

JUDICIAL COUNCIL RESOLUTION NO. JC-05-006
RELATIVE TO AMENDING THE JUDICIARY OF GUAM'S SHARED LEAVE
POLICY TO ALLOW EMPLOYEES OF THE JUDICIARY TO BE RECIPIENTS
OF SHARED ANNUAL LEAVE TO BE USED FOR PERSONAL REASONS
OTHER THAN MEDICAL PURPOSES

WHEREAS, Title 4 GCA § 4109.1 provides as follows:

“(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 or in the case of the military reserves and National Guard members, being called to active duty in excess of fifteen (15) working days, the employee might be forced to take leave without pay. Through the generosity of the 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, a formal written request shall be made 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. 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.

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 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. Participation in the leave sharing program shall not exceed ninety (90) working days, unless a medical doctor certifies that the recipient of the leave needs additional time for medical treatment or recovery from a medical illness. An additional ninety (90) working days may be granted upon similar certification by a medical doctor made within two (2) weeks of the first ninety (90) day period.” and

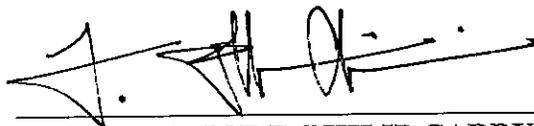
WHEREAS, the Judiciary currently has a leave sharing policy which allows employees of the Judiciary to be recipients of shared sick leave and annual leave for medical purposes only but does not allow them to be recipients of shared annual leave to be used for personal reasons other than medical purposes; and

WHEREAS, the Administrator of the Courts has determined that the Judiciary's current policy does not provide employees of the Judiciary with that which Title 4 GCA § 4109.2 provides to employees of the Executive Branch of the government of Guam, that is the ability to receive shared annual leave to be used for personal reasons other than medical purposes;

NOW THEREFORE IT IS HEREBY RESOLVED, that the Judiciary's leave sharing policy is hereby amended to allow employees of the Judiciary of Guam to receive shared annual leave from other employees of the government of Guam to be used for personal reasons other than medical purposes.

BE IT FURTHER RESOLVED, that the Administrator of the Courts is authorized to implement necessary administrative procedures regarding the sharing of annual leave.

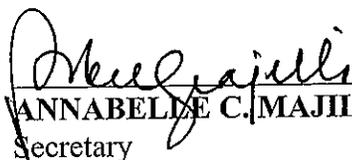
DULY ADOPTED this 30th day of September at a duly noticed meeting of the Judicial Council of Guam.



CHIEF JUSTICE F. PHILIP CARBULLIDO
Chairman

Date: 10 / 4 / 05

ATTEST:


ANNABELLE C. MAJILLO
Secretary

Date: 10/4/05