



DEPARTMENT OF CORRECTIONS

PRIDE: Professionalism, Respect, Integrity, Dignity, and Excellence



GENERAL ORDER NUMBER 10.08		DISTRIBUTION ALL PERSONNEL	PAGE 1 OF 33
ORDER TITLE Leave Policy and Procedure	SERIES NO. 10	SERIES TITLE/SUBJECT Employee Regulations and Discipline	
TOPICS/REFERENCE: 9 GCA Chapter 90, § 90.15, § 90.25, § 90.30, §90.35, Title 4 G.C.A, Chapter 4, Title 22 G.C.A. Chapter 3, 17 G.C.A. Chapter 15, and Executive Order# 96-24, DOA Personnel Rules and Regulations (PR&R)			APPENDICES None
ORIGINAL ISSUE/EFFECTIVE DATE June 06, 2021	Rescinds: General Order: General Order 98-001 Special Order 97-45		EXPIRATION DATE This order remains in effect until revised or rescinded

PURPOSE: To provide instructions to all Department of Corrections employees for the submission and granting of leave of absence in accordance with established rules and regulations.

THIS ORDER CONSISTS OF THE FOLLOWING NUMBERED SECTIONS

- I. OBJECTIVE
- II. POLICY
- III. DEFINITIONS
- IV. GENERAL PROVISIONS
- V. ADMINISTRATIVE LEAVE
- VI. ANNUAL LEAVE PROCEDURES
- VII. SICK LEAVE PROCEDURES
- VIII. EMERGENCY LEAVE
- IX. BEREAVEMENT LEAVE
- X. LEAVE OF ABSENCE WITHOUT PAY
- XI. FAMILY MEDICAL LEAVE
- XII. LEAVE FOR CHILD SCHOOL-RELATED PURPOSES
- XIII. LEAVE FOR VICTIMS OF VIOLENCE
- XIV. MILITARY LEAVE
- XV. MILITARY LEAVE WITHOUT PAY
- XVI. MILITARY FAMILY LEAVE
- XVII. PREGNANCY MEDICAL LEAVE
- XVIII. PARENTAL LEAVE

- XIX. EARLY CHILDHOOD INTERVENTION LEAVE
- XX. BLOOD DONORS' LEAVE
- XXI. LEAVE FOR ORGAN, TISSUE, OR BONE MARROW DONATION
- XXII. COMPENSATORY TIME OFF (CTO)
- XXIII. LEAVE SHARING
- XXIV. RECALL FOR DUTY
- XXV. REVIEWS, REVISIONS, AND CANCELLATIONS

I. OBJECTIVE

- A. To establish a uniform and equitable system where employees may be reasonably excused from work for rest, recreation, health, education, welfare, and other purposes without an appreciable decrease in the productivity of the services provided by the Department of Corrections and to maintain maximum utilization of personnel resources.
- B. In order to accomplish the department goals and objectives it is necessary that full complement of manpower resources must be maintained at all times through an effective and carefully planned leave policy.

II. POLICY

- A. All leave application is subject to approval or disapproval based on the reasons given and the timelines specified in this policy.
- B. All leave applications and supporting documents, if any, must be submitted directly to employee's supervisor in accordance with timelines prescribed in this policy.
- C. Employees are given the necessary leave of absence from duty for recuperation and relaxation in order that they maintain a healthy mind and body to fulfill other personal matters conducive to their welfare.
- D. The department shall afford an opportunity for employees to take leave, and particularly to avoid, whenever possible, loss of leave by forfeiture. However, leave may be denied by the Director or his/her designee when the services of the employee are required after good faith consideration of the employee's request and operational requirements.

III. DEFINITIONS:

- A. **Administrative Leave:** An excused absence for a specified period of time an employee may be absent from duty with pay and without charge to leave when such absence is approved by the Director according to established policy and the procedures of the Government of Guam.
- B. **Annual Leave:** A period of time accrued at a specific rate by employees occupying permanent positions which may be used by the employee from duty with pay for a specified period of time. When approved by designated individuals/supervisors within the department according to the rules set forth in this policy and Department of Administration Personnel Rules and Regulations.
- C. **Bereavement Leave:** A specified period of time which an employee is granted leave of absence from duty with pay due to death in the employee's immediate family. Immediate family means the employee's spouse, mother, father, guardian, children, sister, brother, mother-in-law, father-in-law, and/or step and adoptive parents or children.
- D. **Day-One** calendar day unless otherwise stated.
- E. **Compensatory Time Off (CTO):** A specified period of time a non-exempt employee may be absent from duty upon approval by the appointing authority. CTO is accrued when the employee elects to take compensatory time off instead of being paid overtime.
- F. **Emergency Leave:** A specified period of time which an employee is granted leave of absence from duty, with or without pay, due to an unforeseen emergency circumstance which requires immediate action by the employee to correct or alleviate the situation. Emergency leave shall not be more than four (4) hours unless approved by immediate supervisor with supporting justification as outlined in this policy.
- G. **Family Care and Medical Leave:** Authorized leave for reason of the birth of a child of the employee, or the placement of a child with an employee in connection with the adoption or foster care of the child by the employee; leave to care for a parent, spouse, or child of an employee, or a parent or child of the spouse of an employee, who has a serious health condition; leave because of an employee's own serious health condition that makes the employee unable to perform the functions of the position of that employee, except for leave taken for disability on account of pregnancy, childbirth, or related medical conditions; or leave for reason of the death of a family member of the employee.
- H. **Health Care Provider:** a person who is licensed to practice medicine under Guam law or; an individual licensed to practice medicine in another state or jurisdiction who directly treats or supervises the treatment of the serious health condition for which leave under this policy is taken; or any other person determined by the United States Secretary of Labor to be capable of providing health care services under the FMLA.

- I. **Immediate Family Member:** A spouse of an employee; common law, parents, parents-in-law, grandparents, brothers, sisters, children, grandchildren, any step or adoptive parents, adopted children, or grandchildren of both the employees and the spouse, a guardian or person in loco parentis. the biological, adoptive, foster, or stepparent or legal guardian of an employee.
- J. **Immediate Supervisor:** The person who has direct responsibility for supervising the employee. (e.g., Administrator, Platoon Commander, Division Supervisor, Section Supervisor). This refers to civilian and uniform personnel.
- K. **Leave of Absence:** A leave of absence is an approved absence from duty, for a prescribed time period, by the Director or his delegated representative, with or without pay.
- L. **Leave Without Pay:** A temporary, authorized, non-pay status and absence granted in response to an employee request. It covers only those hours which an employee would otherwise work or for which he/she would be paid.
- M. **Leave Application Form:** Application for leave of absence shall be made in the form prescribed by the Director of Administration.
- N. **Leave Year:** A period from the beginning of the first complete pay period in the fiscal year to the beginning of the first complete pay period in the following fiscal year.
- O. **Parent:** Means a biological, foster, or adoptive parent, a stepparent, a legal guardian, or other person who stood in loco parentis to the employee when the employee was a child.
- P. **Military Leave of Absence:** A specified period of time an employee is authorized to be absent from duty to perform military obligations.
- Q. **Recall for Duty:** When situation warrants a recall of personnel, the Platoon Commander (or higher authority) may recall personnel on annual leave and/or off-duty to report for duty. Annual leave will be considered cancelled. Recall of personnel on leave shall only be accomplished when absolutely necessary after other measures have not provided sufficient personnel to fulfill the mission of the department.
- R. **Revocation of Leave:** Approved leave may be revoked by the Director when the good of the service requires it, or when evidence shows that the employee on leave is engaged in activities for which the leave would not have been granted.
- S. **Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves either of the following: inpatient care in a hospital; hospice, or residential health care facility; continuing treatment or continuing supervision by a health care provider.

