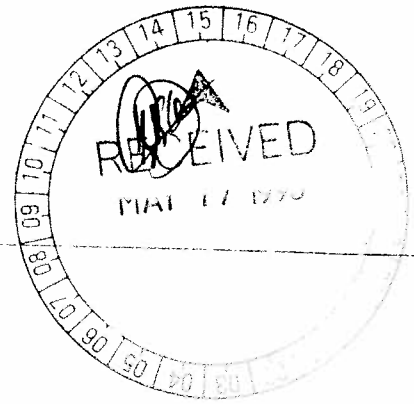


Territory of Guam
Territorio de Guam

OFFICE OF THE GOVERNOR
PESIN ANI MAGA LAHI
AGANA, GUAM 96910 U.S.A.



MAY 07 1993

The Honorable Joe T. San Agustin
Speaker, Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 306 which I have signed into law this date as
Public Law 22-10.

Sincerely yours,

Joseph F. Ada
JOSEPH F. ADA
Governor of Guam

Attachment

Herbert P.C. Santos
~~Herbert P.C. SANTOS~~
Speakers Office
Date 5/7/93 Time 3:30 pm



TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session


CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 306 (COR), "AN ACT TO ADD A NEW §4109.1 TO TITLE 4, GUAM CODE ANNOTATED, TO ALLOW GOVERNMENT OF GUAM EMPLOYEES TO VOLUNTARILY GIVE THEIR ANNUAL LEAVE OR SICK LEAVE TO ANOTHER GOVERNMENT EMPLOYEE NEEDING THE SAME," was on the 24th day of April, 1993, duly and regularly passed.



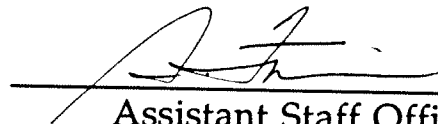
JOE T. SAN AGUSTIN
Speaker

Attested:



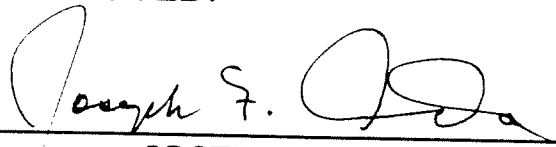
PILAR C. LUJAN
Senator and Legislative Secretary

This Act was received by the Governor this 26th day of April
1993, at 3:34 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



JOSEPH F. ADA
Governor of Guam

Date: May 7, 1993

Public Law No. 22-10

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 306 (COR)

As amended by the Committee on
General Governmental Operations,
as further amended by the Committee
on Rules, and as further substituted
on the floor.

Introduced by:

T. S. Nelson
H. D. Dierking
T. C. Ada

J. P. Aguon
E. P. Arriola
M. Z. Bordallo
C. T. C. Gutierrez
P. C. Lujan
V. C. Pangelinan
D. Parkinson
E. D. Reyes
J. T. San Agustin
F. R. Santos
D. L. G. Shimizu
J. G. Bamba
A. C. Blaz
D. F. Brooks
F. P. Camacho
M. D. A. Manibusan
T. V. C. Tanaka
A. R. Unpingco

AN ACT TO ADD A NEW §4109.1 TO TITLE 4, GUAM
CODE ANNOTATED, TO ALLOW GOVERNMENT OF
GUAM EMPLOYEES TO VOLUNTARILY GIVE THEIR
ANNUAL LEAVE OR SICK LEAVE TO ANOTHER
GOVERNMENT EMPLOYEE NEEDING THE SAME.

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

1 **Section 1.** A new §4109.1 is hereby added to Title 4, Guam Code
2 Annotated, to read:

3 "§4109.1. (a) **Legislative statement.** From time to time,
4 classified employees in the civil service of the government of Guam
5 have occasion to need leave for personal reasons but may have
6 already exhausted the leave that they have earned and accrued. At
7 times like these, particularly when the employee needs time off to
8 take care of sick family members, the employee might be forced to
9 take leave without pay. Through the generosity of other employees,
10 the affected employees could be relieved of the stress of this
11 situation.

