



CARL T.C. GUTIERREZ
GOVERNOR OF GUAM

APR 17 1998

Refer to
Legislative Secretary

The Honorable Antonio R. Unpingco
Speaker
Twenty-Fourth Guam Legislature
Guam Legislature Temporary Building
155 Hesler Street
Agana, Guam 96910

OFFICE OF THE LEGISLATIVE SECRETARY	
ASSIGNMENT RECEIPT	
Received By:	<u>[Signature]</u>
Time	<u>4:45pm</u>
Date	<u>4.17.98</u>

Dear Speaker Unpingco:

Enclosed please find a copy of Substitute Bill No. 490 (LS), "AN ACT TO ADD §4109(g) TO ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING LEAVE TO EMPLOYEES REPRESENTING GUAM AS ATHLETES OR COACHES IN COMPETITION", which I have signed into law today as **Public Law No. 24-179**.

This legislation allows government of Guam employees who are representing Guam as athletes, coaches, or administrators, participating in an athletic contingent, and recognized by the Guam National Olympic Committee, to use up to 15 days per calendar year of annual leave to participate on behalf of Guam.

This legislation does not give leave in addition to the annual leave already accrued as a normal benefit to the employee. If an employee has no leave, the employee may have time off without pay to participate in the event. The legislation recognizes that officially recognized sports events where the participants are official Guam representatives are important, and that some accommodation must be made to arrange work schedules so that our representatives can participate at the time that the events occur.

Very truly yours,

[Signature]
Carl T. C. Gutierrez
Governor of Guam

Attachment

01770

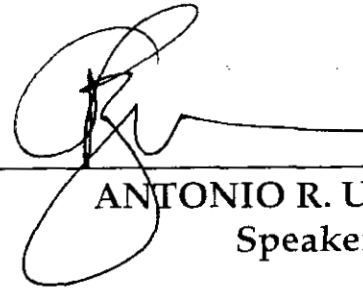
cc: The Honorable Joanne M. S. Brown
Legislative Secretary

Office of the Speaker
ANTONIO R. UNPINGCO
Date: 4-17-98
Time: 1948
Rec'd by: [Signature]
Print Name: Charlene D.

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 490 (LS), "AN ACT TO ADD §4109(g) TO ARTICLE 1, CHAPTER 4 OF TITLE 4 OF THE GUAM CODE ANNOTATED, RELATIVE TO GRANTING LEAVE TO EMPLOYEES REPRESENTING GUAM AS ATHLETES OR COACHES IN COMPETITIONS," was on the 27TH day of March, 1998, duly and regularly passed.



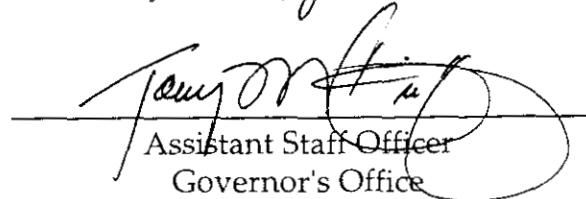
ANTONIO R. UNPINGCO
Speaker

Attested:



MARK FORBES
Senator and Acting Legislative
Secretary

This Act was received by the Governor this 7th day of April, 1998, at
3:30 o'clock P.M.



Assistant Staff Officer
Governor's Office

APPROVED:



CARL T. C. GUTIERREZ
Governor of Guam

Date: 4-17-98

Public Law No. 24-179

TWENTY-FOURTH GUAM LEGISLATURE
1998 (SECOND) Regular Session

Bill No. 490 (LS)

As substituted by the Committee on
Power, Foreign Affairs and General
Government Services and as amended
on the Floor.

Introduced by:

Felix P. Camacho
T. C. Ada
F. B. Aguon, Jr.
A. C. Blaz
J. M.S. Brown
Francisco P. Camacho
M. C. Charfauros
E. J. Cruz
W. B.S.M. Flores
Mark Forbes
L. F. Kasperbauer
A. C. Lamorena, V
C. A. Leon Guerrero
L. Leon Guerrero
V. C. Pangelinan
J. C. Salas
A. L.G. Santos
F. E. Santos
A. R. Unpingco
J. Won Pat-Borja

**AN ACT TO ADD §4109(g) TO ARTICLE 1, CHAPTER
4 OF TITLE 4 OF THE GUAM CODE ANNOTATED,
RELATIVE TO GRANTING LEAVE TO EMPLOYEES
REPRESENTING GUAM AS ATHLETES OR
COACHES IN COMPETITIONS.**

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

2 **Section 1. Legislative Findings and Intent.** The Guam Legislature finds
3 that, at times, government employees qualified to participate as athletes or
4 coaches in regional, national, or international tournaments, games or other
5 sporting events are prevented from doing so when their requests for leave are
6 denied.

