

I Mina'Trentai Kuåttro Na Liheshaturan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
165-34 (LS)	Telena C. Nelson Mary C. Torres Joe S. San Agustin William M. Castro	AN ACT TO ADD NEW §§ 3103(b)(4) and 3115 AND TO AMEND § 3105, ALL OF CHAPTER 3, TITLE 27, GUAM ADMINISTRATION RULES AND REGULATIONS, RELATIVE TO THE INCLUSION OF THE AIRCRAFT RESCUE AND FIREFIGHTING UNIT UNDER CATEGORY 2 PEACE OFFICERS AND THE MODIFICATION OR ADOPTION OF THE PEACE OFFICER STANDARDS AND TRAINING (P.O.S.T.) COMMISSION'S PHYSICAL FITNESS QUALIFICATION TEST (PFQT).	8/23/17 11:24 a.m.	08/29/17	Committee on Housing, Utilities, Public Safety, and Homeland Security	9/8/17 9:00 a.m.	9/18/17 12:01 p.m.	Fiscal Note Request 8/29/17	Appendix A and B
	SESSION DATE	TITLE	DATE PASSED	DATE AND TIME TRANSMITTED	DUE DATE	PUBLIC LAW	DATE SIGNED	NOTES	
	9/25/2017	AN ACT TO ADD NEW §§ 3103(b)(4) AND 3115, AND AMEND § 3105, ALL OF CHAPTER 3, TITLE 27, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE INCLUSION OF THE AIRCRAFT RESCUE AND FIREFIGHTING UNIT UNDER CATEGORY 2 PEACE OFFICERS; AND THE MODIFICATION OR ADOPTION OF THE PEACE OFFICER STANDARDS AND TRAINING (POST) COMMISSION'S PHYSICAL FITNESS QUALIFICATION TEST (PFQT).	09/30/17	10/02/17 4:40 p.m.	10/13/17	Public Law No. 34-49	10/13/17	Received: 10/18/17 Mess and Comm. Doc. No. 34GL-17-1102	



EDDIE BAZA CALVO
Governor

RAY TENORIO
Lieutenant Governor

Office of the Governor Of Guam.

OCT 18 2017

Honorable Benjamin J.F. Cruz
Speaker
I Mina'trentai Kuåttro Na Liheslaturan Guåhan
Guam Congress Building
163 Chalan Santo Papa
Hagåtña, Guam 96910

GRH 34-17-1102
Speaker Benjamin J.F. Cruz

OCT 18 2017
Time: *3:45* [] AM [] PM File No. *34-1040*
Received By: *[Signature]*

Dear Mr. Speaker:

Transmitted herewith is Bill No. 165-34 (LS), "AN ACT TO ADD A NEW §§ 3103(b)(4) AND 3115, AND AMEND § 3105, ALL OF CHAPTER 3, TITLE 27, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE INCLUSION OF THE AIRCRAFT RESCUE AND FIREFIGHTING UNIT UNDER CATEGORY 2 PEACE OFFICERS; AND THE MODIFICATION OR ADOPTION OF THE PEACE OFFICER STANDARDS AND TRAINING (POST) COMMISSION'S PHYSICAL FITNESS QUALIFICATION TEST (PFQT)," which was signed into law on October 13, 2017, as Public Law 34-49.

Senseramente,

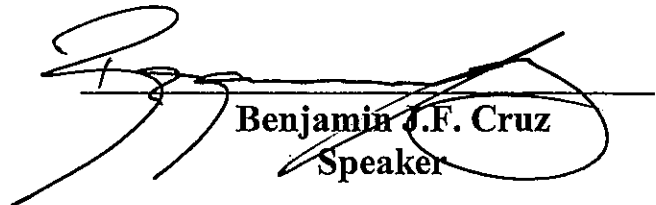
[Signature]
EDDIE BAZA CALVO

2017 OCT 18 PM 4:28:53

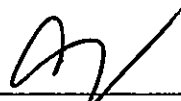
I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

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

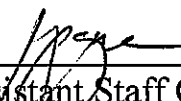
This is to certify that Bill No. 165-34 (LS), "AN ACT TO ADD NEW §§ 3103(b)(4) AND 3115, AND AMEND § 3105, ALL OF CHAPTER 3, TITLE 27, GUAM ADMINISTRATIVE RULES AND REGULATIONS, RELATIVE TO THE INCLUSION OF THE AIRCRAFT RESCUE AND FIREFIGHTING UNIT UNDER CATEGORY 2 PEACE OFFICERS; AND THE MODIFICATION OR ADOPTION OF THE PEACE OFFICER STANDARDS AND TRAINING (POST) COMMISSION'S PHYSICAL FITNESS QUALIFICATION TEST (PFQT)," was on the 29th day of September 2017, duly and regularly passed.