12 (b) **Voluntary transfer of sick leave or annual**
13 **leave.** Whenever a government of Guam employee desires to
14 transfer a number of hours of earned sick leave or annual leave to
15 another employee in any department or agency of the government, a
16 formal written request shall be made by the donor employee to his
17 payroll supervisor, stating the name of the recipient, the number of
18 hours of leave to be transferred and the type of leave. Such transfers
19 of leave are subject to the following limitations:

20 (i) No transfer shall be made between employees of
21 separate branches of the government of Guam unless the
22 person to whom the leave is transferred is within the fourth
23 degree of consanguinity of the transferring employee;

24 (ii) Only leave in excess of forty (40) hours for sick leave
25 and forty (40) hours for annual leave may be transferred; and

26 (iii) No transfer may be made by any employee to his or
27 her supervisor or to any person above him or her in the

1 supervisory chain, or to a member of the supervisor's or such
2 supervisory person's immediate family.

3 If the donor has sufficient hours of leave accrued to cover the
4 donation, the payroll supervisor shall notify the Payroll Division to
5 transfer the approved number of hours to the recipient. Upon receipt
6 of the notice of transfer, the receiving employee may then submit a
7 leave request for the number of hours of leave, sick or annual, that
8 the employee needs and the department head shall then approve the
9 leave request. Leave may not be transferred to another employee if
10 as recipient he or she intends to use it for credit towards retirement
11 or accumulated leave. This transfer of leave shall be strictly on a
12 voluntary basis. Leave transferred shall be used as leave by the
13 person to whom it is transferred and if it is not used in its entirety it
14 may be re-transferred to the person who originally earned it. In no
15 event shall transferred leave be converted to cash or retirement
16 credit by the person to whom it is transferred."

17 **Section 2.** The Department of Administration shall establish a leave
18 sharing program for the Executive Branch pursuant to Section 1 of this Act to
19 be implemented in the same manner as other personnel rules and regulations.
20 The Department of Administration shall submit for adoption to the Civil
21 Service Commission the proposed personnel rules and regulations
22 promulgating the leave sharing program authorized by Section 1 of this Act
23 within one hundred eighty (180) days from the date of enactment of this Act.

TWENTY-SECOND GUAM LEGISLATURE

1993 (FIRST) Regular Session

Date: 4/24/93

VOTING SHEET

Bill No. 306

Resolution No. _____

Question: _____

NAME	AYE	NO	NOT VOTING/ ABSTAN	ABSENT/ OUT DURING ROLL CALL
ADA, Thomas C.	✓			
AGUON, John P.	✓			
ARRIOLA, Elizabeth P.	✓			
BAMBA, J. George	+	✓		
BLAZ, Anthony C.	+		✓	
BORDALLO, Madeleine Z.	✓			
BROOKS, Doris F.		✓		
CAMACHO, Felix P.		✓		
DIERKING, Herminia D.	✓			
GUTIERREZ, Carl T. C.	✓			
LUJAN, Pilar C.	✓			
MANIBUSAN, Marilyn D. A.	+	✓		
NELSON, Ted S.	✓			
PANGELINAN, Vicente C.	✓			
PARKINSON, Don	✓			
REYES, Edward D.	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Francisco R.	✓			
SHIMIZU, David L. G.	✓			
TANAKA, Thomas V. C.		✓		
UNPINGCO, Antonio R.				✓

TOTAL

15 4 1 1



SENATOR TED S. NELSON

Chairman

Committee on General Governmental Operations & Micronesia Affairs

Twenty-Second Guam Legislature

297-B West O'Brien Drive, Agaña, Guam 96910

Telephones: 472-3446 ~ 8/472-3501

April 13, 1993

Honorable Joe T. San Agustin
Speaker
21st Guam Legislature
155 Hessler Street
Agana, Guam 96910

Dear Mr. Speaker:

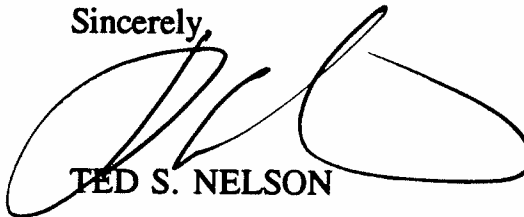
The Committee on General Governmental Operations and Micronesia Affairs, to which was referred **Bill No. 306** (*An Act to provide for Government employees to voluntarily give their annual leave or sick leave to another employee who is in need*) has had the same consideration and now wishes to report back the same with the recommendation to **do pass as amended.**

The Committee votes are as follows:

To do pass	<u>7</u>
Not to pass	<u>0</u>
To place in inactive file	<u>0</u>
Abstain	<u>2</u>

A copy of the Committee Report and other pertinent documents are enclosed for your reference and information.

