

## **GU-2015-NG**

### **Guam Law Protecting National Guard Members On State Active Duty**

By Kyle E. Helmick<sup>1</sup>

The United States territory of Guam protects its National Guard members from employment discrimination after release from state active duty. Members have a right upon proof of satisfactory completion of service in the Guam National Guard if they are still able to perform the duties of such position.

(c) Any person who is a member of the Guam National Guard, called to duty under the provisions of this Chapter, who, in order to perform duties or receive training with the armed forces of the United States or of the Territory of Guam, leaves a position in the employ of an employer, and who shall give evidence of the satisfactory completion of such duty or training, and who is still qualified to perform the duties of such position, shall be entitled to be restored to his previous or a similar position, in the same status, pay, and seniority, and such period of absence for military duty or training shall be construed as an absence with leave, but may be without pay. Such leave shall not be annual or regular leave, but in addition to that allowed the employee as part of the employment benefits. No employer shall require any employee to take annual or regular leave to participate in any training or duty under this Chapter.

Guam Code Annotated, title 10, section 63500(c).

This protection is limited to members of the Guam National Guard. That limitation is essentially irrelevant since it is most unlikely that a member of the National Guard of some other state would have a civilian job in Guam.

---

<sup>1</sup> Kyle E. Helmick has completed his first year of law school at Georgetown University in Washington, DC. He has provided most valuable legal research assistance to the Service Members Law Center throughout his first year of law school.