



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

OCT 14 1997

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910


Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 264 (COR), "AN ACT TO AMEND §4108(c) OF CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPROVAL OF SICK LEAVE TO CARE FOR IMMEDIATE FAMILY MEMBERS", which I have signed into law today as **Public Law No. 24-94**.

This public law broadens the definition of "sick leave". Persons who must take care of an ill relative who has a serious illness may use sick leave to do so.

With the current provisions allowing sick leave to be shared, it is advisable to have a cap on the amount of sick leave that can be used. This legislation does not provide for a cap, and theoretically an employee can be away from the job site for very extended periods of time, borrowing sick leave from relatives. The Legislature will need to revisit this issue to provide for accountability in the concept.


Very truly yours,

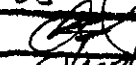

Carl T. C. Gutierrez
Governor of Guam

Attachment

cc: The Honorable Joanne M. S. Brown
Legislative Secretary

00490

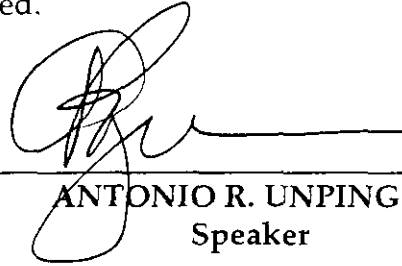
OFFICE OF THE LEGISLATIVE SECRETARY
ACKNOWLEDGMENT RECEIPT
Received By 
Time 12:20pm
Date 10-15-97

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 10/15/97
Time: 11:05 AM
Rec'd by: 
Print Name: Marlene Dumas

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

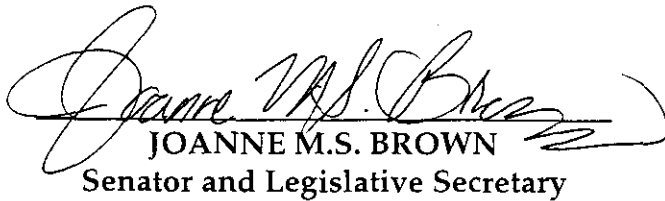
CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 264 (COR), "AN ACT TO AMEND §4108(c) OF CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO APPROVAL OF SICK LEAVE TO CARE FOR IMMEDIATE FAMILY MEMBERS," was on the 1st day of October, 1997, duly and regularly passed.



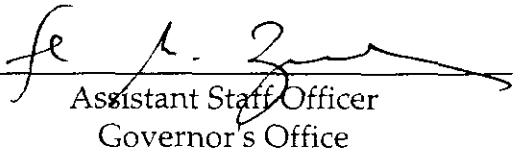
ANTONIO R. UNPINGCO
Speaker

Attested:



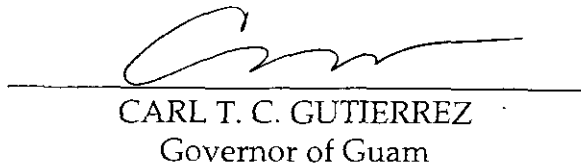
JOANNE M.S. BROWN
Senator and Legislative Secretary

This Act was received by the Governor this 2nd day of October, 1997, at
12:20 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 10-14-97

Public Law No. 24-94

TWENTY-FOURTH GUAM LEGISLATURE
1997 (FIRST) Regular Session

Bill No. 264 (COR)

As substituted by the Author and
amended on the Floor.

Introduced by:

E. Barrett-Anderson
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Felix P. Camacho
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO AMEND §4108(c) OF CHAPTER 4 OF
TITLE 4 OF THE GUAM CODE ANNOTATED,
RELATIVE TO APPROVAL OF SICK LEAVE TO
CARE FOR IMMEDIATE FAMILY MEMBERS.**

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

2 **Section 1. Legislative Intent.** The Guam Legislature finds that the
3 present law relative to approval of sick leave for government of Guam
4 employees does not include within the criteria for approval circumstances
5 where a member of the employee's family suffers from serious illness or
6 injury, except in the case of a contagious disease. Thus, sick leave is allowed
7 when an employee's child is afflicted with measles or pink eye, but not in the
8 case of illness due to cancer or other catastrophic causes. This is an untenable
9 hardship, and impedes the employee's ability to provide the utmost in care
10 and support to his or her family. This law would expand the parameters for
11 approval of sick leave, and is consistent with existing personnel rules and
12 regulations of the Department of Administration.

13 **Section 2.** Section 4108(c) of Chapter 4 of Title 4 of the Guam Code
14 Annotated is hereby amended to read as follows:

15 **"Section 4108(c). When Allowed.** Sick leave with pay is allowed
16 whenever:

17 (1) The employee is compelled to be absent from duty on
18 account of physical or mental illness; injury; mental health
19 examination, counseling or treatment; pregnancy; childbirth;
20 medical, dental or optical examination or treatment; or because of
21 quarantine due to his own or another's illness.

