

*I Mina'Trentai Kuåtto Na Liheslaturan*  
**BILL STATUS**

| BILL NO.     | SPONSOR           | TITLE  | DATE INTRODUCED      | DATE REFERRED        | CMTE REFERRED  | PUBLIC HEARING DATE  | DATE COMMITTEE REPORT FILED | FISCAL NOTES   | NOTES |
|--------------|-------------------|--|----------------------|----------------------|--|----------------------|-----------------------------|--|-------|
| 118-34 (COR) | Régine Biscoe Lee | AN ACT TO AMEND SECTIONS §§ 3602 (b) AND 3603 (b)(1) OF ARTICLE 6, CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE EMPLOYEE THRESHOLD FOR COVERAGE UNDER THE GUAM FAMILY MEDICAL LEAVE ACT. | 6/13/17<br>3:05 p.m. | 6/19/17              | Committee on Innovation and Economic, Workforce, and Youth Development | 7/10/17<br>1:00 p.m. | 7/17/17<br>9:55 a.m.        | Fiscal Note Request<br>6/19/17<br><br>Fiscal Note<br>6/28/17 |       |
|              | SESSION DATE      | TITLE  | DATE PASSED          | TRANSMITTED          | DUE DATE   | PUBLIC LAW           | DATE SIGNED                 | NOTES  |       |
|              | 7/24/2017         | AN ACT TO AMEND §§ 3602(b) AND 3603(b)(1) OF ARTICLE 6, CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE EMPLOYEE THRESHOLD FOR COVERAGE UNDER THE GUAM FAMILY AND MEDICAL LEAVE ACT.        | 07/26/17             | 7/27/17<br>1:55 p.m. | 8/8/17   | 34-41                | 8/7/2017                    | Received: 8/11/17<br>Mess and Comm. Doc. No.<br>34GL-17-0881 |       |



**EDDIE BAZA CALVO**  
Governor  
**RAY TENORIO**  
Lieutenant Governor

*Office of the Governor Of Guam*

AUG 1 1 2017

GLA 34-17-8901  
Speaker Benjamin J.F. Cruz

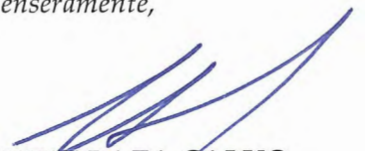
Honorable Benjamin J.F. Cruz  
Speaker  
*I Mina' trentai Kuáttro Na Liheslaturan Guåhan*  
Guam Congress Building  
163 Chalan Santo Papa  
Hagåtña, Guam 96910

AUG 1 1 2017  
Time: 11:41 AM  
Received By: [Signature] 34-184

Dear Mr. Speaker:

Transmitted herewith is Bill No. 118-34 (COR), "AN ACT TO AMEND § 3602(b) AND 3603(b)(1) OF ARTICLE 6, CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE EMPLOYEE THRESHOLD FOR COVERAGE UNDER THE GUAM FAMILY AND MEDICAL LEAVE ACT," which was signed into law on August 7, 2017, as Public Law 34-41.

*Senseramente,*

  
EDDIE BAZA CALVO

2017 AUG 11 PM 12: 01

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*I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN*  
Thirty-Fourth Guam Legislature

July 27, 2017

The Honorable Edward J.B. Calvo  
*I Maga'låhen Guåhan*  
*Ufisinan I Maga'lahi*  
*Hagåtña, Guam*

Dear *Maga'lahi* Calvo:

Transmitted herewith are Bill Nos. 38-34 (LS), **118-34 (COR)**, 105-34 (COR), 106-34 (COR), 107-34 (COR), 115-34 (COR), 117-34 (COR); and Substitute Bill No. 49-34 (COR) which were passed by *I Mina'Trentai Kuåttro Na Liheslaturan Guåhan* on July 26, 2017.

Sincerely,

  
RÉGINE BISCOE LEE  
Legislative Secretary

Enclosure (8)

OFFICE OF THE GOVERNOR  
CENTRAL FILES

RECORDED BY   
TIME 12:58 PM DATE 7.27.17

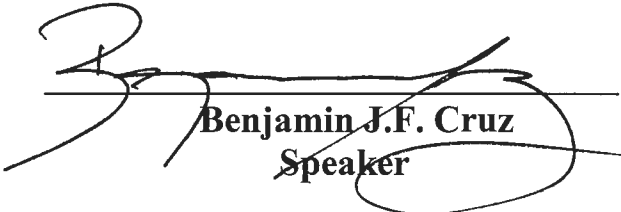


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*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÁHAN*  
2017 (FIRST) Regular Session

**CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LÁHEN GUÁHAN***

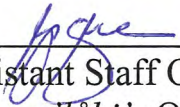
This is to certify that **Bill No. 118-34 (COR)**, “AN ACT TO *AMEND* §§ 3602(b) AND 3603(b)(1) OF ARTICLE 6, CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO CLARIFYING THE EMPLOYEE THRESHOLD FOR COVERAGE UNDER THE GUAM FAMILY AND MEDICAL LEAVE ACT,” was on the 26<sup>th</sup> day of July 2017, duly and regularly passed.

