



Office of the Governor of Guam

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Felix Perez Camacho
Governor

Kaleo Scott Moylan
Lieutenant Governor

Office of the Speaker
Vicente C. Pangelinan

DEC 31 2004

4:40
RECORDED

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. 399 (COR), "AN ACT AMEND §4109(a) AND TO ADD A NEW §4109.5 TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND LEAVE SHARING POLICES TO TEACHERS," now designated as Public Law 27-158.

Sins eru yan Magåhet,

[Handwritten signature of Felix P. Camacho]

FELIX P. CAMACHO
I Maga'låhen 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. 399 (COR), "AN ACT TO AMEND §4109(a) AND TO ADD A NEW §4109.5 TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND LEAVE SHARING POLICIES TO TEACHERS,"** was on the 20th day of December, 2004, duly and regularly passed.

Attested:



Tina Rose Muña Barnes
Senator and Legislative Secretary


vicente (ben) c. pangelinan
Speaker

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'laha'i's Office

APPROVED:


FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: December 30, 2004

Public Law No. 27-158

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

Bill No. 399 (COR)

As substituted by the Author
and amended on the Floor.

Introduced by:

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

**AN ACT TO AMEND §4109(a) AND TO ADD A NEW §4109.5
TO TITLE 4, GUAM CODE ANNOTATED, TO EXTEND
LEAVE SHARING POLICIES TO TEACHERS.**

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

2 **Section 1.** §4109(a) of Title 4, Guam Code Annotated, is hereby
3 *amended* to read as follows:

4 "(a) Annual leave shall be granted to employees occupying
5 permanent positions, *except* personnel of the Department of Education,
6 the Guam Community College or the University of Guam, who are

1 employed on a school-year basis, in accordance with the following
2 schedule:

- 3 (1) One-half day (4 hours) for each full bi-weekly pay
4 period in the case of employees with less than five (5)
5 years of service; and
- 6 (2) Three-fourths day (6 hours) for each bi-weekly pay
7 period in the case of employees with more than five (5)
8 years of service.

9 For purposes of this Subsection (a), all elected officials, *except*
10 members of the Guam Education Policy Board and the Consolidated
11 Commission on Utilities, shall be deemed employees occupying
12 permanent positions.

13 For purposes of this Subsection (a), teachers in the Department of
14 Education shall be deemed to be eligible for annual leave for the
15 purposes of 4 GCA §4109.5 *only*. For this purpose, a teacher's duty day
16 is deemed to be eight (8) hours."

17 **Section 2.** A new §4109.5 is hereby *added* to Title 4 Guam Code
18 Annotated, to read as follows:

19 "§4109.5. **Teachers Eligible to Participate.** (a) Teachers
20 employed by the Department of Education who are members of the
21 reserve components of the Department of Defense or Transportation,
22 including, *but not limited to*, the United States Army, the United States
23 Navy, the United States Marine Corps, the United States Air Force, the
24 Army National Guard, the Air National Guard and the United States
25 Coast Guard, shall be eligible to participate in the leave sharing

1 program established by 4 GCA, §4109.2 and implemented by 4 GCA,
2 §4109.3. Such additional leave acquired through leave sharing may be
3 used *solely* for leave required for military training or active duty.”



FRANK B. AGUON, JR.

Vice Speaker

December 15, 2004

MEMORANDUM

The Honorable ben c. pangelinan
Speaker, *I Mina' Bente Siete Na Liheslaturan Guåhan*
155 Hesler Street
Hagåtña, Guam 96910

Via: Honorable Senator Lou Leon Guerrero, Committee on Rules & Health

Dear Speaker pangelinan:

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which was referred, Bill No. 399 (COR) as substituted by the Author - An act to add a new §4109.5 to Title 4 Guam Code Annotated, to extend leave sharing policies to teachers, has had the same under consideration, and now wishes to report back the same with the recommendation **TO DO PASS**.

The voting record is as follows:

TO PASS

6

NOT TO PASS

0

TO ABSTAIN DUE TO POTENTIAL CONFLICT

0

TO PLACE IN INACTIVE FILE

0

Copies of the Committee Report and other pertinent documents are attached. Thank you for your attention to this matter. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,

FRANK BLAS AGUON, JR.

Vice Speaker/Senator

I Mina' Bente Siete Na Liheslaturan Guåhan

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.
Vice Speaker

December 15, 2004

MEMORANDUM

TO: Members, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

FROM: Vice Speaker Frank B. Aguon, Jr.
Chairman, Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

SUBJECT: Committee Report – Bill No. 399 (COR) as substituted by the Author: An act to An act to add a new §4109.5 to Title 4 Guam Code Annotated, to extend leave sharing policies to teachers

Transmitted herewith for your information and action is the report on Bill No. 399 (COR) as substituted by the Author from the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform.

