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March 06, 2026

**DEPARTMENT OF ADMINISTRATION ORGANIZATIONAL CIRCULAR NO.: 2026-012**

To: All Line Agencies & Department Heads

From: Director of Administration

**Subject: Leave of Absence for Medical Reasons**

***Buenas yan Hafa Adai!***

Department of Administration Organizational Circular 2016-028 set forth applicable Guam law regarding Sick pay (4GCA, §4108(c), (d) & (e)).

However, that law conflicts with the Family Medical Leave Act (29 USC, Chapter 28). FMLA defines serious health conditions "... an illness, injury, impairment, or physical or mental condition that involves- (A) inpatient care in a hospital, hospice or residential medical care facility; or (B) continuing treatments by a healthcare provides." (29 USC §2611(11))

FMLA notes that employees may use accrued sick leave, if such leave has been accrued, to cover periods of sick leave which otherwise would be uncompensated.

DOA will utilize the definition in 29 USC. However, DOA will not unilaterally recharacterize leave types but will contact agency management to resolve any anomalies or queries.

***Si Yu'os Ma'ase.***

EDWARD M. BIRN



**Eddie Baza Calvo**  
Governor  
**Ray Tenorio**  
Lieutenant Governor

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Deputy Director

**MAR 16 2016**

**Department of Administration Organizational Circular No.: 2016-028**

**TO:** All Line/Non-Autonomous Agency and Department Heads  
**FROM:** Director, Department of Administration  
**SUBJECT:** Leave of Absence Request for Medical Reasons



Buenas Yan Hafa Adai! Our office has received numerous requests for information on the DOA Personnel Rules and Regulations (PR&R) regarding Chapter 8 on the Leave of Absences for medical reasons, what leave is applicable by statute (annual leave, sick leave, compensatory-time or leave without pay) and what information is required or necessary when submitting documentations, such as physician's certification.

Title 4 Guam Code Annotated (GCA) §4108(c), (d) and (e) specifically state the following provisions:

- (c) When Allowed. Sick leave with pay is allowed whenever:
  - (1) The employee is compelled to be absent from duty on account of physical or mental illness; injury; mental health examination, counseling or treatment; pregnancy; childbirth; medical, dental or optical examination or treatment; or because of quarantine due to his own or another's illness.
  - (2) The employee is compelled to be absent from duty to provide health care for a member of the employee's immediate family as a result of serious illness or injury.
    - (A) Serious illness or injury means an urgent condition that is certified by the attending physician as requiring hospitalization, institutionalization, or extended home care in which the person needs the constant administration of special medical care or support.
    - (B) Immediate family member means the employee's spouse, common-law, parents, parents-in-law, grandparents, brothers, sisters, children, grandchildren, any step or adoptive parents, adopted children or grandchildren of both the employee and the spouse, a guardian or person in loco parentis.
- (d) Certification. If an employee is absent because of illness, injury, medical condition or quarantine in excess of three (3) consecutive days, he may be required to furnish a certification as to be incapacity from a regularly licensed physician or other evidence administratively acceptable. The department head may require certification for such other period as is appropriate.

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**Leave of Absence Request for Medical Reasons**  
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- (e) Administration. If the certification required by Subsection (d) is not furnished, all absence which would have been covered by such certification shall be indicated on the payroll as leave of absence without pay.

Effective immediately, any requests by government employees for medical reasons must be in compliance with the above requirements. Therefore, ensure that the information on the physician's certification identifies the employee's name, what medical condition or care is required, and the duration or timeframe that the employee is to be excused from work. If the purpose is to care for the immediate family member, ensure the family member's name is identified with the medical condition and that the employee's name and their relationship is also identified, who is the primary caregiver/provider, as well as the duration or timeframe that the care is required.

Should you have any questions, please contact the Employee-Management Relations Branch of the Human Resources Division at 475-1185/1249. Si Yu'os Ma'ase.



**CHRISTINE W. BALETO**  
**Acting**

DOA  
Division Head - Actg

Please ensure  
attached circular  
is provided to all  
employees. Thank you!