Sincerely,



TED S. NELSON



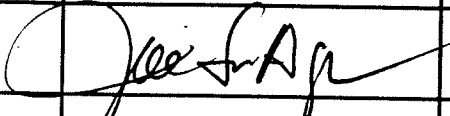

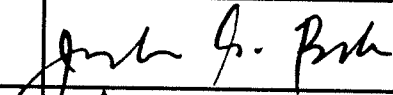
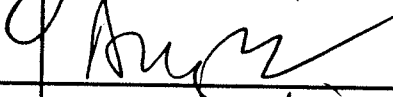




Enclosures

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS**

VOTE SHEET ON BILL NO. 306

**(AN ACT TO PROVIDE FOR GOVERNMENT EMPLOYEES TO
VOLUNTARILY GIVE THEIR ANNUAL LEAVE OR SICK
LEAVE TO ANOTHER EMPLOYEE WHO IS IN NEED)**

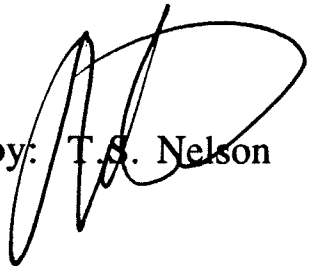
RECOMMENDATION TO DO PASS AS AMENDED

Committee Members	Signature	To Do Pass	Not To Pass	Place in the Inactive File	Abstain
Senator Ted S. Nelson Chairman		✓			
Senator Edward D. Reyes Vice-Chairman		✓			
Speaker Joe T. San Agustin Ex-Officio Member					✓
Senator Thomas C. Ada Member		✓			
Senator J. George Bamba Member		✓			
Senator Anthony C. Blaz Member		✓			
Senator Herminia D. Dierking Member		✓			
Senator Carl T.C. Gutierrez Member					✓
Senator Marilyn D.A. Manibusan Member					
Senator Vicente C. Pangelinan Member		✓			
Senator Thomas V.C. Tanaka Member					

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

Bill No. 306

As Amended by the Committee on
General Governmental Operations
and Micronesian Affairs

Introduced by:  T.S. Nelson

AN ACT TO PROVIDE FOR GOVERNMENT
EMPLOYEES TO VOLUNTARILY GIVE THEIR
ANNUAL LEAVE OR SICK LEAVE TO
ANOTHER EMPLOYEE WHO IS IN NEED.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3 **Section 1.** From time to time, classified employees in the civil
4 service of the government of Guam have occasion to need leave for
5 personal reasons but may have already exhausted the leave that they
6 have earned and accrued. As times like these, particularly when the
7 employee needs time off to take care of sick family members or similar
8 crises, the employee might be forced to take leave without pay.
9 Through the generosity of other employees, the affected employees
10 could be relieved of the stress of this type of situation.

1 **Section 2.** Whenever a government of Guam employee desires
2 to transfer a number of hours of earned sick leave or annual leave to
3 another employee in any department or agency of the government, a
4 formal written request shall be made by the donor employee to his
5 payroll supervisor, stating the name of the recipient, the number of
6 hours of leave to be transferred and the type of leave. Provided the
7 donor has sufficient hours of leave accrued to cover the donation, the
8 payroll supervisor shall notify the Payroll Division to transfer the
9 approved number of hours to the recipient. Upon receipt of the notice
10 of transfer, the receiving employee may then submit a leave request for
11 the number of hours of sick or annual leave, that the employee needs
12 and the department head shall then approve the leave request. Leave
13 may not be transferred to another employee if as recipient he or she
14 intends to use if for credit towards retirement or vacation. This
15 transfer of leave shall be strictly on a voluntary basis with no provision
16 for pay back or return. However, in the event the recipient of the
17 leave does not use all of the leave, the balance shall be returned to the
18 donor(s).

1 **Section 3.** The Department of Administration shall establish a
2 leave sharing program for the Executive Branch to be implemented in
3 the same manner as other personnel rules and regulations. The
4 Department of Administration shall submit for adoption to the Civil
5 Service commission the proposed personnel rules and regulations
6 promulgating the leave sharing program within thirty (30) days from
7 the date of enactment of this Act. These rules and regulations shall
8 conform to the guidelines established in this Act and shall apply to all
9 agencies and departments in the Executive Branch. Pending approval
10 of the formal rules and regulations, employees may make immediate
11 use of this leave sharing, following the guidelines established within
12 this Act.

