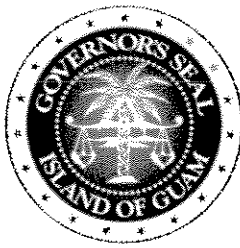


I Mina'Trentai Dos Na Liheslaturan Received
Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
352-32 (LS), P.L. 32-203	T.C. Ada	AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.	6/13/14 4:58 p.m.	06/16/14	Committee on General Governmental Operations and Cultural Affairs	7/22/14 6 p.m.	9/25/14 6:11 p.m.	Request for Fiscal Note 6/17/14 Fiscal Note Received 7/17/14
	DATE PASSED	TITLE	TRANSMITTED		DUE DATE	<small>DATE SIGNED BY I MAGA'LAHEN GUAHAN</small>	PUBLIC LAW NO.	NOTES
	10/3/2014	AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS.	10/6/14	6:32 p.m.	10/17/2014	10/13/2014	32-203	As amended by the Author, and by the Committee on General Government Operations and Cultural Affairs.



EDDIE BAZA CALVO
Governor
RAY TENORIO
Lieutenant Governor

Office of the Governor of Guam

OCT 16 2014

Honorable Judith T. Won Pat, Ed.D.
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
155 Hesler Street
Hagåtña, Guam 96910

32-14 - 2151
Office of the Speaker
Judith T. Won Pat, Ed.D

2014 OCT 17 PM 4:55
W. Pat

Date: 10-17-14
Time: 4:20pm
Received By: *[Signature]*

Dear Madame Speaker:

Transmitted herewith is Bill No. 352-32 (LS) "AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE," which I signed into law on October 13, 2014 as Public Law 32-203.

Senseramente,

[Signature]
EDDIE BAZA CALVO

2151

I MINA TRENDAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

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

This is to certify that Bill No. 352-32 (LS), "AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS," was on the 3rd day of October, 2014, duly and regularly passed.




Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.


Assistant Staff Officer
Maga'lahi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'lahen Guåhan

OCT 13 2014

Date: _____
Public Law No. 32-203

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 352-32 (LS)

As amended by the Author and
the Committee on General Government Operations
and Cultural Affairs.

Introduced by:

T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS.

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds
3 that § 3105 of Chapter 3, Title 5, Guam Code Annotated, establishes specific

1 qualifications and criteria for the Fire Chief position of the Guam Fire Department.
2 The criteria essentially requires that the candidate be, or have been, a career
3 employee with either a local or federal fire department possessing no less than ten
4 (10) years of experience in fire control or prevention, and have served as a
5 Battalion Chief for a minimum of two (2) years.

6 *I Liheslaturan Guåhan* further finds that § 77109 of Chapter 77, Title 10,
7 Guam Code Annotated, similarly establishes specific qualifications and criteria for
8 the Police Chief position of the Guam Police Department. The criteria essentially
9 requires that the candidate be, or have been, a career employee with either a local
10 or federal law enforcement agency possessing no less than fifteen (15) years of law
11 enforcement experience, and have served at least five (5) years in a senior
12 management position.

13 *I Liheslaturan Guåhan* further finds that the annual income of eligible
14 candidates, who are still in active service, is substantially more than the salary
15 level established for the Chief positions. Consequently, despite a desire to serve in
16 the capacity of Fire Chief or Police Chief, the prospective candidate would incur a
17 significant loss of income if nominated and confirmed. The loss of pay is an
18 economic factor sufficient to deter most (active) eligible candidates from wanting
19 to even be considered.

20 *I Liheslaturan Guåhan* further finds that an active employee selected to fill
21 the position of Chief is not guaranteed reinstatement to his previous classified
22 position upon expiration of his appointment. This would be another significant
23 economic disincentive for prospective candidates who have not yet satisfied
24 service requirements for retirement, and would deter qualified candidates from
25 considering a nomination.

1 *I Liheslaturan Guåhan* intends to authorize the use of a three (3) year
2 income average as the compensation level for an active classified employee who is
3 nominated for Fire Chief or Police Chief, if it is higher than the established
4 compensation level for the position of Chief. Additionally, a new § 3104 will be
5 added to address the reinstatement issue.

6 **Section 2.** § 3105 of Chapter 3, Title 5, Guam Code Annotated, is hereby
7 *amended* as follows:

8 “§ 3105. **Guam Fire Department.**

9 There is within the Executive Branch of the government of Guam a
10 Guam Fire Department. The Fire Chief is the head of the Department.

11 (a) The Fire Chief is appointed by *I Maga’lahen Guåhan*
12 (the Governor) with the advice and consent of *I Liheslaturan Guåhan*
13 (the Legislature). The Fire Chief *shall* meet the following
14 qualifications:

15 (1) must have a Bachelor’s degree in Fire Science or
16 Public Administration, or a closely related field or discipline, at
17 an accredited institution; and

18 (2) have *at least* ten (10) years of experience in fire
19 control, including control and extinguishment of fires and fire
20 prevention, of which two (2) years must be served in a position
21 equivalent to Battalion Chief or higher; or

22 (3) must have an Associate’s degree in Fire Science,
23 or a closely related field or discipline, at an accredited
24 institution; and

25 (4) have *at least* fifteen (15) years of experience in fire
26 control, including control and extinguishment of fires and fire

1 prevention, of which four (4) years must be served in a position
2 equivalent to Battalion Chief or higher.

3 (b) Compensation of Fire Chief. Notwithstanding any other
4 provision of law, a person appointed by *I Maga'lahaen Guåhan* (the
5 Governor) and confirmed by *I Liheslaturan Guåhan* (the Legislature)
6 to be Fire Chief, and who at the time of appointment is an active
7 member of the classified service *shall* receive a salary established by
8 the government of Guam compensation schedule for heads of
9 agencies, or a salary equivalent to the three (3) year average of the
10 annual income earned immediately prior to appointment as Fire Chief,
11 whichever is greater. Said three (3) year average *shall* be reviewed
12 annually to determine if mandated pay increases would have affected
13 the three (3) year average.”

14 **Section 3.** A new § 3104 is hereby *added* to Chapter 3 of Title 5, Guam
15 Code Annotated, to read:

16 “§ 3104. **Reinstatement of Fire Chief to Previous Position or**
17 **Position Qualified For.**

18 Notwithstanding any other provision of law, a person who is an active
19 classified employee of the Guam Fire Department immediately prior to
20 appointment by *I Maga'lahaen Guåhan* (the Governor) and confirmation by *I*
21 *Liheslaturan Guåhan* (the Legislature) to be Fire Chief *shall*, if not removed
22 for cause, be reinstated to the position he or she previously held immediately
23 prior to such appointment, or to an equivalent position, upon the expiration
24 of his or her appointment as Fire Chief.”

25 **Section 4.** § 77109 of Chapter 77, Title 10, Guam Code Annotated, is
26 hereby *amended* to read:

1 **“§ 77109. Appointment of the Chief of Police.**

2 (a) The Chief of Police *shall* be appointed by *I Maga’lahen*
3 *Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and
4 shall meet the following qualifications:

5 (1) be at least thirty-five (35) years of age;

6 (2) have no less than fifteen (15) years of progressive
7 experience in a government law enforcement position,
8 including at least five (5) years at the supervisory command
9 level, and five (5) years in a senior position with law
10 enforcement management responsibilities, or equivalent
11 executive management experience in the field of public
12 administration, criminal justice administration, or law, or a
13 closely related field or discipline;

14 (3) graduated with a Bachelor’s degree or higher in
15 police science, criminal justice administration, public
16 administration, law, or a closely related field or discipline from
17 an accredited institution recognized by the Council for Higher
18 Education Accreditation (CHEA) or its successors;

19 (4) have no felony, domestic or family violence
20 convictions;

21 (5) have no misdemeanor convictions involving moral
22 turpitude;

23 (6) submit to and pass a drug screening test, including,
24 but *not* limited to, urinalysis testing, *unless* the appointee is a
25 current employee of the Guam Police Department occupying a

1 Test-Designated Position (TDP) pursuant to the Department's
2 Drug-Free Workplace Program;

3 (7) be of good health and good moral character;

4 (8) submit to psychological testing;

5 (9) submit to a polygraph examination; and

6 (10) submit to a thorough investigation of his or her
7 background and moral character.

8 (b) Compensation of Police Chief. Notwithstanding any
9 other provision of law, a person appointed by *I Maga'lahañ Guåhan*
10 (the Governor) and confirmed by *I Liheslaturan Guåhan* (the
11 Legislature) to be Chief of Police, and who at the time of appointment
12 is an active member of the classified service *shall* receive a salary
13 established by the government of Guam compensation schedule for
14 heads of agencies, or a salary equivalent to the three (3) year average
15 of the annual income earned immediately prior to appointment as
16 Chief of Police, whichever is greater. Said three (3) year average *shall*
17 be reviewed annually to determine if mandated pay increases would
18 have affected the three (3) year average."

19 **Section 5.** A new § 77109.1 is hereby *added* to Chapter 77 of Title 10,
20 Guam Code Annotated, to read as follows:

21 **"§ 77109.1. Reinstatement of Police Chief to Classified Service.**

22 A person who is an active classified employee of the Guam Police
23 Department immediately prior to appointment by *I Maga'lahañ Guåhan* (the
24 Governor) and confirmation by *I Liheslaturan Guåhan* (the Legislature) to
25 be Police Chief *shall*, if not removed for cause, be reinstated to the position

1 he or she previously held immediately prior to such appointment or to an
2 equivalent position upon expiration of appointment as Police Chief.”

3 **Section 6. Severability.** *If* any provision of this Law or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Law which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Law are severable.

8 **Section 7. Effective Date.** Notwithstanding any other provision of law,
9 upon enactment this *Act shall* be effective retroactively to January 1, 2011.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

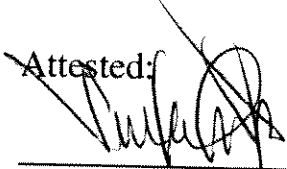
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 352-32 (LS)**, "AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS," was on the 3rd day of October, 2014, duly and regularly passed.



Judith T. Won Pat, Ed.D.
Speaker

Attested:



Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahen Guåhan* this 6 day of Oct,
2014, at 6:32 o'clock P.M.



Assistant Staff Officer
Maga'lahi's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahen Guåhan

Date: _____
Public Law No. _____

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN
2014 (SECOND) Regular Session

Bill No. 352-32 (LS)

As amended by the Author and
the Committee on General Government Operations
and Cultural Affairs.

Introduced by:

T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Chris M. Dueñas
Michael T. Limtiaco
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F. Q. San Nicolas
Aline A. Yamashita, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO ADD A NEW § 3104 TO CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND TO ADD A NEW § 77109.1 TO CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF THE FIRE CHIEF AND THE CHIEF OF POLICE TO PREVIOUS CLASSIFIED POSITIONS UPON EXPIRATION OF APPOINTMENT; AND TO AMEND § 3105 OF CHAPTER 3, TITLE 5, GUAM CODE ANNOTATED, AND § 77109 OF CHAPTER 77, TITLE 10, GUAM CODE ANNOTATED, RELATIVE TO ESTABLISHING AN ALTERNATIVE COMPENSATION FOR THE FIRE CHIEF AND THE CHIEF OF POLICE POSITIONS.

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan* finds
3 that § 3105 of Chapter 3, Title 5, Guam Code Annotated, establishes specific

1 qualifications and criteria for the Fire Chief position of the Guam Fire Department.
2 The criteria essentially requires that the candidate be, or have been, a career
3 employee with either a local or federal fire department possessing no less than ten
4 (10) years of experience in fire control or prevention, and have served as a
5 Battalion Chief for a minimum of two (2) years.

6 *I Liheslaturan Guåhan* further finds that § 77109 of Chapter 77, Title 10,
7 Guam Code Annotated, similarly establishes specific qualifications and criteria for
8 the Police Chief position of the Guam Police Department. The criteria essentially
9 requires that the candidate be, or have been, a career employee with either a local
10 or federal law enforcement agency possessing no less than fifteen (15) years of law
11 enforcement experience, and have served at least five (5) years in a senior
12 management position.

13 *I Liheslaturan Guåhan* further finds that the annual income of eligible
14 candidates, who are still in active service, is substantially more than the salary
15 level established for the Chief positions. Consequently, despite a desire to serve in
16 the capacity of Fire Chief or Police Chief, the prospective candidate would incur a
17 significant loss of income if nominated and confirmed. The loss of pay is an
18 economic factor sufficient to deter most (active) eligible candidates from wanting
19 to even be considered.

20 *I Liheslaturan Guåhan* further finds that an active employee selected to fill
21 the position of Chief is not guaranteed reinstatement to his previous classified
22 position upon expiration of his appointment. This would be another significant
23 economic disincentive for prospective candidates who have not yet satisfied
24 service requirements for retirement, and would deter qualified candidates from
25 considering a nomination.

1 *I Liheslaturan Guåhan* intends to authorize the use of a three (3) year
2 income average as the compensation level for an active classified employee who is
3 nominated for Fire Chief or Police Chief, if it is higher than the established
4 compensation level for the position of Chief. Additionally, a new § 3104 will be
5 added to address the reinstatement issue.

6 **Section 2.** § 3105 of Chapter 3, Title 5, Guam Code Annotated, is hereby
7 *amended* as follows:

8 “§ 3105. **Guam Fire Department.**

9 There is within the Executive Branch of the government of Guam a
10 Guam Fire Department. The Fire Chief is the head of the Department.

11 (a) The Fire Chief is appointed by *I Maga’lahen Guåhan*
12 (the Governor) with the advice and consent of *I Liheslaturan Guåhan*
13 (the Legislature). The Fire Chief *shall* meet the following
14 qualifications:

15 (1) must have a Bachelor’s degree in Fire Science or
16 Public Administration, or a closely related field or discipline, at
17 an accredited institution; and

18 (2) have *at least* ten (10) years of experience in fire
19 control, including control and extinguishment of fires and fire
20 prevention, of which two (2) years must be served in a position
21 equivalent to Battalion Chief or higher; or

22 (3) must have an Associate’s degree in Fire Science,
23 or a closely related field or discipline, at an accredited
24 institution; and

25 (4) have *at least* fifteen (15) years of experience in fire
26 control, including control and extinguishment of fires and fire

1 prevention, of which four (4) years must be served in a position
2 equivalent to Battalion Chief or higher.