Benjamin J.F. Cruz
Speaker

Attested:


Dennis G. Rodriguez, Jr.
Acting Legislative Secretary

This Act was received by *I Maga'låhen Guåhan* this 29th day of Oct,
2017, at 4:40 o'clock P.M.


Assistant Staff Officer
Maga'låhi's Office

APPROVED:


EDWARD J.B. CALVO
I Maga'låhen Guåhan

Date: OCT 13 2017

Public Law No. 34-49

I MINA'TRENTAI KUATTRO NA LIHESLATURAN GUÅHAN
2017 (FIRST) Regular Session

Bill No. 165-34 (LS)

As amended on the Floor.

Introduced by:

Telena Cruz Nelson
Joe S. San Agustin
William M. Castro
Thomas C. Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
James V. Espaldon
Fernando Barcinas Esteves
Régine Biscoe Lee
Tommy Morrison
Louise B. Muña
Dennis G. Rodriguez, Jr.
Therese M. Terlaje
Mary Camacho Torres

**AN ACT TO *ADD* NEW §§ 3103(b)(4) AND 3115, AND
AMEND § 3105, ALL OF CHAPTER 3, TITLE 27, GUAM
ADMINISTRATIVE RULES AND REGULATIONS,
RELATIVE TO THE INCLUSION OF THE AIRCRAFT
RESCUE AND FIREFIGHTING UNIT UNDER
CATEGORY 2 PEACE OFFICERS; AND THE
MODIFICATION OR ADOPTION OF THE PEACE
OFFICER STANDARDS AND TRAINING (POST)
COMMISSION'S PHYSICAL FITNESS
QUALIFICATION TEST (PFQT).**

1 BE IT ENACTED BY THE PEOPLE OF GUAM:

2 Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds
3 that the Peace Officer Standards and Training (POST) Commission Physical Fitness

1 Qualification Test (PFQT) results collected from the Guam Fire Department and the
2 Guam Police Department revealed that a high percentage of peace officers are
3 failing. The Guam Fire Department's PFQT results revealed that of the one hundred
4 sixty-six (166) uniformed personnel tested, seventy-eight (78) failed. The Guam
5 Police Department's PFQT results revealed that of the three hundred seventeen (317)
6 uniformed personnel tested, two hundred eighteen (218) failed. Due to the high
7 failure rate of uniformed personnel, the public safety of the island of Guam would
8 be at risk with a substantial shortage of peace officers.

9 It is the intent of *I Liheslaturan Guåhan* to require all peace officers to fully
10 comply with the modified rules and regulations. Furthermore, it is the intent of *I*
11 *Liheslaturan Guåhan* to require the POST Commission to submit its
12 recommendation on modified or new standards for the Physical Fitness Qualification
13 Test by July 1, 2018. It is also the intent of *I Liheslaturan Guåhan* to include the
14 personnel of the Aircraft Rescue and Firefighting Unit under Category 2 peace
15 officers.

16 **Section 2.** A new § 3103(b)(4) is *added* to Chapter 3 of Title 27, Guam
17 Administrative Rules and Regulations, to read:

18 “(4) All Fire Fighter Personnel of the Aircraft Rescue and Fire
19 Fighting Unit.”

20 **Section 3.** The first paragraph of § 3105 and § 3105(a) and (b) of Chapter
21 3, Title 27, Guam Administrative Rules and Regulations, are *amended* to read:

22 **“§ 3105. Establishment of Physical Fitness Qualification Test.**

23 There is hereby established a policy that Category 1 and 2 peace
24 officers *shall* meet a uniform minimum physical fitness standard in order to
25 obtain and maintain their certificates from the POST Commission. The
26 standard *shall* be denominated the Physical Fitness Qualification Test
27 (PFQT), and *shall* be in compliance with the interim standards indicated in

1 Appendix A and Appendix B of this Chapter until a physical fitness program
2 is recommended by the POST Commission and adopted by *I Liheslaturan*
3 *Guåhan* (the Guam Legislature) in the form of a resolution or a bill by the
4 dates specified in § 3115 of this Chapter.

