

I Mina'trentai Sais Na Liheslaturan Guåhan
BILL STATUS

| BILL NO. | SPONSOR | TITLE | DATE INTRODUCED | DATE REFERRED | CMTE REFERRED | PUBLIC HEARING DATE | DATE COMMITTEE REPORT FILED | FISCAL NOTES | NOTES |
|--------------|-----------------|---|----------------------|---------------|---------------|---------------------|-----------------------------|--------------|-------|
| 273-36 (COR) | James C. Moylan | AN ACT TO AMEND SECTIONS 2, 3, AND 5 OF CHAPTER XII, MISCELLANEOUS PROVISIONS OF PUBLIC LAW 36-54, RELATIVE TO THE TEMPORARY HIRING OF RETIRED CORRECTIONS, POLICE AND CUSTOMS OFFICERS, TO ASSIST IN INCREASING MANPOWER IN THE RESPECTIVE PUBLIC SAFETY AGENCIES. | 3/14/22 8:20 a.m. | | | | | | |

I MINA'TRENTAI SAIS NA LIHESLATURAN GUÅHAN
2022 (SECOND) Regular Session

Bill No. 273-36 (COR)

Introduced by:

James C. Moylan 

**AN ACT TO AMEND SECTIONS 2, 3, AND 5 OF
CHAPTER XII, MISCELLANEOUS PROVISIONS OF
PUBLIC LAW 36-54, RELATIVE TO THE TEMPORARY
HIRING OF RETIRED CORRECTIONS, POLICE AND
CUSTOMS OFFICERS, TO ASSIST IN INCREASING
MANPOWER IN THE RESPECTIVE PUBLIC SAFETY
AGENCIES.**

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Police Department, Department of Corrections and Customs and Quarantine Agency have officer shortages which hinder the ability for the entity to effectively fulfill their objectives. Public Law 36-54 included an authorization for these entities to hire retired officers of the respective department/agency, in the event the department/agency faced officer shortages for specific purposes. The problem is that the mandate did not provide for any incentive purposes to allow its intent to be fulfilled.

In order for a retired officer to be attracted and properly rewarded in their return for temporary service, the compensation, position, and rank on the day of their retirement should be provided, hence the objective of this Act. While the agencies may not receive a volume number of returning officers, every qualified and experienced body would be more beneficial than status quo. By allowing

1 these retired officers to return to their original position and compensation will
2 allow for certain gaps to be filled until the respective agencies are able to fill much
3 needed permanent vacancies to assure that public safety entities are able to service
4 the community in keeping them safe.

5 **Section 2.** Section 3 of Chapter XII, Miscellaneous Provisions, of Public
6 Law 36-54, is hereby *amended* to read as follows:

7 **Section 3. Temporary Employment of Retired Corrections Officers.**

8 The Department of Corrections (DOC) *may* hire retired Guam corrections officers
9 if a critical need arises because of military activation of DOC corrections officers,
10 ~~or~~ absence due to a long-term disability status which has been certified by a
11 medical doctor, or if the DOC Director identifies a critical need because of a
12 shortage of uniformed corrections officers. Retired corrections officers hired under
13 this Section *may* receive their retirement annuity while employed on this temporary
14 basis. The DOC *may* exercise this hiring authority provided it does not exceed its
15 budget for filling these positions. The retiree hired *shall* fill such a vacant position
16 and *may* ~~shall~~ be terminated when the incumbent returns from military service, ~~or~~
17 absence, or if the DOC Director determines that the shortage has been addressed.
18 Retired corrections officers *may* be hired ~~only~~ at the ranks they left prior to
19 retirement of Corrections Officers Supervisor I and below, only at Step I, and *shall*
20 not receive sick and annual leave. Officers hired under this Section *shall* first meet
21 the requirements for the position in question, except for written examinations. The
22 Director of DOC *shall* certify that every retiree hired is fit for duty.
23 Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired
24 temporarily pursuant to this Section *may* continue to receive retirement benefits.
25 Any employee hired under this Section *shall* only be eligible to enroll in the
26 Government of Guam Health Insurance Program as an active employee. The DOC
27 Director *shall* submit a report to *I Liheslaturan Guåhan* on July 1, 2022, and again

thirty (30) days after the end of the fiscal year, the number of retired officers hired pursuant to this Section, the positions filled, the length of employment, the cost of said hiring, and the nature of the critical need that was filled. Notwithstanding any other provisions of the law, the DOC Director may release the temporary corrections officer at anytime, at their will and without any cause. However, the justification of the release shall be included in their report to I Liheslaturan Guåhan.

