDA) of 2015**.

Briefly, the Bill adds "gender identity or expression" and "honorably discharged veteran and military status, and sexual orientation" as covered classifications against which employment discrimination is specifically prohibited.

The Bank of Guam, "The People's Bank" supports this Bill as law as our organization is an equal opportunity employer and fully support a nondiscriminatory working environment. We believe equality under the law is inclusive of all people regardless of their gender identity or expression, their military status, or their sexual orientation. This is evident throughout our employment policy and practices in all areas that we serve.

Bill 102-33 recognizes the need for equality for all our people and we applaud the author and supporters of the Bill for their efforts in introducing this initiative.



# CABRAS MARINE CORPORATION

COMMERCIAL PORT, APRA HARBOR, GUAM, M.I.  
Mailing Address: Suite 114, 1026 Cabras Highway, Piti, Guam 96915  
Telephone: (671) 477-7345 477-1723 ~ Telefax: (671) 477-6206

June 22, 2015

TO: The Honorable Senators of the 33<sup>rd</sup> Guam Legislature  
RE: Bill No. 104-33 (LS)

Buenas Yan Hafa Adai!

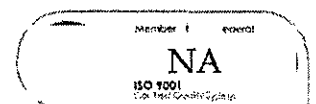
Cabras Marine Corporation humbly submits this letter in support of Bill No. 104-33 (LS):

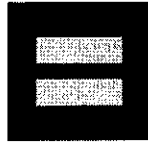
**AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR.**

It is our genuine belief that the consolidation of AHRD under DOL will reap perpetual rewards to the island community through employment assistance and manpower development thereby connecting employers with an educated and qualified island workforce.

We fully support Bill No. 104-33 (LS) introduced by the Honorable Senators Frank F. Blas Jr. and James V Espaldon, and humbly ask the same of our elected island leaders. We are confident that other businesses on Guam share our position will also be in support of this bill

Wayne W. Bigler  
HR Director





HUMAN  
RIGHTS  
CAMPAIGN®

Written Testimony of the Human Rights Campaign in Support of Bill 102: Guam  
Employment Non-Discrimination Act of 2015

to

The Guam Legislature Committee on Rules; Federal, Foreign & Micronesian Affairs;  
Human & Natural Resources; Election Reform and Capitol District  
June 22, 2015

Chair Thomas C. Ada and Members of the Committee:

*This testimony is being submitted by Sarah Warbelow, Legal Director of the Human Rights Campaign and James Perez Servino, a proud Chamorro and the Associate Director of Online Mobilization & Social Media for Human Rights Campaign.*

The Human Rights Campaign is America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality. By inspiring and engaging all Americans, HRC strives to end discrimination against LGBT citizens and realize a nation that achieves fundamental fairness and equality for all. On behalf of our more than 1,500,000 members and supporters nationwide, including more than 500 on Guam, we are honored to submit this statement in support of Bill 102: the Guam Employment Non-Discrimination Act of 2015.

Guam has a proud history of being a welcoming place that values liberty, freedom, and hard work. Anti-discrimination laws put those values into practice. They send a strong message that all of Guam's residents will be given a fair opportunity to compete in the marketplace. Today it is time to ensure discrimination doesn't trump merit by extending civil rights protections to cover sexual orientation and gender identity and expression.

Discrimination against lesbian, gay, bisexual, and transgender people continues to be a very real problem. Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. Some are highly skilled professionals who, though seemingly irreplaceable in their positions, suddenly become expendable when they wish to live openly in their communities or are outed by colleagues. Others are people forced into whatever jobs they can find, some scraping together money for the tremendous medical costs of gender transition, which are rarely, if ever, covered by health insurance. They are people in every walk of life – doctors and lawyers, plumbers and bus drivers. Many are parents and spouses, whose efforts to find secure, fulfilling employment are also a struggle to provide for their families. The time has long since passed when we as a nation ought to tolerate arbitrary discrimination against any group of people. We cannot understate the real-life

implications for Guam. That any hardworking LGBT Guam should be denied the ability to contribute to the economy and support his or her family is simply unacceptable.

Passing Bill 102 will place Guam in good company. Beginning with an ordinance passed in Minneapolis in 1975, 19 states, the District of Columbia, and more than 200 cities and counties have enacted laws prohibiting discrimination based on sexual orientation and gender identity. More than 500 private businesses across the United States, including 66% of Fortune 500 companies, have voluntarily adopted policies that prohibit discrimination based on sexual orientation and gender identity. Addressing discrimination on the basis of sexual orientation and gender identity is not new for Guam. Many large corporations with a presence on Guam have adopted similar policies. These corporations include companies that contribute greatly to our island's economy with names such as: KMart (Sears), United Airlines, Hilton, Delta, Hyatt, Starwood Hotels (Sheraton), Macy's, and Shell. Through President Obama's Executive Order 11246 Prohibiting Discrimination Based on Sexual Orientation and Gender Identity every federal government contractor, including military and federal government contractors on Guam, can discriminate on the basis of sexual orientation and gender identity and expression. Additionally, the Department of Defense has recently added sexual orientation as a protected class under the Military Equal Opportunity Policy. Guam can help lead and ensure we are recruiting and retaining the best candidates for our island by protecting against discrimination by passing Bill 102.

The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.





Testimony for Public Hearing

Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election  
Reform and Capitol District

June 22, 2015

Presented by: Joann Waki Muna, SHRM-SCP, SPHR

Pacific Council State Director

*Bill No: 102-33 – An act to amend 22 GCA §5201 and 5202, and to amend 5 GCA §4101(a); relative to discrimination in the workplace and to citing this act as the Guam Employment Nondiscrimination Act (GENDA) of 2015.*

Good Evening Senators. My name is Joann Waki Muna and I am the Society for Human Resources Management (SHRM) Pacific Council State Director (Guam and NMI). I am also a Past President for SHRM Guam. The Society for Human Resource Management (SHRM) was founded in 1948, the Society for Human Resource Management (SHRM) is the world's largest Human Resource (HR) membership organization devoted to human resource management. Representing more than 275,000 members in over 160 countries, SHRM is the leading provider of resources to serve the needs of HR professionals and advance the professional practice of human resource management. SHRM has more than 575 affiliated chapters within the United States and the Pacific (Guam and NMI).