5 (a) There *shall* be a mandatory test administered annually
6 before December 31 of each year. All milestones will be calculated
7 from the effective date of this regulation. Nothing herein shall be
8 construed to restrict or impede agencies from testing peace officers in
9 addition to the aforementioned mandatory annual test.

10 (b) No peace officers may have their certification revoked or
11 placed on probation or other adverse action on the basis of their
12 physical fitness until January 1, 2018. The PFQT will be administered
13 and the results will be used by the Executive Director to determine
14 whether a peace officer's certification should be maintained, denied,
15 suspended, or revoked in compliance with § 3105(e) of Chapter 3, Title
16 27, Guam Administrative Rules and Regulations."

17 **Section 4.** § 3105(e) of Chapter 3, Title 27, Guam Administrative Rules and
18 Regulations, is *amended* to read:

19 "(e) Peace officers must retest within ninety (90) days following an
20 Unsatisfactory PFQT. Agencies may not mandate peace officers to retest any
21 sooner than the end of the forty-two (42) day reconditioning period; however,
22 a peace officer may volunteer to do so. Retesting in the first forty-two (42)
23 days after an Unsatisfactory PFQT requires agency head approval since
24 recognized medical guidelines recommend forty-two (42) days as the
25 minimum timeframe to recondition from Unsatisfactory to Satisfactory status
26 in a manner that reduces risk of injury. It is the peace officer's responsibility

1 to ensure he/she retests before the ninety (90) day reconditioning period
2 expires (non-currency begins on the ninety-first (91st) day).

3 (1) First Unsatisfactory - A written warning is issued. The
4 peace officer must retest within ninety (90) days.

5 (2) Second Unsatisfactory - A second written warning is
6 issued. The peace officer must retest within ninety (90) days.

7 (3) Third Unsatisfactory - A third written warning is issued.
8 The peace officer must retest within ninety (90) days. The peace officer
9 *shall* receive counseling from the agency head or an individual whom
10 the agency head designates.

11 (4) Fourth Unsatisfactory - The peace officer's certification
12 *shall* be temporarily suspended until a determination is made by the
13 POST Commission. The peace officer *shall* be assigned to
14 administrative duties. Agency heads *shall* make a recommendation that
15 the POST Commission revoke the peace officer's certification upon
16 review. The peace officer *shall not* be allowed to carry a firearm.
17 Hazardous and increment pay may be denied. The employer *shall* take
18 administrative action in accordance with Department of
19 Administration's rules and regulations or applicable autonomous
20 agency personnel rules and the Fair Labor Standards Act."

21 **Section 5.** § 3105(f) of Chapter 3, Title 27, Guam Administrative Rules and
22 Regulations, is *amended* to read:

23 "(f) Failure. A peace officer is deemed to have failed to comply with
24 this policy when that officer's performance in a PFQT test is below the
25 standard adopted by *I Liheslaturan Guåhan* (the Guam Legislature), and as
26 defined and/or referenced herein after the officer has been previously tested,
27 given the requisite conditioning period, retested, and is still unable to meet the

1 minimum standard. When a peace officer receives four (4) Unsatisfactory
2 PFQT results within a twelve (12) month period and a Guam licensed health
3 care provider has ruled out medical conditions precluding the peace officer
4 from achieving a passing score, the POST Commission *shall* deny, suspend,
5 or revoke the individual's certification. All PFQT test results *shall* be
6 provided to the Executive Director within fifteen (15) calendar days after the
7 completion of the PFQT."