- T. **Sick Leave:** A period of time accrued at a specific rate by employees occupying permanent positions which may be used to be absent from duty with pay for a specified period of time because of illness, injury, or because of quarantine of his/her family member. Use of sick leave is appropriate for medical, dental, or optometric examination or treatment or for any mental health examination counseling or treatment or to provide health care for a member of the employee's immediate family as a result of serious illness or injury.
- U. **Voluntary Transfer of Sick or Annual Leave:** An earned and unused annual and/or sick leave that is voluntarily donated amongst employees' who are in need.
- V. **Unauthorized Leave of Absence:** A period of time when an employee is not authorized to be absent from duty for any reason.

IV. GENERAL PROVISIONS

- A. No leave of absence, with or without pay, shall be authorized where it appears or was discovered that it was requested for the purpose of: allowing the employee to work at his outside employment or engaging in prohibited or unlawful activities.
- B. Leave may also be denied when the loss of the employee's services on days for which leave is requested would result in the discontinuance or impede of critical services to the public.
- C. An employee who fails to report to duty at the expiration of approved leave of absence without an acceptable reason shall be considered unauthorized leave of absence from duty and subject to disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- D. All employees shall report for duty punctually at the time directed and shall not leave their work assignment before the completion of their working day or tour of duty except with their supervisor's permission. If, for any reason, an employee is unable to report for duty, he or she shall notify their supervisor at the earliest possible time.
- E. Every employee who fails to report for duty at the date, time, and place specified and so doing without the consent and approval of competent authority is "Absent without Leave" Such absences within the period of one day must be reported in writing to their supervisor. Repeated "Absent Without Leave" may be grounds for disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- F. For all leave requests, including CTO, the Leave Application Form must be submitted and approved by the appropriate authority prior to taking leave.

- G. It shall be the employee's responsibility to make timely follow-up checks of the leave requested.
- H. It shall be the employee's responsibility to ensure that all documents (timesheet, leave forms, & supporting documents) are submitted in a timely manner in accordance with departmental policies. Failure to submit any or all documents, in accordance with policy, may be grounds for non-payment and/or disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- I. An employee who is absent from duty without proper authorization shall be placed on "Unauthorized Leave of Absence Without Pay". This applies to employee's that failed to report their status to their immediate supervisor or the on-duty supervisor at the time the call is made. (No call, no show, or unknown status). Repeated unauthorized absences may be grounds for disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- J. All employees, who is reported Absent without Leave or Unauthorized Leave of Absence from Duty shall turn in an incident report to his/her supervisor on the reason(s) for his/her absence. The supervisor shall take appropriate progressive disciplinary action (Letter of Warning/Letter of Reprimand). A copy of any disciplinary action taken shall be forward to the Director s' office via the chain of command.
- K. Repeated violations shall be considered sufficient cause for a more stringent disciplinary action, including dismissal from the department.
- L. At no time will any employee be authorized to make up hours for Absent without Leave or Unauthorized Leave status by working on their regular day off or remaining on duty.
- M. At no time shall any personnel be authorized to sign annual leave or use CTO for periods they were Absent without Leave or Unauthorized Leave of Absence from Duty status.
- N. The employee's immediate supervisor shall prepare and submit a report of the employees that are Absent without Leave status or Unauthorized Leave of Absence from Duty to the Director 's Office via the chain of command no later than the close of business the following day after the occurrence or when it's been determined and verified that the employee is Absent without Leave or Unauthorized Leave of Absence from Duty.
- O. The employee's immediate supervisor, or higher authority, under exigent circumstances may depart from the policies and procedures established in this order and may act in the manner most appropriate under the circumstances. In this regard, the responsible authority subordinate to the division head shall submit a written report as soon as practicable.

- P. In all cases, the employee's immediate supervisor must not be unreasonable in their action in regards to leave, or re-call. The division head will seek advice of the supervisor in all cases where the supervisor may be able to render aid or information about the employees leave request.
- Q. All absences without pay will not be "Backed In" without written justification and explicit approval of the Director, Deputy Director, or their designee.
- R. Supervisors shall not approve or grant a leave request to any employee not under their immediate command.

V. ADMINISTRATIVE LEAVE (DOA PR&R Section 8.400)

- A. Administrative leave may be authorized only pursuant to established policy and procedures of the Government of Guam.
- B. Administrative leave taken not in accordance with established policies and procedures may be subject to non-payment and the employee charged with "Absent Without Leave" or "Leave Without Pay" Pay' and subject to disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).

C. Attendance at Official Meetings/Conferences On or Off-Island

1. Employees shall initiate a written request for an excused absence citing the purpose of the meeting/conference, dates involved and costs, if any, to the Director.
2. The Director will evaluate the relative costs, availability of funds, potential for the employee's development, and desirability of government representation when approving the attendance at on or off-island meetings and conferences.
3. Upon approval of the request, a copy shall be provided to both the employee and the payroll office.

D. Jury Duty

1. An employee who is called for jury duty in any court in the Territory of Guam, shall be excused from duty with full pay and without charge to leave for all hours required for such duty, not to exceed the number of hours in the employee's normal work day. However, if the jury duty does not require absence for the entire work day, the employee shall return to duty immediately upon release by the court.
2. An employee called for jury duty is required to show the Jury Duty Call Notification to their immediate supervisor.

E. Participation as a Competitor in a Government of Guam Personnel Examination or Interview

1. Employees who are participating in a competitive examination or interview for government of Guam employment, shall be excused from work with pay, and without charge to leave for the time required for the examination or interview. Employees are required to report to their work location after completion of the examination or interview.
2. Employees must advise their immediate supervisor in advance of the need for excused absence to participate in a scheduled examination or interview. This notice should be given as soon as the employee receives information of the scheduled date and time of examination or interview.

F. Participation in Examinations for Military Service

1. An employee who is scheduled to appear for an examination for entrance into the United States military service, shall be excused from work with pay and without charge to leave for the time required for the examination.

G. Natural Disasters and Other Emergency Conditions

1. Excused absence with pay and without charge to leave shall be granted to employees when natural disasters or other emergency conditions create unsafe working conditions.
2. Excused absence, for natural disaster or other emergency conditions, may be granted only when there has been an official proclamation of the hazardous conditions by Executive Order, or an equivalent announcement by the Governor.
3. When the Governor declares a State of Emergency, the appointing authority shall determine whether affected facilities or portions thereof, which are located in the area covered by the Executive Order or proclamation, are to be closed.
4. Except for those employees determined by the Director to be necessary for providing essential services, employees shall be released from duty with pay, without charge to leave, for the period the facility is closed.
5. Those employees, required to remain on duty to provide essential services, shall be paid in accordance with the emergency declaration or Guam law, or granted compensatory leave credits for the hours worked during the period the facility is closed and the other employees are on excused leave.
6. Employees who are on annual or sick leave status when an emergency condition is declared by Executive Order, or announcement by the Governor and are not required to report to duty, shall be considered as released from duty with pay without charge to leave for the period the work facility is closed.

