

EDDIE BAZA CALVO

Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam.

.OCT 1 6 2014

Honorable Judith T. Won Pat, Ed.D. Speaker I Mina'trentai Dos Na Liheslaturan Guåhan 155 Hesler Street Hagåtña, Guam 96910

32-14 - 2151 Office of the Speaker Judith T. Won Pat, Ed.D

Date: 10.17-14

Received By:

Dear Madame Speaker:

Transmitted herewith is Bill No. 352-32 (LS) "AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE," which I signed into law on October 13, 2014 as Public Law 32-203.

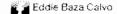
Senseramente,

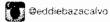
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I MINA TRENTAI DOS NA LIHESLATURAN GUÅHAN 2014 (SECOND) Regular Session

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

This is to certify that Bill No. 352-32 (LS), "AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS," was on the 3rd day of October, 2014, duly and regularly passed.

	Judith T. Won Pat, Ed.D. Speaker
Tina Rose Muña Barnes Legislative Secretary	
This Act was received by <i>I Maga'lahen</i> 2014, at 6.32 o'clock 9.M.	Guåhan this 6 day of A,
	Assistant Staff Officer Maga'lahi's Office
APPROVED: EDWARD J.B. CALVO I Maga'lahen Guåhan OCT 1 3 2014	

Public Law No. 32-203

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN 2014 (SECOND) Regular Session

Bill No. 352-32 (LS)

As amended by the Author and the Committee on General Government Operations and Cultural Affairs.

Introduced by:

1

V. Anthony Ada FRANK B. AGUON, JR.

B. J.F. Cruz

T. C. Ada

Chris M. Dueñas

Michael T. Limtiaco

Brant T. McCreadie

Tommy Morrison

T. R. Muña Barnes

R. J. Respicio

Dennis G. Rodriguez, Jr. Michael F. Q. San Nicolas

Aline A. Yamashita, Ph.D.

Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS **EXPIRATION POSITIONS UPON** CLASSIFIED APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO **ESTABLISHING** AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS.

BE IT ENACTED BY THE PEOPLE OF GUAM:

- Section 1. Legislative Finding and Intent. I Liheslaturan Guåhan finds 2
- 3 that § 3105 of Chapter 3, Title 5, Guam Code Annotated, establishes specific

1 qualifications and criteria for the Fire Chief position of the Guam Fire Department.

2 The criteria essentially requires that the candidate be, or have been, a career

employee with either a local or federal fire department possessing no less than ten

(10) years of experience in fire control or prevention, and have served as a

Battalion Chief for a minimum of two (2) years.

I Liheslaturan Guåhan further finds that § 77109 of Chapter 77, Title 10, Guam Code Annotated, similarly establishes specific qualifications and criteria for the Police Chief position of the Guam Police Department. The criteria essentially requires that the candidate be, or have been, a career employee with either a local or federal law enforcement agency possessing no less than fifteen (15) years of law enforcement experience, and have served at least five (5) years in a senior management position.

I Liheslaturan Guåhan further finds that the annual income of eligible candidates, who are still in active service, is substantially more than the salary level established for the Chief positions. Consequently, despite a desire to serve in the capacity of Fire Chief or Police Chief, the prospective candidate would incur a significant loss of income if nominated and confirmed. The loss of pay is an economic factor sufficient to deter most (active) eligible candidates from wanting to even be considered.

I Liheslaturan Guåhan further finds that an active employee selected to fill the position of Chief is not guaranteed reinstatement to his previous classified position upon expiration of his appointment. This would be another significant economic disincentive for prospective candidates who have not yet satisfied service requirements for retirement, and would deter qualified candidates from considering a nomination.

1	I Liheslaturan Guåhan intends to authorize the use of a three (3) year
2	income average as the compensation level for an active classified employee who is
3	nominated for Fire Chief or Police Chief, if it is higher than the established
4	compensation level for the position of Chief. Additionally, a new § 3104 will be
5	added to address the reinstatement issue.
6	Section 2. § 3105 of Chapter 3, Title 5, Guam Code Annotated, is hereby
7	amended as follows:
8	"§ 3105. Guam Fire Department.
9	There is within the Executive Branch of the government of Guam a
10	Guam Fire Department. The Fire Chief is the head of the Department.
11	(a) The Fire Chief is appointed by I Maga'lahen Guåhan
12	(the Governor) with the advice and consent of I Liheslaturan Guåhan
13	(the Legislature). The Fire Chief shall meet the following
14	qualifications:
15	(1) must have a Bachelor's degree in Fire Science or
16	Public Administration, or a closely related field or discipline, at
17	an accredited institution; and
18	(2) have at least ten (10) years of experience in fire
19	control, including control and extinguishment of fires and fire
20	prevention, of which two (2) years must be served in a position
21	equivalent to Battalion Chief or higher; or
22	(3) must have an Associate's degree in Fire Science,
23	or a closely related field or discipline, at an accredited
24	institution; and
25	(4) have at least fifteen (15) years of experience in fire

control, including control and extinguishment of fires and fire

prevention, of which four (4) years must be served in a position equivalent to Battalion Chief or higher.

