

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
RESOLUTIONS

Resolution No.	Sponsor	Title	Date Intro	Date of Presentation	Date Adopted	Date Referred	Referred to	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	NOTES
16-35 (COR)	James C. Moylan	Relative to amending <i>I Mina'Trentai Singko Na Liheslaturan Guahan Oden Areklamento</i> (the Thirty-Fifth Guam Legislature Standing Rules) to establish a Mandatory Drug Testing and Zero Tolerance Drug Policy for the <i>I Mina'Trentai Singko Na Liheslaturan Guahan</i> , and to exempt the employees from the provisions of <i>'Safe Harbor'</i> ."	1/22/19 10:59 a.m.							

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Rules Resolution No. 16-35 (COR)

Introduced by:

James C. Moylan



Relative to amending *I Mina'Trentai Singko Na Liheslaturan Guahan Otden Areklamento* (the Thirty-Fifth Guam Legislature Standing Rules) to establish a Mandatory Drug Testing and Zero Tolerance Drug Policy for the *I Mina'Trentai Singko Na Liheslaturan Guahan*, and to exempt the employees from the provisions of “*Safe Harbor*”.

2019 JAN 22 AM 10:59

BE IT RESOLVED BY THE COMMITTEE ON RULES OF *I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*:

WHEREAS, *I Liheslaturan Guahan* must recognize the reality that we are unfortunately in a period where our community is faced with a drug epidemic, and only if we can accept the circumstances can we focus on fighting this battle with the intent of winning it; and

WHEREAS, It would be appalling if *I Liheslaturan Guahan* continues to create policy on issues that are related to our War Against Illegal Drugs, if we can't as a policymaking body and instrumentality of the government assure that we operate a drug free zone; and

WHEREAS, Executive Order 95-29, which continues to remain as the Department of Administration's Drug-Free Workplace Program, also creates a “Safe Harbor” provision, which allows any employees with a drug problem the opportunity to admit their problem at the onset, with the intent of seeking rehabilitation and

1 maintaining employment, however several entities in the government of Guam,
2 including Law Enforcement Agencies have their staff exempted from such provisions
3 for specific reasons; and

4 **WHEREAS**, A mandatory one hundred percent (100%) and Zero Tolerance
5 Drug Policy would essentially mandate that all employees of *I Liheslaturan Guahan*,
6 including Senators, Attaches, Central Staff; and Part Time Employees shall be subject
7 to testing, and any individual (other than Senators) whose lab results return with
8 positive residue of an illegal substance, shall be immediately terminated; and

9 **WHEREAS**, Any Senator whose lab results return with a positive residue of an
10 illegal substance shall be given the opportunity to submit a resignation letter, and
11 failure to submit one would lead to the filing of an ethics violation with the potential
12 advisement of an impeachment; now, therefore be it

13 **RESOLVED**, that the Committee on Rules of *I Mina'trentai Singko Na*
14 *Liheslaturan Guahan* does hereby, on behalf of *I Liheslaturan Guahan* and the people
15 of Guam amend the Standing Rules- Part E, Rule XIV, Section 14.04, by adding a
16 new Subsection (i) to read: **"Mandatory Drug Testing.** All Senators, elected
17 attaches, senatorial and central staff and management, and part time employees, whose
18 employment began on January 7, 2019 and continue to remain employed by the *I*
19 *Liheslaturan Guahan*, shall be subject to a mandatory drug test 24 hours upon the
20 adoption of this resolution,. Costs for testing's for Senators and their staff shall be
21 paid from their operational budgets, and for central staff it shall come from the central
22 budget. Any employee whose results are found to be positive of any illegal substance
23 shall be immediately terminated. Any Senator whose results are found to be positive
24 of any illegal substance shall be provided the opportunity to submit a resignation
25 letter. Failure to submit a letter, shall establish an ethics violation, with the potential
26 advisement of an impeachment. Any employee hired moving forward from the start

1 of this *I Liheslaturan Guahan* shall be mandated to take a drug test, 24 hours prior to
2 their start date of employment. Notwithstanding any other law, rule, executive order,
3 regulation or policy, the provision of “Safe Harbor,” as the term s described in the
4 Department of Administration’s Drug-Free Workplace Program as promulgated by
5 Executive Order 95-29, shall not be applicable to Senators, their staffers and
6 employees of the *I Mina’Trentai Singko Na Liheslaturan Guahan*”; and be it further;
7 **RESOLVED**, that the Speaker and the Chairperson of the Committee on Rules
8 certify, and the Legislative Secretary attest to, the adoption hereof, and that copies of
9 the same be thereafter transmitted to all Members of *I Mina’Trentai Singko Na*
10 *Liheslaturan Guahan*; and to the Honorable Lourdes Leon Guerrero, *I Maga’hågan*
11 *Guåhan*.

**DULY AND REGULARLY ADOPTED BY THE COMMITTEE ON RULES OF
I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN ON THE DAY
OF JANUARY 2019.**

TINA ROSE MUÑA-BARNES
Speaker

RÉGINE BISCOE LEE
Chairperson, Committee on Rules

AMANDA L. SHELTON
Legislative Secretary