7. An employee who performs volunteer services, privately or as a member of an organization, in times of civil unrest, disasters, search and rescue operations, and other civil emergencies shall be excused from duty with pay, without charge to accrued leave not to exceed two work days unless approved by the Director.

H. Participation in Officially Sanctioned Events /Professional Scholarship

1. An employee, who is a participating member of an official Guam delegation which is sanctioned by the Governor, shall be excused from duty with pay, and without charge to leave, for a period not to exceed five work days in a calendar year.
2. Employees attending school under the *Pedro "DOC" Sanchez Professional Scholarship* shall be allowed administrative leave with pay to attend classes during working hours. In the case of graduate Master Public Administration (M.P.A.) or Master Business Administration (M.B.A.) students, the department shall allow full-time administrative leave with pay during the last semester in which the scholarship recipient performs required research toward his or her special project or thesis. Actual class time shall not be used for accumulation of overtime, nor compensatory time.

I. Absence Pending Formal Investigation

1. An employee, who is under formal investigation by the department for misconduct, or violation of a rule or statute, *may* be placed on excused absence from duty without charge to leave, not to exceed 20 work days when the employee's absence from the work location is essential to the investigation.

J. Disabled Veteran's Reexamination or Treatment

1. An employee, who has been rated by the Veterans Administration to have incurred a service-connected disability and has been scheduled by the Veterans Administration to be reexamined or treated for such disability shall, upon presentation of written confirmation of having been so scheduled, be excused from duty without charge to leave for such reexamination or treatment.
2. Excused absences shall not exceed five work days in any calendar year. Thereafter, the employee may utilize other forms of leave as provided in this policy.

VI. ANNUAL LEAVE PROCEDURES

- A. All Department of Corrections employees must be fully aware that annual leave is a privilege and should be afforded but not a right and may be denied at any time to maintain and to accomplish departmental goals and objectives or, when the request for annual leave is not in accordance with established policies and procedures.

- B. Annual leave request for sixteen (16) hours or less should be submitted two (2) calendar days in advance. Annual leave can only be granted by the employee’s immediate supervisor or higher authority.
- C. Annual leave request in excess of sixteen (16) hours but not more than one (1) pay period (two weeks) should be submitted a minimum of one (1) week in advance. Only the employee’s immediate supervisor or higher may grant annual leave.
- D. Annual leave request in excess of one (1) pay period (more than two weeks) should be submitted a minimum of two (2) weeks in advance. Only the Division Heads or higher authority may grant annual leave in excess of the scheduled pay period with the concurrence of the Deputy Director or Director.
- E. All off-island leave request shall be submitted at a minimum of four (4) weeks in advance, except emergencies, via channels to the Director for approval with the advice of the Division Head.
- W. The Leave Application Form must be submitted and approved by the appropriate authorities prior to taking annual leave.
- F. If a request is denied for any reason, the leave request must be forwarded to the Director of Deputy Director for final concurrence or non-concurrence, along with the justification from the Division Head of the reason for denial of leave.
- G. Annual leave taken not in accordance with this Order is subject to non-payment and the employee may be charged with ‘Absence Without Leave (AWOL)’ or “Leave Without Pay and may be grounds for non-payment and/or disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- H. It shall be the employee’s responsibility to make timely follow-up checks of the leave requested.
- I. Minimum Charge for Annual Leave
 - a. An employee who uses annual leave in an amount of time which is less that a full hour, shall be charged leave daily according to the following table:

Minutes Used	Time Charged (Minutes)
0-14	00
15-30	30
31-60	60

J. Carry-Over, Accumulated of Annual Leave, Lump Sum Payment Upon Separation or Transfer

1. Employees entitled to annual leave hereunder may accumulate up to three hundred twenty (320) hours. Any annual leave earned by eligible employees in excess of three hundred twenty (320) hours shall be credited to such employee's accumulated sick leave, provided, that no more than one hundred (100) hours shall be credited to sick leave at the end of each fiscal year. The determination of accumulation of annual leave, and crediting of excess hours sick leave, shall be done at the end of each fiscal year.
2. Employees who have accumulated annual leave in excess of three hundred twenty (320) hours may carry over their excess and shall use the excess amount of leave, prior to retirement or termination from service. At the time of retirement or termination of service, that portion permitted to be credited to sick leave shall be so credited and the remainder of the excess leave, if any, shall be lost. Nothing herein shall allow lump sum compensation or retirement credit for annual leave in excess of three hundred twenty (320) hours.
3. When an employee is separated from the department, they may be given a lump sum payment for any accrued and unused annual leave as of the date of separation. Not to exceed limits established by law.
4. Any employee who transfers from one branch of the government of Guam to another, or from one department, agency, instrumentality or corporation of the government of Guam to another department, agency, instrumentality or corporation at their option may accept the cash value of their earned leave at the time of transfer or transfer their accumulated leave to their new government position, notwithstanding the fact that such transfer may appear on the employee's personnel records as a resignation and re-employment.

K. Employees accumulate annual leave base on the following schedule;

1. One-half (4 hours) for each full bi-weekly pay period in the case of employees with less than five (5) years of service;
2. Three-fourths day (6 hours) for each full bi-weekly pay period in the case of employees with five (5) years of service but less than fifteen (15) years of service;
3. One (1) day (8 hours) for each full bi-weekly pay period in the case of employees with fifteen (15) years or more service.
4. An employee shall continue to earn annual leave credits during leaves of absence with pay for each bi-weekly pay period, otherwise there shall be no accrual of annual leave for such pay period that the employee is on leave without pay.

VII. SICK LEAVE PROCEDURES

- A. All employees are required to notify their immediate supervisor (not a co-worker) as soon as possible (at least 2 hours prior to work schedule) on the first day of absence. If such notification was not received, the employee will be placed of “**Absent Without Leave**” subject to non-payment or disciplinary action, including dismissal from the department.
- B. After two (2) consecutive days of reported sick status, with no certification, it is important the immediate supervisor contact the employee at his/her place or residence during scheduled working hours by phone to determine the seriousness of the illness. All phone calls and other methods used to contact the employee must be documented.
- C. After three (3) consecutive days of reported sick status, with no certification, a personal visit must be conducted by the immediate supervisor or a designated person at the residence to determine the condition of the employee. Negative response and/or information of the whereabouts of the employee at the time of the call or visit must also be documented.
- D. Sick leave taken that is not in accordance with this Order by any employee may be subject to non-payment and changed with “**Absent Without Leave**” or “**Leave Without Pay**” and shall be considered sufficient cause for disciplinary action, which may include Adverse Action (Suspension, Demotion or Termination).
- E. Under all circumstances except when a seriously sick and/or injured (critical condition, bed ridden, disabled) all employees (not wives, husbands, mothers, fathers, brothers, sisters and/or children) if for any reason, is unable to report for duty as scheduled must contact their immediate supervisor (not desk watch, co-workers) at the earliest possible time or at least 2 hours prior to employee’s work scheduled.
- F. Failure to comply with the above will be considered as “**Absent Without Leave**” and subject to disciplinary action, which may include Adverse Action (Suspension, Demotion or Termination).
- G. Employees occupying permanent positions shall accrue sick leave at the rate of one-half day (4 hours) for each biweekly pay period in which they are in pay status for the entire ten (10) days; otherwise, there shall be no accrual for such period.
- H. Accumulation. Unused sick leave may be accumulated and carried over to succeeding leave years without limitation.
- I. Use of sick leave is appropriate for medical dental, or optometric examination or treatment or for any mental health examination counseling or treatment.
- J. Appropriate use of Sick leave with pay is allowed to an employee when the employee receives certification for the anyone or more of the following;

