

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

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Bill No. 227-30 (LS)

Introduced by:

Adolpho B. Palacios, Sr. 

AN ACT TO AUTHORIZE HAZARDOUS PAY TO PAROLE OFFICERS WHO PERFORM THE DUTY OF SUPERVISING AND COUNSELING PAROLEES BY AMENDING 4 GCA §6222 (a); 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 ADDING A NEW ITEM (1) TO §6222 (a).

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

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

8 *I Liheslaturan Guåhan* finds that Parole Officers used to be considered eligible for
9 hazardous pay and were so compensated. However, just recently the Department of
10 Administration (DOA) determined that under the term "guarding prisoners" in 4 GCA
11 §6222 (a), Parole Officers should not be eligible because they are not "guarding" prisoners.

1 *I Liheslaturan Guåhan* finds that Probation Officers and Alternative Sentencing
2 Officers of the Judiciary are eligible for hazardous pay pursuant to 4 GCA §6222 (b).
3 Probation Officers supervise and counsel probationers whose sentences are not served in
4 confinement. Probation Officers are the counterpart of Parole Officers and they perform
5 like functions.

6 *I Liheslaturan Guåhan* further finds that a Correction Officer and a Parole Officer who
7 were assigned to a multi-agency crime task force, and those who were assigned to the
8 Executive Security Force, and who serve along side Police Officers, Judiciary Marshal, and
9 Customs and Quarantine Officers performing the same duties are not eligible for
10 hazardous pay, while the other members from the other law enforcement entities are
11 eligible and are compensated hazardous pay.

12 *I Liheslaturan Guåhan* believes that the hazardous condition attributable to a prisoner
13 while incarcerated is not extinguished when the same prisoner is released on parole and
14 subsequently supervised and counseled by a Parole Officer. Furthermore, *I Liheslaturan*
15 *Guåhan* believes that the hazardous conditions associated with the mission of the multi-
16 agency crime task force are not diminished against a Correction Officer or a Parole Officer
17 simply because they are not eligible to receive hazardous pay. In the interest of promoting
18 equity in the application of hazardous pay pertinent to a work condition, it is the intent of *I*
19 *Liheslaturan Guåhan* to provide for hazardous pay to Parole Officers who perform the duty
20 of supervising and counseling parolees, by amending §6222 (a).

1 It is therefore, the intent of *I Liheslaturan Guåhan* to provide for hazardous pay to
2 parole officers who perform the duty of supervising and counseling parolees. It is also the
3 intent of *I Liheslaturan Guåhan* to provide for hazardous pay to Corrections Officers and a
4 Parole Officers who perform a duty outside of the direct supervision of the Department of
5 Corrections (DOC), that if performed by any other law enforcement or public safety officers
6 would entitle such officers to hazardous pay, such as when serving as a member of a multi-
7 agency crime task force comprised of officers from the Guam Police Department (GPD),
8 Judiciary, Customs and Quarantine, United States Marshal, United States Drug
9 Enforcement Administration, or if performing any official duty when such duty would
10 entitle other law enforcement officers to hazardous pay.

11 Section 2. 4 GCA §6222 (a), "Corrections Officers-Hazardous Pay", is hereby
12 amended to read:

13 "**§6222 Corrections Officers-Hazardous Pay.** (a) A corrections officer or a parole
14 officer or any employee of the government who performs the duty of guarding prisoners or
15 supervising or counseling parolees shall be entitled to hazardous pay calculated at the rate
16 of his or her regular wage plus ten percent (10%) for all periods he or she is on such duty.
17 The differential shall be applicable only during time of exposure.

18 (1) A correction officer or a parole officer who performs a duty outside of the
19 direct supervision of the Department of Corrections, that if performance by another
20 law enforcement or public safety officer would entitle such officer to hazardous pay,

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