

I Mina'trentai Siette Na Liheslaturan Guåhan

6-39 * COR +	William A. Parkinson Dwayne T. D. San Nicolas Tina Rose Muña Barnes	AN ACT TO ADD A NEW ARTICLE 26, CHAPTER 12 OF TITLE 10 GUAM CODE ANNOTATED, RELATIVE TO ENDING DISCRIMINATION IN EMPLOYMENT USE OF CANNABIS.	1/13/23 3:46 p.m.	1/13/23	Committee on Health, Land, Justice, and Culture	Request: 1/18/23	4/1/24 2:00 p.m.	4/9/24 2:14 p.m.	Re-Refered Version 2/3/23
				2/3/23	Re-Refered: Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs	2/2/23		As substituted; and amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs	3/20/24 As substituted by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs Additional Testimonies 4/19/24



COMMITTEE ON RULES

Senator Chris Barnett, Chairperson
I Mina'trentai Siette Na Liheslaturan Guåhan
37th Guam Legislature

April 19, 2024

To: **Joaquin P. Taitague**
Clerk of the Legislature

Attorney Darleen Hiton
Legislative Legal Counsel

From: **Senator Chris Barnett** 
Chairperson, Committee on Rules

Subject: **Additional Testimony for Bill No. 6-37 (COR), As substituted and amended by the Committee for processing.**

Håfa Adai yan Biba Guåhan!

Attached is an **Additional Testimony for Bill No. 6-37 (COR), As substituted and amended by the Committee on Human Resources, Hagåtña Revitalization, Regional Affairs, Public Libraries, Telecommunications, Technology and Federal and Foreign Affairs** to be processed and posted on the legislature website for public accessibility.





GUAM WATERWORKS AUTHORITY

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April 12, 2024

Honorable Tina Muña Barnes
Vice Speaker
Bank of Hawaii Building
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Re: Bill 6-37 (COR) An Act to Add a New Article 26, Chapter 12 of Title 10 Guam Code Annotated, Relative to Ending Discrimination in Employment Use of Cannabis

Honorable Vice-Speaker Muna Barnes & Committee Members,

Buenas yan Háfa Adai! Thank you for agreeing to provide the Guam Waterworks Authority with the opportunity to comment on Bill 6-37(COR) and to have this testimony appended to the committee report.

Bill 6-37(COR) as substituted which adds a new Article 26, Chapter 12 of Title 10 Guam Code Annotated, relative to ending discrimination in employment use of cannabis contradicts GWA's zero tolerance drug-free workplace policy as this Bill will prohibit an employer from terminating employees for their use of "cannabis off the job and away from the workplace." The Bill's aim is to test for job impairment while GWA's drug-free policies aim to confirm detection and whether cannabis has been consumed which includes screening for "nonpsychoactive cannabis metabolites;" which the Bill prohibits.

The purpose of GWA's "Zero Tolerance" Drug and Alcohol-Free Workplace Policy is to protect its employees, its water and wastewater systems, the public's safety, and to ensure that all employees recognize that a drug and alcohol-free workplace environment includes a safe, healthy, and productive workplace.

GWA employees hold safety-sensitive positions that require sober judgment and motor skills to ensure safe operation of heavy machinery and equipment, and oversight of water and wastewater treatment processes. GWA employees are also expected to report for duty, perform their duties, and make split-second decisions clearly and consciously. The present form of Bill 6-37 creates a contradiction and weakens GWA's safety policies and the integrity of our zero-tolerance employee drug testing program.

GWA's research shows that long term effects of cannabis use can lead to cognitive and psychomotor impairments that negatively impact the ability to safely perform certain job duties even when not acutely intoxicated which may potentially lead to accidents, injuries, or errors in water and wastewater treatment processes. Further, it is GWA's understanding, that unlike alcohol, Guam law does not have an established THC impairment level nor are there any reliable tests that can determine THC impairment.

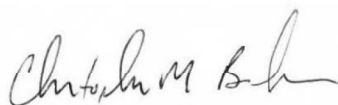
These concerns, together with the intent of Bill 6-37 and what it permits, undermines GWA's ability to maintain its systems and the public's safety. The Guam public relies on GWA's ability to respond and provide clean, flowing, and drinkable water and safe wastewater systems 24/7, and portions of the Bill which imply that GWA could be exempt from the Act are not express and under specific circumstances may still challenge GWA's continued enforcement of its present zero-tolerance drug-free policy.

Considering the contradiction Bill 6-37 creates, and the safety concerns raised specific to GWA and our mission, GWA requests that "government water and wastewater utility" employees be included within the exemptions written into 122602 (c) to read:

(c) This Act does not apply to employees in the building and construction trades and employees of either the Guam Waterworks Authority or the government water and wastewater utility.

In closing we would like to thank you for the opportunity to provide testimony regarding this matter.

Sincerely,



Digitally signed by Christopher M. Budasi
Reason: for General Manager Miguel C.
Bordallo, P.E.
Date: 2024.04.12 14:27:45 +10'00'

Christopher M. Budasi
General Manager (Acting)
Assistant General Manager of Administration and Support