

***I MINA 'TRENTAI SAIS NA LIHESLATURAN GUÅHAN***  
**2021 (FIRST) Regular Session**

**Bill No. 31-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO ADD § 4101.2 TO CHAPTER 4 OF TITLE 4, GUAM CODE ANNOTATED RELATIVE TO MODERNIZING A PROCESS WHICH WOULD ALLOW FOR THE STREAMLINING IN THE RECRUITMENT AND HIRING OF LAW ENFORCEMENT OFFICERS, TO BE KNOWN AS “*THE SWIFT APPOINTMENT MODERNIZATION ACT OF 2021*”.**

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

2 **Section 1.** This Act shall be known as “*The Swift Appointment*  
3 *Modernization Act of 2021*”.

4 **Section 2. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds  
5 that there has been a significant demand for the recruitment and hiring of law  
6 enforcement officers and recognizes that the current personnel policies to employ  
7 does not fully accommodate an expeditious process to address this very objective.  
8 *I Liheslaturan Guåhan* also acknowledges that the Department of Administration  
9 (DOA) has experienced a shortage in resources and needs additional manpower to  
10 focus on modernizing the DOA Personnel Rules and Regulations.

11 With the overwhelming need for law enforcement officers in certain  
12 agencies to include the Guam Police Department (GPD), the Department of  
13 Corrections (DOC), the Customs and Quarantine Agency (CQA), and other  
14 specific agencies whose Category 1 Peace Officer positions are recruited through  
15 the DOA recruitment and testing process; it is vital that certain provisions of the

1 recruitment process accommodate the mass demand in the hiring of law  
2 enforcement and public safety personnel. It is further a necessity that any  
3 amendments towards the provisions accomplish its objectives, while maintaining  
4 the merit system as mandated in the Organic Act of Guam. While it is important  
5 to address any policy hiccups once an applicant is selected, it is getting to the stage  
6 of selections where agencies face major hurdles. Thus, this purpose shall remain  
7 as the primary objective of this Act.

8 It is the intent of *I Liheslaturan Guåhan* to allow the Director of DOA to  
9 effectuate policy and/or the amendment of rules to allow for a more sensible  
10 process of recruitment to allow law enforcement and public safety agencies to  
11 expeditiously hire new cycles of officers. This would include increasing the  
12 listings of applicants made available to such agencies, reducing the appeal period  
13 timelines, and allowing such entities a continuation of interviews to anticipate  
14 uncertainties. It is equally important to also establish a sunset provision to assure  
15 that this process remains temporary to address the public safety manpower  
16 shortfalls.

17 **Section 3.** § 4101.2 is hereby *added* to Chapter 4 of Title 4, Guam  
18 Code Annotated to read as follows:

19 **“§ 4101.2. Authorization for the Director of the Department of**  
20 **Administration to Amend Specific Personnel Rules.**

21 Notwithstanding any other provisions of the law, rule, regulation, policy  
22 and/or procedure, the “Swift Appointment Modernization Act of 2021” shall only  
23 apply to those Category 1 Peace Officer positions recognized in § 3103(a)(1, 2, 3,  
24 4, 5, and 6) of Chapter 3 of Title 27 GARR.

25 Notwithstanding any other provisions of law, rule, regulation, policy and/or  
26 procedure, and pursuant to the authorization granted in § 4101.2 of this Chapter,  
27 the Director of the Department of Administration (DOA) shall:

1           (a) develop and implement a policy and/or *amend* Personnel Rules  
2 within sixty (60) days from the enactment of the *Swift Appointment*  
3 *Modernization Act of 2019*, which *shall* authorize qualified law enforcement  
4 agencies and departments to request, in writing, a Certification List that  
5 consists of up to three (3) times the number of applicants as there are  
6 available funded vacancies for their respective agencies and departments.

7           (b) develop and implement a policy and/or *amend* Personnel Rules  
8 within sixty (60) days which *shall* authorize law enforcement agencies and  
9 departments to request, in writing, a reduction in the number of days for the  
10 time period for applicants to appeal application evaluation ratings from ten  
11 (10) business days to five (5) business days. The respective law  
12 enforcement and public safety agencies *shall* submit with their request, a  
13 certification that attests that there is a critical shortage of personnel within  
14 their agencies or departments. This certification shall justify the necessity to  
15 reduce the time frame for the appeal based on emergency circumstances.

16           (c) develop and implement a policy and/or *amend* Personnel Rules  
17 within sixty (60) days which *shall* authorize law enforcement agencies and  
18 departments to request, in writing, to continue interviews from the point of  
19 the last interviewed applicant prior to making the final selections. This  
20 request *shall* include the purpose for continuing interviews after a final  
21 selection was made (i.e. candidates turn down a job offer after their names  
22 were already submitted for further processing, etc.). Requests for additional  
23 names for an interview *shall* be made within sixty (60) days from the last  
24 final selections made for a cycle of hiring which were submitted to DOA for  
25 further processing.

26       **Section 4. Severability.** If any provision of this Act or its application to  
27 any person or circumstance is found to be invalid or contrary to law, such

1    invalidity *shall not* affect other provisions or applications of this Act that can be  
2    given effect without the invalid provision or application, and to this end the  
3    provisions of this Act are severable.

4            **Section 5. Effective Date.** The Act *shall* become effective upon enactment  
5    and *shall* sunset on September 30, 2023.