

February 20, 2017; Recent Family Leave Laws

As most working parents know, being an employee and a parent at the same time is no easy task. Both roles are demanding and frequently clash. The constant push and pull between our hearts and pocketbooks can be exhausting and exasperating.

Employers face some tough dilemmas as well. The goal of any company is to make money so it can stay in business and prosper. Under the best of circumstances, this can prove challenging. When employees are absent from work, for any reason, this can undermine efficiency, place a greater burden on the other employees, and negatively impact the company's bottom line.

As I researched the laws passed by the 33rd Legislature, I identified three that have a very direct impact on Guam's working families and businesses. These three laws, Public Laws 33-141, 33-170 and 33-230, allow parents to take time off of work to be with their children, and other loved-ones, under certain conditions and circumstances. What follows are only brief summaries of these laws. For more details, consult your human resource specialist.

Under Public Law 33-141, a full-time pregnant female Government of Guam employee must be granted up to ten paid administrative maternity leave days. After this leave is exhausted, the employee must then be allowed to take up to an additional 120 days of leave using parental leave, sick leave, annual paid leave, compensatory leave, and leave without pay, in this order. When possible, the employee must give 90 days notice of her intent to apply for this leave.

Similarly, full-time government workers who are new parents, due to birth or adoption, must be granted up to ten days of paid parental leave and up to an additional 120 days of leave after the birth or adoption. The leave options are the same as for maternity leave.

Public Law 33-170 amended existing statutes. The new amendments to the Guam Family and Medical Leave Act apply to the Government of Guam and private employers with 25 or more employees. These employers are required to grant their employees, with one-year and at least 1000 hours of service, up to a total of 12 workweeks in a year to care for their own serious medical needs or those of a child, a spouse, or a parent. When possible, the employee must give the employer 30 days advance notice. When requested, the employee must provide certification issued by a health care provider.

This law also allows working parents to take up to 40 hours each year for certain child-related activities such as enrolling a child in school, participating in school activities, and addressing emergencies, among others.

Public Law 33-230 extends the benefits of the Governor's Parental Involvement Initiative to Government of Guam employees allowing them, with their supervisor's authorization, to take up to four hours of Administrative leave every two pay periods to participate in early childhood intervention programs for their non-school aged children enrolled in the Department of Education's Guam Early Childhood Intervention System. Before, only employees of school-aged children could take this leave.

Striking a balance between the diverse needs of working parents and employers is never easy. Time will tell whether these new laws have successfully achieved this balance.