3 (b) Compensation of Fire Chief. Notwithstanding any other
4 provision of law, a person appointed by *I Maga'lahaen Guåhan* (the
5 Governor) and confirmed by *I Liheslaturan Guåhan* (the Legislature)
6 to be Fire Chief, and who at the time of appointment is an active
7 member of the classified service *shall* receive a salary established by
8 the government of Guam compensation schedule for heads of
9 agencies, or a salary equivalent to the three (3) year average of the
10 annual income earned immediately prior to appointment as Fire Chief,
11 whichever is greater. Said three (3) year average *shall* be reviewed
12 annually to determine if mandated pay increases would have affected
13 the three (3) year average.”

14 **Section 3.** A new § 3104 is hereby *added* to Chapter 3 of Title 5, Guam
15 Code Annotated, to read:

16 “§ 3104. **Reinstatement of Fire Chief to Previous Position or**
17 **Position Qualified For.**

18 Notwithstanding any other provision of law, a person who is an active
19 classified employee of the Guam Fire Department immediately prior to
20 appointment by *I Maga'lahaen Guåhan* (the Governor) and confirmation by *I*
21 *Liheslaturan Guåhan* (the Legislature) to be Fire Chief *shall*, if not removed
22 for cause, be reinstated to the position he or she previously held immediately
23 prior to such appointment, or to an equivalent position, upon the expiration
24 of his or her appointment as Fire Chief.”

25 **Section 4.** § 77109 of Chapter 77, Title 10, Guam Code Annotated, is
26 hereby *amended* to read:

1 **“§ 77109. Appointment of the Chief of Police.**

2 (a) The Chief of Police *shall* be appointed by *I Maga’lahen*
3 *Guåhan* with the advice and consent of *I Liheslaturan Guåhan* and
4 shall meet the following qualifications:

5 (1) be at least thirty-five (35) years of age;

6 (2) have no less than fifteen (15) years of progressive
7 experience in a government law enforcement position,
8 including at least five (5) years at the supervisory command
9 level, and five (5) years in a senior position with law
10 enforcement management responsibilities, or equivalent
11 executive management experience in the field of public
12 administration, criminal justice administration, or law, or a
13 closely related field or discipline;

14 (3) graduated with a Bachelor’s degree or higher in
15 police science, criminal justice administration, public
16 administration, law, or a closely related field or discipline from
17 an accredited institution recognized by the Council for Higher
18 Education Accreditation (CHEA) or its successors;

19 (4) have no felony, domestic or family violence
20 convictions;

21 (5) have no misdemeanor convictions involving moral
22 turpitude;

23 (6) submit to and pass a drug screening test, including,
24 but *not* limited to, urinalysis testing, *unless* the appointee is a
25 current employee of the Guam Police Department occupying a

1 Test-Designated Position (TDP) pursuant to the Department's
2 Drug-Free Workplace Program;

3 (7) be of good health and good moral character;

4 (8) submit to psychological testing;

5 (9) submit to a polygraph examination; and

6 (10) submit to a thorough investigation of his or her
7 background and moral character.

8 (b) Compensation of Police Chief. Notwithstanding any
9 other provision of law, a person appointed by *I Maga'lahañ Guåhan*
10 (the Governor) and confirmed by *I Liheslaturan Guåhan* (the
11 Legislature) to be Chief of Police, and who at the time of appointment
12 is an active member of the classified service *shall* receive a salary
13 established by the government of Guam compensation schedule for
14 heads of agencies, or a salary equivalent to the three (3) year average
15 of the annual income earned immediately prior to appointment as
16 Chief of Police, whichever is greater. Said three (3) year average *shall*
17 be reviewed annually to determine if mandated pay increases would
18 have affected the three (3) year average."

19 **Section 5.** A new § 77109.1 is hereby *added* to Chapter 77 of Title 10,
20 Guam Code Annotated, to read as follows:

21 **"§ 77109.1. Reinstatement of Police Chief to Classified Service.**

22 A person who is an active classified employee of the Guam Police
23 Department immediately prior to appointment by *I Maga'lahañ Guåhan* (the
24 Governor) and confirmation by *I Liheslaturan Guåhan* (the Legislature) to
25 be Police Chief *shall*, if not removed for cause, be reinstated to the position

1 he or she previously held immediately prior to such appointment or to an
2 equivalent position upon expiration of appointment as Police Chief.”

3 **Section 6. Severability.** *If* any provision of this Law or its application to
4 any person or circumstance is found to be invalid or contrary to law, such
5 invalidity shall not affect other provisions or applications of this Law which can be
6 given effect without the invalid provisions or application, and to this end the
7 provisions of this Law are severable.

8 **Section 7. Effective Date.** Notwithstanding any other provision of law,
9 upon enactment this Act *shall* be effective retroactively to January 1, 2011.



SEP 25 2014

The Honorable Judith T. Won Pat
Speaker
I Mina'trentai Dos Na Liheslaturan Guåhan
32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96910

VIA: The Honorable Rory J. Respicio
Chairperson, Committee on Rules

RE: **Committee Report on Bill No. 352-32 (LS), As Amended**

2014 SEP 25 PM 6:11
HAWAII

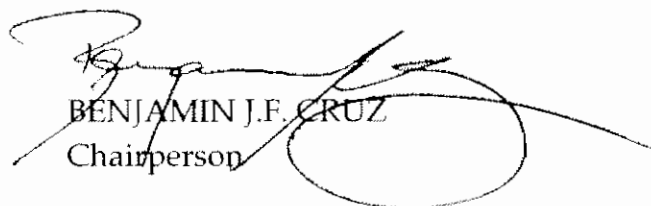
Dear Speaker Won Pat:

Transmitted herewith is the Report of the Committee on General Government Operations and Cultural Affairs on Amended Bill No. 352-32 (LS) – T.C. Ada – An act to *add* a new §3104 to Chapter 3, Title 5 GCA, and *add* a new §77109.1 to Chapter 77, Title 10 GCA relative to the reinstatement of Fire Chief and Chief of Police to previous classified position upon expiration of appointment, and to *amend* §3105 of Chapter 3, Title 5 GCA, and §77109 of Chapter 77, Title 10 GCA to establish an alternative compensation for the Chief position.

Committee votes are as follows:

6 TO DO PASS
0 TO NOT PASS
2 TO REPORT OUT ONLY
0 TO ABSTAIN
0 TO PLACE IN INACTIVE FILE

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE REPORT

Bill No. 352-32 (LS)

**As Amended by the Author and the Committee of
General Government Operations and Cultural Affairs**

**An act to add a new §3104 to Chapter 3,
Title 5 GCA, and add a new §77109.1 to
Chapter 77, Title 10 GCA relative to the
reinstatement of Fire Chief and Chief of
Police to previous classified position upon
expiration of appointment, and to amend
§3105 of Chapter 3, Title 5 GCA, and
§77109 of Chapter 77, Title 10 GCA to
establish an alternative compensation for
the Chief position.**



SEP 25 2014.

MEMORANDUM

TO: All Members
FROM: Vice Speaker Benjamin J.F. Cruz
Committee on General Government Operations and Cultural Affairs

SUBJECT: Committee Report on Bill No. 352-32 (LS), As Amended

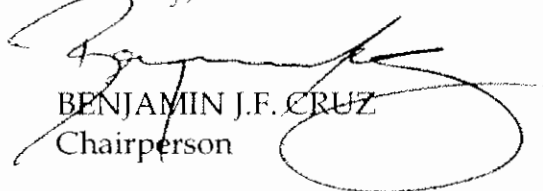
Transmitted herewith for your consideration is the Committee Report on Amended Bill No. 352-32 (LS) - T.C. Ada - An act to add a new §3104 to Chapter 3, Title 5 GCA, and add a new §77109.1 to Chapter 77, Title 10 GCA relative to the reinstatement of Fire Chief and Chief of Police to previous classified position upon expiration of appointment, and to amend §3105 of Chapter 3, Title 5 GCA, and §77109 of Chapter 77, Title 10 GCA to establish an alternative compensation for the Chief position.

This report includes the following:

- Committee Vote Sheet
- Committee Report Digest
- Bill No. 352-32 (LS), As Introduced
- Bill No. 352-32 (LS), As Amended
- Public Hearing Sign-in Sheet
- Copies of Submitted Testimony & Supporting Documents
- COR Referral of Bill No. 352-32 (LS)
- Fiscal Note Requirement
- Notices of Public Hearing
- Public Hearing Agenda
- Related News Reports

Please take the appropriate action on the attached voting sheet. Your attention to this matter is greatly appreciated. Should you have any questions or concerns, please do not hesitate to contact me.

Sincerely,


BENJAMIN J.F. CRUZ
Chairperson



COMMITTEE VOTING SHEET

Amended Bill No. 352-32 (LS) - T.C. Ada - An act to add a new §3104 to Chapter 3, Title 5 GCA, and add a new §77109.1 to Chapter 77, Title 10 GCA relative to the reinstatement of Fire Chief and Chief of Police to previous classified position upon expiration of appointment, and to amend §3105 of Chapter 3, Title 5 GCA, and §77109 of Chapter 77, Title 10 GCA to establish an alternative compensation for the Chief position.

COMMITTEE MEMBERS	SIGNATURE	TO DO PASS	TO NOT PASS	TO REPORT OUT ONLY	TO ABSTAIN	TO PLACE IN INACTIVE FILE
CRUZ, BENJAMIN J.F. Chairperson		✓				
MUÑA BARNES, TINA ROSE Vice-Chairperson		✓				
WON PAT, JUDITH T. Speaker and Ex-Officio Member		✓				
ADA, THOMAS C. Member		✓				
RESPICIO, RORY J. Member		9.25.14				
RODRIGUEZ, DENNIS G. JR. Member				✓ 9/17		
SAN NICOLAS, MICHAEL, F.Q. Member				✓		
AGUON, Jr., FRANK B. Member	9/23/14	✓				
ADA, V. ANTHONY Member						
MORRISON THOMAS Member						
McCREADIE BRANT Member						
YAMASHITA, ALINE Member						



COMMITTEE REPORT DIGEST

Bill No. 352-32 (LS), As Amended by the Author and the Committee: An act to *add* a new §3104 to Chapter 3, Title 5 GCA, and *add* a new §77109.1 to Chapter 77, Title 10 GCA relative to the reinstatement of Fire Chief and Chief of Police to previous classified position upon expiration of appointment, and to *amend* §3105 of Chapter 3, Title 5 GCA, and §77109 of Chapter 77, Title 10 GCA to establish an alternative compensation for the Chief position.

I. OVERVIEW

Bill No. 352-32 (LS) was introduced by Senator Thomas C. Ada on June 13, 2014, and subsequently referred to the Committee on General Government Operations and Cultural Affairs on June 16, 2014.

The Committee on General Government Operations and Cultural Affairs convened a public hearing on Tuesday, July 22, 2014, at 6:00PM in the Guam Legislature Public Hearing Room. The hearing for Bill No. 352-32 (LS) began at 6:18PM and ended at 6:49PM.

Public Notice Requirements

All legal requirements for public notices were met, with requests for publication sent to all media and all Senators on July 14, 2014, and July 20, 2014, via email. Copies of the hearing notices are appended to the report.

Senators Present

Vice Speaker Benjamin J.F. Cruz, Committee Chairperson
Senator Thomas C. Ada, Committee Member
Senator Frank B. Aguon, Jr., Committee Member

Appearing before the Committee

Lt. Philip J.E. Camacho, Officer-in-Charge of Communications, Guam Fire Department
Capt. Joey A. Manibusan, Fire Marshall, Fire Prevention Bureau, Guam Fire Department
Mr. Ambrosio D. Constantino, Jr., Guam Homeland Security Advisor
Capt. Joey C. San Nicolas, Fire Chief, Guam Fire Department

Written Testimonies Submitted

Lt. Philip J.E. Camacho, Officer-in-Charge of Communications, Guam Fire Department
Capt. Joey C. San Nicolas, Fire Chief, Guam Fire Department
Capt. Michael F. Uncangco, Assistant Fire Chief, Guam Fire Department

Capt. Andy S. Arceo, Fire Captain, Guam Fire Department
Mr. Stanley C. Torres (Fire Chief, Andersen Air Force Base), President, Western Pacific Islands Association of Fire Chiefs (*testimony includes comments from Mr. Jeffrey D. Johnson*, Chief Executive Officer, Western Fire Chiefs Association)
Capt. Darren D. Burrier, Fire Captain, Guam Fire Department
Ms. Benita A. Manglona, Director, Department of Administration

II. TESTIMONY & DISCUSSION

Chairperson Benjamin J.F. Cruz announced Bill No. 352-32 (LS) and called on the bill's sponsor to provide opening statements.

Senator Thomas C. Ada: Thank you, Mr. Chairman. Bill 352, basically is an act that would do two things. One, is it will provide a more equitable pay for individuals who have been appointed and confirmed to fill the position of Fire Chief or Police Chief by basically allowing the compensation of the average of the three annual salaries prior to appointment, as opposed to taking on the salary that's established by the Department of Administration (DOA). The second thing that it does is that, actually, it hopes that by then providing for this equitable pay, and the option for the individual to return to at least the position that he or she was in prior to appointment, that that [would] be guaranteed. But what all of this will do [is it] will expand the pool of eligible [candidates] from which the Governor could consider for appointment for the position of Fire Chief or Police Chief.

Chairperson Cruz stated for the record that albeit notices were sent to both the Guam Fire Department (GFD) and the Guam Police Department (GPD), only GFD personnel were present to provide testimony.

Lt. Philip J.E. Camacho, Officer-in-Charge of Communications, Guam Fire Department, read his written testimony, appended to the report, in support of Bill No. 352-32 (LS) and the current fire chief, Capt. Joey C. San Nicolas.

Chairperson Cruz stated for the record that written testimonies were also submitted by GFD assistant fire chief Capt. Michael F. Uncangco, GFD fire captain Capt. Andy S. Arceo, and Western Pacific Islands Association of Fire Chiefs president Mr. Stanley C. Torres.

