



**GUAM PEACE OFFICER STANDARDS
& TRAINING COMMISSION (POST)**
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**P.O.S.T. COMMISSION MEETING MINUTES
Friday, October 15, 2021**

I. Called to Order. The P.O.S.T. (“POST”) Commission meeting of October 15, 2021, meeting was called to order at 9:42 a.m. by the Guam Customs & Quarantine Agency, Chief Vince Perez, the POST Commission Chairman.

Roll Call by Agency/Department:

Member-agencies/other agencies: Please refer to the sign-in sheet. Quorum was established. Representatives from the Guam Police Department, Guam Airport Police, Guam Port Police, Guam Customs & Quarantine Agency, Unified Courts of Guam (Judiciary), Guam Fire Department, Department of Administration, Department of Youth Affairs, GIAA Aircraft Rescue Fire Fighting (ARFF).

Others in attendance: Representatives from the Civil Service Commission: Mr. Daniel Leon Guerrero and Mr. Roland Fejarang.

At this time it was mentioned that the Guam Civil Service Commission and the Guam Federation of Teachers were invited to assist the POST with certain items on the agenda.

Documents Received. Document(s)/Packet: October 15, 2021 Agenda; June 10, 2021, P.O.S.T. Minutes; Documents from the POST Chairman relating to the POST Uniformed Law Enforcement Officer General Force Leadership Structure Tier Plan, the POST Pay Scale Plan and the POST Program Specialist.

II. Review and Approval of the Minutes of June 10, 2021.

MOTION

M/S/C: (GFD-J. Manibusan/GPD-M. Chong): Motion was made to approve the Guam P.O.S.T. Commission Meeting Minutes of June 10, 2021, with corrections. Unanimously approved, motion adopted.

III. Chairman/Vice Chairman Remarks. The Chairman mentioned that it has been several months since the last POST meeting. Is aware that everyone has had challenges with the COVID situation, each agency’s budget and internal agency matters but that it is still important for the POST

to meet most especially since the budget has been passed. That there are things in the budget that affect the POST Commission. Mentioned to continue to keep your employees and your family safe and happy to see everyone today.

The Vice Chairman Chief Ray Mantanona mentioned that this is the first meeting as new members as the Chairman for Chief Perez and Chief Ray as the new Vice Chairman and appreciates everyone's attendance today.

IV. Interim Executive Director Remarks. *Not in attendance today.*

V. Old Business.

a. POST Decertification. There were discussions during past meetings regarding POST decertification.

- Rules and regulations would have to be developed including a committee.
- Need to make a plan on how to go about this especially since this involves an individual's livelihood.
- What happens with decertification?
- Things to consider are what happens when an individual is decertified.
- Does the person get removed from the roster?
- Are certain benefits removed?
- Will individuals qualify for hazardous pay?
- Will individuals be given desk duty?
- All these things have to be taken into consideration.
- Another are medical issues.
- There are certain things that federally cover an employee's right to work.

GPD Major Chong referred to Title 27 of the Guam Administrative Rules, Chapter 3, §3105 (f) states: "...When a peace officer receives four (4) Unsatisfactory PFQT results within a twelve (12) month period..."

- Major Chong mentioned there is a problem.
- Testing is supposed to be done before December 31st of each year.
- He gave the following example:
 1. On December 30th, a test is conducted at 6:00 a.m. and the individual is informed he fails and is counseled.
 2. He then waits for the 90-day period to take another test and fails again, which would be his second attempt and by then is March.
 3. The third 90-day period is June.
 4. The fourth 90-day period is September.
- That after the 4th failure the individual is to be decertified and stated this is only 9 months.
- Is not 9 months and would be one of the challenges and would have to deal with DOA, CSC and GFT.
- GFT believes there should be 5 tests for failures.
- That if the Commission follows this section the Commission will lose any case if it is challenged.

There were other discussions regarding following statutes, revisions made while these mandates were being drafted.

- That a working group should be established to review issues that can impact the community.
- The concern is for the effectiveness and efficiency of the agency's role in its mission.
- Do not want to punish individuals but to try as much to help them.
- If individuals cannot perform their mandated duties then there has to be a process in place on how to handle this.
- Can begin with a motion to establish a committee.

The Vice Chairman shared how it is done at the Airport with its personnel.

