



Office of the Governor of Guam

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Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

Office of the Governor  
Hagåtña, Guam

DEC 31 2004

TIME: 4:35 PM  
RECEIVED BY: ESP

31 DEC 2004

The Honorable Vicente C. Pangelinan  
Speaker  
*Mina' Bente Siete Na Liheslaturan Guåhan*  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Mr. Speaker:

Transmitted herewith is Bill No. 343 (LS), "AN ACT TO AMEND §3216 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE PAYMENT OF UNUSED PERSONAL LEAVE," now designated as **Public Law 27-136**.

*Sins eru yan Magåhet,*

FELIX P. CAMACHO  
*I Maga' iåhen Guåhan*  
Governor of Guam

Attachment: copy attached of signed bill


cc: The Honorable Tina Rose Muna-Barnes  
Senator and Legislative Secretary

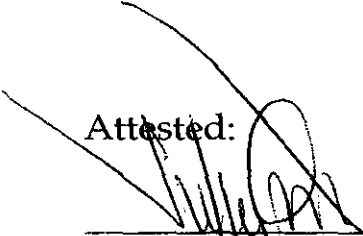
I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2004 (SECOND) Regular Session

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

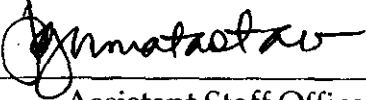
This is to certify that Substitute Bill No. 343 (LS), "AN ACT TO AMEND §3216 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE PAYMENT OF UNUSED PERSONAL LEAVE," was on the 20<sup>th</sup> day of December, 2004, duly and regularly passed.

Attested:

  
vicente (ben) c. pangelinan  
Speaker

  
Tina Rose Muña Barnes  
Senator and Legislative Secretary

-----  
This Act was received by *I Maga'lahaen Guåhan* this 20 day of December, 2004,  
at 5:50 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahaen's* Office

APPROVED:

  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: December 30, 2004

Public Law No. 27-136

I MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN  
2004 (SECOND) Regular Session

**Bill No. 343 (LS)**

As substituted by the Committee on  
Education and Housing, and amended  
on the Floor.

Introduced by:

L. F. Kasperbauer  
Ray Tenorio  
Carmen Fernandez  
F. B. Aguon, Jr.  
J. M.S. Brown  
F. R. Cunliffe  
Mark Forbes  
R. Klitzkie  
L. A. Leon Guerrero  
J. A. Lujan  
T. R. Muña Barnes  
v. c. pangelinan  
J. M. Quinata  
R. J. Respicio  
Toni Sanford

**AN ACT TO AMEND §3216 OF TITLE 17, GUAM CODE  
ANNOTATED, RELATIVE TO THE PAYMENT OF UNUSED  
PERSONAL LEAVE.**

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

2 **Section 1.** §3216 of Title 17, Guam Code Annotated, is hereby *repealed*  
3 *and reenacted* to read:

4 "§3216. **Teacher Personal Leave.** Beginning with the school  
5 year 2004 – 2005, educators employed by the Department of Education  
6 shall be paid unused personal leave in a lump sum at the end of each  
7 school year. The amount paid shall be determined by the collective

1 bargaining agreement, to include any judicially compelled extension of  
2 a collective bargaining agreement between the exclusive bargaining  
3 agent for educators and the Department of Education and shall *not*  
4 *exceed* twenty-four (24) hours of such unused personal leave.

5 In lieu of payment, educators may, *at their option*, transfer all  
6 unused personal leave to their sick leave account. Such election must be  
7 made *not less than* thirty (30) days prior to the end of the school year."

8 **Section 2. Payment of Personal Leave for the School Year 2003 -**  
9 **2004.** For the school year 2003 - 2004, educators employed by the Department  
10 of Education shall be paid for unused personal leave. The amount paid shall  
11 *not exceed* twelve (12) hours of such unused personal leave payable in a lump  
12 sum within thirty (30) days of the enactment hereof.

13 **Section 3. Severability.** *If* any provision of this Law or its application  
14 to any person or circumstances is found to be invalid or contrary to law, such  
15 invalidity shall *not* affect other provisions or applications of this Law which  
16 can be given effect without the invalid provisions or applications, and to this  
17 end the provisions of this Law are severable.



I Mina' Bente Siete Na Liheslaturan Guåhan  
27th Guam Legislature

155 Hesler Street, Hagatña, Guam 96910 • Office (671) 472-GUAM(4826) • Fax: (671) 472-4827

SENATOR CARMEN FERNANDEZ

MEMORANDUM

TO: Senator Lou Leon Guerrero, Chairperson  
Committee on Rules & Health

FROM: Senator Carmen Fernandez

DATE: Friday, December 17, 2004

2004 DEC 17 PM 5:26  
36y

The Committee on Education & Housing, to which was referred **Bill 343 (LS): AN ACT TO AMEND §3216 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO THE PAYMENT OF UNUSED PERSONAL LEAVE** has had the same under consideration, and now wishes to report back the same with the recommendation to do pass.

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

The Committee votes are as follows:

<u>5</u>	To Do Pass
<u>0</u>	Not To Pass
<u>0</u>	Abstain
<u>0</u>	Inactive File

A copy of the Committee report and other pertinent documents are attached for your immediate reference information.

