



FILE COPY

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN

THIRTY-THIRD GUAM LEGISLATURE

155 Hesler Place, Hagåtña, Guam 96910

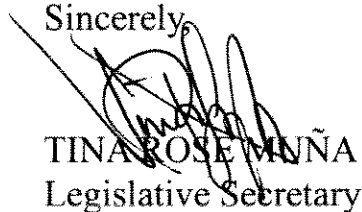
August 12, 2015

The Honorable Edward J.B. Calvo
I Maga'lahaen Guåhan
Ufisinan I Maga'lahi
Hagåtña, Guam

Dear *Maga'lahi* Calvo:


Transmitted herewith are Bill Nos. 102-33 (COR), 104-33 (LS), 116-33 (COR) and 119-33 (COR); and Substitute Bill No. 105-33 (LS), which were passed by *I Mina'Trentai Tres Na Liheslaturan Guåhan* on August 12, 2015.

Sincerely,



TINA ROSE MÑA BARNES
Legislative Secretary

Enclosures (5)

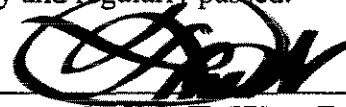
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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

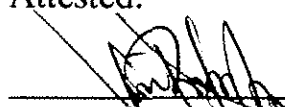
CERTIFICATION OF PASSAGE OF AN ACT TO I MAGA'LAHEN GUÅHAN

This is to certify that **Bill No. 104-33 (LS)**, "AN ACT TO REPEAL CHAPTER 22 OF TITLE 19, GUAM CODE ANNOTATED, AND REPEAL § 3120 OF ARTICLE 1, CHAPTER 3 OF TITLE 5, GUAM CODE ANNOTATED; AND TO ADD A NEW ARTICLE 3 TO DIVISION 1, CHAPTER 1 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE AGENCY FOR HUMAN RESOURCE DEVELOPMENT UNDER THE ADMINISTRATIVE SUPERVISION OF THE GUAM DEPARTMENT OF LABOR," was on the 12th day of August 2015, duly and regularly passed.

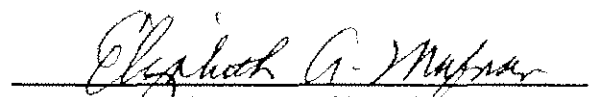


Judith T. Won Pat, Ed.D.
Speaker

Attested:


Tina Rose Muña Barnes
Legislative Secretary

This Act was received by *I Maga'lahaen Guåhan* this 12th day of August, 2015, at 5:13 o'clock P.M.

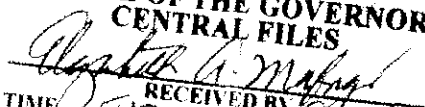

Elizabeth A. Mabrar
Assistant Staff Officer
Maga'laha's Office

APPROVED:

EDWARD J.B. CALVO
I Maga'lahaen Guåhan

Date: _____

Public Law No. _____

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I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN
2015 (FIRST) Regular Session

Bill No. 104-33 (LS)

As amended on the Floor.

Introduced by:

Frank F. Blas Jr.
James V. Espaldon
T. C. Ada
V. Anthony Ada
FRANK B. AGUON, JR.
B. J.F. Cruz
Brant T. McCreadie
Tommy Morrison
T. R. Muña Barnes
R. J. Respicio
Dennis G. Rodriguez, Jr.
Michael F.Q. San Nicolas
Mary Camacho Torres
N. B. Underwood, Ph.D.
Judith T. Won Pat, Ed.D.

AN ACT TO *REPEAL* CHAPTER 22 OF TITLE 19, GUAM CODE ANNOTATED, AND *REPEAL* § 3120 OF ARTICLE 1, CHAPTER 3 OF TITLE 5, GUAM CODE ANNOTATED; AND TO *ADD* A NEW ARTICLE 3 TO DIVISION 1, CHAPTER 1 OF TITLE 22, GUAM CODE ANNOTATED, RELATIVE TO PLACING THE AGENCY FOR HUMAN RESOURCE DEVELOPMENT UNDER THE ADMINISTRATIVE SUPERVISION OF THE GUAM DEPARTMENT OF LABOR.

