

LOURDES A. LEON GUERRERO
GOVERNOR



JOSHUA F. TENORIO
LT. GOVERNOR

UFISINAN I MAGA'HĀGAN GUĀHAN
OFFICE OF THE GOVERNOR OF GUAM

38GL-26-1916
OFFICE OF THE SPEAKER
FRANK F. BLAS JR.

Transmitted via Email to: speakerblas@guamlegislature.org

February 10, 2026

FEB 10 2026

Time: 8:30pm
Received: nkj

THE HON. FRANK BLAS, JR., Speaker
I Mina'trentai Ocho Na Liheslaturan Guåhan
38th Guam Legislature
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

Re: Bill No. 210-38 (COR), "AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 6 OF DIVISION 1, TITLE 17, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO THE DEPARTMENT OF LABOR PROMULGATIONS OF RULES AND REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT OF PUBLIC LAW 36-118, THE 'PREGNANT WORKERS FAIRNESS ACT'."

Håfa Adai Mr. Speaker,

Bill 210-38 (COR) adopts the regulations developed by the Guam Department of Labor ("DOL") to implement and enforce Public Law 36-118, known as the "Pregnant Workers Fairness Act." It formally adopts rules and procedures for receiving complaints, conducting investigations, and providing administrative hearings. These regulations enable pregnant women to maintain their employment without fear of discrimination based solely on pregnancy. They require employers to provide reasonable accommodations, protecting workers from discriminatory adverse actions. They promote fairness and accountability in the workplace.

By implementing these regulations, Bill 210-38 supports women's health and financial security. It allows employees to remain in the workforce without compromising their well-being or the health of their unborn children. It provides clarity and consistency for both employees, which will help prevent disputes and encourage cooperation. Promoting inclusivity and respectful work environments will strengthen our families, support workforce stability, and ultimately contribute to a stronger local economy.

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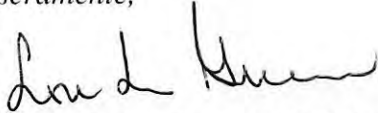
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To: The Hon. Frank Blas, Jr., *Speaker*
Fr: The Hon. Lourdes A. Leon Guerrero, *Governor of Guam*
Date: February 10, 2026
Re: Bill No. 210-38 (COR)

Page 2 of 2

Therefore, I sign Bill No. 210-38 (COR) into law as ***Public Law No. 38-93.***

Senseramente,



LOURDES A. LEON GUERRERO

I Maga'hågan Guåhan
Governor of Guam

Enclosure(s): Bill No. 210-38 (COR) nka P.L. 38-93
cc via email: *Honorable Joshua F. Tenorio, Sigundo Maga'låhen Guåhan*, Lt. Governor of Guam
Compiler of Laws



38GL-26-1916
Messages and Communications

RECEIVED
COMMITTEE ON RULES

February 10, 2026
4:13 p.m.

Kamarin Nelson

I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2026 (SECOND) Regular Session

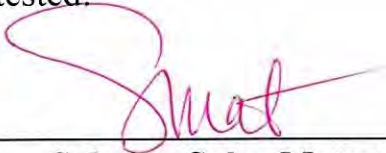
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'HÅGAN GUÅHAN

This is to certify that **Bill No. 210-38 (COR)**, “AN ACT TO ADD A NEW ARTICLE 3 TO CHAPTER 6 OF DIVISON 1, TITLE 17, GUAM ADMINISTRATIVE RULES AND REGULATIONS RELATIVE TO THE DEPARTMENT OF LABOR PROMULGATIONS OF RULES AND REGULATIONS FOR THE IMPLEMENTATION AND ENFORCEMENT OF PUBLIC LAW 36-118, THE ‘PREGNANT WORKERS FAIRNESS ACT’,” was on the 29th day of January 2026, duly and regularly passed.



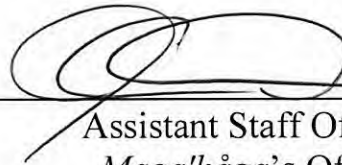
Frank F. Blas, Jr.
Speaker

Attested:



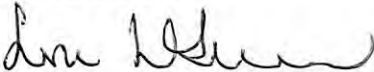
Sabrina Salas Matanane
Legislative Secretary

This Act was received by *I Maga'hågan Guåhan* this 29th day of Jan,
2026, at 7:04 o'clock 10.M.