22 (2) The employee is compelled to be absent from duty to
23 provide health care for a member of the employee's immediate
24 family as a result of serious illness or injury and the employee has
25 exhausted all annual leave and compensatory time available.

1 ‘Serious illness or injury’ means an urgent condition that is
2 certified by the attending physician as requiring hospitalization,
3 institutionalization, or extended home care in which the person
4 needs the constant administration of special medical care or
5 support. ‘Immediate family member’ means the employee’s
6 spouse, common law, parents, parents-in-law, grandparents,
7 brothers, sisters, children, grandchildren, any step or adoptive
8 parents, adopted children or grandchildren of both the employee
9 and the spouse, a guardian or person in loco parentis.”

PL 24-90



TWENTY-FOURTH
GUAM LEGISLATURE

Senator Felix P. Camacho

Power, Foreign Affairs and General Government Services

Investment
April 1997

472-3505/6

472-9747

September 3, 1997

The Honorable
Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 264** "An Act to Amend §4108(c), Title 4, Guam Code Annotated, Relative to the Approval of Sick Leave to care for immediate Family Members" as substituted by the author with the recommendation **TO DO PASS**.

Votes of committee members are as follows:

- 8 To Pass
- Not To Pass
- To The Inactive File
- Abstained
- Off-Island
- 6 Not Available

Sincerely,

Felix P. Camacho
Chairman

Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

Chairman: Senator Felix P. Camacho Vice Chairman: Senator Lawrence F. Kasperbauer Ex-Officio Member: Speaker Antonio R. Unpingco
--

VOTING SHEET ON:

BILL NO. 264 "An Act to Amend §4108(c), Title 4, Guam Code Annotated, Relative to the Approval of Sick Leave to care for immediate Family Members"

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho	FC	✓			
Sen. Lawrence F. Kasperbauer	LJK	X			
Sen. Thomas C. Ada	TCA	✓			
Sen. Elizabeth Barrett-Anderson					
Sen. Francisco P. Camacho	FC	✓			
Sen. Mark C. Charfauros					
Sen. Edwardo J. Cruz, MD	EJC	✓			
Sen. William B. S.M. Flores					
Sen. Carlotta A. Leon Guerrero	CALG	✓			
Sen. Alberto A.C. Lamorena V					
Sen. Vicente C. Pangelinan	✓	✓			
Sen. Angel L.G. Santos		✓			
Sen. Francis E. Santos	FS	✓			
Sen. Judith Won Pat-Borja					

**COMMITTEE ON POWER, FOREIGN AFFAIRS
AND GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

**BILL NO. 264
AN ACT TO AMEND 4 GCA SECTION 4108 (c)
RELATIVE TO THE APPROVAL OF SICK LEAVE
TO CARE FOR IMMEDIATE FAMILY MEMBERS**

COMMITTEE MEMBERS

Chairman: Felix P. Camacho
Vice Chairman: Lawrence F. Kasperbauer
Ex-Officio Member: Speaker Antonio R. Unpingco

Thomas C. Ada
Elizabeth Barrett-Anderson
Francisco P. Camacho
Mark C. Charfauros
Edwardo J. Cruz, MD
William B. S.M. Flores

Alberto A.C. Lamorena, V
Carlotta A. Leon Guerrero
Vicente C. Pangelinan
Angel L.G. Santos
Francis E. Santos
Judith Won Pat-Borja

**COMMITTEE REPORT
POWER, FOREIGN AFFAIRS, AND GENERAL GOVERNMENT
SERVICES**

BILL NO. 264

**“AN ACT TO AMEND 4 GCA SECTION 4108 (c)
RELATIVE TO APPROVAL OF SICK LEAVE TO
CARE FOR IMMEDIATE FAMILY MEMBERS.”**

PUBLIC HEARING

Senator Felix P. Camacho, Chairman of the Committee on Power, Foreign Affairs, and General Government Services (PFA&GGS) called to order a public hearing on Friday, June 20, 1997 at 9:00a.m. to hear testimonies on Bill No. 264

SENATORS PRESENT

Sen. Felix P. Camacho	Chairman
Sen. Vicente C. Pangelinan	Member
Sen. Thomas C. Ada	Member
Sen. Eduardo J. Cruz	Member
Sen. Elizabeth Barrett-Anderson	Member
Sen. Frank B. Aguon, Jr.	Non Member
Sen. Lou A. Leon Guerrero	Non Member

PRESENT TO TESTIFY

No member from the public was present to testify.

