



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 26 1996

The Honorable Judith Won-Pat Borja  
Acting Lt. Governor and Acting Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<i>[Signature]</i>
Time	9:52 am
Date	26 JULY 96

Dear Speaker Won-Pat Borja:

Enclosed please find a copy of Substitute Bill No. 439 (LS), "AN ACT TO ADD A NEW SUBSECTION (j) TO §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE TWENTY-FOURTH GUAM LEGISLATURE", which I have signed into law today as **Public Law No. 23-113**.

This legislation removes the ability of senators to include sick leave in the calculation of retirement benefits.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,

*[Signature]*  
Carl T. C. Gutierrez  
Governor of Guam

Attachment  
231359



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 26 1996

The Honorable Sonny L. Orsini  
Acting Legislative Secretary  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910


OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received By	<u>Ag</u>
Time	<u>11:38 am.</u>
Date	<u>29 July 96</u>

Dear Mr. Legislative Secretary:

Enclosed please find a copy of message and Substitute Bill No. 439 (LS), "AN ACT TO ADD A NEW SUBSECTION (j) TO §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE TWENTY-FOURTH GUAM LEGISLATURE", which I have signed into law today as **Public Law No. 23-113**.

A copy has also been delivered to the Office of the Speaker.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachments  
231382

COMMITTEE ON RULES	
Rec'd by: <u>AM</u>	Date: <u>7/26/96</u> Time: <u>9:30</u>
Routing:	Date:
Action:	SEA'S INF.

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 439 (LS), "AN ACT TO ADD A NEW SUBSECTION (j) TO §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE TWENTY-FOURTH GUAM LEGISLATURE," was on the 11th day of July, 1996, duly and regularly passed.



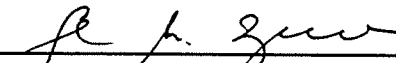
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16<sup>th</sup> day of July,  
1996, at 10:38 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 7-26-96

Public Law No. 23-113

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 439 (LS), "AN ACT TO ADD A NEW SUBSECTION (j) TO §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE TWENTY-FOURTH GUAM LEGISLATURE," was on the 11th day of July, 1996, duly and regularly passed.



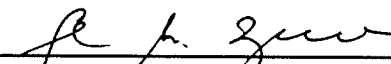
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16<sup>th</sup> day of July,  
1996, at 10:38 o'clock A.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 7-26-96

Public Law No. 23-113

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 439 (LS)  
As substituted on the floor

Introduced by:

S. L. Orsini  
A. C. Blaz  
F. P. Camacho

AN ACT TO ADD A NEW SUBSECTION (j) TO §4108 OF  
TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO  
THE PROSPECTIVE ELIMINATION OF THE ACCRUAL  
OF SICK LEAVE BY MEMBERS OF THE TWENTY-  
FOURTH GUAM LEGISLATURE.

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

2           **Section 1.** A new Subsection (j) is hereby added to §4108 of Title 4,  
3 Guam Code Annotated, to read:

4           "(j) Notwithstanding any other law, the provisions of  
5 Subsection (a) of this Section shall **not** apply to members of the  
6 Guam Legislature, who shall be ineligible for the prospective  
7 accrual of sick leave after the effective date of this subsection."

8           **Section 2. Effective Date.** The effective date of this Act shall be at the  
9 commencement of the Twenty-Fourth Guam Legislature.



CARL T.C. GUTIERREZ  
GOVERNOR OF GUAM

JUL 26 1996

OFFICE OF THE LEGISLATIVE SECRETARY	
ACKNOWLEDGMENT RECEIPT	
Received by	<u>[Signature]</u>
Time	<u>9:32 am.</u>
Date	<u>26 JULY 96</u>

The Honorable Judith Won-Pat Borja  
Acting Lt. Governor and Acting Speaker  
Twenty-Third Guam Legislature  
Guam Legislature Temporary Building  
155 Hesler Street  
Agana, Guam 96910

Dear Speaker Won-Pat Borja:


Enclosed please find a copy of Substitute Bill No. 311 (LS), "AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION", which I have signed into law today as **Public Law No. 23-112**.