Capt. Joey A. Manibusan, Fire Marshall, Fire Prevention Bureau, Guam Fire Department, explained that he is in full support of this bill because it makes sense that the head of the fire department has securities and incentives to take on his position due to the level of duty and responsibility. He added that the legislation makes sense because it creates an incentive for undertaking such as position of authority. Thank you.

Mr. Ambrosio D. Constantino, Jr., Homeland Security Advisor, stated that he understands what both fire and police chiefs go through because he has to work with them and that he's aware of the labor issues due to the size of their departments. He stated for the record that he is a disinterested party and as such he is not directly affected by the legislation of concern. Mr. Constantino said that he has friends in the police force and had asked them why they are not applying for either the Chief of Police or Fire Chief positions. He said their responses indicated that the positions would entail a significant pay reduction, which would be financially detrimental for their families. He added that for this reason, he supports the bill completely.

Capt. Joey C. San Nicolas, Fire Chief, Guam Fire Department, read his written testimony, appended to the report, into the record.

Chairperson Cruz opened the floor for questions and remarks.

Senator Ada informed Chief San Nicolas that he will be sending a request to his office for information regarding: (1) the number of personnel in GFD that can meet the eligibility requirements for the Fire Chief position, (2) the number of GFD personnel who have retired within the past 5-years and would be eligible for consideration for the chief position, and (3) the monetary amount is lost pay that he has incurred since his appointment to the Fire Chief position.

Senator Frank B. Aguon, Jr. stated that he supports expanding the pool of potential candidates who can fill the Chief positions in GPD and GFD. He asked Chief San Nicolas if the Wage Compensation Act meets the original intent of this legislation.

Chief San Nicolas replied that the executive pay scale based on the Wage Compensation Act is not what is actually implemented today. He said that he still receives the old salary, which is \$74,096.

Senator Aguon asked Chief San Nicolas if the Wage Compensation Act would be consistent with the objective of this proposal.

Chief San Nicolas replied that the compensation needs to be qualified, as it is based on a study that includes 2,080 hours of duty. He explained that firefighters have a different work schedule wherein they are compensated for one hundred six (106) hours of regular time and fourteen (14) hours of overtime, which adds up to a sixty (60) hour work week or one hundred twenty (120) hours biweekly. He agreed that executive pay scale would fix it at that hourly rate which is compared to an eighty (80) hour work schedule. He proposed that \$6219 be made applicable to the fire chief to work the 120-hour work schedule, similar to the compensation scheme for the same position in federal fire departments. He explained that the application of the hourly rate of \$35.62

to the 106 hours of regular time would make the position of Fire Chief more attractive.

Senator Ada stated that he wished to return to the issue of hourly pay allowing 106 hours. He asked Chief San Nicolas if it would be correct to say that the average of three (3) annual incomes he had prior to being appointed included the overtime and the 106 hours of regular time, plus everything that he would have collected, would have accounted for the average of the last three (3) years. He asked the chief to explain his statement about converting the pay to an hourly rate of pay.

Chief San Nicolas replied that his pay is accounted at a much lower hourly rate because a fire chief is on call to respond at all times, and not a Monday-to-Friday, 80-hour per pay period worker. Citing a recent example of a recent situation wherein a fire went on until the early hours of the morning, he explained how he as the fire chief had the responsibility of coming in and making executive decisions. He added that the fire chief salary does not account for actual hours worked and is much lower in comparison to what the individual would have earned based on previous pay schemes as a member of the fire department.

Senator Aguon stated that if Chief San Nicolas were to apply his previous top three (3) salaries prior to assuming the responsibility then it would be similar to accomplishing the objective of this proposal. He said that there was one exception, that in December of 2013, the reinstatement of the twenty (20) percent would not affect the application of his salary in this case. Addressing Senator Ada, he opined that the senator's concern and his statement are valid with that one additional exception that the twenty (20) percent will not be incorporated with Chief San Nicolas' salary calculations, only because it had not been effectuated prior to his assumption of his responsibilities.

Senator Ada asked Chief San Nicolas to clarify the ten (10) percent that he mentioned in his written testimony. He asked Chief San Nicolas to confirm the statement, based on the speaker's understanding, that his salary at year one would have increased by year two by whatever the increment percentage.

Chief San Nicolas replied that that would depend on the evaluation period. He explained that he was at the two-year evaluation period so he would not have received the incremental increase until the third year. He concluded that the average salary wouldn't have an increase, and that that increase was pegged at a mere four (4) percent.

Senator Ada asked Chief San Nicolas to explain the ten (10) percent that he has recommended.

Chief San Nicolas explained that his salary as fire chief is close that which he received as fire lieutenant despite the additional responsibilities. He added that he believed a

promotion should always be some type of raise or incentive.

Senator Ada said that in Chief San Nicolas's case, if he were to take the salary established by DOA at \$74,000, it would equate to a \$4,000-increase from his three-year average salary of \$70,000 as fire lieutenant. He added that the bill addresses the issues of inequity. He cited as an example that a battalion chief who is earning \$137,000 would not readily relinquish that position to take on a \$74,000-job as a fire chief.

Chief San Nicolas stated that he taken on greater responsibility as fire chief without any sort of incentive on top of the salary—which he said he does not regret—but reiterated his opinion that there needs to be some incentive for assuming more responsibilities.

Chairperson Cruz noted for the record that GPD was not represented in the hearing despite the Committee's efforts to notify and invite pertinent agencies, and considered Bill No. 352-32 (LS) as heard.

III. FINDINGS AND RECOMMENDATIONS

DOA Director **Benita A. Manglona** recommends striking out the part of the provision stating "...or position qualified for". She explains that this proposal is a direct violation of the merit process as established by the Organic Act of Guam. The provision as it stands in the introduced version of the bill looks to circumvent the competitive process for higher-ranking jobs in the respective agencies.


The Committee on General Government Operations and Cultural Affairs to which was referred "Bill No. 352-32 (LS) - T.C. Ada - An act to add a new §3104 to Chapter 3, Title 5 GCA, and add a new §77109.1 to Chapter 77, Title 10 GCA relative to the reinstatement of Fire Chief and Chief of Police to previous classified position upon expiration of appointment, and to amend §3105 of Chapter 3, Title 5 GCA, and §77109 of Chapter 77, Title 10 GCA to establish an alternative compensation for the Chief position" hereby submits these findings to *I Mina'trentai Dos Na Liheslaturan Guåhan* and reports out Bill No. 352-32 (LS), as Amended by the Author and the Committee, with a recommendation TO DO PASS.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

2014 (SECOND) Regular Session

Bill No. 352-32(L5)

Introduced By:

T.C. Ada 

2014 JUN 13 11 45 AM

AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan*
3 finds that, §3105 of Chapter 3, Title 5 of the Guam Code Annotated
4 establishes specific qualifications and criteria for the Fire Chief position in
5 the Guam Fire Department. The criteria essentially requires that the
6 candidate be, or have been, a career employee with either a local or federal
7 fire department possessing no less than 10-years of experience in fire control
8 or prevention, and have served as a Battalion Chief for a minimum of two
9 (2) years.

10 *I Liheslaturan Guåhan* further finds that §77109 of Chapter 77, Title
11 10 of the Guam Code Annotated similarly establishes specific qualifications
12 and criteria for the Police Chief position in the Guam Police Department.
13 The criteria essentially requires that the candidate be, or have been, a career

1 employee with either a local or federal law enforcement agency possessing
2 no less than fifteen (15) years of law enforcement experience, and have
3 served at least five (5) years in a senior management position.

4 *I Liheslaturan Guåhan* further finds that the annual income of
5 eligible candidates, who are still in active service, is substantially more than
6 the salary level established for the Chief positions. Consequently, despite a
7 desire to serve in the capacity of Fire or Police Chief, the prospective
8 candidate would incur a significant loss of income if nominated and
9 confirmed. The loss of pay is a factor sufficient to deter most (active)
10 eligible candidates from wanting to even be considered.

11 *I Liheslaturan Guåhan* further finds that an active employee selected
12 to fill the position of Chief is not guaranteed reinstatement to his previous
13 classified position upon expiration of his appointment. This would be
14 another significant economic disincentive for prospective candidates who
15 have not yet satisfied service requirements for retirement, and would deter
16 qualified candidates from considering a nomination.

17 *I Liheslaturan Guåhan* intends to authorize the use of a 3-year
18 income average as the compensation level for an active classified employee
19 who is nominated for Fire Chief or Police Chief, if it is higher than the
20 established compensation level for the position of Chief. Additionally, a
21 new §3104 will be added to address the reinstatement issue.

22
23 **Section 2. §3105 of Chapter 3, Title 5 of the Guam Code**
24 **Annotated is hereby amended as follows:**

25 “§ 3105. Guam Fire Department.

26 There is within the Executive Branch of the government of Guam a
27 Guam Fire Department. The Fire Chief is the head of the Department.

28 1. The Fire Chief is appointed by the Governor with the advice and
29 consent of the Legislature. The Fire Chief shall meet the following
30 qualifications:

1 (a) ~~(4)~~ Must have a bachelor's degree in Fire Science or Public
2 Administration or closely related field or discipline at an accredited
3 institution; and

4 ~~(b)(2)~~ Have at least ten years of experience in fire control including
5 control and extinguishment of fires and fire prevention, of which two
6 years must be served in a position equivalent to Battalion Chief or
7 higher; or

8 ~~(b)(4)~~ (c) Must have an associate's degree in Fire Science or closely
9 related field or discipline at an accredited institution; and

10 ~~(2)~~ (d) Have at least 15 years experience in fire control, including
11 control and extinguishment of fires and fire prevention, of which four
12 years must be served in a position equivalent to Battalion Chief or
13 higher.

14 2. Compensation of Fire Chief. Notwithstanding any other provision
15 of law, a person appointed by the Governor and confirmed by the
16 Legislature, to be Fire Chief, and who at the time of appointment is an active
17 member of the classified service shall receive a salary established by the
18 Government of Guam compensation schedule for heads of agencies, or a
19 salary equivalent to the three (3) year average of the annual income earned
20 immediately prior to appointment as Fire Chief, whichever is greater.

21
22 **Section 3. A new §3104 is hereby added to Chapter 3 of Title 5 of**
23 **the Guam Code Annotated, to read:**

24 **“§3104. Reinstatement of Fire Chief to Previous Position or**
25 **Position Qualified for.**

1 Notwithstanding any other provision of law, a person who is an
2 active classified employee of the Guam Fire Department immediately
3 prior to appointment by the Governor and confirmation by the
4 Legislature to be Fire Chief shall, if not removed for cause, be
5 reinstated to the position he or she previously held immediately prior
6 to such appointment, or to an equivalent position, or to a position for
7 which he or she qualifies for upon the expiration of their appointment
8 as Fire Chief.”

9
10 **Section 4. §77109 of Chapter 77, Title 10 of the Guam Code**
11 **Annotated is hereby amended to read:**

12 **“§ 77109 Appointment of the Chief of Police.**

13 1. The Chief of Police shall be appointed by I Maga’lahen
14 Guåhan with the advice and consent of I Liheslaturan Guåhan and
15 shall meet the following qualifications:

16 (a) be at least thirty-five (35) years of age;

17 (b) have no less than fifteen (15) years of progressive
18 experience in a government law enforcement position,
19 including at least five (5) years at the supervisory command
20 level, and five (5) years in a senior position with law
21 enforcement management responsibilities, or equivalent
22 executive management experience in the field of Public
23 Administration, Criminal Justice Administration, or Law, or a
24 closely related field or discipline;

25 (c) graduated with a Bachelor’s Degree or higher in
26 Police Science, Criminal Justice Administration, Public

1 Administration, Law, or closely related field or discipline from
2 an accredited institution recognized by the Council for Higher
3 Education Accreditation (CHEA) or its successors;

4 (d) have no felony, domestic or family violence
5 convictions;

6 (e) have no misdemeanor convictions involving moral
7 turpitude;

8 (f) submit to and pass a drug screening test, including,
9 but not limited to, urinalysis testing, unless the appointee is a
10 current employee of the Guam Police Department occupying a
11 Test-Designated Position (TDP) pursuant to the Department's
12 Drug-Free Workplace Program; (g) be of good health and good
13 moral character;

14 (h) submit to psychological testing;

15 (i) submit to a polygraph examination; and

16 (j) submit to a thorough investigation of his or her
17 background
18 and moral character.

19 2. Compensation of Police Chief. Notwithstanding any other
20 provision of law, a person appointed by the Governor and confirmed
21 by the Legislature, to be Chief of Police, and who at the time of
22 appointment is an active member of the classified service shall receive
23 a salary established by the Government of Guam compensation
24 schedule for heads of agencies, or a salary equivalent to the three (3)
25 year average of the annual income earned immediately prior to
26 appointment as Chief of Police, whichever is greater. "

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Section 5. A new §77109.1 is hereby added to Chapter 77 of Title 10 of the Guam Code Annotated to read as follows:

“77109.1. Reinstatement of Police Chief to Classified Service. A person who is an active classified employee of the Guam Police Department immediately prior to appointment by the Governor and confirmation by the Legislature, to be Police Chief, shall be reinstated to the position he or she previously held immediately prior to such appointment or to an equivalent position or position qualified for, upon expiration of appointment as Police Chief, and if not removed for cause.”

Section 6. Severability. If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

Section 7. Effective Date. Notwithstanding any other provision of law, upon enactment, this Act shall be effective retroactively to January 1, 2011.

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

2014 (SECOND) Regular Session

Bill No. 352-32 (LS)

As Amended by the Author and the
Committee

Introduced By:

T.C. Ada

AN ACT TO ADD A NEW §3104 TO CH. 3, TITLE 5
GCA, AND ADD A NEW §77109.1 TO CH. 77, TITLE
10 GCA RELATIVE TO THE REINSTATEMENT OF
FIRE CHIEF AND CHIEF OF POLICE TO PREVIOUS
CLASSIFIED POSITION UPON EXPIRATION OF
APPOINTMENT, AND TO AMEND §3105 OF CH. 3,
TITLE 5 GCA, AND §77109 OF CH. 77, TITLE 10
GCA TO ESTABLISH AN ALTERNATIVE
COMPENSATION FOR THE CHIEF POSITION.

