

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

Bill No. 310-32 (LS)

Introduced by:

FRANK B. AGUON, JR.



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”.

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

2 **Section 1. Fit to Serve and Protect Act of 2014.** §55104 of Chapter 55,
3 Division 3 of Title 10, Guam Code Annotated is hereby added to read:

4 **“§55104. Legislative Findings and Intent.** I Liheslaturan Guahan finds
5 that Guam’s public safety and law enforcement uniformed personnel must be
6 physically fit due to the potential need for these uniformed personnel to be able to
7 exert maximum efforts. Guam’s public safety and law enforcement uniformed
8 personnel is sedentary in nature, without sufficient physical activity to maintain
9 levels of fitness for exertive efforts or general health. The overall average fitness
10 level of these uniformed personnel suggests that officers achieve an acceptable
11 measure of physical fitness during academy training. However, without fitness
12 maintenance standards, these gains achieved in the academy are shortly lost.

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

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

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

20 **§55104.1. Short Title.** This subchapter may be cited as the “Fit to Serve
21 and Protect Act of 2014.”

22 **§55104.2. Public Safety and Law Enforcement Physical Fitness
23 Standard and Annual Assessment Policy.**

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

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

9 (b) The “Fit to Serve and Protect Task Force” (hereinafter referred to as
10 the “Task Force”) is hereby created for the establishment of physical
11 fitness standards and annual assessment policy for government of
12 Guam uniform public safety and law enforcement officials. Guam
13 Police Department, through the Chief of Police or his designee, shall
14 spearhead the formulation of such standards and policies through the
15 provision of administrative or other support deemed necessary, and
16 shall work in conjunction with other public safety and law
17 enforcement entities on island. The Chief of Police or his designee
18 shall serve as the Chairperson of the Task Force and shall ensure
19 timely completion of the physical fitness standards and annual
20 assessment policy.

21 (c) The Chief of Police, the Chiefs, law enforcement administrators, and
22 administrators identified in subsection (a) of §55104.2, wherever
23 applicable, shall appoint a uniformed representative who shall serve as
24 a member of the Task Force. Such appointments shall be made no
25 later than Thirty (30) days following the enactment of this provision.
26 The Chief of Police shall be responsible for ensuring the timely
27 empanelling of Task Force members and the completion of the

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

7 (d) The standards and annual assessment policy identified herein shall be
8 accepted and completed by Task Force members no later than One
9 Hundred Eighty (180) days following the enactment of this Act. Upon
10 completion, the physical fitness standards and annual assessment
11 policy shall be presented to I Maga'lahaen Guåhan. Within Thirty(30)
12 days of receipt, I Maga'lahaen Guåhan shall approve and present to the
13 *I Liheslaturan Guahan* for consideration and official adoption. The
14 government-wide fitness standards and annual assessment policy to be
15 created shall include, but not limited to, the following:

- 16 1) A three-to-five year implementation plan demonstrating long-
17 term commitment to physical fitness/health for employees; and
- 18 2) A health related orientation, including screening procedures,
19 individualized exercise programs, and appropriate follow-up
20 activities; and
- 21 3) Identification of a person skilled in prescribing exercise to
22 direct the fitness standard.
- 23 4) An approach that will consider key health behavior related to
24 degenerative disease, including smoking and nutrition.
- 25 5) A modest facility or gym membership benefits that includes
26 only the essentials necessary to conduct a maintenance program
27 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
18 enactment.