8 **Section 6.** § 3105(g)(1) of Chapter 3, Title 27, Guam Administrative Rules
9 and Regulations, is *amended* to read:

10 "(1) received four (4) Unsatisfactory PFQT scores in a twelve (12)
11 month period;"

12 **Section 7.** A new § 3115 is *added* to Chapter 3 of Title 27, Guam
13 Administrative Rules and Regulations, to read:

14 **"§ 3115. Modification to or Adoption of a New Physical Fitness**
15 **Qualification Test.**

16 The Peace Officer Standards and Training Commission *shall* submit its
17 recommendation for modified or new Physical Fitness Qualification Test
18 standards to *I Liheslaturan Guåhan* on or before July 1, 2018 for review and
19 adoption in accordance with the Administrative Adjudication Law, Title 5
20 GCA Chapter 9. Any modified or new recommendation *shall* include, at a
21 minimum: a Physical Fitness Program, a Health and Nutrition Program, and a
22 Physical Fitness Qualification Test. In the event that the PFQT standards
23 submitted by the Peace Officer Standards and Training Commission is not
24 adopted by *I Liheslaturan Guåhan* in the form of a resolution or bill by
25 December 31, 2018, the Physical Fitness Qualification Test *shall* revert to the
26 previous standards adopted in Public Law 32-232, and embodied in Air Force

1 Instruction 36-2905, dated 21 October 2013. The POST Commission *shall* be
2 in full compliance with the reverted or adopted standards by January 2020.”

Appendix A

MALE				
AGE	CATEGORY	RUN (1 MILE)	PUSH-UPS (1 MIN)	SIT-UPS (1 MIN)
18-29	M-1	12:10	33	42
30-39	M-2	12:40	27	39
40-49	M-3	13:10	21	34
50-59	*M-4	13:40	15	28
60+	*M-5	14:10	14	22
AGE	CATEGORY	WALK (1 MILE)	PUSH-UPS (1 MIN)	SIT-UPS (1 MIN)
18-29	**M-1W	15:27	33	42
30-39	**M-2W	15:29	27	39
40-49	**M-3W	15:33	21	34
50-59	*M-4W	15:50	15	28
60+	*M-5W	16:07	14	22
FEMALE				
AGE	CATEGORY	RUN (1 MILE)	PUSH-UPS (1 MIN)	SIT-UPS (1 MIN)
18-29	F-1	13:15	18	38
30-39	F-2	13:45	14	29
40-49	F-3	14:15	11	24
50-59	*F-4	14:45	9	20
60+	*F-5	15:15	7	11
AGE	CATEGORY	WALK (1 MILE)	PUSH-UPS (1 MIN)	SIT-UPS (1 MIN)
18-29	**F-1W	16:10	18	38
30-39	**F-2W	16:25	14	29
40-49	**F-3W	16:40	11	24
50-59	*F-4W	16:55	9	20
60+	*F-5W	17:10	7	11
*Peace officers age fifty (50) and above may opt to complete either the run or walk category prior to administration of the test **Peace officers from ages eighteen (18) to forty-nine (49) who must walk shall obtain and submit to the agency head medical authorization from a Guam licensed health care provider				

Appendix B

Push-up Component	
Assessment Duration	Officers have one (1) minute to complete as many correct push-ups as possible.
Starting Position	The officer will begin in the starting position with hands slightly wider than shoulder width apart, palms or fists on the floor with arms fully extended and the body in a straight line from head to heel. The feet may be no more than twelve (12) inches apart. The body shall maintain a rigid form from head to heel. The feet may not be crossed, supported, or braced.
Complete Push-up	From the starting position, the officer will lower the body to the ground until the upper arm is at least parallel to the floor with the elbow bent at least ninety (90) degrees or less before pushing back up to the starting position. The officer's chest may touch but not rest on or bounce off the floor. The officer completes one full push-up after returning to the starting position with elbows fully extended. The officer's back must remain straight unless resting. If the officer does not lower the body until upper arm is at least parallel to the floor or the officer does not fully extend elbows when returning to starting position or the body bows at the waist, the push-up will not be counted. The officer may rest in the starting position only. If officer rests with their body on the ground, the push-up component of the test will be terminated.
Timing	The test assessor is responsible for operating the stopwatch. The assessor will start the stopwatch when the officers are instructed to begin, observe the assessment, and notify the officers how much time is remaining at thirty (30) seconds and fifteen (15) seconds. Prior to beginning the assessment, the assessor will inform the officers to continue to perform push-ups until directed to stop or until the officer is no longer able to continue.
Monitoring	A monitor will be assigned to each officer to count the correct number of push-ups while the assessor oversees and spot-checks technique to ensure accurate and safe assessment. The monitor will count the number of push-ups out loud. If the officer performs an incorrect push-up or breaks form, the monitor will repeat the last correct complete push-up number. The monitor will examine the officer from a position that allows observance of the officer's form and the arm angles.
Recording	Upon completion of the assessment, the monitor and assessor will record the total number of correct push-ups.
Sit-Up Component	
Assessment Duration	Officers have one (1) minute to complete as many correct sit-ups as possible.

