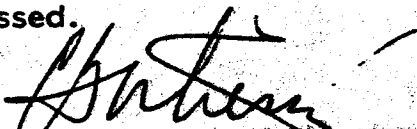


SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

CERTIFICATION OF PASSAGE OF AN ACT TO THE GOVERNOR

This is to certify that Substitute Bill No. 602, "AN ACT TO ADD A NEW CHAPTER VI TO TITLE XXVII OF THE GOVERNMENT CODE RELATIVE TO ESTABLISHING A COMPREHENSIVE SYSTEM FOR SUMMER EMPLOYMENT AND TRAINING PROGRAMS TO ASSIST YOUTH TO DEVELOP THEIR MAXIMUM OCCUPATIONAL POTENTIAL AND AFFORD JOB TRAINING OPPORTUNITIES THAT WILL LEAD TO PRODUCTIVE CAREER DEVELOPMENT AND EMPLOYMENT, AND FOR OTHER PURPOSES," was on the 24th day of August 1984, duly and regularly passed.


  
CARL T. C. GUTIERREZ  
Speaker

Attested:

  
ELIZABETH P. ARRIOLA  
Senator and Legislative Secretary

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This Act was received by the Governor this 31<sup>st</sup> day of August 1984, at 3:05 o'clock P.m.

  
Assistant Staff Officer  
Governor's Office

APPROVED: 

RICARDO J. BORDALLO  
Governor of Guam

Date: 9/12/84

Public Law No. 2:25 p.m.  
17-69

SEVENTEENTH GUAM LEGISLATURE  
1984 (SECOND) Regular Session

Bill No. 602

Substitute by the Committee on  
Youth, Human Resources, Senior  
Citizens & Cultural Affairs

Introduced by:

E. P. Arriola  
J. F. Ada  
T. S. Nelson

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AN ACT TO ADD A NEW CHAPTER VI TO TITLE XXVII  
OF THE GOVERNMENT CODE RELATIVE TO  
ESTABLISHING A COMPREHENSIVE SYSTEM FOR  
SUMMER EMPLOYMENT AND TRAINING PROGRAMS TO  
ASSIST YOUTH TO DEVELOP THEIR MAXIMUM  
OCCUPATIONAL POTENTIAL AND AFFORD JOB  
TRAINING OPPORTUNITIES THAT WILL LEAD TO  
PRODUCTIVE CAREER DEVELOPMENT AND  
EMPLOYMENT, AND FOR OTHER PURPOSES.

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

2 Section 1. A new Chapter VI is added to Title XXVII of the  
3 Government Code to read:

4 "CHAPTER VI  
5 Summer Employment and Training  
6 Programs for Youth

7	Section 26600.	Short title
8	Section 26601.	Legislative Intent
9	Section 26602.	Authorization of Appropriations
10	Section 26603.	Definitions
11	Section 26604.	Establishment of a Target Population and
12		Provisions of Equitable Services Thereo
13	Section 26605.	Eligibility of Services
14	Section 26606.	Use of Funds
15	Section 26607.	Limitations
16	Section 26608.	Guam Council on Youth Affairs

- 1           Section 26609.       Summer Youth Employment Plan
- 2           Section 26610.       Performance Standards
- 3           Section 26611.       Limitation on Certain Cost
- 4           Section 26612.       Basic Program Design Requirements
- 5           Section 26613.       Benefits
- 6           Section 26614.       Labor Standards
- 7           Section 26615.       Worksite Standards
- 8           Section 26616.       Selection of Service Providers
- 9           Section 26617.       Prevention of Fraud and Program Abuse
- 10          Section 26618.       Cooperation of Educational Institutions
- 11          Section 26600.   Short Title. This Chapter may be cited as the
- 12          'Summer Youth Employment and Training Act.'

13           Section 26601. Legislative Intent. In assessing the Territory's  
 14 potential for economic growth and stability, the Legislature places  
 15 great importance on the island's most valued asset - its human  
 16 resources. Among local constraints for economic growth, however, is  
 17 the long-standing problem of an underskilled labor force, a  
 18 consequence of poor manpower development systems.

19           Recognizing that over fifty-five percent (55%) of the island's  
 20 population is under twenty-five (25) years of age, literate and highly  
 21 trainable, the Legislature finds an urgency in the restructuring of  
 22 summer youth employment and job training programs designed to meet  
 23 the occupational training needs of this segment of Guam's current and  
 24 future labor force.