1. Sickness;
 2. medical;
 3. dental;
 4. optical examination or treatment;
 5. physical treatment;
 6. Counseling or treatment;
 7. injury;
 8. mental health examination;
 9. complications due to pregnancy;
 10. childbirth;
 11. dental or optical examination or treatment; or
 12. because of quarantine due to his own or another's illness; or
 13. their presence would jeopardize the health of others; or
 14. exposure to a contagious disease;
 15. give birth or becomes a father pursuant to maternity or paternity statutes.
- K. 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.
- L. Sick leave with pay shall be allowed during leave absence or vacation, provided, however, that any sick leave taken while on vacation must be supported by a certificate issued by a licensed physician. No employee shall be allowed to undertake gainful employment while on sick leave status.
- M. When using sick leave for such events as can be scheduled in advance such as operations, dental, medical exams and similar appointments. The leave application form should be submitted 24-48 hours prior to the appointment date. For all other sick leave request, the leave will be submitted after the fact.
- N. An employee who is absent because of illness for reasons stated in this policy for eight (8) hours or more, with or without pay, are required to furnish a certification as to the incapacity from a regularly licensed physician.
- O. The physician's certification shall identify the employee's name, medical condition or care is required, and the duration or timeframe that the employee is to be excused from work.
- P. If the purpose is to care for the immediate family member, the family member's name shall be identified with the medical condition or care that is required, the employee's name and their relationship to the immediate family member, who is the primary caregiver/provider, as well as the duration or timeframe that the care is required.
- Q. The Director may require additional certification for such other period as is appropriate. Any employee who must be excused during working hours due to illness is required to submit doctor's certification for the number of hours taken.

- R. If the required certification 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.
- S. Employee who are continuously “Absent without Leave” is subject to disciplinary action, including dismissal from the department.
- T. If the medical certification furnished by the employee is not acceptable to the Director, the Director may require the employee to submit to a medical examination which shall be paid for by the department. Based on the medical certification, the Director:
 - 1. Will not approve further use of sick leave if the employee is medically evaluated as fit for work.
 - 2. Shall allow the employee to use accrued sick leave if the employee is medically evaluated as unfit to return to work. In the event the employee exhausts his or her accrued sick leave, the employee may at the discretion of the Director use leave sharing.
 - 3. Falsification of an illness or medical condition report shall be considered sufficient cause for disciplinary action, including dismissal from the department.
- U. No employee who separates from the department for any reason may receive a cash payment of sick leave accrued at the time they leave the department; except that upon the death of the employee, a lump sum payment of unused sick leave shall be made in accordance with title 4 of the Guam Code Annotated.

VIII. EMERGENCY LEAVE

- A. Since an emergency is an unforeseen event that can occur at any time, leave request forms may be submitted after the fact if the nature of the emergency does not allow sufficient time for the employee to complete the appropriate leave request the employee will submit the leave request supported by a satisfactory written justification.
- B. If four (4) hours is not enough time to correct the issue that prompted the emergency leave, the employee shall inform his/her supervisor of the situation and request additional leave.
- C. If the employee fails to report his/her status after four (4) hours of emergency leave, shall be considered unauthorized leave of absence from duty and subject to disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).

- D. All emergency leave requests will be considered on a case-by-case basis and should it be determined by proper authority that the employee has abused the term “emergency” to circumvent the normal procedures for requesting annual leave, or fails to submit a *satisfactory written justification*, the employee may be subject to non-payment and charged ‘Absent without Leave’ or ‘Leave without Pay’ and subject to disciplinary action which may include Adverse Action (Suspension, Demotion or Termination).
- E. All leave request for off-island emergencies must be supported by written documentation such as letter from a medical doctor or American Red Cross certifying the emergency prior to granting the leave or other satisfactory written justification.

IX. BEREAVEMENT LEAVE (D.O.A. P.R. 8.411 & Title 22 GCA, Chapter 3 § 3610)

- A. An employee, upon request, shall be granted two (2) days of excused absence with pay, and without charge to leave upon the death of any member of the employee’s immediate family. The employee may use the two (2) days of bereavement leave in any manner which best satisfies his/her needs.
- B. An employee may request for additional bereavement leave not to exceed fourteen (14) calendar days. Any additional leave taken the employee may choose annual leave, compensatory time off, or leave without pay.
- C. Each employee requesting bereavement leave due to a death in the immediate family, shall submit a request to the appointment authority stating the name of the deceased and the relationship to the deceased.
- D. All request for bereavement leave shall be supported by a death certificate or obituary of the deceased immediate family member. The division head may grant bereavement leave in accordance with this policy.

X. LEAVE OF ABSENCE WITHOUT PAY

- A. Employees may request leave without pay for good cause when their current authorized annual or sick leave with pay, will not cover the total period of requested leave. Leave without pay may be granted for a period not to exceed one year. For extenuating circumstances, the Director may extend the leave without pay for an additional year. No extension may be granted thereafter. When an employee is on leave without pay status, accrual of sick, annual or retirement credit is not allowed.
- B. Leave without pay is a temporary non-pay status and an absence granted in response to an employee's request. Leave without pay covers only those hours which an employee would otherwise work or, for which he would be paid.

- C. Each request, for extended leave without pay, should be evaluated carefully to assure that, the value to the government or the serious needs of the employee, is sufficient to offset the costs and administrative inconveniences to the government which results from the retention of an employee in a leave without-pay status. Among these costs are:
1. encumbrance of a position;
 2. loss of services which may be needed in the organization and obligation to provide active employment at the end of the approved leave period.
- D. As a basic condition for approval of extended leave without pay, there should be reasonable expectation that the employee will return to work at the end of the approved period. In addition, it should be apparent that at least one of the following benefits would result:
1. increased job ability
 2. protection or improvement of employee's health
 3. retention of a desirable employee
 4. furtherance of a program of interest to the government.
- E. Examples of Appropriate Authorized Use of Leave Without Pay
1. Authorized LWOP may be used for educational purpose, when the course of study or research is in line with a type of work which is being performed by the employee's department, and completion of which would contribute to the department's best interest.
 2. For the purpose of recovery from illness or disability, not of a permanent or disqualifying nature, when continued employment or immediate return to employment would threaten impairment.
 3. of the employee's health, or the health of other employees.
 4. For the purpose of caring for a child upon birth or adoption.
 5. For the purpose of providing care to a spouse or child who is ill or disabled, or to provide care to elderly parents or parents-in-law.
- F. Authorizing leave without pay is a matter of administrative discretion. An employee cannot demand that they be granted leave without pay as a matter of right, except in the case of:
1. disabled veterans who are entitled to leave without pay, if necessary, for medical treatment;
 2. members of the Reserve Components of the U.S. Armed Forces who are entitled to leave without pay, if necessary, to perform military training duties.

- G. An employee who does not have adequate annual or sick leave credits may submit a written request for leave without pay to his supervisor. The employee's request should indicate the reasons and the need for leave without pay, and the date employee intends to return to duty from leave.

