

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

June 13, 2016

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

Speaker

I Mina'trentai Tres Na Liheslaturan Guåhan

155 Hesler Place

Hagåtña, Guam 96910

2016 JUN 13 PM 4:03

VQW

RE: Committee Report on Bill No. 298-33(COR) As Introduced

Hafa Adai Speaker Won Pat:

The Committee on Rules, Federal, Foreign and Micronesia Affairs, Human and Natural Resources, Election Reform and Capitol District hereby reports out its findings and recommendations on **Bill No. 298-33 (COR) As Introduced - "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE."** Sponsored by Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon, T. C. Ada.

Committee votes are as follows:

9

TO PASS

NOT TO PASS

1

TO REPORT OUT ONLY

TO ABSTAIN

TO PLACE IN INACTIVE FILE

Very Truly Yours,



Rory J. Respicio

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

COMMITTEE REPORT
ON
BILL NO. 298-33 (COR)
As Introduced

**“AN ACT TO ADD A NEW ARTICLE 6 TO
CHAPTER 3, TITLE 22, GUAM CODE
ANNOTATED, RELATIVE TO THE GUAM
FAMILY AND MEDICAL LEAVE ACT; AND
TO ADD A NEW ARTICLE 7 TO CHAPTER 3,
TITLE 22, GUAM CODE ANNOTATED,
RELATIVE TO CHILD SCHOOL-RELATED
LEAVE.”**

Sponsored by
Brant T. McCreadie, Michael F.Q. San
Nicolas, R. J. Respicio, Tommy Morrison,
N. B. Underwood, Ph.D., V. Anthony Ada,
T. R. Muña Barnes, Mary Camacho Torres,
Frank F. Blas, Jr., B. J.F. Cruz,
Dennis G. Rodriguez, Jr.,
James V. Espaldon, T. C. Ada

SENATOR RORY J. RESPICIO
MAJORITY LEADER

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HUMAN & NATURAL RESOURCES, ELECTION REFORM, AND CAPITOL DISTRICT




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

June 6, 2016

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. 298-33 (COR)**

Transmitted herewith for your review and consideration is the **Bill No. 298-33 (COR)** - "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE." sponsored by Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon, T. C. Ada

This report includes the following supporting documents:

- Committee Vote Sheet
- Committee Report Digest
- Copy of Bill No. 298-33 (COR) As Introduced
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- Fiscal Note Requirement for Bill No. 298-33 (COR)
- Referral of Bill No. 298-33 (COR)
- Public Hearing Notices
- Public Hearing Listserv
- 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!

SENATOR RORY J. RESPICIO
MAJORITY LEADER















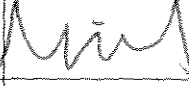







CHAIRPERSON
 COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
 HUMAN & NATURAL RESOURCES, ELECTION REFORM AND CAPITOL DISTRICT



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

COMMITTEE VOTING SHEET

Bill No. 298-33 (COR) As Introduced - "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Brant T. McCreadie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon, T. C. Ada

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

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

COMMITTEE REPORT DIGEST

I. OVERVIEW

The Committee on Rules, Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District convened a public hearing on Tuesday May 3, 2016 at 4:00 P.M. in the Public Hearing Room of *I Libeslaturan Guåhan*. Among the items on the agenda was the consideration of Bill No. 298-33 (COR) As Introduced - "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon, T. C. Ada.

- Introduced on April 18, 2016;
- Referral forwarded to this committee for public consideration on April 18, 2016.

Public Notice Requirements

Notices were disseminated via e-mail and facsimile to all senators and all main media broadcasting outlets on April 26, 2016 (5-Day Notice), and again on April 28, 2016 (48-Hour Notice), thereby meeting the noticing requirements of the Open Government Law. Notices were also transmitted to various stakeholders.

Senators Present

Senator Rory J. Respicio, *Chairperson*

Senator Brant McCreddie, *Member*

II. SUMMARY OF TESTIMONY & DISCUSSION

1. Anna Alegre Tupaz, IAM/United, provided oral and written testimony in support of the bill. *(Please see attached for written testimony.)*
2. Yvonne Terjale, IAM/United, provided oral in support of the bill.
3. Sharon Sagiyama, IAM/United, in support of the bill.
4. Joseph Laguana, IAM/United, in support of the bill.
5. Yvonne Davo, IAM/United, in support of the bill.
6. Renee Concepcion, United, in support of the bill.
7. Christine Taitague, United, in support of the bill.
8. John Taitague, United, in support of the bill.
9. Kimberlyn Tupaz, United, in support of the bill.
10. Janet Cruz, United, in support of the bill.
11. Guillermo Alvia, IAM, in support of the bill.
12. Alfred Ceraos, IAM, in support of the bill.
13. Jenicka Guerrero, IAM, in support of the bill.
14. Glayds Benavente, IAM, in support of the bill.
15. Jimmy Arjona, IAM, in support of the bill.
16. Risa Santos, IAM, in support of the bill.
17. John You, United, in support of the bill.
18. Ron Gunobgunefs, United, in support of the bill.
19. Jacinto Yoshiwo, United, in support of the bill.
20. Ben Babauta, United, in support of the bill.
21. Buenvenido Barcinas, United, in support of the bill.
22. Michael B. Darias, United, in support of the bill.
23. Stevenson Nagaia, IAM, in support of the bill.
24. Charles Tedtaotao, IAM, in support of the bill.
25. Danoo Valdez, IAM, in support of the bill.
26. Tedley Ngewakl, IAM, in support of the bill.
27. Jean Babauta, IAM, in support of the bill.
28. Mateo Celeste, IAM, in support of the bill.
29. Eric Torres, IAM, in support of the bill.
30. Frank Villagomenz, IAM, in support of the bill.
31. Jack Billy, IAM, in support of the bill.
32. Victor Arevalo, IAM, in support of the bill.
33. Elton Lobaton, IAM, in support of the bill.

34. Simmie Edwards, IAM, in support of the bill.
35. Godfrey Tsuneo, IAM, in support of the bill.
36. Rolly Pangan Ibaz, IAM, in support of the bill.
37. R. Padilla, IAM, in support of the bill.
38. Rick Balajadia, IAM, in support of the bill.
39. Sydney Kichiro, IAM, in support of the bill.
40. Victor Bitlaul, IAM, in support of the bill.
41. Willy Calilung, IAM, in support of the bill.
42. E. Martinez, IAM, in support of the bill.
43. Marlene Dahilig, IAM, in support of the bill.
44. Charlene Quichocho, IAM, in support of the bill.
45. Joann Keremius, IAM, in support of the bill.
46. Maria Gatdula, IAM, in support of the bill.
47. Alan Collins, IAM, in support of the bill.
48. Leihuanani Blas, IAM, in support of the bill.
49. Ema Becker, IAM, in support of the bill.
50. Damaris Simeon, United Airlines, in support of the bill.
51. Lea Gimenez, United Airlines, in support of the bill.
52. Takae Syfu, United Airlines, in support of the bill.
53. John-John Ada, ASIG, in support of the bill.
54. Peter Nedlic, United Airlines, in support of the bill.
55. Julius Blunt, United Airlines, in support of the bill.
56. Betsy Miller, United Airlines, in support of the bill.
57. Andrina Nestor, United Airlines, in support of the bill.
58. Kever Okiyame, United Airlines, in support of the bill.
59. Doris B. San Nicolas, United Airlines, in support of the bill.
60. Lou Advincula, United Airlines, in support of the bill.
61. Joseph Roberto, United Airlines, in support of the bill.
62. Claire Cruz, United Airlines, in support of the bill.
63. Jon Deloso, United Airlines, in support of the bill.
64. Evelyn Lubas, United Airlines, in support of the bill.
65. Jeannie Leon Guerrero, United Airlines, in support of the bill.
66. Markris Zablan, United Airlines, in support of the bill.
67. Estevan A. Hegus, United Airlines, in support of the bill.
68. Dan Sungeno, United Airlines, in support of the bill.
69. Delilah Quenga, United Airlines, in support of the bill.
70. Misuza Diaz, United Airlines, in support of the bill.
71. Nadmi Gogue, United Airlines, in support of the bill.
72. Lorraine Follis, United Airlines, in support of the bill.
73. Michelle Manabat, United Airlines, in support of the bill.
74. Elana Johnson, United Airlines, in support of the bill.
75. Agnes Benavente, United Airlines, in support of the bill.
76. Margaret Terry, United Airlines, in support of the bill.
77. Nadmi Gogue, United Airlines, in support of the bill.
78. Dejoanna Mundo, United Airlines, in support of the bill.
79. Mae Q., AMI, in support of the bill.
80. Shirley Pananganan, United Airlines, in support of the bill.
81. Kim Babauta, United Airlines, in support of the bill.
82. Joann Ocampo, United Airlines, in support of the bill.
83. Leona Mariur-Camacho, United Airlines, in support of the bill.
84. Lefty Cunanan, United Airlines, in support of the bill.
85. Martha Neel, United Airlines, in support of the bill.
86. Jane Crisostomo, United Airlines, in support of the bill.
87. Norma G. Blas, United Airlines, in support of the bill.
88. Edqin Paulino, United Airlines, in support of the bill.
89. Corrine Bamba, United Airlines, in support of the bill.
90. Norman N., United Airlines, in support of the bill.
91. Karael Phillip, United Airlines, in support of the bill.
92. Bernadeth Congzon, USG, in support of the bill.
93. Frankie Leon Guerrero, United Airlines, in support of the bill.
94. Beth Caumlin, United Airlines, in support of the bill.
95. Monica Espinosa, United Airlines, in support of the bill.
96. Iosimichy Fuppel, United Airlines, in support of the bill.