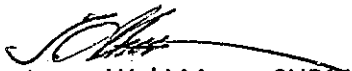
I am here today on behalf of the Society of Human Resources Management to support Bill No: 102-33.

**Background:** Federal laws protect employees from discrimination in the workplace on the basis of race, national origin, sex, religion, disability, pregnancy and age, but not on the basis of sexual orientation or gender identity. At the end of 2014, however, the Office of Federal Contract Compliance Programs (OFCCP) issued a rule implementing an executive order prohibiting federal contractors from discriminating on the basis of sexual orientation or gender identity. In addition, the Supreme Court has ruled that federal bans on workplace sexual harassment apply when both parties are of the same gender.

**Issue:** In recent years, many employers have adopted policies barring the consideration of sexual orientation or gender identity in employment decisions. According to the Human Rights Campaign, 91 percent of Fortune 500 companies have adopted policies prohibiting discrimination on the basis of sexual orientation and 61 percent on the basis of gender identity. Twenty-one states and the District of Columbia have passed laws prohibiting employment discrimination based on sexual orientation, and 18 states and D.C. also prohibit discrimination based on gender identity. As proposed, the Employment Non-Discrimination Act (ENDA) would prohibit discrimination on the basis of sexual orientation and gender identity. While ENDA has garnered bipartisan support in recent Congresses, including Senate passage in the 113th Congress, the House has failed to act on the legislation.

**Outlook:** The Employment Non-Discrimination Act ENDA will be reintroduced in the 114th Congress, but it is unclear whether it will advance in the Republican-controlled Congress. Given the president's recent executive order extending such protections to employees of federal contractors, there may be renewed congressional interest in extending these protections to all workplaces. Sexual Orientation Nondiscrimination **SHRM'S 2015 GUIDE TO PUBLIC POLICY ISSUES 21 SHRM Position: SHRM believes that employment decisions should be made on the basis of qualifications for a job, not on non-job-related characteristics, including sexual orientation and gender identity.** SHRM supports public policy efforts to ban workplace discrimination based on sexual orientation and gender identity. SHRM believes any such legislation should be narrowly drafted to avoid unintended consequences for employers and employees. SHRM also supports the voluntary right of employers to offer domestic partner benefits to their employees.

**In summary:** SHRM is committed to encouraging fair and consistent employment practices and believes that employment decisions should be made on the basis of job qualifications such as education, experience and demonstrated competencies, not on non-jobrelated characteristics, including sexual orientation and gender identity. SHRM supports efforts to ban workplace discrimination based on sexual orientation and gender identity. SHRM supports Bill No: 102-33.

  
Joann Waki Muna, SHRM-SCP, SPHR

[joann.muna@guamcc.edu](mailto:joann.muna@guamcc.edu)

[shrm.guam.chapter@gmail.com](mailto:shrm.guam.chapter@gmail.com)

[www.guam.shrm.org](http://www.guam.shrm.org)

[www.shrm.org](http://www.shrm.org)



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

---

## Please Support the Guam Employment Non-Discrimination Act

---

**Maria Kottermair** <hrc@hrc.org>  
Reply-To: Maria Kottermair <mariakottermair@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 3:42 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

Guam has a proud history of being a welcoming place that values liberty, freedom, and hard work. Anti-discrimination laws put those values into practice. They send a strong message that all of Guam's residents will be given a fair opportunity to compete in the marketplace. Today it is time to ensure discrimination doesn't trump merit by extending civil rights protections to cover sexual orientation and gender identity and expression.

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Discrimination against lesbian, gay, bisexual, and transgender people continues to be a very real problem.

Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.

Sincerely,

Ms. Maria Kottermair  
PO Box 1428  
Hagatna, GU 96932-1428



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

## Please Support the Guam Employment Non-Discrimination Act

---

**Kalo Aguero-Pangelinan** <hrc@hrc.org>  
Reply-To: Kalo Aguero-Pangelinan <kmaguero@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 3:42 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mrs. Kalo Aguero-Pangelinan  
PO Box 8062  
Agat, GU 96928-1062



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

James Servino <hrc@hrc.org>  
Reply-To: James Servino <jserves@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 3:42 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

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Sincerely,

Mr. James Servino  
#1 Acho Circle  
Piti, GU 96910





Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

## Please Support the Guam Employment Non-Discrimination Act

---

Allan San Nicolas <hrc@hrc.org>  
Reply-To: Allan San Nicolas <allansannicolas@yahoo.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 3:42 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Allan San Nicolas  
182 Aschena Pl  
Barrigada, GU 96913-1199



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

## Please Support the Guam Employment Non-Discrimination Act

---

Aja Coc <hrc@hrc.org>  
Reply-To: Aja Coc <aja\_allyne@yahoo.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 4:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mrs. Aja Coc  
PO Box 958  
Artesia, CA 90702-0958



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Eric Cox <hrc@hrc.org>  
Reply-To: Eric Cox <pca\_cox@yahoo.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 4:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Eric Cox  
PO Box 958  
Artesia, CA 90702-0958



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Eric Ihden <hrc@hrc.org>  
Reply-To: Eric Ihden <euhdn@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 4:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Eric Ihden  
2 Harbor Pl  
Santa Rita, GU 96915-1245



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Amanda Leppert** <hrc@hrc.org>  
Reply-To: Amanda Leppert <amleppertdesigns@yahoo.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 4:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Ms. Amanda Leppert  
PO Box 20697  
Barrigada, GU 96921-0697





Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Thilani Pereda** <hrc@hrc.org>  
Reply-To: Thilani Pereda <tpereda@live.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 4:42 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Ms. Thilani Pereda  
157 Niyok St  
Santa Rita, GU 96915



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Brian Crane** <hrc@hrc.org>  
Reply-To: Brian Crane <brian.crane1@yahoo.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 5:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Mr. Brian Crane  
1179 Chivalry St  
Sumter, SC 29154-7412



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Maggie Bell** <hrc@hrc.org>  
Reply-To: Maggie Bell <kitty4mom@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 6:12 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Ms. Maggie Bell  
PO Box 5064  
Hagatna, GU 96932-8657



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

## Please Support the Guam Employment Non-Discrimination Act

---

LYNN FLORES <hrc@hrc.org>  
Reply-To: LYNN FLORES <floresarmour@teleguam.net>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 6:13 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Discrimination against lesbian, gay, bisexual, and transgender people continues to be a very real problem. **STRONGLY AGREE**

Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.

Sincerely,

Ms. LYNN FLORES  
PO Box 5649  
Hagatna, GU 96932-8667



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Chelsea Wardenski** <hrc@hrc.org>  
Reply-To: Chelsea Wardenski <cwardenski@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 8:13 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Miss Chelsea Wardenski  
4081 Forest Ridge Blvd  
Dayton, OH 45424-4834





Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Devin McEachern** <hrc@hrc.org>  
Reply-To: Devin McEachern <devinm1986@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 11:13 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Devin McEachern  
275 Blake Ave Apt 5a  
Brooklyn, NY 11212-6327



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Ailsa Wu** <hrc@hrc.org>  
Reply-To: Ailsa Wu <bostonian71@gmail.com>  
To: senator@senatorbjcruz.com

Wed, Jul 15, 2015 at 11:43 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mrs. Ailsa Wu  
1306 Trapelo Rd  
Waltham, MA 02451-2228



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

William Spilliard <hrc@hrc.org>  
Reply-To: William Spilliard <billyspilliard@gmail.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 3:13 AM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Mr. William Spilliard  
1313 E Vista Chino  
Palm Springs, CA 92262-3373



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Colleen Weller <hrc@hrc.org>  
Reply-To: Colleen Weller <crsweller@gmail.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 4:43 AM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

Guam has a proud history of being a welcoming place that values liberty, freedom, and hard work. Anti-discrimination laws put those values into practice. They send a strong message that all of Guam's residents will be given a fair opportunity to compete in the marketplace. Today it is time to ensure discrimination doesn't trump merit by extending civil rights protections to cover sexual orientation and gender identity and expression.

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Discrimination against lesbian, gay, bisexual, and transgender people continues to be a very real problem.

Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.

Sincerely,

Ms. Colleen Weller  
PO Box 20236  
Barrigada, GU 96921-0236



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

---

## Please Support the Guam Employment Non-Discrimination Act

---

Francis Wilson Dumaliang <hrc@hrc.org>  
Reply-To: Francis Wilson Dumaliang <francisdumaliang@ymail.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 11:44 AM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Mr. Francis Wilson Dumaliang  
240 Corrtten Torres #302  
Mangilao, GU 96913



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Jaclyn Servino <hrc@hrc.org>  
Reply-To: Jaclyn Servino <jacke23itchin@yahoo.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 12:44 PM

Jul 15, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.

Sincerely,

Ms. Jaclyn Servino  
18600 Clarkdale Ave  
Artesia, CA 90701-5815





Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Breanna Lai <hrc@hrc.org>  
Reply-To: Breanna Lai <bgl2120@columbia.edu>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 3:15 PM

Jul 16, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Discrimination against lesbian, gay, bisexual, and transgender people continues to be a very real problem.

As I reflect on this moment in history defined both by tiny personal triumphs of minorities and also huge rainbow colored legal advancements in nationwide equality for all Americans I am hopeful that in the wake of these achievements a shift utilizing the bottom up approach will now focus on achieving equality and nondiscrimination for the sexes.

I am proud that Guam, my island, my home is the first U.S. territory where #LoveWins and I hope that this progress forward can continue in support of nondiscrimination in the workplace for our LGBTQ community.

Far too often, LGBT Americans have lost their livelihoods simply because of some combination of an employer's fear, ignorance and intolerance. The time has come for Guam to act and ensure that discrimination has no place where America's Day Begins. Please vote in favor of Bill 102.

Sincerely,

7/17/2015

Senator BJ Cruz Mail - Please Support the Guam Employment Non-Discrimination Act

Miss Breanna Lai  
PO Box 8780  
Tamuning, GU 96931-8780



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

oran hill <hrc@hrc.org>  
Reply-To: oran hill <naroxyan@gmail.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 10:46 PM

Jul 16, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Mr. oran hill  
PO Box 4287  
Yigo, GU 96929-4287



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

---

## Please Support the Guam Employment Non-Discrimination Act

---

Jessie VanVleet <hrc@hrc.org>  
Reply-To: Jessie VanVleet <jessievanvleet@gmail.com>  
To: senator@senatorbjcruz.com

Thu, Jul 16, 2015 at 11:46 PM

Jul 16, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Jessie VanVleet  
4305 W US Highway 20 Lot 11  
Angola, IN 46703-7606



Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

Raisa Kakigi <hrc@hrc.org>  
Reply-To: Raisa Kakigi <kiyoko4@gmail.com>  
To: senator@senatorbjcruz.com

Fri, Jul 17, 2015 at 11:24 AM

Jul 16, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

As your constituent and a supporter of the Human Rights Campaign, America's largest civil rights organization working to achieve lesbian, gay, bisexual and transgender (LGBT) equality, I am writing to you to ask for your support of Bill 102: Guam Employment Non-Discrimination Act of 2015.