- That the Chairman is right about not trying to dismiss individuals but to help them safely in the workplace.
- Officers may be assigned other duties and still have a job.
- The Airport has established an annual physical by adopting the FAA 1582 guidelines.
- Officers may not proceed with the PFQT without a doctor's certification allowing them to do so.
- If the individual passes his physical, he still has to pass the required PFQT.
- The individual has 3 months to try and pass and is not allowed to perform his regular duties.
- The individual is advised that he is not being singled out and this is done for his safety as well.
- They are taken out of the field and placed in dispatch.
- That the Chairman is requesting for a committee to be formed to help all peace officers under the POST Commission.

DYA mentioned he understands the importance of maintaining the standards but to also keep in mind other factors such as COVID exposure; incentive for those who pass the test such as above the standards, a pay grade issue; what are the sanctions for those who do not, and other issues that might arise that should be brought up once a committee is established.

The Chairman mentioned that he appreciates everyone's input. At this time, it is still required to establish a committee to develop the rules and regulations for decertification.

- Each agency can analyze its internal policies and come together as a Commission to further discuss this.
- The Chairman further mentioned that because there are no rules and regulations to present to the Commission, at this point a decision cannot be made because one has to be developed.

The Chairman asked if the DOA or Civil Service Commission can assist on how to deal with the possibility of decertification and how it will impact the individual officer in their career or the entity itself.

- GPD mentioned that its intent is to look out for employees' rights and for all personnel in all agencies to pass the PFQT requirement.
- The intent is not to get rid of officers as there is a shortage right now.
- That there are already procedures in place should there be a need to discipline.
- Just want to make sure that it is done right, especially with the PFQT requirement.

The Vice Chairman noted points taken of how officers became how they are today and that is through the Academy, plus there is a need to continue how officers began.

- To uphold the ARFF's physical fitness, it conducts a monthly training.
- Believes that after the Academy, there is no other regimented training.

- Recommends all the agencies to establish a regimented schedule for regular training within the agency.
- That this is one way of helping the officers.
- Conduct regular training, not classroom training.
- Conduct “hands-on” event training just to continue to stay fit.
- Does not know if other agencies do this but ARFF allows its officers 4 hours to do this training every month.
- That this works, although it’s a small group, none of its officers are on profile.
- That management should support this.

The Chairman mentioned that CQA has established a general order on fitness wellness within its agency.

- It allows employees 3 hours a week to be able to participate in fitness wellness activities.
- Not sure if other agencies do this but mentioned that this is a good suggestion.
- Unsure if other agencies can afford this.
- That with 8-10 hours within the day, an hour can be afforded to allow employees to participate every other day.
- With the requirement to stay fit and stressing to officers to maintain being fit, management would need to support officers in allowing them to participate in fitness wellness activities.
- To take into consideration not after a long day after their shift.

The Chairman reiterated that rules and regulations again would have to be developed for decertification by first forming a committee to begin the process. That although there were some discussions on medical profiles from previous meetings, the Chairman mentioned he is confident that medical profiles will be one of the issues discussed while developing these rules.

The Civil Service Commission mentioned that there is an Executive Order in place that allows at least 3 hours for employees to participate in fitness wellness activities.

The Chairman mentioned he remembered this Executive Order.

- Their program has an application form, a waiver of liability for employees to complete with a section for a doctor’s certification stating the employee is physically fit to start a program or regimen.
- If Commission members want a sample of CQA’s policy, this is available.

MOTION

M/S/C: (GPD-M. Chong/DYA-D. Afaisen): Motion was made to establish a Committee to develop the Rules and Regulations for the Guam P.O.S.T. Commission Decertification process. Unanimously approved, motion adopted.

The Chairman mentioned he will send out an email to each Commission member to provide input and will then set up a working plan to move forward on this.

b. Medical Profiles. Discussion on how to deal with extended medical profiles.

The Chairman mentioned that part of the medical profiles was previously discussed but provided members an opportunity for further input.

GPD mentioned that although medical profiles are connected with fitness, to take into consideration that medical profiles are not just about physical testing but are also about individuals performing their primary duties.

- That although medical profiles may not be performing their primary duties they have become proficient with other duties in areas they are assigned to.
- Some employees were on medical profiles even before the POST standards were mandated. have
- The medical profiles have become Subject Matter Experts (SMEs).
- That if these SMEs are removed from their assigned areas, it will have a negative impact within these areas to include providing services to our community.
- Some SMEs have been assigned to these areas for a long time.
- That it is not advisable to rotate these SMEs to a different area again because some positions have become very technical.
- Another agency expressed the same concern.
- Some medical waivers are very specific that states individuals cannot even take the PFQT.
- The quality of service will not be the same and this is something to be considered.

