

*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
244-35 (LS)	Amanda L. Shelton Joe S. San Agustin Telena Cruz Nelson Jose "Pedro" Terlaje	AN ACT TO ADD A NEW § 20203 OF CHAPTER 20, TITLE 19, AND A NEW § 6213 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, AND TO APPROPRIATE AN ADDITIONAL TWO HUNDRED THOUSAND FIVE HUNDRED SIXTY NINE DOLLARS (\$200,569) FROM THE UNAPPROPRIATED GENERAL FUND BALANCE AS OF THE END OF FISCAL YEAR 2019, TO THE DEPARTMENT OF YOUTH AFFAIRS FOR THE RECLASSIFICATION OF YOUTH SERVICE WORKERS TO YOUTH CORRECTIONS OFFICERS.	11/13/19 11:24 a.m.						

*I MINA'TRENTAI SINGKO NA LIHESLATURAN GUÅHAN*  
2019 (FIRST) Regular Session

Bill No. ~~24A~~-35 (LS :)

Introduced by:

Amanda L. Shelton  
Joe S. San Agustin  
Telena Cruz Nelson  
Jose "Pedo" Terlaje

2019 NOV 13 AM 11:24  
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**AN ACT TO *ADD* A NEW § 20203 OF CHAPTER 20, TITLE 19, AND A NEW § 6213 OF CHAPTER 6, TITLE 4, GUAM CODE ANNOTATED, AND TO APPROPRIATE AN ADDITIONAL TWO HUNDRED THOUSAND DOLLARS (\$200,000) FROM THE UNAPPROPRIATED GENERAL FUND BALANCE AS OF THE END OF FISCAL YEAR 2019, TO THE DEPARTMENT OF YOUTH AFFAIRS FOR THE RECLASSIFICATION OF YOUTH SERVICE WORKERS TO YOUTH CORRECTIONS OFFICERS.**

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

**Section 1.** I *Liheslaturan Guåhan* finds that the Department of Youth Affairs (DYA) is fundamental to ensuring the safety of our youth and community. I *Liheslaturan Guåhan* finds that Youth Service Workers (YSW) serve a critical role in Guam's youth corrections system. Youth Service Workers are currently receiving unfair payment relative to what a correctional officer should be receiving while working at a correctional facility. The Department of Youth Affairs is a Youth Correctional Facility and Youth

Service Workers manage court ordered offenders and are subjected to the same conditions and dangers as a Correction Officer at the Department of Corrections. Youth Service Workers put their safety and wellbeing on the line providing care and custody to youthful offenders and deserve parity to their correctional counterparts.

Therefore, it is the intent of I *Liheslaturan Guåhan* to establish new positions which reflect the true nature of the duties of Youth Service Workers by reclassifying and renaming Youth Service Workers to Youth Corrections Officers. I *Liheslaturan Guåhan* finds that the appropriation will help fund the reclassified workers' pay by upgrading their title and pay to match that of their respective counterparts and achieve fair compensation.

**Section 2. Appropriation to the Department of Corrections.** Up to the sum of two thousand dollars (\$200,000) is appropriated from the unappropriated General Fund Balance, as of the end of Fiscal Year 2019, to the Department of Youth Affairs for the reclassification of Youth Service Workers to Youth Corrections Officers.

**Section 3.** A new § 20203 of Chapter 20, Title 19, Guam Code Annotated, is hereby *added* to read:

**§ 20203. Renaming and Reclassification of Youth Service Workers.**

The current position of Youth Service Worker of the Department of Youth Affairs shall be renamed to the position title of Youth Corrections Officer. Duties and responsibilities will remain in accordance with the Department of Youth Affairs and reflect requirements expected from the Department of Correction Officers:

(a) Notwithstanding other provisions of law to the contrary, persons appointed as Youth Corrections Officer shall:

(1) be a resident of Guam and a U.S. citizen; (2) be of good health and good moral character; (3) be over the age of eighteen (18) years;

(4) be a high school graduate or equivalent, but the POST Commission may set higher academic qualifications for all applicants as the Commission considers necessary;

(5) submit to and pass a drug screening test, including, but not limited to, a urinalysis test;

(6) submit to psychological testing; and

(7) submit to a polygraph examination.

(b) Person(s) to be appointed as a Youth Corrections Officer must meet the qualification requirements set forth within the Guam P.O.S.T. as cited in Chapter 3, of Title 27 GARR.

(c) No person shall be appointed as a Youth Corrections Officer who has been convicted in any civilian or military court of a felony, a crime involving moral turpitude, a crime of domestic or family violence, or who has been administratively pardoned of any crime.

(d) No person shall be appointed as a Youth Corrections Officer before a thorough investigation of the applicant's background and moral character is completed.

(e) A Youth Corrections Officer dismissed for cause shall be permanently ineligible for reappointment to any position in the Department. A Corrections Officer who resigns for the sole purpose of negating or averting a pending or

anticipated disciplinary action to dismiss the Youth Corrections Officer shall be ineligible for reappointment.

f) No person shall be appointed as a Youth Corrections Officer who has not established satisfactory evidence of the ability to understand and work with persons with disabilities, including special needs and mental illness. Evidence of such ability shall be by a certificate of completion of the appropriate training as approved by the Department of Integrated Services for Individuals with Disabilities, as a condition for selection prior to appointment as a Corrections Officer. For the purpose of this Section, the term disability(ies), as is defined in the Americans with Disabilities Act, shall mean a physical or mental impairment that substantially limits one (1) or more major life activities of an individual. Incumbent uniformed officers who do not have a certificate of completion of the training as required in this Act shall, within six (6) months following the enactment of this Act, submit to the Department of Administration such certification as required herein.

g) All current Youth Service Worker of the Department of Youth Affairs shall be grandfathered and converted to the title of Youth Correctional Officer with pay and benefits.

**Section 4.** A new § 6213 of Chapter 6, Title 4, Guam Code Annotated, is hereby *added* to read:

**“§ 6213. Youth Correction Officers**

In accordance with §§ 20110 and 20203 of Chapter 20, Title 19 Guam Code Annotated Youth Corrections Officers shall be equally aligned with Corrections Officers of the Department of Corrections.

(a) Two thousand five hundred and sixty-nine dollars (\$200,569) from the Fiscal Year 2019's lapses shall be appropriated to the Department of Corrections to offset the conversion of the Youth Service Worker to Youth Correctional Officer during Fiscal Year 2020.

**Section 5.** § 51101(b)(6) of Chapter 51, Title 17 Guam Code Annotated is hereby *amended* to read:

(6) the Director and ~~all employees~~ Youth Corrections Officers of the Department of Youth Affairs as well as personnel who are engaged in juvenile detention and rehabilitation work as designated by the Director of the Department of Youth Affairs;

**Section 6.** Notwithstanding any other provision of law, the allotted but unexpended balance of funds allocated to the Department of Youth Affairs for Fiscal Year 2020 *shall not* lapse and *shall* continue until fully expended.

**Section 7. Effective Date.** This Act *shall* become effective upon enactment.

**Section 8. Severability.** If any provision of this Act or its application to any person or circumstance is held invalid, the invalidity *shall not* affect other provisions or applications of this Act that can be given effect without the invalid provision or application, and to this end the provisions of this Act are severable.