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CH. 16 DISASTER SERVICE VOLUNTEER LEAVE ACT

CHAPTER 16
DISASTER SERVICE VOLUNTEER LEAVE ACT

SOURCE: This Chapter added by P.L. 27-59:1 (12/19/2003).

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§ 16101. Legislative Intent.

I Liheslaturan Guåhan [The Guam Legislature] finds and recognizes that the American Red Cross has 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. 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.

The 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.

§ 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:

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(1) '*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.

(2) '*Disaster*' means a local disaster designated at level I 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.

(3) '*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.

§ 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 in connection with any disaster, upon the request of the American Red Cross 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. 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 for expertise in a particular certified area. The employee's activities and job functions while

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on leave, however, shall not be directed by the government of Guam but shall be determined and controlled solely by the American Red Cross.

(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 in connection with any disaster, upon the request of the American Red Cross 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. 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 for expertise in a particular certified area. The employee's activities and job functions while on leave,

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however, shall not be directed by its employing company but shall be determined and controlled solely by the American Red Cross.