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Sincerely,

Ms. Raisa Kakigi  
PO Box 6373  
Tamuning, GU 96931-6373



Benjamin J.F. Cruz <senator@senatorbjcruz.com>

---

## Please Support the Guam Employment Non-Discrimination Act

---

Phillip John R. Cruz <hrc@hrc.org>  
Reply-To: "Phillip John R. Cruz" <philcruz08@gmail.com>  
To: senator@senatorbjcruz.com

Fri, Jul 17, 2015 at 1:24 PM

Jul 16, 2015

Vice Speaker B.J. Cruz

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Sincerely,

Mr. Phillip John R. Cruz  
198 Chalan Bibic Apt D  
Chalan Pago, GU 96910-5697





Benjamin J.F. Cruz &lt;senator@senatorbjcruz.com&gt;

---

**Please Support the Guam Employment Non-Discrimination Act**

---

**Luis Mesngon Jr** <hrc@hrc.org>  
Reply-To: Luis Mesngon Jr <luismesngon7@gmail.com>  
To: senator@senatorbjcruz.com

Fri, Jul 17, 2015 at 1:24 PM

Jul 16, 2015

Vice Speaker B.J. Cruz

Hafa Adai Senator and Governor Calvo Vice Speaker Cruz,

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Sincerely,

Mr. Luis Mesngon Jr  
C7 S&S Apt. Maite, GU, 96910  
Maite, GU 96910



# COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)

E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
Rory J. Respicio  
CHAIRPERSON  
MAJORITY LEADER

Senator  
Thomas C. Ada  
VICE CHAIRPERSON  
ASSISTANT MAJORITY LEADER

Speaker  
Judith T.P. Won Pat, Ed.D.  
Member

Vice-Speaker  
Benjamin J.F. Cruz  
Member

Legislative Secretary  
Tina Rose Muna Barnes  
Member

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Dennis G. Rodriguez, Jr.  
Member

Senator  
Frank Blas Aguon, Jr.  
Member

Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

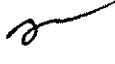
V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

June 18, 2015

## Memorandum

**To:** Rennae Meno  
*Clerk of the Legislature*

**From:** Senator Thomas C. Ada   
*Acting Chairperson of the Committee on Rules*

**Subject:** Fiscal Notes and Fiscal Note Waivers

  
2015 JUN 18 PM 3:41

*Hafa Adai!*

Attached please find the fiscal notes and fiscal note waivers for the bill numbers listed below. Please note that the fiscal notes and fiscal note waiver are issued on the bills as introduced.

### FISCAL NOTES:

- Bill No. 8-33(COR)
- Bill No. 67-33(COR) Revised
- Bill No. 75-33(COR)
- Bill No. 78-33(COR)
- Bill No. 87-33(LS)
- Bill No. 88-33(LS)
- Bill No.93-33(LS)

### FISCAL NOTE WAIVERS:

- Bill No. 72-33(COR)
- Bill No. 102-33(COR)
- Bill No. 119-33(COR)
- Bill No. 123-33(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

*Si Yu'os ma'åse'!*



**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR  
Post Office Box 2950, Hagåtña Guam 96932

**EDDIE BAZA CALVO**  
GOVERNOR

**JOSE S. CALVO**  
DIRECTOR

**RAY TENORIO**  
LIEUTENANT GOVERNOR

**LESTER CARLSON, JR.**  
DEPUTY DIRECTOR

**JUN 18 2015**

The Bureau requests that Bill No(s). 102-33 (COR) be granted a waiver pursuant to Public Law 12-229 as amended for the following reason(s):

Bill No. 102-33 (COR) is an act to amend 22 GCA §§5201 and 5202, and to amend 4 GCA §4101(a); relative to discrimination in the workplace and to citing this act as the Guam Employment Nondiscrimination Act (GENDA) of 2015.

The intent of the bill is administrative in nature and poses no fiscal impact upon any funds of the Government of Guam.

  
**JOSE S. CALVO**  
Director



## COMMITTEE ON RULES

*I Mina'trentai Tres na Liheslaturan Guåhan* • The 33rd Guam Legislature  
155 Hesler Place, Hagåtña, Guam 96910 • [www.guamlegislature.com](http://www.guamlegislature.com)  
E-mail: [roryforguam@gmail.com](mailto:roryforguam@gmail.com) • Tel: (671)472-7679 • Fax: (671)472-3547

Senator  
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MAJORITY LEADER

Senator  
Thomas C. Ada  
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Senator  
Michael F.Q. San Nicolas  
Member

Senator  
Nerissa Bretania Underwood  
Member

V. Anthony Ada  
MINORITY LEADER

Mary C. Torres  
MINORITY MEMBER

May 28, 2015

VIA E-MAIL

[joey.calvo@bbmr.guam.gov](mailto:joey.calvo@bbmr.guam.gov)

Jose S. Calvo  
Director  
Bureau of Budget & Management Research  
P.O. Box 2950  
Hagåtña, Guam 96910

**RE: Request for Fiscal Notes – Bill Nos. 102-33(COR) through 105-33(LS)**

*Hafa Adai* Mr. Calvo:

Transmitted herewith is a listing of *I Mina'trentai Tres Na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

*Si Yu'os ma'åse'* for your attention to this matter.

Very Truly Yours,

**Senator Rory J. Respicio**  
*Chairperson of the Committee on Rules*

Attachment (1)

Cc: Clerk of the Legislature

<b>Bill Nos.</b>	<b>Sponsor</b>	<b>Title</b>
<b>102-33 (COR)</b>	B.J.F. Cruz	AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.
<b>103-33 (LS)</b>	Michael F.Q. San Nicolas	AN ACT TO PROVIDE FOR THE LEGISLATIVE SUBMISSION OF A NON-BINDING QUESTION DURING THE 2016 GENERAL ELECTION TO DETERMINE PUBLIC SUPPORT FOR ADDITIONAL PUBLIC BORROWING FOR CATEGORIES OF CAPITAL IMPROVEMENT PROJECTS.
<b>104-33 (LS)</b>	Frank F. Blas, Jr. James V. Espaldon	AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR.
<b>105-33 (LS)</b>	T.A. Morrison T.R. Muña Barnes V. Anthony Ada D.G. Rodriguez, Jr. R.J. Respicio	AN ACT TO AMEND § 5204(d) OF ARTICLE 2, CHAPTER 5, TITLE 11, GUAM CODE ANNOTATED, RELATIVE TO SUPPORTING THE DEVELOPMENT OF SAFE AND HEALTHY YOUTH AND COMMUNITY ACTIVITIES THROUGH A DEDICATED FUNDING SOURCE.