XI. FAMILY MEDICAL LEAVE ACT (Title 22 GCA, Chapter 3 Article 6 § 3610)

- A. Leave of absence, for a maximum of 12 weeks of unpaid leave during any 12-month period under the Family and Medical Leave Act (FMLA), shall be approved for an employee for one of the following reasons:
 - 1. The birth of a child of the employee and the care of such a child.
 - 2. The placement of a child with the employee for adoption or foster care.
 - 3. The care of a spouse, son, daughter or parent with a serious health condition.
 - 4. A serious health condition of the employee.
- B. An employee must have worked for the government of Guam for at least 12 months and for at least 1,250 hours during the year preceding the start of the leave. Temporary employees working part time, after completion of 1,250 hours, are counted as completing the workweek even if they do not work a 40-hour workweek.
- C. The twelve (12)-month period during which twelve (12) workweeks of leave may be taken under this policy shall run concurrently with the twelve (12)-month period under the FMLA, and shall commence on the date leave taken under the FMLA commences.
- D. In any case in which the necessity for leave is foreseeable based on an expected birth or placement, the employee shall provide the department with not less than thirty (30) days' notice before the date the leave is to begin, of the employee's intention to take leave under this section, except that if the date of the birth or placement requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.
- E. The employee shall make a reasonable effort to schedule the treatment so as not to disrupt unduly the departments operations, subject to the approval of the health care provider of the employee or the health care provider of the son, daughter, spouse, or parent of the employee, or health care provider of the parent, son, or daughter of an employee's spouse, as appropriate;
- F. The employee shall provide the department with not less than thirty (30) days' notice, before the date the leave is to begin, of the employee's intention to take leave FMLA except that if the date of the treatment requires leave to begin in less than thirty (30) days, the employee shall provide such notice as is practicable.

- G. The department is not be required to pay an employee for any leave taken under FMLA. However, the employee may elect, or the department may require the employee, to substitute, any of the employee's accrued annual leave, sick leave, or CTO during this period or any other paid or unpaid time off provided that the request is consistent with rules governing the granting and use of annual or sick leave or CTO.
- H. If an employee takes leave because of the employee's own serious health condition, the employee may elect, or the department may also require the employee, to substitute accrued annual leave, sick leave, or CTO during the period of the leave provided that the request is consistent with rules governing the granting and use of annual or sick leave.
- I. Leave may be available to an employee under the Government's Leave Sharing Program.
- J. When leave is taken intermittently or on a reduced leave schedule, the employee's absence under the Family Medical Leave Act shall not exceed the equivalence of a full-time work schedule of 12 weeks (40 hours per week x 12 weeks = 480 hours).
- K. During any period that an eligible employee takes leave or takes leave that qualifies as leave under the FMLA, the department will maintain and pay for coverage under a "group health plan," for the duration of the leave, not to exceed twelve (12) workweeks in a twelve (12)-month period, commencing on the date leave taken under the FMLA provided, that the employee shall continue to pay for the employee's share of insurance premiums at the same level that would have applied if the employee has continued in employment continuously for the duration of the leave.
- L. During a family care and medical leave period, the employee shall retain employee status with the department, and the leave shall not constitute a break in service for purposes of longevity, seniority, or any employee benefit plan.
- M. The department requires that an employee's request for leave to care for a child, a spouse, or a parent, who has a serious health condition be supported by a certification issued by the health care provider of the individual requiring care. That certification shall be sufficient if it includes all of the following:
 - 1. The date on which the serious health condition commenced;
 - 2. The probable duration of the condition;
 - 3. An estimate of the amount of time that the health care provider believes the employee needs to care for the individual requiring the care;
 - 4. A statement that the serious health condition warrants the participation of a family member to provide care during a period of the treatment or supervision of the individual requiring care.

- N. Upon expiration of the time estimated by the health care provider the department requires the employee to obtain recertification, in accordance with this policy if additional leave is required.
- O. If the required certification 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.
- P. Employee who are continuously “Absent without Leave” is subject to disciplinary action, which may include Adverse Action (Suspension, Demotion or Termination).
- Q. The department requires that an employee’s request for leave because of the employee’s serious health condition be supported by a certification issued by their health care provider. That certification shall be sufficient if it includes all of the following:
 - 1. The date on which the serious health condition commenced;
 - 2. The probable duration of the condition; and
 - 3. A statement that, due to the serious health condition, the employee is unable to perform the functions of their position.
- R. The employee is required to obtain subsequent recertification regarding the employee’s serious health condition on a reasonable basis, if additional leave is required.
- S. In any case in which the department has reason to doubt the validity of the physician’s certification provided, the department requires, at the department’s expense, the employee obtain the opinion of a second health care provider, designated or approved by the department, concerning any information provided in the certification. The second health care provider designated or approved by the department shall not be employed on a regular basis by the department.
- T. In any case in which the second opinion differs from the opinion in the original certification, the department may require, at the departments expense, the employee obtain the opinion of a third health care provider, designated or approved jointly by the department and the employee, concerning the information contained in the physician’s certification.
- U. The opinion of the third health care provider concerning the information certified under shall be considered to be final and shall be binding on the department and the employee.
- V. As a condition of an employee’s return from leave taken because of the employee’s serious health condition, the department may require the employee to obtain certification from the employee’s health care provider that the employee is able to resume work.
- W. If the required certification 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.

- X. Employee's whom are continuously "Absent without Leave" is subject to disciplinary action, which may include Adverse Action (Suspension, Demotion or Termination).
- Y. Upon completion of an employee's FMLA leave, an employee must be returned to the same position and pay, benefits and working conditions at the conclusion of the leave as applicable.
- Z. It shall be an unlawful employment practice for the department to refuse to hire, or to terminate, discharge, fine, suspend, expel, or discriminate against, any individual because of any of the following:
 - 1. An individual's exercise of their right to family care and medical leave provided;
 - 2. An individual's giving information or testimony regarding the individual's family care and medical leave, or another person's family care and medical leave, in any inquiry or proceeding related to rights guaranteed under the FMLA.

XII. LEAVE FOR CHILD SCHOOL-RELATED PURPOSES (Title 22 GCA, Chapter 3 Article 7 § 3701)

- A. An employee of the department who is a parent shall be granted administrative leave for the purpose of child school-related activities, such as;
 - 1. to find, enroll, or re-enroll the employee's child in a school or with a licensed child care provider, to meet with a teacher or other school official concerning the employee's child's performance, to volunteer parental-involvement time at the employee's child's school, or
 - 2. to participate in activities of the school or licensed child care provider of their child, including attendance at a graduation, school play, school fair, and related events, which shall be considered as attendance at an official meeting or conference under Administrative Leave portion of this policy and Rule No. 8.402 of the Personnel Rules and Regulations of the Department of Administration for purposes of eligibility for administrative leave if the employee, prior to taking the time off, gives reasonable notice to the employer of the planned absence of the employee.
 - 3. The school or child care provider has requested that the child be picked up, or has an attendance policy, excluding planned holidays, that prohibits the child from attending or requires the child to be picked up from the school or child care provider.
- B. Child care provider or school emergency means that an employee's child cannot remain in a school or with a child care provider due to one (1) of the following:

1. Behavioral or discipline problems;
 2. Closure or unexpected unavailability of the school or child care provider, excluding planned holidays; or
 3. A natural disaster, including, but not limited to, fire, earthquake, or flood.
- C. The employee may use up to a maximum of four (4) hours every two (2) pay periods of administrative leave for child school-related activities, which may be utilized at the arrangement of the employee with the employee's supervisor, and may be split into smaller separate segments over the two (2) pay period time frame, but shall not carry over to the next two (2) pay periods or thereafter. To address a child care provider or school emergency, if the employee gives notice to the employer.
- D. If more than one (1) parent of a child is employed in the department at the same worksite, the entitlement under this policy of a planned absence as to that child applies, at any one (1) time, only to the parent who first gives notice to their immediate supervisor, such that another parent may take a planned absence simultaneously as to that same child under the conditions in this policy only if he or she obtains the employer's approval for the requested time off.
- E. The employee, shall provide written documentation from the school or licensed child care provider as proof that he or she engaged in the child-related activities permitted in this policy.
- F. Parent means a parent, guardian, stepparent, foster parent, or grandparent of, or a person who stands in loco parentis to, a child. (2) Child (plural: children) shall have the same definition.

