

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

**Bill No. 32-36 (COR)**

Introduced by:

James C. Moylan 

**AN ACT TO AMEND § 6224 AND § 6225 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF HAZARDOUS PAY FOR CUSTOMS OFFICERS AND THE ADOPTION OF A TABLE OF ORGANIZATION AND EQUIPMENT (TOE) FOR THE GUAM CUSTOMS AND QUARANTINE AGENCY.**

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guahan* finds  
3 that the Guam Customs and Quarantine Agency (CQA) and its officers have a vital  
4 responsibility in protecting our borders, and just as the Guam Police Department  
5 (GPD), play a critical role in fighting the drug epidemic in Guam. With the  
6 COVID-19 pandemic reaching our island in 2020, Guam's CQA officers were  
7 further exposed to the uncertainties of exposure associated with arriving  
8 passengers at the Antonio B. Won Pat Guam International Airport, thus increasing  
9 the hazardous risks associated with their position.

10 Like their counterparts in GPD, every customs officer assigned to a  
11 hazardous duty position, which carries a weapon while wearing the uniform, is  
12 placed within a perilous environment, and thus should be treated equally when it  
13 comes to how hazardous pay is administered. This act provides for a less tedious  
14 administrative process, and one to assure that growth and retention levels for the

1 agency are maintained. By adopting a Table of Organization and Equipment  
2 (TOE), the CQA, just as GPD is authorized to do today, shall also be able to  
3 identify hazardous duty positions within the agency. It shall also be noted that  
4 CQA is financially self sufficient in generating its own revenue through the fees it  
5 collects and is not dependent on the General Fund. If we are going to truly  
6 prioritize the war against illegal drugs, and protect our borders within all  
7 parameters, then it is critical that we equip agencies such as CQA with the  
8 necessities to be successful.

9 **Section 2.** § 6224 of Article 2, Chapter 6, Title 4, Guam Code Annotated, is  
10 hereby *amended* to read as follows:

11 **§ 6224. Police and Customs Officers--Hazardous Pay.**

12 A police and customs officer assigned to a hazardous duty position is  
13 entitled to hazardous duty pay calculated at the rate of such officer's wage plus ten  
14 percent (10%).

15 **Section 3.** § 6225 of Article 2, Chapter 6, Title 4, Guam Code Annotated, is  
16 hereby *amended* to read as follows:

17 **§ 6225. Hazardous Duty Positions Identified.**

18 Notwithstanding any other provisions of the law, and for the purposes of this  
19 Chapter, the term "hazardous" shall be defined as involving or exposing one to  
20 risk, and the term "hazardous duty pay" shall be defined as additional pay for  
21 performing hazardous work which is not adequately alleviated by protective  
22 devices.

23 (a) The Chief of Police shall, by general order, adopt a Table of  
24 Organization and Equipment (TOE) for the uniform positions within the  
25 Police Department. The TOE shall follow generally the organizational  
26 structure established by the reorganization plan for the Police Department  
27 which became effective September 11, 1989. The TOE shall identify by rank

1 and duty the positions within the various units, sections, branches, divisions  
2 and commands in the Police Department. Hazardous duty positions shall be  
3 identified in the TOE.

4 (b) The Director of Customs shall by general order, adopt a Table of  
5 Organization and Equipment (TOE) for the uniform positions within the  
6 Customs and Quarantine Agency. The TOE shall follow generally the  
7 organizational structure established by the creation of the Customs and  
8 Quarantine Agency which became effective on October 1, 1994. The TOE  
9 shall identify by rank and duty the positions within the various units,  
10 sections, branches, divisions, and commands in the Customs and Quarantine  
11 Agency. Hazardous duty positions shall be identified in the TOE.

12 (c) (1) Notwithstanding § 6304 of Article 3, Chapter 6, Title 4,  
13 Guam Code Annotated, the Civil Service Commission  
14 Hazardous/Environmental Pay Policy and Procedures, or any other provision  
15 of law, rule, regulation, and Executive Order, and for the purposes of this  
16 Act, Hazardous duty positions shall be identified as follows:

17 ~~(A) all sworn Officers of the Customs and Quarantine Agency;~~

18 ~~(AB)~~ all sworn Officers of the Guam Airport Police;

19 ~~(BC)~~ all sworn Conservation Officers of the Division of  
20 Aquatic and Wildlife Resources of the Department of Agriculture;

21 ~~(CD)~~ all sworn Guam Park Patrol Officers of the Department of  
22 Parks and Recreation;

23 ~~(DE)~~ those employed by the Department of Youth Affairs, or  
24 who are assigned to the Department of Youth Affairs, and who are  
25 engaged in juvenile detention and rehabilitation work at the  
26 Department of Youth Affairs;

1                   (EF) those employed by the Office of the Attorney General  
2                   whom he or she specifically designates; and

3                   (FG) all sworn Officers of the Guam Fire Department.

4                   (2) The appointing authorities of ~~the Customs and Quarantine Agency,~~  
5                   the A.B. Won Pat International Airport Authority, the Department of  
6                   Agriculture, the Department of Parks and Recreation, the Department of  
7                   Youth Affairs, the Office of the Attorney General, the Guam Fire  
8                   Department, and the Department of Administration shall identify the direct  
9                   exposure personnel, and upon exposure, who shall be entitled to the ten  
10                  percent (10%) hazardous pay differential.

11                **Section 4. Severability.** If any provision of this Act or its application to  
12                any person or circumstance is found to be invalid or contrary to law, such  
13                invalidity *shall not* affect other provisions or applications of this Act that can be  
14                given effect without the invalid provision or application, and to this end the  
15                provisions of this Act are severable.

16                **Section 5. Effective Date.** The Act *shall* become effective on October 1,  
17                2021.