## COMMITTEE ON RULES

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Senator  
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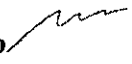
Mary C. Torres  
MINORITY MEMBER

May 23, 2015

### MEMORANDUM

**To:** **Rennae Meno**  
*Clerk of the Legislature*

**Attorney Therese M. Terlaje**  
*Legislative Legal Counsel*

**From:** **Senator Rory J. Respicio**   
*Chairperson, Committee on Rules*

**Subject:** **Referral of Bill No. 102-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 102-33(COR)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Tres Na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

*Si Yu'os Ma'åse!*

Attachment



*I Mina'Trentai Tres Na Liheslaturan Received*  
**Bill Log Sheet**

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
102-33 (COR)	B.J.F. Cruz	AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015.	05/22/15 3:15 p.m.	05/23/15	Committee on Rules, Federal, Foreign and Micronesia Affairs, Human and Natural Resources, Election Reform and Capitol District			



Rory Respicio <cor@guamlegislature.org>

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## First Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

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**Senator Rory J. Respicio** <cor@guamlegislature.org> Mon, Jun 15, 2015 at 11:45 AM  
To: Benjamin JF Cruz <senator@senatorbjcruz.com>, Brant McCreadie <brantforguam@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas Jr." <frank.blasjr@gmail.com>, Jim Espaldon <jespaldonesq@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, Mary Camacho <marycamachotorres@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, Nerissa Underwood <senatorunderwood@guamlegislature.org>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>  
Cc: phnotice <phnotice@guamlegislature.org>, Guam Legislature Clerks <clerks@guamlegislature.org>, mis <mis@guamlegislature.org>, av@guamlegislature.org, "Vince P. Arriola" <vparriola1@gmail.com>, Therese Terlaje <tterlaje@guam.net>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <joesa@guamlegislature.org>  
Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marym@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Arriola" <vparriola1@gmail.com>, dgutierrez <dgutierrez@tgalaw.net>

June 15, 2015

### MEMORANDUM

**To:** All Members

All Media

**From:** Senator Thomas C. Ada

Acting Chairman

**Subject:** First Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesia Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on **Monday, June 22, 2015, 6:00 P.M.**, the Legislature's Public Hearing Room:

6:00 P.M. Public Hearing

- **Bill No. 102-33 (COR)- “AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015,” by Vice-Speaker Benjamin J.F. Cruz**
- **Bill No. 104-33 (LS)- “AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR,” by Senator Frank F. Blas, Jr. and Senator James V. Espaldon**

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hagåtña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director

Legal Counsel

Sergeant-at-Arms

MIS

AV

--  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules, Federal, Foreign and Micronesian Affairs,  
Human and Natural Resources, Election Reform and Capitol District  
*I Mina'Trentai Tres na Liheslaturan Guåhan*  
155 Hesler Place, Ste. 302  
*Hagåtña*, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM AND CAPITOL DISTRICT




*I Mina'trentai Tres na Libeslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

June 15, 2015

**MEMORANDUM**

To: All Members  
All Media

From: Senator Thomas C. Ada   
Acting Chairman

Subject: First Notice of Public Hearing- Monday, June 22, 2015, 6:00 P.M.

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on Monday, June 22, 2015, 6:00 P.M., the Legislature's Public Hearing Room:

**6:00 P.M. Public Hearing**

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cc: Clerk of the Legislature  
Executive Director  
Legal Counsel  
Sergeant-at-Arms  
MIS  
AV



Rory Respicio <cor@guamlegislature.org>

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## Second Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

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Senator Rory J. Respicio <cor@guamlegislature.org>

Thu, Jun 18, 2015 at 7:52 AM

To: Benjamin JF Cruz <senator@senatorbjcruz.com>, Brant McCreadie <brantforguam@gmail.com>, "Dennis G. Rodriguez" <senatordrodriguez@gmail.com>, "Frank Blas Aguon, Jr." <aguon4guam@gmail.com>, "Frank F. Blas Jr." <frank.blasjr@gmail.com>, Jim Espaldon <jespaldonesq@gmail.com>, "Judith T. Won Pat, Ed.D." <speaker@judiwonpat.com>, Mary Camacho <marycamachotorres@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, Nerissa Underwood <senatorunderwood@guamlegislature.org>, "Thomas (Tommy) Morrison" <tommy@senatormorrison.com>, "Thomas C. Ada" <tom@senatorada.org>, Tina Rose Muna Barnes <senator@tinamunabarnes.com>, "V. Anthony Ada" <senatortonyada@guamlegislature.org>, "hottips@kuam.com" <hottips@kuam.com>, "mvariety@pticom.com" <mvariety@pticom.com>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>  
Cc: phnotice <phnotice@guamlegislature.org>, Guam Legislature Clerks <clerks@guamlegislature.org>, mis <mis@guamlegislature.org>, av@guamlegislature.org, "Vince P. Arriola" <vparriola1@gmail.com>, Therese Terlaje <tterlaje@guam.net>, Tom Unsiog <sgtarms@guamlegislature.org>, Joe San Agustin <joesa@guamlegislature.org>  
Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marym@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Arriola" <vparriola1@gmail.com>, dgutierrez <dgutierrez@tgalaw.net>