25           It is therefore the declared purpose of this Chapter, to establish  
 26 a comprehensive program for summer employment and training programs  
 27 to assist youth to develop their maximum occupational potential and to  
 28 afford job training opportunities that will lead to productive career  
 29 development and employment.

30           Section 26602. Authorization of Appropriations. Upon enactment  
 31 into law, appropriation requests in an amount not to exceed Nine  
 32 Hundred Thousand Dollars (\$900,000) to carry out Summer Youth  
 33 Employment Programs shall be incorporated in the Executive Budget for  
 34 the Government of Guam.

1 Section 26603. Definitions.

2 A. The term 'academic credit' means credit for education,  
3 job training, or work experience applicable toward a secondary  
4 school diploma, a post-secondary degree, or an accredited  
5 certificate of completion, consistent with applicable law and  
6 regulations and requirements of an accredited educational agency  
7 or institution in the Territory.

8 B. Upon enactment into law, the administrative entity for  
9 the program's first year of operation shall be the Department of  
10 Youth Affairs. Thereafter, the administrative entity shall be the  
11 entity designated to administer the Summer Youth Employment  
12 Plan under Section 26608 of this Chapter. The primary  
13 consideration in selecting an entity to administer the summer  
14 youth employment plan shall be the effectiveness of the agency or  
15 organization in delivering employment and training services based  
16 on demonstrated performance, in terms of the likelihood of  
17 meeting program performance goals, cost, quality and job training  
18 needs of youth. The entity selected under Section 26608 of this  
19 Chapter shall, prior to the implementation of programs under this  
20 Chapter, institute and maintain effective systems for the overall  
21 management of Summer Youth Employment Programs, including,  
22 but not limited to: eligibility verification systems, program  
23 monitoring systems, mechanisms for taking immediate corrective  
24 action where problems have been identified, financial and  
25 participant tracking systems. Such systems shall be designed to  
26 enable the effective management of programs and provide  
27 information necessary to design program activities and delivery  
28 systems best suited to resolve employment and training problems  
29 of eligible youth.

30 C. The term 'on-the-job' is training which occurs while the  
31 participant is engaged in productive work which provides  
32 knowledge or skills essential to the full and adequate performance  
33 of the job. OJT may be coupled with institutional training or may  
34 be designed as described in Section 26606 of this Chapter.

1 Participation in on-the-job training in the private-for-profit  
2 sector shall be subject to restrictions set forth in Section 26612(I)  
3 of this Chapter.

4 D. The term 'work experience' program is a short-term or  
5 part-time work assignment with an employing agency. It is  
6 designed to enhance the employability of eligible youth through  
7 the development of good work habits and basic work skills. Work  
8 experience is intended for individuals who need assistance and  
9 training to becoming accustomed to basic work requirements  
10 including basic work skills, in order to be able to compete  
11 successfully in the labor market. Participation in work  
12 experience in the private-for-profit sector shall be subject to  
13 restrictions set forth in Section 26612(I) of this Chapter.

14 E. The 'vocational exploration' program is a program  
15 designed to expose eligible youth to jobs through observation of  
16 such jobs, instruction, and if appropriate, limited practical  
17 experience.

18 Section 26604. Establishment of a Target Population and Provision  
19 of Equitable Services thereto.

20 A. Funds appropriated under this Chapter shall be used  
21 pursuant to a Summer Youth Employment Plan which is prepared  
22 in accordance with Section 26609 to provide authorized services to  
23 eligible youth.

24 B. For the purposes of this Chapter, 'youth' shall mean an  
25 individual who is aged 14 through 25.

26 C. Eligible male and female youth shall be served on an  
27 equitable basis, taking into account their age, sex, area of  
28 residence in the Territory, and their proportion of the target  
29 population within each residential district of the Territory.

30 D. The recognized standard for population statistics on  
31 youth to be used in the proportionment of services under this  
32 Chapter, shall be the Territory's 1980 Census of Population,  
33 published by the Bureau of Census, U. S. Department of

1 Commerce, or any recognized census reports on the Territory  
2 issued by the Department subsequently therefrom.

3 Section 26605. Eligibility for Services.

4 A. Participation in programs and activities financially  
5 assisted in whole or in part under this Chapter, shall be open to  
6 citizens and nationals of the United States, lawfully admitted  
7 permanent resident aliens, and other individuals authorized by  
8 the U. S. Attorney General to reside and work in the United  
9 States.