13 **Section 4.** This Act shall take effect upon enactment.

**COMMITTEE ON GENERAL GOVERNMENTAL OPERATIONS
AND MICRONESIAN AFFAIRS
TWENTY-SECOND GUAM LEGISLATURE
155 Hessler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

BILL NO. 306

***(AN ACT TO PROVIDE FOR GOVERNMENT EMPLOYEES TO
VOLUNTARILY GIVE THEIR ANNUAL LEAVE OR SICK
LEAVE TO ANOTHER EMPLOYEE WHO IS IN NEED)***

COMMITTEE MEMBERS:

Chairman: Ted S. Nelson
Vice-Chairman: Edward D. Reyes
Ex-Officio Member: Speaker Joe T. San Agustin

Thomas C. Ada
Herminia D. Dierking
Carl T.C. Gutierrez
Vicente C. Pangelinan

J. George Bamba
Anthony C. Blaz
Marilyn D.A. Manibusan
Thomas V.C. Tanaka

PUBLIC HEARING ON BILL NO. 306

The Committee on General Governmental Operations and Micronesian Affairs conducted a public hearing on Friday, March 26, 1993, in the Legislative Public Hearing Room. Senator Ted S. Nelson, Chairman of the Committee, called the hearing to order at 9:00 a.m.

Other Senators present were: Ben C. Pangelinan, Anthony C. Blaz, Thomas C. Ada, Marilyn D.A. Manibusan, and Doris F. Brooks.

TESTIMONIES ON BILL 306

BENNY SAN NICOLAS, resident of Inarajan, appeared before the Committee and testified in support of Bill 306. He cited the need for a lengthy leave in the event of illness in the family.

TONY BENAVENTE, Acting Administrator for the Division of Personnel Management, Department of Administration, appeared before the Committee and testified in support of the Bill.

He presented the written testimony from **WILFRED G. AFLAGUE**, Director of Administration (*Attachment #1*). Besides commitment to the welfare and well-being of employees, they are supporting the bill because it would create "a vehicle for reducing the Retirement Fund's unfunded liability from the reduction of sick leave donated." Also, it would "reduce the general funds liability on personnel cost with respect to lump sum payments for accrued annual leave for separating employees who have donated their accrued leave hours."

The written testimony included a recommendation that lines 11 and 12 be amended to clarify the type of leave that an employee may request, and that such leave may not be transferred for retirement credit or vacation. It was also recommended that a new Section 3 and Section 4 be added which would require the Department of Administration to develop and submit to the Civil

Service Commission for adoption, rules and regulations for the proper control and administration of the leave sharing program.

SENATOR MARILYN MANIBUSAN appeared before the Committee as a representative of the Bureau of Women's Affairs and testified in support of the intent of the Bill.

She presented the written testimony of **DORIS CHARGUALAF**, Executive Director of the Bureau of Women's Affairs (*Attachment #2*). Although in support of the intent of the bill, it was recommended that sick leave or annual leave be transferred only for illness, maternity, or paternity and that the transfer of leave not be used for retirement or vacation purposes. It was further recommended that the Department of Administration and/or the Civil Service Commission develop rules and regulations for the leave sharing program for the Government of Guam.

VICENTE PEREZ, member of the Civil Service Commission, appeared before the Committee and stated his full support of the intent of the bill as long as abuses regarding leave sharing do not occur.

Discussion then ensued between Committee Members and Mr. Vicente Perez, Mr. Tony Benavente and Mr. John Salas.

SENATOR DORIS BROOKS was concerned that the discrepancy in salaries of employees involved in a leave transfer would affect the intent of the bill and that possible abuse may occur.

MR. PEREZ responded that the Civil Service Commission would be looking at that issue when the proposed rules and regulations come up for review.

MR. BENAVENTE also stated that the issue would be addressed when rules are established. They would be looking at the effect of economics, who could donate leave time, the role of supervisors, etc. Input from other entities would also be obtained.

SENATOR BEN PANGELINAN cited lines 12 and 13 of the proposed bill

and questioned whether a retraction of transfer would be prohibited if for some reason a leave was cancelled. He was also concerned about the problem of excess leave. He stated that rules need to be developed to safeguard both parties' interests.

