



MINA' BENTE NUEBI NA LIHESLATURAN GUÅHAN
2008 (SECOND) Regular Session

Bill No. 236(LS)

Introduced by:

FT Ishizaki 
AB Palacios, Sr. 

AN ACT TO AMEND §§8121(a) AND 6504.1 BOTH
OF TITLE 4 G.C.A. AND TO AMEND §77119 OF
TITLE 10 G.C.A., RELATIVE TO THE
EMPLOYMENT OF RETIRED POLICE OFFICERS.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds that the
3 provision of safety and order for people of Guam is one of the Government's primary
4 functions. *I Liheslaturan Guåhan* further finds that the Guam Police Department is the first
5 line agency responsible for and responding to situations that require law and order. Years
6 have gone by and the number of recruits per cycle have not been able to meet the law
7 enforcement needs of the community. Additionally, projected recruiting cycles will not meet
8 the need for an adequately staffed police department. On the other hand, there exists a pool
9 of retired police officers who are fully qualified to perform law enforcement duties. In an
10 effort to meet the needs of people of Guam by increasing the number of police officers in the
11 field, *I Liheslaturan Guåhan* intends to permit retired police officers to return to the force. *I*

1 *Liheslatura* also notes that there have been an alarming rise in violence and drug abuse in our
2 public schools and that law enforcement presence on campus would potentially deter such
3 crimes and ensure a safe learning environment. It is the intent of *I Liheslatura* to allow retired
4 police officers, sworn with the duty to protect the public interest and preserve public peace
5 and to serve as school resource officers for the benefit of our school children.

6 **Section 2. Suspension of Annuity Payments.** Title 4 G.C.A. § 8121(a) is *amended* to
7 read:

8 “(a) A retired member who subsequently becomes an employee eligible for
9 membership under §8106 of this Title prior to January 1, 1999 shall, upon becoming so
10 employed, have that member’s right to receive payment of that member’s annuity
11 suspended for the duration of that member’s employment, but all other rights pertaining to
12 that member’s annuity provided by this Article, including automatic increases therein, shall
13 be retained by that member.

14 The provisions of this Section shall not be applicable to any retired Judge or Justice
15 designated and assigned by the Chief Justice to perform judicial duties in the courts of Guam
16 as provided for in §6115 of Title 7 GCA, or any person employed by the Guam Public School
17 System in Guam schools as a substitute teacher; as a Certified Augmentation Teaching
18 Service (CATS) employee as that the term is defined by Title 17 G.C.A. § 3127(b); or a limited
19 term police officer employed by the Guam Police Department to include Police Officers I, II,
20 III and Sergeant I & II; performing duties such as patrol officers, narcotic officers, criminal

1 investigators, juvenile investigators, criminal investigators, crime scene investigators and
2 school resource officers; provided, that such person(s) occupies such positions for which no
3 other qualified/certified applicant was available, and that such employment shall be on a
4 fiscal year basis. Such employment shall be subject to the provisions of Items (d) ~~and (e)~~ of
5 this Section.

6 The provisions of this Section shall *not* be applicable to any certified, registered or
7 licensed health care professional, or ancillary service personnel employed by the Guam
8 Memorial Hospital Authority, the Department of Mental Health and Substance Abuse and
9 the Department of Public Health and Social Services; provided, that such person occupies a
10 position for which *no other* qualified applicants were available, and provided that such
11 employment is procured on an annual basis, subject to the provisions of Subsection (d) of
12 this Section."

13 **Section 3. Dual Employment Prohibited.** Title 4 G.C.A. § 6504.1 is *amended* to read:

14 "(a) No ~~Officer or~~ employee of the government of Guam may be employed on a full-
15 time, part-time or contractual basis or hold an appointment to more than one (1) position in
16 the classified or unclassified service in any department or agency or by one (1) department,
17 agency or branch of the government of Guam at any time, except for:

18 (1) persons serving as part-time teachers, part-time school health counselors
19 and University of Guam instructors for the Guam Community College, and
20 instructors for the University of Guam who may be employed during the summer

1 and at any other time not in conflict with their primary employment if they are
2 employed elsewhere in the government of Guam as their primary employer;

3 (2) persons employed by the Youth Congress;

4 (3) persons employed on a part-time basis by boards or commissions;

5 (4) persons employed as nurses, physicians, and as ancillary/allied health
6 professionals in the government of Guam;

7 (5) attorneys engaging in the active practice of law, or part-time judges or part-
8 time court referees;

9 (6) persons serving as limited term police officers for the Guam Police
10 Department;

11 ~~(6)~~ (7) persons employed on a part-time or contractual basis who are individual
12 and family counselors or chemical dependency specialists; or

13 ~~(7)~~ (8) any employee of the government of Guam whose primary employment is
14 not in any of the agencies or professions listed in items (1), (2), (3), (4), (5) ~~and (6)~~, (6)
15 and (7) herein, but has training and experience to qualify to be employed in the
16 professions listed in items (1), (2), (3), (4), (5) ~~and (6)~~, (6) and (7) herein, may be
17 employed in secondary jobs in such professions within the government of Guam;
18 provided, that such secondary job is not in conflict with that person's primary job
19 and there are no other qualified applicants not within the employ of the government

1 of Guam.”

2 **Section 4.** Title 10 G.C.A. §77119 is hereby *amended* to read:

3 “§77119 **Assignment of Police Officers.**

4 The Chief of Police, or his designee, may assign police officers consistent with
5 the needs of the Department to the villages so as to be the most efficient in carrying out the
6 purposes of the Department to preserve the peace, to enforce the law and to prevent and
7 detect crime. The Chief of Police may assign those hired as limited term police officers to the
8 Guam Public School System to serve as a school resource officer, who at the minimum will be
9 responsible for addressing drugs and violence in the schools, the investigation of criminal
10 activity involving juveniles, and other duties as agreed upon by the parties in a
11 Memorandum of Understanding and whose employment shall be on a school-year basis.”