10 B. An individual shall be eligible to participate in programs  
11 receiving assistance under this Chapter, only if such individual  
12 meets the criteria under Subsection A of this Section, is aged 14  
13 to 25 years of age at the time of enrollment, is enrolled in a  
14 middle, secondary, post-secondary school or an institution  
15 offering a certified high school equivalency program and is  
16 meeting or has met the minimum academic and attendance  
17 requirements of that school or education program during the  
18 current or most recent term.

19 Section 26606. Use of Funds. Funds available under this  
20 Chapter may be used for:

21 A. Work Experience Programs;

22 B. Occupational training preparation for work;

23 C. Cooperative education programs to coordinate educational  
24 programs with work in the private sector;

25 D. Training programs operated by the private sector, or by  
26 consortia of private sector employers utilizing private sector  
27 facilities, equipment, and personnel to train summer youth;

28 E. Programs of advanced career training which provide a  
29 formal combination of on-the-job training and institutional  
30 training, and internship assignments which prepare youth for  
31 career employment;

32 F. Programs to develop work habits and other services to  
33 youth, to help them obtain and retain employment;

1 G. On-site industry-specific training programs supportive  
2 of industrial and economic development;

3 H. On-the-job training;

4 I. Vocational exploration programs; and

5 J. Customized training conducted by an employer or group  
6 of employers to prepare youth for employment following completion  
7 of educational or institutional training.

8 Section 26607. Limitations. Programs funded under this Chapter  
9 shall be conducted during the summer months pursuant to a Summer  
10 Youth Employment Plan which is prepared in accordance with Section  
11 26609.

12 Section 26608. Guam Council on Youth Affairs.

13 A. The Council on Youth Affairs established under Section  
14 26504 of Chapter V of the Government Code of Guam, shall have  
15 the same authority with respect to programs administered by the  
16 Department of Youth Affairs, except that:

17 (1) It shall be the responsibility of the Council to  
18 determine in agreement with the Governor, procedures for  
19 the development of the Summer Youth Employment Plan;

20 (2) Select an entity to administer the plan; and

21 (3) In accordance with the Administrative Adjudication  
22 Act of the Territory, prescribe such rules and regulations  
23 as the Council deems necessary to ensure compliance of  
24 Summer Youth Employment Programs with provisions of this  
25 Chapter.

26 B. The Council is further authorized to provide oversight  
27 of the programs conducted under the plan in accordance with  
28 procedures established by the Council.

29 C. No Summer Youth Employment Plan prepared under  
30 Section 26609 may be submitted to the Legislature unless the plan  
31 has been approved by the Council and the Governor, and the  
32 plan is submitted jointly by the Council and the Governor.

1           Section 26609. Summer Youth Employment Plan. No funds shall  
2 be appropriated for any fiscal year except pursuant to an annual  
3 Summer Youth Employment Plan which is prepared in accordance with,  
4 and meets the requirements of this Section.

5           A. Each annual Summer Youth Employment Plan shall  
6 contain:

7           (1) the identification of the entity which will  
8 administer the program;

9           (2) an assessment of occupational training needs and  
10 related problems facing youth, and of labor market  
11 conditions to form the basis for program planning;

12           (3) a description of the services to be provided  
13 including: the labor market orientation component, the  
14 estimated duration of services, the estimated training cost  
15 per participant, and a discussion of major changes in  
16 program emphasis from last summer's program;

17           (4) procedures for identifying and selecting  
18 participants, target groups, and for eligibility determination  
19 and verification;

20           (5) quantified performance and placement goals per  
21 program activity established in accordance with standards  
22 prescribed under Section 26610 of this Chapter;

23           (6) procedures for the selection of employment and  
24 training worksites which take into account past performance  
25 of employers in job training or related activities, fiscal  
26 accountability, monitoring and managing trainee occupational  
27 development;

28           (7) procedures for the coordination or joint implemen-  
29 tation of job development, placement, and other employer  
30 outreach activities;

31           (8) procedures for fiscal control, accounting, audit  
32 and debt collection procedures to assure the proper  
33 disbursement of, and accounting for, funds received under this  
34 Chapter; and



1 (9) procedures for the preparation and submission of  
2 an annual report which shall include:

3 (a) a description of activities conducted during  
4 the fiscal year;

5 (b) characteristics of program participants;

6 (c) characteristics of the program's participating  
7 employers, the types of occupational training  
8 provided, and a description of the training  
9 program's responsiveness to the occupational  
10 training needs of youth; and

11 (d) the extent to which the activities exceeded or  
12 failed to meet relevant performance standards,  
13 pursuant to Section 26609 of this Chapter.