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan*
3 finds that, §3105 of Chapter 3, Title 5 of the Guam Code Annotated
4 establishes specific qualifications and criteria for the Fire Chief position in
5 the Guam Fire Department. The criteria essentially requires that the
6 candidate be, or have been, a career employee with either a local or federal
7 fire department possessing no less than 10-years of experience in fire control
8 or prevention, and have served as a Battalion Chief for a minimum of two
9 (2) years.

1 *I Liheslaturan Guåhan* further finds that §77109 of Chapter 77, Title
2 10 of the Guam Code Annotated similarly establishes specific qualifications
3 and criteria for the Police Chief position in the Guam Police Department.
4 The criteria essentially requires that the candidate be, or have been, a career
5 employee with either a local or federal law enforcement agency possessing
6 no less than fifteen (15) years of law enforcement experience, and have
7 served at least five (5) years in a senior management position.

8 *I Liheslaturan Guåhan* further finds that the annual income of
9 eligible candidates, who are still in active service, is substantially more than
10 the salary level established for the Chief positions. Consequently, despite a
11 desire to serve in the capacity of Fire or Police Chief, the prospective
12 candidate would incur a significant loss of income if nominated and
13 confirmed. The loss of pay is an economic factor sufficient to deter most
14 (active) eligible candidates from wanting to even be considered.

15 *I Liheslaturan Guåhan* further finds that an active employee selected
16 to fill the position of Chief is not guaranteed reinstatement to his previous
17 classified position upon expiration of his appointment. This would be
18 another significant economic disincentive for prospective candidates who
19 have not yet satisfied service requirements for retirement, and would deter
20 qualified candidates from considering a nomination.

21 *I Liheslaturan Guåhan* intends to authorize the use of a 3-year
22 income average as the compensation level for an active classified employee
23 who is nominated for Fire Chief or Police Chief, if it is higher than the
24 established compensation level for the position of Chief. Additionally, a
25 new §3104 will be added to address the reinstatement issue.

26
27 **Section 2. §3105 of Chapter 3, Title 5 of the Guam Code**
28 **Annotated is hereby amended as follows:**

29 “§ 3105. Guam Fire Department.

30 There is within the Executive Branch of the government of Guam a
31 Guam Fire Department. The Fire Chief is the head of the Department.

1 1. The Fire Chief is appointed by the Governor with the advice and
2 consent of the Legislature. The Fire Chief shall meet the following
3 qualifications:

4 (a) ~~(1)~~ Must have a bachelor's degree in Fire Science or Public
5 Administration or closely related field or discipline at an accredited
6 institution; and

7 ~~(b)(2)~~ Have at least ten years of experience in fire control including
8 control and extinguishment of fires and fire prevention, of which two
9 years must be served in a position equivalent to Battalion Chief or
10 higher; or

11 ~~(b)(1)~~ (c) Must have an associate's degree in Fire Science or closely
12 related field or discipline at an accredited institution; and

13 ~~(2)~~ (d) Have at least 15 years experience in fire control, including
14 control and extinguishment of fires and fire prevention, of which four
15 years must be served in a position equivalent to Battalion Chief or
16 higher.

17 2. Compensation of Fire Chief. Notwithstanding any other provision
18 of law, a person appointed by the Governor and confirmed by the
19 Legislature, to be Fire Chief, and who at the time of appointment is an active
20 member of the classified service shall receive a salary established by the
21 Government of Guam compensation schedule for heads of agencies, or a
22 salary equivalent to the three (3) year average of the annual income earned
23 immediately prior to appointment as Fire Chief, whichever is greater. Said
24 three (3) year average shall be reviewed annually to determine if mandated
25 pay increases would have affected the three (3) year average.

26

1 **Section 3. A new §3104 is hereby added to Chapter 3 of Title 5 of**
2 **the Guam Code Annotated, to read:**

3 **“§3104. Reinstatement of Fire Chief to Previous Position or**
4 **Position Qualified for.**

5 Notwithstanding any other provision of law, a person who is an
6 active classified employee of the Guam Fire Department immediately
7 prior to appointment by the Governor and confirmation by the
8 Legislature to be Fire Chief shall, if not removed for cause, be
9 reinstated to the position he or she previously held immediately prior
10 to such appointment, or to an equivalent position, ~~or to a position for~~
11 ~~which he or she qualifies for~~ upon the expiration of their appointment
12 as Fire Chief.”

13
14 **Section 4. §77109 of Chapter 77, Title 10 of the Guam Code**
15 **Annotated is hereby amended to read:**

16 **“§ 77109 Appointment of the Chief of Police.**

17 1. The Chief of Police shall be appointed by I Maga’lahen
18 Guåhan with the advice and consent of I Liheslaturan Guåhan and
19 shall meet the following qualifications:

20 (a) be at least thirty-five (35) years of age;

21 (b) have no less than fifteen (15) years of progressive
22 experience in a government law enforcement position,
23 including at least five (5) years at the supervisory command
24 level, and five (5) years in a senior position with law
25 enforcement management responsibilities, or equivalent
26 executive management experience in the field of Public
27 Administration, Criminal Justice Administration, or Law, or a
28 closely related field or discipline;

1 (c) graduated with a Bachelor's Degree or higher in
2 Police Science, Criminal Justice Administration, Public
3 Administration, Law, or closely related field or discipline from
4 an accredited institution recognized by the Council for Higher
5 Education Accreditation (CHEA) or its successors;

6 (d) have no felony, domestic or family violence
7 convictions;

8 (e) have no misdemeanor convictions involving moral
9 turpitude;

10 (f) submit to and pass a drug screening test, including,
11 but not limited to, urinalysis testing, unless the appointee is a
12 current employee of the Guam Police Department occupying a
13 Test-Designated Position (TDP) pursuant to the Department's
14 Drug-Free Workplace Program;

15 (g) be of good health and good moral character;

16 (h) submit to psychological testing;

17 (i) submit to a polygraph examination; and

18 (j) submit to a thorough investigation of his or her
19 background and moral character.

20 2. Compensation of Police Chief. Notwithstanding any other
21 provision of law, a person appointed by the Governor and confirmed by the
22 Legislature, to be Chief of Police, and who at the time of appointment is an
23 active member of the classified service shall receive a salary established by
24 the Government of Guam compensation schedule for heads of agencies, or a
25 salary equivalent to the three (3) year average of the annual income earned
26 immediately prior to appointment as Chief of Police, whichever is greater.

1 Said three (3) year average shall be reviewed annually to determine if
2 mandated pay increases would have affected the three (3) year average.

3
4
5 **Section 5. A new §77109.1 is hereby added to Chapter 77 of Title**
6 **10 of the Guam Code Annotated to read as follows:**

7 “77109.1. Reinstatement of Police Chief to Classified Service. A
8 person who is an active classified employee of the Guam Police Department
9 immediately prior to appointment by the Governor and confirmation by the
10 Legislature, to be Police Chief, shall be reinstated to the position he or she
11 previously held immediately prior to such appointment or to an equivalent
12 position ~~or position qualified for,~~ upon expiration of appointment as Police
13 Chief, and if not removed for cause.”

14
15 **Section 6. Severability.** If any provision of this Law or its application
16 to any person or circumstance is found to be invalid or contrary to law, such
17 invalidity shall not affect other provisions or applications of this Law which
18 can be given effect without the invalid provisions or application, and to this
19 end the provisions of this Law are severable.

20
21 **Section 7. Effective Date.** Notwithstanding any other provision of
22 law, upon enactment, this Act shall be effective retroactively to January 1,
23 2011.

SENATOR BENJAMIN J.F. CRUZ, VICE SPEAKER
 Chairman, Committee on General Government Operations
 and Cultural Affairs
 Web Address: www.senatorbjcruz.com



IMINA TRENATAI DOS NA LIHESI ATURAN GUAHAN
 The 32nd Guam Legislature • senator@senatorbjcruz.com
 155 Healer Place, Hagåtña, Guam 96910
 Telephone: (671) 477-2520/1 • Fax: (671) 477-2522

PUBLIC HEARING SIGN-IN SHEET

Tuesday, July 22, 2014 - 6:00PM
 Guam Legislature Public Hearing Room • Hagåtña, Guam

Bill No. 352-32 (LS) - T.C. Ada - "An act to add a new §3104 to Chapter 3, Title 5 of the Guam Code Annotated, relative to the reinstatement of Chief of Police and Fire Chief to previous classified position upon expiration of appointment, and to establish an alternative compensation level for the Chief position."

NAME	AGENCY OR ORGANIZATION	POSITION		TESTIMONY		PHONE NO.	EMAIL ADDRESS
		SUPPORT	OPOSE	WRITTEN	ORAL		
Jay A. Manibusan	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	483-1422	guamfireinspect@guam.gov
JOSE S. Cruz	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	689-6449	Fire.2.hot@btmail.com
Ronald A Ruiz	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	777-5102	ronaldruiz887@gmail.com
Jay Sam Winters	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	688-6533	jay.sam.winters@guam.gov
Philip S.C. Brown	GFD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	989-1024	philipecbrown@gmail.com
Antonio Constantino	GHS/OCD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	488-3596	antonioc.constantino@ps.gov
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July 22, 2014

TO: Chairman, Public Safety Committee
FROM: Philip J.E. Camacho
SUBJECT: Support of Bill 352-32

Hafa Adai Senator Ada, and distinguished members of the Guam Legislature's Public Safety Committee; I am writing in support of Bill 352-32 and our current Fire Chief.

The position of Guam Fire Department (GFD) Fire Chief is both prestigious and a demanding one. On one hand the Fire Chief holds all the prominent and prestigious history that is the fire service, to include GFD's; and on the other the management skills needed to direct almost 300 employees.

Fire Chief San Nicolas is a proven leader both in the civilian and military aspects of his life. It was that leadership drive and the willingness to help the people of Guam that may have inspired him to take the helm of this department during the middle of his career. This is important because as a then-lieutenant he knew that financially he and his family would be receiving less compensation with his accepting the position of Fire Chief; yet he still accepted the "acting" position and the scrutiny that came along with his confirmation. That shows extreme character.

Since his appointment in September 2011 and his confirmation in December of that year, Fire Chief San Nicolas has been a very active and pro-active leader. He has been the voice and the guiding force of a previously passive department and forging it to one of vigor and zeal. He is leading the charge.

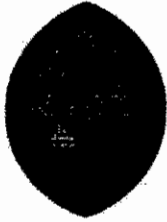
I write in support of Bill 352-32 because like consumers in general, we get what we pay for. I am not debasing the directors of other agencies; in fact I commend them all for accepting a job that at times seems not too gratifying. However, I feel that the Fire Chief's position should be positively compensated for work completed and setting goals for the department that will lead us into the future.

I am not writing this letter just in support of Fire Chief San Nicolas, but for any and all those who may choose to or desire to vie for this position after him. I would venture to say that most of the rank and file will not apply for this position if compensation would continue to be less than what they currently are earning. That in itself would be a deterrent for any of us who have the vision, desire, foresight and drive to lead the GFD.

Thank You for your time, and the opportunity to write this letter in support of Bill 352-32.



Philip J.E. Camacho



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Eddie Baza Calvo
Governor

Joey C. San Nicolas
Fire Chief

Ray Tenorio
Lt. Governor

July 22, 2014

Testimony in support of Bill 352-52

Buenas Yan Hafa Adai,

Thank you for allowing my testimony to be heard. I would like to make this testimony in support of Bill 352-32, with some recommendations.

As I have stated in previous testimony, we all know that until recently, there has not been an across the board update on compensation for Government of Guam Classified/Unclassified employees since 1991. This has been a direct violation of 4 GCA Ch.6 § 6301 in which employee compensation shall be based on internal equity and external competitiveness and that compensation will be targeted at the U.S. National Average. Furthermore, the internal equity evaluation should happen annually with the external competitiveness evaluation conducted every three years. I believe that this is the base of the issue of such a drastic increase in salary ranges. It is not that the employees do not deserve it; it is that the change has been long overdue for over 23 years. If the Government followed the law, salaries would have been adjusted incrementally and thus more palatable.

Today, after this body helped to update the salaries of the line employees and increased the minimum wage, we now have an opportunity to fix the compensation package of one of many deserving Executive Management positions. While a solution was proposed to fix these salaries across the board, it appeared to be too big of pill to swallow. It is my hope that this is only the beginning, and soon my fellow cabinet members will be addressed accordingly.

I took a large pay cut to step up as the Fire Chief. Now, with the full and well-deserved implementation of the 40% Public Safety pay, I continue to take larger cuts. The Fire Chief makes less than 80 percent of its Firefighters. The Battalion Chiefs, who are Operations Managers make over 30-50 thousand more when all salary and benefits are calculated while there are Firefighter I's and II's who make anywhere from 3-8 thousand more. Externally, The Fire Chief of Anderson Fire and Rescue and the Federal Fire Chief for the Federal Fire Department here in Guam both get paid over 50 thousand more than I do. I challenge you to find any Chief Executive that makes less than their subordinates.

As a leader, we are not supposed to talk about our worth. That's a conversation that happens behind closed doors between the hiring authority and the executive employee. It is always a tough situation when you hold a leadership position because you are expected to hold your

employees in front of yourself. Let your subordinates get the new equipment while you take the old. Give them the best systems to do their jobs more effectively. However, a mentor once told me, that a leader must not forget to take care of their self, for only then can they maintain the motivation, the energy and the drive to be that inspirational leader. Bill 352-32 does that for the Fire Chief of the Guam Fire Department, and if my recommendations are accepted and included, can once and for all fix the other issues of this position that will benefit the Organization, Government of Guam and the service it provides to our island. So, I would like to recommend the following:

1. To ensure that the Fire Chief is educated and competent, completely strike out page 3, line 8 thru 13 relative to the qualifications and replace it with:

(c) Must have a Master's degree in Public Administration or closely related field or discipline at an accredited institution; and

(d) Have at least 10 years of experience in fire control, including control and extinguishment of fires and fire prevention, of which one year must be served in a position equivalent to Battalion Chief or higher.

2. As stated in "Compensation of Fire Chief" (Page 3, Line 14 thru 20), this only ensures that salary is not lost but it does not allow for an increase should a classified employee's 3 year salary average be more than the salary established for heads of agencies. This can be addressed by allowing for a minimum 10 percent increase on top of that 3 year expected average salary. Otherwise, no incentive will exist to accept more responsibility without increase in pay.

