

I MINA'TRENTAI UNU NA LIHESLATURAN GUÅHAN  
2012 (SECOND) Regular Session

2012 FEB 11 PM 2:17  
AND  
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Bill No. 422-31 (LS)

Introduced by:

Adolpho B. Palacios, Sr.

**AN ACT TO ADD A NEW §3104 TO CHAPTER 3,  
TITLE 5 OF THE GUAM CODE ANNOTATED,  
RELATIVE TO THE REINSTATEMENT OF CHIEF  
OF POLICE AND FIRE CHIEF TO PREVIOUS  
POSITION.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan*  
3 *Guåhan* finds that Public Law 18-13, as amended by Public Law 28-  
4 150, required that an employee of the classified service of the  
5 government of Guam not receive a reduction in pay when he or she is  
6 appointed as Chief of Police or Fire Chief and, if terminated for any  
7 reason except for cause, the Chief of Police or Fire Chief would be  
8 allowed to return to the position he or she previously occupied.  
9 Public Law 30-202 repealed this provision.

10 *I Liheslaturan Guåhan* further finds that this change in the law  
11 had the unintended consequence of narrowing the pool of potential  
12 applicants from within the classified service to serve as Chief of  
13 Police and Fire Chief, respectively. Members of the Guam Police

1 Department or the Guam Fire Department with the most  
2 responsibility, seniority and experience are, in some cases,  
3 compensated at a higher rate than the Chief position and would thus  
4 be discouraged from taking a reduction in pay to assume more  
5 responsibilities within the Department. Furthermore, an appointee  
6 cannot be assured of the length of his or her tenure as Chief and,  
7 thus, after their term of Chief has ended, he or she would find him or  
8 herself terminated not only as Chief of Police or Fire Chief, but also  
9 from the Department.

10 It is therefore the intent of *I Liheslaturan Guåhan* to ensure that  
11 potential applicants for the positions of Chief of Police and Fire Chief  
12 not be discouraged from accepting an appointment due to the  
13 potential loss of compensation or loss of tenure in the classified  
14 service by vacating their previous position, by *adding* a *new* §3104 to  
15 Chapter 3, Title 5 of the Guam Code Annotated.

16 **Section 2. Reinstatement of Chief of Police and Fire Chief to**  
17 **Previous Position.** A *new* §3104 is hereby *added* to Chapter 3, Title 5  
18 of the Guam Code Annotated, to read:

19 **“§3104. Reinstatement of Chief of Police and Fire Chief to**  
20 **Previous Position.**

21 Notwithstanding any other provision of law, a person  
22 appointed by the Governor to be Chief of Police or Fire Chief,  
23 and who is a member of the classified service immediately

1 prior to such appointment as Chief of Police or Fire Chief, shall  
2 continue to receive the salary he or she receives for his or her  
3 previous position while serving as Chief if it is greater than the  
4 salary established by law for the position of Chief. The Chief of  
5 Police or Fire Chief shall be reinstated to the position he or she  
6 held immediately prior to such appointment as Chief upon  
7 termination of his or her employment, if not removed for cause,  
8 as Chief of Police or Fire Chief, provided that he or she meets  
9 the qualification standards in effect at the time of his or her  
10 reinstatement.”

11 **Section 3. Effective Date.** This Act shall be effective upon  
12 enactment.