14 B. Review and Approval of the Plan.

15 (1) Not less than one hundred twenty (120) days  
16 before the beginning of the Summer Youth Program covered  
17 by the Summer Youth Employment Plan -

18 a. the proposed plan or summary thereof shall  
19 be published; and

20 b. such plan shall be made available for review  
21 and comment to

22 (i) appropriate local educational and  
23 other public agencies in the  
24 Territory;

25 (ii) appropriate local groups repre-  
26 sentative of youth, or groups which  
27 provide training and related services  
28 to youth;

29 (iii) organizations and group represen-  
30 tative of business and industry  
31 employers and organized labor within  
32 the Territory;

1 (2) The final plan summary thereof shall be published  
2 not later than eighty (80) days before the summer youth  
3 employment program covered by the Summer Youth  
4 Employment Plan, and shall be submitted to the Legislature  
5 for concurrence.

6 (3) The Legislature may approve the Summer Youth  
7 Employment Plan, unless it finds that:

- 8 (a) corrective measures for past deficiencies  
9 found in audits or in meeting performance  
10 standards from previous years have not been  
11 taken or are not acceptably underway;
- 12 (b) the entity proposed to administer the program  
13 does not have the capacity to administer the  
14 funds;
- 15 (c) there are inadequate safeguards for the  
16 protection of funds received;
- 17 (d) the plan does not comply with a particular  
18 provision or provisions of this Chapter, or of  
19 regulations duly promulgated by the Guam  
20 Council on Youth Affairs.

21 (4) The Legislature shall approve, modify or  
22 disapprove a plan by resolution within thirty (30) days after  
23 the date that the plan is filed with the Legislative Secretary.  
24 Section 26610. Performance Standards.

25 A. The Legislature recognizes that the Summer Youth  
26 Employment Program is an investment in human capital and not an  
27 expense. In order to determine whether that investment has been  
28 productive, the Legislature finds that it is essential that criteria  
29 for measuring the return on this investment be developed.

30 B. In order to determine whether these basic measures are  
31 achieved, the Governor shall prescribe standards on the basis of  
32 appropriate factors which may include:

1 (1) the attainment of recognized employment  
2 competencies prescribed by the local educational and  
3 employer community;

4 (2) middle, secondary, and post-secondary school  
5 completion, or the equivalent thereof;

6 (3) enrollment in other training programs or  
7 apprenticeships, or enlistment in the Armed Forces; and

8 (4) where appropriate, placement in unsubsidized  
9 employment following the completion of training activities  
10 provided under this Chapter.

11 C. The standards shall include provisions governing a  
12 representative period after program termination that is a  
13 reasonable indicator of post-program status.

14 D. The Governor shall prescribe performance standards  
15 relating gross program expenditures to various performance  
16 measures.

17 E. The Governor shall, not later than January 31, 1985,  
18 prescribe performance standards for the first program year under  
19 this Chapter to measure the results of participation in the  
20 program to achieve the goals set forth in subsection (B) of this  
21 Section.

22 F. The Governor may modify the performance standards  
23 under this section not more often than once every two fiscal  
24 years, and such modification shall not be retroactive.

25 G. The Governor shall provide technical assistance to  
26 programs which do not meet performance criteria. If the failure  
27 to meet performance standards persists for a second year, the  
28 Governor shall impose a reorganization plan. Such plan may  
29 restructure the program delivery system, prohibit the use of  
30 designated employers, worksites or service providers, or make  
31 such other changes as the Governor deems necessary to improve  
32 program performance. The Governor, in agreement with the  
33 Guam Council on Youth Affairs, may designate an alternate entity  
34 to administer the program in the Territory.

1 H. The alternate administrative entity may be a newly  
2 formed private nonprofit organization, or any agency jointly  
3 selected by the Governor and the Guam Council on Youth Affairs.  
4 Section 26611. Limitation on Certain Costs.

5 A. Ninety percent (90%) of the funds available for any  
6 fiscal year for programs under this Chapter shall be expended for  
7 direct services and program activities for eligible youth.

