



Office of the Governor of Guam

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Felix P. Camacho  
Governor

Michael W. Cruz, M.D.  
Lieutenant Governor

DEC 01 2009

2009 DEC -2 PM 2:32

The Honorable Judith T. Won Pat, Ed.D.  
Speaker  
Mina' Trenta Na Liheslaturan Guåhan  
155 Hessler Street  
Hagåtña, Guam 96910

Dear Speaker Won Pat:

Transmitted herewith is Bill No. 227-30(LS) "AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES, AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES, WHICH IF PERFORMED BY OTHER LAW ENFORCEMENT OR PUBLIC SAFETY OFFICERS, WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY AMENDING §6222(a) OF TITLE 4, GUAM CODE ANNOTATED" which I signed into law on November 27, 2009 as **Public Law 30-71.**

*Sinseru yan Magåhet,*

FELIX P. CAMACHO  
*I Maga'låhen Guåhan*  
Governor of Guam

Attachment: copy of Bill

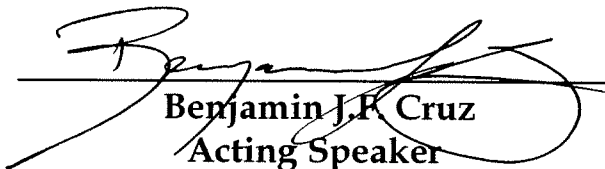
30-09-1428

12/02/09  
10a.m.

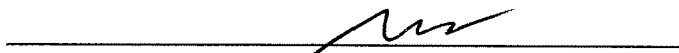
I MINA'TRENTA NA LIHESLATURAN GUÅHAN  
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

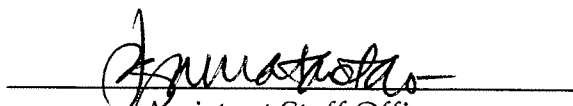
This is to certify that **Bill No. 227-30 (LS)**, "AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES, AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES, WHICH IF PERFORMED BY OTHER LAW ENFORCEMENT OR PUBLIC SAFETY OFFICERS, WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY AMENDING §6222(a) OF TITLE 4, GUAM CODE ANNOTATED," was on the 13<sup>th</sup> day of November, 2009, duly and regularly passed.

  
Benjamin J. Cruz  
Acting Speaker

Attested:

  
Rory J. Respicio  
Acting Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 17 day of Nov., 2009, at  
4:25 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:  
  
FELIX P. CAMACHO  
*I Maga'lahaen Guåhan*

Date: \_\_\_\_\_

Public Law No. 30-71

***I MINA'TRENTA NA LIHESLATURÁN GUÁHAN***  
**2009 (FIRST) Regular Session**

**Bill No. 227-30 (LS)**

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

Telo Taitague

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Ray Tenorio

Judith T. Won Pat, Ed.D.

**AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES, AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES, WHICH *IF* PERFORMED BY OTHER LAW ENFORCEMENT *OR* PUBLIC SAFETY OFFICERS, WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY *AMENDING* §6222(a) OF TITLE 4, GUAM CODE ANNOTATED.**

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

1           **Section 1. Legislative Findings and Intent.** Parolees are prisoners who  
2 are released from incarceration to serve the remainder of their sentence in the  
3 community, with certain conditions. Parole Officers are the employees who are  
4 vested with the authority to supervise and counsel these parolees, and to make sure  
5 that the conditions of parole are adhered to. §6222(a) of Title 4, Guam Code  
6 Annotated, as currently written, provides for hazardous pay to “any employee of  
7 the government who performs the duty of guarding prisoners.”

8           *I Liheslaturan Guåhan* finds that parole officers previously were considered  
9 eligible for hazardous pay and were so compensated. However, recently the  
10 Department of Administration (DOA) determined that under the term “guarding  
11 prisoners” in §6222(a) of Title 4, Guam Code Annotated, parole officers should  
12 *not* be eligible because they are *not* “guarding” prisoners.

13           *I Liheslaturan Guåhan* finds that probation officers and alternative  
14 sentencing officers of the Judiciary are eligible for hazardous pay pursuant to  
15 §6222(b), Title 4, Guam Code Annotated. Probation officers supervise and  
16 counsel probationers whose sentences are *not* served in confinement. Probation  
17 officers are the counterpart of parole officers and they perform similar functions.

18           *I Liheslaturan Guåhan* further finds that a correction officer and a parole  
19 officer who were assigned to a multi-agency crime task force, and those who were  
20 assigned to the Executive Security Force, and who serve alongside police officers,  
21 judiciary marshals, and Customs and Quarantine officers performing the same  
22 duties, are *not* eligible for hazardous pay, while the other members of the other law  
23 enforcement entities are eligible and are compensated hazardous pay.

24           *I Liheslaturan Guåhan* believes that the hazardous condition attributable to a  
25 prisoner while incarcerated is *not* extinguished when the same prisoner is released  
26 on parole and subsequently supervised and counseled by a parole officer.  
27 Furthermore, *I Liheslaturan Guåhan* believes that the hazardous conditions

1 associated with the mission of the multi-agency crime task force are *not*  
2 diminished against a correction officer *or* a parole officer simply because they are  
3 *not* eligible to receive hazardous pay.

4 In the interest of promoting equity in the application of hazardous pay  
5 pertinent to a work condition, it is, therefore, the intent of *I Liheslaturan Guåhan*  
6 to provide for hazardous pay to parole officers who perform the duty of  
7 supervising and counseling parolees, and also to provide for hazardous pay to  
8 corrections officers and parole officers who perform a duty outside of the direct  
9 supervision of the Department of Corrections (DOC), that *if* performed by any  
10 other law enforcement *or* public safety officers would entitle such officers to  
11 hazardous pay, such as when serving as a member of a multi-agency crime task  
12 force comprised of officers from the Guam Police Department (GPD), Judiciary,  
13 Customs and Quarantine, United States Marshal, United States Drug Enforcement  
14 Administration, *or if* performing any official duty when such duty would entitle  
15 other law enforcement officers to hazardous pay, by *amending* §6222 (a).

16 **Section 2.** §6222(a) of Title 4, Guam Code Annotated, “Corrections  
17 Officers-Hazardous Pay”, is hereby *amended* to read:

18 “(a) A corrections officer *or* a parole officer *or* any employee of the  
19 government who performs the duty of guarding prisoners *or* supervising *or*  
20 counseling parolees, *shall* be entitled to hazardous pay, calculated at the rate  
21 of his *or* her regular wage, plus ten percent (10%), for all periods he *or* she  
22 is on such duty. The differential *shall* be applicable only during time of  
23 exposure.

24 (1) A correction officer *or* a parole officer who performs a duty  
25 outside of the direct supervision of the Department of Corrections,  
26 that *if* performed by another law enforcement *or* public safety officer  
27 would entitle such officer to hazardous pay, *shall* be entitled to

1 hazardous pay, calculated at the rate of his *or* her regular wage, plus  
2 ten percent (10%), for all periods he *or* she is on such duty. The  
3 differential *shall* be applicable *only* during time of exposure.”