



Office of the Attorney General

March 11, 2009

LEGAL MEMORANDUM

Ref: DOA 04-1065 (revised)

TO: Director, Department of Administration

FROM: Attorney General *AKG*

SUBJECT: Life Insurance Payments for Active Duty Employees on LWOP

You have requested our opinion regarding who must pay a government employee's portion of group life insurance premiums while that employee is on active duty with the military and therefore on Leave Without Pay (LWOP) status with GovGuam. Normally the government pays 100% of the basic coverage for the employee alone, and the employee pays 100% of his supplemental coverage and 100% of his dependent coverage, if any.

In pertinent part, 4 GCA 8137.2 states that the government shall "pay the employer's and employee's shares for...group life insurance premiums..." 4 GCA 8209.2 is worded similarly, stating "[T]he government shall pay the employer's and member's Government of Guam...group health insurance premiums, and group life insurance premiums..." in similar circumstances of active duty and LWOP.

Statutes must be read to give meaning to their entirety, if at all possible. Here it is possible. Both sections act to relieve employees of certain obligations in certain circumstances. In normal circumstances, the employee's share is paid by the employee, regardless of how much the government contributes. In the case of group life insurance, normally the government pays nothing for supplemental or dependent coverage; the employee pays all. However, both 8137.2 and 8209.2 state that the government must pay the employee's shares for eligible employees. In the situations mentioned in these sections, the government must pay that which it normally does not pay.

Therefore, if a government of Guam employee is on active military duty and on LWOP from government service, the government of Guam must pay the employee's share of the employee's group life insurance premiums, health insurance premiums and Defined Benefit contributions to the Retirement Fund. It must also pay for supplemental and dependent life insurance coverage.

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