8 B. Not more than ten percent (10%) of the funds available  
9 for any fiscal year for programs under this Chapter shall be  
10 expended for the cost of administration.

11 Section 26612. Basic Program Design Requirements.

12 A. The administrative entity for programs under this  
13 Chapter shall, at the time of intake assess every individual to  
14 determine the person's eligibility and to decide whether the  
15 Summer Youth Employment Program can offer services or activities  
16 that will contribute to the occupational development and upward  
17 mobility of the applicant.

18 B. Based on this assessment, the administrative entity, in  
19 conjunction with each trainee shall develop an employment  
20 development plan identifying the available services and activities  
21 for the trainee.

22 (1) In establishing such a plan, consideration shall be  
23 given to the trainee's skills, interest and career objectives  
24 and problems in occupational development.

25 (2) The employment development plan shall include,  
26 but not limited to:

- 27 (a) assessment date showing the participant's  
28 employment readiness;
- 29 (b) problems, if any, in occupational  
30 development;
- 31 (c) specific employment and training needs;
- 32 (d) specific services and activities to be  
33 developed and provided to meet those needs;  
34 and

1 (e) an individualized plan for activities or  
2 services following the trainee's successful  
3 completion of the summer youth employment  
4 program.

5 (3) A copy of the plan shall be recorded in the  
6 permanent record, and a copy given to the trainee.

7 C. All trainees enrolled in programs under this Chapter  
8 shall be provided with labor market orientation either on a group  
9 or individual basis.

10 D. The administrative entity for programs under this  
11 Chapter shall make appropriate efforts to encourage local  
12 educational agencies and post-secondary institutions to award  
13 academic credit for the competencies trainees gain from their  
14 participation in the summer program.

15 E. All summer youth employment programs shall provide  
16 eligible youth with useful work and sufficient basic education and  
17 institutional or on-the-job training to assist trainees to develop  
18 their maximum occupational potential. The programs shall be  
19 designed to meet diverse individual needs of trainees. Among  
20 these are:

- 21 (1) Structured and well supervised work;
- 22 (2) Opportunities to explore vocational interest;
- 23 (3) Job rotations to expose youth to different work  
24 settings;
- 25 (4) Vocational counseling and occupational information;
- 26 (5) Meeting special employability needs;
- 27 (6) Services to induce high school graduates to pursue  
28 post-secondary training, or training in institutions of higher  
29 education.

30 F. Each summer youth employment program shall provide  
31 employment and training opportunities to those who can benefit  
32 from such opportunities, and shall make efforts to provide  
33 equitable services among substantial segments of the eligible  
34 population.

1 G. Employment and training provided with funds under this  
2 Chapter shall only be for occupations for which there is a demand  
3 in the Territory with consideration given to training in  
4 occupations determined to be in sectors of the economy which  
5 have a high potential for sustained demand or growth.

6 H. Efforts shall be made to develop programs which  
7 contribute to the occupational development, upward mobility,  
8 development of new careers, and overcoming sex stereotyping in  
9 occupations traditional for the other sex.

10 I. The maximum amount authorized for reimbursement to  
11 private-for-profit employers for training provided under this  
12 Chapter shall not, during the period of such training, exceed  
13 more than fifty percent (50%) of the wages paid by the employer  
14 to such participants during the summer months.

15 J. The ratio of participants in program funded under this  
16 Chapter within the public sector, to participants in such  
17 programs within the private sector, shall not exceed the ratio  
18 between civilian governmental employment and non-governmental  
19 employment in the Territory.

20 Section 26613. Benefits. The following provisions shall apply to  
21 all activities financed under this Chapter.

22 A. A summer trainee shall receive no payments for training  
23 or employment activities in which the trainee fails to participate  
24 without good cause.

25 B. Eligible youth, who, at the time of application to  
26 participate in programs under this Chapter, are between the  
27 ages of seventeen (17) through twenty-five (25), shall be paid  
28 wages which shall not be less than the minimum wage under  
29 Section 6(a)(1) of the Fair Labor Standards Act of 1938. Wage  
30 earnings subsidized under this Chapter shall not exceed the  
31 authorized number of work hours per work week prescribed per  
32 program activity in the applicable Summer Youth Employment Plan.