BACKGROUND

Bill No. 264 was introduced by Sen. E. Barrett-Anderson allowing for the approval of sick leave for those GovGuam employees who need to take time off to care for immediate family members.

A similar bill, Bill 189 by M.C. Charfauros, had previously been introduced also addressing sick leave allowance. The language in 189 limits extending sick leave to those government employees who need to accompany a spouse or child off-island for medical care.(attached)

Bill 264 extends sick leave to government employees compelled to care for immediate family members on or off-island. Furthermore, the bill defines “immediate family member” and stipulates that sick leave for such purpose can only be used after all available leave has been “exhausted”.

TESTIMONY AND DISCUSSION

Rebecca T. Quintanilla, Acting Director of the Department of Administration submitted to the Chairman of the committee a memorandum (in response to Bill 189 by Senator Mark C. Charfauros)

regarding “Sick Leave Policy” and a proposed bill addressing the allowance of sick leave usage for employees to care for a sick family member. According to Ms. Quintanilla this change in sick leave policy will be consistent with the “Federal Employees Family Friendly Leave Act.” (attachment)

Senator Elizabeth Barrett-Anderson explained that Bill 264 was introduced to take care of a problem that has been with the government for years. Although the Department of Administration in its Rules and Regulations has attempted to expand their policy, it has been and is limited by statute. Senator Barrett-Anderson noted that on Guam there has always been and continues to be a need to travel off-island for medical care. Barrett-Anderson recognizes that before such leave is approved an employee should first exhaust all annual leave.

Senator Frank Aguon, Jr. had concerns with supervisors not granting annual leave for this purpose.

Senator Thomas C. Ada brought the committee’s attention to lines 13-17 on page 2, “persons who are co-habiting.” He expressed some concern as to where the application would end.

Senator Elizabeth Barrett-Anderson explained how the Department of Administration’s Rules and Regulations already defines who the policy applies to. If necessary, She would be open to an amendment on the floor which would in turn require DOA to change their Rules and Regulations.

Senator Felix P. Camacho expressed concern as to whether the word “child” would include a common law child and if so, what the requirements were for a child to be considered common law.

Senator Elizabeth Barrett-Anderson explained that the importance of the bill lies in the accompanying of an ill child or spouse.

According to Senator Elizabeth Barrett-Anderson’s office, per BBMR, the fiscal note for Bill 189 will suffice for Bill 264. According to BBMR, Bill 189 appears to be administrative in nature and may pose a fiscal impact on the department(s) affected. Such an impact should be absorbed by the budgets of the agencies involved. (attached)

FINDINGS

The Committee on Power, Foreign Affairs and General Government Services returned Bill 264 to the author to make changes. After meeting with the Personnel Division of the Department of Administration the author made several changes. These include the following:

The stipulation was added that an employee must not only have exhausted all annual leave, but also all compensatory time available.

A definition for “serious illness or injury” was also added to read, “an urgent condition that is certified by the attending physician as requiring hospitalization, institutionalization, or extended home care in which the person needs the constant administration of special medical care or support.”

Common law individuals were added under the term “immediate family member.”

The inclusion of those who co-habitate to the parameters of the term “spouse” was taken out.

Language was added excluding the application of Bill 264 to the leave sharing program of the same chapter.

RECOMMENDATION

The Committee on Power, Foreign Affairs and General Government Services wishes to report out Bill No.264 As Substituted by the Author, and recommends to the full legislature **TO DO PASS.**



GOVERNMENT OF GUAM
AGANA GUAM 96910
Department of Administration
(Dipattamenton Atmenestrasion)
DIRECTOR's OFFICE

(Ufisinan Direktot)
P.O. Box 884 * Agana, Guam 96932
Tel: (671) 475-1101/1136 * Fax: (671) 477-6788

MAY 20 1997

MEMORANDUM

To: Senator Felix P. Camacho
From: Director, Department of Administration
Subject: Sick Leave Policy

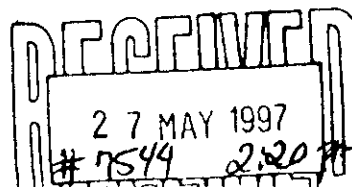
Hafa Adai! The Department of Administration's Sick Leave Policy in accordance with the Personnel Rules and Regulations is as follows:

Chapter 8, Section 8.200 Sick Leave - 8.201 Purpose and Eligibility.

A. Sick leave shall be allowed to an employee when the employee:

1. Receives medical, dental or optical examination or treatment or any medical health examination, counseling or treatment;
2. Is incapacitated for the performance of duties by sickness, injury, complications due to pregnancy, medical confinement; or would jeopardize the health of others by his presence at his duty assignment because of exposure to a contagious disease; or
3. Gives birth or becomes a father pursuant to maternity or paternity status.