XIII. LEAVE FOR VICTIMS OF VIOLENCE (Title 22 GCA, Chapter 3 § 3401)

- A. The department must grant reasonable and necessary leave from work, with or without pay, for an employee to:
1. Prepare for and attend court proceedings;
 2. Receive medical treatment or attend to medical treatment for a victim who is the employee's daughter, son, parent or spouse; or
 3. Obtain necessary services to remedy a crisis caused by domestic violence, sexual assault or stalking.
- B. The leave must be needed because the employee or the employee's daughter, son, parent or spouse is a victim of a crime of violence to include, but not be limited to, domestic violence, assault, sexual assault, stalking or any act that would support an order for protection.

- C. An employee may not be sanctioned or be deprived of pay or benefits for exercising their rights granted by this policy.
- D. The department/supervisor may require an employee to provide reasonable documentation of the family relationship, which may include a statement from the employee, a birth certificate, a court document or similar documents. The leave may be denied if;
 - 1. The department would sustain undue hardship from the employee's absence;
 - 2. The request for leave is not communicated to the supervisor within a reasonable time under the circumstances; or
 - 3. The requested leave is impractical, unreasonable or unnecessary based on the facts then made known to the supervisor.

XIV. MILITARY LEAVE (Title 4 GCA, Chapter 4 § 4119)

- A. A specified period of time an employee is authorized to be absent from duty to perform military obligations. All employees of the department who are members of the reserve components of the Department of Defense or Transportation including, but not limited to, the United States Army, the United States Navy, the United States Marine Corps, the United States Air Force, the Guam Army National Guard, and the United States Coast Guard, shall be entitled to leave of absence from their respective duties with the government of Guam without losses of time or efficiency ratings on all days during which they are engaged in active military duty ordered or authorized under the laws of United States.
- B. Employees on military leave are entitled to military leave with pay (not charged against an employee's accrued annual leave) while performing such duty not to exceed fifteen (15) working days per government of Guam fiscal year. Thereafter, the employee shall elect annual leave, compensatory-time accrued, or leave without pay.
- C. The employee shall submit, with their leave form, a copy of their military order or other documents which place the employee on military training, to the Director.
- D. Military leave should be requested in the same manner as for annual leave with regard as to advance notice.
- E. Military leave taken not in accordance with established policies and procedures may be subject to non-payment and the employee charged "Absent Without Leave" or "Leave Without Pay."

- F. If an employee misses work while performing military service, the department is not obligated to reschedule the employee to make up the time lost. However, if employees who miss work for nonmilitary reasons are afforded opportunities to make up the time lost, employees in the military must be treated in the same manner.
- G. Employees in the military are not required to work on their regular day off in lieu of military drill or leave. However, they may work on their regular day off to make up for weekend leave in lieu of using their military leave, annual leave or leave without pay. A copy of the official orders shall be filed in the employee's personnel file.

XV. MILITARY LEAVE WITHOUT PAY -Special Provision (DOA PR&R Section 8.606)

- A. Any classified employee, except an employee who is employed in a temporary position or employed on a temporary basis, who is drafted, who volunteers for active military service, or who is ordered to active duty (not active-duty military training) consistent with Section 6218(d) of Title 4 of the Guam Code Annotated shall be granted limited leave without pay, beginning with the date of induction and, not to exceed a period of four (4) years of military service. Active military service includes active duty with the U.S. Army, the U.S. Air Force, the U.S. Navy, the U.S. Marine Corps, the U.S. Coast Guard, Guam Army National Guard or other services as provided by Guam law. Such leave of absence shall be verified by official orders or appropriate military certification which shall be filed in the employee's personnel file.
- B. During such leave of absence, the employee shall be entitled to retain the same rights and privileges as an employee granted leave without pay in accordance with these rules.
- C. All unused leave benefits shall be retained by the employee, who shall have the same credited to the employee's record upon return to his assigned position consistent with Section 6218(d) of Title 4 of the Guam Code Annotated.
- D. Upon termination under honorable conditions of such active duty, the employee shall be entitled to reinstatement in his previous position provided the employee makes application for reinstatement within 90 days after discharge.
- E. If the employee volunteers for an additional tour of military duty, the employee shall forfeit the right to return to the position.

XVI. MILITARY FAMILY LEAVE (Title 4 GCA, Chapter 4 § 4119.1 & Article 1A § 4A101)

- A. In order to serve the families of those troops currently serving in military conflicts in Iraq, Afghanistan, and throughout the world, serving in the Global War on Terrorism, and to assure that these families are able to spend time together during the qualified service member's leave to and from deployment, to include pre-deployment, post-deployment, during deployment, any return for Rest and Relaxation (R&R) leave during deployment or reintegration from deployment, and to handle their personal affairs by their spouse or designated next of kin or attorney-in-fact.

- B. Qualified leave period means the period during which the qualified service member is on leave from deployment during a period of military conflict, to include pre-deployment, post deployment, return for rest and relaxation (R&R), reintegration, or after deployment.
- C. Qualified employee means any person who satisfies all of the following:
1. Is the spouse, authorized representative, designated next of kin, or attorney-in-fact of a qualified member.
 2. Provides the department with notice within two (2) business days of receiving official notice that qualified member will be on leave from deployment, of his or her intention to take leave.
 3. Submits written documentation to the department certifying that the qualified member will be on leave from deployment during the time the leave
- D. Qualified Service Member means a person who is any of the following:
1. A service member of the Armed Forces of the United States who has been deployed during a period of military conflict to an area designated as a combat theater or combat zone by the President of the United States; or
 2. A service member of the National Guard who has been deployed during a period of military conflict; or A service member of the Reserves who has been deployed during a period of military conflict.
- E. Period of military-conflict means either of the following:
1. A period of war declared by the United States Congress;
 2. A period of deployment for which a member of a reserve component is ordered to active duty pursuant to either of the following:
 - a. Sections 12301 and 12302 of Title 10 of the United States Code, or Title 32 of the United States Code.
 - b. The department may allow a qualified employee to take up to fifteen (15) days of unpaid leave during a qualified leave period.

XVII. PREGNANCY MEDICAL LEAVE (Title 4 GCA, Chapter 4 §4107.1.)

- A. Pregnancy related medical leave shall be granted to an eligible female employee (a full-time classified or full-time unclassified female employee) as a result of pregnancy, childbirth, or medical conditions related to pregnancy or childbirth.