This memorandum is accompanied by the following:

1. Committee Voting Sheet
2. Committee Report
3. Bill 399 (COR) as substituted by the Author
4. Public Hearing Sign-in Sheet
5. Notice of Public Hearing

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

Should you have any questions regarding the report or accompanying documents, please do not hesitate to contact me. **Dangkolo' Na Si Yu'os Ma'ase.**

Respectfully,

FRANK BLAS AGUON, JR.

Vice Speaker/Senator

I Mina Bente-Siete Na Liheslaturan Guahan



Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guahan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827





FRANK B. AGUON, JR.

Vice Speaker

Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform VOTING SHEET

Bill No. 399 (COR) as substituted by the Author An act to add a new §4109.5 to Title 4 Guam Code Annotated, to extend leave sharing policies to teachers.

Committee Members	To Pass	Not to Pass	To Abstain due to potential Conflict	To place in Inactive File
<i>[Signature]</i> FRANK B. AGUON, JR. Chair	_____	_____	_____	_____
<i>[Signature]</i> ANTOINETTE D. SANFORD Vice Chair	_____ ✓	_____	_____	_____
<i>[Signature]</i> LOU LEON GUERRERO Member	_____ ✓	_____	_____	_____
<i>[Signature]</i> TINA R. MUÑA-BARNES Member	_____ ✓	_____	_____	_____
<i>[Signature]</i> JOHN M. QUNATA Member	_____ <i>[Signature]</i>	_____	_____	_____
<i>[Signature]</i> RORY J. RESPICIO Member	_____ <i>[Signature]</i>	_____	_____	_____
<i>[Signature]</i> CARMEN FERNANDEZ Member	_____ <i>[Signature]</i>	_____	_____	_____
MARK FORBES Member	_____	_____	_____	_____
LAWRENCE F. KASPERBAUER Member	_____	_____	_____	_____

Respetu Para Todu (Respect for All)





FRANK B. AGUON, JR.

Vice Speaker

I MINA' BENTE SIETE NA LIHESLATURAN GUÅHAN

Committee on Appropriations and Budgeting,
General Governmental Operations,
Reorganization and Reform

**VICE SPEAKER FRANK B. AGUON, JR.
CHAIRMAN**

Committee Report
On
Bill No. 399 (COR)
As substituted by the Author

**"AN ACT TO ADD A NEW §4109.5 TO TITLE 4 GUAM CODE ANNOTATED,
TO EXTEND LEAVE SHARING POLICIES TO TEACHERS."**

Respetu Para Todu (Respect for All)

I Mina Bente-Siete Na Liheslaturan Guåhan * Twenty-Seventh Guam Legislature
Suite 101-A * Ada's Commercial and Professional Center * 118 East Marine Drive * Hagåtña, Guam 96910
Phone (671) 479-4GUM (4486/4828) * Fax (671) 479-4827



I. Overview

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform held a public hearing on **Bill No. 399 (COR)** at 8:00 a.m. on Monday, December 13, 2004 in the Public Hearing Room, *I Liheslaturan Guåhan*. Public notice for this hearing was made on: Friday, December 3, 2004 and Thursday, December 9, 2004 in the Pacific Daily News in the form of a paid advertisement. A press article also appeared in the Marianas Variety on December 10.

Senators present at the public hearing were:

Vice Chair Antoinette D. Sanford (presiding), member senators Tina R. Muña-Barnes and Carmen Fernandez, and non-members Speaker pangelinan and senators Robert Klitzkie and Joanne M. Brown.

II. Summary of testimony

In the absence of the sponsors of Bill 399, the **presiding Chair** announced that the bill was not intended to apply to all teachers, but only to those who were members of the armed forces.

COL(P) Jerry M. Rivera, the Adjutant General, signed in to testify in person, but departed before testimonies on the bill were called. **COL David Riaño** appeared in person before the Committee on his own behalf and representing the Adjutant General, in support of Bill 399.

COL Riaño lauded the bill as generous and equitable, and encouraged the Committee to extend to teachers those leave sharing benefits provided to other government of Guam employees. He stated that this difference in treatment came up when the National Guard was activated following major typhoons in recent years.

Committee members posed several lines of questioning on compensation for various types of duty, and special categories of employee hours and compensation (such as firemen). Under questioning, COL Riaño admitted that there are other State-level incentives and compensation afforded National Guard and Reserve members; leave and leave-sharing is Guam's method. Leave taken for all types of duty (active or training) and activation (Territorial emergency or federal call-up) is the same.

