I MINA'TRENTAI KUÅTTRO NA LIHESLATURAN GUÅHAN

2017 (FIRST) Regular Session

LEGISLATIVE SESSION VOTING RECORD

Bill No. 118-34 (COR)

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**	√	I				
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**	√	I				

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

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

Bill No. 118-34 (COR)

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Introduced by: Régine Biscoe Lee

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*.

BE IT ENACTED BY THE PEOPLE OF GUAM:

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

The Act defines an employer as "[a]ny person (including any individual, association, partnership, corporation, company, entity, or organized group of persons acting directly or indirectly in the interest of an employer in relation to an employee) who directly employs twenty-five (25) or more persons to perform services for a wage or salary." However, the Act further states that "it *shall not* be an unlawful employment practice for an employer to refuse to grant a request for family care and medical leave by an employee if the employer employs fewer than twelve (12) employees in Guam." The conflict between the two (2) employee threshold counts in the Act prevents human resources managers and business owners from effectively

carrying out the provisions in this law for workplaces that employ between twelve (12) and twenty-five (25) people.

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

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

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

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

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

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

"(b) *Employer* means either of the following:

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