

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

2011 AUG 22  
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Bill No. 295-31 (LS)

Introduced by:

Adolpho B. Palacios, Sr. *[Handwritten signature]*

**AN ACT TO ADD A NEW §72101.1 TO CHAPTER 72  
OF TITLE 10, GUAM CODE ANNOTATED  
RELATIVE TO ESTABLISHING MINIMUM  
QUALIFICATIONS FOR THE POSITION OF GUAM  
FIRE DEPARTMENT FIREFIGHTER.**

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

2       **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan*  
3 finds that there is no statute that establishes the minimum qualifications for  
4 the position of Guam Fire Department (“GFD”) Firefighter. Individuals  
5 interested in becoming a Firefighter are currently evaluated based on  
6 standards established by the Department of Administration, which include  
7 information relative to the nature of work, illustrative examples of work,  
8 minimum knowledge, abilities, and skills, minimum experience and training,  
9 and special qualifications necessary for employment.

10       It is the intent of *I Liheslaturan Guåhan* to establish minimum  
11 qualifications in statute for the position of GFD Firefighter. *I Liheslaturan*  
12 *Guåhan* intends to mirror standard requirements already established for  
13 officers of the Guam Police Department. Applicants for the position of GPD  
14 officer must meet these qualifications in addition to those promulgated by  
15 DOA. These standards will help to promote consistency among the  
16 qualification requirements for entry-level positions among the government  
17 of Guam’s primary law enforcement and public safety agencies.

1           **Section 2. Minimum Qualifications.** A new §72101.1 is hereby  
2 *added* to Chapter 72 of Title 10, Guam Code Annotated relative to the  
3 minimum qualifications for Guam Fire Department Firefighter.

4           “§72101.1. **Minimum Qualifications for Guam Fire Department**  
5 **Firefighter.**

6           (a) Notwithstanding other provisions of law to the contrary, persons  
7 appointed as Firefighters shall:

8           (1) be a resident of the Territory of Guam and a U.S. citizen;

9           (2) be of good health and good moral character;

10          (3) be over the age of eighteen (18) years;

11          (4) be a high school graduate *or* equivalent, but the POST  
12 Commission may set higher academic qualifications for all  
13 applicants as the Commission considers necessary;

14          (5) submit to and pass a drug screening test, including but not  
15 limited to a urinalysis test;

16          (6) submit to psychological testing; and

17          (7) submit to and pass a polygraph examination.

18          (b) No person shall be appointed a Firefighter who has not established  
19 satisfactory evidence of qualifications by passing a physical  
20 examination, which shall include a physical agility test, and written  
21 examinations based upon standards relevant to the duties to be  
22 performed, which standards shall be established by the Fire Chief  
23 in conjunction with the Department of Administration.

24          (c) No person shall be appointed a Firefighter who has been convicted  
25 in any civilian or military court of a felony, a crime involving  
26 moral turpitude, a crime of domestic or family violence, or who  
27 has been administratively pardoned of any crime.

1 (d) No person shall be appointed a Firefighter before a thorough  
2 investigation of the applicant's background and moral character is  
3 completed.

4 (e) A Firefighter dismissed for cause shall be permanently ineligible  
5 for reappointment to any position in the Department. A Firefighter  
6 who resigns for the sole purpose of negating or averting a pending  
7 or anticipated disciplinary action to dismiss the Firefighter shall be  
8 ineligible for reappointment.

9 (f) No person shall be appointed a firefighter who has not established  
10 satisfactory evidence, through written examination administered by  
11 the Department of Administration ("DOA") or a competent  
12 authority, of the ability to recognize and understand persons with  
13 disabilities, including special needs and mental illness. DOA shall  
14 include a minimum of two (2) items within the written examination  
15 relative to persons with disabilities, including special needs and  
16 mental illness. For the purpose of this section, the term  
17 disability(ies), as is defined in the *Americans with Disabilities Act*,  
18 shall mean a physical or mental impairment that substantially  
19 limits one (1) or more major life activities of an individual."

20 **Section 3. Effective Date.** The provisions contained herein shall be  
21 effective within ninety (90) days following enactment. The Guam Fire  
22 Department, in coordination with the Department of Mental Health and  
23 Substance Abuse and the Department of Integrated Services for Individuals  
24 with Disabilities, shall recommend examination items to DOA for  
25 consideration prior to the implementation of this Act.

26 **Section 4. Severability.** If any provision of this Act or its application  
27 to any person or circumstance is found to be invalid or contrary to law, such

1    invalidity shall not affect other provisions or applications of this Act which  
2    can be given effect without the invalid provisions or application, and to this  
3    end the provisions of this Act are severable.