The presiding Chair concluded the hearing with an announcement that the sponsor will make major refinements to Bill 399.

Written testimony was received from constituent **Michael A. Guzman** in support of Bill 399 (Attachment A), who is employed as a GATE teacher at Merizo Martyrs Memorial Elementary and F.Q. Sanchez Elementary schools. He also serves in the Guam Army National Guard, and has been called to active duty commencing in mid-January 2005. Mr. Guzman explained that the issue of insufficient leave had not arisen in the past, but now that he is being called up, asks the Committee to establish equal benefit treatment for government teachers.

Written testimony was received from the **Director of Administration** in support of Bill 399 (Attachment B). She offered suggestions to clarify the effect of the bill, particularly to avoid the interpretation that sick leave could be used during times of military activation. Ms. Perez suggested that only annual leave be shared for this purpose.

III. Findings and recommendation

The Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform finds that Section 2 of Bill No. 399 (COR) would not achieve the purposes of the bill, as stated in Section 1. Bill 399 was subsequently substituted by the author, incorporating comments and suggestions from the public.

Accordingly, the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform, to which Bill No. 399 (COR) was referred does hereby submit to *I Mina' Bente Siete Na Liheslaturan Guåhan* **TO DO PASS Bill No. 399 as substituted by the Author**: "An act to add a new §4109.5 to Title 4 Guam Code Annotated, to extend leave sharing policies to teachers".

**MINA BENTE SIETE NA LIHESLATURAN GUÅHAN
2004 (SECOND) REGULAR SESSION**

Bill No. 399

As Substituted by the Author

Introduced by:

**F. B. AGUON, JR.
R. J. RESPICIO
C. FERNANDEZ**

**AN ACT TO ADD
A NEW §4109.5 TO TITLE 4 GUAM CODE ANNOTATED,
TO EXTEND LEAVE SHARING POLICIES TO TEACHERS**

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

2 **Section 1. Legislative Findings/Intent.** With the increasing numbers of
3 Guam military reserve and National Guard members called to active duty
4 and deployment, lawmakers have discovered that teachers employed by
5 the Department of Education who are also members of Department of
6 Defense or Transportation reserve components are not eligible to
7 participate in the expanded leave sharing program, established by Public
8 Law 26-134. Therefore, the Legislature seeks to eliminate this disparate
9 treatment and extend equivalent leave benefits to government teachers.

10 **Section 2.** A new §4109.5 is added to Title 4 Guam Code Annotated to
11 read as follows:

12 **§4109.5. Teachers Eligible to Participate.** (a) Teachers employed by the
13 Department of Education who are members of the reserve components of
14 the Department of Defense or Transportation, including, but not limited to,

1 the United States Army, the United States Navy, the United States Marine
2 Corps, the United States Air Force, the Army National Guard, the Air
3 National Guard and the United States Coast Guard, shall be eligible to
4 participate in the leave sharing program established by 4 GCA §4109.2 and
5 implemented by 4 GCA 4109.3. Such additional leave acquired through
6 leave sharing may be used solely for leave required for military training or
7 active duty.

8 (b) When transferring annual leave into personal leave accounts for the
9 purposes of leave sharing as authorized by 4 GCA §4109.5(a), eight hours
10 of annual leave is equivalent to one day of teacher personal leave.

ATTACHMENT A

To: Chairman of the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

CC: Members of the Committee on Appropriations and Budgeting, General Governmental Operations, Reorganization and Reform

From: Michael A. Guzman

Date: 12/13/2004

Re: Bill 399

I am a teacher of the Gifted and Talented Programs at Metzizo Martyrs' Memorial Elementary School and F.Q. Sanchez Elementary School in Umatac. I am also proud to be a member of the Guam Army National Guard serving our island in times of need and now our nation in its fight against terrorism. I have received orders for mobilization on the 10th of January, 2005. I am proud of the dual mission that the Guam Guard leads.

I had not been aware of the leave sharing policies that benefit all Government of Guam employees until recently. In the five years that I have been in the Guam Guard, I had not heard or considered using leave while serving for our natural disasters in the past.

Now, I am being called up to serve for an extensive period of time, in turn, to contribute to our country's fight against terrorism. I hope that our actions as soldiers, sailors, and airmen have a positive impact on the people we are hoping to help and that they whole-heartedly become our friends and allies.