This bill authorizes the Guam Territorial Board of Education to set duty hours for teachers. Currently, duty hours are specified by law to be from 15 minutes prior to the start of the first class to 15 minutes after the last class, and teachers are required to spend 5 hours a day in instructional time, with additional time as specified by the Board of Education, up to a total of 8 hours per day.

I believe that the Territorial Board of Education will prescribe appropriate duty hours for teachers, and this matter does not have to be legislated.

A copy has also been delivered to the Office of the Legislative Secretary.

Very truly yours,

  
Carl T. C. Gutierrez  
Governor of Guam

Attachment

231358

TWENTY-THIRD GUAM LEGISLATURE  
1996 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 311 (LS), "AN ACT TO REPEAL AND REENACT §5117 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO TRANSFERRING AUTHORITY FOR DUTY TIME FOR ALL TEACHERS TO THE BOARD OF EDUCATION," was on the 11th day of July, 1996, duly and regularly passed.



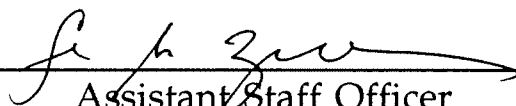
\_\_\_\_\_  
DON PARKINSON  
Speaker

Attested:



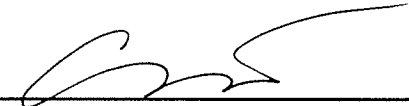
\_\_\_\_\_  
JUDITH WON PAT-BORJA  
Senator and Legislative Secretary

-----  
This Act was received by the Governor this 16<sup>th</sup> day of July,  
1996, at 10:38 o'clock A.M.



\_\_\_\_\_  
Assistant Staff Officer  
Governor's Office

APPROVED:



\_\_\_\_\_  
CARL T. C. GUTIERREZ  
Governor of Guam

Date: 7-26-96

Public Law No. 23-112

TWENTY-THIRD GUAM LEGISLATURE  
1995 (FIRST) Regular Session

Bill No. 311 (LS)  
As amended by the  
Committee on Education

Introduced by:

J. M. S. Brown  
T. C. Ada  
J. P. Aguon  
E. Barrett-Anderson  
A. C. Blaz  
F. P. Camacho  
M. C. Charfauros  
H. A. Cristobal  
M. Forbes  
A. C. Lamorena V  
C. Leon Guerrero  
L. Leon Guerrero  
T. S. Nelson  
S. L. Orsini  
V. C. Pangelinan  
D. Parkinson  
J. T. San Agustin  
A. L. G. Santos  
F. E. Santos  
A. R. Unpingco  
J. Won Pat-Borja

AN ACT TO REPEAL AND REENACT §5117 OF TITLE  
17, GUAM CODE ANNOTATED, RELATIVE TO  
TRANSFERRING AUTHORITY FOR DUTY TIME FOR  
ALL TEACHERS TO THE BOARD OF EDUCATION.

1           **BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:**  
2           **Section 1. Legislative Statement.** The Legislature has determined that  
3 it is the will of the people to vest the Territorial Board of Education with the



1 necessary powers, duties, and responsibilities pertinent to the operations of  
2 the Department of Education. With the creation of an elected school board  
3 there is no longer any need for the Legislature to give its stamp of approval to  
4 decisions that can be made by the elected school board. That body, like the  
5 Legislature, now answers directly to the voters of Guam. To accomplish the  
6 goal of transferring certain duties and functions from the Legislature to the  
7 elected school board the passage of this bill is necessary. Therefore, Section  
8 5117 of Title 17, Guam Code Annotated, is hereby repealed and reenacted.

9       **Section 2.** §5117 of Title 17, Guam Code Annotated, is hereby repealed  
10 and reenacted to read as follows:

11               **"5117. Duty Time.** The Board shall establish duty time for all  
12               teachers."