Starting Position	The officer will be instructed to lie face up on the floor or mat. In the starting position, the officer's feet may extend off the mat, but the buttocks, shoulders, and head must not extend beyond the mat. The officer's knees will be bent at a ninety (90)-degree angle with the feet or heels in contact with the floor at all times. The officer's arms will be crossed over the chest with the hands and fingers on the shoulders or resting on the upper chest.
Foot Hold	The officer's heels must remain anchored to the floor throughout the assessment. The officer may request to have their feet held down by a helper but the helper may not anchor the officer's legs by holding onto the calves or standing on the feet during the assessment. Enough force must be applied to keep the feet or ankles from rising while the sit-ups are being accomplished. If officers request helpers of the same gender to hold their feet, they must be granted that request. In place of a helper holding the feet, a bolted non-portable toe-hold bar may be used to anchor the feet so long as the officer's heels remain in contact with the ground at all times and the bar cannot move.
Complete Sit-up	A complete sit-up is accomplished when the upper torso of the officer is raised off the floor or mat, the elbows touch the knees or thighs, and the upper torso is lowered until the shoulder blades touch the floor or mat. Elbows must touch the knees or thighs at the top of the sit-up, and the shoulder blades must touch the floor or mat at the bottom of the sit-up. Any part of an officer's hands or fingers must remain in contact with his or her shoulders or upper chest at all times. If the elbows do not touch the knees or thighs at the top of the sit-up or the shoulder blades do not touch the floor or mat at the bottom of the sit-up or the hands or fingers lift completely off the shoulders or upper chest, the sit-up is incorrect and will not be counted. The officer may only rest with the upper torso raised off the floor or mat. If the officer holds onto their knees or legs or rests in the starting position, the sit-up component of the assessment will be terminated.
Timing	The assessor is responsible for operating the stopwatch. The assessor will start the stopwatch when the officers are instructed to begin, observe the assessment and notify the member how much time is remaining at thirty (30) seconds and fifteen (15) seconds. Prior to beginning the assessment, the assessor will inform the officers to continue to perform sit-ups until directed to stop or until the officer is no longer able to continue.
Monitoring	A monitor will be assigned to each officer to count the correct number of sit-ups while the assessor oversees and spot-checks technique to ensure accurate and safe assessment. The monitor will count the number of sit-ups out loud. If the officer breaks correct form, the monitor will repeat the last correct number. The monitor will examine the member from a position that allows observance to

	ensure the shoulder blades touch the floor and elbows touch the knees or thighs.
Recording	Upon completion of the assessment, the monitor and assessor will record the total number of correct sit-ups.
One (1)-Mile Run or Walk	
Run Assessment	Prior to beginning the one (1)-mile run, officers may complete up to a three (3)-minute warm up. Officers will be directed to line up behind the starting line and will begin running when instructed. No physical assistance from anyone or anything is permitted. Officers are required to stay on and complete the entire course. Leaving the course is disqualifying and terminates the test. Completion time will be recorded when the officers crosses the finish line.
Alternate Assessment	The one (1)-mile walk is the only authorized alternate assessment to the one (1)-mile run and shall be authorized by a Guam licensed health care provider.
Walk Assessment	Prior to beginning the one (1)-mile walk, officers may complete up to a three (3)-minute warm up. Officers will be directed to line up behind the starting line and will begin walking when instructed. Officers will walk the one (1)-mile course as quickly as they can; they may not run, keeping at least one foot in contact with the ground at all times. No physical assistance from anyone or anything is permitted. Officers are required to stay on and complete the entire course. Leaving the course is disqualifying and terminates the test. Completion time will be recorded when the officers crosses the finish line.