

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
297-36 (LS) As amended by the Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning.	Tina Rose Muña Barnes Mary Camacho Torres Amanda L. Shelton Jose "Pedro" Terlaje	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING DISCRIMINATION AND PROMOTING WOMEN'S HEALTH AND ECONOMIC SECURITY BY ENSURING REASONABLE WORKPLACE ACCOMMODATIONS FOR WORKERS WHOSE ABILITY TO PERFORM THE FUNCTIONS OF A JOB ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION AND TO CITE THIS ACT AS "THE PREGNANT WORKERS FAIRNESS ACT."	4/25/22 2:38 p.m.	4/26/22	Committee on Environment, Revenue and Taxation, Labor, Procurement, and Statistics, Research, and Planning	5/11/22 9:00 a.m.	6/10/22 3:58 p.m.	Request: 4/26/22 5/4/22	
	SESSION DATE	TITLE	DATE PASSED	TRANSMITTED	DUE DATE	NOTES			
10/21/22	AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING DISCRIMINATION AND PROMOTING WOMEN'S HEALTH AND ECONOMIC SECURITY BY ENSURING REASONABLE WORKPLACE ACCOMMODATIONS FOR WORKERS WHOSE ABILITY TO PERFORM THE FUNCTIONS OF A JOB ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION; AND TO CITE THIS ACT AS "THE PREGNANT WORKERS FAIRNESS ACT."	10/28/22	10/28/22	11/9/22					



COPY

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
Thirty-Sixth Guam Legislature

October 28, 2022

The Honorable Lourdes A. Leon Guerrero
I Maga'hågan Guåhan
Ufisinan I Maga'håga
Hagåtña, Guam 96910

Dear *Maga'håga* Leon Guerrero:

Transmitted herewith are **Bill Nos. 248-36 (COR), 262-36 (LS), 297-36 (LS), 311-36 (COR), 319-36 (COR), 335-36 (COR), and 340-36 (LS)** which were passed by *I Mina'trentai Sais Na Liheslaturan Guåhan* on October 28, 2022.

Sincerely,

AMANDA L. SHELTON
Legislative Secretary

Enclosure (7)

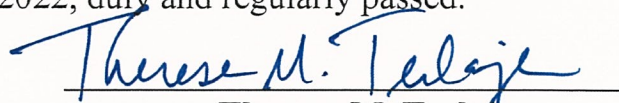
10/28/22 6:19 p.m.
PO3 C. C. CHONG
CSC



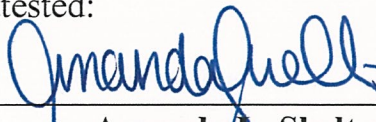
I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

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

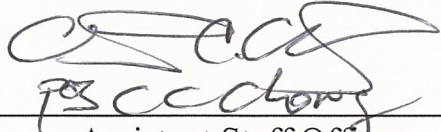
This is to certify that **Bill No. 297-36 (LS)**, “AN ACT TO *ADD A NEW ARTICLE 8 TO CHAPTER 3 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO ELIMINATING DISCRIMINATION AND PROMOTING WOMEN’S HEALTH AND ECONOMIC SECURITY BY ENSURING REASONABLE WORKPLACE ACCOMMODATIONS FOR WORKERS WHOSE ABILITY TO PERFORM THE FUNCTIONS OF A JOB ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A RELATED MEDICAL CONDITION; AND TO CITE THIS ACT AS “THE PREGNANT WORKERS FAIRNESS ACT,”* was on the 28th day of October 2022, duly and regularly passed.


Therese M. Terlaje
Speaker

Attested:


Amanda L. Shelton
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 28th day of Oct.,
2022, at 6:19 o'clock P.M.


Assistant Staff Officer
Maga'håga's Office

APPROVED:

Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÁHAN
2022 (SECOND) Regular Session

Bill No. 297-36 (LS)

As amended by the Committee on Environment,
Revenue and Taxation, Labor, Procurement, and
Statistics, Research, and Planning.

Introduced by:

Tina Rose Muña Barnes
Mary Camacho Torres
Amanda L. Shelton
Jose "Pedo" Terlaje
V. Anthony Ada
Frank Blas Jr.
Joanne Brown
Christopher M. Dueñas
James C. Moylan
Telena Cruz Nelson
Sabina Flores Perez
Clynton E. Ridgell
Joe S. San Agustin
Telo T. Taitague
Therese M. Terlaje

**AN ACT TO ADD A NEW ARTICLE 8 TO CHAPTER 3 OF
TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO
ELIMINATING DISCRIMINATION AND PROMOTING
WOMEN'S HEALTH AND ECONOMIC SECURITY BY
ENSURING REASONABLE WORKPLACE
ACCOMMODATIONS FOR WORKERS WHOSE
ABILITY TO PERFORM THE FUNCTIONS OF A JOB
ARE LIMITED BY PREGNANCY, CHILDBIRTH, OR A
RELATED MEDICAL CONDITION; AND TO CITE THIS
ACT AS "THE PREGNANT WORKERS FAIRNESS ACT."**

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

2 **Section 1.** This Act shall be known as "*The Pregnant Workers Fairness*
3 *Act.*"

1 or devices, appropriate adjustment or modifications of examinations, training
2 materials or policies, the provision of qualified readers or interpreters, and
3 other similar accommodations for individuals with any type of disability.

