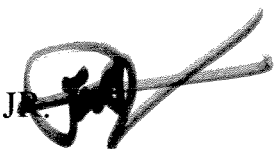



I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2016 (SECOND) Regular Session

Bill No. 351-32 (COR)

Introduced by:

FRANK B. AGUON, JR. 
R.J. Respicio 

**AN ACT TO *ADD* A NEW § 6225.2 TO ARTICLE 2
OF CHAPTER 6, TITLE 4, GUAM CODE
ANNOTATED, RELATIVE TO PROVIDING FOR
A HAZARDOUS PAY DIFFERENTIAL FOR
CUSTOMS OFFICERS WITHIN THE GUAM
CUSTOMS AND QUARANTINE AGENCY.**

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BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
2 that Customs Officers within the Guam Customs and Quarantine Agency (CQA),
3 have inherent tasks and functions that are considered egregiously hazardous. The
4 primary duty of Customs Officers is to enforce existing laws and rules and
5 regulations governing illegal drugs and other contrabands as provided for in
6 Chapter 73 of Division 7, Title 5, Guam Code Annotated. Customs Officers carry
7 firearms in the performance and enforcement of mandated rules governing the
8 importation of illegal drugs and other contrabands and to arrest those individuals
9 attempting to import such materials into Guam. Customs Officers assigned to
10 board United States (U.S.) and foreign vessels may require them to be within close
11 proximity of passengers with blunt objects that may be used against them by drug

1 dealers, and these Customs Officers must quickly traverse through slippery decks
2 on vessels, confine spaces, and on uneven walking surfaces. These duties expose
3 Customs Officers to extreme physical hazards when boarding vessels.

4 *I Liheslaturan Guåhan* further finds that the CQA policy and practice of
5 allowing hazardous pay was in effect up until June 2016, at which time it was
6 administratively discontinued at the recommendation of the Department of
7 Administration Human Resources (DOA HR). At the recommendation of DOA
8 HR, the agency must apply for hazardous pay designation through the Department
9 of Labor Guam Occupational Safety and Health (GOSH).

10 Furthermore, due to the prior practice of hazardous pay designation
11 payments, the amounts necessary for hazardous pay designation payments were
12 included in both Fiscal Year 2016/2017 budget requests rendering the proposed
13 statute budget neutral.

14 It is, therefore, the intent of *I Liheslaturan Guåhan* to reinstate the policy
15 and practice of providing hazardous pay differential to Customs Officers within the
16 Guam Customs and Quarantine Agency whose actual performance of work
17 activities are determined to be hazardous; and only for the duration of such work
18 activities. Other uniformed positions within CQA not actually involved in the
19 performance of such duties are to be considered “not exposed” to the hazardous
20 duties of Customs Officers within CQA.

1 **Section 2.** A new §6225.2 is hereby *added* to Article 2 of Chapter 6, Title 4,
2 Guam Code Annotated, to read:

3 “**§ 6225.2. Customs and Quarantine Agency Officer--Hazardous Pay.**

4 Notwithstanding any other provision of law, rule, regulation and
5 Executive Order to the contrary, the Director of the Customs and Quarantine
6 Agency *shall*, by General Order, adopt a Table of Organization for uniform
7 positions, to include Customs Officers within the Guam Customs and
8 Quarantine Agency. The Table of Organization *shall* identify by rank and
9 duty positions within various units, sections, branches, divisions and
10 commands in the Guam Customs and Quarantine Agency entitled to
11 hazardous pay differential. Customs Officers and uniformed personnel
12 performing duties identified in the Table of Organization for hazardous pay
13 differential *shall be* entitled to a ten percent (10%) hazardous pay
14 differential.”

15 **Section 3. Effective Date.** This Act *shall be* effective immediately upon
16 enactment.