

I Mina'trentai Singko Na Liheslaturan Guåhan
BILL STATUS

BILL NO.	SPONSOR	TITLE	DATE INTRODUCED	DATE REFERRED	CMTE REFERRED	PUBLIC HEARING DATE	DATE COMMITTEE REPORT FILED	FISCAL NOTES	NOTES
264-35 (COR)	James C. Moylan	AN ACT TO AMEND § 6224 AND § 6225 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF HAZARDOUS PAY FOR CUSTOMS OFFICERS AND THE ADOPTION OF A TABLE OF ORGANIZATION AND EQUIPMENT (TOE) FOR THE GUAM CUSTOMS AND QUARANTINE AGENCY.	1/6/20 1:09 p.m.						

I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN
2020 (SECOND) Regular Session

Bill No. 2435 (COR)

Introduced by:

James C. Moylan 

AN ACT TO AMEND § 6224 AND § 6225 OF ARTICLE 2, CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, RELATIVE TO THE ADMINISTRATION OF HAZARDOUS PAY FOR CUSTOMS OFFICERS AND THE ADOPTION OF A TABLE OF ORGANIZATION AND EQUIPMENT (TOE) FOR THE GUAM CUSTOMS AND QUARANTINE AGENCY.

2020 JUN -6 PM 1:09 

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guahan* finds

that the Guam Customs and Quarantine Agency (CQA) and its officers have a vital responsibility in protecting our borders, and just as the Guam Police Department (GPD), play a critical role in fighting the drug epidemic on Guam. Similar to their counterparts in GPD, every customs officer assigned to a hazardous duty position, which carries a weapon while wearing the uniform, is placed within a perilous environment, and thus should be treated equally when it comes to how hazardous pay is administered. This act provides for a less tedious administrative process, and one to assure that growth and retention levels for the agency are maintained.

By adopting a Table of Organization and Equipment (TOE), the CQA, just as GPD is authorized to do today, shall also be able to identify hazardous duty positions within the agency. It shall also be noted that CQA is financially self sufficient in generating its own revenue through the fees it collects and is not dependent on the

1 General Fund. If we are going to truly prioritize the war against illegal drugs, then
2 it is critical that we equip agencies such as CQA with the necessities to be
3 successful.

4 **Section 2.** § 6224 of Article 2, Chapter 6, Title 4, Guam Code Annotated, is
5 hereby *amended* to read as follows:

6 **§ 6224. Police and Customs Officers--Hazardous Pay.**

7 A police and customs officer assigned to a hazardous duty position is
8 entitled to hazardous duty pay calculated at the rate of such officer's wage plus ten
9 percent (10%).

10 **Section 3.** § 6225 of Article 2, Chapter 6, Title 4, Guam Code Annotated, is
11 hereby *amended* to read as follows:

12 **§ 6225. Hazardous Duty Positions Identified.**

13 Notwithstanding any other provisions of the law, and for the purposes of this
14 Chapter, the term "hazardous" shall be defined as involving or exposing one to
15 risk, and the term "hazardous duty pay" shall be defined as additional pay for
16 performing hazardous work which is not adequately alleviated by protective
17 devices.

18 (a) The Chief of Police shall, by general order, adopt a Table of
19 Organization and Equipment (TOE) for the uniform positions within the
20 Police Department. The TOE shall follow generally the organizational
21 structure established by the reorganization plan for the Police Department
22 which became effective September 11, 1989. The TOE shall identify by rank
23 and duty the positions within the various units, sections, branches, divisions
24 and commands in the Police Department. Hazardous duty positions shall be
25 identified in the TOE.

26 (b) The Director of Customs shall by general order, adopt a Table of
27 Organization and Equipment (TOE) for the uniform positions within the

1 Customs and Quarantine Agency. The TOE shall follow generally the
2 organizational structure established by the creation of the Customs and
3 Quarantine Agency which became effective on October 1, 1994. The TOE
4 shall identify by rank and duty the positions within the various units,
5 sections, branches, divisions, and commands in the Customs and Quarantine
6 Agency. Hazardous duty positions shall be identified in the TOE.

7 (c**b**) (1) Notwithstanding § 6304 of Article 3, Chapter 6, Title 4,
8 Guam Code Annotated, the Civil Service Commission
9 Hazardous/Environmental Pay Policy and Procedures, or any other provision
10 of law, rule, regulation, and Executive Order, and for the purposes of this
11 Act, Hazardous duty positions shall be identified as follows:

12 ~~(A) all sworn Officers of the Customs and Quarantine Agency;~~

13 ~~(A**B**) all sworn Officers of the Guam Airport Police;~~

14 ~~(B**C**) all sworn Conservation Officers of the Division of~~
15 ~~Aquatic and Wildlife Resources of the Department of Agriculture;~~

16 ~~(C**D**) all sworn Guam Park Patrol Officers of the Department of~~
17 ~~Parks and Recreation;~~

18 ~~(D**E**) those employed by the Department of Youth Affairs, or~~
19 ~~who are assigned to the Department of Youth Affairs, and who are~~
20 ~~engaged in juvenile detention and rehabilitation work at the~~
21 ~~Department of Youth Affairs;~~

22 ~~(E**F**) those employed by the Office of the Attorney General~~
23 ~~whom he or she specifically designates; and~~

24 ~~(F**G**) all sworn Officers of the Guam Fire Department.~~

25 ~~(2) The appointing authorities of the Customs and Quarantine Agency,~~
26 ~~the A.B. Won Pat International Airport Authority, the Department of~~
27 ~~Agriculture, the Department of Parks and Recreation, the Department of~~

1 Youth Affairs, the Office of the Attorney General, the Guam Fire
2 Department, and the Department of Administration shall identify the direct
3 exposure personnel, and upon exposure, who shall be entitled to the ten
4 percent (10%) hazardous pay differential.

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

10 **Section 5. Effective Date.** The Act *shall* become effective on April 1,
11 2020.