97. Selina Crisostomo, United Airlines, in support of the bill.
98. Noriko Rangel, United Airlines, in support of the bill.
99. Vance Paet, student, UOG, in support of the bill.
100. Kevin Alegre, GTA, in support of the bill.
101. Soledad M. Kikuo, IAM, in support of the bill.
102. Hidemi Vollatora, IAM, in support of the bill.
103. Veronica Fernandez, IAM, in support of the bill.
104. H. Lizama, IAM, in support of the bill.
105. R. Betty Roduk, IAM, in support of the bill.
106. Mayflor Hattori, IAM, in support of the bill.
107. Alex Gumataotao, IAM, in support of the bill.
108. Eric Sher, IAM, in support of the bill.
109. William Tedtaotao, IAM, in support of the bill.
110. Herbin Siliang, IAM, in support of the bill.
111. Pete Pangelinan, IAM, in support of the bill.
112. Stephen Edrosa, IAM, in support of the bill.
113. Roberto Gonzales, IAM, in support of the bill.
114. Perry Telmetamp, IAM, in support of the bill.
115. E. Del Rosario, IAM, in support of the bill.
116. Joseph J. Leon Guerrero, IAM, in support of the bill.
117. Franklin Terlaje, United Airlines, in support of the bill.
118. Danny S. Lucas, United Airlines, in support of the bill.
119. Gary David, IAM, in support of the bill.
120. Matt Martinez, IAM, in support of the bill.
121. D. Eleno, IAM, in support of the bill.
122. W. Takeo, IAM, in support of the bill.
123. Albert Siguenza, IAM, in support of the bill.
124. Melvin Ngratuemerawg, IAM, in support of the bill.
125. Antero Llagas, IAM, in support of the bill.
126. Robi Bukikosa-Cruz, IAM, in support of the bill.
127. Frank Fernandez, IAM, in support of the bill.
128. Jean Wa, IAM, in support of the bill.
129. Norman N., IAM, in support of the bill.
130. J. Terlaje, IAM, in support of the bill.
131. Gary Duenas, IAM, in support of the bill.
132. Emily Lobaton, IAM, in support of the bill.
133. Jim Quigley, IAM, in support of the bill.
134. R. Bersiman, IAM, in support of the bill.
135. Nick Bailas, IAM, in support of the bill.
136. Deshawn Untalan, IAM, in support of the bill.
137. Norbert Quichocho, IAM, in support of the bill.
138. Ryan J. Rios, IAM, in support of the bill.
139. Mina Manibusan, IAM, in support of the bill.
140. John Perez, IAM, in support of the bill.
141. L. Tobiason, IAM, in support of the bill.
142. M. Austerio, in support of the bill.
143. Jeanne Duenas, in support of the bill.
144. Aliza Pison, in support of the bill.
145. Maureen Uchellas, United Airlines, in support of the bill.
146. Bertha B. Atoigue, United Airlines, in support of the bill.
147. Helena L.A. Perez, United Airlines, in support of the bill.
148. Jennifer de Rosas, United Airlines, in support of the bill.
149. Maria Abante, United Airlines, in support of the bill.
150. Pamela Balicha, United Airlines, in support of the bill.
151. Velma Roberto, United Airlines, in support of the bill.
152. Lena Pojas, United Airlines, in support of the bill.
153. Salim Reza, United Airlines, in support of the bill.
154. Selma Shimizu, United Airlines, in support of the bill.
155. Roy Ebeo, United Airlines, in support of the bill.
156. Evangeline Arizala, United Airlines, in support of the bill.

157. Jerry Daco, United Airlines, in support of the bill.
158. Joseph Salas, United Airlines, in support of the bill.
159. Roy Camacho, United Airlines, in support of the bill.
160. Alex Cruz, United Airlines, in support of the bill.
161. Sandra Santos, United Airlines, in support of the bill.

Chairman Rory J. Respicio called the public hearing on Bill No. 298-33 (COR) to order at 4:00 P.M. and allowed the main sponsor of the bill, Senator Brant McCreadie provided remarks.

Senator Brant McCreadie

Thank you Mr. Chair for being expeditious to hear this bill. This bill is in fact, an adoption of the Family Medical Leave Act. It has twelve co-sponsors and I this is the time to hear what people in the public have to say. It is a much needed bill that is crafted for the specific environment of Guam and I do think it is a win-win situation for the government, the private sector and all employees of Guam. Hopefully we can get some support. We have a lot of support in the Legislature and I hope we can get some support from the public and I hope think can be a law one day. Thank you.

Chairman Respicio

Anna Alegre Tupaz *(Please see attached for written testimony.)*

Yvonne Terlaje

I just wanted to say that I agree with Anna, even those in the medical community who are part-time, I've heard of incidences where my son works, the girl who does payroll and accounting is a full-time, she couldn't take FMLA and ended up quitting just to take care of her dying father. She was denied FMLA.

Chairman Respicio

You signed up on behalf of the IAM United Organization?

Ms. Terlaje

Yes.

Chairman Respicio

Can you give the listening audience an idea what this organization is?

Mrs. Tupaz

I am a United Airlines employee and have been there for over twenty years as part-time employees. We are part of a union called "IAMW" which is "International Association of Machinist Airspace Workers" and we've been trying to put this under our contract but there are more pressing issues such as job security on our island.

Senator McCreadie

Mr. Chair, just so we are clear, when you go to Department of Labor, they don't consider an employee part-time or full-time, they consider the hours. One of the biggest differences in the federal FMLA, what we are trying to adopt, are those hours, 1,250 threshold. We are lowering that to 1,000. It's 50 employees minimum. We are lowering the threshold to 25. And we are also incorporating "in-laws" of married couples and immediate family members as well. FMLA encourages states that's even better than what they have. We are creating something that is specific to Guam.

Chairman Respicio thanked the panel for testifying and the senators present at the hearing.

No further testimony being offered, Chairman Respicio then declared that Bill No. 298-33 (COR) was duly heard.

III. WRITTEN TESTIMONY

1. Anna Alegre Tupaz, IAM/United, provided oral and written testimony in support of the bill. *(Please see attached for written testimony.)*

IV. FINDINGS AND RECOMMENDATIONS

The Committee on Rules, Federal, Foreign and Micronesian Affairs; Human and Natural Resources, Election Reform, and Capitol District hereby reports out Bill No. 298-33 (COR) As Introduced - "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Brant T. McCreadie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon, T. C. Ada with the recommendation to **DO PASS**.

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

Bill No. 298-33 (COR)

Introduced by:

Brant T. McCreadie
Michael F.Q. San Nicolas
Rory J. Respicio
T.A. Morrisson
N. B. Underwood, Ph.D.
C. A. ADA
TRIMMIE BARN
MARY C TORRES
Frank Plas. Jr.
D. S. Rodriguez, Ph.D.
J. C. Odeh

**AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER
3 TITLE 22 GUAM CODE ANNOTATED RELATIVE
TO THE GUAM FAMILY AND MEDICAL LEAVE
ACT; AND TO ADD A NEW ARTICLE 7 TO
CHAPTER 3 TITLE 22 GUAM CODE ANNOTATED
RELATIVE TO CHILD SCHOOL-RELATED LEAVE.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. A new Article 6 is *added* to Chapter 3, Title 22 of the Guam Code
Annotated to read:

“ARTICLE 6

GUAM FAMILY AND MEDICAL LEAVE ACT.

- § 3601. Title.
- § 3602. Eligibility Requirements
- § 3603. Definitions.
- § 3604. Leave Requirements.
- § 3605. Continuation of Benefits
- § 3606. Certification of Leave to Care for Child, Spouse, or Parent

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1 § 3607 Certification of Leave for Employee's Health Condition.

2 § 3608. Miscellaneous Provisions.

3 § 3609. Reinstatement.

4
5 **§ 3601. Title.** This Article *may* be cited as the *Guam Family and Medical Leave Act*.

6 **§ 3602. Eligibility Requirements.**

7 (a) Except as provided in subparagraph (b) of this section, it shall be an
8 unlawful employment practice for any employer, as defined in §3603(c), to
9 refuse to grant a request by any employee with more than 12 months of service
10 with the employer, and who has at least 1,000 hours of service with the
11 employer during the previous 12-month period, to take up to a total of 12
12 workweeks in any 12-month period for family care and medical leave. Family
13 care and medical leave requested pursuant to this subparagraph shall not be
14 deemed to have been granted unless the employer provides the employee, upon
15 granting the leave request, a guarantee of employment in the same or a
16 comparable position upon the termination of the leave.