- B. Pregnancy related medical leave shall consist of paid administrative leave not to exceed ten (10) working days, encompassing the date of childbirth.
- C. Subsequent to the use of paid administrative pregnancy related medical leave, an eligible female employee is permitted to take additional leave that, in combination with pregnancy related medical leave, does not exceed a total of one hundred thirty (130) work days of total leave surrounding childbirth.
- D. After pregnancy related medical leave is exhausted, employees shall then use parental leave, sick leave, annual paid leave, compensatory leave, and leave without pay, in that order.
- E. If employees have exhausted all of the previously stated forms of leave, they may then use any donated sick leave obtained through the leave sharing program.
- F. Leave surrounding childbirth that is requested in excess of one hundred thirty (130) working days may be approved on a case-by-case basis at the discretion of the Director.
- G. Eligible female employees who take pregnancy related medical leave and additional leave surrounding the birth of a child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.
- H. The employee has the responsibility to provide the supervisor no less than ninety (90) days notification of intent to use pregnancy related medical leave and additional leave surrounding birth of a child(ren).
- I. If less than ninety (90) days is available, then notice shall be given as soon as is reasonably practical.
- J. An employee who gives birth to multiple children at the same time is granted the same amount of pregnancy related medical leave as an employee who gives birth to a single child.
- K. Pregnancy related medical leave is not cumulative; and parental leave cannot be sold or donated to other employees.
- L. Except for workforce reduction situations, an employee taking paid leave shall be restored to the same or equivalent position held prior to the leave, or restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- M. There shall be no loss of employment benefits accrued prior to leave, except for paid administrative leave expended.

- N. Written notice by the department setting forth employee rights and responsibilities under the statute and this policy is required at the time of hire.
- O. It is the employee's responsibility to ensure that proper notification is given in writing, and the appropriate leave form is completed and signed, and the physician's certification is attached.

XVIII. PARENTAL LEAVE (Title 4 GCA, Chapter 4 §4107.1.)

- A. Parental leave shall be granted to an eligible employee (full-time classified or full-time unclassified employee) occupying a permanent position upon the birth of his or her child(ren) or the adoption of a child(ren) five (5) years old or younger.
- B. Eligible employee is defined as a full-time classified or full-time unclassified employee.
- C. Such parental leave shall consist of paid administrative leave not to exceed twenty (20) working days, encompassing the date of childbirth or adoption of a child(ren) five (5) years old or younger.
- D. In the event that an employee is also eligible for pregnancy related medical leave, that form of paid administrative leave will be used immediately prior to parental leave.
- E. In that situation, the result may be that parental leave begins as late as ten (10) working days after the birth of the child, and does not encompass the birth date.
- F. Subsequent to the use of parental leave, an eligible employee is permitted to take additional leave that, in combination with paid administrative leave, does not exceed a total of one hundred thirty (130) working days of total leave surrounding the birth or adoption of his or her child(ren).
- G. After parental leave is exhausted, employees shall then use sick leave, annual paid leave, compensatory leave, and leave without pay, in that order.
- H. If employees have exhausted all of the previously stated forms of leave, they may then use any donated sick leave obtained through the leave sharing program.
- I. The department shall approve up to one hundred thirty (130) total working days of leave, comprised from the various leave sources as listed and pursuant to the order provided in Subsection (c).
- J. Leave surrounding childbirth or adoption requested in excess of one hundred thirty (130) working days may be approved on a case-by-case basis at the discretion of the Director.
- K. Eligible employees who take parental leave and additional leave surrounding the birth or adoption of their child(ren), while on a probationary status, will have their probationary status increased by the number of work days they miss during the leave period.

- L. The employee has the responsibility to provide the supervisor no less than ninety (90) days notification of intent to use paid parental leave and additional leave surrounding the birth or adoption of their child(ren).
- M. If less than ninety (90) days is available, then notice shall be given as soon as is reasonably practical.
- N. An employee who becomes a parent to multiple children at the same time is granted the same amount of parental leave as an employee who becomes a parent to a single child.
- O. Parental leave is not cumulative; and parental leave cannot be sold or donated to other employees.
- P. Except for workforce reduction situations, an employee taking parental leave shall be restored to the same or equivalent position held prior to the leave, or restored to an equivalent position with equivalent employment benefits, pay, and other terms and conditions of employment.
- Q. There shall be no loss of employment benefits accrued prior to leave, except paid parental leave expended.
- R. Written notice by the department setting forth employee rights and responsibilities under the statute is required at the time of hire.
- S. It is the employee's responsibility to ensure that proper notification is given in writing, and the appropriate leave form is completed and signed, and the physician's certification is attached.

XIX. EARLY CHILDHOOD INTERVENTION LEAVE (Title 4 GCA, Chapter 4 § 4129)

- A. Any employee who is a parent of a child with a developmental delay or disability, and who is not otherwise prohibited from such contact with his or her child by order of a court, shall be granted administrative leave for the purposes of meeting, supporting, and participating in his or her child's early childhood intervention learning activities at home, in the community, or in a controlled setting under the guidance of the Guam Early Childhood Intervention System, a Division of Special Education of the Department of Education.
- B. The amount of administrative leave shall be as follows:
 - 1. Two (2) hours per pay period of administrative leave for the purposes of meeting, supporting, and participating in his or her child's early childhood intervention learning activities at home, in the community, or in a controlled setting under the guidance of the Guam Early Childhood Intervention System, a Division of Special Education of the Department of Education;

- C. In the event that a representative from the Department of Education, Special Education Division, determines that more time is required based on the needs of the child and their activities, additional administrative leave hours may be granted, but is dependent upon the approval of the employee's supervisor for the good of the department, agency, or instrumentality of the government of Guam.
- D. A meeting with a representative of the Guam Early Childhood Intervention System, a Division of Special Education of the Department of Education, to support and participate in his or her child's early childhood intervention learning activities at home, in the community, or in a controlled setting shall be considered as attendance at an official meeting/conference under Rule No. 8.402 of the Personnel Rules and Regulations of the Department of Administration for the purposes of eligibility for administrative leave.
- E. The supervisor may require up to a five (5) day notice from the employee prior to the date of the meeting or activity for which administrative leave is being requested. If a five (5) day notice is not available, documentation may be required from the Department of Education Special Education Division as to the urgency of the meeting or activity.
- F. For the purposes of meeting, supporting, and participating in his or her child's early childhood intervention learning activities at home, in the community, or in a controlled setting under the guidance of the Guam Early Childhood Intervention System, the employee shall provide certification of the dates and times of the activities to their respective supervisor upon returning to work or as required by the supervisor.
- G. This provision shall apply to an employee who is the parent or legal guardian of a non-school aged child with a developmental delay or disability, and who is enrolled in the Guam Early Childhood Intervention System, a Division of Special Education of the Department of Education, and who is not otherwise prohibited from such contact with his or her child by order of a court.

XX. BLOOD DONORS' LEAVE (Title 4 GCA, Chapter 4 §4127)

- A. Any employee of the department shall be granted administrative leave for the purpose of donating blood. The amount of administrative leave shall be as follows:
 - 1. Two (2) hours of administrative leave for the donation of whole blood;
 - 2. Three (3) hours of administrative leave for the donation of platelets;
 - 3. Two (2) hours of administrative leave for blood donor screening; and
- B. Additional leave may be granted in the event that the clinic receiving the donation of blood determines that more time is necessary for the donor to recover.
- C. The employee (donor) is required to inform their supervisor at least (3) days prior to the date of the blood donation. The clinics shall provide certification of the dates and times of the employee's donation.