MR. BENAVENTE responded that like in a bank, transfer of leave hours would be carefully documented and that only leave used would be transferred to the respective accounts.

SENATOR TOM ADA commented that it appeared to him that the leave sharing program is intradepartmental and questioned whether it could also be interdepartmental. He also asked whether compensatory time earned could be used in the leave sharing program.

MR. BENAVENTE replied that he did not believe that compensatory time could be transferred since it is an obligation by the government to pay overtime; it is not transferrable in the same way as annual leave or sick leave.

SENATOR TONY BLAZ stated that he supported the intent of the bill and that the recommendations proposed by the Department of Administration and the Bureau of Women's Affairs should be incorporated in it. The Department of Administration, in conjunction with the Civil Service Commission, should develop rules and regulations to govern leave sharing as intended by Bill 306.

SENATOR MANIBUSAN wanted clarification on whether the leave sharing program would be interdepartmental and/or intradepartmental, she would like to see the program apply in both situations. In regards to the new Section 3 proposed by the Department of Administration, she asked why it covered the Executive Branch and not the Judicial and Legislative Branches.

JOHN SALAS commented that the Department of Administration develops rules and regulations for agencies it represents. He added that the Civil Service Commission also can develop rules and regulations for the Executive Branch but not for the Legislative or Judicial Branches since it does not have jurisdiction over them.

MR. PEREZ interjected that we are one government and that in dealing with employees, with the exception of elected officials, there should be one set of rules.

MR. SALAS recommended that a Section 3 be added to the bill authorizing the Department of Administration and the Civil Service Commission to draft the appropriate rules to provide for the content of the law. Also, he recommended that a minimum percentage of leave hours that a person can donate be established.

COMMITTEE RECOMMENDATIONS

The Committee on General Governmental Operations and Micronesian Affairs wishes to report out **Bill No. 306** to the full Legislature with the recommendation to **do pass as amended**.



Bureau of Women's Affairs

Setbesion Asuntan Famalao'an

Office of the Governor • P.O. Box 2950 • Agana, Guam 96910

Tel: (671) 472-8931/9 • Fax: (671) 477-4826

March 26, 1993

Honorable Ted S. Nelson
Chairman, Committee on General Governmental
Operations and Micronesian Affairs
Twenty-Second Guam Legislature
155 Hesler Street
Agana, Guam 96910

Dear Senator Nelson:


Thank you for the opportunity to submit testimony or comments relative to Bill 306, an "Act to provide for government employees to voluntarily give their annual leave or sick leave to another employee who is in need."

At the Second Annual Governor's Conference for Women, which was held in August of last year, a resolution was adopted by the conference participants (which numbered more than 450 women) requesting that certain family/work issues be addressed so that today's working women may continue their important roles as productive employees and family caregivers. One of the family/work issues mentioned was leave sharing.

While Governor Ada and the Bureau of Women's Affairs certainly supports the intent of Bill 306, we do have certain concerns relative to its implementation. May we recommend that leave, either annual or sick, be transferred only for the following bona fide reasons: (a) illness, (b) maternity, or (c) paternity, and that the transfer of leave not be allowed for retirement or vacation purposes. May we further suggest that the Department of Administration and/or Civil Service Commission be tasked with developing specific rules and regulations for the implementation of such a leave sharing program for the Government of Guam.

On behalf of the Governor and the Bureau of Women's Affairs, I would like to thank the members of this legislature for their continued strong support of women's issues. Thank you again for your valuable time and attention.

Sincerely,


DORIS C. CHARGUALAF
Executive Director





GOVERNMENT OF GUAM
AGANA, GUAM 96910
DEPARTMENT OF ADMINISTRATION
(DIPPATAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(UFISINAN DIREKTOT)

POST OFFICE BOX 884 * AGANA, GUAM 96910 TEL: (671)
475-1101 * FAX: (671) 477-6788

MAR 26 1993

Senator Ted S. Nelson
Chairman, Committee on General
Governmental Operations
22nd Guam Legislature
Agana, Guam 96910

Dear Senator Nelson:

We support the intent of Bill No. 306, "An Act to provide for government employees to voluntarily give their annual leave or sick leave to another employee who is in need."

