I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2012 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO *I MAGA'LAHEN GUÅHAN*

This is to certify that **Bill No. 289-31 (COR), "AN ACT TO *AMEND* CHAPTER 16 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE *"DISASTER SERVICE VOLUNTEER LEAVE ACT"*,** was on the 17th day of February, 2012, duly and regularly passed.

Judith T. Won Pat, Ed.D.
Speaker

Attested:

Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 17 day of FEB, 2012, at 1:22 o'clock P.M.

Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

Bill No. 289-31 (COR)
As amended on the Floor.

Introduced by: Chris M. Dueñas
V. Anthony Ada
F. F. Blas, Jr.
Adolpho B. Palacios, Sr.
T. R. Muña Barnes
T. C. Ada
B. J.F. Cruz
Judith P. Guthertz, DPA
Sam Mabini, Ph.D.
v. c. pangelinan
R. J. Respicio
Dennis G. Rodriguez, Jr.
M. Silva Taijeron
Aline A.Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *AMEND* CHAPTER 16 OF TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE "*DISASTER SERVICE VOLUNTEER LEAVE ACT.*"

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Intent. *I Liheslaturan Guåhan* gratefully acknowledges the assistance provided by the American Red Cross on Guam during good times and bad times. *I Liheslatura* also states its continued support for the policy to allow government of Guam and private sector employees an opportunity to use their skills as disaster service volunteers. The amendments to this Chapter seek to provide additional opportunities for disaster volunteer service

by expanding the list of organizations employees may volunteer at by including non-governmental and faith-based organizations along with the American Red Cross. It is also the intent of *I Liheslaturan Guåhan* to recognize the Guam Office of Homeland Security or Office of Civil Defense as the official government entity responsible for the coordination of relief efforts, including volunteer service as outlined in the Guam Emergency Response Plan.

Section 2. Chapter 16 of Title 4, Guam Code Annotated, is *amended* to read:

"CHAPTER 16

DISASTER SERVICE VOLUNTEER LEAVE ACT

§ 16101. Legislative Intent.
§ 16102. Nomenclature of Act.
§ 16103. Definitions.
§ 16104. Disaster Service Volunteer Leave.
§ 16105. Certification as a Certified Disaster Service Volunteer.
§ 16106. Private Sector Employees.

§ 16101. Legislative Intent. *I Liheslaturan Guåhan* [the Guam Legislature] finds and recognizes that the American Red Cross and other non-governmental organizations (NGOs), as well as faith-based member organizations, have a long tradition of humanitarian service. Guam has been assisted by the American Red Cross during times of disasters in addition to humanitarian assistance involving finding or locating relatives, along with blood drives. Our island has also been the recipient of assistance provided by various NGOs and faith-based member organizations, whether during a declared disaster or in response to a humanitarian need. In response to an increasing number of disasters in recent years, and in response to their rising

costs, several states have enacted legislation authorizing paid leave for government employees who volunteer for American Red Cross disaster operations. Often, government employees possess skills that can be transferred to disaster operations, including shelter management, mass feeding, damage assessment and family services. This Act allows government employees a maximum of fifteen (15) days paid leave during a twelve (12)-month period, without loss of seniority, vacation time, sick leave, or earned overtime accumulation. *I Liheslaturan Guåhan* [the Legislature] further finds that it is essential that the government of Guam allows for its employees to request for disaster leave during periods of disasters and humanitarian need assisting the American Red Cross, other NGOs and faith-based member organizations.

§ 16102. Nomenclature of Act. This Chapter may be cited as the *Disaster Service Volunteer Leave Act.*

§ 16103. Definitions. As used in this Chapter, *unless* the context indicates a different intent:

(a) *Department* or *agency* means any office, officer, official, department, board, commission, institution, bureau, agency, division or unit of the government of Guam, including those within the legislative and judicial branches of the government of Guam.

(b) *Disaster* means a local disaster designated at level 1 or higher in the American National Red Cross Regulations and Procedures, or a national disaster at level III or higher in the American National Red Cross Regulations.