17 (1) In any case in which the necessity for leave as defined under
18 § 3603(c)(1) is foreseeable based on an expected birth or placement, the
19 employee shall provide the employer with not less than 30 days' notice,
20 before the date the leave is to begin, of the employee's intention to take
21 leave under such subparagraph, except that if the date of the birth or
22 placement requires leave to begin in less than 30 days, the employee
23 shall provide such notice as is practicable.

24 (2) In any case in which the necessity for leave as defined under
25 §§ 3603(c)(2) or 3603(c)(3) is foreseeable based on planned medical
26 treatment, the employee:

1 (A) Shall make a reasonable effort to schedule the treatment so as
2 not to disrupt unduly the operations of the employer, subject to
3 the approval of the health care provider of the employee or the
4 health care provider of the son, daughter, spouse, or parent of
5 the employee, or health care provider of the parent, son, or
6 daughter of an employee's spouse, as appropriate; and

7 (B) Shall provide the employer with not less than 30 days' notice,
8 before the date the leave is to begin, of the employee's
9 intention to take leave under such subparagraph, except that if
10 the date of the treatment requires leave to begin in less than 30
11 days, the employee shall provide such notice as is practicable.

12 (b) Notwithstanding subparagraph (a) of this section, it shall *not* be an
13 unlawful employment practice for an employer to refuse to grant a request for
14 family care and medical leave by an employee if the employer employs fewer
15 than 25 employees in Guam.

16 **§ 3603. Definitions.**

17 For the purposes of this Article 6:

18 (a) "Child" means a biological, adopted, or foster child, a stepchild, a legal
19 ward, or a child of a person standing in loco parentis who is either of the
20 following:

21 (1) Under 18 years of age.

22 (2) An adult dependent child.

23 (b) "Employer" means either of the following:

24 (1) Any person (including any individual, association, partnership,
25 corporation, company, entity, or organized group of persons acting
26 directly or indirectly in the interest of an employer in relation to an

1 employee) who directly employs 25 or more persons to perform services
2 for a wage or salary.

3 (2) The government of Guam, and any governmental entity, department,
4 agency, commission, instrumentality, or public corporation, but
5 excluding the United States Government. The government of Guam and
6 each respective governmental entity, department, agency, commission,
7 instrumentality, or public corporation acting as an employer under this
8 Article shall be responsible for the development of the necessary rules
9 and regulations to ensure that the intent of this Article is followed and
10 implemented pursuant to the Administrative Adjudication Law under
11 Chapter 9, Title 5 Guam Code Annotated, or other applicable law.

12 (c) "Family care and medical leave" means any of the following:

13 (1) Leave for reason of the birth of a child of the employee, or the
14 placement of a child with an employee in connection with the adoption or
15 foster care of the child by the employee.

16 (2) Leave to care for a parent, spouse, or child of an employee, or a
17 parent or child of the spouse of an employee, who has a serious health
18 condition.

19 (3) Leave because of an employee's own serious health condition that
20 makes the employee unable to perform the functions of the position of
21 that employee, except for leave taken for disability on account of
22 pregnancy, childbirth, or related medical conditions.

23 (d) "Employment in the same or a comparable position" means employment in
24 a position that has the same or similar duties and pay that can be performed at
25 the same or similar geographic location as the position held prior to the leave.

1 (e) “FMLA” means the federal Family and Medical Leave Act of 1993 (P.L.
2 103-3), as amended.

3 (f) “Health care provider” means any of the following:

4 (1) A person who is licensed to practice medicine under the provisions of
5 Article 2 (“Physician’s Practice Act”), Chapter 12, Title 10 Guam Code
6 Annotated; or an individual licensed to practice medicine in another state
7 or jurisdiction who directly treats or supervises the treatment of the
8 serious health condition for which leave under this Article 6 is taken.

9 (2) Any other person determined by the United States Secretary of Labor
10 to be capable of providing health care services under the FMLA.

11 (g) “Parent” means a biological, foster, or adoptive parent, a stepparent, a legal
12 guardian, or other person who stood in loco parentis to the employee when the
13 employee was a child.

14 (h) “Serious health condition” means an illness, injury, impairment, or physical
15 or mental condition that involves either of the following:

16 (1) Inpatient care in a hospital, hospice, or residential health care facility.

17 (2) Continuing treatment or continuing supervision by a health care
18 provider.

19 **§ 3604. Leave Requirements.**

20 (a) An employer shall not be required to pay an employee for any leave take
21 pursuant to §3602(a), except as required by subparagraph (b) of this section.

22 (b) An employee taking a leave permitted by §3602(a) may elect, or an
23 employer may require the employee, to substitute, for leave allowed under
24 §3602(a), any of the employee’s accrued vacation leave or other accrued time
25 off during this period or any other paid or unpaid time off negotiated with the
26 employer. If an employee takes a leave because of the employee’s own serious

1 health condition, the employee may also elect, or the employer may also require
2 the employee, to substitute accrued sick leave during the period of the leave.
3 However, an employee shall not use sick leave during a period of leave in
4 connection with the birth, adoption, or foster care of a child, or to care for a
5 child, parent, or spouse with a serious health condition, unless mutually agreed
6 to by the employer and the employee.

7 **§ 3605. Continuation of Benefits.**

8 (a) During any period that an eligible employee takes leave pursuant to
9 §3602(a) or takes leave that qualifies as leave under the FMLA, the employer
10 shall maintain and pay for coverage under a “group health plan,” as defined in
11 Section 5000(b)(1) of the Internal Revenue Code, for the duration of the leave,
12 not to exceed 12 workweeks in a 12-month period, commencing on the date
13 leave taken under the FMLA or under §3602(a) commences, at the level and
14 under the conditions coverage, if any, would have been provided if the
15 employee has continued in employment continuously for the duration of the
16 leave; provided that the employee shall continue to pay for the employee’s
17 share of insurance premiums at the same level that would have applied if the
18 employee has continued in employment continuously for the duration of the
19 leave. Nothing in the preceding sentence shall preclude an employer from
20 maintaining and paying for coverage under a “group health plan” beyond 12
21 workweeks. An employer may recover the premium that the employer paid as
22 required by this subsection for maintaining coverage for the employee under the
23 group health plan if both of the following conditions occur:

24 (1) The employee fails to return from leave after the period of leave to
25 which the employee is entitled has expired.

1 (2) The employee's failure to return from leave is for a reason other than
2 the continuation, recurrence, or onset of a serious health condition that
3 entitles the employee to leave under §3602(a) or other circumstances
4 beyond the control of the employee.

5 (b) Any employee taking leave pursuant to §3602(a) shall continue to be
6 entitled to participate in employee health plans for any period during which
7 coverage is not provided by the employer under §3605(a), employee benefit
8 plans, including life insurance or short-term or long-term disability or accident
9 insurance, pension and retirement plans, and supplemental unemployment
10 benefit plans to the same extent and under the same conditions as apply to an
11 unpaid leave taken for any purpose other than those described in §3602(a). In
12 the absence of these conditions an employee shall continue to be entitled to
13 participate in these plans and, in the case of health and welfare employee
14 benefit plans, including life insurance or short-term or long-term disability or
15 accident insurance, or other similar plans, the employer may, at his or her
16 discretion, require the employee to pay premiums, at the group rate, during the
17 period of leave not covered by any accrued vacation leave, or other accrued
18 time off, or any other paid or unpaid time off negotiated with the employer, as a
19 condition of continued coverage during the leave period. However, except as
20 otherwise provided in this Article or subparagraph (c) of this section, the
21 nonpayment of premiums by an employee shall not constitute a break in
22 service, for purposes of longevity, seniority under any collective bargaining
23 agreement, or any employee benefit plan.

24 (c) For purposes of pension and retirement plans, an employer shall not be
25 required to make employer or employee contribution payments during the
26 period of unpaid leave, and the unpaid leave period during which plan payments

1 are not made shall not be required to be counted for purposes of time accrued
2 under the plan. However, an employee covered by a pension or retirement plan
3 may continue to make contributions at his or her own expense in accordance
4 with the terms of the plan during the period of the unpaid leave, and the
5 employer may make corresponding employer contributions if required in
6 accordance with the terms of the plan.

7 (d) During a family care and medical leave period, the employee shall retain
8 employee status with the employer, and the leave shall not constitute a break in
9 service, for purposes of longevity, seniority under any collective bargaining
10 agreement, or any employee benefit plan. An employee returning from leave
11 shall return with no less seniority than the employee had when the leave
12 commenced, for purposes of layoff, recall, promotion, job assignment, and
13 seniority-related benefits such as vacation.