# TWENTYTHIRD GUAM LEGISLATURE

1996 (SECOND) Regular Session

Date: 7/11/96

## VOTING SHEET

Bill No. 439  
 Resolution No. \_\_\_\_\_  
 Question: \_\_\_\_\_

NAME	<u>YEAS</u>	<u>NAYS</u>	<u>NOT VOTING/ ABSTAINED</u>	<u>ABSENT/ OUT DURING ROLL CALL</u>
ADA, Thomas C.	✓			
AGUON, John P.	✓	✗		
BARRETT-ANDERSON, Elizabeth		✓		
BLAZ, Anthony C.	✓			
BROWN, Joanne S.				✓
CAMACHO, Felix P.	✓			
CHARFAUROS, Mark C /		✓		
CRISTOBAL, Hope A.	✓			
FORBES, MARK	✓			
LAMORENA, Alberto C., V	✓			
LEON GUERRERO, Carlotta	✓			
LEON GUERRERO, Lou	✓			
NELSON, Ted S.	✓			
ORSINI, Sonny L.	✓			
PANGELINAN, Vicente C	✓			
PARKINSON, Don	✓			
SAN AGUSTIN, Joe T.	✓			
SANTOS, Angel L. G.	✓			
SANTOS, Francis E.	✓			
UNPINGCO, Antonio R. 11	✓			
WONPAT-BORJA, Judith 1	✓			

TOTAL 18 2 0 1

CERTIFIED TRUE AND CORRECT:

\_\_\_\_\_  
 Recording Secretary



Twenty-Third  
Guam Legislature

VICE CHAIRMAN  
Committee on  
Economic-  
Agricultural  
Development  
and Insurance

MEMBER  
Committee on  
Electrical Power and  
Consumer Protection

MEMBER  
Committee on Tourism  
and Transportation

MEMBER  
Committee on General  
Government Operations

MEMBER  
Committee on Ways  
and Means

PL 28-113

THE HONORABLE  
**SONNY LUJAN ORSINI**  
CHAIRMAN, COMMITTEE ON RULES

February 13, 1996

The Honorable Don Parkinson  
Speaker  
Twenty-third Guam Legislature  
155 Hesler St.  
Agana, Guam 96910

Dear Mr. Speaker:

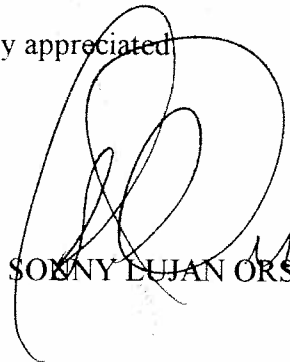
The Committee on Rules to which Bill No. 439 was referred, wishes to report back to the Legislature with the recommendation to **DO PASS**, **Substitute Bill No. 439 - AN ACT TO AMEND SUBSECTION (a) OF §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE FUTURE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.**

**The voting is as follows:**

TO PASS	<u>9</u>
NOT TO PASS	<u>1</u>
ABSTAIN	<u>0</u>
TO PLACE IN THE INACTIVE FILE	<u>1</u>

Copies of the Committee Report and other pertinent documents are attached.

Your attention in this matter is greatly appreciated

  
SONNY LUJAN ORSINI

attachments

# COMMITTEE ON RULES

## TWENTY-THIRD GUAM LEGISLATURE

### VOTE SHEET

**Substitute Bill No. 439 AN ACT TO AMEND SUBSECTION (a) OF §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE FUTURE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.**

<u>COMMITTEE MEMBERS:</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
<i>[Signature]</i> Senator Sonny Lujan Orsini, Chairman	✓			
Senator John P. Aguon, Vice-Chairman	✓			
Speaker Don Parkinson	✓			
Vice-Speaker Ted S. Nelson				
Senator Tom Ada	✓			
Senator Anthony C. Blaz	✓			
Senator Felix P. Camacho				
Senator Mark C. Charfauros		✓	<i>[Signature]</i>	
Senator Hope A. Cristobal	✓			
Senator Alberto Lamorena V				
Senator Lou Leon Guerrero				✓
Senator Vicente C. Pangelinan				
Senator Angel L. G. Santos	✓			
Senator Francis E. Santos	✓			
Senator Joe T. San Agustin				
Senator Antonio R. Unpingco				
Senator Judith Won Pat-Borja				

We need to look at other options to avoid ABUSE!