7 It is the intent of the Guam Legislature to provide those qualified athletes
8 and coaches employed by the government of Guam with the opportunity to
9 compete, thus ensuring Guam's adequate representation in regional, national and
10 international competition.

11 **Section 2.** Section 4109(g) is hereby added to Article 1, Chapter 4 of Title
12 4 of the Guam Code Annotated to read as follows:

13 “(g) Any employee of the government of Guam who is a
14 participating athlete or coach or administrator in an athletic contingent,
15 recognized by the Guam National Olympic Committee (‘GNOC’),
16 representing Guam by invitation in any regional, national or international
17 tournament, game or other sporting event sanctioned by the GNOC, shall
18 be granted leave by his or her respective department director or appointing
19 authority for the time it takes to complete both competition and any
20 necessary travel, not to exceed fifteen (15) working days; provided, that his
21 or her accumulated annual leave or compensatory time off (‘CTO’) is
22 charged with the number of hours he or she is absent from duty, and
23 further provided, that the employee requests such leave in writing thirty
24 (30) calendar days prior to the first day of leave. If said employee has
25 exhausted his or her annual leave, or chooses not to use such, he or she

1 shall be granted leave without pay. Under no circumstances shall any
2 employee of the government of Guam be granted said leave for
3 competition more than three (3) times in one (1) calendar year under this
4 Subsection."

24-179



GUAM LEGISLATURE

Senator Felix P. Camacho

Office of Foreign Affairs and General Government Services

105 West Street
Agana, Guam 96910
472-2505 x6
472-9747

March 4, 1998

The Honorable
Antonio R. Unpingco
Speaker, 24th Guam Legislature
Agana, Guam

via: Committee on Rules

Dear Mr. Speaker:

The Committee on Power, Foreign Affairs & General Government Services, to which was referred **Bill No. 490**, "An act to add a new Subsection (g), §4109, Chapter 4, Title 4, Guam Code Annotated, relative to granting leave to employees representing Guam as athletes in competition," does hereby report back with the recommendation **TO DO PASS** as Substituted by the Committee on Power, Foreign Affairs & General Government Services.

Votes of committee members are as follows:

- 9 ✓ To pass
- _____ Not to pass
- _____ To place in inactive file
- _____ Abstained
- _____ Off-island
- 5 _____ Not available

FELIX P. CAMACHO
Chairman




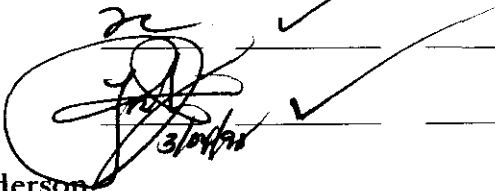

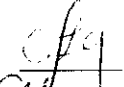
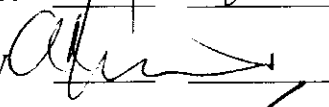


Attachments

**COMMITTEE ON POWER, FOREIGN AFFAIRS
& GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

Chairman: Senator Felix P. Camacho Vice Chairman: Senator Lawrence F. Kasperbauer Ex-Officio Member: Speaker Antonio R. Unpingco
--

VOTING SHEET ON:

**BILL NO. 490 "An Act to Add a New Subsection (g), §4109, Chapter 4, Title 4,
Guam Code Annotated, Relative to Granting Leave to Employees Representing
Guam as Athletes in Competition."**

<u>COMMITTEE MEMBERS</u>	<u>INITIAL</u>	<u>TO PASS</u>	<u>NOT TO PASS</u>	<u>ABSTAIN</u>	<u>TO PLACE IN INACTIVE FILE</u>
Sen. Felix P. Camacho		✓			
Sen. Lawrence F. Kasperbauer		X			
Sen. Thomas C. Ada		✓			
Sen. Frank B. Aguon, Jr.		✓			
Sen. Elizabeth Barrett-Anderson					
Sen. Francisco P. Camacho		✓			
Sen. Mark C. Charfauros					
Sen. Edwardo J. Cruz, MD					
Sen. William B. S.M. Flores					
Sen. Carlotta A. Leon Guerrero		✓			
Sen. Alberto A.C. Lamorena		✓			
Sen. Vicente C. Pangelinan		✓			
Sen. Angel L.G. Santos					
Sen. Francis E. Santos					
Sen. Judith Won Pat-Borja		✓			

**COMMITTEE ON POWER, FOREIGN AFFAIRS
AND GENERAL GOVERNMENT SERVICES
TWENTY-FOURTH GUAM LEGISLATURE
155 Hesler Street, Agana, Guam 96910**