XXI. LEAVE FOR ORGAN, TISSUE, OR BONE MARROW DONATION (Title 4 GCA, Chapter 4 §4130)

- A. The Director shall grant administrative leave of absence, not to exceed twenty (20) days, Saturdays, Sundays and government of Guam holidays excepted, to an employee for the purpose of donating an organ, tissue, or bone marrow.
- B. The Director shall require verification by a physician regarding the purpose of the administrative leave requested, and information from the physician regarding the length of the administrative leave requested.
- C. Any paid leave of absence granted under this Section shall not result in a loss of compensation, seniority, annual leave, or sick leave for which the employee is otherwise eligible.
- D. Administrative leave granted under this Section shall be extended in the event that the attending physician determines, in writing, that the employee requires additional time to recuperate from the procedure.

XXII. COMPENSATORY TIME OFF (CTO)

- A. For non-exempt employees, in the absence of any funds for overtime compensation, compensatory time off shall be granted in lieu of overtime pay by mutual agreement between the employee and management, before work is performed. A record of this agreement must be kept with the Department of Administration, Payroll Office.
- B. The number of hours of overtime work shall be converted to compensatory time credit at the rate of 1 and ½ hours for each hour of overtime work, or portion of the hour consistent with overtime rules.
- C. Employees engaged in law enforcement work may accrue not more than 480 hours of compensatory time. Employees engaged in non-law enforcement work may accrue not more than 240 hours of compensatory time.
- D. Any additional overtime work performed by employees, who have already accumulated the maximum 240 hours of compensatory time, or 160 hours of actual overtime work, 480 for law enforcement, compensatory time off credits shall be compensated not later than the pay period immediately following the period during which the overtime worked.
- E. When sickness lasting one or more days occurs during a scheduled compensatory time off, and the employee substantiates such to the satisfaction of the Director, the employee shall be charged sick leave and permitted to reschedule his or her compensatory time off.

- F. An employee who has requested the use of compensatory time off shall be permitted to use such time, within a reasonable period after making the request, if the use of the compensatory time does not unduly disrupt the operations of the department.
- G. The Director may require an employee to use any accumulated compensatory time off credits upon mutual agreement with employees as to the schedule and use of these credits.
- H. Only the division head (or higher authority), with the advice of the supervisor, may authorize the use CTO. The division head must coordinate with the Administrative Services Division (ASD) to verify if the requesting employee has accrued unpaid overtime.
- I. CTO should be requested in the same manner as for annual leave.
- J. The leave application form must be submitted and approved by the appropriate authority prior to taking CTO.
- K. CTO taken not in accordance with established policies and procedures may be subject to non-payment and the employee marked "*Absent Without Leave*" or "*Leave Without Pay.*"
- L. An employee on compensatory time off shall be deemed to be on official leave with pay status.
- M. The Director may direct, at the option of the employee, payments for accrued compensatory time earned, at any time, in any combination, and which shall be paid at the regular rate earned by the employee at the time the employee receives such payment.
- N. At the separation, the employee shall be paid in cash for all unused compensatory time credit earned at a rate of compensation not less than:
 1. The average regular rate received by such employee during the last three years of the employee's employment or;
 2. the final three regular rate received by the such employee, whichever is higher.

XXIII. LEAVE SHARING (Title 4 GCA, Chapter 4 §4109.2.)

- A. If an 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, the recipient (receiving employee) must first exhaust all his accrued annual and sick leave and compensatory time for the purposes of a medical emergency or for personal reasons.
- B. Leave transferred from donors whose hourly rates of pay or salaries are lower than the recipient shall be paid at the hourly rate or salary of the donor. Leave transferred from donors whose hourly rates of pay or salaries are higher than the recipient, shall be paid at the hourly rate or salary of the recipient.

- C. A leave sharing form shall be prepared by the donor employee to that person's payroll supervisor, stating the name of the recipient, the number of hours of leave to be transferred and the type of leave.
- D. No transfer may be made by any employee to that person's supervisor, or to any person above that employee in the supervisory chain, or to a member of the supervisor's or such supervisory person's immediate family.
- E. 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.
- F. 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 Director may then approve the leave request.
- G. Leave may not be transferred to another employee if as a recipient that employee 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 re-transferred 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.
- H. Participation in the leave sharing program shall not exceed ninety (90) working days, shall require a certification from the attending medical doctor that the recipient of the leave needs additional time for medical treatment or recovery from a medical illness and is physically unable to return to work due to the medical illness.
- I. An additional ninety (90) working days may be granted upon similar certification from the attending medical doctor made within two (2) weeks of the first ninety (90) day period. A final period of thirty (30) working days may be granted upon an additional certification from the attending medical doctor that additional time is needed for recovery.
- J. An employee certified by his or her attending medical doctor as having a catastrophic or chronic illness, including, but not limited to, a heart attack, stroke, and/or cancer, and who requires additional time beyond the two hundred ten (210) working days for medical treatment or recovery may be authorized additional leave upon approval by the Director.
- K. Authorization of additional leave for an employee certified as having a catastrophic or chronic illness may be granted upon similar certification from the attending medical doctor made within two (2) weeks of the final thirty (30) day period confirming the employee is physically unable to return to work.

- L. Employees of the government of Guam shall not transfer their unused annual leave or sick leave to another employee in exchange for any money, favors, or items of value. Employees who transfer or receive annual or sick leave in violation of this provision shall be guilty of official misconduct pursuant to Title 9 GCA § 49.90.

XXIV. RE-CALL FOR DUTY

- A. Only the division head (or higher authority) may re-call personnel on annual leave status to duty.
- B. Only the supervisor of the platoon/section/unit (or higher authority) may re-call personnel who are off-duty, but not on leave, to duty status.
- C. When an employee is recalled for duty, he/she shall be entitled to one (1) hour recall compensation starting from the time they were recalled by proper authority to the time they arrive at the specified location.

XXV. REVIEWS, REVISIONS AND CANCELLATIONS

- A. This General Order will be reviewed each year by the Office of the Deputy Director or designee and, when necessary, revised or canceled in accordance with the procedures for reviewing written directives established in General Order 1.01 – Written Directives.
- B. This policy is a living document that is subject to constant change. New laws, court decisions, new methodologies, emergencies, and other factors dictate the need for a continual review of this policy.
- C. The Director or his designee may develop operational procedures in accordance with this policy to ensure that the department complies with Federal and local law. Operating procedures shall be consistent to the extent practical among all DOC units and facilities. The Director or Deputy Director must approve all operational procedures with regards to this policy.
- D. Everyone in this organization has the ability to influence our policies and procedures and is encouraged to provide feedback at any time by submitting a memorandum, via channels, with their ideas to the Deputy Director of Corrections or designee.
- E. No policy, no matter how complete, can address all the situations we may encounter in performing our duties. There will be situations that occur that must be left to good judgment and discretion of the person(s) involved. This judgment and discretion must be employed with sound reason and promotes the interests of the citizens we serve, the department, and the people who make up this organization. Managers and supervisors will be held accountable for their decisions that contradict this policy without a justifiable reason.

F. It is every employee's responsibility and duty to become thoroughly familiar with the contents of this policy. Employees are further responsible for the upkeep and maintenance of their copy, including keeping current as updates or amendments are made.

BY ORDER OF



JOSEPH S. CARBULLIDO
Director