**TWENTY-THIRD GUAM LEGISLATURE**  
**1995 (FIRST) Regular Session**

Bill No. 439

Introduced by:

S. L. Orsini

A. C. Blaz *AW*  
FP CAMACHO

AN ACT TO ADD A NEW SUBSECTION (b) OF §4108 OF TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE FUTURE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.

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

2           SECTION 1. A new Subsection (b) is hereby added to §4108 of Title 4, Guam  
3 Code Annotated to read:

4                     §4108. Sick Leave. (a) Defined. Employees occupying permanent  
5 positions shall accrue sick leave at the rate of one-half day (4 hours) for each  
6 biweekly pay period in which they are in pay status for the entire ten (10) days,  
7 otherwise, there shall be no accrual for such period. For the purposes of this  
8 section, all full time employees of the Department of Education, University of  
9 Guam and the Guam Community College shall be deemed to be employees on the  
10 same two thousand eighty (2,080) hour year divided into twenty-six (26) bi-weekly  
11 pay periods as other permanent positions within the Government, even though  
12 such employees may be paid in accordance with the different payroll system.  
13 Therefore, they shall accrue thirteen (13) days sick leave per duty year.

14                     (b) Upon the effective date of this Act, members of the Guam  
15 Legislature shall not be eligible for the prospective accrual of sick leave.

16           **Section 2. Effective Date.** The effective date of this Act shall be at the  
17 commencement of the Twenty-Fourth Guam Legislature.

**COMMITTEE ON RULES**  
**REPORT**  
**ON**  
**BILL NO. 439**

**Bill No. 439 - AN ACT TO AMEND §4108(a) OF TITLE 4 GUAM CODE ANNOTATED, RELATIVE TO THE PROSPECTIVE ELIMINATION OF THE FUTURE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.**

**PREFACE**

The Committee on Rules convened at 6:25 p.m., Wednesday, February 8, 1996 in the Legislature's Public Hearing Room in Agana, Guam.

Alongside Chairman Sonny Lujan Orsini were Speaker Don Parkinson, Vice Speaker Ted S. Nelson and Senators Tom Ada, Lou Leon Guerrero, Vicente C. Pangelinan, Antonio R. Unpingco and Judith Won Pat-Borja.

**OVERVIEW**

Included in the report from Inspector General, Senators should not accrual sick leave as public servants. There is no mechanism establishing a single individual to approve or deny a request for sick leave.

As public officials, Senators are expected to meet with members of the public and entertain whatever concerns are brought to their attention, be it during the regular work day or off hours.

Be that as it may, the accrual of sick leave may be classified as a benefit for members and used to add extra time to their service for retirement credit purposes.

**COMMITTEE FINDINGS**

Senator Tom Ada addressed the members of the Committee and recommends that it include all elected officials. The exclusion of the Governor, Lieutenant Governor and Agency Directors makes the Bill discriminatory directed at Senators alone.

In response, the Chairman responded that previous reports from Inspector General indicated that the accrual of sick leave by Senators is an extra perk enjoyed by members. Hours accrued during a term are often used to pad onto their times in service for retirement.

Speaker Don Parkinson testified in favor of Bill 439. He supports the fact that Senators may pass legislation to discriminate against themselves. Secondly, Senators are salaried employees who are paid on a set basis. They receive a set pay whether or not they are sick for a day or two during the pay period.