3. To appropriately compensate and recognize that the Fire Chief is not like other Administrative Government of Guam Directors but is in fact a uniform firefighter that has the most responsibility and authority with the GFD, and performs as a Fire Officer both administratively and operationally on the Fire Ground. Who may be called upon to make technical and tactical decisions and issue orders directing emergency operations. The Guam Fire Chief position requires a 24-hour duty to respond as part of his/her work schedule and span of control requirements as exercised in the Fire Service. To achieve this and bring in line the position compensation as to most, if not all positions of Fire Chief locally and nationally, amend 4 GCA Ch. 6 § 6219 to read:

(a) Notwithstanding any other law, rule, or regulation, firefighters within the Guam Fire Department, **including** ~~except~~ the Fire Chief, shall be compensated at the regular hourly rate of pay at one hundred six (106) hours, and shall be compensated at one and one-half (1½) times the regular hourly rate for hours worked in *excess* of one hundred six (106) hours per pay period. Firefighters who are collaterally assigned

administrative duties in addition to duties performed as a firefighter shall be compensated in the same or similar manner as all other firefighters.

4. To appropriately recognize that the Fire Chief is a Peace Officer by virtue of being the Authority Having Jurisdiction to determine, mandate and enforce code requirements set forth in, and not limited to, 10 GCA Ch. 72 & 73, amend 17 GCA Ch. 51 § 51101. Definitions (b) to specifically include the Fire Chief:

“The Fire Chief and all Fire Fighter Personnel engaged in the enforcement of the Fire Prevention Code, all Arson Investigators and those GFD employees whom the Fire Chief specifically designate.”

All other portions of the bill relative to the Fire Chief, I support to remain the same.

In closing, I'd like to thank Senator Tom Ada for introducing Bill 352-32, and this committee for hearing it. I look forward to continually work with you on solutions to issues that affect the Guam Fire Department and people we serve.

Saina Ma'ase.

JOEY C. SAN NICOLAS
Fire Chief



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July 22, 2014

Honorable Senator Benjamin J.F. Cruz, Vice Speaker
Committee on General Government Operations and Cultural Affairs
I Mina'Trentai Dos Na Liheslatura Guahan
Suite 101
155 Hesler St.
Hagåtña, Guam 96910

Buenas Yan Hafa Adai Vice-Speaker Cruz,

My name is Michael F. Uncangco and I am currently an Assistant Fire Chief for the Guam Fire Department. I am submitting this testimony in support of Bill No. 352-32 (LS), **“AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.”**

I clearly understand that this bill relates to the position of both the Fire Chief and Police Chief, however, my testimony will be focused on the Fire Chief's position and compensation, as it is the position I once held during the first term of the previous Administration.

Section 3 of this bill basically intends to reinstate the Fire Chief to the position he/she previously held in the classified service, immediately prior to his/her appointment and confirmation as Fire Chief, upon expiration of his or her term, if not removed for cause. If you will recall, this was law, as amended by Public Law 28-150:V:43 but was subsequently repealed by Public Law 30-202:6.

The passage of this bill will encourage a current, classified fire officer who has years of experience and possesses vast knowledge of the goals, objectives and mission of the department and the way it is currently being operated, to step up to the plate and manage the department. Most often, these officers in the classified service are hesitant to step up to the plate to be Fire Chief because of their limited time in-service to be eligible for retirement upon expiration of their term. Consequently, the Governor's choice in appointing a Fire Chief is limited to those that have already retired from the fire service. These are individuals who have retired for many years and

have lost touch of the current operations of the department and its set and established short and long term goals and objectives. This was quite evident with the appointment and confirmation of (2) previous Fire Chiefs, who had retired from the Fire Service, but returned years later. These individuals implemented drastic and unnecessary changes and deviated from the department's set goals and objectives. Further, they lack up-to-date information of current events in the Fire Service. The end result was low morale, confusion and the department in total disarray.

Section 1, Legislative Finding and Intent, paragraph 4 of this bill, couldn't be stated more accurately. There is a great disparity in compensation when comparing the Fire Chief's pay, as set by law, and the salary of incumbent Fire Officers. This disparity has been and currently is a major discouragement for current Fire Officers, being interested in assuming the Fire Chief's position.

The rank structure, as it is now in the Guam Fire Department, from top to bottom are, Assistant Fire Chief, Battalion Fire Chief, Fire Captain, Fire Service Specialist, Firefighter II and Firefighter I. Currently, there is (1) Assistant Fire Chief, (2) Battalion Fire Chiefs, (36) Fire Captains, (69) Fire Service Specialists, (68) Firefighter IIs and (89) Firefighter Is. The table below illustrates the number of personnel from each rank that earns more than the Fire Chief's present salary and the difference in salary.

RANK	NO. OF PERSONNEL	NO. OF PERSONNEL EARNING MORE THAN FIRE CHIEF	%	AVERAGE SALARY	DIFFERENCE
Assistant Fire Chief	1	1	100	\$120,000	+ \$38,479
Battalion Fire Chief	2	2	100	\$136,978	+ \$55,457
Fire Captain	36	36	100	\$112,948	+ \$31,427
Fire Service Specialist	69	69	100	\$102,006	+ \$20,485
Firefighter II	68	68	100	\$93,444	+ \$11,923
Firefighter I	89	33	37	\$91,511	+ \$9,990

The above table shows that (209) or 79% of the uniform fire personnel currently employed by the Guam Fire Department, earns more than the salary of the Fire Chief.

The firefighting duties and responsibilities of a Fire Officer does not end when assuming the position of Fire Chief. It is further expanded to a larger scale. He is required to assume command and control of large scale incidents where advanced tactics and strategies is required to either eliminate or reduce injuries and the loss of lives or properties. It is not an 8-5 job, but rather a 24 hour duty, (7) days a week, just as it is a requirement for all firefighters.

Additionally, he or she is responsible in providing overall direction and guidance towards the administration and operations of GFD's programs and services relating to Fire Prevention, Fire Suppression, the comprehensive delivery of Emergency Medical Services, Rescue and Protection of Life and property from other hazards. Passage of this bill will not only address the huge disparity in the salary of the Fire Chief, when compared to the salaries of 79% of current firefighters, most importantly, it will ensure that the salary of the Fire Chief will finally and justifiably, commensurate with that of his required and extra ordinary duties and responsibilities.

Thank you for allowing me the opportunity to provide testimony on Bill 352-32 (LS).

Sincerely,



MICHAEL F. UNCANGCO
Assistant Fire Chief
Guam Fire Department

Cc: Senator Thomas C. Ada



Fwd: GUAM FIRE DEPARTMENT

Andy Arceo <andy.arceo@gmail.com>

Tue, Jul 22, 2014 at 9:25 AM

To: senator@senatorbjcruz.com

Andy S. Arceo

Fire Captain Guam Fire Department

Staff Inspector / Internal Affairs

Office: 478-3473

Cell: 777-4331

Fax: 642-2012

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----- Forwarded message -----

From: **Andy Arceo** <andy.arceo@gmail.com>

Date: Sun, Jul 20, 2014 at 6:50 AM

Subject: GUAM FIRE DEPARTMENT

To: Arceo Andy <andy.arceo@gmail.com>

GUAM FIRE DEPARTMENT

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January 21, 2014

Honorable Senator Benjamin J.F. Cruz, Vice Speaker
Committee on General Government Operations and Cultural Affairs
I Mina'Trentai Dos Na Liheslatura Guahan
Suite 101
155 Hesler St.
Hagåtña, Guam 96910

Buenas Yan Hafa Adai,

I support the legislation regarding the Fire Chief's position in the Guam Fire Department. I have been in the department for about thirty(30) years and I have seen my share of fire chiefs. The individual that assumes the role as fire chief must be protected should he come from within our ranks. The bill points out a crucial element in that after the chiefs term he or she shall be returned to their original position or equivalent.

In all my years in the department under the many chiefs that have come and gone I can honestly say that Fire Chief Joey San Nicolas is truly the real deal. We have seen unprecedented improvement and modernization of our department. From new equipment to advance training, certifications and countless improvements. I finally have the department that I signed up for in January 1985.

I believe that under this bill it will allow for Chief Joey the option of returning to his position as a Lieutenant but it also will allow the chief to return to a management position which would only benefit this department and the people of Guam. I truly hope that chief Joey ,should he ever be replaced ,would opt for the management position. So in closing, outstanding job on this bill . I hope it becomes law.

Andy S. Arceo

Fire Captain, Guam Fire Department

Suite 1001 DNA Building · 238 Archbishop Flores Street · Hagåtña, Guam 96910

Phone: (671) 642-3454 · Fax: (671) 642-2012

Mailing Address: P.O. Box 2950, Hagåtña, Guam 96932



Email testimony for Bill No. 352-32 from the Western Pacific Islands Association of Fire Chiefs

chiefsct1 . <chiefsct@gmail.com>

Tue, Jul 22, 2014 at 1:47 PM

To: senator@senatorbjcruz.com

Cc: Joey San Nicolas <joey.sannicolas@gfd.guam.gov>, Tina Muna Barnes <tinamunabarnes@gmail.com>

Honorable Senator and Vice Speaker Benjamin J.F. Cruz,

First of all, please accept my apology for submitting my testimony late only knowing about this hearing the other day.

I am writing to you in regards to Bill No. 352-32 (LS) Chief's pay for the Guam Fire Chief's position.

As a Chief Fire Officer, a current board member and President of the Western Pacific Islands Association of Fire Chiefs (WPIAFC) I would like to offer my expertise on this matter.

As with any organization it is important to have a balance of Indians and chiefs, maintaining a smooth pyramid in your organization is critical. You must have a solid base of firefighters, topped with solid mid-level managers, topped with your cream of the crop as the Battalion Chiefs, Assistant Chiefs and deputy fire chief, sitting at the top of the pyramid should be your fire chief.

Most driven leaders are drawn to the most challenging and rewarding position in any organization, so your true leaders in the Guam fire department should always strive to be the fire chief. But, in the last 10 years that has not been the case. GovGuam similar to DoD is hourly driven when it comes to pay, so when you have the fire chief work a 40 hour per week job, there is no way for that position to outpace the next lower tier of employees pay who work a 144 hour pay period. So what you see today is a group of highly talented Battalion and Assistant Chiefs not striving to be the fire chief. Why is that, well the Guam Fire Chief position is not aligned like most business or most civilian or governmental organizations. The Guam Fire Chief still has the authority and the stress of the top job in GFD, but that is not lined up with the top pay in the GFD. So, you have a flat pyramid in GFD, one where the top is not the most desirable paying position within the organization.

So in recent history Guam Governors were forced to go into the retirement community to seek people willing to hold the Guam Fire Chief position, but be willing to not be the top paid firefighter on staff. Though most of the past fire chief's confirmed by the legislature were solid candidates, they were still behind the

times and made GFD more stagnate and a less progressive lifesaving organization.

If passed, I feel this bill will help the cream rise to the top on the Guam Fire Department and all of your best leaders within the FD will strive to be the Guam Fire Chief and not stop at the Battalion, Assist or Deputy Fire Chief level to make the most pay.

In DoD they instituted a 56 or 60 hour work week to help ensure the fire chief's pay was the highest in each department.

I would liken this to legislature staffers who have been on the job for 20+ years making more money than senators. People would rather be staffers than Senators.

Therefore, we (WPIAFC) are in support of Bill No. 352-32.

Respectfully,

Stanley Torres
President, WPIAFC

Added to the WPIAFC statement is a message below from the International Association of Fire Chiefs- Western Division also known as the Western Fire Chief Association, in which the WPIAFC is a part of.

"Effective and competent Fire and Emergency services are essential to a healthy and safe community and are the most basic and valued services of all public services. In order for a fire and emergency services department to be healthy and effective, it must be well lead by competent and dedicated leaders. Any compensation system that does not encourage the most competent and respected emergency leaders to seek top positions should be modified to recognize the skills and education required of the position and further, encourage our best personnel to aspire to such positions. Again, excellence in any organization begins with excellent leadership and in emergency services, excellence is recognized by experience gained on the street, leadership and management skills and political insight. I encourage changes in any compensation system that does not attract and retain such leaders who will be held accountable for the performance of such an important public service."

Jeff Johnson, CEO Western Fire Chiefs Association



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January 21, 2014

Honorable Senator Benjamin J.F. Cruz, Vice Speaker
Committee on General Government Operations and Cultural Affairs
I Mina'Trentai Dos Na Liheslatura Guahan
Suite 101
155 Hesler St.
Hagåtña, Guam 96910

Buenas Yan Hafa Adai,

This is a letter of support for Bill 352-32. I believe that these positions should be properly compensated to attract qualified candidates. These positions have a history of being filled from the ranks of their perspective departments. Ranks, a majority of, are compensated at a higher pay then the Chiefs position. This inadequacy in pay deters most dedicated members who have pursued excellence in their jobs through education and training to remain at a lower rank. Remaining at the lower rank, not for the lack of desire to serve the people of Guam but the need to serve ones family. There are only a few that could make such a sacrifice of position over needs of their family, but to provide adequate and proper compensation for such a job would allow greater choice in those capable of doing the job.

Although, this bill would allow for better compensation and position protection for those that accept the position but still have more years to serve then the position would allow, I believe it is still not snfficient. If au individual takes this position it should be compensated at a minimum of 10 percent above the three year average of the highest classified position in the department. Or if the current bill is to stay as worded, the pay should be 10 percent above the highest three year average of the position held. In short, when accepting the position the compensation should be higher than the person's actual annual pay for compensation for additional dnties.

