



Office of the Governor of Guam

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Felix P. Camacho
Governor

Michael W. Cruz, M.D.
Lieutenant Governor

The Honorable Judith T. Won Pat, Ed.D.
Speaker
Mina' Trenta Na Liheslaturan Guåhan
155 Hessler Street
Hagåtña, Guam 96910

30-09-0298
Office of the Speaker
Judith T. Won Pat, Ed. D.
Date 3/29/09
Time
Received by [Signature]

2009 MAR -5 AM 9:42
04 MAR 2009

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 356 (LS), "AN ACT TO ADD A NEW ARTICLE 1A AND A NEW § 4119.1 TO CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED RELATIVE TO CREATING A MILITARY FAMILY LEAVE ACT OF GUAM," that I signed into law on January 30, 2009 as Public Law 29-149.

The bill provides leave without pay to government of Guam family members and authorized representatives of a qualified member of the military deployed during a period of military conflict. Because the bill does not establish parameters with some of its provisions, the bill could have unintentional consequences.

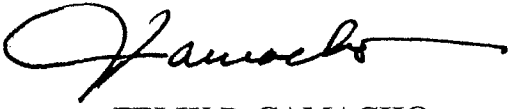
For example, the bill does not define an authorized representative of a qualified service member. Potentially anyone could be designated as an authorized representative by a qualified service member and therefore eligible for military family leave. Further, the bill does not appear to limit the designation by the qualified service member and could exponentially increase the number of qualified employees per qualified service member. It is unclear whether this is the intent of the Act.

In addition, the law provides leave to qualified employees if the qualified service member is deployed during a period of military conflict. This could apply to qualified service members deployed to Guam from Guam. Again, it is unclear whether this is the intent of the Act.

It is unclear whether the military family leave is meant to apply to anyone designated as an authorized representative of a qualified service member and whether it is meant to apply to service members deployed to Guam from Guam. It seems the law could impact productivity in the workplace.

Therefore, I respectfully recommend we revisit and amend the law to ensure the intent to allow leave for military family members of qualified service members deployed from Guam to designated combat zones is clearly established in the Act.

Sinseru yan Magåhet,

A handwritten signature in black ink, appearing to read 'Camacho', with a long horizontal flourish extending to the right.

FELIX P. CAMACHO
I Maga'låhen Guåhan
Governor of Guam

Attachment: copy of Bill

I MINA'BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session


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

This is to certify that **Bill No. 356 (LS)**, "AN ACT TO ADD A NEW ARTICLE 1A AND A NEW § 4119.1 TO CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO CREATING A MILITARY FAMILY LEAVE ACT OF GUAM ", was on the 23rd day of December, 2008, duly and regularly passed.



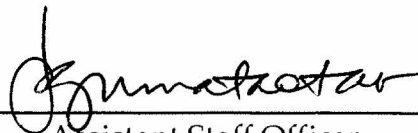
Judith T. Won Pat, Ed. D.
Speaker

Attested:



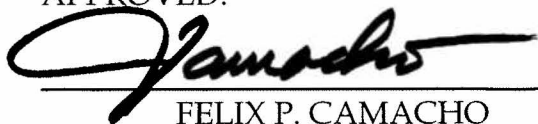
Tina Rose Muña Barnes
Senator and Secretary of the Legislature

This Act was received by *I Maga'lahaen Guåhan* this 31 day of Dec, 2008, at
3:10 o'clock P.M.



Assistant Staff Officer
Maga'lahaen's Office

APPROVED:



FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: 30 JAN 2009

Public Law No. 29-149

I MINA'BENTE NUEBI NA LIHESLATURAN GUÁHAN
2008 (SECOND) Regular Session

Bill No. 356 (LS)

As amended by the Author
and further amended.

Introduced by:

Judith P. Guthertz, DPA
B. J.F. Cruz
R. J. Respicio
Frank F. Blas, Jr.
Edward J.B. Calvo
James V. Espaldon
Mark Forbes
Frank T. Ishizaki
J. A. Lujan
Tina Rose Muña Barnes
A. B. Palacios, Sr.
v. c. pangelinan
Dr. David L.G. Shimizu
Ray Tenorio
Judith T. Won Pat, Ed.D.