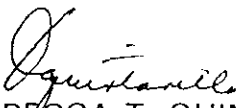
Your memorandum cited Title 4, GCA, Chapter 4 in reference to sick leave. The statement reads " . . . sick leave with pay shall be allowed whenever the employee is compelled to be absent from duty on account of illness, injury, medical condition or because of quarantine due to his own or another's illness." The statement places emphasis on the employee to use sick leave for his/her purpose or quarantine due to illness, injury, or medical condition. An employee may use his/her sick leave for the purpose of taking care of another person if that person is placed under quarantine due to that person's illness, injury, or medical condition, hence in the case of contagious diseases.



Uso mo, youth Now!

The law specifically states the purposes and uses of sick leave, however our Division of Personnel Management is in the process of ameliorating this situation to address the need for an employee to care for an immediate family member. A proposed bill has been drafted to allow sick leave usage for employees to care for a sick family member to be consistent with the "Federal Employees Family Friendly Leave Act." The language of the proposed bill provides for authorized sick leave to care for an immediate family member, which shall not exceed 13 workdays within a 52 week period.

You may contact our Employee Management Relations Branch at 475-1225 for further information. Dangkolo na Si Yu'os Ma'ase.


REBECCA T. QUINTANILLA,
Acting Director

Attachment: Proposed Bill

DRAFT

TWENTY-THIRD GUAM LEGISLATURE

Bill No. _____
Introduced by: _____

AN ACT TO AMEND SECTION 4108(c) TO CHAPTER 4, 4 GCA TO ALLOW SICK LEAVE USAGE FOR EMPLOYEES TO TAKE CARE OF A SICK FAMILY MEMBER TO BE CONSISTENT WITH THE FEDERAL EMPLOYEES FAMILY FRIENDLY LEAVE ACT.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM

(c) When Allowed. Sick leave shall be allowed whenever the employee is compelled to be absent from duty on account of his illness, injury, or medical condition or because of illness, injury or medical condition of an immediate family member. When sick leave is used to take care of an immediate family member, that sick leave authorized shall not exceed 13 workdays within a 52 week period. Sick leave may also be granted to the employee because of quarantine due to his own or his immediate family's illness. NOTE: "Immediate family" is defined as the employee's spouse, common-law, mother, father, grandparents, guardian, children, in-loco parentis, sister, brother, mother-in-law, and father-in-law. Step, adoptive, and spouse of adoptive parents/children/grandchildren would also be considered "immediate family".

FISCAL NOTE
BUREAU OF BUDGET AND MANAGEMENT RESEARCH

BBMR-F7

Bill Number: 189 (COR)
 Amendatory Bill: Yes

Date Received: May 06, 1997
 Date Reviewed: May 07, 1997

Department/Agency Affected: All Departments/Agencies
 Department/Agency Head: Various
 Total FY Appropriation to Date: n/a

Bill Title (preamble): **AN ACT TO AMEND §4108 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO SICK LEAVE ALLOWANCE.**

Change in Law: Amends §4108 of Title 4, GCA

Bill's Impact on Present Program Funding:
 Increase _____ Decrease _____ Reallocation _____ No Change XXX

Bill is for:
 Operations XXX Capital Improvement _____ Other _____

FINANCIAL/PROGRAM IMPACT

ESTIMATED SINGLE-YEAR FUND REQUIREMENTS (Per Bill)			
PROGRAM CATEGORY	GENERAL FUND	OTHER	TOTAL
	1/		

ESTIMATED MULTI-YEAR FUND REQUIREMENTS (Per Bill)						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL	1/					
OTHER						
TOTAL						

FUNDS ADEQUATE TO COVER INTENT OF THE BILL? N/A-- IF NO, ADD'L AMOUNT REQUIRED \$ _____
 AGENCY/PERSON/DATE CONTACTED: _____

ESTIMATED POTENTIAL MULTI-YEAR REVENUES						
FUND	1st	2nd	3rd	4th	5th	TOTAL
GENERAL FUND	N/A					
OTHER						
TOTAL						

ANALYST  DATE 5/7/97 DIRECTOR  DATE MAY 18 1997
 Joseph E. Rivera, Acting

FOOTNOTES:

1/ Bill Number 189(COR) is an act to amend §4108 of Title 4, Guam Code Annotated, relative to sick leave allowance. This Bill appears to be administrative in nature, however, its passage may pose a fiscal impact on the department(s) affected. Such an impact should be absorbed by the budgets of the agencies involved.