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

2 **Section 1. Legislative Findings and Intent.** *I Liheslaturan Guåhan* finds
3 that the Guam Department of Labor's purpose is to foster, promote and develop the

1 welfare of wage earners on Guam, to improve their working and living conditions,
2 and to advance their opportunities for occupational training and profitable
3 employment. Further, the Agency for Human Resource Development (AHRD) is
4 responsible for the coordination of manpower needs, assessment, and employment
5 programs funded under the provisions of local and federal statutes, as well as to
6 administer workforce development programs, and to seek, apply and otherwise
7 obtain federal, private and other funds for use in manpower and other programs. *I*
8 *Liheslaturan Guåhan* further finds that the responsibilities of the Department of
9 Labor and of AHRD seem to overlap in areas related to employment assessment
10 and training. In other jurisdictions and in the federal system, the Department of
11 Labor tends to be the lead umbrella agency for all manpower development,
12 employment assistance, and work related regulatory enforcement. *I Liheslaturan*
13 *Guåhan* believes that a more cohesive and focused effect may be gained by
14 manpower and employment programs being administered under one department.
15 The Governor, in Executive Order 2015-01, has moved in this direction by placing
16 AHRD under the administrative supervision of the Department of Labor. It appears
17 that previous legislatures envisioned the need to change the nature of AHRD by
18 including a provision in law which causes AHRD to cease to exist if the agency “is
19 not selected or authorized to administer any federal or local programs.” The
20 transfer of administrative supervision of AHRD to the Department of Labor may
21 be construed by some as AHRD no longer being authorized to administer federal
22 programs on its own, thus ceasing to exist under statute. However, such programs
23 still exist under the administration of the Department of Labor so the resources
24 possessed by AHRD may be needed by the Department of Labor to continue
25 providing the services funded by those federal programs. To ensure that existing
26 employees of AHRD are minimally impacted, *I Liheslaturan Guåhan* finds that

1 establishing a corresponding division within the Department of Labor is
2 appropriate to receive such resources.

3 **Section 2.** Chapter 22 of Title 19, Guam Code Annotated, is hereby
4 *repealed*.

5 **Section 3.** § 3120 of Article 1 of Chapter 3, Title 5, Guam Code
6 Annotated, is hereby *repealed*.

7 **Section 4.** A new Article 3 is hereby *added* to Division 1, Chapter 1 of
8 Title 22, Guam Code Annotated, to read:

9 **“ARTICLE 3**

10 **DIVISION OF WORKFORCE DEVELOPMENT AND TRAINING**

- 11 § 1301. Agency.
- 12 § 1302. Purpose.
- 13 § 1303. Definitions.
- 14 § 1304. Rules and Regulations.
- 15 § 1305. Employment.
- 16 § 1306. Personnel Rules.
- 17 § 1307. Effective Date and Transfer.
- 18 § 1308. Authorization to Administer Services.
- 19 § 1309. Guam Workforce Investment Board.
- 20 § 1310. Compliance with 5GCA Chapter 11 (Government
- 21 Reorganization).
- 22 § 1311. Severability.

23 **§ 1301. Agency.** On the effective date of this Act, the Agency
24 for Human Resources Development *shall* cease to exist as a department of
25 the executive branch of the government of Guam. The Agency *shall* be
26 absorbed into the Guam Department of Labor as a division of that

1 Department, and is hereby renamed as the Division of Workforce
2 Development and Training.

3 **§ 1302. Purpose.** There is hereby established within the
4 Department of Labor of the government of Guam what is known as the
5 Division of Workforce Development and Training.

