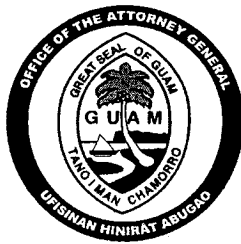


Alicia G. Limtiaco
Attorney General



Alberto E. Tolentino
Chief Deputy Attorney General

Office of the Attorney General

6/9/08
For Ed Nishihara

June 9, 2008

LEGAL MEMORANDUM (Supplemental)

Ref: GPSS 08-0496

TO: Superintendent, Guam Public School System

FROM: Attorney General *WAL*

SUBJECT: Clarification on Application of Leave for Make-Up Days

You have asked for clarification on two minor issues relative to teachers teaching on make-up days after the ending of the official school calendar year.

Teachers get paid to work the school calendar year, whether on a 21 bi-weekly payment basis or a 26 bi-weekly payment basis. The school calendar year is approximately nine months long, and when the school calendar year ends, a teacher's obligation to teach ends. Since there is no obligation to teach outside the school calendar year, there can also be no expectancy to use any kind of leave which has been earned during the school calendar year.

For example, to be on summer break, a teacher does not have to take leave until the next calendar school year starts. If a teacher is sick during summer break, he or she does not have to take sick leave. If a teacher wants to work for a private company during the summer, he or she may do so without taking leave. In other words, leave cannot be applied outside of the school calendar year.

Therefore, any leave earned during the school calendar year would be for use only during the school calendar year. Teachers are not entitled to any kind of leave if they do not work the make-up day, and they cannot be paid if they do not show up.

As for paying teachers who do show up to work the make-up days outside the school calendar year, they should be treated or paid in the same manner as though they are teaching summer school; that is, on an hourly basis, not a full eight hours even though fewer hours were actually worked. Article 9.J of the Collective Bargaining Agreement

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applies. They will earn their hourly rate of their current annual salary based on their teacher classification and step.



DEBORAH RIVERA
Assistant Attorney General