

I MINA'TRENTA NA LIHESLATURAN GUÅHAN

2009 (FIRST) Regular Session

Bill No. 134 (COR)

Introduced By:

MATT RECTOR

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AN ACT TO PROMOTE A MORE HEALTHY AND INCLUSIVE PARTICIPATORY DEMOCRATIC SOCIETY UPON THE ISLAND OF GUAM BY ALLOWING WORKING FAMILIES MORE OPPORTUNITY TO ATTEND EVENTS COVERED UNDER GUAM'S OPEN GOVERNMENT LAW AND GUAM ELECTION EVENTS AND MORE OPPORTUNITY TO PARTICIPATE IN THE DEMOCRATIC PROCESS THROUGH THE CREATION OF A NEW §3107.1 OF TITLE 22, CHAPTER 3 RELATIVE TO WORKING HOURS REGULATION GUAM CODE ANNOTATED. TO BE HEREBY KNOWN AS: THE DEMOCRACY FOR ALL ACT.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1: Legislative Findings and Intent: *I Liheslaturan Guåhan*

finds that the amount of stress placed upon the average working family is not

1 conducive to a healthy democratic society. Government functions are too
2 frequently scheduled during the eight to five working hours, which negate the
3 entire purpose of Guam's Open Government Law. *I Liheslatura* further finds
4 that it is extremely difficult for most working people to take time off from
5 work to testify at public hearings or events, and that because of this, business
6 owners, professionals paid to testify on behalf of the business community,
7 ranking officers and Management-level public employees tend to dominate
8 the public hearing process, and that this is not only unfair, but unhealthy for
9 our democracy. It is therefore the intent of *I Liheslatura* to enact a new §
10 3107.1 of 22 GCA relative to employee work hours to promote a more
11 healthy democracy for the people of Guam.

12 **Section 2: A new § 3107.1 of 22 GCA Chapter 3 is hereby enacted to**
13 **read:**

14 **§ 3107.1. Democratic participation.**

15 Each and every employee of any employer, including employees of
16 agencies, public or private, any company, or corporate/ business entity, shall
17 be hereby legally entitled to no less than four (4) hours of paid leave time
18 from said employees normal or scheduled working hours per Calendar

1 month. Any employee utilizing said leave shall be financially compensated at
2 said employee's normal rate of on the job compensation while utilizing the
3 leave time granted under the provisions of this section. This leave-time shall
4 be granted for the purpose of allowing said employees ample opportunity to
5 participate in our democracy at public hearings, lawful rallies and protests,
6 peaceful civil actions, elections or any other democracy-related events not
7 specified. Leave time shall not be cumulative and no employee may use more
8 than four (4) hours of the leave time granted by this section per calendar
9 month.

10 (a) Prior to utilizing the paid leave from work granted by the
11 provisions of this section, all employees must provide written notice of
12 leave to their employer or the appropriate managerial personnel of their
13 employer a minimum of forty-eight (48) hours in advance of the date of
14 their planned leave so that said employer may make compensatory
15 arrangements in regards to scheduling and other issues in advance.
16 Employees shall not be required by their employer to divulge what
17 event they are attending or the nature of their political beliefs/political
18 activities in said written notice or otherwise under any circumstances as

1 a condition of utilizing the leave time granted under the provisions of
2 this section.

3 (b) To preserve and protect our democratic values, persons making
4 use of the leave time granted by the provisions of this section shall not
5 be required in any way to document their attendance at any event in
6 order to make use of the leave time granted under the provisions of this
7 section or otherwise provide evidence of their attendance of any
8 political event or election to their employer.

9 (c) No employer or representative thereof shall formally or
10 informally penalize any employee for use of the leave time granted
11 under the provisions of this section in any way whatsoever provided
12 that the notice required under this section has been given by said
13 employee prior to use of leave. Nor shall an employer or representative
14 thereof infringe in any way upon an Employee's right to utilize said
15 time provided that the notice required under this section has been given
16 by the employee, except as otherwise specified within the provisions of
17 this section. Employers provided with the notice required hereunder
18 may choose not to honor any requests for the use of the leave time
19 granted by the provisions of this section in the event of an emergency

1 during which public safety is in jeopardy. If a shortage of staff during
2 any period of time would pose a significant and unreasonable risk to
3 public safety, requests for use of this leave may not be honored by an
4 employer, though employers shall be required to honor said requests at
5 a later date when a shortage of staff would not pose significant and
6 unreasonable risk to public safety. Any individual convicted of a
7 violation of the provisions of this subsection shall be guilty of a petty
8 misdemeanor and fined up to five-hundred dollars (\$500) following
9 conviction for the first offense, and one-thousand dollars (\$1000) per
10 conviction of subsequent breach of the provisions of this section
11 thereafter.

12 (d) Any and all Employers or the representatives thereof shall be
13 forbidden by law from making formal or informal inquiries into any
14 employee's use of the leave time granted under the provisions of this
15 section or from conducting formal or informal investigations into or
16 otherwise tracking any individual employee's use of the leave time
17 granted by the provisions of this section. Employers or the
18 representatives thereof shall not contract or hire any private
19 investigative agency or similar service for the purpose of inquiring into,

1 investigating or tracking any employee's use of this time. Any
2 individual convicted of violating the provisions of this section shall be
3 guilty of a petty misdemeanor and shall be fined one-thousand dollars
4 (\$1000).