June 17, 2015

### MEMORANDUM

**To:** All Members

All Media

**From:** Senator Thomas C. Ada

Acting Chairman

**Subject:** Second Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on **Monday, June 22, 2015, 6:00 P.M.**, the Legislature's Public Hearing Room:

6:00 P.M. Public Hearing

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- **Bill No. 104-33 (LS)-** "AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR," by **Senator Frank F. Blas, Jr. and Senator James V. Espaldon**

Written testimony for the hearings should be addressed to Senator Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District, and may be submitted via email to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); fax to (671) 472-3547; or hand-delivery/mail to 155 Hesler Place, *Hagåtña*, Guam 96910. The hearings will be broadcast live on Docomo channel 117 and GTA channel 21. Should special assistance or accommodations be required, please contact Elaine Tajalle at (671) 472-7679 or by e-mail at [etajalle@guamlegislature.org](mailto:etajalle@guamlegislature.org). *Si Yu'os ma'åse'!*

cc: Clerk of the Legislature

Executive Director

Legal Counsel

Sergeant-at-Arms

MIS

AV

—  
**Majority Leader Rory J. Respicio**

Chairperson, Committee on Rules, Federal, Foreign and Micronesian Affairs,  
 Human and Natural Resources, Election Reform and Capitol District

*/ Mina'Trentai Tres na Liheslaturan Guåhan*

155 Hesler Place, Ste. 302

*Hagåtña*, Guam 96910

Phone: (671) 472-7679

Fax: (671) 472-3547



SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guahan*  
THIRTY-THIRD GUAM LEGISLATURE

June 17, 2015

VIA E-MAIL

[governor@guam.gov](mailto:governor@guam.gov)

The Honorable Eddie Baza Calvo  
Governor of Guam  
513 West Marine Corps Drive Ricardo J. Bordallo Complex  
Hagåtña, Guam 96910

**Subject: Notice of Public Hearing-- Monday, June 22, 2015, 6:00 P.M.**

Dear Governor Calvo:

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on Monday, June 22, 2015, 6:00 P.M., the Legislature's Public Hearing Room:

**6:00 P.M. Public Hearing**

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I invite you to appear before this committee and provide testimony on Bill No. 102-33 (COR) and Bill No. 104-33 (LS). Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Majority Leader Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District, and may be hand-delivered or mailed to 155 Hesler Place, Hagåtña, Guam 96910; e-mailed to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); or faxed to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or service shall contact and submit their request to Elaine Tajalle.

Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation. *Si Yu'os Ma'ase!*

*Senseramente,*

Handwritten signature of Thomas C. Ada in black ink.

Thomas C. Ada  
Acting Chairman

cc: Senator Chris Duenas, External Affairs Advisor, Office of the Governor of Guam

Attachments: Bill No. 102-33 (COR)  
Bill No. 104-33 (LS)

155 Hesler Place • Hagåtña, Guam 96910 • (671)472-7679 • Fax: (671)472-3547 • [roryforguam@gmail.com](mailto:roryforguam@gmail.com)

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT




*I Mina'trentai Tres na Libeslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

June 17, 2015

MEMORANDUM

To: All Members  
All Media

From: Senator Thomas C. Ada   
Acting Chairman

Subject: Second Notice of Public Hearing— Monday, June 22, 2015, 6:00 P.M.

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cc: Clerk of the Legislature  
Executive Director  
Legal Counsel  
Sergeant-at-Arms  
MIS  
AV



Rory Respicio <cor@guamlegislature.org>

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## Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

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Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Jun 17, 2015 at 4:36 PM

To: governor@guam.gov

Cc: chris.duenas@guam.gov

Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marym@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Arriola" <vparriola1@gmail.com>, Tom Ada <tom@senatorada.org>

June 17, 2015

### VIA E-MAIL

*governor@guam.gov*

**The Honorable Eddie Baza Calvo**

Governor of Guam

513 West Marine Corps Drive Ricardo J. Bordallo Complex

*Hagåtña*, Guam 96910

**Subject: Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.**

Dear Governor Calvo:

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on **Monday, June 22, 2015, 6:00 P.M.**, the Legislature's Public Hearing Room:

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**Blas, Jr. and Senator James V. Espaldon**

I invite you to appear before this committee and provide testimony on Bill No. 102-33 (COR) and Bill No. 104-33 (LS). Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Majority Leader Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District, and may be hand-delivered or mailed to 155 Hesler Place, *Hagåtña*, Guam 96910; e-mailed to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); or faxed to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or service shall contact and submit their request to Elaine Tajalle.

Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation. *Si Yu'os Ma'ase!*

*Senseramente,*

**Thomas C. Ada**

**Acting Chairman**

cc: *Senator Chris Duenas, External Affairs Advisor, Office of the Governor of Guam*

Attachments: *Bill No. 102-33 (COR)*

*Bill No. 104-33 (LS)*

**Majority Leader Rory J. Respicio**

Chairperson, Committee on Rules, Federal, Foreign and Micronesian Affairs,  
Human and Natural Resources, Election Reform and Capitol District

*I Mina Trentai Tres na Liheslaturan Guåhan*

155 Hesler Place, Ste. 302

*Hagåtña*, Guam 96910


Phone: (671) 472-7679

Fax: (671) 472-3547

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**3 attachments**

 **2015.06.17\_PH Notice\_Gov.pdf**  
207K

 **Bill No. B102-33 (COR).pdf**  
222K

**Bill No. B104-33 (LS).pdf**

SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

June 17, 2015.

VIA E-MAIL

[maria.connelley@dol.guam.gov](mailto:maria.connelley@dol.guam.gov)

Ms. Maria Connelley  
Director  
Department of Labor  
414 W. Soledad Ave.  
GCIC Suite 400  
Hagåtña, Guam 96910

Subject: Notice of Public Hearing- Monday, June 22, 2015, 6:00 P.M.