Section 3. Section 4 of Chapter XII, Miscellaneous Provisions, of Public Law 36-54, is hereby *amended* to read as follows:

Section 4. Temporary Employment of Retired Guam Police Officers.

The Guam Police Department (GPD) *may* hire retired Guam police officers if a critical need arises because of military activation of GPD police officers, ~~or~~ absence due to a long-term disability status which has been certified by a medical doctor, or if the Chief of Police identifies a critical need because of a shortage of uniformed police officers. The GPD *may* exercise this hiring authority provided its authorized budget for personnel is not exceeded. The retiree hired *shall* fill such a vacant position and ~~may shall~~ be terminated when the incumbent returns from military service, ~~or~~ absence, or if the Chief of Police determines that the shortage has been addressed. Retired officers *may* be hired ~~only~~ at the ranks they left prior to retirement of Sergeant I and below, only at Step I, and *shall* not receive sick and annual leave. Officers hired under this Section *shall* first meet the requirements for the position in question, except for written examinations, and the Chief of Police of GPD *shall* certify that every retiree hired is fit for duty. Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired temporarily pursuant to this Section *may* continue to receive retirement benefits. Any employee hired under this Section *shall* only be eligible to enroll in the Government of Guam Health Insurance Program as an active employee. The GPD *may* pay Civilian

1 Volunteer Police Reserve stipends to a Police Reserve Officer to provide
2 temporary services of a regular police officer. The Chief of Police shall report to *I*
3 *Liheslaturan Guåhan* on July 1, 2022, and again thirty (30) days after the end of
4 the fiscal year, the number of retired officers hired pursuant to this Section, the
5 positions filled, the length of employment, the cost of said hiring, and the nature of
6 the critical need that was filled. Notwithstanding any other provisions of the law,
7 the Chief of Police may release the temporary police officer at anytime, at their
8 will and without any cause. However, the justification of the release shall be
9 included in their report to I Liheslaturan Guåhan.

10 **Section 4.** Section 6 of Chapter XII, Miscellaneous Provisions, of Public
11 Law 36-54, is hereby *amended* to read as follows:

12 **Section 6. Temporary Employment of Retired Customs and**
13 **Quarantine Officers.** The Customs and Quarantine Agency (CQA) *may* hire
14 retired Guam customs and quarantine officers if a critical need arises because of
15 military activation of CQA customs officers, ~~or~~ absence due to a long-term
16 disability status which has been certified by a medical doctor, ~~or~~ when vacancies
17 cannot be filled within six (6) months because of the lack of qualified applicants,
18 or if the CQA Director identifies a critical need because of a shortage of uniformed
19 customs officers. The CQA *may* exercise this hiring authority provided its
20 authorized budget for personnel is not exceeded. The retiree hired *shall* fill such a
21 vacant position and *may shall* be terminated when the incumbent returns from
22 military service, ~~or~~ absence, ~~or~~ when a fully-qualified applicant is available, or if
23 the CQA Director determines that the shortage has been addressed. Retired
24 officers *may* be hired ~~only~~ in the ranks they left prior to retirement of Customs
25 ~~Officer III and below, only at Step I,~~ and *shall not* receive sick and annual leave.
26 Retirees hired pursuant to this Section *shall* meet the requirements for the position
27 in question, except for written examinations, and the Director of CQA *shall* certify

1 that every retiree hired is fit for duty. The requirements of Chapter 51 of Title 17
2 GCA are waived for employment pursuant hereto, except for § 51104(b)(4).
3 Notwithstanding § 8121(a), Article 1, Chapter 8, Title 4 GCA, retirees hired
4 temporarily pursuant to this Section *may* continue to receive retirement benefits.
5 Any employee hired under this Section *shall* only be eligible to enroll in the
6 Government of Guam Health Insurance Program as an active employee. The
7 Director of CQA *shall* report to *I Liheslaturan Guåhan* on July 1, 2022, and again
8 thirty (30) days after the end of the fiscal year, the number of retired officers hired
9 pursuant to this Section, the positions filled, the length of employment, the cost of
10 said hiring, and the nature of the critical need that was filled. Notwithstanding any
11 other provisions of the law, the CQA Director *may* release the temporary customs
12 officer at anytime, at their will and without any cause. However, the justification
13 of the release *shall be* included in their report to *I Liheslaturan Guåhan*.

14 **Section 5. Severability.** If any provision of this Act or its application to
15 any person or circumstance is found to be invalid or contrary to law, such
16 invalidity *shall not* affect other provisions or applications of this Act that can be
17 given effect without the invalid provision or application, and to this end the
18 provisions of this Act are severable.

19 **Section 6. Effective Date.** The Act *shall* be effective upon enactment.