Assistant Staff Officer
Maga'håga's Office

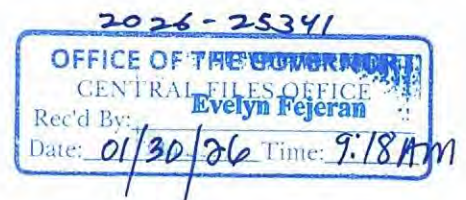
APPROVED:



Lourdes A. Leon Guerrero
I Maga'hågan Guåhan

Date: 2/10/2026

Public Law No. 38-93



I MINA'TRENTAI OCHO NA LIHESLATURAN GUÅHAN
2025 (FIRST) Regular Session

Bill No. 210-38 (COR)

As amended by the Committee on Economic Investment,
Military Buildup, Regional Relations, Technology
Regulatory Affairs, Justice, Elections and Retirement;
and further amended on the Floor.

Introduced by:

Telo T. Taitague
Sabina Flores Perez
Tina Rose Muña-Barnes
Shelly V. Calvo
Therese M. Terlaje
Sabrina Salas Matanane
Chris Barnett
Frank F. Blas, Jr.
Vincent A.V. Borja
Christopher M. Dueñas
Eulogio Shawn Gumataotao
Jesse A. Lujan
William A. Parkinson
Joe S. San Agustin
V. Anthony Ada

**AN ACT TO *ADD* A NEW ARTICLE 3 TO CHAPTER 6 OF
DIVISON 1, TITLE 17, GUAM ADMINISTRATIVE
RULES AND REGULATIONS RELATIVE TO THE
DEPARTMENT OF LABOR PROMULGATIONS OF
RULES AND REGULATIONS FOR THE
IMPLEMENTATION AND ENFORCEMENT OF PUBLIC
LAW 36-118, THE “PREGNANT WORKERS FAIRNESS
ACT.”**

1 **BE IT ENACTED BY THE PEOPLE OF GUAM:**

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that, Public Law 36-118, the “Pregnant Workers Fairness Act,” was enacted on

1 November 9, 2022, and is relative to *eliminating discrimination and promoting*
2 *women’s health and economic security by ensuring reasonable workplace*
3 *accommodations for workers whose ability to perform the functions of a job are*
4 *limited by pregnancy, childbirth, or a related medical condition.* To implement and
5 enforce the provisions of the Act, the Guam Department of Labor (GDOL) is
6 mandated to promulgate rules and regulations outlining the procedures by which it
7 will accept, investigate, and adjudicate complaints of violations of the Act in
8 compliance with the Administrative Adjudication Law (AAL) in 5 GCA Chapter 9.

9 *I Liheslaturan Guåhan* finds that in accordance with the AAL, on November
10 20, 2023, the DOL held a public hearing on the proposed rules and regulations.
11 However, the DOL noted that no oral or written public testimony was submitted.

12 The rules and regulations were then submitted to the Office of the Attorney
13 General (OAG) in February 2024, and on August 21, 2025, the OAG concluded that
14 GDOL substantially complied with the law and met AAL requirements, including
15 compliance with public hearing notes, transcripts, website posting, a preliminary
16 economic impact. The OAG also issued a correction to §6304(2)(C) and recommended
17 GDOL change 22 GCA §6104(b) which references civil penalites under the Fair Chances
18 Hiring Process Act to 22 GCA §3804(f), which authorizes penalties under the Pregnant
19 Workers Fairness Act.

20 The rules and regulations were subsequently submitted to and approved by *I*
21 *Maga’hågan/Maga’låhen Guåhan* on September 11, 2025 and further transmitted to
22 the Speaker of *I Liheslaturan Guåhan* on September 23, 2025.

23 On September 25, 2025, in furtherance of the AAL and *I Liheslaturan*
24 *Guåhan’s* Standing Rules, the proposed rules and regulations were referred by *I*
25 *Liheslatura’s* Committee on Rules to the Committee with jurisdiction on Economic
26 Investment, Military Buildup, Regional Relations, Technology, Regulatory Affairs,
27 Justice, Elections, and Retirement.

1 It is therefore the intent of *I Liheslaturan Guåhan* and the jurisdictional
2 Committee to move the rules and regulations through the legislative bill process,
3 receive public testimony, and to formally adopt the rules and regulations into law,
4 to successfully implement the provisions of Public Law 36-118, the “Pregnant
5 Workers Fairness Act.”

