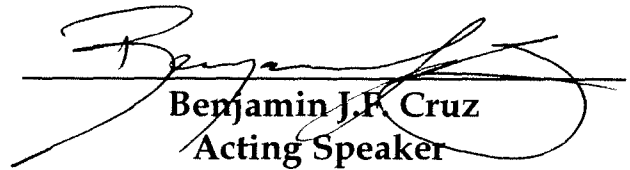


I MINA'TRENTA NA LIHESLATURAN GUÅHAN
2009 (FIRST) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN


This is to certify that Bill No. 227-30 (LS), "AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES, AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES, WHICH IF PERFORMED BY OTHER LAW ENFORCEMENT OR PUBLIC SAFETY OFFICERS, WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY AMENDING §6222(a) OF TITLE 4, GUAM CODE ANNOTATED," was on the 13th day of November, 2009, duly and regularly passed.


Benjamin J. R. Cruz
Acting Speaker

Attested:


Rory J. Respicio
Acting Legislative Secretary

This Act was received by I Maga'lahaen Guåhan this 17 day of Nov, 2009, at 4:28 o'clock P.M.


Assistant Staff Officer
Maga'lahaen's Office

APPROVED:

FELIX P. CAMACHO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

I MINA'TRENTA NA LIHESLATURÁN GUÁHAN
2009 (FIRST) Regular Session

Bill No. 227-30 (LS)

As amended on the Floor.

Introduced by:

Adolpho B. Palacios, Sr.

Telo Taitague

T. C. Ada

F. B. Aguon, Jr.

F. F. Blas, Jr.

E. J.B. Calvo

B. J.F. Cruz

J. V. Espaldon

Judith P. Guthertz, DPA

T. R. Muña Barnes

v. c. pangelinan

M. J. Rector

R. J. Respicio

Ray Tenorio

Judith T. Won Pat, Ed.D.

AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES, AND TO AUTHORIZE HAZARDOUS PAY TO EMPLOYEES OF THE DEPARTMENT OF CORRECTIONS WHO PERFORM DUTIES, WHICH *IF* PERFORMED BY OTHER LAW ENFORCEMENT *OR* PUBLIC SAFETY OFFICERS, WOULD ENTITLE SUCH OFFICERS TO HAZARDOUS PAY, BY *AMENDING* §6222(a) OF TITLE 4, GUAM CODE ANNOTATED.

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

1 **Section 1. Legislative Findings and Intent.** Parolees are prisoners who
2 are released from incarceration to serve the remainder of their sentence in the
3 community, with certain conditions. Parole Officers are the employees who are
4 vested with the authority to supervise and counsel these parolees, and to make sure
5 that the conditions of parole are adhered to. §6222(a) of Title 4, Guam Code
6 Annotated, as currently written, provides for hazardous pay to “any employee of
7 the government who performs the duty of guarding prisoners.”

8 *I Liheslaturan Guåhan* finds that parole officers previously were considered
9 eligible for hazardous pay and were so compensated. However, recently the
10 Department of Administration (DOA) determined that under the term “guarding
11 prisoners” in §6222(a) of Title 4, Guam Code Annotated, parole officers should
12 *not* be eligible because they are *not* “guarding” prisoners.

13 *I Liheslaturan Guåhan* finds that probation officers and alternative
14 sentencing officers of the Judiciary are eligible for hazardous pay pursuant to
15 §6222(b), Title 4, Guam Code Annotated. Probation officers supervise and
16 counsel probationers whose sentences are *not* served in confinement. Probation
17 officers are the counterpart of parole officers and they perform similar functions.

18 *I Liheslaturan Guåhan* further finds that a correction officer and a parole
19 officer who were assigned to a multi-agency crime task force, and those who were
20 assigned to the Executive Security Force, and who serve alongside police officers,
21 judiciary marshals, and Customs and Quarantine officers performing the same
22 duties, are *not* eligible for hazardous pay, while the other members of the other law
23 enforcement entities are eligible and are compensated hazardous pay.

24 *I Liheslaturan Guåhan* believes that the hazardous condition attributable to a
25 prisoner while incarcerated is *not* extinguished when the same prisoner is released
26 on parole and subsequently supervised and counseled by a parole officer.
27 Furthermore, *I Liheslaturan Guåhan* believes that the hazardous conditions

1 associated with the mission of the multi-agency crime task force are *not*
2 diminished against a correction officer *or* a parole officer simply because they are
3 *not* eligible to receive hazardous pay.

4 In the interest of promoting equity in the application of hazardous pay
5 pertinent to a work condition, it is, therefore, the intent of *I Liheslaturan Guåhan*
6 to provide for hazardous pay to parole officers who perform the duty of
7 supervising and counseling parolees, and also to provide for hazardous pay to
8 corrections officers and parole officers who perform a duty outside of the direct
9 supervision of the Department of Corrections (DOC), that *if* performed by any
10 other law enforcement *or* public safety officers would entitle such officers to
11 hazardous pay, such as when serving as a member of a multi-agency crime task
12 force comprised of officers from the Guam Police Department (GPD), Judiciary,
13 Customs and Quarantine, United States Marshal, United States Drug Enforcement
14 Administration, *or if* performing any official duty when such duty would entitle
15 other law enforcement officers to hazardous pay, by *amending* §6222 (a).

16 **Section 2.** §6222(a) of Title 4, Guam Code Annotated, “Corrections
17 Officers-Hazardous Pay”, is hereby *amended* to read:

18 “(a) A corrections officer *or* a parole officer *or* any employee of the
19 government who performs the duty of guarding prisoners *or* supervising *or*
20 counseling parolees, *shall* be entitled to hazardous pay, calculated at the rate
21 of his *or* her regular wage, plus ten percent (10%), for all periods he *or* she
22 is on such duty. The differential *shall* be applicable only during time of
23 exposure.

24 (1) A correction officer *or* a parole officer who performs a duty
25 outside of the direct supervision of the Department of Corrections,
26 that *if* performed by another law enforcement *or* public safety officer
27 would entitle such officer to hazardous pay, *shall* be entitled to

1 hazardous pay, calculated at the rate of his *or* her regular wage, plus
2 ten percent (10%), for all periods he *or* she is on such duty. The
3 differential *shall* be applicable *only* during time of exposure.”