



# COMMITTEE ON RULES

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

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July 10, 2015

## Memorandum

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

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

**Subject:** Fiscal Notes

*Hafa Adai!*

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

### FISCAL NOTES:

Bill No. 85-33 (COR)

Bill No. 128-33 (COR)

Bill No. 131-33 (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**  
**Fiscal Note of Bill No. 128-33 (LS) *cup***

**AN ACT TO ADD A NEW CHAPTER 17 TO 4 GCA, RELATIVE TO THE CREATION OF THE "CATASTROPHIC LEAVE POOL ACT OF 2015".**

**Department/Agency Appropriation Information**

<b>Dept./Agency Affected: All Government of Guam Departments / Agencies</b>		<b>Dept./Agency Head: Eddie Baza Calvo, Governor of Guam</b>	
Department's General Fund (GF) appropriation(s) to date: (P.L. 32-181 - P.L. 33-55)		648,094,811	
Department's Other Fund (Specify) appropriation(s) to date: (P.L. 32-181 - P.L. 33-55)		185,578,149	
<b>Total Department/Agency Appropriation(s) to date:</b>		<b>833,672,960</b>	

**Fund Source Information of Proposed Appropriation**

	General Fund:	(Specify Special Fund):	Total:
FY 2014 Unreserved Fund Balance		\$0	\$0
FY 2015 Adopted Revenues	\$0	\$0	\$0
FY 2015 Appro. (P.L. 32-181 thru 33-07)	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
<b>Total:</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**Estimated Fiscal Impact of Bill**

	One Full Fiscal Year	For Remainder of FY 2015 (if applicable)	FY 2016	FY 2017	FY 2018	FY 2019
General Fund	\$0	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
<b>Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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? \$ \_\_\_\_\_ // 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  
 // Requested agency comments not received by due date      // Other:

Analyst: Virginia Mangiona Date: 7/7/15 Director: José S. Calvo **JUL 10 2015**  
 Virginia Mangiona, BMA II      José S. Calvo, Director

Footnotes:  
 1/ See attached comments.

## Bureau of Budget & Management Research

Comments on Bill No. 128-33 (LS) *ave*

The intent of the proposed legislation is to add a new Chapter 17 to 4 GCA, relative to the creation of the "Catastrophic Leave Pool Act of 2015" which will allow employees who have been certified as having catastrophic illness to receive donated sick leave in excess of the maximum allowed under the Family and Medical Leave Act of twelve (12) weeks in any 12 month period. This legislation will create a separate pool where donated sick leave hours may be deposited and accessing these donated hours shall mirror the established procedures for leave sharing, with the exception of the cap on the number of weeks that an employee can receive donated hours, the number of weeks that can be donated and the need to designate the recipient of the donated leave.

The Government of Guam currently has a Leave Sharing Program in place pursuant 4 GCA, Chapter 4, Article 1, §4109.2. This program allows an employee to transfer a number of hours of earned sick leave and annual leave to another employee in any department or agency of the Government of Guam under certain conditions. Such donated leave may be used when the employee is sick, needs to care for sick family members or for military service. Initial participation in the program shall not exceed ninety (90) working days. An additional ninety (90) working days may be authorized if certified by the employee's attending doctor while a final thirty (30) working days may be granted if additional certification is received from the attending doctor for purposes of recovery. That said, the maximum authorized leave that an employee may use from this program is two hundred ten (210) working days, which is the equivalence of 42 weeks or 1,680 work hours.

Per information received from the Department of Administration, as of Pay Period Ending June 13, 2015, there are approximately twenty-three (23) executive line department employees participating in the Leave Sharing Program who have used approximately 10,368 hours of donated sick and annual leave from August 2013 through June 2015. Of the 23 employees participating in the program, only 1 has reached the (1,680 hour) maximum of the program.

Currently, it appears that the Government of Guam's existing Leave Sharing Program is sufficient to cover employees claiming coverage by the federal Family & Medical Leave Act (FMLA). The Act provides coverage for up to a maximum of sixty (60) working days, which is the equivalence of twelve (12) weeks or 480 work hours in any 12 month period. The only exception may be if an employee requests for FMLA coverage over a period of several years thereby reaching the Leave Sharing Program cap of 1,680 hours. If so, other options may be explored such as application for medical disability retirement, etc.

Applying the average hourly rate of the aforementioned 23 employees in the program (\$20.44 / hour), should an additional 12 weeks of 'catastrophic' leave be authorized per the subject Bill, the estimated cost is approximately \$12,757 per employee (salaries and benefits). There may be other costs to the Government of Guam including detail compensation or overtime costs for coverage of the absent employee's duties. A thorough fiscal impact cannot be provided at this time absent information on eligibility requirements, etc. However, if long-term absence from work is required, there are other options that may be available to the employee including medical disability retirement, etc., which may benefit both the employee and the Government of Guam.