Another agency recommended that for some on medical profiles, a second opinion from another doctor should be done to include an update to get an idea of when individuals are able to perform their regular duties. Not just a review by the individual's primary doctor.

There were further discussions.

The Vice Chairman mentioned that ARFF's policy is that if an individual does not pass the fitness testing, the individual will be on administrative duties and not in the field.

- This means said individual will be on 80 hours pay.
- This motivates the individual to pass the next testing but still cannot proceed without a doctor's certification stating the individual is cleared to go back into the field.
- This is the incentive to get back on track and again be paid the additional hours instead of the 8am-5pm scheduled.
- The Vice Chairman has noticed the speed of how their officers heal to try and get back on track.
- Believes that if this worked for ARFF it can work for the other agencies.
- This could be something other agencies can adopt.
- To get individuals on medical profiles placed on administrative work with the regular 80 hours until they are authorized to return to regular duties.

The Chairman mentioned this is a good incentive to get back on track and pass testing.

VI. New Business

a. Budget allocation for GCC for \$72,121.00 for FY22 to fund a Program Specialist to "establish a Standardized and Uniformed Law Enforcement Officer General Force Leadership Structure Tier and General Pay Scale Plan for Category 1 Peace Officers."

The Chairman mentioned he provided a document pertaining to this budget under Public Law 36-54.

-He explained that this is a budget law that provides the Guam Community College funding for the Executive Director position.

- The Chairman and Vice Chair for the Commission would have to meet with GCC to discuss this for clarification.
- That within the POST Commission, everyone has a full-time job.
- That it is very difficult for an Executive Director to work full time at another entity.
- The late Dr. Richard Fee was very adamant and proactive towards trying to move POST and make it a self-sustaining commission by establishing a 100% full time staff that is fully funded for an Executive Director position and additional support staff.
- The Chairman explained that the recording secretary is a full-time staff member for GCC and assists the POST Commission.
- The plan for moving forward is that the POST Commission should be a stand alone entity and the Commission should follow up on what the late Dr. Fee was trying to do in establishing it this way.
- The Chairman mentioned he feels “our hands are tied” and understands that once everyone leaves today, we all go back to our regular work duties at our individual entities.
- There is no one to man an office, ensure processes and follow ups are being done, this will make things easier.
- The Commission cannot continue to operate this way.
- The Chairman mentioned that he will provide updates as soon as they are available regarding this matter in moving forward.

b. Plan on the authorization given to POST to establish a Standardized Uniform LEO General Force Leadership Structure Tier and Pay Scale Plan.

The Chairman mentioned that this is also part of Public Law 36-54.

- This public law gave the POST Commission the authority to establish a standard unified law enforcement general force leadership structure tier and pay scale plan.
 - There is additional information in the document previously provided to the Commission with a copy of the page pertaining to this public law.
 - This identifies for leadership, the possibility of taking your organization, if you are a law enforcement entity, and create a law enforcement officer force structure.
 - As an example, GPD is almost perfectly fit into creating this.
 - Referring to page 3 on the handout, it shows you a list from the Police Colonel down to Police Officer 1.
 - The Police Trainee was not included in the list but can fit.
 - But this is just to discuss that the force structure is looking to provide 3 tiers of classifications for the law enforcement officer positions.
 - The basics for a journeyman position would be those who come in as Trainees and become your first line Officer 1 and within that tier, you start your apprenticeship and your journeyman towards getting fully qualified in all areas.
 - One of the things that we would like to see is to establish a noncompetitive type of system.
- What the Chairman meant by this is that normally in law enforcement you have what is called a one noncompetitive promotion, which is normally from your Trainee into an Officer 1 position.
- In further reviewing the document, the Federal Government Customs and Border Protection was used as an example.
- That there is an exodus of officers to CVP. What they do is that if you have no law enforcement experience, they can pick you up as a GS5, known as a career ladder noncompetitive promotion system.

-If you have 2 years of experience in law enforcement, you can be picked up as a GS7, which is a higher pay grade.

-If you have years of experience and a degree, you can be picked up as a GS9, or at the maximum at GS11.

-The way this works is that if you come in as a GS5 and you stay in for a year, you will be promoted to GS7, and the following year the same thing will happen, you will be promoted to GS9.

-The difference between the Government of Guam and the Federal government is that it goes back to what was previously mentioned, that there is just one noncompetitive promotion.

-That our system that has been in place for probably 40 to 50 years now and has to be modernized.

-The Chairman then referred to the law enforcement pay schedule of different entities who were able to change their pay schedules.