Thank you for your time and consideration of my testimony

Daren Burrier
Fire Captain
Guam Fire Department



Eddie Baza Calvo
Governor
Ray Tenorio
Lieutenant Governor

GOVERNMENT OF GUAM
(GUBETNAMENTON GUÅHAN)
DEPARTMENT OF ADMINISTRATION
(DIPATTAMENTON ATMENESTRASION)

DIRECTOR'S OFFICE
(Ufisinan Direktot)
Post Office Box 884 * Hagåtña, Guam 96932
TEL: (671) 475-1101/1250 * FAX: (671) 477-6788



Benita A. Manglona
Director
John A.B. Pangelinan
Acting Deputy Director

AUG 12 2014

HRD NO.: OG-14-557

Senator Thomas C. Ada
Committee on Public Safety, Infrastructure & Maritime Transportation
I Mina'Trentai Dos Na Liheslaturån Guåhan
Ste. 207 Ada Plaza Center
173 Aspinall Ave.
Hagåtña, Guam 96910

RECEIVED by the
Office of Senator
Thomas C. Ada

Subject: Reinstatement of Chief of Police and Fire Chief to previous classified position
RE: Bill 352-32 (LS)

Buenas yan Håfa Adai! Thank you for the opportunity to comment on Bill 352-32(LS) which proposes to add a new §3104 to Chapter 3, Title 5 GCA relative to the reinstatement of Chief of Police and Fire Chief to previous classified positions upon expiration of appointment, and to establish an alternative compensation level for the Chief Position.

I support the intent of Bill 352-32 as it looks to maintain re-employment or reinstatement rights for classified employees who voluntarily take appointments to the Chief of Police and Fire Chief positions. It is understood that stepping into the leadership role as the head of line agencies and departments requires sacrifice, especially in key law enforcement and public safety agencies. I understand that this bill looks to address two sacrifices that must occur for someone within the ranks of the Guam Police Department (GPD) and Guam Fire Department (GFD) to step into these leadership roles. Mainly, current classified career employees who would have to sacrifice a salary which they earned through years of service and their re-instatement rights to their classified positions held previously to taking these appointments. I would like to offer some recommendations that, if made, would in the opinion of the Department of Administration (DOA) make the bill equitable and in compliance with all local laws; and would gain the full support of DOA.

The first comment and recommendation I would like to make is relative to section 2 which amends §3105 Chapter 3, Title 5 [specifically §3105 (2)] and Section 4 which amends §77109 of Chapter 77, Title 10 [specifically §77109 (2)] of the Guam Code Annotated to read as follows:

**Section 2. §3105 of Chapter 3, Title 5 of the Guam Code
Annotated is hereby amended as follows:**

"§3105. Guam Fire Department.

2. Compensation of Fire Chief. Notwithstanding any other provision of law, a person appointed by the Governor and confirmed by the Legislature, to be Fire Chief, and who at the time of appointment is an active member of the classified service shall receive a salary established by the Government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3) year average of the annual income earned immediately prior to the appointment as Fire chief, whichever is greater.” (cited in part)

Section 4. §77109 of Chapter 77, Title 10 of the Guam Code Annotated is hereby amended to read:

“§77109 Appointment of the Chief of Police.

2. Compensation of the Police Chief. Notwithstanding any other provision of law, a person appointed by the Governor and confirmed by the Legislature, to be Chief of Police, and who at the time of appointment is an active member of the classified service shall receive a salary established by the Government of Guam compensation schedule for heads of agencies, or a salary equivalent to the three (3) year average of the annual income earned immediately prior to appointment as Chief of Police, whichever is greater.” (cited in part)

I understand that the intent of sections 2 and 4 respectively is to ensure that classified employees who may have earned more, should they had not chosen to accept an appointment to the Fire Chief or Police Chief, do not lose pay when accepting said appointment. However, I believe it is worth mentioning that this scenario occurs mainly with the law enforcement / public safety agencies whose employees received a 40% increase in salaries pursuant to P.L. 29-105. The 40% increase seen for employees in these agencies had many of them moving above the compensation levels of executives in their respective department and other similarly sized agencies. This is not to say that the 40% is not deserved, but is merely a point of reference to identify where the inequity begins. In addition to the impact that P.L. 29-105 had on executive compensation, P.L. 32-136 further limited the ability of the Governor to make adjustments to the compensation levels of his executives. P.L. 32-136 essentially removed the Executive Pay Plan (EPP) from the Competitive Wage Act of 2014, therefore removing the Governor’s ability to address situations like this administratively when they arise. I believe there is an argument that can be

HRD NO.

Reinstatement of Chief of Police and Fire Chief to previous classified positions

Re: Bill 352-32 (LS)

Page 3 of 4

made that the Governor's organic authority to manage agencies under his control is usurped by the provisions in P.L. 32-136 relative to executive compensation. These statutes have created a situation where the Governor has lost the ability to try and administratively rectify these inequities when they arise, therefore, should other inequities arise in other departments; they would have to be addressed through law. Establishing the compensation for Executive Branch departments and agencies should be a policy decision of the Governor in an effort to properly administer the pay plans under his purview and ensure they comply with the compensation policy established in 4 GCA, Chapter 6 §6301; to include his Cabinet-level positions. Without that ability it makes it necessary for these issues to go through the legislative process when they could be easily handled administratively by the Governor. I recommend that consideration be given to authorize the Governor through the repeal or amendment of P.L. 32-136 to give to adjust executive compensation, therefore allowing him to address these and other inequities that were caused by P.L. 32-136.

The second comment and recommendation I would like to make is regarding Section 3 and Section 5 of the bill. Section 3 adds a *new* §3104 to Chapter 3 of Title 5 of the Guam Code Annotated and reads as follows:

“3104. Reinstatement of Fire chief to Previous Position or Position Qualified for.

Notwithstanding any other provision of law, a person who is an active classified employee of the Guam Fire Department immediately prior to appointment by the Governor and confirmation by the Legislature to be Fire Chief shall, if not removed for cause, be reinstated to the position he or she previously held immediately prior to such appointment, or to an equivalent position, or to a position for which he or she qualifies for upon the expiration of their appointment as Fire Chief” (cited in part)

Section 5 adds a new §77109.1 to Chapter 77 of Title 10 of the Guam Code Annotated to read as follows:

“77109.1 Reinstatement of Police Chief to Classified Service. *A person who is an active classified employee of the Guam Police Department immediately prior to appointment by the Governor and confirmation by the Legislature, to be Police Chief, shall be reinstated to the position he or she previously held immediately prior to such appointment or to an equivalent position or position qualified for, upon*

HRD NO.

Reinstatement of Chief of Police and Fire Chief to previous classified positions

Re: Bill 352-32 (LS)

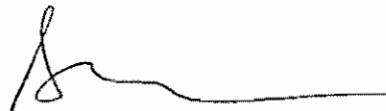
Page 4 of 4

*expiration of appointment as Police Chief, and if not removed for cause”
(cited in part).*

The proposed sections above are similar to previous statute which authorized classified employees who took appointments as the Fire Chief and Police Chief re-employment rights to their previous classified positions. I recommend that the part of the provisions which specifically state, “...or position qualified for” should be removed from the bill. This proposal is a direct violation of the merit process as established by the Organic Act of Guam. This provision looks to circumvent the process for competition for higher ranking jobs in the respective agencies. Should this provision not be removed from the bill, it would give appointees to the Fire Chief and Police Chief an unfair and “automatic” job placement option where there should be competition. It is similar to the other “re-employment” provisions in the bill, but different in that the classified employees that would be leaving their appointed positions may have never held the positions which they may qualify for. Re-employment right or entitlement is determined on the fact that employees have held these positions prior to leaving the classified service. I truly believe that full consideration should be given to removing the language stated above to avoid violating the Organic Act of Guam.

I would like to thank you again for the opportunity to comment on Bill 352-32 and hope that the comments and recommendations made are taken under consideration when moving this bill forward.

Should you have any questions, please do not hesitate to contact my office at 475-1221 or 1123.
Dángkolo na Agradesimiento!



BENITA A. MANGLONA

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

ANTHONY C. BLAZ
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
ACTING DEPUTY DIRECTOR

JUL 15 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: 320-32(LS), 323-32(COR), 338-32(COR), 344-32(COR), 352-32(LS), 353-32(LS) and 357-32(COR).

If you have any question(s), please do not hesitate to call the office at 475-9412/9106


ANTHONY C. BLAZ
Acting Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 352-32 (LS)**

AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.

Department/Agency Appropriation Information	
Dept./Agency Affected: Guam Fire Department / Guam Police Department	Dept./Agency Head: Joey C. San Nicolas / Fred E. Bordallo, Jr.
Department's General Fund (GF) appropriation(s) to date:	55,538,528
Department's Other Fund (Specify) appropriation(s) to date: GFD: \$1,658,883 (Emergency 911 Fund) / \$318,742 (FLAME Fund) / GPD: \$658,784 (Police Services Fund)	2,636,409
Total Department/Agency Appropriation(s) to date:	58,174,937

Fund Source Information of Proposed Appropriation			
	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill						
	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund		\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

- Does the bill contain "revenue generating" provisions? / / Yes /x/ No
If Yes, see attachment
- Is amount appropriated adequate to fund the intent of the appropriation? /x/ N/A /x/ Yes / / No
If no, what is the additional amount required? \$ /x/ N/A
- Does the Bill establish a new program/agency? / / Yes /x/ No
If yes, will the program duplicate existing programs/agencies? /x/ N/A / / Yes / / No
Is there a federal mandate to establish the program/agency? / / Yes /x/ No
- Will the enactment of this Bill require new physical facilities? / / Yes /x/ No
- Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: /x/ Yes / / No
/ / Requested agency comments not received by due date / / Other:

Analyst: <u>Michael M. Aflague, B&M Analyst IV</u>	Date: <u>7/9/14</u>	Director: <u>Anthony C. Blaz, Acting Director</u>	Date: <u>7-14-14</u>
--	---------------------	---	----------------------

// According to departmental staffing data between FY 2011 and FY 2013, the average salary level for a Battalion Chief or higher at the Guam Fire Department was \$106K (exclusive benefits). The average salary level for command-level police officers at the Guam Police Department is approximately \$77K (exclusive benefits). The salary level currently reflected for the Fire Chief and Chief of Police is \$86,820 (pursuant to the Competitive Wage Act of 2014). As such, the Guam Fire Department (GFD) may expect higher personnel cost above the salary level established by the Competitive Wage Act (CWA). Additionally, the salary level established by the CWA for the Chief of Police would remain at \$86,820. Departments may need additional funding equal to the salary levels of previously vacated positions for individuals reinstated back to their classified positions as mandated by Section 3.



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature

155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com

E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

Senator
Rory J. Respicio
CHAIRPERSON
MAJORITY LEADER

June 16, 2014

Senator
Thomas C. Ada
VICE CHAIRPERSON
ASSISTANT MAJORITY LEADER

MEMORANDUM

Senator
Vicente (Ben) C. Pangelinan
Member

To: Rennae Meno
Clerk of the Legislature

Speaker
Judith T.P. Won Pat, Ed.D.
Member

Attorney Therese M. Terlaje
Legislative Legal Counsel

Senator
Dennis G. Rodriguez, Jr.
Member

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Vice-Speaker
Benjamin J.F. Cruz
Member

Subject: Referral of Bill No. 352-32(LS)

Legislative Secretary
Tina Rose Muña Barnes
Member

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 352-32(LS)**.

Senator
Frank Blas Aguon, Jr.
Member

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Senator
Michael F.Q. San Nicolas
Member

Si Yu'os Ma'åse!

Senator
V. Anthony Ada
Member
MINORITY LEADER

Attachment

Senator
Aline Yamashita
Member

I Mina Trentai Dos Na Liheslaturan Received

Bill Log Sheet

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES
352-32 (LS)	T.C. Ada	AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.	6/13/14 4:58 p.m.	06/16/14	Committee on General Governmental Operations and Cultural Affairs			Request for Fiscal Note 6/17/14



FIRST NOTICE of Public Hearings - July 22, 2014 (AMENDED)

Tessa Weidenbacher <tessa@senatorbjcruz.com>

Mon, Jul 14, 2014 at 6:07 PM

To: PH Notice <phnotice@guamlegislature.org>

Cc: Management Information System <mis@guamlegislature.org>, Committee on Rules <cor@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>

Bcc: news@guampdn.com, news@k57.com, Cameron Miculka <cimiculka@guam.gannett.com>, Gaynor Dumat-ol Daleno <gdumat-ol@guam.gannett.com>, Gerry Partido <gerry@mvguam.com>, Jerick Sablan <jpsablan@guampdn.com>, Jon Anderson <editor@mvguam.com>, Ken Quintanilla <kenq@kuam.com>, Kevin Kerrigan <kevin@spbgum.com>, Louella Losinio <louella@mvguam.com>, Mar-Vic Cagurangan <marvic@mvguam.com>, Masako Watanabe <mwatanabe@guam.gannett.com>, Maureen Maratita <publisher@glimpsesofiguam.com>, Patti Arroyo <parroyo@k57.com>, Ray Gibson <rgibson@k57.com>, Sabrina Salas Matanane <sabrina@kuam.com>, Travis Coffman <thebigshow@k57.com>

July 14, 2014

MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **FIRST NOTICE of Public Hearings – July 22, 2014 (AMENDED)**

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearings beginning at **6:00PM** on **Tuesday, July 22, 2014**, in the *Liheslatura* Public Hearing Room with the following schedule:

6:00PM

- **Confirmation Hearings**

- The Executive Appointment of **Athena Meno** to serve as Member of the KGTF/PBS Board of Trustees.
- The Executive Appointment of **Pr. Thomas L. Van Engen** as Member of the Guam Parole Board.

- **Public Hearing of Bills**

- **Bill No. 331-32 (LS)** – T.R. Muña Bames – “An act to add a new § 10315 to Chapter 10, Title 5 of Guam Code Annotated relative to the Online and Public Disclosure of Medical License issued by Guam Board of Medical Examiners.”
- **Bill No. 352-32 (LS)** – T.C. Ada – “An act to add a new §3104 to Chapter 3, Title 5 of the Guam Code Annotated, relative to the reinstatement of Chief of Police and Fire Chief to previous classified position upon expiration of appointment, and to establish an alternative compensation level for the Chief position.”

A link, as indicated by underlined and boldfaced blue text, has been provided for each agenda item's respective document.

Testimonies may be submitted via hand delivery to the Office of Vice Speaker Benjamin J.F. Cruz at the Guam Legislature; via postal mail to 155 Hesler Street, Hagåtña Guam 96910; via facsimile to 477-2522; or via e-mail to senator@senatorbjcruz.com. Please submit testimonies at least one day prior to the date of the hearing.

