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**Office of the Attorney General Circular No. 2014-01**

**Subject: Guam Law Requires Employers to Grant Two Hour Leave to Employees to Vote.**

*Buenas yan Hafa Adai!*

The General Election is being held on Tuesday, November 4, 2014 on Guam. Polls will be open from 7:00 a.m. to 8:00 p.m.

**Guam law specifically requires all employers, both in the private sector and in the government sector, to grant to every employee who is entitled to vote, two consecutive hours of leave of absence between the time of the opening and closing of the polls, in order to vote. The law states:**

**3 GCA § 9125. Leave of Absence From Employment to Vote.** Every voter shall be entitled, on the day of every election at which he or she is entitled to vote, to absent himself or herself from any service or employment in which he or she is then engaged or employed for two (2) consecutive hours between the time of opening and the time of closing of the polls. The voter shall not be liable to any penalty, nor shall any deduction be made on account of such absence, from his or her usual salary or wages, nor shall the voter be suspended or discharged from his or her service or employment. Any violation of this provision shall be reported to the Guam Department of Labor for enforcement, and may subject an employer to pay a fine.

A voter who unilaterally absents himself or herself from employment for the purpose of voting shall provide to his or her employer evidence from GEC that he or she had voted during the hours of his or her absence.

Although employers are encouraged to work with employees to manage and arrange for scheduled leave as necessary to accommodate an employee's desire to vote, **it must be noted that an amendment to law in 2012 permits an employee to unilaterally absent her or himself from employment to vote. Such unilateral action by an employee requires the employee to bring back to the employer evidence from the Guam Election Commission that she or he voted during the absence from employment.**

Thank You.

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