



EDDIE BAZA CALVO  
Governor

RAY TENORIO  
Lieutenant Governor

*Office of the Governor of Guam*

OCT 16 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  
Time: 4:20pm  
Received By: [Signature]

2014 OCT 17 PM 4:55  
[Signature]

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*

  
EDDIE BAZA CALVO

2151

*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 3<sup>rd</sup> day of October, 2014, duly and regularly passed.




Judith T. Won Pat, Ed.D.  
Speaker

Attested:

  
Tina Rose Muña Barnes  
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 6 day of Oct,  
2014, at 6:32 o'clock P.M.

  
Assistant Staff Officer  
*Maga'lahi's Office*

APPROVED:

  
EDWARD J.B. CALVO  
*I Maga'lahen Guåhan*

OCT 13 2014

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

T. C. Ada  
V. Anthony Ada  
FRANK B. AGUON, JR.  
B. J.F. Cruz  
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 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.**

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

2           **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds  
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  
3 employee with either a local or federal fire department possessing no less than ten  
4 (10) years of experience in fire control or prevention, and have served as a  
5 Battalion Chief for a minimum of two (2) years.

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

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

20 *I Liheslaturan Guåhan* further finds that an active employee selected to fill  
21 the position of Chief is not guaranteed reinstatement to his previous classified  
22 position upon expiration of his appointment. This would be another significant  
23 economic disincentive for prospective candidates who have not yet satisfied  
24 service requirements for retirement, and would deter qualified candidates from  
25 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  
26 control, including control and extinguishment of fires and fire

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

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

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

16 **“§ 3104. Reinstatement of Fire Chief to Previous Position or**  
17 **Position Qualified For.**

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

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

1           **“§ 77109. Appointment of the Chief of Police.**

2           (a) The Chief of Police *shall* be appointed by *I Maga’lahen*  
3 *Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and  
4 shall meet the following qualifications:

5                   (1) be at least thirty-five (35) years of age;

6                   (2) have no less than fifteen (15) years of progressive  
7 experience in a government law enforcement position,  
8 including at least five (5) years at the supervisory command  
9 level, and five (5) years in a senior position with law  
10 enforcement management responsibilities, or equivalent  
11 executive management experience in the field of public  
12 administration, criminal justice administration, or law, or a  
13 closely related field or discipline;

14                   (3) graduated with a Bachelor’s degree or higher in  
15 police science, criminal justice administration, public  
16 administration, law, or a closely related field or discipline from  
17 an accredited institution recognized by the Council for Higher  
18 Education Accreditation (CHEA) or its successors;

19                   (4) have no felony, domestic or family violence  
20 convictions;

21                   (5) have no misdemeanor convictions involving moral  
22 turpitude;

23                   (6) submit to and pass a drug screening test, including,  
24 but *not* limited to, urinalysis testing, *unless* the appointee is a  
25 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;

4 (8) submit to psychological testing;

5 (9) submit to a polygraph examination; and

6 (10) submit to a thorough investigation of his or her  
7 background and moral character.

8 (b) Compensation of Police Chief. Notwithstanding any  
9 other provision of law, a person appointed by *I Maga'lahañ Guåhan*  
10 (the Governor) and confirmed by *I Liheslaturan Guåhan* (the  
11 Legislature) to be Chief of Police, and who at the time of appointment  
12 is an active member of the classified service *shall* receive a salary  
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  
16 Chief of Police, whichever is greater. Said three (3) year average *shall*  
17 be reviewed annually to determine if mandated pay increases would  
18 have affected the three (3) year average.”

19 **Section 5.** A new § 77109.1 is hereby *added* to Chapter 77 of Title 10,  
20 Guam Code Annotated, to read as follows:

21 **“§ 77109.1. Reinstatement of Police Chief to Classified Service.**

22 A person who is an active classified employee of the Guam Police  
23 Department immediately prior to appointment by *I Maga'lahañ Guåhan* (the  
24 Governor) and confirmation by *I Liheslaturan Guåhan* (the Legislature) to  
25 be Police Chief *shall*, if not removed for cause, be reinstated to the position



1 he or she previously held immediately prior to such appointment or to an  
2 equivalent position upon expiration of appointment as Police Chief.”

3 **Section 6. Severability.** *If* any provision of this Law or its application to  
4 any person or circumstance is found to be invalid or contrary to law, such  
5 invalidity shall not affect other provisions or applications of this Law which can be  
6 given effect without the invalid provisions or application, and to this end the  
7 provisions of this Law are severable.

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