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CH. 22 AGENCY FOR HUMAN RESOURCES DEVELOPMENT

CHAPTER 22
AGENCY FOR HUMAN RESOURCES DEVELOPMENT

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NOTE: This Chapter was enacted by P.L. 17-81:1 as Chapter II to be added to Title XL, Government Code and renumbered by the Compiler.

§ 22101. Establishment of Agency.

[For the law establishing the Agency for Human Resources Development, see 5 GCA §3120.]

§ 22102. Purpose.

The Agency for Human Resources Development will be responsible for the coordination of manpower needs, assessment and employment programs funded under the provisions of local and Federal statutes. This responsibility shall not be construed to deny any other entity of the government of Guam from carrying out its regularly assigned functions.

The Agency may be responsible, if mutually selected by the Workforce Investment Board and *I Maga'lahaen Guåhan*, for the administration of workforce development programs pursuant to the Workforce Investment Act of 1998, more commonly known as 'WIA,' and Welfare-to-Work, more commonly known as 'WtW.'

The administration of WIA and WtW shall be in accordance with applicable local and Federal statutes, policies, regulations and guidelines. The Director shall be responsible for compliance with all Federal requirements pertaining to the methods and standards of administration required for receipt from the Federal government of funds for WIA and

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WtW, and such administrative costs as are provided in connection therewith.

The Agency for Human Resources Development is also authorized to seek, apply and otherwise obtain funds from the Federal government, and from private and other sources for use in manpower and other programs which fall within the purpose and functions of the Agency as provided herein.

SOURCE: Amended by P.L. 26-08:1.

§ 22103. Definitions.

The following words and phrases, when used in this Chapter shall have the following meaning:

(a) *Agency* means the Agency for Human Resources Development.

(b) *Director* means the Director of the Agency for Human Resources Development.

(c) *Employees* means employees of the Agency for Human Resources Development.

(d) *Program Year* means the years beginning on July 1 in the fiscal year for which appropriations, either federal or local, are made for a program to be administered by the Agency.

§ 22104. Rules and Regulations.

The Director shall develop and adopt rules and regulations to insure that the administration of federal and/or local programs comply with standards set by the federal and/or local government as a condition to receipt of federal and/or local funds, and local policies and laws, including the Administrative Adjudication Act. The Director, also pursuant to the Administrative Adjudication Act, shall develop procedures, written policies and adopt rules with regard to planning, implementing, monitoring, evaluating and reporting the Agency's programs.

§ 22105. Employment.

The Director, subject to the approval of *I Maga'lahen Guåhan*, may employ a Deputy Director and Private Secretary. All employees of the Agency for Human Resources Development, except the Director, Deputy Director, Private Secretary, provisional employees and others hired by

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contract, shall be members of the classified service of the government of Guam.

The employees of the Agency shall be members of the Government of Guam Retirement Fund, subject to provisions of 4 G.C.A. §8105. The Agency shall contribute to the Government of Guam Retirement Fund on the basis of annual billings as determined by the Board of Trustees of the Government of Guam Retirement Fund for the employers' share of the cost of the retirement benefits applicable to the Agency's employees and their beneficiaries. The Agency shall contribute to the Workers' Compensation Fund on the basis of annual billings, as determined by the Workers' Compensation Commissioner, with the benefits payment made from such fund on account of the employees of the Agency. Employees of the Agency shall also be eligible to participate in any government of Guam health and life insurance or prepaid health plan.

SOURCE: Amended by P.L. 26-08:2.

§ 22106. Personnel Rules.

The Rules adopted by the Director of the Department of Administration subject to criteria established by Chapter 4 of Title 4 of GCA, governing the selection, promotion, performance evaluation, demotion, suspension, and other disciplinary action shall be applicable to employees of the Agency.

§ 22107. Effective Date and Transfer.

On the effective date of this Act, all working capital, accounts payable and receivables, and all books, records, applications, assets, liabilities, agreements, privileges and employees of the Agency for Human Resources Development presently existing pursuant to Executive Order Numbers 77-6, 83-14, 83-19 and 99-13, shall be transferred to the Agency for Human Resources Development established under this Chapter.

Any person accepting employment under this Section, *excluding* the Director, Deputy Director and Private Secretary will receive *not less than* the rate of compensation that person was receiving immediately before the transfer date. The other employment benefits and rights shall be governed under §§ 22104 and 23015 of this Chapter.

SOURCE: Amended by P.L. 26-08:3.

§ 22108. Position Descriptions.

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The Director shall develop within three (3) months of the effective date of this Act, position descriptions for all employees of the Agency for Human Resources Development which shall be subject to the approval of the Director of Administration.

COMMENT: Effective January 1, 2006, reference to the “Civil Service Commission,” amended to “Director of Administration” pursuant to P.L. 28-68:IV:45 (Sept. 30, 2005).

§ 22109. Authorization to Administer Services.

If at any time the Agency is not selected or authorized to administer any federal or local programs pursuant to the authority given it by this Chapter, the Agency shall cease to exist.

§ 22110. Guam Workforce Investment Board.

The Guam Workforce Investment Board shall have the same authority and functions with respect to programs administered pursuant to this Chapter, as that provided in the Workforce Investment Act, Public Law Number 105-220.

SOURCE: Amended by P.L. 26-08:4.

§ 22111. Private Industry Council.

[Repealed]

SOURCE: Repealed by P.L. 26-08:5.

§ 22112. Administrative Limitations and Appropriations.

The sum of One Million Dollars (\$1,000,000) is hereby authorized to be appropriated from the General Fund to the Agency for Human Resources Development for the purpose of administering job training and employment-related services, consistent with those authorized under WIA and WtW. These services, *however*, shall be restricted to those individuals in need of, but who do *not* meet Federal eligibility standards and requirements for, job training and employment-related services pursuant to provisions of Public Law Number 105-220. The Agency for Human Resources Development is authorized to expend *not more than* ten percent (10%) of this appropriation for administrative purposes.

SOURCE: Amended by P.L. 26-08:6.

§ 22113. Annual Report.

The Director of the Agency shall submit a report which shall be a public document, not later than twelve (12) months immediately following

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the date of enactment of this Act. This report shall include, but need not be limited to, a detailed statement of program expenditures, the number and groups served through program activities, and a review and evaluation of program accomplishments in meeting with the employment needs of jobless individuals. This report shall be submitted to the Governor, with review and comments from the Legislature.

NOTE: P.L. 17-81, which enacted this provision, became law December 18, 1984.