4 (d) *Known limitation* means a physical or mental condition arising out of
5 pregnancy or childbirth that the employee or employee's representative has
6 communicated through a certified document provided by a healthcare provider to
7 the employer whether or not such condition meets the definition of disability
8 specified in Section 3 of the Americans with Disabilities Act of 1990.

9 **§ 3802. Nondiscrimination with Regard to Reasonable**
10 **Accommodations Related to Pregnancy or Childbirth.**

11 (a) It shall be unlawful for any employer to not make reasonable
12 accommodations to the known limitations related to the pregnancy or childbirth of
13 an employee, unless such employer can demonstrate that the accommodation would
14 impose an undue hardship on the operation of the business of such employer.

15 (b) It shall be unlawful for any employer to require an employee affected
16 by pregnancy or childbirth to accept an accommodation other than any reasonable
17 accommodation.

18 (c) It shall be unlawful for any employer to deny employment opportunities
19 to an employee if such denial is based on the need of the employer to make
20 reasonable accommodations to the known limitations related to the pregnancy or
21 childbirth of a qualified employee.

22 (d) It shall be unlawful for any employer to require an employee to take
23 leave, whether paid or unpaid, if another reasonable accommodation can be provided
24 to the known limitations related to the pregnancy or childbirth of an employee.

25 (e) It shall be unlawful for any employer to take adverse action in terms,
26 conditions, or privileges of employment against an employee on account of the

1 employee requesting or using a reasonable accommodation to the known limitations
2 related to the pregnancy or childbirth of the employee.

3 **§ 3803. General Enforcement.**

4 The Fair Employment Practice Division shall have all necessary enforcement
5 and investigative powers to enforce the provisions of this Act, and the Director of
6 the Department of Labor shall establish due process policies and be the Hearing
7 Officer in any appeals relative to the enforcement actions or fines initiated under this
8 Act by the Fair Employment Practice Division.

9 **§ 3804. Administrative Process and Penalties.**

10 (a) A person claiming to be aggrieved by a violation of this Act may file
11 an administrative complaint with the Guam Department of Labor (Department), in
12 accordance with rules and regulations promulgated by the Department.

13 (b) Any administrative complaint made under the provisions of this Act
14 must be made within ninety (90) days of the denial of accommodations towards the
15 employee.

16 (c) The Director of Labor shall be the Hearing Officer in any appeals
17 relative to enforcement actions initiated by the Fair Employment Practice Office.

18 (d) The Department may refer any unpaid penalties to the Department of
19 Revenue and Taxation, or other appropriate licensing entities, who shall require that
20 all penalties under this Act be paid in full before renewing a business license.

21 (e) Any administrative complaints made directly with the U.S. Department
22 of Labor will automatically supersede local filing.

23 (f) The Guam Department of Labor is hereby authorized to issue the
24 following fines for violations of this Act:

25 (1) a fine of up to One Thousand Dollars (\$1,000.00) for the first
26 offense; and

1 (2) a fine not less than One Thousand Dollars (\$1,000.00) but not
2 greater than Two Thousand Dollars (\$2,000.00) for subsequent offenses.

3 (g) The Department is hereby authorized to take into consideration
4 penalties ranging from written warning, training, retraining, and subsequent fines
5 mentioned in Subsection (f)(2) of this Section.

6 (h) Any penalty fines for violations of this Act shall be collected by the
7 Department of Labor. Fines collected by the Department under the provisions of this
8 Section shall be deposited in the Manpower Development Fund to be employed
9 exclusively for the training programs and enforcement operations within the Fair
10 Employment Practice Office.

11 (i) The Guam Department of Labor may develop a training program and/or
12 a plan for providing training resources for employers and their representatives, such
13 as the hiring authorities or human resource officers. The program may include a
14 mandatory posting in each employer's premises, developed by the Department,
15 which notifies employees of this Act and other labor laws.

16 **§ 3805. Civil Process.**

17 (a) Any person alleging a violation of this Act may bring a civil action in
18 the Superior Court for such legal or equitable relief as will effectuate the purpose of
19 this Act.

20 (b) In any action brought to enforce this Act, the court shall have
21 jurisdiction to grant such legal or equitable relief as may be appropriate to effectuate
22 the purposes of this Act, including, without limitation, judgements compelling
23 employment, recovery of attorney fees, reinstatement or promotion, or enforcing the
24 liability for amounts deemed to be unpaid wages.

25 **§ 3806. Rules and Regulations.**

26 The Guam Department of Labor shall promulgate rules and regulations in
27 accordance with outlining the procedures by which it will accept, investigate, and

1 adjudicate complaints of “Pregnant Workers Fairness Act” violations, and the
2 enforcement of the provisions of this Act. All rules and regulations shall comply
3 with the Administrative Adjudication Law, as required under Article 3 Chapter 9 of
4 Title 5, Guam Code Annotated.”

5 **Section 3. Effective Date.** This Act shall be effective one (1) year after
6 enactment.