6 **Section 2.** A new Article 3 is hereby *added* to Division 1 Title 17, Guam
7 Administrative Rules and Regulations to read:

8 **“ARTICLE 3**

9 **PREGNANT WORKERS FAIRNESS**

- 10 § 6301. Definitions.
- 11 § 6302. Pregnant Workers Fairness.
- 12 § 6303. Signage Posting Compliance.
- 13 § 6304. Inspections and Investigations.
- 14 § 6305. Penalties.
- 15 § 6306. Appeals Hearings.
- 16 § 6307. Administrative/Civil Process.
- 17 § 6308. Petitions.
- 18 § 6309. Severability.
- 19 § 6310. Interpretation.
- 20 **§ 6301. Definitions.**

21 These definitions shall be used for the purpose of administering the Pregnant
22 Workers Fairness.

23 (a) ‘Employee’ means any individual employed by an employer.

24 (b) ‘Employer’ means any person (including any individual,
25 association, partnership, corporation, company, entity, or organized group of
26 persons acting directly or indirectly in the interest of an employe in relation
27 to an employee) who directly employs fifteen (15) or more persons to perform

1 services for a wage or salary; or (2) the government of Guam, and pay
2 governmental entity, department, agency, commission instrumentality, or
3 public corporation, but excluding the United States Government.

4 (c) 'Reasonable Accommodations' means (1) making existing
5 facilities used by employees readily accessible to and usable by individuals
6 with any type of disability; and (2) job restructuring, part-time or modified
7 work schedules, reassignment to vacant positions, acquisition or modification
8 of equipment or devices, appropriate adjustment or modification of
9 examinations, training materials or policies, the provision of qualified readers
10 or interpreters, and other similar accommodations for individuals with any
11 type of disability.

12 (d) 'Known Limitations' means a physical or mental condition
13 arising out of pregnancy or childbirth that the employee or employee's
14 representative has communicated through a certified document provided by a
15 healthcare provider to the employer whether or not such a condition meets the
16 definition of disability specified in Section 3 of the Americans with
17 Disabilities Act of 1990 (ADA).

18 (e) 'Fair Employment Practice Office' shall mean the Fair
19 Employment Practice Division (FEPD) of the Guam Department of Labor,
20 commonly referred to as FEPO.

21 **§ 6302. Pregnant Workers Fairness**

22 (a) An employer shall not discriminate against workers whose ability to
23 perform the functions of a job are limited by pregnancy, childbirth or related medical
24 condition.

25 (1) Complaints: Persons wishing to file a complaint for a violation
26 of the Pregnant Workers Fairness may file such complaint within ninety (90)

1 days from the date of denial with the Department of Labor Fair Employment
2 Practice Office.

3 (A) Good Cause: The Department may accept a complaint
4 after ninety (90) days if the delay in filing is due to a valid medical
5 reason however, in no case shall a complaint be files more than one-
6 hundred eighty (180) days from the date of denial.

7 (B) Refusal of Complaint Filing: FFPD may decline to accept
8 a potential complaint for reasons including but not limited to: Untimely
9 Filing of Complaint, Complaint has been previous filed with USDOL
10 or Incomplete Documents.

11 (2) Complaints and Statements must be submitted on a form
12 approved by the Department. FEPPD will develop. A standard form which an
13 individual may use for reasonable accommodation.

14 (3) Complaints shall provide valid photo identification with their
15 complaint.

16 (4) FEPPD may assist complainant with obtaining information from
17 the employer, as allowed in the statute.

18 (5) FEPPD may verify with USDOL if a complaint has been filed by
19 the aggrieved person. Should a complaint be filed, Guam DOL will suspend
20 its investigation.

21 (b) Investigations: An investigation may be initiated as result of a
22 complaint, fact finding process from a separate case, or the result of a formal
23 inspection.

24 (1) When requesting information from an employer, the Department
25 may require that such information be submitted within fifteen (15) calendar
26 days.

1 (2) An employer may request an extension of this fifteen (15) day
2 deadline. An extension must be approved in writing by the Department and
3 shall not exceed thirty (30) day calendar days after the initial fifteen (15) day
4 period.

5 (3) FEPD Investigations may interview employees at a jobsite and
6 may also inspect employer records at employer's establishment. Failure to
7 allow reasonable access to FEPD Investigators constitutes a violation and may
8 subject an employer to civil penalties pursuant to 22 GCA § 3804(f).

9 (4) FEPD Investigators may refer a matter or coordinate with other
10 local or federal agencies when appropriate.

11 (c) Findings: FEPD investigators shall consider documents, statements and
12 other pertinent information during fact finding investigations and formulate a report
13 to the Director.