All government activities, programs, and services are accessible for people with disabilities in compliance with Title II of the Americans with Disabilities Act (ADA). Should you or interested parties require assistance or special accommodations to fully participate in this public hearing, please contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521 or via e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.

cc: MIS
COR
Sgt-at-Arms
Media

Tessa Weidenbacher
Senior Research Analyst

Vice Speaker Benjamin J.F. Cruz
I Mina'trentai Dos Na Liheslaturan Guåhan
T 671-477-2520 | F 671-477-2522
<http://www.senatorbjcruz.com>

2 attachments



FIRST NOTICE MEMO 07222014.pdf
473K



FIRST NOTICE PR 07222014.pdf
241K



July 14, 2014

MEMORANDUM

To: All Members/ All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman
Re: **FIRST NOTICE of Public Hearings – July 22, 2014 (AMENDED)**

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Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE

July 14, 2014

FIRST NOTICE OF PUBLIC HEARING (AMENDED)

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as five (5) days' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Tuesday, July 22, 2014**, in the Guam Legislature Hearing Room in Hagåtña, on the following:

6:00PM

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 - The Executive Appointment of Athena Meno to serve as Member of the KGTF/PBS Board of Trustees.
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SECOND NOTICE of Public Hearings - July 22, 2014 (AMENDED AGENDA)

Dani Reyes <danireyes@senatorbjcruz.com>

Sun, Jul 20, 2014 at 4:30 PM

To: PH Notice <phnotice@guamlegislature.org>

Cc: Management Information System <mis@guamlegislature.org>, "Senator Rory J. Respicio" <cor@guamlegislature.org>, "Sergeant-at-Arms (Legislature)" <sgtarms@guamlegislature.org>

July 20, 2014

MEMORANDUM

To: All Members / All Senators

From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **SECOND NOTICE of Public Hearings – July 22, 2014 (AMENDED AGENDA)**

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct Public Hearings at **6:00PM** on **Tuesday, July 22, 2014**, in the ***Liheslatura* Public Hearing Room** with the following agenda:

6:00PM

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 - The Executive Appointment of **Athena C.G. Meno** to serve as Member of the KGTF/PBS Board of Trustees.
 - ~~The Executive Appointment of Pr. Thomas L. Van Engen to serve as Member of the Guam Parole Board.~~
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We look forward to your attendance and participation.


cc: MIS
COR
Sgt-at-Arms
Media

Dani Reyes
Legislative Aide

Vice Speaker Benjamin J.F. Cruz
I Mina'trentai Dos Na Liheslaturan Guåhan
T 671-477-2520 | F 671-477-2522
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2 attachments

 **SECOND NOTICE PR 07222014.pdf**
163K

 **SECOND NOTICE MEMO 07222014.pdf**
168K



July 20, 2014

MEMORANDUM

To: All Members/ All Senators
From: Vice Speaker Benjamin J.F. Cruz, Chairman

Re: **SECOND NOTICE of Public Hearing - July 22, 2014 (AMENDED AGENDA)**

Håfa Adai! The Committee on General Government Operations and Cultural Affairs will conduct a Public Hearing at **6:00PM on Tuesday, July 22, 2014**, in the **I Liheslatura Public Hearing Room** with the following agenda:

6:00PM

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We look forward to your attendance and participation.



FOR IMMEDIATE RELEASE
July 20, 2014

SECOND NOTICE OF PUBLIC HEARING (AMENDED AGENDA)

In accordance with the Open Government Law, P.L. 24-109, relative to notice for public meetings, let this release serve as forty-eight (48) hours' notice for Public Hearings by the *Committee on General Government Operations and Cultural Affairs* scheduled on **Tuesday, July 22, 2014**, in the Guam Legislature Hearing Room in Hagatña, on the following:

6:00PM

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 - ~~The Executive Appointment of Pr. Thomas L. Van Engen to serve as Member of the Guam Parole Board.~~
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Individuals requiring assistance or special accommodations should contact Mr. Carlo J. Branch at the Office of the Vice Speaker at 477-2521, or by e-mail at carlo.branch@senatorbjcruz.com.

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**Listserv: phnotice@guamlegislature.org
As of July 7, 2014**

aalladi@guampdn.com
action@weareguahan.com
admin2@guamrealtors.com
admin@frankaguonjr.com
admin@guamrealtors.com
admin@leapguam.com
admin@weareguahan.com
agnes@judiwonpat.com
aguon4guam@gmail.com
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coy@senatorada.org
cyrus@senatorada.org
danireyes@senatorbjcruz.com
david@tinamunabarnes.com
dcrisost@guam.gannett.com
delisleduenas@judiwonpat.com

desori623@hotmail.com
divider_jjimenez@hotmail.com
dleddy@guamchamber.com.gu
dmgeorge@guampdn.com
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duenasenator@gmail.com
ealani4families@gmail.com
ed@tonyada.com
edelynn1130@hotmail.com
editor@mvguam.com
editor@saipantribune.com
edpocaigne@judiwonpat.com
elaine@tinamunabarnes.com
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eo@guamrealtors.com
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hermina.certeza@senatorbjcruz.com
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hottips@kuam.com
info@chinesetimesguam.com
janela@mvguam.com
jason@kuam.com
jason4families@gmail.com
jean@tinamunabarnes.com
jennifer.lj.dulla@gmail.com
jennifer@mvguam.com
jespaldonesq@gmail.com
jmesngon.senatorrodriguez@gmail.com
joan@kuam.com
joe@toduguam.com
joesa@guamlegislature.org
john.calvo@noaa.gov
john@kuam.com
jon.calvo@mail.house.gov
jontalk@gmail.com
jpmanuel@gmail.com
jtenorio@guamcourts.org

**Listserv: phnotice@guamlegislature.org
As of July 7, 2014**

jtyquiengco@spbgum.com
julian.e.janssen@gmail.com
juliette@senatorada.org
kai@spbgum.com
karenc@guamlegislature.org
ken.kelly@gmail.com
keepinginformed.671@gmail.com
kelly.toves@mail.house.gov
kenq@kuam.com
kevin@spbgum.com
khmg@hbcguam.net
koreannews@guam.net
koreatv@kuentos.guam.net
kstokish@gmail.com
kstonews@ite.net
law@guamag.org
life@guampdn.com
ljalcairo@gmail.com
llmatthews@guampdn.com
louella@mvguam.com
louise@tonyada.com
m.salaila@yahoo.com
mabuhaynews@yahoo.com
mahoquinene@guam.net
malainse@gmail.com
maria.pangelinan@gec.guam.gov
mary@guamlegislature.org
maryfejeran@gmail.com
mbordallo.duenas@gmail.com
mcarlson@guamlegislature.org
mcperson.kathryn@abc.net.au
media@frankaguonjr.com
menchu@toduguam.com
mike@mikelimtiaco.com
mindy@kuam.com
mis@guamlegislature.org
miseke@mcvguam.com
mlwheeler2000@yahoo.com
mmafnas@guamlegislature.org
monty.mcdowell@amiguam.com
mspeps4873@gmail.com
mvariety@pticom.com
mwatanabe@guampdn.com
natasha@toduguam.com
news@guampdn.com
news@spbgum.com
nick@kuam.com
nicoleramos@toduguam.com
norman.aguilar@guamec.edu
nsantos@guamlegislature.org
odngirairikl@guampdn.com
office@senatorada.org
officeassistant@frankaguonjr.com

oliviampalacios@gmail.com
onlyonguam@acubedink.com
orleen@senatorbjcruz.com
pacificjournalist@gmail.com
parroyo@k57.com
pdkprg@gmail.com
pete@tonyada.com
phillipsguam@gmail.com
policy@frankaguonjr.com
publisher@glimpsesofiguam.com
rennae@guamlegislature.org
responsibleguam@gmail.com
rfteehan@yahoo.com
rgibson@k57.com
richdevera@gmail.com
ricknauta@hitradiol00.com
rlimtiaco@guampdn.com
rolly@ktkb.com
rotyforguam@gmail.com
rosannabarcinas@judiwonpat.com
rowena@senatormorrison.com
ryanjames@senatormorrison.com
santos.duenas@gmail.com
senator@senatorbjcruz.com
senator@tinamunabarnes.com
senatorbrantmccreadie@gmail.com
senatordrodriguez@guamlegislature.org
sensorsannicolas@gmail.com
senatortonyada@guamlegislature.org
senbenp@guam.net
sgflores@tinamunabarnes.com
sgtarms@guamlegislature.org
sitarose2@yahoo.com
slimtiaco@guampdn.com
smendiola@guamlegislature.org
sonedera-salas@guamlegislature.org
speaker@judiwonpat.com
staff@frankaguonjr.com
stephaniemendiola@gmail.com
tanya4families@gmail.com
tasigirl@gmail.com
tcastro@guam.net
telo.taitague@guam.gov
tessa@senatorbjcruz.com
thebigshow@guamcell.net
thebigshow@k57.com
therese.hart.writer@gmail.com
therese@judiwonpat.com
tinamunabarnes@gmail.com
tjtaitano@cs.com
tom@senatorada.org
tommy@senatormorrison.com
tony@senatorada.org

**Listserv: phnotice@guamlegislature.org
As of July 7, 2014**

tony@tonyada.com
trittent@pstripes.osd.mil
terlaje@guam.net
uperez@senbenp.com
vejohntorres@guamlegislature.org
vincent@tinamunabarnes.com
vlenguerrero@judiwonpat.com

will@senatorada.org
xiosormd@gmail.com
xiosormd@yahoo.com
ylee2@guam.gannett.com
zita@mvguam.com
zpalomo@guamag.org

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Name	Email address	Role
All users within Office of Senator Tom Ada		Owner
amier@mvguam.com	amier@mvguam.com	Member
bmkelman@guampdn.com	bmkelman@guampdn.com	Member
breakfastshowk57@gmail.com	breakfastshowk57@gmail.com	Member
clynt@spbguam.com	clynt@spbguam.com	Member
contact@guambcc.org	contact@guambcc.org	Owner
dcrisost@guampdn.com	dcrisost@guampdn.com	Member
dmgearge@guampdn.com	dmgearge@guampdn.com	Member
dtamondong@guampdn.com	dtamondong@guampdn.com	Member
editor@mvguam.com	editor@mvguam.com	Member
gduamat-ol@guampdn.com	gduamat-ol@guampdn.com	Member
gerrypartido.mvguam8@gmail.com	gerrypartido.mvguam8@gmail.com	Member
jac.cherry@gmail.com	jac.cherry@gmail.com	Member
jason@kuam.com	jason@kuam.com	Member
joy@mvguam.com	joy@mvguam.com	Member
jtyquiengco@spbguam.com	jtyquiengco@spbguam.com	Member
kenq@kuam.com	kenq@kuam.com	Member
kevin@spbguam.com	kevin@spbguam.com	Member
krystal@kuam.com	krystal@kuam.com	Member
kstokish@gmail.com	kstokish@gmail.com	Member
life@guampdn.com	life@guampdn.com	Member
llmatthews@guampdn.com	llmatthews@guampdn.com	Member
mabuhaynews@yahoo.com	mabuhaynews@yahoo.com	Member
mindy@kuam.com	mindy@kuam.com	Member
mpeiper@guampdn.com	mpeiper@guampdn.com	Member
news@guampdn.com	news@guampdn.com	Member
news@spbguam.com	news@spbguam.com	Member
nick.delgado@kuam.com	nick.delgado@kuam.com	Member
odngirairiki@guampdn.com	odngirairiki@guampdn.com	Member
officemanager@hitradio100.com	officemanager@hitradio100.com	Member
rgibson@k57.com	rgibson@k57.com	Member
rcknauta@hitradio100.com	rcknauta@hitradio100.com	Member
rliutiaco@guampdn.com	rliutiaco@guampdn.com	Member
sabrina@kuam.com	sabrina@kuam.com	Member
slintiaco@guampdn.com	slintiaco@guampdn.com	Member
teio.taitague@guam.gov	teio.taitague@guam.gov	Member
thebigshow@spbguam.com	thebigshow@spbguam.com	Member
zita@mvguam.com	zita@mvguam.com	Member



PUBLIC HEARING AGENDA

Tuesday, July 22, 2014

Guam Legislature Public Hearing Room • Hagåtña, Guam

6:00PM

CONFIRMATION HEARING

The Executive Appointment of Athena C.G. Meno to serve as Member of the KGTF/PBS
Board of Trustees.



PUBLIC HEARING OF BILLS

Bill No. 331-32 (LS) – T.R. Muña Barnes – “An act to add a new § 10315 to Chapter 10,
Title 5 of Guam Code Annotated, relative to the Online and Public Disclosure of Medical
License issued by Guam Board of Medical Examiners.”

Bill No. 352-32 (LS) – T.C. Ada – “An act to add a new §3104 to Chapter 3, Title 5 of the
Guam Code Annotated, relative to the reinstatement of Chief of Police and Fire Chief to
previous classified position upon expiration of appointment, and to establish an
alternative compensation level for the Chief position.”



COMMITTEE ON RULES

I Mina'trentai Dos na Liheslaturan Guåhan • The 32nd Guam Legislature
155 Hesler Place, Hagåtña, Guam 96910 • www.guamlegislature.com
E-mail: roryforguam@gmail.com • Tel: (671)472-7679 • Fax: (671)472-3547

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Member

July 17, 2014

Memorandum

To: Rennae Meno
Clerk of the Legislature

From: Senator Thomas C. Ada *[Signature]*
Acting Chairperson of the Committee on Rules

Subject: Fiscal Notes

Hafa Adai!

Attached please find the fiscal notes for the bill numbers listed below.
Please note that the fiscal notes are issued on the bills as introduced.

FISCAL NOTES:

- Bill No. 320-32(LS)
- Bill No. 323-32(COR)
- Bill No. 338-32(COR)
- Bill No. 344-32(COR)
- Bill No. 352-32(LS)
- Bill No. 353-32(LS)
- Bill No. 357-32(COR)

Please forward the same to MIS for posting on our website. Please contact our office should you have any questions regarding this matter.

Si Yu'os ma'åse'!