(c) *Certified disaster service volunteer* or *volunteer* means any person who has completed the necessary training for and has been

certified as a disaster service specialist by the American Red Cross, the Guam Office of Homeland Security or Office of Civil Defense.

(d) *Registered Organization* means a non-governmental organization, or a faith-based organization, that has been recognized by the Guam Office of Homeland Security or Office of Civil Defense as possessing the abilities to provide certain forms of assistance following a declared disaster, or in response to an immediate humanitarian need.

§ 16104. Disaster Service Volunteer Leave. (a) An employee of an agency who is a certified disaster service volunteer may be granted leave from work with pay, in accordance with Subsection (b) infra, for *up to* an aggregate of fifteen (15) days, consecutively or non-consecutively, in any twelve (12)-month period to participate in specialized disaster relief services for the American Red Cross, or an NGO or faith-based member organization registered with the Guam Office of Homeland Security or Office of Civil Defense in connection with any disaster, upon the request of the American Red Cross or any registered organization for such employee's services and upon the approval of such employee's employing agency.

(b) An employee of an agency granted leave pursuant to Subsection (a) of this Section *shall* be compensated by the employee's employing agency at the employee's regular rate of pay for those regular work hours during which the employee is absent from work, but *shall not* receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition to the employee's regular pay. An employee of an agency who is granted leave pursuant to Subsection (a) of this Section *shall not* lose any seniority or any already accumulated vacation

time, sick time or earned overtime due to such leave.

(c) The government of Guam *shall not* be liable for workers compensation claims arising from accident or injury while an employee is on assignment as a certified disaster service volunteer for the American Red Cross, or a registered organization. Duties performed while on disaster leave *shall not* be considered to be a work assignment by any department or agency. In determining whether to grant leave to an employee, the employee's employing agency may consider the needs of the American Red Cross, or the requesting registered organization, for expertise in a particular certified area. The employee's activities and job functions while on leave, however, *shall not* be directed by the government of Guam, but *shall* be determined and controlled *solely* by the American Red Cross, or the registered organization.

(d) An employee who is on leave pursuant to this Section *shall not* be deemed to be an employee of the government of Guam for purposes of the Government Claims Act of Chapter 6, of Title 5 of the Guam Code Annotated.

§ 16105. Certification as a Certified Disaster Service Volunteer. No employee shall be paid during regular work hours in the completion of any training towards a certification as a disaster service volunteer, *unless* such employee uses personal or annual leave.

§ 16106. Private Sector Employees. (a) An employee of any private sector business who is a certified disaster service volunteer may be granted leave from work with pay, in accordance with Subsection (b) infra, for *up to* an aggregate of fifteen (15) days, consecutively or non-consecutively, in any twelve (12)-month period to participate in specialized

disaster relief services for the American Red Cross, or an NGO or faith-based member organization registered with the Guam Office of Homeland Security or Office of Civil Defense in connection with any disaster, upon the request of the American Red Cross, or the registered organization, for such employee's services and upon the approval of such employee's employing company.

(b) An employee of any private sector business granted leave pursuant to Subsection (a) of this Section *shall* be compensated by the employee's employing company at the employee's regular rate of pay for those regular work hours during which the employee is absent from work, but *shall not* receive overtime pay, shift differential pay, hazardous duty pay or any other form of pay or compensation in addition to the employee's regular pay. An employee of any private sector business who is granted leave pursuant to Subsection (a) of this Section *shall not* lose any seniority or any already accumulated vacation time, sick time or earned overtime due to such leave.

(c) The employing company *shall not* be liable for workers compensation claims arising from accident or injury while an employee is on assignment as a certified disaster service volunteer for the American Red Cross, or a registered organization. Duties performed while on disaster leave *shall not* be considered to be a work assignment by its employing company. In determining whether to grant leave to an employee, the employee's employing company may consider the needs of the American Red Cross, or the requesting registered organization, for expertise in a particular certified area. The employee's activities and job functions while on leave, however, *shall not* be directed by its employing company, but *shall* be determined and

controlled *solely* by the American Red Cross, or the registered organization."