The commitment of the Government of Guam to the welfare and well-being of its employees is the primary reason for our support. However, the bill, with its goodwill intent, will also create a corresponding positive effect for the government's coffers by creating a vehicle for reducing the Retirement Fund's unfunded liability from the reduction of sick leave donated, as well as reduce the general funds liability on personnel cost with respect to lump sum payments for accrued annual leave for separating employees who have donated their accrued leave hours.

Complimentary to this bill is the Department of Administration proposed personnel rules and regulations that expands the use of sick leave for employees. The proposed personnel rules when adopted will extend the application of sick leave to employees who are compelled to provide care to a spouse, child or elderly parent who is ill. DOA's proposed personnel rules and regulations is currently being reviewed by the Civil Service Commission. We believe that this bill will also compliment the recent enactment of Public Law 21-67 on maternity and paternity leave. Bill 306 may also provide an option for employees with excess annual leave to donate to those in need instead of forfeiting their excess leave entirely.



Commonwealth Now!

We do not believe that the difference of hourly rates between employees in such exchanges will affect the intent of the bill. The dollar value assigned to an employee's leave hour is based on his current hourly rate. As you know, the dollar value of the leave hour changes as the employee's hourly rate increases or decreases. Therefore, a leave hour that is voluntarily transferred by one employee to another employee with a different hourly rate will have in our opinion the same effect.

Section 1 indicates that the purpose of the bill is to provide leave to persons who really need it. Therefore, the Governor requests that on page 2, lines 11 and 12 be amended to read:

"sick leave, maternity leave or paternity leave, that the employee needs and the department head may then approve the leave request. Leave may not be transferred to another employee if as recipient he or she intends to use it for credit towards retirement or vacation."

Absent in Bill 306 is language that will provide proper control and administration of this leave sharing program. In order to develop and implement a sound leave sharing program which is consistent to the preamble of Bill 306, we recommend that the Department of Administration be required to develop and submit to the Civil Service Commission for adoption, sound leave sharing rules and regulations. The intent of Bill 306 will be carried out more efficiently and cost effectively with proper controls to prevent potential abuses.

We recommend that a new Section 3 and 4 be added with the following language:

Section 3. The Department of Administration shall establish a leave sharing program for the Executive Branch to be implemented in the same manner as other personnel rules and regulations. The Department of Administration shall submit for adoption to the Civil Service Commission the proposed personnel rules and regulations promulgating the leave sharing program within 180 days from the date of enactment of Bill 306. Temporary rules may be adopted by Executive Order of the Governor.

Section 4. This Act shall take effect sixty (60) days after enactment.

Thank you for the opportunity to comment on this bill. We appreciate your committee's consideration of our comments.

Sincerely yours,

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

WILFRED G. AFLAGUE
Director of Administration

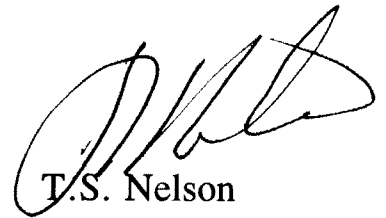
Introduced

TWENTY-SECOND GUAM LEGISLATURE
1993 (FIRST) Regular Session

MAR 15 '93

Bill No. 306 (COR)

Introduced by:



T.S. Nelson

AN ACT TO PROVIDE FOR GOVERNMENT
EMPLOYEES TO VOLUNTARILY GIVE THEIR
ANNUAL LEAVE OR SICK LEAVE TO ANOTHER
EMPLOYEE WHO IS IN NEED.

1 BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF
2 GUAM:

3 Section 1. From time to time, classified employees in the civil
4 service of the government of Guam have occasion to need leave for
5 personal reasons but may have already exhausted the leave that they have
6 earned and accrued. As times like these, particularly when the employee
7 needs time off to take care of sick family members, the employee might
8 be forced to take leave without pay. Through the generosity of other
9 employees, the affected employees could be relieved of this dire
10 consequence.

1 Section 2. Whenever a government of Guam employee desires to
2 transfer a number of hours of earned sick leave or annual leave to another
3 employee in any department or agency of the government, a formal
4 written request shall be made by the donor employee to his payroll
5 supervisor, stating the name of the recipient, the number of hours of leave
6 to be transferred and the type of leave. Provided the donor has sufficient
7 hours of leave accrued to cover the donation, the payroll supervisor shall
8 notify the Payroll Division to transfer the approved number of hours to
9 the recipient. Upon receipt of the notice of transfer, the receiving
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11 leave, sick or annual, that the employee needs and the department head
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