2014 JUL 17 PM 1:00 CE

**BUREAU OF BUDGET & MANAGEMENT RESEARCH**

OFFICE OF THE GOVERNOR
Post Office Box 2950, Hagåtña Guam 96932

EDDIE BAZA CALVO
GOVERNOR

ANTHONY C. BLAZ
ACTING DIRECTOR

RAY TENORIO
LIEUTENANT GOVERNOR

JOSE S. CALVO
ACTING DEPUTY DIRECTOR

JUL 15 2014

Senator Rory J. Respicio
Chairperson, Committee on Rules
I Mina'trentai Dos na Liheslaturan Guåhan
The 32nd Guam Legislature
155 Hesler Place
Hagåtña, Guam 96932

Hafa Adai Senator Respicio:

Transmitted herewith is Fiscal Note on the following Bill Nos.: **320-32(LS), 323-32(COR), 338-32(COR), 344-32(COR), 352-32(LS), 353-32(LS) and 357-32(COR).**

If you have any question(s), please do not hesitate to call the office at 475-9412/9106.


ANTHONY C. BLAZ
Acting Director

Enclosures
cc: Senator Vicente (ben) Pangelinan

**Bureau of Budget & Management Research
Fiscal Note of Bill No. 352-32 (LS)**

AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.

Department/Agency Appropriation Information

Dept./Agency Affected: Guam Fire Department / Guam Police Department	Dept./Agency Head: Joey C. San Nicolas / Fred E. Bordallo, Jr.
Department's General Fund (GF) appropriation(s) to date:	55,538,528
Department's Other Fund (Specify) appropriation(s) to date: GFD: \$1,658,883 (Emergency 911 Fund) / \$318,742 (FLAME Fund) / GPD: \$658,784 (Police Services Fund)	2,636,409
Total Department/Agency Appropriation(s) to date:	\$58,174,937

Fund Source Information of Proposed Appropriation

	General Fund:	(Specify Special Fund):	Total:
FY 2012 Unreserved Fund Balance ¹		\$0	\$0
FY 2014 Adopted Revenues	\$0	\$0	\$0
FY 2014 Appro. (Bill No. 1(4-S))	\$0	\$0	\$0
Sub-total:	\$0	\$0	\$0
Less appropriation in Bill	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Estimated Fiscal Impact of Bill

	One Full Fiscal Year	For Remainder of FY 2014 (if applicable)	FY 2015	FY 2016	FY 2017	FY 2018
General Fund	1/	\$0	\$0	\$0	\$0	\$0
(Specify Special Fund)	\$0	\$0	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0	\$0	\$0

1. Does the bill contain "revenue generating" provisions? / Yes / No
If Yes, see attachment
2. Is amount appropriated adequate to fund the intent of the appropriation? / N/A / Yes / No
If no, what is the additional amount required? \$ _____ / N/A
3. Does the Bill establish a new program/agency? / Yes / No
If yes, will the program duplicate existing programs/agencies? / N/A / Yes / No
Is there a federal mandate to establish the program/agency? / Yes / No
4. Will the enactment of this Bill require new physical facilities? / Yes / No
5. Was Fiscal Note coordinated with the affected dept/agency? If no, indicate reason: / Yes / No
 / Requested agency comments not received by due date / Other:

Analyst: Michael M. Aflague, B&M Analyst IV Date: 7/9/14 Director: Anthony C. Blaz, Acting Director Date: 7-14-14

1/ According to departmental staffing data between FY 2011 and FY 2013, the average salary level for a Battalion Chief or higher at the Guam Fire Department was \$106K (exclusive benefits). The average salary level for command-level police officers at the Guam Police Department is approximately \$77K (exclusive benefits). The salary level currently reflected for the Fire Chief and Chief of Police is \$86,820 (pursuant to the Competitive Wage Act of 2014). As such, the Guam Fire Department (GFD) may expect higher personnel cost above the salary level established by the Competitive Wage Act (CWA). Additionally, the salary level established by the CWA for the Chief of Police would remain at \$86,820. Departments may need additional funding equal to the salary levels of previously vacated positions for individuals reinstated back to their classified positions as mandated by Section 3.



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Member

June 17, 2014

VIA E-MAIL
joey.calvo@bbmr.guam.gov

Jose S. Calvo
Acting Director
Bureau of Budget & Management Research
P.O. Box 2950
Hagåtña, Guam 96910

RE: Request for Fiscal Notes– Bill Nos. 351-32 (LS) through 354-32(LS)

Hafa Adai Mr. Rios:

Transmitted herewith is a listing of *I Mina'trentai Dos na Liheslaturan Guåhan's* most recently introduced bills. Pursuant to 2 GCA §9103, I respectfully request the preparation of fiscal notes for the referenced bills.

Si Yu'os ma'åse' for your attention to this matter.

Very Truly Yours,

Senator Rory J. Respicio
Chairperson of the Committee on Rules

Attachment (1)

Cc: Clerk of the Legislature

Bill Nos.	Sponsors	Title
351-32 (LS)	Judith T. Won Pat, Ed.D.	AN ACT TO AMEND § 1022 OF CHAPTER 10, ARTICLE 1 OF TITLE 1, GUAM CODE ANNOTATED, RELATIVE TO THE GUAM FLOWER.
352-32 (LS)	T.C. Ada	AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.
353-32 (LS)	Aline A. Yamashita, Ph.D.	AN ACT TO ADD A NEW CHAPTER 54(B) TO TITLE 10, GUAM CODE ANNOTATED TO PROMOTE PLASTIC BAG REDUCTION IN GUAM FOR THE PROTECTION OF OUR ENVIRONMENT.
354-32 (LS)	Michael F.Q. San Nicolas	AN ACT TO AUTHORIZE OWNERS OF PRIVATE PROPERTY TO ERECT OR HAVE ERECTED POLITICAL SIGNAGE, BY ADDING A NEW ITEM (5) TO SUBSECTION (a), A NEW ITEM (3) TO SUBSECTION (b), A NEW ITEM (3) TO SUBSECTION (c), EACH OF §61541, PART 5, ARTICLE 5, CHAPTER 61, TITLE 21, GUAM CODE ANNOTATED.



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Member

Senator
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Member
MINORITY LEADER

Senator
Aline Yamashita
Member

June 16, 2014

MEMORANDUM

To: Rennae Meno
Clerk of the Legislature

Attorney Therese M. Terlaje
Legislative Legal Counsel

From: Senator Rory J. Respicio
Chairperson of the Committee on Rules

Subject: Referral of Bill No. 352-32(LS)

As the Chairperson of the Committee on Rules, I am forwarding my referral of **Bill No. 352-32(LS)**.

Please ensure that the subject bill is referred, in my name, to the respective committee, as shown on the attachment. I also request that the same be forwarded to all members of *I Mina'trentai Dos na Liheslaturan Guåhan*.

Should you have any questions, please feel free to contact our office at 472-7679.

Si Yu'os Ma'åse!

Attachment

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN

2014 (SECOND) Regular Session

Bill No. 352-32(LS)

Introduced By:

T.C. Ada



2014 JUN 13 PM 4:58



AN ACT TO ADD A NEW §3104 TO CHAPTER 3, TITLE 5 OF THE GUAM CODE ANNOTATED, RELATIVE TO THE REINSTATEMENT OF CHIEF OF POLICE AND FIRE CHIEF TO PREVIOUS CLASSIFIED POSITION UPON EXPIRATION OF APPOINTMENT, AND TO ESTABLISH AN ALTERNATIVE COMPENSATION LEVEL FOR THE CHIEF POSITION.

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

2 **Section 1. Legislative Finding and Intent.** *I Liheslaturan Guåhan*
3 finds that, §3105 of Chapter 3, Title 5 of the Guam Code Annotated
4 establishes specific qualifications and criteria for the Fire Chief position in
5 the Guam Fire Department. The criteria essentially requires that the
6 candidate be, or have been, a career employee with either a local or federal
7 fire department possessing no less than 10-years of experience in fire control
8 or prevention, and have served as a Battalion Chief for a minimum of two
9 (2) years.

10 *I Liheslaturan Guåhan* further finds that §77109 of Chapter 77, Title
11 10 of the Guam Code Annotated similarly establishes specific qualifications
12 and criteria for the Police Chief position in the Guam Police Department.
13 The criteria essentially requires that the candidate be, or have been, a career

1 employee with either a local or federal law enforcement agency possessing
2 no less than fifteen (15) years of law enforcement experience, and have
3 served at least five (5) years in a senior management position.

4 *I Liheslaturan Guåhan* further finds that the annual income of
5 eligible candidates, who are still in active service, is substantially more than
6 the salary level established for the Chief positions. Consequently, despite a
7 desire to serve in the capacity of Fire or Police Chief, the prospective
8 candidate would incur a significant loss of income if nominated and
9 confirmed. The loss of pay is a factor sufficient to deter most (active)
10 eligible candidates from wanting to even be considered.

11 *I Liheslaturan Guåhan* further finds that an active employee selected
12 to fill the position of Chief is not guaranteed reinstatement to his previous
13 classified position upon expiration of his appointment. This would be
14 another significant economic disincentive for prospective candidates who
15 have not yet satisfied service requirements for retirement, and would deter
16 qualified candidates from considering a nomination.

17 *I Liheslaturan Guåhan* intends to authorize the use of a 3-year
18 income average as the compensation level for an active classified employee
19 who is nominated for Fire Chief or Police Chief, if it is higher than the
20 established compensation level for the position of Chief. Additionally, a
21 new §3104 will be added to address the reinstatement issue.

22
23 **Section 2. §3105 of Chapter 3, Title 5 of the Guam Code**
24 **Annotated is hereby amended as follows:**

25 “§ 3105. Guam Fire Department.

26 There is within the Executive Branch of the government of Guam a
27 Guam Fire Department. The Fire Chief is the head of the Department.

28 1. The Fire Chief is appointed by the Governor with the advice and
29 consent of the Legislature. The Fire Chief shall meet the following
30 qualifications:

1 (a) ~~(1)~~ Must have a bachelor's degree in Fire Science or Public
2 Administration or closely related field or discipline at an accredited
3 institution; and

4 ~~(b)(2)~~ Have at least ten years of experience in fire control including
5 control and extinguishment of fires and fire prevention, of which two
6 years must be served in a position equivalent to Battalion Chief or
7 higher; or

8 ~~(b)(1)~~ (c) Must have an associate's degree in Fire Science or closely
9 related field or discipline at an accredited institution; and

10 ~~(2)~~ (d) Have at least 15 years experience in fire control, including
11 control and extinguishment of fires and fire prevention, of which four
12 years must be served in a position equivalent to Battalion Chief or
13 higher.

14 2. Compensation of Fire Chief. Notwithstanding any other provision
15 of law, a person appointed by the Governor and confirmed by the
16 Legislature, to be Fire Chief, and who at the time of appointment is an active
17 member of the classified service shall receive a salary established by the
18 Government of Guam compensation schedule for heads of agencies, or a
19 salary equivalent to the three (3) year average of the annual income earned
20 immediately prior to appointment as Fire Chief, whichever is greater.

21
22 **Section 3. A new §3104 is hereby added to Chapter 3 of Title 5 of**
23 **the Guam Code Annotated, to read:**

24 **“§3104. Reinstatement of Fire Chief to Previous Position or**
25 **Position Qualified for.**

1 Notwithstanding any other provision of law, a person who is an
2 active classified employee of the Guam Fire Department immediately
3 prior to appointment by the Governor and confirmation by the
4 Legislature to be Fire Chief shall, if not removed for cause, be
5 reinstated to the position he or she previously held immediately prior
6 to such appointment, or to an equivalent position, or to a position for
7 which he or she qualifies for upon the expiration of their appointment
8 as Fire Chief.”

9
10 **Section 4. §77109 of Chapter 77, Title 10 of the Guam Code**
11 **Annotated is hereby amended to read:**

12 **“§ 77109 Appointment of the Chief of Police.**

13 1. The Chief of Police shall be appointed by I Maga’lahen
14 Guåhan with the advice and consent of I Liheslaturan Guåhan and
15 shall meet the following qualifications:

16 (a) be at least thirty-five (35) years of age;

17 (b) have no less than fifteen (15) years of progressive
18 experience in a government law enforcement position,
19 including at least five (5) years at the supervisory command
20 level, and five (5) years in a senior position with law
21 enforcement management responsibilities, or equivalent
22 executive management experience in the field of Public
23 Administration, Criminal Justice Administration, or Law, or a
24 closely related field or discipline;

25 (c) graduated with a Bachelor’s Degree or higher in
26 Police Science, Criminal Justice Administration, Public

1 Administration, Law, or closely related field or discipline from
2 an accredited institution recognized by the Council for Higher
3 Education Accreditation (CHEA) or its successors;

4 (d) have no felony, domestic or family violence
5 convictions;

6 (e) have no misdemeanor convictions involving moral
7 turpitude;

8 (f) submit to and pass a drug screening test, including,
9 but not limited to, urinalysis testing, unless the appointee is a
10 current employee of the Guam Police Department occupying a
11 Test-Designated Position (TDP) pursuant to the Department's
12 Drug-Free Workplace Program; (g) be of good health and good
13 moral character;

14 (h) submit to psychological testing;

15 (i) submit to a polygraph examination; and

16 (j) submit to a thorough investigation of his or her
17 background
18 and moral character.

19 2. Compensation of Police Chief. Notwithstanding any other
20 provision of law, a person appointed by the Governor and confirmed
21 by the Legislature, to be Chief of Police, and who at the time of
22 appointment is an active member of the classified service shall receive
23 a salary established by the Government of Guam compensation
24 schedule for heads of agencies, or a salary equivalent to the three (3)
25 year average of the annual income earned immediately prior to
26 appointment as Chief of Police, whichever is greater. ”

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Section 5. A new §77109.1 is hereby added to Chapter 77 of Title 10 of the Guam Code Annotated to read as follows:

“77109.1. Reinstatement of Police Chief to Classified Service. A person who is an active classified employee of the Guam Police Department immediately prior to appointment by the Governor and confirmation by the Legislature, to be Police Chief, shall be reinstated to the position he or she previously held immediately prior to such appointment or to an equivalent position or position qualified for, upon expiration of appointment as Police Chief, and if not removed for cause.”

Section 6. Severability. If any provision of this Law or its application to any person or circumstance is found to be invalid or contrary to law, such invalidity shall not affect other provisions or applications of this Law which can be given effect without the invalid provisions or application, and to this end the provisions of this Law are severable.

Section 7. Effective Date. Notwithstanding any other provision of law, upon enactment, this Act shall be effective retroactively to January 1, 2011.