

PUBLIC LAW NO. 22-10

Bill No. 306 (COR)  
Date Became Law: May 7, 1993  
Governor's Action: Approved

Introduced by:

T. S. Nelson	
H. D. Dierking	
<u>T. C. Ada</u>	
J. P. Aguon	E. P. Arriola
M. Z. Bordallo	C. T. C. Gutierrez
P. C. Lujan	V. C. Pangelinan
D. Parkinson	E. D. Reyes
J. T. San Agustin	F. R. Santos
D. L. G. Shimizu	J. G. Bamba
A. C. Blaz	D. F. Brooks
F. P. Camacho	M. D. A. Manibusan
T. V. C. Tanaka	A. R. Unpingco

AN ACT TO ADD A NEW §4109.1 TO TITLE 4, GUAM CODE ANNOTATED, TO ALLOW GOVERNMENT OF GUAM EMPLOYEES TO VOLUNTARILY GIVE THEIR ANNUAL LEAVE OR SICK LEAVE TO ANOTHER GOVERNMENT EMPLOYEE NEEDING THE SAME.

Section 1 ... Added 4GCA a new §4109.1.  
Section 2 ... Leave sharing program for executive branch.

BE IT ENACTED BY THE PEOPLE OF THE TERRITORY OF GUAM:

Section 1. A new §4109.1 is hereby added to Title 4, Guam Code Annotated, to read:  
"§4109.1. (a) **Legislative statement.** From time to time, classified employees in the civil service of the government of Guam have occasion to need leave for personal reasons but may have already exhausted the leave that they have earned and accrued. At times like these, particularly when the employee needs time off to take care of sick family members, the employee might be forced to take leave without pay. Through the generosity of other employees, the affected employees could be relieved of the stress of this situation.

(b) **Voluntary transfer of sick leave or annual leave.** Whenever a government of Guam employee desires to transfer a number of hours of earned sick leave or annual leave to another employee in any department or agency of the government,

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a formal written request shall be made by the donor employee to his payroll supervisor, stating the name of the recipient, the number of hours of leave to be transferred and the type of leave. Such transfers of leave are subject to the following limitations:

- (i) No transfer shall be made between employees of separate branches of the government of Guam unless the person to whom the leave is transferred is within the fourth degree of consanguinity of the transferring employee;
- (ii) Only leave in excess of forty (40) hours for sick leave and forty (40) hours for annual leave may be transferred; and
- (iii) No transfer may be made by any employee to his or her supervisor or to any person above him or her in the supervisory chain, or to a member of the supervisor's or such supervisory person's immediate family.

If the donor has sufficient hours of leave accrued to cover the donation, the payroll supervisor shall notify the Payroll Division to transfer the approved number of hours to the recipient. Upon receipt of the notice of transfer, the receiving employee may then submit a leave request for the number of hours of leave, sick or annual, that the employee needs and the department head shall then approve the leave request. Leave may not be transferred to another employee if as recipient he or she intends to use it for credit towards retirement or accumulated leave. This transfer of leave shall be strictly on a voluntary basis. Leave transferred shall be used as leave by the person to whom it is transferred and if it is not used in its entirety it may be retransferred to the person who originally earned it. In no event shall transferred leave be converted to cash or retirement credit by the person to whom it is transferred.

**Section 2.** The Department of Administration shall establish a leave-sharing program for the Executive Branch pursuant to Section 1 of this Act to be implemented in the same manner as other personnel rules and regulations. The Department of Administration shall submit for adoption to the Civil Service Commission the proposed personnel rules and regulations promulgating the leave sharing program authorized by Section 1 of this Act within one hundred eighty (180) days from the date of enactment of this Act.

**COMPILER'S NOTE:** Section 4109.2 was renumbered by Compiler from §4109.1. The Compiler believes that the original numbering was a typographical error.