  
Benjamin J.F. Cruz  
Speaker


Attested:

  
Régine Biscoe Lee  
Legislative Secretary

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This Act was received by *I Maga'låhen Guåhan* this 27<sup>th</sup> day of July,  
2017, at 1:00 o'clock P..M.

  
Assistant Staff Officer  
*Maga'låhi's* Office

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'låhen Guåhan*

Date: AUG 07 2017

Public Law No. 34-41

*I MINA'TRENTAI KUÁTTRO NA LIHESLATURAN GUÅHAN*  
2017 (FIRST) Regular Session

Bill No. 118-34 (COR)

Introduced by:

Régine Biscoe Lee  
Thomas C. Ada  
FRANK B. AGUON, JR.  
William M. Castro  
B. J.F. Cruz  
James V. Espaldon  
Fernando Barcinas Esteves  
Tommy Morrison  
Louise B. Muña  
Telena Cruz Nelson  
Dennis G. Rodriguez, Jr.  
Joe S. San Agustin  
Therese M. Terlaje  
Mary Camacho Torres

**AN ACT TO AMEND §§ 3602(b) AND 3603(b)(1) OF  
ARTICLE 6, CHAPTER 3, TITLE 22, GUAM CODE  
ANNOTATED, RELATIVE TO CLARIFYING THE  
EMPLOYEE THRESHOLD FOR COVERAGE UNDER  
THE GUAM FAMILY AND MEDICAL LEAVE ACT.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
3 that there is an inconsistency in the *Guam Family and Medical Leave Act* (Act)  
4 regarding the employee threshold for coverage.

5 The Act defines an employer as “[a]ny person (including any individual,  
6 association, partnership, corporation, company, entity, or organized group of persons

1 acting directly or indirectly in the interest of an employer in relation to an employee)  
2 who directly employs twenty-five (25) or more persons to perform services for a  
3 wage or salary.” However, the Act further states that “it *shall not* be an unlawful  
4 employment practice for an employer to refuse to grant a request for family care and  
5 medical leave by an employee if the employer employs fewer than twelve (12)  
6 employees in Guam.” The conflict between the two (2) employee threshold counts  
7 in the Act prevents human resources managers and business owners from effectively  
8 carrying out the provisions in this law for workplaces that employ between twelve  
9 (12) and twenty-five (25) people.

10 *I Liheslaturan Guåhan* further finds that the people of Guam should be  
11 afforded with the availability of job-protected leave in the event an employee needs  
12 to take care of a family member who has a serious health condition, to take care of  
13 their own serious health condition, or to take time off for the reason of a birth of a  
14 child or in connection with the adoption of a child. Additionally, the leave of an  
15 employee taken for a significant amount of time may have unintentional adverse  
16 impacts to small businesses. It is important that the needs of employees are balanced  
17 with the needs of small businesses.

18 According to the 2012 Economic Census for Island Areas on “General  
19 Statistics by Kind of Business and Employment Size of Establishments for Guam”  
20 released on September 29, 2015, seventy-two percent (72%) of employees on Guam  
21 are employed by nineteen percent (19%) of business establishments who employ  
22 twenty (20) employees or more. Providing job-protected leave to employees who  
23 work in business establishments employing twenty (20) employees or more will  
24 cover the majority of employees on Guam, without causing harm to the eighty-one  
25 percent (81%) of small businesses employing nineteen (19) employees or less.

1           It is therefore, the intent of *I Liheslaturan Guåhan* to clarify the employee  
2 threshold to enable human resources managers and business owners to better fulfill  
3 the mandates of the Act.

4           **Section 2.** § 3602(b) of Article 6, Chapter 3, Title 22, Guam Code  
5 Annotated, is *amended* to read:

6           “(b) Notwithstanding Subsection (a) of this Section, it *shall not* be an  
7 unlawful employment practice for an employer to refuse to grant a request for  
8 family care and medical leave by an employee if the employer employs fewer  
9 than twenty (20) employees in Guam.”

10          **Section 3.** § 3603(b)(1) of Article 6, Chapter 3, Title 22, Guam Code  
11 Annotated, is *amended* to read:

12          “(b) *Employer* means either of the following:

13               (1) Any person (including any individual, association,  
14 partnership, corporation, company, entity, or organized group of  
15 persons acting directly or indirectly in the interest of an employer in  
16 relation to an employee) who directly employs twenty (20) or more  
17 persons to perform services for a wage or salary; or”