



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

MAR 16 2016

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Tres Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

2016 MAR 16 PM 1:17

Dear Madame Speaker:

Transmitted herewith is Bill No. 248-33 (COR), "AN ACT TO AMEND §§ 4107 AND 4107.1 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO MATERNITY AND PATERNITY LEAVE OF PUBLIC OFFICERS AND EMPLOYEES," which I signed into law on March 4, 2016, as Public Law 33-141.

Senseramente,


EDDIE BAZA CALVO

33-16-1452
Office of the Speaker
Judith T. Won Pat, Ed.D

Date: 03/16/2016
Time: 10:50 A.M.
Received By: CARL CR

1452

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

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

This is to certify that **Substitute Bill No. 248-33 (COR), "AN ACT TO AMEND §§ 4107 AND 4107.1 OF ARTICLE 1, CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO MATERNITY AND PATERNITY LEAVE OF PUBLIC OFFICERS AND EMPLOYEES,"** was on the 18th day of February 2016, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 22ND day of FEBRUARY,
2016, at 2:59 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: MAR 04 2016

Public Law No. 33-141

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 248-33 (COR)

As substituted by the Committee on Finance
and Taxation, General Government
Operations and Youth Development;
and further substituted and amended on the Floor.

Introduced by:

Mary Camacho Torres
Judith T. Won Pat, Ed.D.
T. R. Muña Barnes
N. B. Underwood, Ph.D.
B. J.F. Cruz
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
Frank F. Blas, Jr.
James V. Espaldon
Brant T. McCreadie
Tommy Morrison
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas

**AN ACT TO *AMEND* §§ 4107 AND 4107.1 OF ARTICLE 1,
CHAPTER 4, TITLE 4, GUAM CODE ANNOTATED,
RELATIVE TO MATERNITY AND PATERNITY LEAVE
OF PUBLIC OFFICERS AND EMPLOYEES.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that it is beneficial to local families, the local community, and the local workforce
4 to provide a reasonable amount of paid leave to new mothers. Research shows that
5 paid leave contributes not only to the health and welfare of the mother and child, but

1 also makes it more likely that women will return to the workforce after giving birth.
2 Likewise, it is essential to the development of creating strong families that we
3 provide all parents, regardless of gender, the time to bond and welcome a new child
4 into their home and family.

5 In January 2015, the President of the United States issued a Presidential
6 Memorandum directing that federal executive agencies increase the amount of paid
7 leave to be used by federal employees be increased to the equivalent of six (6) weeks
8 in connection with the birth or adoption of a child. In doing so, he so aptly stated,
9 “Now more than ever, our Nation's economic success rests on our ability to
10 empower our citizens to choose jobs that best utilize their talents and interests. All
11 employers, including the Federal Government, should support parents to ensure
12 they can both contribute fully in the workplace and also meet the needs of their
13 families. The availability of paid maternity leave, for example, has been shown to
14 increase the likelihood that mothers return to their jobs following the birth of a
15 child, and paid maternity leave has been shown to improve the health and
16 development outcomes of the infant. In addition, it is critically important for
17 parents and their newborn or newly adopted child to have the opportunity to form
18 strong family attachments and relationships.”

19 **Section 2.** § 4107 of Article 1, Chapter 4, Title 4, Guam Code Annotated,
20 is hereby *amended* to read:

21 **“§ 4107. Pregnancy Related Medical Leave.**

22 (a) Pregnancy related medical leave *shall* be granted to an
23 eligible female employee as a result of pregnancy, childbirth, or
24 medical conditions related to pregnancy or childbirth. Pregnancy
25 related medical leave *shall* consist of paid administrative leave *not to*
26 *exceed* ten (10) working days, encompassing the date of childbirth.

1 (b) Definition. As used in this Section, *eligible female*
2 *employee* is defined as a full-time classified or full-time unclassified
3 female employee.

4 (c) Use of Additional Leave Subsequent to Pregnancy Related
5 Medical Leave.

6 Subsequent to the use of paid administrative pregnancy related
7 medical leave, an eligible female employee is permitted to take
8 additional leave that, in combination with pregnancy related medical
9 leave, *does not exceed* a total of one hundred thirty (130) work days of
10 total leave surrounding childbirth. After pregnancy related medical
11 leave is exhausted, employees *shall* then use parental leave, sick leave,
12 annual paid leave, compensatory leave, and leave without pay, in that
13 order. If employees have exhausted all of the previously stated forms
14 of leave, they may then use any donated sick leave obtained through the
15 leave sharing program.

16 (d) Approval of Pregnancy Related Medical Leave and
17 Additional Leave Surrounding Childbirth.

18 The employer *shall* approve up to one hundred thirty (130) total
19 work days of leave, comprised from the various leave sources as listed
20 and pursuant to the order provided in Subsection (c). Leave
21 surrounding childbirth that is requested in excess of one hundred thirty
22 (130) working days may be approved on a case-by-case basis at the
23 discretion of the employee's appointing authority.