14 (1) The report shall contain a synopsis of the situation and
15 recommendation to the Fair Employment Practice Officer on Action.

16 (2) Findings shall take into consideration information gained during
17 fact finding, field missions, onsite visits, or by a third party.

18 (3) Fair employment Practice Officer shall approve the synopsis
19 prior to submission to the Director.

20 (d) Nondiscrimination with regard to Reasonable Accommodations related
21 to Pregnancy or Childbirth: Should employment discrimination occur against a
22 covered employee who has been denied reasonable accommodations to known
23 limitations based on related pregnancy or childbirth.

24 (1) It shall be unlawful for any employer to not make reasonable
25 accommodations to known limitations related to the pregnancy or childbirth
26 of an employee unless such an employer can demonstrate that the

1 accommodations would impose an undue hardship on the operations of
2 business of such an employer.

3 (2) It shall be unlawful for any employer to deny employment
4 opportunities to an employee if such denial is based on the need of the
5 employer to make reasonable accommodations to the known limitations
6 related to the pregnancy or childbirth of a qualified employee.

7 (A) If the employment denial was in writing and contained
8 enough specificity to determine that the denial was due to the need for
9 reasonable accommodation then such statement shall constitute prima
10 facie evidence of a violation.

11 (B) If the employment denial was verbal and communicated
12 with enough specificity in which a reasonable person believes the
13 denial was due to the applicant's need for reasonable accommodations,
14 then the individual's sworn statement shall constitute a prima facie
15 evidence of a violation.

16 (C) Prior to the issuance of any findings by the Department,
17 an Employer shall be given an opportunity to refute allegations in cases
18 where a verbal denial has occurred.

19 (e) It shall be unlawful for any employer to require an employee to take
20 leave, whether paid or unpaid, if another reasonable accommodation can be provided
21 to the known limitations related to the pregnancy or childbirth of an employee.

22 (f) It shall be unlawful for any employer to take adverse action in terms,
23 conditions, or privileges or employment against an employee on account of the
24 employee requesting or using a reasonable accommodation to the known limitations
25 related to the pregnancy or childbirth of the employee.

26 (g) Certification of Medical Provider. The covered employee must provide
27 a certification from a healthcare provider on a form approved by the Department.

1 (h) Order of the Department for Relief. In cases where the aggrieved party
2 experienced denial of employment, lost wages, loss of employment or promotion as
3 a result of an unlawful practice under the act, the director may order relief including
4 but not limited to compelling employment, reinstatement or promotion; or liability
5 for amounts deemed to be wages that the aggrieved party would have earned if
6 reasonable accommodations were provided by the employer.

7 **§ 6303. Signage Posting Compliance.**

8 (a) All employers shall have visible FEPD posting present in their place of
9 business. Any employer who fails to meet this requirement may be found in violation
10 of the rules and may be subject to civil penalties at 22 GCA § 304(i).

11 (1) Posting must be in a format designed and approved by FEPD.

12 (2) Posting may not be smaller than an 8 ½ x 11 inch document.

13 (3) Posting must be placed in a conspicuous location where it may
14 be viewed by majority of the company's employees, including but not limited
15 to, employee break-rooms, human resource offices, jobsites, or other places
16 where employees congregate.

17 **§ 6304. Inspection and Investigations.**

18 (a) The staff and management personal of the FEPD division may conduct
19 site inspection sand investigations as permitted by 22 GCA § 1108.

20 (b) Inspections may be unannounced and at random.

21 (c) Inspections may be performed for the purposes of monitoring
22 compliance with required signage postings, or other fact-finding purposes.

23 (d) Inspections may be performed in conjunction with other divisions of
24 the department, local government and/or federal government agencies should it be
25 determined necessary.

26 **§ 6305. Penalties**

1 (a) Monetary Penalties. In the event of a violation of this Section of the
2 Rules, the employer shall be served with a notice of violation, commonly referred to
3 as a 'citation', which details the violation and the level of fine to be imposed. The
4 citation shall be signed and approved by the Fair Employment Practice Officer.

5 (1) The 'citation' shall be prepared on an official departmental form
6 approved by the Director of Labor.

7 (2) Employers may be subject to a fine of not more than One
8 Thousand Dollars (\$1,000) for the first offense; and not greater than Two
9 Thousand Dollars (\$2,000) for subsequent violations.