-When looking at the individual responsibilities you will observe and question why is that an officer in this area is making this amount of money, and a supervisor in this area is making this kind of money? Why is there a difference?

The Chairman further mentioned that it is the intention of the POST Commission in accordance with the public law to create a force structure that actually would help entities to identify and delineate your sense of responsibilities.

-Would like to develop this further.

-The public law gives the POST Commission a year to be able to come up with some sort of initial plan and also present some sort of pay schedule.

-The Chairman explained he is not an expert in pay and said the POST Commission would need to get someone on board who is.

-The other part of this mandate would be to network to get funding allocated so that the POST Commission can conduct the study.

-The Chairman asked Mr. Flisco from DOA if a study is currently being done for law enforcement and was confirmed there is.

-The Chairman then asked if there is a way to merge what the POST Commission is trying to accomplish into DOA's study, or just has to be done externally.

-To maybe combine the two because the POST does not really know what the study entails or what is going on with the resources for DOA and how DOA is looking at the different positions.

-Believes that once the POST develops a pay structure where it can delineate those that fall into the lowest tier such as the inspectors, beat officers, etc.; and those that fall under supervisory such as the first line supervisors to Office Commanders, etc.; to Executives such as the Chiefs, Bureau heads, Operations Executive Officers, etc.

-Right now, it just seems a little disjointed if taking a look at it as a whole hopeful in line with the intention of what a Peace Officer Standards and Training Commission's objective is.

-That it is really to standardize and unify the differences in the law enforcement under a set of parameters or rules that govern your standards.

GFD mentioned that the Chairman makes a very good point.

-That the POST Commission has to ensure that its goals for POST have to line up with the Department of Administration's goals.

-DOA has the HR resources and the POST does not have that advantage.

- GFD is facing the same challenges and tried to do this, ended up trying to do HR functions which did not line up with DOA's.
- Need to ensure that the goals for the POST Commission, GFD, GPD, Customs and all members of the POST are lined up with DOA.
- If DOA continues on its track and the POST does the same to continue on its track, things will get disjointed.
- Issues will be tossed back and forth and it is not going to work.
- GFD reiterated that we all have to be able to work with DOA and that the Chairman brought up a very good point.
- That at this point, we are seeing this now with the goals being lined up but not just for the LEOs but also for the Fire Service.
- With the Fire Service side, we need to start working on the same thing that mirrors this.
- There is a need to also add the Forestry Division, who has been given Peace Officer powers.
- In the future, the POST Commission should consider adding the Forestry Division as an official member.
- One way to do this is to probably start a Fire Service Committee and work with the Vice Chairman on how to proceed with this.

There were other discussions.

The Vice Chairman mentioned that although some departments have its HR, everything would still have to be channeled through DOA HR.

- It is unfortunate that everything that goes to DOA usually ends up as sitting for a while due to limited personnel.
- In the meantime, it creates an impact on our workforce.
- That when POST establishes what it needs but does not get addressed at DOA right away, it lapses and then would have to start over, would end up repeating the process if not addressed accordingly.
- There has to be a remedy to this especially since the POST represents the island's peace officers.
- Would have to at least prioritize when the POST does submit something to DOA.

The Chairman thanked everyone for their input.

Moving on, the Chairman also mentioned that the Commission would have to further review the document presented.

- This establishes the mandate for POST to move forward.
- POST needs to establish base salaries, pay grades and it should commensurate with the appropriate levels of responsibilities.
- It creates certain levels to at least 15.
- The reason the Chairman used 15 is because a good model is the GS schedule which starts at GS1 through 15.
- This almost perfectly matches with the intent of what the POST is trying to accomplish.
- That the Civil Service Commission, GFT and DOA serves as advisories to the POST Commission by law and that the POST is mandated one year to complete this plan.
- The Chairman requested for all the POST members to bring this back to their respective agencies to review and provide input at the next POST meeting.
- Anticipate a committee to be established at the next meeting.

- In order for the committee to move forward, it would need organizational structures, functional charts and current position descriptions for each agency LEOs as a start.
- Would also need justifications as to why we should create this law enforcement force structure to include its purpose and why it is necessary.
- That adjustments would have to be made to fill the gap such as other positions.

c. The way ahead regarding the Guam P.O.S.T. Executive Director Position.

The Chairman mentioned that at this time, the law states that the Guam Community College is the state agency for the Guam P.O.S.T Commission.

- That the late Dr. Richard Fee was working on trying to make it possible for the POST Commission to be a self-sustaining commission in moving forward.
- That this is not an easy process.
- That there is currently no full-time staff and still looking forward to making this possible in the future.
- In moving forward, the Chairman would want to ensure there is a solid foundation and a solid building.
- There will be more discussions in the future regarding this matter.

d. POST endeavor with POLICEONE.

