

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
39-35 (COR)	Telo T. Taitague	AN ACT TO ADD A NEW ITEM (5) TO § 4109.2(b) OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO AUTHORIZING ADDITIONAL LEAVE THROUGH THE LEAVE SHARING PROGRAM FOR EMPLOYEES CERTIFIED AS HAVING A CATASTROPHIC ILLNESS.	2/6/19 3:02 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÁHAN
2019 (FIRST) Regular Session

Bill No. *39-35 (WR)*

Introduced by:

Telo T. Taitague 

**AN ACT TO *ADD* A NEW ITEM (5) TO § 4109.2(b) OF
ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO AUTHORIZING
ADDITIONAL LEAVE THROUGH THE LEAVE
SHARING PROGRAM FOR EMPLOYEES CERTIFIED
AS HAVING A CATASTROPHIC ILLNESS.**

2019 FEB -6 PM 3:02 

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**
2 **Section 1.** *A new item (5) is added to § 4109.2(b) of Article 1, Chapter 4,*
3 *Title 4, Guam Code Annotated, to read:*
4 **“§ 4109.2. Leave Sharing Program.**
5 (a) Legislative Statement. From time to time, classified employees in
6 the civil service of the government of Guam have occasion to need leave for
7 personal reasons, but may have already exhausted the leave that they have
8 earned and accrued. At times like these, particularly when the employee
9 needs time off to take care of sick family members or in the case of the
10 military reserves and National Guard members, being called to active duty in
11 excess of fifteen (15) working days, the employee might be forced to take
12 leave without pay. Through the generosity of the other employees, the
13 affected employees could be relieved of the stress of this situation.

1 (b) (1) Voluntary Transfer of Sick Leave or Annual Leave. If a
2 government of Guam employee desires to transfer a number of hours
3 of earned sick leave or annual leave to another employee in any
4 department or agency of the government, the recipient must first
5 exhaust all his accrued annual and sick leave and compensatory time
6 for the purposes of a medical emergency or for personal reasons.
7 Leave transferred from donors whose hourly rates of pay or salaries
8 are lower than the recipient shall be paid at the hourly rate or salary of
9 the donor. Leave transferred from donors whose hourly rates of pay or
10 salaries are higher than the recipient, shall be paid at the hourly rate or
11 salary of the recipient.

12 (2) A formal written request shall be made by the donor
13 employee to that person's payroll supervisor, stating the name of the
14 recipient, the number of hours of leave to be transferred and the type
15 of leave. No transfer may be made by any employee to that person's
16 supervisor, or to any person above that employee in the supervisory
17 chain, or to a member of the supervisor's or such supervisory person's
18 immediate family. If the donor has sufficient hours of leave accrued to
19 cover the donation, the payroll supervisor shall notify the Payroll
20 Division to transfer the approved number of hours to the recipient.
21 Upon receipt of the notice of transfer, the receiving employee may
22 then submit a leave request for the number of hours of leave, sick or
23 annual, that the employee needs and the department head shall then
24 approve the leave request.

25 (3) Leave may not be transferred to another employee if as a
26 recipient that employee intends to use it for credit towards retirement
27 or accumulated leave. This transfer of leave shall be strictly on a

1 voluntary basis. Leave transferred shall be used as leave by the person
2 to whom it is transferred, and if it is not used in its entirety, it may be
3 re-transferred to the person who originally earned it. In no event shall
4 transferred leave be converted to cash or retirement credit by the
5 person to whom it is transferred.

6 (4) Participation in the leave sharing program shall not exceed
7 ninety (90) working days, shall require a certification from the
8 attending medical doctor that the recipient of the leave needs
9 additional time for medical treatment or recovery from a medical
10 illness and is physically unable to return to work due to the medical
11 illness. An additional ninety (90) working days may be granted upon
12 similar certification from the attending medical doctor made within
13 two (2) weeks of the first ninety (90) day period. A final period of
14 thirty (30) working days may be granted upon an additional
15 certification from the attending medical doctor that additional time is
16 needed for recovery.

17 (5) An employee certified by his or her attending medical
18 doctor as having a catastrophic illness, including but is not limited to a
19 heart attack, stroke, and/or cancer, and who requires additional time
20 beyond the two hundred ten (210) working days authorized pursuant
21 to 4GCA, § 4109.2(b)(4) for medical treatment or recovery may be
22 authorized additional leave upon approval by his or her respective
23 department director or appointing authority. Authorization of
24 additional leave for an employee certified as having a catastrophic
25 illness may be granted upon similar certification from the attending
26 medical doctor made within two (2) weeks of the final thirty (30) day

1 period provided in 4GCA, § 4109.2(b)(4) confirming the employee is
2 physically unable to return to work.

3 (c) Employees of the government of Guam shall not transfer their
4 unused annual leave or sick leave to another employee in exchange for any
5 money, favors, or items of value. Employees who transfer or receive annual
6 or sick leave in violation of this provision shall be guilty of official
7 misconduct pursuant to Title 9 GCA § 49.90.

8 (d) This provision shall apply to all government employees in the
9 classified, appointed, elected, and unclassified positions, and all branches of
10 the government of Guam, including line departments and agencies,
11 autonomous agencies, public corporations, and all other government
12 instrumentalities.”

13
14 **Section 2. Severability.** *If* any provision of this Act or the application to
15 any person or circumstance is found to be invalid or contrary to law, such
16 invalidity *shall not* affect other provisions or applications of this Act that can be
17 given effect without the invalid provision or application, and to this end the
18 provisions of this Act are severable.