I am happy that the law provides a way for Reserve members and National Guard members to continue providing for their families through their government job, in a manner that they had done so prior to deployments and the like. I was disappointed to find that teachers are completely excluded from the benefit of that law, Public Law 26-134, which entitles government employees serving in the Reserves and National Guard to participate in the leave sharing program while on active duty.

I understand that Bill No. 399 will establish this equality for teachers in the government. I look forward to the passage of Bill No. 399.

Mr. Chairman, and Members of the Committee, I humbly ask for your consideration so that teachers serving in the National Guard and Reserves are able to equally benefit from the intent of Public Law 26-134. We and our families look forward to your support in this matter.

Thank You.

Respectfully,


Michael Adrian Guzman

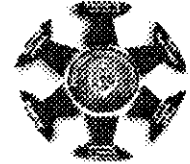


Felix P. Camacho
Governor
Kaleo S. Moylan
Lieutenant Governor

DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)
DIRECTOR'S OFFICE
(Ufisinan Direktot)
Post Office Box 884 * Hagatna, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788

DEC 13 2004

ATTACHMENT B



Lourdes M. Perez
Director
Joseph C. Manibusan
Deputy Director

HRD No. 05-0122

Vice Speaker Frank B. Aguon, Jr.
Committee on Appropriations & Budgeting,
General Governmental Operations,
Reorganization & Reform
27th Guam Legislature
Suite 101-A Ada's Commercial & Professional Center
118 East Marine Drive
Hagatña, Guam 96910

RECEIVED
DEC 13 2004
3:12:00 pm

Dear Vice Speaker Aguon:

Buenas yan Hafa Adai! Thank you for the opportunity to comment on Bill 399, which proposes to make teachers eligible to participate in the leave sharing program established by 4 GCA §4109.2.

All employees of the government of Guam are already eligible to participate in the leave sharing program, including teachers. What the teachers are not eligible is for the use of sick leave donation when they are activated in the military. Sick leave as defined in 4 GCA §4108 is allowed when the employee is compelled to be absent from duty for his/her physical or mental illness; injury; mental health examination, counseling or treatment; pregnancy, childbirth; medical, dental or optical examination or treatment; or because of quarantine due to his own or another's illness. The employee may also use sick leave to provide health care for a member of the employee's immediate family as a result of serious illness or injury and the employee has exhausted all of his/her accrued annual leave.

It is for the specific requirements above that differentiates the use of sick leave from annual or personal leave. If the teachers are allowed to use sick leave for the purpose of military activation, the employee will still be required to exhaust his/her accrued sick leave. However, we strongly recommend that the purpose for the use of sick leave be preserved for what it is intended for, and not be used for this purpose. In spite of the fact that teachers are not allowed to accrue annual leave, it is better that employees who wish to donate to another employee, who has been activated in the military, be allowed to donate only annual leave. The Department of Education may then be required to establish a payroll account for such special provision to benefit teachers only, using donated annual leave.

VICE SPEAKER FRANK B. AGUON, JR.
COMMENTS ON BILL 399
PAGE TWO

In addition, it is no secret that the Department of Education (DOE) is lacking teachers at this time. Donated leave only provides leave transfers from one employee to the other. DOE is still responsible for the compensation of teachers on leave sharing, not the donor's department, since the law did not allow for the transfer of funds for this purpose. It will, therefore, pose a problem financially for DOE to recruit teachers to replace those who have been activated.

Since Bill 399 did not specify the kind of leave to be used for teachers, who wish to take advantage of donated leave from other employees, it is important to identify the kind of leave in order to ensure appropriate accounting charges. It is so much easier for DOE to establish a new account to charge annual leave for teachers on activation, than to change the whole meaning of sick leave for a special group of employees.

Again, Si Yu'os Ma'ase for the opportunity to comment on your proposed Bill 399. If you have any questions regarding this subject, please call the Human Resources Division at 475-1252.


LOURDES M. PEREZ



Committee on Appropriations and Budgeting, General Governmental Operations,
Reorganization and Reform

Vice Speaker Frank B. Aguon, Jr., Chairman

Public Hearing: Monday, December 13, 2004 • 8:00 a.m.

I Liheslaturan Guahan, Hagatna

Witness sign in sheet

Bill No. 399 (COR) An act to add a new §4109.5 to Title 4 Guam Code Annotated, to extend leave sharing policies to teachers.

NAME (Please print)	AGENCY/ ORGANIZATION	ORAL TESTIMONY	WRITTEN TESTIMONY	IN FAVOR	NOT IN FAVOR	CONTACT NUMBER
COL David Riaño	Guam Nat'l Guard	X		X		735-0833
COL(P) JERRY M. RIVERA	GUAM NATIONAL GUARD	X		X		735-0400/06