COMMITTEE REPORT

ON

Bill 490

**“An act to add a new subsection (g), §4109, Chapter 4,
Title 4, Guam Code Annotated, relative to granting
leave to employees representing Guam as athletes in
competition.”**

COMMITTEE MEMBERS

Chairman: Felix P. Camacho

Vice Chairman: Lawrence F. Kasperbauer

Ex-Officio Member: Speaker Antonio R. Unpingco

Thomas C. Ada
Frank B. Aguon, Jr.
Elizabeth Barrett-Anderson
Francisco P. Camacho
Mark C. Charfauros
Edwardo J. Cruz, M
William B. S.M. Flores

Alberto A.C. Lamorena,
Carlotta A. Leon Guerrero
Vicente C. Pangelinan
Angel L.G. Santos
Francis E. Santos
Judith Won Pat-Borja

**COMMITTEE REPORT
POWER, FOREIGN AFFAIRS, AND GENERAL GOVERNMENT
SERVICES**

BILL NO. 490

**“An act to add a new subsection (g), §4109, Chapter 4,
Title 4, Guam Code Annotated, relative to granting
leave to employees representing Guam as athletes in
Competition.”**

PUBLIC HEARING

Senator Felix P. Camacho, Chairman of the Committee on Power, Foreign Affairs, and General Government Services (PFA&GGS) called to order a public hearing on Tuesday, February 24, 1998 at 9:00 a.m. to hear testimonies on Bill No. 490.

SENATORS PRESENT

Felix P. Camacho	Chairman
Francisco P. Camacho	Member
Carlotta Leon Guerrero	Member
Frank B. Aguon, Jr.	Member
Edwardo J. Cruz, M.D.	Member
William B. S.M. Flores	Member
Vicente C. Pangelinan	Member
Alberto A.C. Lamorena V	Member

PRESENT TO TESTIFY

Eloy Hara	Director, Civil Service Commission (CSC)
Robert J. Steffy	Guam National Olympic Committee (GNOC)
Jacob Cruz	Member of the Public

BACKGROUND

Bill 490 was introduced due to concerns the Committee Chairman had regarding adequate representation of Guam in regional, national and international tournaments, games or other sporting events as mentioned in the intent of the bill.

Said problem was made evident in a recent visit by Senator Felix P. Camacho to the Mini South Pacific Games. The Senator noted that some athletes who should have been participating were not present at the Games. When asked why, coaches and other staff explained that some athletes had

been denied leave by the supervisor or Director of the government agency in which said athlete was employed.

Bill 490 attempts to prevent the same problem from occurring in the future, especially in light of the upcoming 1999 South Pacific Games.

TESTIMONY AND DISCUSSION

Mr. Eloy Hara, Director of the Civil Service Commission, testified in support of Bill 490 as he is very familiar with the problem it addresses. According to Mr. Hara, as the former Assistant General Manager of GPA and the Current Director of the CSC, he has had to deal with similar scenarios involving government personnel with a need to take leave to compete. Hara acknowledged that both the needs of the individual (employee) and the needs of the government agency need to be taken into consideration, but that the need for the island to be well represented outweighs any negative effect an employee's absence from duty would have on the same community being represented. The CSC Director further stated that such leave, if granted, would not lead to detriment in government services.

Mr. Robert J. Steffy of the GNOC and Chairman of The Parks and Recreation Commission, provided and read written testimony in favor of Bill 490, with several recommendations to be considered for incorporation into the bill. In his testimony Steffy states that if Guam is to compete in the international arena, the government needs to understand that government of Guam employees must be able to participate, and that such employees should not be prevented from doing so because of leave issues. Steffy's testimony further recommends changes be made to Bill 490. They are: (1) to include coaches and administrators in its application; (2) to allow for paid administrative leave as an option. (*Written Testimony is attached*)

Mr. Steffy also recommended that the respective department "Director" be the one to grant leave and not the respective department "supervisor," as stated in the bill.

Senator Felix P. Camacho noted that in discussions with Randall Cunliff, administrative leave for government personnel eligible to compete is already an option and could be given under the discretion of the Director, or even under the Governor. The Senator argued in favor of Bill 490 explaining his experience in his visit to the 1997 Mini South Pacific Games. Apparently, Guamanian athletes that should have been participating were not present at the Games simply because they had been denied leave by their departments. Senator Camacho stated his concerns over the possibility that some directors may in fact choose to deny leave to certain individuals because of personal differences, thus hurting Guam's full participation in various events for unjust reasons.

Senator Alberto A.C. Lamorena noted similar situations involving govGuam employees and their participation in cultural events and activities. The Senator requested that the Committee look into including Bill 490's application to govGuam employees participating in such events and activities.

