2014 MAS J. BEN 4: 05

I MINA'TRENTAI DOS NA LIHESLATURAN GUÅHAN 2014 (SECOND) REGULAR SESSION

Bill No. 310-32 (LS)

Introduced by:

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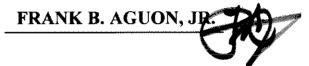
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AN ACT TO ADD A NEW §55104, §55104.1, §55104.2, §55104.3 TO CHAPTER 55, DIVISION 3, TITLE 10, GUAM CODE ANNOTATED; RELATIVE TO THE ESTABLISHMENT OF PHYSICAL FITNESS STANDARDS AND POLICIES FOR PUBLIC SAFETY AND LAW ENFORCEMENT UNIFORM PERSONNEL; AND SHALL HENCEFORTH BE KNOWN AS THE "FIT TO SERVE AND PROTECT ACT OF 2014".

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Fit to Serve and Protect Act of 2014. §55104 of Chapter 55,

Division 3 of Title 10, Guam Code Annotated is hereby added to read:

"§55104. Legislative Findings and Intent. I Liheslaturan Guahan finds that Guam's public safety and law enforcement uniformed personnel must be physically fit due to the potential need for these uniformed personnel to be able to exert maximum efforts. Guam's public safety and law enforcement uniformed personnel is sedentary in nature, without sufficient physical activity to maintain levels of fitness for exertive efforts or general health. The overall average fitness level of these uniformed personnel suggests that officers achieve an acceptable measure of physical fitness during academy training. However, without fitness maintenance standards, these gains achieved in the academy are shortly lost.

It has been proven that there is a direct correlation between physical fitness, good health, and performance productivity. Further, enhanced physical activity

and exercise prescription is one of the many variables that maximizes job effectiveness and lessening risks of non-communicable diseases (e.g. cardiovascular disease, diabetes, cancer). Thus, a critical aspect of the overall preparation of well-trained law enforcement personnel include the establishment and effective implementation of physical fitness standards and annual assessment policy that will ultimately benefit each uniformed personnel; and just as importantly ensure physical health for their personal benefit and the benefit of their families. Each uniformed public safety and law enforcement official should be encouraged to be both task-trained and physically fit at all times to more effectively serve and protect the people of Guam.

Therefore, it is the intent of I Liheslaturan Guahan to work with government of Guam public safety and law enforcement entities in the formulation of physical fitness standard and annual assessment policy that will further enhance the ability of all uniformed personnel in carrying out their tremendous responsibility to the public. This provision would require that the law enforcement agencies and entities of the government of Guam establish internally and collectively a government-wide physical fitness standard and annual assessment policy necessary to ensure the health and safety of all uniformed public safety and law enforcement officials in the conduct of their duties and responsibilities.

§55104.1. Short Title. This subchapter may be cited as the "Fit to Serve and Protect Act of 2014."

§55104.2. Public Safety and Law Enforcement Physical Fitness Standard and Annual Assessment Policy.

(a) The government of Guam public safety and law enforcement entities shall hereby collectively formulate a government-wide policy on the establishment of physical fitness standards and annual assessment policy applicable to men and women serving the community in

uniform as a public safety or law enforcement official. For purposes of this Act, the applicable government of Guam public safety and law enforcement agencies shall include, but not limited to, the Judiciary of Guam, Guam Police Department, Guam Fire Department, Department of Corrections, Customs and Quarantine Agency, Jose D. Leon Guerrero Commercial Port Authority Police, Office of the Attorney General, and A.B. Won Pat International Airport Authority Police and Director of Agriculture.

- (b) The "Fit to Serve and Protect Task Force" (hereinafter referred to as the "Task Force") is hereby created for the establishment of physical fitness standards and annual assessment policy for government of Guam uniform public safety and law enforcement officials. Guam Police Department, through the Chief of Police or his designee, shall spearhead the formulation of such standards and policies through the provision of administrative or other support deemed necessary, and shall work in conjunction with other public safety and law enforcement entities on island. The Chief of Police or his designee shall serve as the Chairperson of the Task Force and shall ensure timely completion of the physical fitness standards and annual assessment policy.
- (c) The Chief of Police, the Chiefs, law enforcement administrators, and administrators identified in subsection (a) of §55104.2, wherever applicable, shall appoint a uniformed representative who shall serve as a member of the Task Force. Such appointments shall be made no later than Thirty (30) days following the enactment of this provision. The Chief of Police shall be responsible for ensuring the timely empanelling of Task Force members and the completion of the

objectives of the Task Force as outlined in this Act. The Judiciary of Guam, Guam Fire Department, Department of Corrections, Customs and Quarantine Agency, Jose D. Leon Guerrero Commercial Port Authority Police, A.B. Won Pat International Airport Authority Police, and Director of Agriculture shall forward their appointees for the Task Force to the Chief of Police in the time required.

- (d) The standards and annual assessment policy identified herein shall be accepted and completed by Task Force members no later than One Hundred Eighty (180) days following the enactment of this Act. Upon completion, the physical fitness standards and annual assessment policy shall be presented to I Maga'lahen Guåhan. Within Thirty(30) days of receipt, I Maga'lahen Guåhan shall approve and present to the *I Liheslaturan Guahan* for consideration and official adoption. The government-wide fitness standards and annual assessment policy to be created shall include, but not limited to, the following:
 - 1) A three-to-five year implementation plan demonstrating longterm commitment to physical fitness/health for employees; and
 - 2) A health related orientation, including screening procedures, individualized exercise programs, and appropriate follow-up activities; and
 - 3) Identification of a person skilled in prescribing exercise to direct the fitness standard.
 - 4) An approach that will consider key health behavior related to degenerative disease, including smoking and nutrition.
 - 5) A modest facility or gym membership benefits that includes only the essentials necessary to conduct a maintenance program involving: cardiovascular endurance, anaerobic power,

1	muscular strength, muscular endurance, flexibility, and body
2	composition.
3	6) Provision for equal opportunities for men and women, and all
4	employees regardless of grade or step level.
5	(e) The Task Force, upon formal acceptance and adoption of the fitness
6	standards and annual assessment policy by I Liheslaturan Guahan
7	shall thereafter dissolve.
8	§55104.3. Annual Reporting Timeline
9	The Director of Administration shall perform the review and report
10	described in Title 10 GCA, Chapter 55, Division 3, §55104 on an semi-annual
11	basis during the month of July, beginning July 1, 2015."
12	Section 3. Severability.
13	If any provision of this Act or its application to any person or circumstance
14	is found to be invalid or contrary to law, such invalidity shall not affect other
15	provisions or applications of this Act which can be given effect without the invalid
16	provisions application, and to this end the provisions of this Act are severable.
17	Section 4. Effective Date. This Act shall be immediately effective upon

enactment.