Public Law 19-34, section 36 established the compensation of Senators at 50% of the Superior Court Judges and the Speaker at 50% of the Presiding Judge of the Superior Court of Guam. These are set salaries and to deviate from the law is illegal.  
(ATTACHMENT I)

Vice Speaker Ted Nelson informed the Committee that he is in support of the removal of sick leave and annual leave of Senators. However, he will not support any move to remove such leave from mayors and other elected officials.

Senator Judith Won Pat-Borja supports the status quo. Stating that Senators should be held accountable of their time in office. When they to are sick, members should be required to sign leave for the period they are out of the office.

#### **COMMITTEE RECOMMENDATION**

Senators are elected by the people and are expected to be available at all time of the days. Thus Senators are not at their reigns while they are in the office and not at times that they are out. In light of the fact that Senators are salaried employees and their compensations are established by statute, the accrual of and sick leave becomes an extra benefit added to senatorial time in service. Furthermore, the Committee on Rules wishes to report out Bill 439 with the recommendation to do pass.



# COMMITTEE ON RULES

Twenty-Third Guam Legislature  
155 Hesler St., Agana, Guam 96910

December 4, 1995

## MEMORANDUM

**TO:** Chairman, Committee on Rules

**FROM:** Chairman, Committee on Rules

**SUBJECT:** Referral - Bill No. 439

The above Bill is referred to your Committee as the principal committee. Please note that the referral is subject to ratification by the Committee on Rules at its next meeting. It is recommended you schedule a public hearing at your earliest convenience.



**SONNY LUJAN ORSINI**

Attachment:



TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 439

Introduced by:

S.L. Orsini

A.C. Blaz

AN ACT TO AMEND SUBSECTION (a) OF §4108 OF TITLE 4 GCA, RELATIVE TO  
THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.

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

2 **SECTION 1.** Subsection (a) of §4108 of Title 4, Guam Code Annotated, is  
3 hereby amended to read as follows:

4 “§4108. Sick Leave. (a) **Defined.** Employees occupying permanent  
5 positions shall accrue sick leave at the rate of one - half day (4 hours) for each biweekly  
6 pay period in which they are in pay status for the entire ten (10) days; otherwise, there  
7 shall be no accrual for such period. For the purposes of this Section, all full - time  
8 employees of the Department of Education, University of Guam and the Guam  
9 Community College shall be deemed to be employees on the same two thousand eighty  
10 (2,080) hour year divided into twenty - six (26) bi weekly pay periods as other permanent  
11 positions within the Government, even though such employees may be paid in accordance  
12 with a different payroll system. Therefore, they shall accrue thirteen (13) days sick leave  
13 per duty year. Additionally, for purposes of this Section, members of the Guam  
14 Legislature shall not be deemed employees occupying permanent positions.”

**Introduced**

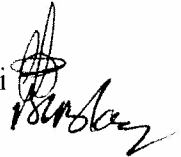
DEC 09 1995

TWENTY - THIRD GUAM LEGISLATURE  
1995 (FIRST) REGULAR SESSION

Bill No. 439 (LS)

Introduced by:

S.L. Orsini  
A.C. Blaz



AN ACT TO AMEND SUBSECTION (a) OF §4108 OF TITLE 4 GCA, RELATIVE TO  
THE ACCRUAL OF SICK LEAVE BY MEMBERS OF THE GUAM LEGISLATURE.

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

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3 hereby amended to read as follows:

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6 pay period in which they are in pay status for the entire ten (10) days; otherwise, there  
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8 employees of the Department of Education, University of Guam and the Guam  
9 Community College shall be deemed to be employees on the same two thousand eighty  
10 (2,080) hour year divided into twenty - six (26) bi weekly pay periods as other permanent  
11 positions within the Government, even though such employees may be paid in accordance  
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13 per duty year. Additionally, for purposes of this Section, members of the Guam  
14 Legislature shall not be deemed employees occupying permanent positions.”