14 **§ 3606. Certification of Leave to Care for Child, Spouse, or Parent.**

15 (a) An employer may require that an employee's request for leave to care for
16 a child, a spouse, or a parent who has a serious health condition be supported by
17 a certification issued by the health care provider of the individual requiring
18 care. That certification shall be sufficient if it includes all of the following:

19 (1) The date on which the serious health condition commenced.

20 (2) The probable duration of the condition.

21 (3) An estimate of the amount of time that the health care provider
22 believes the employee needs to care or the individual requiring the care.

23 (4) A statement that the serious health condition warrants the
24 participation of a family member to provide care during a period of the
25 treatment or supervision of the individual requiring care.

(b) Upon expiration of the time estimated by the health care provider in §3606(a)(3), the employer may require the employee to obtain recertification, in accordance with the procedure provided in §3606(a), if additional leave is required.

§ 3607. Certification of Leave for Employee's Health Condition.

(a) An employer may require that an employee's request for leave because of the employee's own serious health condition be supported by a certification issued by his or her health care provider. That certification shall be sufficient if it includes all of the following:

(1) The date on which the serious health condition commenced.

(2) The probable duration of the condition

(3) A statement that, due to the serious health condition, the employee is unable to perform the function of his or her position.

(b) The employer may require that the employee obtain subsequent recertification regarding the employee's serious health condition on a reasonable basis, in accordance with the procedure provided in §3607(a), if additional leave is required.

(c) In any case in which the employer has reason to doubt the validity of the certification provided pursuant to this § 3607, the employer may require, at the employer's expense, that the employee obtain the opinion of a second health care provider, designated or approved by the employer, concerning any information certified under paragraph §3607(a).

(d) The second health care provider designated or approved under §3607(c) shall not be employed on a regular basis by the employer.

(e) In any case in which the second opinion described in §3607(c) differs from the opinion in the original certification, the employer may require, at the

1 employer's expense, that the employee obtain the opinion of a third health care
2 provider, designated or approved jointly by the employer and the employee,
3 concerning the information certified under §3607(a).

4 (f) The opinion of the third health care provider concerning the information
5 certified under §3607(a) shall be considered to be final and shall be binding on
6 the employer and the employee.

7 (g) As a condition of an employee's return from leave taken because of the
8 employee's own serious health condition, the employer may have a uniformly
9 applied practice or policy that requires the employee to obtain certification from
10 his or her health care provider that the employee is able to resume work.
11 Nothing in this paragraph shall supersede a valid collective bargaining
12 agreement that governs the return to work of that employee.

13 **§ 3608. Miscellaneous Provisions**

14 (a) It shall be an unlawful employment practice for an employer to refuse to
15 hire, or to discharge, fine, suspend, expel, or discriminate against, any
16 individual because of any of the following:

17 (1) An individual's exercise of the right to family care and medical leave
18 provided by §3602(a).

19 (2) An individual's giving information or testimony as to his or her own
20 family care and medical leave, or another person's family care and
21 medical leave, in any inquiry or proceeding related to rights guaranteed
22 under this section.

23 (b) This Article shall not be construed to require any changes in existing
24 collective bargaining agreements during the life of the contract.

25 (d) Leave provided for pursuant to this Article may be taken in one or more
26 periods. The 12-month period during which 12 workweeks of leave may be

1 taken under this Article shall run concurrently with the 12-month period under
2 the FMLA, and shall commence on the date leave taken under the FMLA
3 commences.

4 (e) In any case in which both parents entitled to leave under §3602(a) are
5 employed by the same employer, the employer shall not be required to grant
6 leave in connection with the birth, adoption, or foster care of child that would
7 allow the parents family care and medical leave totaling more than the amount
8 specified in §3602(a).

9 **§ 3609. Reinstatement.**

10 (a) Notwithstanding §3602(a), an employer may refuse to reinstate an
11 employee returning from leave to the same or a comparable position if all of the
12 following apply:

13 (1) The employee is a salaried employee who is among the highest paid
14 10 percent of the employer's employees employed on Guam.

15 (2) The refusal is necessary to prevent substantial and grievous economic
16 injury to the operations of the employer.

17 (3) The employer notifies the employee of the intent to refuse
18 reinstatement at the time the employer determines the refusal is
19 necessary under §3609(a)(2).

20 (b) In any case in which the leave has already commenced, the employer
21 shall give the employee a reasonable opportunity to return to work following
22 the notice prescribed by §3609(a)(3).

23 (c) Leave taken by an employee pursuant to this Article shall run
24 concurrently with leave taken pursuant to the FMLA, or with other non-FMLA
25 leave taken pursuant to the employer's leave policies if such leave also qualifies
26 for leave pursuant to this Article. The aggregate amount of leave taken

pursuant to this Article or the FMLA, or both, shall not exceed 12 workweeks in a 12-month period. The aggregate amount of leave taken pursuant to this Article or other non-FMLA leave taken pursuant to the employer's leave policies if such leave also qualifies for leave pursuant to this Article, or both, shall not exceed the greater of 12 workweeks in a 12-month period, or the maximum amount allowed for the non-FMLA leave taken pursuant to the employer's leave policies.

(d) It shall be an unlawful employment practice for an employer to interfere with, restrain, or deny the exercise of, or the attempt to exercise, any right provided under this Article."

Section 2. A new Article 7 is added to Chapter 3, Title 22 of the Guam Code Annotated to read:

"ARTICLE 7

LEAVE FOR CHILD SCHOOL-RELATED PURPOSES

§ 3701. Title.

§ 3702. Definitions.

§ 3703. Leave for Child School-Related Purposes.

§ 3701. **Title.** This Article *may* be cited as the *Child School-Related Leave Act*.

§ 3702. **Definitions.**

(a) For purposes of this Article, the following terms have the following meanings:

(1) "Parent" means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child.

(2) "Child" (*plural*: "children") and "employer" shall have the same definitions as set forth in § 3603 of Title 22 Guam Code Annotated.

1 (3) “Child care provider or school emergency” means that an employee’s
2 child cannot remain in a school or with a child care provider due to one of the
3 following:

4 (A) The school or child care provider has requested that the child
5 be picked up, or has an attendance policy, excluding planned holidays,
6 that prohibits the child from attending or requires the child to be picked
7 up from the school or child care provider.

8 (B) Behavioral or discipline problems.

9 (C) Closure or unexpected unavailability of the school or child care
10 provider, excluding planned holidays.

11 (D) A natural disaster, including, but not limited to, fire,
12 earthquake, or flood.

13 **§ 3703. Leave for child school-related purposes.**

14 (a) (1) An employer shall not discharge or in any way discriminate against
15 an employee who is a parent of one or more children of the age to attend pre-
16 school, kindergarten, or grades 1 to 12, inclusive, for taking off up to 40 hours
17 each year, for the purpose of either of the following child-related activities:

18 (A) To find, enroll, or reenroll his or her child in a school or with
19 a licensed child care provider, or to participate in activities of the
20 school or licensed child care provider of his or her child, if the
21 employee, prior to taking the time off, gives reasonable notice to the
22 employer of the planned absence of the employee. Time off pursuant
23 to this subparagraph shall not exceed eight (8) hours in any calendar
24 month of the year.

1 (B) To address a child care provider or school emergency, if the
2 employee gives notice to the employer.

3 (2) If more than one parent of a child is employed by the same
4 employer at the same worksite, the entitlement under paragraph (1) of a planned
5 absence as to that child applies, at any one time, only to the parent who first
6 gives notice to the employer, such that another parent may take a planned
7 absence simultaneously as to that same child under the conditions described in
8 paragraph (1) only if he or she obtains the employer's approval for the
9 requested time off.

10 (b) (1) The employee shall utilize existing vacation, personal leave, or
11 compensatory time off for purposes of the planned absence authorized by this
12 section, unless otherwise provided by a collective bargaining agreement. An
13 employee also may utilize time off without pay for this purpose, to the extent
14 made available by his or her employer.

15 (2) Notwithstanding paragraph (1), in the event that all permanent, full-
16 time employees of an employer are accorded vacation during the same period of
17 time in the calendar year, an employee of that employer may not utilize that
18 accrued vacation benefit at any other time for purposes of the planned absence
19 authorized by this section.

20 (c) The employee, if requested by the employer, shall provide documentation
21 from the school or licensed child care provider as proof that he or she engaged
22 in child-related activities permitted in subdivision (a) on a specific date and at a
23 particular time. For purposes of this subdivision, "documentation" means
24 whatever written verification of parental participation the school or licensed
25 child care provider deems appropriate and reasonable.

1 (d) No employer shall discharge, threaten to discharge, demote, suspend, or
2 in any other manner discriminate against an employee in terms and conditions
3 of employment because the employee has taken time off to engage in child-
4 related activities permitted in subdivision (a). An employer who has been
5 found in a grievance procedure, arbitration, or court proceeding to have violated
6 this subsection shall be required, if applicable, to reinstate or promote the
7 affected employee, and shall be liable to the affected employee for an amount
8 equal to three times the employee's lost wages and work benefits, in addition to
9 actual lost wages and benefits and other damages to which the employee may
10 be entitled."