Senator Frank B. Aguon, Jr. expressed his concern that Bill 490 may compromise an agency's

mission. He recommended that language be added to set a limit on just how long leave may be taken, suggesting fifteen (15) working days be sufficient. Senator Aguon was also concerned with the “frequency” of such leave. He suggested limiting it to 2 to 3 times a year. According to Mr. Steffy, the GNOC has a policy with respect to individual sports in which they designate one (1) event per year for local athletes to participate in. Because of this policy, and since the bill requires recognition of an event by the GNOC, employees eligible for participation would be limited to one (1) event per year (with respect to their sport).

Senator Felix P. Camacho requested that the GNOC provide the Committee with a list of all the sporting events in which the GNOC considers to be worthy of Bill 490's application.

Senator Carlotta Leon Guerrero was concerned with the GNOC-suggested amendment to include administrators under leave eligibility, noting the need for “administrator” to be defined. The Senator thought there should be a “tight” guideline on what an administrator is to be. The Committee agreed.

Senator Edwardo J. Cruz, MD was concerned with the cost of granting all eligible employees administrative leave, and believed that the numbers should be compiled before moving further with the bill. Eloy Hara admitted that there is a large contingent of govGuam employees involved, but thought that the number wouldn't put a tremendous debt on the government's operations. Senator Cruz stated the need for accountability and knowing the (financial) consequences on granting such leave.

Senator Felix P. Camacho reminded the Committee that the discussion was on “annual leave,” and not on “administrative leave.”

Mr. Jacob Cruz testified in support of Bill 490, but suggested that sick leave and other types of leave be considered as an option.

Senator Francisco P. Camacho advised that the Committee get a list from the GNOC of which events this (potential) law would be applicable to. He further suggested that language should be added to the bill prioritizing which types of leave are to be used and exhausted first.

Mr. Steffy reiterated that he and the GNOC would hate to see athletes unable to participate due to a “leave issue.”

Senator Felix P. Camacho concluded the Hearing on Bill 490.

FINDINGS

The Committee found that several sound recommendations were made concerning Bill 490, and that additional and amended language is needed to expand the bill's scope, prevent potential abuses, and for overall clarification.

Because coaches play a major role in the bill's intent, which is to “provide adequate competition,”

the Committee thought it important to include coaches as employees eligible for leave as described by the bill.

To ensure there is no conflict among the hierarchy of a department, the Committee has decided to change the granting authority from one's "supervisor" to one's "Director, or appointing authority."

Because of the potential manipulation of statutes by employees, and to avoid compromising the mission of government agencies, it was deemed necessary to add language to: (a) set a limit on the length of time for which leave may be taken, with the suggested time period being fifteen (15) working days; (b) limit the frequency of said leave per employee to no more than twice annually.

Because of its abuse, the Committee has decided not to include sick leave as an option. Employees who are athletes should know in advanced which events they will be participating in, and should budget their annual leave hours accordingly.

RECOMMENDATION

The Committee on Power, Foreign Affairs and General Government Services wishes to report out Bill No. 490 As Substituted and recommends to the full legislature **TO DO PASS.**

GUAM NATIONAL OLYMPIC COMMITTEE

Felix P. Camacho, Senator
TWENTY-FOURTH GUAM LEGISLATURE
Agana, Guam 96910

RE: BILL NO. 490

Dear Senator Camacho:

The Guam National Olympic Committee has an interest in Bill No. 490 which you have introduced. The Guam National Olympic Committee is in general agreement with the intent of Bill No. 490, as introduced, but feels that there needs to be some minor changes.

As you are aware, some government employees have not been able to attend international, national or regional tournaments which are recognized by the Guam National Olympic Committee, because they were not awarded leave from their employers. If Guam is going to compete in the international arena, the government needs to understand that we are representing Guam and government employees should be eligible to participate. They should not be prevented from participating because of leave issues. It is imperative that we send our best contingents to any competition!

We have taken the liberty of making some changes in the proposed bill, to include coaches and administrators in the leave. As you are aware, many of our coaches and administrators are Government of Guam employees and if they are the best coaches or administrators available and cannot get leave, then the team suffers as well.

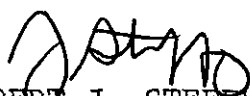
Finally, it was unclear whether or not employees, under Bill No. 490, could get paid administrative leave if it was available. To ensure that there is no question in that regard, and after having consulted you with regard to your intentions on the bill, we have made some changes with regard to the type of leave which is available.

We hope that you will take into consideration our concerns and the changes that we are suggesting in order that more personnel are able to participate, and the leave issue does not eliminate administrative leave with pay.

We want to thank you for your foresight in offering Bill No. 490 and you have the complete support of the Guam National Olympic Committee in its passage with the corrections we recommend.

Sincerely,

GUAM NATIONAL OLYMPIC COMMITTEE


ROBERT J. STEFFY