I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2017 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 117-34 (COR)
As amended by the Committee on Innovation and Economic, Work Force, and Youth Development.

Speaker Antonio R. Unpingco Legislative Session Hall
July 26, 2017

NAME	Aye	Nay	Not Voting/ Abstained	Out During Roll Call	Absent	Excused
Senator Thomas C. **ADA**	√					
Senator FRANK B. **AGUON, JR.**	√					
Senator William M. **CASTRO**	√					
Speaker B. J.F. **CRUZ**	√					
Senator James V. **ESPALDON**	√					
Senator Fernando Barcinas **ESTEVES**	√					
Senator Régine Biscoe **LEE**	√					
Senator Tommy **MORRISON**	√					
Senator Louise B. **MUÑA**	√					
Senator Telena Cruz **NELSON**					√	√
Senator Dennis G. **RODRIGUEZ, Jr.**	√					
Senator Joe S. San **AGUSTIN**	√					
Senator Michael F.Q. **SAN NICOLAS**		I I I √				
Vice Speaker Therese M. **TERLAJE**	√					
Senator Mary Camacho **TORRES**	√					

TOTAL:	13	1			1	1
	Aye	**Nay**	**Not Voting/ Abstained**	**Out During Roll Call**	**Absent**	**Excused**

CERTIFIED TRUE AND CORRECT:

Clerk of the Legislature

I = Pass

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Introduced by: Régine Biscoe Lee
Thomas C. Ada
William M. Castro
Louise B. Muña
Telena Cruz Nelson
Therese M. Terlaje
Mary Camacho Torres

AN ACT TO *AMEND* § 3603 AND *ADD* NEW §§ 3610 AND 3611 TO ARTICLE 6 OF CHAPTER 3, TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO AMENDING THE *GUAM FAMILY AND MEDICAL LEAVE ACT* TO INCLUDE JOB-PROTECTIVE BEREAVEMENT LEAVE FOR GUAM FAMILIES.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the pain of losing a family member is immensely difficult for our people. Families are the core of our culture and values. Building strong families make a stronger Guam.

Increasingly, businesses are leading in providing employees with various leave benefits that can help improve engagement, morale and productivity. An employee who is not allowed time off after the death of a loved one can suffer from low morale. According to the 2016 Employee Benefits Report of the Society for

Resource Management, eighty-one percent (81%) of organizations provided paid bereavement leave. Even when paid bereavement is not available, the option of utilizing unpaid, job-protected leave through the *Guam Family and Medical Leave Act* can help grieving families at extraordinarily difficult times.

It is, therefore, the intent of *I Liheslaturan Guåhan* to expand the *Guam Family and Medical Leave Act* to include the death of a family member as a qualifying event for employees covered under said Act for unpaid job-protective leave.

Section 2. § 3603(a) of Article 6, Chapter 3, Title 22, Guam Code Annotated, is *amended* to read:

" (a) *Child* means a biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing in loco parentis. Except when leave is taken for the purposes of § 3603(c)(4), a child *shall* be either of the following:

(1) under eighteen (18) years of age; or

(2) an adult dependent child."

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

" (c) *Family care* and *medical leave* means any of the following:

(1) leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee;

(2) leave to care for a parent, spouse, or child of an employee, or a parent or child of the spouse of an employee, who has a serious health condition;

(3) leave because of an employee's own serious health condition that makes the employee unable to perform the functions of

the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; or

(4) leave for reason of the death of a family member of the employee."

Section 4. § 3603(e), (f), (g), and (h) of Article 6, Chapter 3, Title 22, Guam Code Annotated, are *amended* to read:

"(e) *Family member* means either of the following:

(1) a spouse of an employee;

(2) the biological, adoptive, foster, or stepparent or legal guardian of an employee or the spouse of an employee;

(3) the biological, adoptive, foster, stepchild or legal ward of an employee or the spouse of an employee;

(4) a person with whom an employee was or is in a relationship of in loco parentis;

(5) a sibling of an employee; or

(6) a person within one degree of consanguinity or affinity.

(f) *FMLA* means the federal *Family and Medical Leave Act of 1993* (P.L. 103-3), as amended.

(g) *Health care provider* means any of the following:

(1) a person who is licensed to practice medicine under the provisions of Article 2 (Physician's Practice Act), Chapter 12, Title 10 Guam Code Annotated; or an individual licensed to practice medicine in another state or jurisdiction who directly treats or supervises the treatment of the serious health condition for which leave under this Article is taken; or

(2) any other person determined by the United States Secretary of Labor to be capable of providing health care services under the FMLA.

(h) *Parent* means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.

(i) *Serious health condition* means an illness, injury, impairment, or physical or mental condition that involves either of the following:

(1) inpatient care in a hospital, hospice, or residential health care facility; or

(2) continuing treatment or continuing supervision by a health care provider."

Section 5. A new § 3610 is *added* to Article 6, Chapter 3, Title 22, Guam Code Annotated, to read:

"**§ 3610. Bereavement Leave.**

For the purposes of leave taken under § 3603(c)(4) of this Article, an eligible employee is entitled to a total of, not to exceed, fourteen (14) calendar days of family leave upon the death of each family member, as defined in § 3603(e) this Article, of the employee within any twelve (12)-month period; except that leave taken for the purposes of § 3603(c)(4) may *not* exceed the total period of family leave authorized by § 3602(a) of this Article. All leave taken for the purposes of § 3603(c)(4) *shall* be counted toward the total period of family leave authorized by § 3602(a). Leave taken under § 3603(c)(4) must be completed within sixty (60) days of the date on which the eligible employee receives notice of the death of a family member."

Section 6. A new § 3611 is *added* to Article 6, Chapter 3, Title 22, Guam Code Annotated, to read:

"**§ 3611. Certification Related to the Death of a Family Member of the Employee.**

An employer may require that a request for leave under § 3603(c)(4) of this Article be supported by a death certificate or obituary."

Section 7. The Director of Administration *shall* develop personnel rules and regulations consistent with this Act, and amend existing rules and regulations as necessary, and *shall* transmit said rules and regulations to the Speaker of *I Liheslaturan Guåhan* within ninety (90) days of enactment of this Act, and as provided in 5 GCA Chapter 9.