11 **Section 3. Effective Date.** The provisions of this Act *shall* become effective
12 upon enactment.

13 **Section 4. Severability.** *If* any provision of this Law or its application to any
14 person or circumstance is found to be invalid or contrary to law, such invalidity shall
15 *not* affect other provisions or applications of this Law which can be given effect
16 without the invalid provisions or application, and to this end the provisions of this Act
17 are severable.

SENATOR RORY J. RESPICIO

MAJORITY LEADER

CHAIRPERSON

COMMITTEE ON RULES, FEDERAL, FOREIGN & MICRONESIAN AFFAIRS;
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THIRTY-THIRD GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Tuesday, May 3, 2016 • 4:00 P.M.

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Ana Alegre Torres	IAm/united	Support	yes	yes	689-7391	alegreanna@gmail.com
Yvonue Tortajada	IAm / UNITED	Support		yes	727-8862	Tortajada25@yahoo.com
Sharon Sugiyama	IAm/united	Support			6890805	ssugiyama67@gmail.com
Joseph Laguarda	United / IAm	Support			689-1809	joe.laguarda@gmail.com
Yvonne Davis	United / IAm	Support			482752	yvonne.davis@stetson.edu

SENATOR RORY J. RESPICIO
MAJORITY LEADER

CHAIRPERSON
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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Renee Concepcion	United Airlines	Support	None	None	777-1231	renee/ujan@gmail.com
CHRISTINE TATTASIE	UNITED AIRLINES	SUPPORT	NONE	NONE	687-7462	TINA.TATTASIE@SMALL.COM
JOHN TATTASIE	UNITED AIRLINES	SUPPORT	NONE	NONE	687-3667	john.tattasie@gmail.com
Kimberlyn Tupaz	United Airlines	support	none	none	488-1391	b2k.kimberlyn@hotmail.com
Janet Cruz	United Airlines	Support	none	none	488-8689	janacruz63@hotmail.com

SENATOR RORY J. RESPICIO
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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Guillermo Alvia	IAM	Support			486-9507	
ALFRED CERAS	IAM	Support			989-0821	
Jenicka Guerrero	IAM	Support			687-5439	jmcguerrero@yahoo.com
Gladya Benavente	IAM	Support			686-6724	

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
JIMMY ARJONA	IAM	SUPPORT			637-8152	JIMMY.ARJONA@united.gm
RISA SANTOS	IAM	SUPPORT			646 1021	risa.santos@united.com

SENATOR RORY J. RESPICIO

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
John Yui	United	Support			988-4889	JYousp@guam.net
Ron Gumbert	United	Support			998-1393	Guab@guam.net
Jainto Yoshiwo	United	Support			971-3298	Yoshiwo93@gmail.com
Ben Babauta	United	Support			645-8824	Benjamin Babauta@united.gu
Buenvenido Barinas	United	Support			686-2397	buenvenido.barinas@united.gu
MICHAEL B. DARIAS	UNITED	SUPPORT			771-2075	mikedarias@united.gu

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Stewenson NAGATA	IAM	SUPPORT			685-8453	
Charles Taltat	IAM	✓			688-7842	
DANO VALDEZ	IAM	SUPPORT			483-1203	dano.valdez@united.com
TEOLEY NGEWAKL	IAM	✓			987-1314	
Jean Babauta	IA	Support			645-8557	jean.babauta@united.com
MATEO CELESTE	IAM	SUPPORT			686-1211	
Eric Torres	IAM	Support			486-0437	
Frank Villagomez	IAM	support			488-0528	
Jack Billy	IAM	Support			688-7481	

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Victor Arevalo	IAM	Support			688-3294	harley4120@hawaii
ELTON LOBATON	IAM	SUPPORT			797-3941	guam75@hotmail.com
Simmie Edwards	IAM	SUPPORT			686-7707	sued62@yahoo.com
Godfrey Tsuneo	IAM	SUPPORT			688-2343	hafa7292@gmail
Kay PARRA	IAM	SUPPORT			802-9645	
Rick St. John	IAM	Support			482 9157	ako_c-judas@yahoo.co
Rick Bobadilla	IAM	SUPPORT			789-2402	
Sydney Achiro	IAM	Support			864 4691	
VICTORIO BITAN	IAM	Support			788-8000	

SENATOR RORY J. RESPICIO
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I Mina'trentai Tres na Liheslaturan Guåhan
THIRTY-THIRD GUAM LEGISLATURE

PUBLIC HEARING SIGN-IN SHEET

Tuesday, May 3, 2016 • 4:00 P.M.

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
WILLIE CALILUNG	I AM	SUPPORT			482-7630	WILLIE.CALILUNG@UNITED.COM
Emma Martinez	I A M	Support			477-9032	Emma-Martinez@Hotmail.com
Marlene Dahilig	I AM	support			788-8184	dahilig_ppgk@hotmail.com
CHARLENE GUICHARD	I AM	SUPPORT			777-0820	charqui12@live.com
JOANN KEREMUS	I AM	SUPPORT			787 4669	jkeremus@yahoo.com
Maria Galdula	I AM	Support			482-1900	maria.galdula@united.com
ALAN COLLINS	I AM	SUPPORT			788-4371	acollins@yahoo.com
Leihuanani Blas	I AM	Support			7775039	nkblas3@gmail.com
Emm Becker	I AM	Support			488-4557	emamb@yahoo.com

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DAMARIS SIMEON	UNITED AIRLINES	SUPPORT			998-2509	damarissimeon@yahoo.com
LEA GIMENEZ	UNITED AIRLINES	SUPPORT			672-4911	lea-gimenez@gcl.com
Takae Syfu	UNITED AIRLINES	SUPPORT!			777-4057	tsyfu@hotmail.com
JOHN JOHN ADA	ASIG	SUPPORT			483-4811	jja-611@hotmail.com
Peter Medlic	United Airlines	SUPPORT			565-7482	pmedlic@yahoo
✓ JULIUS BLUNT	United Airlines	SUPPORT			727-1952	jblunt1952@yahoo.com
Benny Miller	United Airlines	SUPPORT			727-8451	bennymlr5@gmail.com
ANDRINA NESTOR	United Airlines	SUPPORT			971-1490	Andr.Nestor@united.com
Kener Okoyane	United Airlines	SUPPORT			788-785	

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Doris B. San Nicolas	United Airlines	Support			482-0519	dban1969@yahoo.com
LOW ADVINCUA	UNITED AIRLINES	SUPPORT			787-3800	low.advinuwa@unite.com
Joseph Ranto	UNITED	SUPPORT			998-2223	JOSEPH.DAMILLO@unite.com
CLARE CRUZ	UNITED AIRLINES	SUPPORT			734-2311	CLARE.CRUIZ@unite.com
JON DELOSS	UA	support			483-7242	Jon DeLoss@UA.com
EVELYN LUBAS	UA	SUPPORT			788-5492	nagagin/ss@yahoo
Jeannekean Gueron	"	"			727842	jplg@ite.net
MARIKRIS ZABLAN	UA	SUPPORT			4885835	kriszablan@yahoo.com
Estim A. Hesse	UNITED AIRLINE	SUPPORT			687-3887	ESTIMAN HESSE@ROCKETMAIL.COM

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
DAN SUNGENO	UA	SUPPORT			747-1651	DAN.SUNGENO@GUAM.GOV
DELILAH GUENGA	UA	SUPPORT			727-8848	delilah.guenga@yahoo.com
MISUZU DIAZ	UA	SUPPORT			727-9522	misuzudiaz@united.com
NADIM GAGUE	UA	SUPPORT			797-1585	ngague47@yahoo.com
LORRAINE FALLIS	UA	SUPPORT			977-7326	lorraine.fallis@united.com
MICHELLE MANABAT	U.S	SUPPORT			688-1280	triamanabat@yahoo.com
ELANA JOHNSON	UA	SUPPORT			(670) 989-4829	elana.johnson@united.com
Agnes Benavente	UA	SUPPORT			987-2224	aggi.benavente.com
MARGARET TERRY	UA	SUPPORT			483-0486	margaret.terry@hotmail.com

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Dejoanna Mudo	United Airlines	Support			777-6494	pinkdej@gmail.com
Mao Quintos	AMZ	Support			7886032	mao@amz.com
SHIRLEY DANANGANAN	United	SUPPORT			482-1463	shirl.carino@gmail.com
Kim Babauta	United	Support			929-6902	Kim.babauta92@gmail.com
Joan Campo	United	Support			645-8658	joan.campo@united.com
Lana Maria Camacho	United	Support			645-8696	chinmaria@hofman.com
LETTY CUNAWAN	United Airlines	Support			645-8688	letty.cunawan@united.com
Martha Neel	United Airlines	Support			645-8659	MARTHA.NEEL@united.com
Jane Crisostomo	U. A.	Support			645-8696	jane.crisostomo@united.com