10 (3) A violation of the rules may subject the employer to civil
11 penalties. Penalties may be determined using factors such as size of the
12 company (total number of employees), FEPD penalty scale, and
13 circumstances. Fines shall not exceed what is allowable pursuant to 22 GCA
14 § 3804(f).

15 (4) Initial Penalty Scale chart shall be approved by the Director of
16 Labor, and may be subsequently amended as deemed necessary by the
17 Director of Labor.

18 (5) Penalties enumerated on the FEPD penalty scale shall be used as
19 a general guide to determine assessed penalty on a citation. The Department
20 may elect to exercise discretion and may deviate on a case-by-case basis.

21 (b) Any penalty fines for violation of this act shall be collected by the
22 Department of Labor. Fines collected by the Department under the provisions of this
23 Section shall be deposited into the Manpower Development Fund to be employed
24 exclusively for the training programs and enforcement operations within the Fair
25 Employment Practice Office.

26 (c) Non-Monetary Penalties

1 (1) The civil penalty on a citation may be conditioned by completion
2 of certain required trainings. An employer may be required to attend and
3 provide proof of completion of training activities which may consist of, but
4 not limited to Department trainings, One-on-one employer trainings, or
5 designated Conferences. All external costs of training activities shall be borne
6 by the employer.

7 (2) Re-training – The employer may be required to re-take
8 previously completed trainings at the discretion of the Department.

9 (3) Verification of compliance – Employer must provide verifiable
10 documentation showing that required training has been completed no later
11 than the deadline specified on the citation.

12 (4) Penalties for non-compliance - If an employer does not complete
13 required training with the specified period, then the non-monetary penalty
14 shall be deferred and the maximum monetary penalty allowable by statute
15 shall be immediately due.

16 (d) In the event of non-compliance, the Department shall issue an order
17 from the Director indicating the new imposed monetary penalty for non-compliance
18 and such order shall contain notification of the employer’s right to appeal the order.

19 (e) Unpaid Penalties – The Department may request. Action from licensing
20 authorities, as authorized in statute to require that all penalties be paid in full before
21 renewing a violators license to conduct business, subject to any due process that may
22 be required by the licensing authority.

23 **§ 6306. Appeals Hearings.**

24 (a) The employer shall have the right to an administrative hearing
25 conducted by the Director of Labor or his designee. The offender may either pay the
26 fine, or appeal in writing, within fifteen (15) calendar days from the receipt of the
27 notice of violation, to the Director of Labor, requesting a hearing to present facts and

1 law in defense of the offender. The offender shall have the right to representation of
2 counsel during the hearing and rules of evidence shall apply.

3 (b) In the case of an untimely appeal, the Director shall decide whether or
4 not to hold a hearing.

5 (c) Upon the filing of a timely request of an appeal of a violation, the
6 Director of Labor shall hold a hearing of the facts, and shall give the employer the
7 opportunity to be heard and to provide testimony in their defense or to present
8 rebuttal evidence. Such hearing shall take place at a time and in a place to be
9 designated by the Director of Labor.

10 (d) The Director may opt to convene a panel to hear testimony. However,
11 the final decision rests with the Director of Labor, or his designee, such as the
12 Hearing Officer.

13 **§ 6307. Administrative/Civil Process.**

14 (a) Before an individual may file a civil action, the administrative process
15 through the Department must be exhausted.

16 (b) Should a civil action be filed in court before the Department's
17 administrative process is complete, the Department will defer to the court and halt
18 the administrative process by closing the case, however the case may be reopened if
19 such action is required by the court.

20 **§ 6308. Petitions.**

21 (a) Any individual shall have the right to submit to the Director of Labor a
22 petition for the establishment or modification of rules and regulations on subjects
23 under the Authority of the Director, and shall have the right to request advisory
24 rulings, consultations or declaratory ruling in relation to existing regulations. Such
25 petitions and requests shall be submitted in writing and on a form provided by the
26 Department of Labor, and shall be acted upon within sixty (60) days by the Director.
27 The Director shall respond to all petitions submitted under this Title in writing.

1 **§ 6309. Severability.**

2 If any part of these Regulations is for any reason declared to be invalid by a
3 court of law, the remaining regulations under this Title shall not be affected thereby
4 and shall remain valid and enforceable.

5 **§ 6310. Interpretation.**

6 The provisions of these Regulations shall be liberally interpreted to ensure the
7 compliance of employers in Guam with the objectives and purposes of the Pregnant
8 Workers Fairness Act.”

9 **Section 3. Effective Date.** This Act *shall* be effective upon enactment.