Should you have any questions on the narrative report and the accompanying documents, please do not hesitate to call my office at 472-GUAM(4826). *Si Yu'os ma'ase.*

Attachments

COMMITTEE CHAIR  
Education & Housing

COMMITTEE VICE-CHAIR  
Utilities & Land

COMMITTEE MEMBER  
Appropriation  
& Budgeting, General  
Government Operations,  
Reorganization & Reform

Rules & Health

Youth & Senior Citizens,  
Federal & Foreign  
Affairs, Military & Veteran  
Affairs, Human Resources  
& Natural Resources

MAJORITY WHIP



I MINA'BENTE SIETE NA LIHESLATURAN GUAHAN

COMMITTEE ON EDUCATION & HOUSING  
SENATOR CARMEN FERNANDEZ, CHAIR

Bill No. 343 (LS)

"AN ACT TO AMEND §3216 OF TITLE 17, GUAM CODE ANNOTATED  
RELATIVE TO THE PAYMENT OF UNUSED PERSONAL LEAVE."

VOTING SHEET

	TO PASS	NOT TO PASS	ABSTAIN	INACTIVE FILE
Carmen Fernandez, Chair	<i>3</i>			
vicente 'ben" c. pangelinan, Vice Chair	<i>✓</i>			
Frank B. Aguon, Jr., Member				
Lou Leon Guerrero, Member <i>dec.</i>	<i>✓</i>			
Rory J. Respicio, Member				
Larry F. Kasperbauer, Member <i>LK</i>	<i>[Signature]</i>			
Jesse A. Lujan, Member	<i>[Signature]</i>			




I Mina' Bente Siete Na Liheslaturan Guåhan  
27th Guam Legislature

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SENATOR CARMEN FERNANDEZ

MEMORANDUM

TO: Committee Members

FROM: Carmen Fernandez, Chair 

DATE: Friday, December 17, 2004

RE: "Bill 343(LS): An Act To Amend §3216 Of Title 17, Guam Code Annotated Relative To The Payment Of Unused Personal Leave."

COMMITTEE CHAIR  
Education & Housing

COMMITTEE VICE-CHAIR  
Utilities & Land

COMMITTEE MEMBER  
Appropriation  
& Budgeting, General  
Government Operations,  
Reorganization & Reform

Rules & Health

Youth & Senior Citizens,  
Federal & Foreign  
Affairs, Military & Veteran  
Affairs, Human Resources  
& Natural Resources

MAJORITY WHIP

Transmitted herewith for your consideration and action is our Committee Report on the above subject matter.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Notice of Public Hearing

Please take the appropriate action on the attached voting sheet. Your kind attention and cooperation in this matter is greatly appreciated.

Should you have any questions on the narrative report and the accompanying documents, please do not hesitate to call my office at 472-GUAM (4826). *Si Yu'os ma'ase.*

Attachments



I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN

**COMMITTEE ON EDUCATION & HOUSING**

**SENATOR CARMEN FERNANDEZ, CHAIR**

**COMMITTEE REPORT**

**BILL 343 (LS):**

**“AN ACT TO AMEND §3216 OF TITLE 17 GUAM  
CODE ANNOTATED RELATIVE TO THE PAYMENT  
OF UNUSED PERSONAL LEAVE.”**



**Committee on Education & Housing  
Report on**

**Bill No. 343 (LS): AN ACT TO AMEND §3216 OF TITLE 17, GUAM CODE ANNOTATED, RELATIVE TO THE PAYMENT OF UNUSED PERSONAL LEAVE.**

**PUBLIC HEARING**

The Committee on Education and Housing, to which was referred bill 343, conducted a public hearing on Friday, December 17, 2004, at the Guam Legislature Public Hearing Room. Senator Carmen Fernandez, Chairperson of the Committee on Education and Housing, convened the hearing at 8:10 a.m. In attendance was Senator Robert Klitzke.

**TESTIMONY**

**Robert Koss, Executive Director Guam Federation of Teachers.**

Mr. Koss testified in favor of *Section 1* of the Bill and against *Section 2*. Mr. Koss said that Section 1 addresses some of the concerns of the GFT, but noted that on many occasions in the past teachers were paid 100% of their unused personal leave. He suggested that the leave payment should be up to the collective bargaining agreement between the GFT and DOE.

Senator Klitzkie noted in dialogue with Mr. Koss that the amount of personal leave is not set by law but negotiated as a matter of contract. He noted that the contract may authorize 45 hours of leave or more and therefore caps on payments would be appropriate. Mr. Koss agreed with Senator Klitzkie.

Mr. Koss also noted that a provision in a budget law allowed the payment of up to 24 hours of unused personal leave for the school year 2002-2003 and that the provisions of *Section 2* of the bill would result in many teachers having to repay money should this section be enacted. Staff of the author clarified that at the time the bill was introduced, the author had been led to believe that the practice under existing codified law and not the budget law referenced by Mr. Koss had been used for such school year's computation of leave payment. Staff of the author further noted that author is aware of the problem in the bill and will be recommending changes that would remove the school year 2002-2003 from *Section 2* of the Bill.

## COMMITTEE FINDINGS AND RECCOMENDATIONS

The Committee finds that a problem exists in current law that penalizes teachers of the Department of Education with regards to traditional practices regarding the disposition of unused personal leave. The Committee agrees with the GFT Executive Director that changes are warranted to statutes regarding such practices. Such changes include: (1) making the amount paid a matter of a collective bargaining agreement and (2) placing a cap of 24 hours on such payment. The Committee also agrees with the author that the school year 2002-2003 should not be considered in the provisions of *Section 2* of the bill.

The Committee further finds that some teachers have requested that in lieu of payment of unused leave hours that teachers be granted the option to transfer the unused leave to their sick leave.

The Committee has substituted Bill No. 343 (LS) to include the recommendations of the GFT, the author and the Committee members. The Committee on Education and Housing hereby reports out Substitute Bill No. 343 (LS) and recommends that the bill be **passed** by *I Liheslaturan Guåhan*.