33 C. Eligible youth, who, at the time of application to  
34 participate in programs under this Chapter, are between the ages

1 of fourteen (14) through sixteen (16), shall be paid wages which  
2 shall not be less than eighty-five percent (85%) of the minimum  
3 wage under Section 6(a)(1) of the Fair Labor Standards Act of  
4 1938. Wage earnings subsidized under this Chapter shall not  
5 exceed the authorized number of work hours per work week  
6 prescribed per program activity in the applicable Summer Youth  
7 Employment Plan.

8 Section 26614. Labor Standards.

9 A. Conditions of employment and training shall be  
10 appropriate and reasonable in light of such factors as the type of  
11 work, geographic location, and proficiency of the trainee.

12 B. Health and safety standards established under  
13 Territorial and Federal Law, otherwise applicable to working  
14 conditions of employees, shall be equally applicable to working  
15 conditions of participants under this Chapter. With respect to  
16 any participant engaged in a program conducted under this  
17 Chapter who is engaged in activities which are not covered by  
18 health and safety standards under the Occupational and Safety  
19 and Health Act of 1970, the Guam Council on Youth Affairs shall  
20 prescribe, by regulation, such standards as may be necessary to  
21 protect the health and safety of such participants. No  
22 participants under eighteen (18) years of age shall be employed  
23 in any occupation which the Guam Council on Youth Affairs has  
24 found to be particularly hazardous for persons between fourteen  
25 (14) and eighteen (18) years of age.

26 C. To the extent that the Territory's Worker's  
27 Compensation Law is applicable, worker's compensation benefits in  
28 accordance with such law shall be applicable with respect to  
29 injuries suffered by participants.

30 D. All individuals employed in subsidized jobs shall be  
31 provided benefits and working conditions at the same level, and  
32 to the same extent as other employees working a similar length  
33 of time and doing the same type of work.

1 E. No funds under this Chapter shall be used for  
2 contributions on behalf of any participant to retirement systems  
3 or plans. Payroll deductions in wages on behalf of program  
4 participants in compliance with the Federal Insurance  
5 Compensation Act (FICA), however, shall be allowable.

6 F. No currently employed worker shall be displaced by any  
7 participant (including partial displacement such as reduction in  
8 the hours of non-overtime work, wages, or employment benefits).

9 G. No summer youth employment program shall impair  
10 existing contracts or collective bargaining agreements, except that  
11 no program under this Chapter which would be inconsistent with  
12 the terms of a collective bargaining agreement shall be undertaken  
13 without the written concurrence of the labor organization and  
14 employer concerned.

15 Section 26615. Worksite Standards.

16 A. The administrative entity for programs under this  
17 Chapter shall develop a written financial or non-financial  
18 agreement with each worksite employer which assures:

19 (1) adequate supervision of each participant;

20 (2) adequate accountability for participant time and  
21 attendance; and

22 (3) adherence to the provisions of this Chapter, rules  
23 and regulations promulgated hereunder.

24 B. Such written agreements may be memoranda of  
25 understanding, simple work statements or other documents which,  
26 at a minimum, indicate an estimate of the number of participants  
27 assigned to each worksite and any operational conditions to which  
28 the worksite is expected to adhere.

29 C. The administrative entity for programs under this  
30 Chapter shall establish procedures for the monitoring and  
31 evaluation of each worksite to insure compliance with the terms  
32 and conditions of worksite agreements.

33 Section 26616. Selection of Service Providers.



1           A. The primary consideration in selecting agencies,  
2 organizations or worksite employers to deliver services under this  
3 Chapter shall be the effectiveness of the agency, organization, or  
4 worksite employer in delivering comparable or related services  
5 based on demonstrated performance, in terms of the likelihood of  
6 meeting performance goals, cost, quality of training, and  
7 characteristics of participants.

8           B. Funds provided under this Chapter shall not be used to  
9 duplicate facilities or services available in the Territory from  
10 other sources, unless it is demonstrated in the appropriate annual  
11 summer youth employment plan, that alternative services or  
12 facilities would be more effective or more likely to achieve  
13 performance goals.

14 Section 26617. Prevention of Fraud and Program Abuse.

15           A. To ensure the integrity of Summer Youth Employment  
16 Programs, special efforts are necessary to prevent fraud and  
17 other program abuses. Fraud includes deceitful practices and  
18 intentional misconduct, such as willful misrepresentation in  
19 accounting for the use of program funds. 'Abuse' is a general  
20 term which encompasses improper conduct which may or may not  
21 be fraudulent in nature. While any violation of this Chapter may  
22 constitute fraud or program abuse, this section identifies and  
23 addresses those specific program problems which were of most  
24 concern to the Legislature during the authorization of programs  
25 herein.

