


I MINA 'TRENTAI UNU NA LIHESLATURAN GUÅHAN
2011 (FIRST) Regular Session

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Bill No. 118-31 (cor)

Introduced by:

D. G. Rodriguez, Jr. 
TRUINA BORNER

AN ACT TO ESTABLISH A LIFEGUARD VOLUNTEERS CORPS WITHIN THE DEPARTMENT OF PARKS AND RECREATION TO ENHANCE THE PROTECTION AND SAFETY OF THE PEOPLE OF GUAM AT PUBLIC RECREATIONAL AREAS, BY ADDING A NEW §77125 TO CHAPTER 77, TITLE 21, GUAM CODE ANNOTATED.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative findings and intent. *I Liheslaturan Guåhan* finds that due to the limited financial resources of government of Guam, departments and agencies are constrained in their ability to hire individuals for critical positions. As the custodian of all public beaches and government of Guam operated pools, the Department of Parks and Recreation plays an integral role in providing a safe environment for the public.

I Liheslaturan also finds that there have been numerous tragedies involving the loss of life that have taken place at government pools and beaches which could possibly have been avoided with the presence and assistance of a lifeguard on duty.

I Liheslaturan further finds that the Department of Parks and Recreation currently has 76 seashore parks, to include 2 public swimming pools under its

1 responsibility. Though all of these parks are under the jurisdiction of the Parks and
2 Recreation and are open to the public, the majority of them do not have lifeguards
3 on duty as a measure of precaution due to budgetary constraints.

4 *I Liheslaturan* finds that the Department of Parks and Recreation currently
5 only employs 12 lifeguards. These 12 lifeguards are stationed at the 4 most
6 popular Department of Parks and Recreation sites, which are Ypao Beach Park,
7 Matapang Beach Park, Hagåtña Pool and newly opened Dededo Pool. Since the
8 opening of the Dededo Pool the department has found itself with an even higher
9 demand for lifeguards.

10 *I Liheslaturan* finds that volunteers can be an important part of any
11 organization and are proven to be a valuable asset to agencies that serve the
12 community. The people of Guam have been known to give of their time and
13 efforts willingly, and the spirit of volunteerism is exceptionally evident in the
14 Guamanian people. A fine example of this spirit of volunteerism is exemplified by
15 the Guam Police Department’s Community Assisted Policing Effort (C.A.P.E)
16 volunteer program. The C.A.P.E. program was established in 2006, and has proven
17 to be successful.

18 It is the intent of *I Liheslaturan Guåhan* to establish a program, mirroring
19 format and structure of C.A.P.E, by establishing a Lifeguard Volunteer Corps
20 within the Department of Park and Recreation.

21 **Section 2.** A new section §77125 is hereby added to Article 1, Chapter 77 of
22 Title 21, Guam Code Annotated, to read:

23 **“§77125. Lifeguard Volunteer Corps; Authorization.** The Department
24 shall be authorized to establish a Lifeguard Volunteer Corps program for the
25 purpose of supplementing its’ water safety programs and activities relative to

1 lifeguard services. The Commission shall establish rules and regulations necessary
2 and applicable to the program pursuant to Article 3 of Chapter 9, Title 5, Guam
3 Code Annotated – Rule Making Procedures. The Department shall establish the
4 necessary forms which Volunteers shall complete, which at a minimum shall
5 include the following: 1. Lifeguard Volunteer Corps Application form; 2.
6 Confidentiality form; and, 3. Candidate Interview form. The Department shall
7 consult with the Department of Administration in the development of applicable
8 forms and recruitment procedures.

9 (a) Definitions. 1. *Volunteer*: Any duly qualified person, as provided
10 pursuant to this section, who performs a service for the Department of
11 Parks and Recreation without promise or expectation of services
12 rendered as a member of the Lifeguard Volunteer Corps.

13 (b) Recruitment: Volunteers shall be recruited by the Director of the
14 Department of Parks and Recreation on a continuous and ongoing basis
15 consistent with the department’s policy on equal opportunity
16 nondiscriminatory employment. The primary qualification in the
17 application process shall be the interest in assisting the Department of
18 Parks and Recreation with providing protection to the public at beaches
19 and pools under the custodianship of the department.