Dear Director Connelley:

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*Senseramente,*

  
Thomas C. Ada  
Acting Chairman

Attachments: Bill No. 102-33 (COR)  
Bill No. 104-33 (LS)

155 Hesler Place • Hagåtña, Guam 96910 • (671)472-7679 • Fax: (671)472-3547 • [roryforguam@gmail.com](mailto:roryforguam@gmail.com)



Rory Respicio <cor@guamlegislature.org>

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## Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.

---

Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Jun 17, 2015 at 4:36 PM

To: "maria.connelley" <maria.connelley@dol.guam.gov>

Cc: "Joleen C. Santos" <joleen.santos@dol.guam.gov>

Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marym@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Arriola" <vparriola1@gmail.com>, Tom Ada <tom@senatorada.org>

June 17, 2015

VIA E-MAIL

*maria.connelley@dol.guam.gov*

Ms. Maria Connelley

Director

Department of Labor

414 W. Soledad Ave.

GCIC Suite 400

*Hagåtña*, Guam 96910

**Subject: Notice of Public Hearing– Monday, June 22, 2015, 6:00 P.M.**

Dear Director Connelley:

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on **Monday, June 22, 2015, 6:00 P.M.**, the Legislature's Public Hearing Room:

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Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation. *Si Yu'os Ma'ase!*

*Senseramente,*

**Thomas C. Ada**

**Acting Chairman**

*Attachments: Bill No. 102-33 (COR)*


*Bill No. 104-33 (LS)*

---  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules, Federal, Foreign and Micronesian Affairs,  
Human and Natural Resources, Election Reform and Capitol District  
*I Mina'Trentai Tres na Liheslaturan Guåhan*  
155 Hesler Place, Ste. 302  
*Hagåtña*, Guam 96910  
Phone: (671) 472-7679  
Fax: (671) 472-3547

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### 3 attachments

 **2015.06.17\_PH Notice\_DOL.pdf**  
204K

 **Bill No. B102-33 (COR).pdf**  
222K

**Bill No. B104-33 (LS).pdf**



SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES: FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Libeslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

June 17, 2015

VIA E-MAIL

[anthony.blaz@doa.guam.gov](mailto:anthony.blaz@doa.guam.gov)

Mr. Anthony Blaz  
Director  
Department of Administration  
P.O. Box 884  
Hagåtña, Guam 96932

Subject: Notice of Public Hearing- Monday, June 22, 2015, 6:00 P.M.

Dear Director Blaz:

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesia Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on Monday, June 22, 2015, 6:00 P.M., the Legislature's Public Hearing Room:

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*Senseramente,*

Handwritten signature of Thomas C. Ada in black ink.

Thomas C. Ada  
Acting Chairman

Attachments: Bill No. 102-33 (COR)  
Bill No. 104-33 (LS)



Rory Respicio <cor@guamlegislature.org>

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## Notice of Public Hearing-- Monday, June 22, 2015, 6:00 P.M.

---

Senator Rory J. Respicio <cor@guamlegislature.org>

Wed, Jun 17, 2015 at 5:02 PM

To: anthony.blaz@doa.guam.gov

Bcc: Elaine Tajalle <etajalle@guamlegislature.org>, Jennifer Louise Dulla <jennifer.lj.dulla@gmail.com>, mary louise wheeler <mlwheeler2000@yahoo.com>, Mary Maravilla <marym@guamlegislature.org>, "Rory J. Respicio" <roryforguam@gmail.com>, Tyrone Taitano <tjtaitano@cs.com>, "Vince P. Ariola" <vpriola1@gmail.com>, Tom Ada <tom@senatorada.org>

June 17, 2015

VIA E-MAIL

*anthony.blaz@doa.guam.gov*

Mr. Anthony Blaz

Director

Department of Administration

P.O. Box 884

*Hagåtña*, Guam 96932

**Subject: Notice of Public Hearing-- Monday, June 22, 2015, 6:00 P.M.**

Dear Director Blaz:

*Håfa Adai!* Please be advised that the Committee on Rules; Federal, Foreign & Micronesian Affairs; Human & Natural Resources; Election Reform and Capitol District will be conducting the following on **Monday, June 22, 2015, 6:00 P.M.**, the Legislature's Public Hearing Room:

**6:00 P.M. Public Hearing**

- **Bill No. 102-33 (COR)- "AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015," by Vice-Speaker Benjamin J.F. Cruz**
- **Bill No. 104-33 (LS)- "AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD**

A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR," by Senator Frank F. Blas, Jr. and Senator James V. Espaldon

I invite you to appear before this committee and provide testimony on Bill No. 102-33 (COR) and Bill No. 104-33 (LS). Please feel free to extend this invitation to other interested members of our community. Testimony should be addressed to Majority Leader Rory J. Respicio, Chairperson, Committee on Rules; Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District, and may be hand-delivered or mailed to 155 Hesler Place, *Hagåtña*, Guam 96910; e-mailed to [cor@guamlegislature.org](mailto:cor@guamlegislature.org); or faxed to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or service shall contact and submit their request to Elaine Tajalle.