26           B. Conflict of Interest.

27           (1) No member of the Guam Council on Youth Affairs  
28 shall cast a vote on any matter which has a direct bearing  
29 on the services to be provided by that member or any  
30 organization which such member directly represents or on  
31 any matter which would financially benefit such member or  
32 any organization which such member represents.

1 (2) The administrative entity for programs under this  
2 Chapter shall avoid organizational conflict of interest, and  
3 their personnel shall avoid personal conflict of interest and  
4 the appearance of conflict of interest in awarding financial  
5 assistance, and in the conduct of procurement activities  
6 involving funds under this Chapter.

7 C. Kickbacks. No officer, employee or agent of programs  
8 funded under this Chapter shall solicit or accept gratuities,  
9 favors or anything of monetary value from any actual or potential  
10 subrecipient or contractor.

11 D. Political Activities.

12 (1) No program under this Chapter may involve  
13 political activities.

14 (2) No participant or trainee under this Chapter may  
15 engage in partisan or non-partisan political activities during  
16 hours for which the participant is paid with summer youth  
17 employment program funds.

18 (3) No participant or trainee under this Chapter may,  
19 at any time, engage in partisan or nonpartisan political  
20 activities in which such participant or trainee represents  
21 himself/herself as a spokesperson of the Summer Youth  
22 Employment Program.

23 (4) A participant or trainee under this Chapter may be  
24 employed or outstationed in the immediate office of any local  
25 elected official within the Government of Guam.

26 E. Theft or Embezzlement from Employment and Training  
27 Funds. Whoever, being an officer, director, agent or employee  
28 of, or connected in any capacity with, any agency receiving  
29 financial assistance under this Chapter knowingly hires an  
30 ineligible individual or individuals; embezzles, wilfully misapplies,  
31 steals, or obtains by fraud any of the moneys, funds, assets, or  
32 property which are the subject of an appropriation or contract  
33 under this Chapter, shall be fined not more than Ten Thousand  
34 Dollars (\$10,000) or imprisoned for not more than five (5) years,

1 or both; but if the amount so embezzled, misapplied, stolen, or  
2 obtained by fraud does not exceed One Hundred Dollars (\$100),  
3 such person shall be fined not more than One Thousand Dollars  
4 (\$1,000) or imprisoned not more than one (1) year, or both.

5 Section 26618. Cooperation of Educational Institutions. The  
6 Board of Trustees of Guam Community College and the Territorial  
7 Board of Education shall cooperate in setting criteria for offering  
8 school credits and for offering curricula in conjunction with work  
9 experience obtained by persons participating in this program."

10 Section 2. A new Section 31.65 is added to the Criminal and  
11 Correctional Code to read:

12 "Section 31.65. (a) It shall be a petty misdemeanor for any  
13 person under age of sixteen (16) years to drive, idle, wander, stroll  
14 or play in or upon the public streets, highways, roads, alleys, parks  
15 playgrounds or other public places or grounds or buildings between  
16 the hours of 11:30 p.m. and 5 a.m., the day immediately following;  
17 provided, however, on Friday and Saturday evenings and on any  
18 evening preceding a holiday the beginning hour of curfew shall be  
19 12:00 midnight, and further provided, that provisions of this section  
20 do not apply to any person in the Armed Forces of the United States,  
21 or married persons, or when that person is accompanied by his  
22 parent, guardian or other adult having the care and custody of the  
23 person or other adult person acting as chaperone or when the person  
24 is returning directly home from a meeting, entertainment, recreational  
25 activity, or dance or when the person is going directly to or returning  
26 directly from work.

27 (b) A person under the age of sixteen (16) years may  
28 obtain food in a cafe where not otherwise prohibited by law after  
29 a meeting, entertainment, recreational activity, dance or work  
30 after the hour of 11:30 p.m., but must vacate the premises  
31 immediately after consuming the food served and proceed directly  
32 home.

33 (c) Each violation of the provision shall constitute a  
34 separate offense."

1           Section 3. The Department of Education is hereby authorized to use  
2 any anticipated lapse funds from its FY '85 appropriation to fund salaries  
3 and benefits of the ninety-one (91) teaching positions to be recruited as  
4 authorized in Public Law 17-53 and continuing from October 1, 1984 through  
5 September 30, 1985.