(1:15:37) The Chairman mentioned this was another effort the late Dr. Fee was working on.

- The POLICEONE and the tracking for training requirements.
- The late Dr. Fee was in constant contact with the representative.
- Need to find funding to support this.
- The Chairman will look into the possibility of a grant.
- This initiative tracks everyone's training and identifies when a training is due, etc.

e. POST Certificate. Draft of actual Certificate after POST Certification approval. Expiration.

The Board was presented with 2 draft certificates to be considered as an official POST Certificate.

- Members agreed with the draft certificate that had a border.
- It was confirmed this will be issued in color.
- This certificate was initially drafted by the former Executive Director, Col. Dennis Santo Tomas.
- A recommendation was made to add a certificate number to the bottom right area for tracking/record purposes. A motion was then made, as follows:

MOTION

M/S/C: (GPD-M. Chong/GFD-J. Manibusan): Motion was made to adopt the Guam P.O.S.T. Commission draft certificate with the border as presented and as a P.O.S.T. Certificate for law enforcement certifications. Unanimously approved, motion adopted.

There was a recommendation for an expiration and or renewal date. However, this will be discussed when further information/research is available, if included in the law or in rules and regulations relating to the POST.

Another recommendation was made to add a certificate/tracking number to the bottom right of the certificate. A motion was then made, as follows:

MOTION

M/S/C: (GFD-J. Manibusan/GPD-M. Chong): Motion was made to add a certification number to the bottom right of the adopted Guam P.O.S.T. Commission Certificates for law enforcement certification. Unanimously approved, motion adopted.

At this time the Chairman mentioned that the annual certification for the fitness is due in December 2021. The Chairman asked the Commission for its input on whether it was still feasible to conduct the individual agency's fitness assessment at this time while dealing with COVID.

GPD Major Chong mentioned that GPD will conduct its PFQT testing.

The Vice Chairman mentioned that this is important because there is a concern that testing was delayed last year due to COVID and that the Commission should now have something in place.

- Need to continue to stay on top of things with the PFQT testing to avoid medical profiles.
- Individuals are not being pointed out, just need to know where we stand as peace officers with each agency's personnel.
- Need to continue to stay fit even with the COVID situation.
- This is to be fair to all, especially with personnel who are focused on staying fit.
- That this is each personnel's diligent responsibility to perform as peace officers.
- Need to continue with the training.
- Mentioned he understands the situation with the pandemic but all are tested before they are employed.
- Need to re-establish the PFQT testing.

There were discussions:

- A comment that now that the vaccine is in place, we should be able to do the testing.
- Another comment was that there were also Executive Orders in place, which was a struggle.

A motion was made regarding placing this for a vote to continue the PFQT testing with a deadline, as follows:

MOTION

M/S/C: (GPD-M. Chong/GFD-J. Manibusan): A motion was made to update the October 15 2021 Agenda to include another item, "POST Assessment conducted in December 2021." Unanimously approved.

Another motion was made, as follows:

MOTION

M/S/C: (GPD-M. Chong/DYA-D. Afaisen): A motion was made to continue the Guam P.O.S.T. Physical Assessment in December 2021." Unanimously approved.

VII. Next Scheduled Meeting. November 19, 2021, at 9:30 a.m. in the GCC Learning Resource Center (GCC Library), however this is subject to change.

VIII. Announcements

Each agency was provided an opportunity to make an announcement.

GPD is celebrating Police Week and has a final event scheduled tomorrow, which is a candlelight vigil. This is an annual event for GPD in Hagatna. There is limited in person attendance but a Zoom link will be provided via email from GPD Major Chong. All Peace Officers who have passed due to COVID while still employed as Peace Officers will also be recognized.

GFD mentioned it concluded its Fire Prevention Week celebration. There were limited events due to COVID restrictions but it was still successful. There was a virtual proclamation signing and will continue with Fire Prevention Month. During the end of this month, through Judge Frances Tydingco Gatewood at District Court, they will also be recognizing GFD for the Power Act and continuation of Fire Prevention Month.

IX. Adjournment.

MOTION

M/S/C: (GPD/GFD): A motion was made to adjourn the meeting of October 15, 2021. Unanimously approved.

There being no further discussion, the meeting was adjourned at approximately 11:18 a.m.

/s/

Dated this 23rd day of November 2021.

Bertha M. Guerrero
Recording Secretary