

I MINA'TRENTAI TRES NA LIHESLATURAN GUÅHAN

2015 (FIRST) Regular Session

Bill No. 104-33 (LS)

Introduced by:

Frank F. Blas Jr. *fb*

James V. Espaldon *Jal*

2015 MAY 27 PM 2:21 *[Signature]*

AN ACT TO REPEAL 19GCA CHAPTER 22; TO REPEAL 5GCA §3120 AND ADD A NEW ARTICLE 3 TO 22GCA DIVISION 1 CHAPTER 1 DEPARTMENT OF LABOR.

BE IT ENACTED BY THE PEOPLE OF GUAM:

Section 1. Legislative Findings and Intent. *I Liheslaturan Guåhan* finds that the Guam Department of Labor's purpose is to foster, promote and develop the welfare of wage earners on Guam, to improve their working and living conditions, and to advance their opportunities for occupational training and profitable employment. Further, the Agency for Human Resource Development (AHRD) is responsible for the coordination of manpower needs, assessment and employment programs funded under the provisions of local and federal statutes as well as to administer workforce development programs and to seek, apply and otherwise obtain federal, private and other funds for use in manpower and other programs. *I Liheslaturan Guåhan* further finds that responsibilities of the Department of Labor and of AHRD seem to overlap in areas related to employment assessment and training. In other jurisdictions and in the federal system, the Department of Labor tends to be the lead umbrella agency for all manpower development, employment assistance and work related regulatory enforcement. *I Liheslaturan*

1 *Guåhan* believes that a more cohesive and focused effect may be gained by manpower and
2 employment programs being administered under one department. The Governor, in Executive
3 Order 2015-01, has moved in this direction by placing AHRD under the administrative
4 supervision of the Department of Labor. It appears that previous legislatures envisioned the
5 need to change the nature of AHRD by including a provision in law which causes AHRD to
6 cease to exist if the agency... “is not selected or authorized to administer any federal or local
7 programs...”. The transfer of administrative supervision of AHRD to the Department of Labor
8 may be construed by some as AHRD no longer being authorized to administer federal programs
9 on its own, thus ceasing to exist under statute. However, such programs still exist under the
10 administration of the Department of Labor so the resources possessed by AHRD may be needed
11 by the Department to continue providing the services funded by those federal programs. To
12 ensure that existing employees of AHRD are minimally impacted, *I Liheslaturan Guåhan* finds
13 that establishing a corresponding division within the Department of Labor is appropriate to
14 receive such resources.

15 **Section 2. 19GCA CHAPTER 22 is hereby repealed.**

16 **Section 3. 5GCA §3120 is hereby repealed.**

17 **Section 4. A new Article 3 is hereby added to 22GCA Division 1 Chapter 1 to read:**

18 **“Article 3. Division of Workforce Development and Training.**

19 **§1301. Agency.**

20 **§1302. Purpose.**

21 **§1303. Definitions.**

22 **§1304. Rules and Regulations.**

23 **§1305. Employment.**

24 **§1306. Personnel Rules.**

25 **§1307. Effective Date and Transfer.**

26 **§1308. Authorization to Administer Services.**

27 **§1309. Guam Workforce Investment Board.**

28 **§1310. Compliance with 5GCA Chapter 11 Government Reorganization.**

29 **§1311. Severability.**

30

1 **§1301. Agency.** On the effective date of this Act, the Agency for Human
2 Resources Development shall cease to exist as a Department of the Executive Branch of
3 the Government of Guam. The Agency shall be absorbed into the Government of Guam
4 Department of Labor as a division of that department and is hereby renamed the Division
5 of Workforce Development and Training.

6 **§1302. Purpose.** There is hereby established within the Department of Labor of
7 the government of Guam what is known as the Division of Workforce Development and
8 Training.

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

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

18 **§1303. Definitions.** The following words and phrases, when used in this chapter
19 shall have the following meaning:

- 20 (a) 'Division' means the Guam Department of Labor Division of Workforce
21 Development and Training
22 (b) 'Director' means the Director of the Guam Department of Labor
23 (c) 'Employees' means employees of the Guam Department of Labor

24 **§1304. Rules and Regulations.** Rules and Regulations. The director may
25 develop and adopt rules and regulations to insure that the administration of federal and/or
26 local programs comply with standards set by the federal and/or local government as a
27 condition to receipt of federal and/or local funds, and local policies and laws, including
28 the Administrative Adjudication Act. The Director, also pursuant to the Administrative
29 Adjudication Act, shall develop procedures, written policies and adopt rules with regard
30 to planning, implementing, monitoring, evaluating and reporting the Division's programs.

31 **§1305. Employment.** As a result of merger of departments, all classified
32 employees shall retain their job title, pay grade and step at the time of transfer. The

1 Director may transfer persons in redundant or unnecessary positions to other divisions
2 contingent on funding availability.

3 **§ 1306. Personnel Rules.** The Rules adopted by the Director of the Department
4 of Administration subject to criteria established by Chapter 4 of Title 4 of GCA,
5 governing the selection, promotion, performance evaluation, demotion, suspension, and
6 other disciplinary action shall be applicable to employees of the Division.

7 **§1307. Effective Date and Transfer.** On the effective date of this Act, all
8 working capital, accounts payable and receivable, all books, records, applications, assets,
9 liabilities, agreements, privileges and employees of the Agency for Human Resources
10 Development presently existing pursuant to Public Law 17-81 shall be transferred to the
11 Guam Department of Labor, Division of Workforce Development and Training
12 established under this article. The Guam Department of Labor will honor any existing
13 Memoranda of Understanding or the similar agreements entered into with the Agency for
14 Human Resource Development prior to the enactment of this Act.

15 Any person accepting employment under this section, excluding the Director,
16 Deputy Director and Private Secretary will receive not less than the rate of compensation
17 he was receiving immediately before the transfer. Any person accepting employment
18 under this section will receive not less than the rate of compensation he was receiving
19 immediately before the transfer date.

20 This Act shall become effective upon enactment.

21 **§1308. Authorization to Administer Services.** **The Director of Labor is**
22 **authorized to administer federal and local programs pursuant to the Workforce**
23 **Investment Act of 1998 and the newly authorized Workforce Innovation and**
24 **Opportunity Act (WIOA) signed into law on July 22, 2014 and provisions to take**
25 **effect on July 1, 2015.**

26 **§1309. Guam Workforce Investment Board.** The Guam Workforce Investment
27 Board shall have the same authority and functions with respect to programs administered
28 pursuant to this Article, as that provided in the Workforce Investment Act, Public Law
29 Number 105-220 and the Workforce Innovations and Opportunity Act of 2014.

1 **§1310. Compliance with 5GCA Chapter 11 Government Reorganization.**

2 The implementation of Article 3 must be in full compliance with 5GCA Chapter 11
3 Government Reorganization.

4 **§1311. Severability.** If any of the provision of this act or the application thereof

5 to any person or circumstance is held invalid, such invalidity shall not affect any other
6 provision or application of this Act which can be given effect without the invalid
7 provision or application, and to this end the provisions of this Act are severable.