



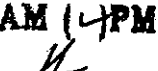
Office of the Governor of Guam

P.O. Box 2950 Hagåtña, Guam 96932

TEL: (671) 472-8931 • FAX: (671) 477-4826 • EMAIL: governor@mail.gov.gu

Office of the People's Speaker  
vicente (ben) c. pangelinan

JAN 05 2004

TIME: 2:05 ( ) AM ( ) PM  
RECEIVED BY: 

Felix Perez Camacho  
Governor

Kaleo Scott Moylan  
Lieutenant Governor

02 JAN 2004

The Honorable Vicente C. Pangelinan  
Speaker  
*I Mina'Bente Siete Na Liheslaturan Guåhan*  
Twenty-Seventh Guam Legislature  
155 Hesler Street  
Hagåtña, Guam 96910

Dear Speaker Pangelinan:

Transmitted herewith is Bill No. 139 (COR), "AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING EMPLOYEES OF THE GOVERNMENT OF GUAM DISASTER LEAVE TO PARTICIPATE WITH THE AMERICAN RED CROSS DURING AN EMERGENCY DECLARATION," which I signed into law on December 19, 2003, as Public Law No. 27- 59.

Sincerely yours,



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

Attachment: copy attached of signed bill

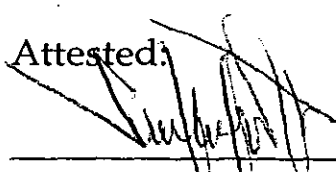
cc: The Honorable Tina Rose Muna-Barnes  
Senator and Legislative Secretary

I MINA'BENTE SIETE NA LIHESLATURAN GUÅHAN  
2003 (FIRST) Regular Session

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

This is to certify that Bill No. 139 (COR), "AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO ALLOWING EMPLOYEES OF THE GOVERNMENT OF GUAM DISASTER LEAVE TO PARTICIPATE WITH THE AMERICAN RED CROSS DURING AN EMERGENCY DECLARATION," was on the 6<sup>th</sup> day of December, 2003, duly and regularly passed.

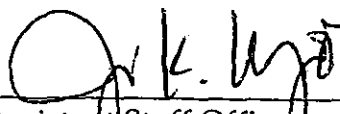
Attested:



Tina Rose Muña Barnes  
Senator and Legislative Secretary

\_\_\_\_\_  
vicente (ben) c. pangelinan  
Speaker

.....  
This Act was received by *I Maga'lahaen Guåhan* this 10<sup>th</sup> day of December, 2003, at 4:50  
o'clock P.M.

  
\_\_\_\_\_  
Assistant Staff Officer  
*Maga'lahaen's Office*

APPROVED:

  
\_\_\_\_\_  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: 12/19/03

Public Law No. 27-59

I MINA'BENTE SIETE NA LIHESLATURAN GUÁHAN  
2003 (FIRST) Regular Session

**Bill No. 139 (COR)**

As amended by the Committee on Appropriation  
and Budgeting, General Governmental Operations,  
Reorganization and Reform and further amended on the Floor.

Introduced by:

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

AN ACT TO ADD A NEW CHAPTER 16 TO TITLE 4 OF THE  
GUAM CODE ANNOTATED, RELATIVE TO ALLOWING  
EMPLOYEES OF THE GOVERNMENT OF GUAM  
DISASTER LEAVE TO PARTICIPATE WITH THE  
AMERICAN RED CROSS DURING AN EMERGENCY  
DECLARATION.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. A new Chapter 16 is *added* to Title 4 of the Guam Code  
3 Annotated.

4 "Chapter 16

5 Disaster Service Volunteer Leave Act

- 1        §16101.    Legislative Intent.
- 2        §16102.    Nomenclature of Act.
- 3        §16103.    Definitions.
- 4        §16104.    Disaster Service Volunteer Leave.
- 5        §16105.    Certification as a Certified Disaster Service Volunteer.
- 6        §16106.    Private Sector Employees.

7            §16101.        Legislative Intent.    *I Liheslaturan Guåhan* finds  
8 and recognizes that the American Red Cross has a long tradition of  
9 humanitarian service. Guam has been assisted by the American Red  
10 Cross during times of disasters in addition to humanitarian  
11 assistance involving finding or locating relatives along with blood  
12 drives. In response to an increasing number of disasters in recent  
13 years, and in response to their rising costs, several states have  
14 enacted legislation authorizing paid leave for government employees  
15 who volunteer for American Red Cross disaster operations. Often,  
16 government employees possess skills that can be transferred to  
17 disaster operations, including shelter management, mass feeding,  
18 damage assessment and family services.

19            The Act allows government employees a maximum of fifteen  
20 (15) days paid leave during a twelve (12)-month period, without loss  
21 of seniority, vacation time, sick leave, or earned overtime  
22 accumulation.

23            *I Liheslaturan Guåhan* further finds that it is essential that the  
24 government of Guam allows for its employees to request for disaster  
25 leave during periods of disasters and humanitarian need assisting the

1 American Red Cross.

2 §16102. Nomenclature of Act. This Act may be cited as  
3 the 'Disaster Service Volunteer Leave Act.'

