

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) REGULAR SESSION

2011 AUG 12 PM 4: 12 - De

Bill No. 289-31 *cor*

Introduced by:

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**AN ACT TO AMEND CHAPTER 16 OF TITLE 4, GUAM
CODE ANNOTATED, RELATIVE TO THE “DISASTER
SERVICE VOLUNTEER LEAVE ACT”.**

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

2 **Section 1. Legislative Intent.** *I Liheslaturan Guåhan* gratefully acknowledges the
3 assistance provided by the American Red Cross on Guam during good times and bad times. *I*
4 *Liheslatura* also states its continued support for the policy to allow government of Guam and private
5 sector employees an opportunity to use their skills as disaster service volunteers. The amendments to
6 this Chapter seek to provide additional opportunities for disaster volunteer service by expanding the
7 list of organizations employees may volunteer at by including non-governmental and faith-based
8 organizations along with the American Red Cross. It is also the intent of *I Liheslaturan Guåhan* to
9 recognize the Guam Volunteers Organizations Active in Disasters (VOAD) as the official
10 government entity responsible for the coordination of relief efforts in conjunction with the Guam
11 Homeland Security and the Office of Civil Defense.

12 **Section 2. Chapter 16 of Title 4, Guam Code Annotated, is amended to read:**

13 **“CHAPTER 16**
14 **DISASTER SERVICE VOLUNTEER LEAVE ACT**

- 15 § 16101. Legislative Intent.
- 16 § 16102. Nomenclature of Act.
- 17 § 16103. Definitions.
- 18 § 16104. Disaster Service Volunteer Leave.
- 19 § 16105. Certification as a Certified Disaster Service Volunteer.
- 20 § 16106. Private Sector Employees.

1 **§ 16101. Legislative Intent.** *I Liheslaturan Guåhan* [The Guam Legislature] finds and
2 recognizes that the American Red Cross and other non-governmental organizations (NGOs) as well
3 as faith-based member organizations [has] have a long tradition of humanitarian service. Guam has
4 been assisted by the American Red Cross during times of disasters in addition to humanitarian
5 assistance involving finding or locating relatives along with blood drives. Our island has also been
6 the recipient of assistance provided by various NGOs and faith-based member organizations,
7 whether during a declared disaster or in response to a humanitarian need. In response to an
8 increasing number of disasters in recent years, and in response to their rising costs, several states
9 have enacted legislation authorizing paid leave for government employees who volunteer for
10 American Red Cross disaster operations. Often, government employees possess skills that can be
11 transferred to disaster operations, including shelter management, mass feeding, damage assessment
12 and family services. The Act allows government employees a maximum of fifteen (15) days paid
13 leave during a twelve (12)-month period, without loss of seniority, vacation time, sick leave, or
14 earned overtime accumulation. *I Liheslaturan Guåhan* [The Legislature] further finds that it is
15 essential that the government of Guam allows for its employees to request for disaster leave during
16 periods of disasters and humanitarian need assisting the American Red Cross, other NGOs and faith-
17 based member organizations.

18 **§ 16102. Nomenclature of Act.** This Chapter may be cited as the *Disaster Service Volunteer*
19 *Leave Act.*

20 **§ 16103. Definitions.** As used in this Chapter, unless the context indicates a different intent:

21 (1) ‘*Department*’ or ‘*agency*’ means any office, officer, official, department, board,
22 commission, institution, bureau, agency, division or unit of the government of Guam, including
23 those within the legislative and judicial branches of the government of Guam.

24 (2) ‘*Disaster*’ means a local disaster designated at level 1 or higher in the American National
25 Red Cross Regulations and procedures or a national disaster at level III or higher in the American
26 National Red Cross Regulations.

27 (3) ‘*Certified disaster service volunteer*’ or ‘*volunteer*’ means any person who has completed
28 the necessary training for and has been certified as a disaster service specialist by the American Red
29 Cross.

1 (4) 'Guam Volunteers Organizations Active in Disasters (Guam VOAD)' means the
2 recognized government of Guam entity to coordinate disaster relief in conjunction with the Guam
3 Homeland Security and Office of Civil Defense.

4 (5) 'Registered Organization' means a non-governmental organization, or a faith-based
5 organization, that has been recognized by the Guam VOAD as possessing the abilities to provide
6 certain forms of assistance following a declared disaster, or in response to an immediate
7 humanitarian need.

8 **§ 16104. Disaster Service Volunteer Leave.** (a) An employee of an agency who is a
9 certified disaster service volunteer may be granted leave from work with pay, in accordance with
10 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,
11 in any twelve (12)-month period to participate in specialized disaster relief services for the American
12 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer
13 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the
14 American Red Cross or any registered organization for such employee's services and upon the
15 approval of such employee's employing agency.

16 (b) An employee of an agency granted leave pursuant to Subsection (a) of this Section shall
17 be compensated by the employee's employing agency at the employee's regular rate of pay for those
18 regular work hours during which the employee is absent from work, but shall not receive overtime
19 pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition
20 to the employee's regular pay. An employee of an agency who is granted leave pursuant to
21 Subsection (a) of this Section shall not lose any seniority or any already accumulated vacation
22 time, sick time or earned overtime due to such leave.

23 (c) The government of Guam shall not be liable for workers compensation claims arising
24 from accident or injury while an employee is on assignment as a certified disaster service volunteer
25 for the American Red Cross or a registered organization. Duties performed while on disaster leave
26 shall not be considered to be a work assignment by any department or agency. In determining
27 whether to grant leave to an employee, the employee's employing agency may consider the needs of
28 the American Red Cross or the requesting registered organization for expertise in a particular
29 certified area. The employee's activities and job functions while on leave, however, shall not be

1 directed by the government of Guam but shall be determined and controlled solely by the American
2 Red Cross or the registered organization.

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

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

9 **§ 16106. Private Sector Employees.** (a) An employee of any private sector business who is
10 a certified disaster service volunteer may be granted leave from work with pay, in accordance with
11 Subsection (b) infra, for up to an aggregate of fifteen (15) days, consecutively or non-consecutively,
12 in any twelve (12)-month period to participate in specialized disaster relief services for the American
13 Red Cross, or an NGO or faith-based member organization registered with the Guam Volunteer
14 Organizations Active in Disasters (VOAD) in connection with any disaster, upon the request of the
15 American Red Cross or the registered organization for such employee's services and upon the
16 approval of such employee's employing company.

17 (b) An employee of any private sector business granted leave pursuant to Subsection (a) of
18 this Section shall be compensated by the employee's employing company at the employee's regular
19 rate of pay for those regular work hours during which the employee is absent from work, but shall
20 not receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or
21 compensation in addition to the employee's regular pay. An employee of any private sector business
22 who is granted leave pursuant to Subsection (a) of this Section shall not lose any seniority or any
23 already accumulated vacation time, sick time or earned overtime due to such leave.

24 (c) The employing company shall not be liable for workers compensation claims arising from
25 accident or injury while an employee is on assignment as a certified disaster service volunteer for the
26 American Red Cross or a registered organization. Duties performed while on disaster leave shall not
27 be considered to be a work assignment by its employing company. In determining whether to grant
28 leave to an employee, the employee's employing company may consider the needs of the American
29 Red Cross or the requesting registered organization for expertise in a particular certified area. The
30 employee's activities and job functions while on leave, however, shall not be directed by its

- 1 employing company but shall be determined and controlled solely by the American Red Cross or the
- 2 registered organization.”