

I Mina'trentai Singko 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
240-35 (COR)	Telena Cruz Nelson	AN ACT TO ADD A NEW 3104.1 OF CHAPTER 3 OF TITLE 27 GUAM ADMINISTRATIVE RULES AND REGULATION AND A NEW § 51104.01 OF CHAPTER 51 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A MORATORIUM ON THE PRE-EMPLOYMENT REQUIREMENTS AS A CORRECTIONAL OFFICER OF THE DEPARTMENT OF CORRECTIONS.	11/8/19 2:56 p.m.						

I MINA 'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2019 (FIRST) Regular Session

Bill No. 240 -35 (COR)

Introduced by:

Telena Cruz Nelson



AN ACT TO ADD A NEW 3104.1 OF CHAPTER 3 OF TITLE 27 GUAM ADMINISTRATIVE RULES AND REGULATION AND A NEW § 51104.01 OF CHAPTER 51 OF TITLE 17 GUAM CODE ANNOTATED RELATIVE TO ESTABLISHING A MORATORIUM ON THE PRE-EMPLOYMENT REQUIREMENTS AS A CORRECTIONAL OFFICER OF THE DEPARTMENT OF CORRECTIONS.

2019 NOV -8 PM 2:56

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent.

I Liheslaturan Guåhan finds that the Department of Corrections has been experiencing the severe effects of a shortage in manpower at their facilities, which has led to sometimes-unconventional and lengthy working hours for the department's limited Correctional Officers. The Department's administrators have stressed the urgency of their need to have approximately 320 Correctional Officers to run their facilities in accordance with their mandates. However, the Department of Corrections employs roughly 160 Correctional Officers.

I Liheslaturan further finds that Correctional Officers have had to occasionally work upwards of 24 hours straight, and often in units where the ratio is one Correctional Officer to upwards of 50 inmates, creating a high-risk environment at the Department's facilities. The Department's management and

1 employees have also voiced concerns about the increased risks to their safety and
2 wellbeing as a result of the shortage in manpower.

3 It is the intent of *I Liheslaturan Guåhan* to alleviate the distressed work
4 environment at the Department of Corrections and enhance the safety of
5 Correctional Officers by establishing a moratorium on the pre-employment
6 requirements for Correctional Officers, which will enable the Department to
7 streamline and expedite their recruitment process to meet their needs.

8 **Section 2.** A new § 3104.1 of Chapter 3 of Title 27 Guam
9 Administrative Rules and Regulation is *added* to read:

10 **§ 3104.1. Temporary Moratorium on Pre-Employment**
11 **Requirements for Correctional Officers of the Department of**
12 **Corrections.**

13 A temporary moratorium shall be placed upon the pre-employment
14 requirement for Correctional Officers in reference to a psychological
15 evaluation to determine absence of mental and emotional conditions as
16 annotated in § 3104(c) of Chapter 3 of Title 27 GARR. The temporary
17 moratorium does not waive qualification to be certified as a Peace Officer in
18 the Territory of Guam, but defer the background investigation and
19 psychological evaluation to be conducted during the recruit cycle training.
20 Temporary moratorium in this section shall follow said guidelines
21 recognized in § 51104.01 of Chapter 51 of Title 17 GCA.

22 **Section 3.** A new § 51104.01 of Chapter 51 of Title 17 Guam Code
23 Annotated is *added* to read:

24 **§ 51104.01 Temporary Moratorium on Qualification for**
25 **employment as a Correctional Officer of the Department of**
26 **Corrections.**

1 Temporary moratorium shall be placed upon the qualification for
2 employment as Correctional Officers recognized in § 51104 (b) (5 & 6) of
3 Chap 51 of Title 17 and § 3104 of Chapter 3 of Title 27 GARR with the
4 following guidelines:

5 (a) Temporary moratorium as a pre-employment requirement shall not
6 go beyond April 30, 2010;

7 (b) All Correctional Officer recruits under this section shall maintain a
8 recruit status until he or she become in compliance with § 51104 of
9 Chapter 51 of Title 17 GCA and all requirements recognized in §
10 3104 of Chapter 3 of Title 27 GARR;

11 (c) Director of the Department of Corrections shall ensure that
12 Correctional Officer recruits are in compliance with § 51104 ((b)
13 (5&6), Chapter 51, Title 17 GCA and all requirements recognized
14 in § 3104 of Chapter 3 of Title 27 GARR before June 30, 2020;

15 (d) No recruit shall receive an appointment on a permanent basis or
16 hold an appointment on a permanent basis as a peace officer unless
17 awarded and certified by the Executive Director of the P.O.S.T
18 Commission attesting to his satisfactory completion of all
19 requirements.

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

1 **Section 5. Effective Date.** All sections of this Act *shall* be effective upon
2 enactment.