24 (e) Eligible Female Employees on a Probationary Status.

25 Eligible female employees who take pregnancy related medical
26 leave and additional leave surrounding the birth of a child(ren), while

1 on a probationary status, will have their probationary status increased
2 by the number of work days they miss during the leave period.

3 (f) Notice of Foreseeable Leave. The employee has the
4 responsibility to provide the supervisor *no less than* ninety (90) days
5 notification of intent to use pregnancy related medical leave and
6 additional leave surrounding birth of a child(ren). If less than ninety
7 (90) days is available, then notice *shall* be given as soon as is
8 reasonably practical.

9 (g) An employee who gives birth to multiple children at the
10 same time is granted the same amount of pregnancy related medical
11 leave as an employee who gives birth to a single child. Pregnancy
12 related medical leave is *not* cumulative; and parental leave cannot be
13 sold or donated to other employees.

14 (h) Employment and Benefits Protection. Except for
15 workforce reduction situations, an employee taking paid leave *shall* be
16 restored to the same or equivalent position held prior to the leave, or
17 restored to an equivalent position with equivalent employment benefits,
18 pay, and other terms and conditions of employment. There shall be no
19 loss of employment benefits accrued prior to leave, except for paid
20 administrative leave expended.

21 (i) Notification to Eligible Employees. Written notice by the
22 hiring agency setting forth employee rights and responsibilities under
23 the statute is required at the time of hire.”

24 **Section 3.** § 4107.1 of Article 1, Chapter 4, Title 4, Guam Code Annotated,
25 is hereby *amended* to read:

26 **“§ 4107.1. Parental Leave.**

1 (a) Parental leave *shall* be granted to an eligible employee
2 occupying a permanent position upon the birth of his or her child(ren)
3 or the adoption of a child(ren) five (5) years old or younger. Such
4 parental leave *shall* consist of paid administrative leave *not to exceed*
5 twenty (20) working days, encompassing the date of childbirth or
6 adoption of a child(ren) five (5) years old or younger. In the event that
7 an employee is also eligible for pregnancy related medical leave, that
8 form of paid administrative leave will be used immediately prior to
9 parental leave. In that situation, the result may be that parental leave
10 begins as late as ten (10) working days after the birth of the child, and
11 *does not* encompass the birth date.

12 (b) Definition. As used in this Section, *eligible employee* is
13 defined as a full-time classified or full-time unclassified employee.

14 (c) Use of Additional Leave Subsequent to Paid
15 Administrative Parental Leave.

16 Subsequent to the use of parental leave, an eligible employee is
17 permitted to take additional leave that, in combination with paid
18 administrative leave, *does not exceed* a total of one hundred thirty (130)
19 working days of total leave surrounding the birth or adoption of his or
20 her child(ren). After parental leave is exhausted, employees *shall* then
21 use sick leave, annual paid leave, compensatory leave, and leave
22 without pay, in that order. If employees have exhausted all of the
23 previously stated forms of leave, they may then use any donated sick
24 leave obtained through the leave sharing program.

25 (d) Approval of Parental Leave and Additional Leave
26 Surrounding the Birth or Adoption of a Child.

1 The employer *shall* approve up to one hundred thirty (130) total
2 working days of leave, comprised from the various leave sources as
3 listed and pursuant to the order provided in Subsection (c). Leave
4 surrounding childbirth or adoption requested in excess of one hundred
5 thirty (130) working days may be approved on a case-by-case basis at
6 the discretion of the employee's appointing authority.

7 (e) Eligible Employees on a Probationary Status.

8 Eligible employees who take parental leave and additional leave
9 surrounding the birth or adoption of their child(ren), while on a probationary
10 status, will have their probationary status increased by the number of work
11 days they miss during the leave period.

12 (f) Notice of Foreseeable Leave. The employee has the
13 responsibility to provide the supervisor *no less than* ninety (90) days
14 notification of intent to use paid parental leave and additional leave
15 surrounding the birth or adoption of their child(ren). If less than ninety
16 (90) days is available, then notice *shall* be given as soon as is
17 reasonably practical.

18 (g) An employee who becomes a parent to multiple children
19 at the same time is granted the same amount of parental leave as an
20 employee who becomes a parent to a single child. Parental leave is *not*
21 cumulative; and parental leave cannot be sold or donated to other
22 employees.

23 (h) Employment and Benefits Protection. Except for
24 workforce reduction situations, an employee taking parental leave *shall*
25 be restored to the same or equivalent position held prior to the leave, or
26 restored to an equivalent position with equivalent employment benefits,
27 pay, and other terms and conditions of employment. There shall be no

1 loss of employment benefits accrued prior to leave, except paid parental
2 leave expended.

3 (i) Notification to Eligible Employees. Written notice by the
4 hiring agency setting forth employee rights and responsibilities under
5 the statute is required at the time of hire.”

6 **Section 4.** The provisions of this Act *shall* be effective sixty (60) days after
7 the date of enactment.