20 (c) Qualification Screening: Individuals desiring to apply to be a lifeguard
21 Volunteer, shall first provide the following documentation to the
22 Director, which at a minimum shall include, but is not limited to:

- 23 1. Red Cross Lifeguarding Certification;
- 24 2. Guam Police Department Clearance; and,
- 25 3. Superior Court of Guam Clearance.

26 (d) The Director shall establish and oversee a review and selection panel to

1 review the qualifications and conduct subsequent interviews with all
2 applicants whose applications have passed an initial administrative
3 background qualification screening. Due to the dangerous nature of the
4 work involved, and the inherent public safety issues requiring
5 competent personnel, the result of the interview shall be pass or fail, not
6 conditional.

7 (e) Training: 1. Volunteers shall be provided with an orientation program
8 to acquaint them with the Department, personnel, policies, and
9 procedures that have direct impact on them as a Volunteer. 2.
10 Volunteers shall receive location-specific training from their assignment
11 supervisor or designee. 3. Volunteers shall receive periodic training as
12 required or as deemed necessary by their supervisor or Volunteer
13 coordinator. 4. Training must reinforce to Volunteers that they must
14 always represent themselves as Volunteers. 5. All Volunteers shall
15 comply with the rules of conduct and with all other directives, either
16 oral or written, issued by the department.

17 (f) Selection and Placement: 1. Upon selection, applicants shall receive
18 notification prior to the start of service. 2. Volunteers shall be placed
19 only in job assignments that are consistent with their skills, abilities and
20 the needs of the department.”

21 **Section 3. Functions and Duties.** The general functions and duties of
22 the Volunteer Lifeguard shall be to provide backup, supplemental manpower for
23 the provision of the life guard duties and services of the Department. The Director
24 shall formulate a program whereby the members of the Volunteer Lifeguard
25 program shall adhere to the functions and duties herein prescribed. From time to
26 time the Director, with the consent of the Commission, shall review and revise the

1 functions and duties of the volunteer lifeguard to insure an amicable discharge of
2 responsibilities and duties knowing the fact that their roles are the extension of
3 duties of the regular personnel.

4 **Section 4. Recruitment.** The Director shall recruit on an entirely voluntary
5 basis, local residents who desire to make available their services to assist the
6 Department in carrying out its *Lifeguard* program functions. The Director, with
7 the concurrence of the Commission, shall further promulgate rules and regulations
8 regarding the age, health and other requirements for recruitment.

9 **Section 5. Training, Equipping and Maintenance of Records.** The
10 Director shall devise a program whereby the Department shall provide the member
11 volunteers training on an ongoing basis so as to ensure their continuing
12 competence and qualification for participation in the Department's lifeguard
13 program. The Department shall maintain a roster of volunteers who have received
14 the training prescribed herein. In order to maintain membership as a Volunteer,
15 each member must keep up with his scheduled training and no Volunteer may
16 remain as a member if he or she is unable to keep up with or otherwise absorb the
17 training. Additionally, basic supplies and equipment shall be provided to assure a
18 constant operability of the Volunteer Lifeguard program, including a continuing
19 program for replacement.

20 **Section 6. Volunteer: Authority.** Whenever the members of the Volunteer
21 Lifeguard program are rendering assistance to the Department, such volunteers
22 shall have the same powers, duties, rights (including coverage under the Worker's
23 Compensation Act), privileges and immunities, as if they were paid, full-time
24 members of the Department, except that they shall earn recruitment credit for
25 services performed as volunteers.

26 **Section 7. Allowance.** Each member of the Volunteer Lifeguard program

1 who successfully completes probationary requirements as established by the
2 Department, and who contributes a minimum of forty-two (42) hours or more per
3 month, shall receive an allowance of Two Hundred Fifty Dollars (\$305) per month,
4 to defray the costs of maintenance of their equipment and travel costs. The
5 Department shall identify funds within their department appropriations to satisfy
6 the intent of this Section.

7 **Section 4: Severability.** If any provision of this Law or its application to
8 any person or circumstance is found to be invalid or contrary to law, such
9 invalidity shall *not* affect other provisions or applications of this Law which can be
10 given effect without the invalid provisions or applications, and to this end the
11 provisions of this Law are severable.

12 **Section 4. Implementation.** This Act shall be immediately effective upon
13 enactment.