Please do not hesitate to contact me, should you have any questions or concerns. I look forward to your attendance and participation. *Si Yu'os Ma'ase!*

*Senseramente,*

**Thomas C. Ada**  
Acting Chairman

*Attachments: Bill No. 102-33 (COR)*


*Bill No. 104-33 (LS)*


—  
**Majority Leader Rory J. Respicio**  
Chairperson, Committee on Rules, Federal, Foreign and Micronesian Affairs,  
Human and Natural Resources, Election Reform and Capitol District  
*I Mina'Trentai Tres na Liheslaturan Guåhan*  
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### 3 attachments

 **2015.06.17\_PH Notice\_DOA.pdf**  
201K

 **Bill No. B102-33 (COR).pdf**  
222K

 **Bill No. B104-33 (LS).pdf**  
189K

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**Updated as of June 1, 2015**

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**Updated as of June 1, 2015**

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Updated as of June 1, 2015

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SENATOR RORY J. RESPICIO  
MAJORITY LEADER

CHAIRPERSON  
COMMITTEE ON RULES; FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;  
HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT



*I Mina'trentai Tres na Liheslaturan Guåhan*  
THIRTY-THIRD GUAM LEGISLATURE

PUBLIC HEARING  
Monday, June 22, 2015 • 6:00 PM  
Legislature's Public Hearing Room • *Hagåtña*, Guam

AGENDA

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration
  - **Bill No. 102-33 (COR)- "AN ACT TO AMEND 22 GCA §§ 5201 AND 5202, AND TO AMEND 5 GCA § 4101(a); RELATIVE TO DISCRIMINATION IN THE WORKPLACE AND TO CITING THIS ACT AS THE GUAM EMPLOYMENT NONDISCRIMINATION ACT (GENDA) OF 2015," by Vice-Speaker Benjamin J.F. Cruz**
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- IV. Closing Remarks
- V. Adjournment

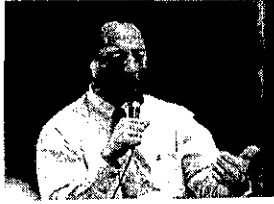
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For copies of the above mentioned bills, please visit the Guam Legislature's website at [www.guamlegislature.com](http://www.guamlegislature.com). Testimony should be addressed to Senator Rory J. Respicio, Chairperson, and may be submitted via hand-delivery to our office or our mailbox at the Main Legislature Building at 155 Hesler Place, *Hagåtña*, Guam 96910, via e-mail to [cor@guamlegislature.com](mailto:cor@guamlegislature.com), or via facsimile to (671) 472-3547. Individuals requiring special accommodations, auxiliary aids, or services shall contact and submit their request to Elaine Tajalle at our office. For more information, please call 472-7679. We look forward to your attendance and participation. *Si Yu'os ma'åse'!*



# Community supports non-discrimination act

Shawn Raymundo, sraymundo@guampdn.com 12:27 a.m. ChST June 24, 2015



(Photo: PDN file)

More than 20 years ago, Lasia Casil moved away from Guam after a Tumon hotel terminated her for "lying" about her gender identification on the job application.

She checked "F" on the application, as she identified herself as a woman then, and still does today.

Casil was one of several employees who had been hired and trained to work for the hotel, which at the time was just about to have its grand opening. On the day it was to open to the public, the hotel fired her.

She tried to fight the termination with the Guam Department of Labor. However, she said there wasn't anything they could do because there wasn't a law protecting gender identity. She was humiliated.

"All I wanted to do was work, pay my rent, pay for college, put food on the table and be a contributing member to the Chamorro community," Casil said during her emotional testimony at the Legislature on Monday. "I was terminated, not because I broke any laws, but just for existing."

With \$300 in her pocket, Casil said, she left the island and vowed never to return unless she had her own business or could be her own boss.

On Monday, Casil was joined by several others in the community who expressed support for recently introduced legislation meant to protect homosexual and transgender employees from workplace discrimination.

"I know, unfortunately, that too many of my brothers and sisters are suffering (discrimination), and too many of our men and women whose efforts to assure my rights to be able to have my orientation and these jobs and freedoms we enjoy are being discriminated against," Vice Speaker Benjamin Cruz, an openly gay public official and author of the bill, said. "That cannot continue to happen."

Bill 102, or the "Guam Employment Nondiscrimination Act of 2015," would amend local law that protects workers based on ancestry, age, color, race, religion and sex. If passed and enacted, the local law would extend protections to those of the LGBT community as well as to honorably discharged veterans and other members of the U.S. military.

"Passage of GENDA will close a gap in local law that leaves members of our community vulnerable to workplace discrimination, and the terrifying threat of being unable to financially support themselves and their families," Florecita Mesa, a private citizen, wrote to the Legislature's Committee on Rules chairman, Sen. Rory Respicio.

Rev. James Moore, of St. John's Episcopal Church, in Upper Tumon, said he doesn't condone any kind of discrimination, noting that he serves a ministry with the motto: "In this church there will be no outcasts."

"I therefore support Bill 102-33, realizing that laws may not fully solve discrimination in any community, but are a step in bringing equality to all of those who call this island of Guam our home," Moore said.

He also said that even though the courts have struck down Guam's gay marriage ban, "there are still challenges that must be faced."

"And these challenges are not only for the LGBT people, but include a litany of groups that should not face difficulties when seeking employment just because of who they are," he said.

Department of Administration Director Anthony Blaz also submitted written testimony in support of Cruz's measure.

"The proposed amendments regarding gender identify or expression and sexual orientation will bring our local law in line with federal law," Blaz wrote. "Overall we see this as a positive in that it will strengthen the idea of nondiscrimination in the workplace on Guam."

Therese Obispo, Bank of Guam senior vice president of human resources, testified on behalf of the bank, which supports the bill.

"We believe equality under the law is inclusive of all people regardless of their gender identity or expression, their military status, or their sexual orientation," the Bank of Guam stated. "This is evident throughout our employment policy and practices in all areas that we serve."

After reading that the Tumon hotel was celebrating its 20-year anniversary, Casil said, she returned to Guam to fight and advocate for gender identity equality.

"It wasn't fair that I was run off my island and I had to read about my previous employer celebrating 20 years on Guam," she said.

"Trying to secretly blend into society is not the solution for me, or the LGBT community," she added. "I do know that if I don't speak out now it will happen again and again and again."

Casil said she is currently her own boss as she has line of jewelry that is sold at T Galleria.

"What we're asking for today is not to be treated better than anyone," Casil said. "We're asking for equality ... Let's take a step in the right direction for equality in Guam."

Read or Share this story: <http://www.guampdn.com/story/news/2015/06/23/community-supports-non-discrimination-act-0624/29140857/>