6 The Division of Workforce Development and Training will be
7 responsible for the coordination of manpower needs, assessment and
8 employment programs funded under the provisions of local statutes and of
9 federal statutes. This responsibility *shall not* be construed to deny any other
10 entity of the government of Guam from carrying out its regularly assigned
11 functions.

12 The Division of Workforce Development and Training is also
13 authorized to seek, apply, and obtain funds from the federal government, and
14 from private and other sources, for use in manpower and other programs
15 which fall within the purpose and functions of the Division as provided
16 herein.

17 **§ 1303. Definitions.** The following words and phrases, when
18 used in this Article, *shall* have the following meanings:

19 (a) *Division* means the Guam Department of Labor Division
20 of Workforce Development and Training;

21 (b) *Director* means the Director of the Guam Department of
22 Labor;

23 (c) *Employees* means employees of the Guam Department of
24 Labor.

25 **§ 1304. Rules and Regulations.** The Director may develop and
26 adopt rules and regulations to ensure that the administration of federal and/or
27 local programs comply with standards set by the federal and/or local

1 government as a condition of receipt of federal and/or local funds, and local
2 policies and laws, including the Administrative Adjudication Act. The
3 Director, also pursuant to the Administrative Adjudication Act, *shall*
4 develop procedures and written policies, and adopt rules with regard to the
5 planning, implementing, monitoring, evaluating and reporting of the
6 Division's programs.

7 **§ 1305. Employment.** As a result of the merger of departments,
8 all classified employees *shall* retain their job title, pay grade, seniority and
9 step at the time of transfer. The Director may transfer persons in redundant
10 or unnecessary positions to other divisions contingent on funding
11 availability.

12 **§ 1306. Personnel Rules.** The rules adopted by the Director of
13 the Department of Administration, subject to criteria established by Chapter
14 4 of Title 4 GCA governing the selection, promotion, performance
15 evaluation, demotion, suspension, and other disciplinary action, *shall* be
16 applicable to employees of the Division.

17 **§ 1307. Effective Date and Transfer.** On the effective date of
18 this Act, all working capital, accounts payable and receivable, and all books,
19 records, applications, assets, liabilities, agreements, privileges and
20 employees of the Agency for Human Resources Development presently
21 existing pursuant to Public Law 17-81 *shall* be transferred to the Guam
22 Department of Labor, Division of Workforce Development and Training
23 established under this Article. The Guam Department of Labor will honor
24 any existing Memoranda of Understanding or the similar agreements entered
25 into with the Agency for Human Resource Development prior to the
26 enactment of this Act.

1 Any person accepting employment under this Section, excluding the
2 Director, Deputy Director and Private Secretary, will receive not less than
3 the rate of compensation he was receiving immediately before the transfer
4 date.

5 This Act *shall* become effective upon enactment.

6 **§ 1308. Authorization to Administer Services.** The Director of
7 Labor is authorized to administer federal and local programs pursuant to the
8 Workforce Investment Act of 1998, and the newly authorized Workforce
9 Innovation and Opportunity Act (WIOA) signed into law on July 22, 2014,
10 and the provisions of those Acts which took effect on July 1, 2015.

11 **§ 1309. Guam Workforce Investment Board.** The Guam
12 Workforce Investment Board *shall* have the same authority and functions
13 with respect to programs administered pursuant to this Article, as that
14 provided in the Workforce Investment Act, Public Law Number 105-220,
15 and the Workforce Innovations and Opportunity Act of 2014.

16 **§ 1310. Compliance with 5GCA Chapter 11 (Government**
17 **Reorganization).** The enactment of this Article 3 constitutes approval of
18 the reorganization of AHRD and DOL as specified in this Act, pursuant to
19 5GCA Chapter 11 (Government Reorganization).

20 **§ 1311. Severability.** If any of the provisions of this Act or the
21 application thereof to any person or circumstance is held invalid, such
22 invalidity shall not affect any other provision or application of this Act
23 which can be given effect without the invalid provision or application, and to
24 this end the provisions of this Act are severable.”