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Norma G. Blas	United Airlines	SUPPORT			483-1157	norma.blas@unitedairlines.com
Edwin Paulino	United Airlines	SUPPORT			688-1012	edpaulino61@gmail.com
Corinne Pambon	United Airlines	SUPPORT			482-3223	corinbambon@gmail.com
Norman N	United Airlines	SUPPORT			929-8828	ngirailenese@yahoo.com
KARATEL PHILIP	UNITED AIRLINES	SUPPORT			988-9593	karatel.phillip@united.com
Bernardeth Congzon	USG	support			864-7205	Bernardeth.Congzon@yahoo.com
Frankie Leon Guerrero	UNITED AIRLINES	SUPPORT			828-0209 468-7309	frankie.leonguerra@yahoo.com
Beth Caumun	UNITED AIRLINES	SUPPORT			969-5867	b.ccaumun@gmail.com
MONICA ESPINOSA	UNITED AIRLINES	SUPPORT			929-5574	mon_espinosa@hotmail.com

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IOSIMICHY FUPPAL	UNITED AIRLINES	SUPPORT			864-3921	Yoshi.Fuppal@united.com
GELINA CAISES TOHO	UNITED AIRLINES	SUPPORT			482-1055	TENSIA84@yahoo.com
NORIKO FAKUZEL	United Airline	SUPPORT			483-0757	naichard2@gmail.com

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
VANCE PAET	STUDENT / UOG	Support			489-7238	
Alegre, Kevin	GTA	Support			687-8069	alegrekevin@gmail.com

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Soledad M. Kikuo	IAM	SUPPORT			482-2528	solch731@teliguan.net
Hidemi Villatora	IAM	SUPPORT			483-0603	microsol@teleguam.net
VERONICA Fernandez	IAM	SUPPORT			483-6359	vfernandez16@gmail.com
Amy Uyama	IAM	SUPPORT			689-3456	audijuramalyahwa.com
R. Betty Roduk	IAM	SUPPORT			797-3885	betty_brdialul14@gmail.com
May flor Hattori	IAM	SUPPORT			727-4467	MAYFLOWER671@gmail.com
Alex Gumataogao	IAM	SUPPORT			788-2732	Alex.Gumataogao@united.com
ERIC SHAN	IAM	"			687-2904	
William Techob	11	11			777-8925	

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NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
HERBIN SILANG	IAM	SUPPORT			734-4747	
PESE PABOLMAN	IAM	SUPPORT			4829838	
STEPHEN EDROSA	IAM	SUPPORT			4837874	
ROBERT GONZALES	IAM	SUPPORT			777-0383	
Perry Telmeting	IAM	SUPPORT			727-2266	
EMANUEL ROSARIO	IAM	SUPPORT			734-3522	
JOSEPH J. LEA GUERRERO	IAM	SUPPORT			477-1948	
FRANKLIN TANTERIS	UNITED	SUPPORT			688-2046	
DANIEL S. LUGGS	UNITED	SUPPORT			777-3597	

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GARY D 4470	1Am	SUPPORT			646-4524	AGAPA2004@gmail.com
Matt Martinez	1Am	Support			489-0123	Sam's 711 e Hotmail.com
D. ELONO	1Am	SUPPORT			988-3519	
W TAKEO	1Am	SUPPORT			747-0289	—
Albert Siguencia	1Am	support			989-8077	
MELVIN. NGIRATUMERANG	1AM	Support			483-4744	
ANTERO LLAGAS	1Am	Support			989-9332	Terbeth18@yahoo.com
Robi Bukukosa-Cruz	1Am	Support			483-2977	buki-cruz@yahoo.com
FRANK FERNANDEZ	1Am	SUPPORT			483-1821	frank-fernandez@hotmail.com

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JEAN WA	I AM	SUPPORT			9770062	jeannishi68@gmail.com
Norman N	I AM	SUPPORT			929 8828	Norman.Ngaillesan@gmail.com
J. Terleis	I AM	SUPPORT			488 0366	terleisj@guam.net
Gary Duenas	I AM	SUPPORT			480-6425	duenas.gary@yahoo.com
Emilio BATIN	I AM	SUPPORT			688 6637	lobatan@guam.net
Jim Quigley	I AM	SUPPORT			632-9079	Jim.Quigley@hawaii.com
R. Bersiman	I AM	SUPPORT			488-1324	Robert.Bersiman@gmail.com
Nick Bailas	I AM	SUPPORT			969 7482	Nick.Bailas@unf.edu
DESHAWN Untalan	I AM	SUPPORT			488-7707	deghawn.untalan@gmail.com

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Norbert Quicocho	IAM	support			689-4100	norbert@quicocho.com
Ryan J. Rios	IAM	support			488-7467	ryanrios55@yahoo.com
MINA MANIBUSAN	IAM	support			787-6074	mina.manibusan@gmail.com
John Perez	IAM	support			647-7364	theperez5@hotmail.com
L. TORIASO	IAM	support			645-8400	lisa.toriasco@antel.com
M. AUSTERO		SUPPORT			483-4470	austero64@gmail.com
Jeanne Duenas		support			988-3842	jeanneduenas@gmail.com
Aliza Pison		support			967-3569	aliza.pison@guamcc.edu

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Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreadie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
Maureen Uchellas	United	Support			969-1699	mo.uchellas@gmail.com
BERTHA B. ADIGUE	United	support			929-8261	berthaba1960@gmail.com
Helena LA Perez	United	Support			7	
Jennifer deRosas	United	Support			787-2064	jennifergolens@gmail.com
MARIA ABANTE	United	Support			687-3338	maria.abante@gmail.com
Pamela Balicha	United	Support			645-8123	pbalicha@yahoo.com
VELMA ROBERTO	UNITED	Support			789-1024	velmaogo@aol.com
LENA POTAS	UNITED	Support			727-8035	Lena_527@hotmail.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

PUBLIC HEARING SIGN-IN SHEET

Tuesday, May 3, 2016 • 4:00 P.M.

I Liheslatura • Public Hearing Room • Hagåtña, Guam

Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.

NAME	AGENCY OR ORGANIZATION	SUPPORT? OPPOSE?	WRITTEN TESTIMONY	ORAL TESTIMONY	PHONE NUMBER	EMAIL ADDRESS
SALIM REZA	UNITED	SUPPORT	NO	NO	977-0076	smreza410@gmail.com
SELMA SHIMIZU	UNITED	SUPPORT	NO	NO	486-8769	SELMA.SHIMIZU@LAW
ROY Ebeo	UNITED	SUPPORT	NO	NO	687-5174	eebeo@yahoo.com
Grangelino Arzala	UNITED	SUPPORT	NO	NO	898-9696	esarizala@hotmail.com
JERRY DA CO	UNITED	SUPPORT	NO	NO	687-6071	JERRY2K@yahoo.com
SALAS Joseph	UNITED	SUPPORT	NO	NO	687-5810	msalas
CAMACHO ROY	UNITED	SUPPORT	NO	NO	646-2000	roy.camacho@univ.edu
ALEX CRUZ	UNITED	SUPPORT	NO	NO	686-7243	riodelapitt@hotmail.com
Sandra Santos	UNITED	SUPPORT	NO	NO	687-4545	smgsantos63@gmail.com

Hafa Adai Senators , my name is Anna Alegre-Tupaz. I am here today to express my gratitude to Senator Brant McCreadie and the 12 other Senators who have proposed Bill 298-33 that will allow Guam working family workers a chance to qualify for FMLA to care for their health as well as their family members.

What started out as a personal quest for myself turned into a crusade after finding out that like me, my fellow part time coworker was denied FMLA by few hours to reach the 1250 hour threshold to qualify for FMLA. In another instance, a friend who works within the hotel industry was afraid to take leave to care for her toddler's illnesses in fear that she would lose her job, as she too, felt woefully shy of the minimum number of hours worked to qualify for FMLA. We aren't part-timers who just joined their respective companies. We are loyal and dedicated employees who have been with our companies for at least 15-20 years.

One thing I would like to ask you to consider as well would be to ensure that employers of Guam recognize that jury duty counts towards qualifying hours under the FMLA law. Left to interpretation, companies may not recognize this key civic duty and may not include it in the qualifying hours needed to meet the minimum hours under the FMLA provisions.

Honorable Senators, with your help, this bill would allow the working people of our island to qualify much easier for FMLA and would alleviate the stress of leaving their job in order to care and provide for their families or to participate in their civic duties.

I want to thank you for this opportunity to provide my testimony today and pray that this bill will become law, also I thank all of you for your service to our island and our people.

Sincerely,


Anna M. Alegre-Tupaz

I humbly request to amend the Bill 298-33 with these provisions

1.

Lower the hours needed by 1000 to 900 hours in a qualifying year. By doing so, would allow a part time employee who only works 20 hours a week, in such case it is now at my employment where over 70 percent our part time employees who average 20 to 25 hours a week. Also, most businesses excludes hours taken for vacation and sick which will dramatically drop the hours worked.

