

I MINA' TRENTA NA LIHESLATURAN GUÅHAN
2010 (SECOND) Regular Session

Bill No. 381-30 (LS)

Introduced by:

Telo Taitague
Tony V.A. Ada

Edeli Cordero
RAY TENORIO
F.F. BLAS, JR.

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AN ACT TO ADD A NEW ARTICLE 4 TO CHAPTER 3
OF 22GCA RELATIVE TO EMPLOYMENT LEAVE FOR
VICTIMS OF VIOLENCE.

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

2 **Section 1.** A new Article 4 is *added* to Chapter 3 of 22GCA to read as follows:

3 **“Article 4**

4 **Employment Leave For Victims Of Violence**

5 **§3401. Required leave.** An employer must grant reasonable and necessary leave
6 from work, with or without pay, for an employee to:

7 (a) Prepare for and attend court proceedings;

8 (b) Receive medical treatment or attend to medical treatment for a victim who is
9 the employee's daughter, son, parent or spouse; or

10 (c) Obtain necessary services to remedy a crisis caused by domestic violence,
11 sexual assault or stalking.

12 The leave must be needed because the employee or the employee's daughter, son,
13 parent or spouse is a victim of a crime of violence to include, but not be limited to,
14 domestic violence, assault, sexual assault, stalking or any act that would support an
15 order for protection. An employer may not sanction an employee or deprive an
16 employee of pay or benefits for exercising a right granted by this section.

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§3402. Definitions. For purposes of this subchapter, the terms "daughter," "son," "parent" and "spouse" have the same meanings as those terms have under federal regulations adopted pursuant to 29 United States Code, Section 2654. An employer may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents.

§3403. Exceptions. §3401 of this Article is not violated if:

- (a) The employer would sustain undue hardship from the employee's absence;
- (b) The request for leave is not communicated to the employer within a reasonable time under the circumstances; or
- (c) The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the employer.

§3404. Civil penalties. The Department of Labor may assess civil penalties of up to Two hundred dollars (\$200) for each violation of this section, if notice of the violation was given to the employer and the department within six (6) months of the occurrence.

§3405. Application. This Article applies to all public and private employers.”