4 §16103. Definitions. As used in this Chapter, unless the  
5 context indicates a different intent:

6 (1) 'Department' or 'agency' means any office,  
7 officer, official, department, board, commission,  
8 institution, bureau, agency, division or unit of the  
9 government of Guam, including those within the  
10 legislative and judicial branches of the government of  
11 Guam.

12 (2) 'Disaster' means a local disaster designated at  
13 level 1 or higher in the American National Red Cross  
14 Regulations and procedures or a national disaster at level  
15 III or higher in the American National Red Cross  
16 Regulations.

17 (3) 'Certified disaster service volunteer' or  
18 'volunteer' means any person who has completed the  
19 necessary training for and has been certified as a disaster  
20 service specialist by the American Red Cross.

21 §16104. Disaster Service Volunteer Leave. (a) An  
22 employee of an agency who is a certified disaster service volunteer  
23 may be granted leave from work with pay, in accordance with  
24 Subsection (b) infra, for up to an aggregate of fifteen (15) days,  
25 consecutively or non-consecutively, in any twelve (12)-month period

1 to participate in specialized disaster relief services for the American  
2 Red Cross in connection with any disaster, upon the request of the  
3 American Red Cross for such employee's services and upon the  
4 approval of such employee's employing agency.

5 (b) An employee of an agency granted leave pursuant to  
6 Subsection (a) of this Section shall be compensated by the employee's  
7 employing agency at the employee's regular rate of pay for those  
8 regular work hours during which the employee is absent from work,  
9 but shall *not* receive overtime pay, shift differential pay, hazardous  
10 duty pay or any other form of pay or compensation in addition to the  
11 employee's regular pay. An employee of an agency who is granted  
12 leave pursuant to Subsection (a) of this Section shall *not* lose any  
13 seniority or any already accumulated vacation time, sick time or  
14 earned overtime due to such leave.

15 (c) The government of Guam shall *not* be liable for workers'  
16 compensation claims arising from accident or injury while an  
17 employee is on assignment as a certified disaster service volunteer for  
18 the American Red Cross. Duties performed while on disaster leave  
19 shall *not* be considered to be a work assignment by any department  
20 or agency. In determining whether to grant leave to an employee, the  
21 employee's employing agency may consider the needs of the  
22 American Red Cross for expertise in a particular certified area. The  
23 employee's activities and job functions while on leave, however, shall  
24 *not* be directed by the government of Guam but shall be determined  
25 and controlled solely by the American Red Cross.

1           (d) An employee who is on leave pursuant to this Section shall  
2 *not* be deemed to be an employee of the government of Guam for  
3 purposes of the Government Claims Act of Chapter 6, of Title 5 of the  
4 Guam Code Annotated.

5           **§16105. Certification as a Certified Disaster Service**  
6 **Volunteer.** No employee shall be paid during regular work hours in  
7 the completion of any training towards a certification as a disaster  
8 service volunteer unless such employee uses personal or annual  
9 leave.

10           **§16106. Private Sector Employees.** (a) An employee of  
11 any private sector business who is a certified disaster service  
12 volunteer may be granted leave from work with pay, in accordance  
13 with Subsection (b) *infra*, for up to an aggregate of fifteen (15) days,  
14 consecutively or non-consecutively, in any twelve (12)-month period  
15 to participate in specialized disaster relief services for the American  
16 Red Cross in connection with any disaster, upon the request of the  
17 American Red Cross for such employee's services and upon the  
18 approval of such employee's employing company.

19           (b) An employee of any private sector business granted leave  
20 pursuant to Subsection (a) of this Section shall be compensated by the  
21 employee's employing company at the employee's regular rate of pay  
22 for those regular work hours during which the employee is absent  
23 from work, but shall *not* receive overtime pay, shift differential pay,  
24 hazardous duty pay or any other form of pay or compensation in  
25 addition to the employee's regular pay. An employee of any private

1 sector business who is granted leave pursuant to Subsection (a) of  
2 this Section shall *not* lose any seniority or any already accumulated  
3 vacation time, sick time or earned overtime due to such leave.

4 (c) The employing company shall *not* be liable for workers'  
5 compensation claims arising from accident or injury while an  
6 employee is on assignment as a certified disaster service volunteer for  
7 the American Red Cross. Duties performed while on disaster leave  
8 shall *not* be considered to be a work assignment by its employing  
9 company. In determining whether to grant leave to an employee, the  
10 employee's employing company may consider the needs of the  
11 American Red Cross for expertise in a particular certified area. The  
12 employee's activities and job functions while on leave, however, shall  
13 *not* be directed by its employing company but shall be determined  
14 and controlled solely by the American Red Cross."

15 **Section 2. Severability.** *If* any provision of this Law or its  
16 application to any person or circumstance is found to be invalid or contrary  
17 to law, such invalidity shall *not* affect other provisions or applications of  
18 this Law which can be given effect without the invalid provisions or  
19 application, and to this end the provisions of this Law are severable.