2.

To allow any court summoned appearance and or duty such as petit, grand jury and subpoenas to be part of qualifying hours to determine eligibility for family leave, as this was the case that lead me to this quest. I was recently denied FMLA because my company did not include my jury duty hours to qualify for the leave.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryfor Guam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

June 9, 2016


Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

Memorandum

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

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

Vice-Speaker
Benjamin J.F. Cruz
Member

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

Legislative Secretary
Tina Rose Muna Barnes
Member

Subject: **Fiscal Notes and Fiscal Note Waiver**

Senator
Dennis G. Rodriguez, Jr.
Member

Hafa Adai!

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

2016 JUN 10 AM 10:05

Senator
Frank Blas Aguon, Jr.
Member

FISCAL NOTES:

Bill No. 298-33(COR)

Bill No. 317-33(COR)

Bill No. 322-33(COR)

Bill No. 324-33(COR)

Bill No. 329-33(COR)

Senator
Michael F.Q. San Nicolas
Member

Senator
Nerissa Bretania Underwood
Member

FISCAL NOTE WAIVER:

Bill No. 316-33(COR)

V. Anthony Ada
MINORITY LEADER

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

Mary C. Torres
MINORITY MEMBER

Si Yu'os ma'åse'!

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 298-33 (COR)**

AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE.

Department/Agency Appropriation Information

Dept./Agency Affected: Government of Guam Wide	Dept./Agency Head: Eddie Baza Calvo, Governor of Guam
Department's General Fund (GF) appropriation(s) to date:	-
Department's Other Fund (Specify) appropriation(s) to date:	-
Total Department/Agency Appropriation(s) to date:	\$0

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2015 Unreserved Fund Balance		\$0	\$0
FY 2016 Adopted Revenues	\$0	\$0	\$0
FY 2016 Appro. (P.L. 33-66 thru P.L. 33-149)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2016 (If applicable)	FY 2017	FY 2018	FY 2019	FY 2020
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / / Yes /X/ No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? /X/ N/A / / Yes / / No
If no, what is the additional amount required? \$ /X/ N/A
3. Does the Bill establish a new program/agency? / / Yes /X/ No
If yes, will the program duplicate existing programs/agencies? /X/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /X/ No
4. Will the enactment of this Bill require new physical facilities? / / Yes /X/ No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /X/ Yes / / No
/X/ Requested agency comments not received by due date 4/26/16 / / Other:

Analyst: Chafn Date: 6/2/16 Director: Jose S. Calvo JUN 03 2016
Virginia Mangiona, BMA II Jose S. Calvo, Director

Footnotes:

/ / See attached comments.

Comments on Bill No. 298-33 (COR)

The intent of the proposed legislation is to add two (2) new Articles, Article 6 and 7 to Chapter 3, Title 22 of the Guam Code Annotated. The Article 6 is relative to the Guam Family Medical Leave Act; and Article 7 is relative to Child School-Related Leave.

Section 1, Article 6 §3602 relative to the Eligibility Requirements (a), reduces the number of hours of service with the employer from 1,250 hours as stated on the U.S. Department of Labor, Family Medical Leave Act (FMLA) to 1,000 hours to take up to a total of 12 workweeks in any 12 month period for family care and medical leave. This is a difference of 250 hours which equates to approximately 31 work days less to qualify. Eligibility Requirements (b), reduces the number of employees an employer employs to grant the request for FMLA from 50 to fewer than 25 employees and shall not be unlawful for an employer to refuse to grant such request.

Section 2, Article 7 §3703 adds the Leave for Child School-Related Purposes. §3703 (a) (1) relative to the Leave for child school-related purposes, an employer shall not discharge or discriminate against an employee who is a parent of one or more children to take up to 40 hours each year for the following child-related activities; to enroll or reenroll the child in school or licensed child care provider or to participate in the activities, and to address a child care provider or school emergency

Should the Bill become law it will establish the Guam Family Medical Leave Act similar to the U.S. Department of Labor, Family Medical Leave Act and the Child School-Related Leave Act similar to the Parental Involvement created via E.O. 98-20. There will be a financial impact on the Government of Guam which cannot be determined at this time absent additional information from the Department of Administration.

However, it should be noted that should department heads fill positions left temporarily vacant by employees who take leave pursuant to provisions therein, detailed employees who serve beyond thirty (30) days are compensable for that period pursuant to the Government of Guam's Personnel Rules and Regulations.



COMMITTEE ON RULES

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

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: 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

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Member

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Legislative Secretary
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Senator
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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

April 18, 2016

MEMORANDUM

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

Attorney Therese M. Terlaje
Legislative Legal Counsel

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

Subject: **Referral of Bill No. 298-33(COR)**

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 298-33(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
298-33 (COR)	Brant T. McCreadie Michael F.Q. San Nicolas R. J. Respicio Tommy Morrison N. B. Underwood, Ph.D. V. Anthony Ada T. R. Muña Barnes Mary Camacho Torres Frank F. Blas, Jr. B. J.F. Cruz Dennis G. Rodriguez, Jr. James V. Espaldon	AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE.	04/18/16 12:17 p.m.	04/18/16	Committee on Rules, Federal, Foreign and Micronesia Affairs, Human and Natural Resources, Election Reform and Capitol District			

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 Guåban
THIRTY-THIRD GUAM LEGISLATURE

April 26, 2016

MEMORANDUM

**To: All Members
All Media**

From: Senator Rory J. Respicio
Chairman

Subject: First Notice of Public Hearing-- Tuesday, May 3, 2016

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 **Tuesday, May 3, 2016** the Legislature's Public Hearing Room:

4:00 P.M. Public Hearing

- **Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreadie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.**

5:30 P.M. Public Hearing

- **Bill No. 300-33 (COR)- "AN ACT TO AUTHORIZE INDIVIDUAL SENATORS TO VOLUNTARILY REDUCE THEIR SALARIES BY STATUTE," by Senator N. B. Underwood, Ph.D.**

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 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 my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os Ma'åse'!*

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



Mary Maravilla <marym@guamlegislature.org>

First Notice of Public Hearing-- Tuesday, May 3, 2016

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

Tue, Apr 26, 2016 at 1:20 PM

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" <sensorsannicolas@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>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, John Oconor <john@postguam.com>

Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Vince Arriola <vpamiola@guamlegislature.org>, Therese Terlaje <legislativecounsel@guamlegislature.org>, mis <mis@guamlegislature.org>, av@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>

Bcc: marym@guamlegislature.org

April 26, 2016

MEMORANDUM

To: All Members

All Media

From: Senator Rory J. Respicio

Chairman

Subject: First Notice of Public Hearing-- Tuesday, May 3, 2016

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 **Tuesday, May 3, 2016** the Legislature's Public Hearing Room:

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F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.

5:30 P.M. Public Hearing

- **Bill No. 300-33 (COR)- "AN ACT TO AUTHORIZE INDIVIDUAL SENATORS TO VOLUNTARILY REDUCE THEIR SALARIES BY STATUTE," by Senator N. B. Underwood, Ph.D.**

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 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 my office at (671) 472-7679 or by e-mail at 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

3 attachments



2016.04.26_RJR PH First Notice for 2016.05.03.pdf
197K



Bill No. B298-33 (COR).pdf
840K

Bill No. B300-33 (COR).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

April 28, 2016

MEMORANDUM

To: All Members
All Media

From: Senator Rory J. Respicio
Chairman

Subject: Second Notice of Public Hearing– Tuesday, May 3, 2016

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 **Tuesday, May 3, 2016** the Legislature's Public Hearing Room:

4:00 P.M. Public Hearing

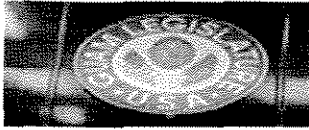
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5:30 P.M. Public Hearing

- **Bill No. 300-33 (COR)**- "AN ACT TO AUTHORIZE INDIVIDUAL SENATORS TO VOLUNTARILY REDUCE THEIR SALARIES BY STATUTE," by **Senator N. B. Underwood, Ph.D.**

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 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 my office at (671) 472-7679 or by e-mail at etajalle@guamlegislature.org. *Si Yu'os Ma'åse'!*

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



Mary Maravilla <marym@guamlegislature.org>

Second Notice of Public Hearing-- Tuesday, May 3, 2016

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

Thu, Apr 28, 2016 at 1:41 PM

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@judiwpnpat.com>, Mary Camacho <marycamachotorres@gmail.com>, "Michael F. Q. San Nicolas" <senatorsannicolas@gmail.com>, Nerissa Underwood <senatorunderwood@guamlegislature.org>, "Thomas (Tommy) Morrison" <tommy@senatormomison.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>, "news@guampdn.com" <news@guampdn.com>, "news@k57.com" <news@k57.com>, John Oconor <john@postguam.com>
Cc: Guam Legislature Clerks <clerks@guamlegislature.org>, Vince Arriola <vparriola@guamlegislature.org>, Therese Terlaje <legislativecounsel@guamlegislature.org>, mis <mis@guamlegislature.org>, av@guamlegislature.org, Tom Unsiog <sgtarms@guamlegislature.org>
Bcc: marym@guamlegislature.org

