



Office of the Governor of Guam

September 27, 2012

Tim Fedenko, President
Guam Federation of Teachers
153 Sesame Street
Mangilao, GU 96910

Dear Mr. Fedenko:

The Governor introduced Bill 507-31 on August 21, 2012. Public misrepresentations have been made, by those who oppose the Governor's initiative to bring about fiscal stability, regarding the provisions contained in this bill, including one section that addresses teacher personal leave. This letter is intended to provide a clear message to all teachers regarding how Bill 507-31 actually addresses teacher personal leave. Section 9 of Bill 507-31 simply proposes to repeal an old law that addresses teacher personal leave (4 GCA §4110.1). Since the repeal of that law is all that is addressed in this bill, 17 GCA §3216, which is a newer law that began effective School Year 2004-2005, remains in effect. This law provides better benefits for teacher personal leave than the one that the Administration proposes to repeal.

While both laws address teacher personal leave, 17 GCA §3216 provides more expansive coverage and more flexibility. So the intent was to eliminate an older law and leave in place a better, more expansive and newer law in relation to teacher personal leave.

Here is what *17 GCA §3116* provides:

“§3216. Teacher Personal Leave.

Beginning with the school year 2004-2005, educators employed by the Department of Education shall be paid unused personal leave in a lump sum at the end of each school year. The amount paid shall be determined by the collective bargaining agreement, to include any judicially compelled extension of a collective bargaining agreement between the exclusive bargaining agent for educators and the Department of Education and shall not exceed twenty-four (24) hours of such unused personal leave.

In lieu of payment, educators may, *at their own option*, transfer all unused personal leave to their sick leave account. Such election must be made not less than thirty (30) days prior to the end of the school year.”

Compare and contrast this to what **4 GCA §4110.1**, which we are eliminating, provides:

“§4110.1. Teacher Personal Leave.

The Territorial Board of Education is hereby authorized to convert any unused personal leave hours earned by teachers during a school year to the cash value of eight (8) hours for each eight (8) hours of unused personal leave, payable in lump sum at the end of the fiscal year.”

As the Governor’s Chief Education Advisor, I reviewed the two laws and find the following differences:

4 GCA §4110.1: Only allows cashing out blocks of 8 hours of personal leave, so if a teacher had a balance of 15 hours of personal leave, the teacher can only cash out 8 hours, since the law restricts cashing out only, “...the cash value ... for each eight (8) hours of unused personal leave...”. In this scenario where a teacher had a balance of 15 hours, they would lose 7 hours of personal leave, as personal leave balances cannot be carried over into the next school year.

17 GCA §3116: Allows cashing out any personal leave balances and does not require the balances to be in blocks of 8 hours.

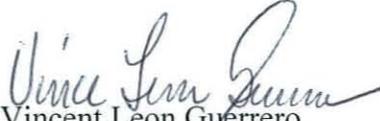
4 GCA §4110.1: Requires teachers to wait until after September 30, or the end of the fiscal year before they can be paid for the cash value of their personal leave balances (however, they can only be paid balances that are in blocks of 8 hours).

17 GCA §3116: Teachers are to be paid their entire remaining balance at the end of the school year, which is typically 12-14 weeks sooner than the end of the fiscal year.

4 GCA §4110.1: Does not provide for any options to a cash payment.

17 GCA §3116: Allows a teacher to elect to convert any unused personal leave balances to sick leave, provided they make such elections at least 30 days prior to the end of the school year. Conversion to sick leave can be beneficial for retirement purposes, or to add to a teacher’s sick leave account, when a teacher needs to use it for medical reasons.

So as you can see, all the administration is proposing is to remove an older law that addresses teacher personal leave, and leave in place a newer law that provides better benefits, if this bill is passed into law. That is all Bill 507-31, Section 9, proposes to do. I trust that teachers will be able to read the existing laws and Bill 507-31 and make the same conclusions.


 Vincent Leon Guerrero
 Special Assistant, Chief Education Advisor

Attachment: Bill 507-31, Section 9
 17 GCA §3116
 4 GCA §4110.1