**AN ACT TO *ADD* A NEW ARTICLE 1A AND A NEW § 4119.1
TO CHAPTER 4 OF TITLE 4 OF THE GUAM CODE
ANNOTATED, RELATIVE TO CREATING A MILITARY
FAMILY LEAVE ACT OF GUAM.**

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

2 **Section 1.** A new Article 1A is hereby *added* to Title 4 of the Guam Code
3 Annotated, to read:

4 **“Article 1A**

5 **Military Family Leave Act of Guam**

6 **§4A101. Title.**

7 **§4A102. Purpose.**

1 **§4A103. Definitions.**

2 **§4A104. Leave Required.**

3 **§4A105. Provisions.**

4 **§4A101. Title.** Article 1A of Title 4, Guam Code Annotated, is hereby
5 created to make its title the *Military Family Leave Act of Guam (MFLAG)* and
6 throughout the Chapter the acronym *MFLAG* will be referred to as this Act.

7 **§4A102. Purpose.** In order to serve the families of those troops currently
8 serving in military conflicts in Iraq, Afghanistan, and throughout the world,
9 serving in the Global War on Terrorism, and to assure that these families are
10 able to spend time together during the qualified service member's leave to and
11 from deployment, to include pre-deployment, post-deployment, during
12 deployment, any return for Rest and Relaxation (R&R) leave during
13 deployment *or* reintegration from deployment, and to handle their personal
14 affairs by their spouse *or* designated next of kin *or* attorney-in-fact, it is
15 necessary that this Act take effect immediately.

16 **§4A103. Definitions.** The following definitions *shall* be used in
17 interpreting this Article.

18 (a) *Qualified Employee* means a person who satisfies all of the
19 following:

20 (1) Is the spouse, authorized representative, designated
21 next of kin, *or* attorney-in-fact of a qualified member.

22 (2) Performs service for hire for an employer for an
23 average of twenty (20) *or* more hours per week, but does *not*
24 include an independent contractor.

25 (3) Provides the qualified employer with notice, within
26 two (2) business days of receiving official notice that the qualified

1 member will be on leave from deployment, of his *or* her intention
2 to take the leave provided for in §4A104 of this Article as
3 requested.

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

8 (b) *Qualified Employer* means any government of Guam
9 instrumentality, Military related unit on Guam, municipal village
10 instrumentality, public authority, *or* any other governmental entity on
11 Guam subdivision, that employs fifteen (15) *or* more employees.

12 (c) *Period of military-conflict* means either of the following:

13 (1) A period of war declared by the United States
14 Congress;

15 (2) A period of deployment for which a member of a
16 reserve component is ordered to active duty pursuant to either of
17 the following: (i) Sections 12301 and 12302 of Title 10 of the
18 United States Code, *or* (ii) Title 32 of the United States Code.

19 (d) *Qualified Service Member* means a person who is any of the
20 following:

21 (1) A service member of the Armed Forces of the United
22 States who has been deployed during a period of military conflict
23 to an area designated as a combat theater *or* combat zone by the
24 President of the United States; *or*

25 (2) A service member of the National Guard who has
26 been deployed during a period of military conflict; *or*

1 (3) A service member of the Reserves who has been
2 deployed during a period of military conflict.

3 (e) *Qualified leave period* means the period during which the
4 qualified service member is on leave from deployment during a period of
5 military conflict, to include pre-deployment, post deployment, return for
6 rest and relaxation (R&R), reintegration, *or* after deployment.

7 **§4A104. Leave Required.** Notwithstanding any other provision of law,
8 a qualified employer may allow a qualified employee to take *up to* fifteen (15)
9 days of unpaid leave during a qualified leave period.

10 **§4A105. Provisions.**

11 (a) A qualified employer *shall not* retaliate against a qualified
12 employee for requesting *or* taking the leave provided for in this Section.

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

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

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

20 **"§4119.1. Military Family Leave Act.** The provisions of the Military
21 Family Leave Act of Guam (MFLAG) contained in Article 1A of Title 4, Guam
22 Code Annotated, *shall* apply to all qualified employees of the government of
23 Guam as defined in this Chapter."