April 28, 2016

MEMORANDUM

To: All Members

All Media

From: Senator Rory J. Respicio

Chairman

Subject: Second Notice of Public Hearing-- Tuesday, May 3, 2016

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 **Tuesday, May 3, 2016** the Legislature's Public Hearing Room:

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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

3 attachments



2016.04.28_RJR PH Second Notice for 2016.05.03.pdf

197K



Bill No. B300-33 (COR).pdf

112K

Bill No. B298-33 (COR).pdf

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action@weareguahan.com	communications@guam.gov	jennifer.lj.dulla@gmail.com
admin@frankaguonjr.com	cor@guamlegislature.org	jean@tinamunabarnes.com
admin@guamrealtors.com	coy@senatorada.org	joan@kuam.com
admin@weareguahan.com	danireyes@senatorbjcruz.com	joe@toduguam.com
admin2@guamrealtors.com	dcrisost@guam.gannett.com	joesa@guamlegislature.org
aguon4guam@gmail.com	debbieretuyan@judiwonpat.com	john.calvo@noaa.gov
agusto.aflague@gmail.com	delisleduenas@judiwonpat.com	john@postguam.com
ahernandez@guamlegislature.org	desori623@hotmail.com	johnluces@toduguam.com
alerta.jermaine@gmail.com	cyrus@senatorada.org	johntaoconnor@gmail.com
aline4families@gmail.com	divider_j_jimenez@hotmail.com	jon.calvo@mail.house.gov
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amandalee.shelton@mail.house.gov	dmgeorge@guampdn.com	jpmanuel@gmail.com
amcborja@gmail.com	duenasenator@gmail.com	jstedtaotao@gmail.com
amier@mvguam.com	ed@tonyada.com	jtenorio@guamcourts.org
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ang.duenas@gmail.com	editor@postguam.com	juliette@senatorada.org
ann@toduguam.com	editor@saipantribune.com	kai@spbgum.com
assist_editor@glimpsesofguam.com	edpocague@judiwonpat.com	kcharfauros74@gmail.com
ataligba@gmail.com	eflores@senatorbjcruz.com	ken.kelly@gmail.com
av@guamlegislature.org	elena.garcia@senatorbjcruz.com	keepinginformed.671@gmail.com
avon.guam@gmail.com	emqcho@gmail.com	kelly.toves@mail.house.gov
baza.matthew@gmail.com	eo@guamrealtors.com	kennylg@guamlegislature.org
bdydasco@senatorada.org	etajalle@guamlegislature.org	kenq@kuam.com
bernice@tinamunabarnes.com	ewinstoni@yahoo.com	khmg@hbcguam.net
berthaduenas@guamlegislature.org	fbtorres@judiwonpat.com	koreannews@guam.net
bmkelman@guampdn.com	fes22744@gmail.com	koreatv@kuentos.guam.net
brantforguam@gmail.com	flores@senatorada.org	kstokish@gmail.com
bruce.lloyd.media@gmail.com	frank.blasjr@gmail.com	kstonews@ite.net
bshringi@moylans.net	frank@judiwonpat.com	kurtzman.guamlegis@gmail.com
carlaborja.73@yahoo.com	frank@mvguam.com	law@guamag.org
carlo.branch@gmail.com	germy@postguam.com	legislativecounsel@guamlegislature.org
carlo.branch@senatorbjcruz.com	germypartido@gmail.com	leling@judiwonpat.com
carlsanchez@judiwonpat.com	ginafflores2595@gmail.com	life@guampdn.com
carlsonc@pstripes.osd.mil	gktv23@hotmail.com	ljalcario@gmail.com
ccastro@guamchamber.com.gu	guadalupeignacio@gmail.com	llmatthews@guampdn.com
ccharfauros@guamag.org	guam.avon@gmail.com	louella@mvguam.com
ccolbert@guamlegislature.org	guam@pstripes.osd.mil	louise@tonyada.com
cheerfulcatunao@yahoo.com	guamnativesun@yahoo.com	m.salaila@yahoo.com
christine.quinata@takecareasia.com	hana@guam-shinbun.com	managingeditor@glimpsesofguam.com
chucktanner@toduguam.com	hermina.certeza@senatorbjcruz.com	mabuhaynews@yahoo.com
cipo@guamlegislature.org	hill.bruce@abc.net.au	mahoquinene@guam.net
clerks@guamlegislature.org	hottips@kuam.com	malainse@gmail.com
clynt@spbgum.com	info@chinesetimesguam.com	maria.pangelinan@gec.guam.gov
cmduenas@guamlegislature.org	ihernandez@guamlegislature.org	marycamachotorres@gmail.com
committee@frankaguonjr.com	jason@kuam.com	maryfejeran@gmail.com
communications@frankaguonjr.com	jason@senatormorrison.com	marym@guamlegislature.org

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marilyntablante@gmail.com	senator@tinamunabarnes.com
marvic@mvguam.com	senatorbrantmccreadie@gmail.com
matthew.santos@senatorbjcrúz.com	senatordrodriguez@gmail.com
mearlson@guamlegislature.org	senatorsannicolas@gmail.com
mepherson.kathryn@abc.net.au	senatortonyada@guamlegislature.org
meruz@hitradio100.com	senatorunderwood@guamlegislature.org
media@frankaguonjr.com	senjvespaldon@gmail.com
menchu@toduguam.com	sgtarms@guamlegislature.org
millie@tinamunabarnes.com	sitarose2@yahoo.com
mindy@kuam.com	sixquintanilla@gmail.com
mis@guamlegislature.org	slimtiaco@guampdn.com
mlwheeler2000@yahoo.com	smendiola@guamlegislature.org
monty.mcdowell@amiguam.com	sonedera-salas@guamlegislature.org
mspeps4873@gmail.com	speaker@judiwonpat.com
mwatanabe@guampdn.com	staff@frankaguonjr.com
natasha@toduguam.com	stephaniemendiola@gmail.com
news@guampdn.com	tasigirl@gmail.com
news@spbgum.com	tcastro@guam.net
nick@kuam.com	team5andahalfstar@gmail.com
norman.aguilar@guamcc.edu	telo.taitague@visitguam.org
nsantos@guamlegislature.org	tessa@senatorbjcrúz.com
office@senatorada.org	tina.alicto@yahoo.com
officeassistant@frankaguonjr.com	tina@tinamunabarnes.com
oliviampalacios@gmail.com	tjtaitano@cs.com
onlyongum@acubedink.com	tom@senatorada.org
orleen@senatorbjcrúz.com	tommy@senatormorrison.com
oyaol.ngirairiki@gmail.com	tony@senatorada.org
pacificjournalist@gmail.com	tony@tonyada.com
parroyo@k57.com	tritten@pstripes.osd.mil
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responsibleguam@gmail.com	ylee2@guam.gannett.com
rfteehan@yahoo.com	30thguamyouthcongress@gmail.com
rgibson@k57.com	
ricknauta@hitradio100.com	
rlimtiaco@guampdn.com	
robert@postguam.com	
rolly@ktkb.com	
roryforguam@gmail.com	
rowena@senatormorrison.com	
sabrina@kuam.com	
sarah.elmore@senatorbjcrúz.com	
senator@senatorbjcrúz.com	

SENATOR RORY J. RESPICIO

MAJORITY LEADER

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

PUBLIC HEARING

Tuesday, May 3, 2016

Legislature's Public Hearing Room • Hagåtña, Guam

AGENDA

- I. Call to Order
- II. Announcements
- III. Items for Public Consideration

4:00 P.M. Public Hearing

- **Bill No. 298-33 (COR)- "AN ACT TO ADD A NEW ARTICLE 6 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FAMILY AND MEDICAL LEAVE ACT; AND TO ADD A NEW ARTICLE 7 TO CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CHILD SCHOOL-RELATED LEAVE," by Senators Brant T. McCreddie, Michael F.Q. San Nicolas, R. J. Respicio, Tommy Morrison, N. B. Underwood, Ph.D., V. Anthony Ada, T. R. Muña Barnes, Mary Camacho Torres, Frank F. Blas, Jr., B. J.F. Cruz, Dennis G. Rodriguez, Jr., James V. Espaldon and T. C. Ada.**

5:30 P.M. Public Hearing

- **Bill No. 300-33 (COR)- "AN ACT TO AUTHORIZE INDIVIDUAL SENATORS TO VOLUNTARILY REDUCE THEIR SALARIES BY STATUTE," by Senator N. B. Underwood, Ph.D.**

- IV. Closing Remarks
- V. Adjournment

For copies of the above mentioned bills, please visit the Guam Legislature's website at 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, Hagatna, Guam 96910 or via e-mail to cor@guamlegislature.com. 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'!*