(b) Compensation of Fire Chief. Notwithstanding any other provision of law, a person appointed by *I Maga'lahen Guåhan* (the Governor) and confirmed by *I Liheslaturan Guåhan* (the Legislature) to be Fire Chief, and who at the time of appointment is an active member of the classified service *shall* receive a salary established by the government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3) year average of the annual income earned immediately prior to appointment as Fire Chief, whichever is greater. Said three (3) year average *shall* be reviewed annually to determine if mandated pay increases would have affected the three (3) year average."

Section 3. A new § 3104 is hereby *added* to Chapter 3 of Title 5, Guam Code Annotated, to read:

"§ 3104. Reinstatement of Fire Chief to Previous Position or Position Qualified For.

Notwithstanding any other provision of law, a person who is an active classified employee of the Guam Fire Department immediately prior to appointment by *I Maga'lahen Guåhan* (the Governor) and confirmation by *I Liheslaturan Guåhan* (the Legislature) to be Fire Chief *shall*, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment, or to an equivalent position, upon the expiration of his or her appointment as Fire Chief."

Section 4. § 77109 of Chapter 77, Title 10, Guam Code Annotated, is hereby *amended* to read:

"§ 77109. Appointment of the Chief of Police.

- (a) The Chief of Police *shall* be appointed by *I Maga'lahen Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and shall meet the following qualifications:
 - (1) be at least thirty-five (35) years of age;
 - (2) have no less than fifteen (15) years of progressive experience in a government law enforcement position, including at least five (5) years at the supervisory command level, and five (5) years in a senior position with law enforcement management responsibilities, or equivalent executive management experience in the field of public administration, criminal justice administration, or law, or a closely related field or discipline;
 - (3) graduated with a Bachelor's degree or higher in police science, criminal justice administration, public administration, law, or a closely related field or discipline from an accredited institution recognized by the Council for Higher Education Accreditation (CHEA) or its successors;
 - (4) have no felony, domestic or family violence convictions;
 - (5) have no misdemeanor convictions involving moral turpitude;
 - (6) submit to and pass a drug screening test, including, but *not* limited to, urinalysis testing, *unless* the appointee is a current employee of the Guam Police Department occupying a

1 Test-Designated Position (TDP) pursuant to the Department's 2 Drug-Free Workplace Program; 3 (7)be of good health and good moral character; submit to psychological testing; (8)4 5 (9)submit to a polygraph examination; and submit to a thorough investigation of his or her 6 7 background and moral character. Compensation of Police Chief. Notwithstanding any 8 (b) 9 other provision of law, a person appointed by I Maga'lahen Guåhan (the Governor) and confirmed by I Liheslaturan Guåhan (the 10 Legislature) to be Chief of Police, and who at the time of appointment 11 is an active member of the classified service shall receive a salary 12 13 established by the government of Guam compensation schedule for 14 heads of agencies, or a salary equivalent to the three (3) year average 15 of the annual income earned immediately prior to appointment as Chief of Police, whichever is greater. Said three (3) year average shall 16 be reviewed annually to determine if mandated pay increases would 17 have affected the three (3) year average." 18 Section 5. A new § 77109.1 is hereby added to Chapter 77 of Title 10, 19 20 Guam Code Annotated, to read as follows: "§ 77109.1. Reinstatement of Police Chief to Classified Service. 21 22 A person who is an active classified employee of the Guam Police Department immediately prior to appointment by I Maga'lahen Guåhan (the 23 Governor) and confirmation by I Liheslaturan Guåhan (the Legislature) to 24 25 be Police Chief shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment or to an equivalent position upon expiration of appointment as Police Chief."

Section 6. Severability. If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be

given effect without the invalid provisions or application, and to this end the

provisions of this Law are severable.

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Section 7. Effective Date. Notwithstanding any other provision of law, upon enactment this Act *shall* be effective retroactively to January 1, 2011.