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January 04, 2022

MEMORANDUM

TO: Director of Administration

FROM: Personnel Services Administrator (DOA)

SUBJECT: **Division of Children's Wellness Initiatives**
RE: **Executive Order No. 2021-26**

Buenas yan Hafa Adai! The governor of Guam signed Executive Order No. 2021-02 on January 21, 2021 declaring a state of emergency regarding the operations of the Child Protective Services which is statutorily established within the auspices of the Department of Public Health and Social Services (DPHSS). The Executive Order was promulgated to provide administrative oversight assistance to the DPHSS by the Department of Youth Affairs (DYA) to help address backlogs in caseloads and to meet mandated timelines when dealing with investigations from referrals made to CPS.

In addition to administrative oversight of workload, the DYA has provided additional personnel resources in the assignment of current DYA social worker personnel to help address the caseload for CPS. Administrative assistance has also come in the form of a collaboration between executive management of the DPHSS and DYA to help expedite recruitment for social workers within the CPS. Since then, social worker positions have been placed on Continuous announcements and the recruitment process being expedited. Multiple interviews of qualified candidates have taken place and unfortunately, many applicants who are offered positions within the CPS turn down or decline the offers based on the type of work that is performed by CPS personnel. At times, the work can be characterized as specifically challenging due to the nature of the interaction between DPHSS personnel and the people the families they are assisting. Many times, CPS social workers find themselves engaged in situations that are contentious and require assistance across multiple agencies to address. There is also a unique dynamic in dealing with children and their safety and well-being. There are factors that exist that make this part of social work particularly challenging, which requires not only a particular set of skills, but also employees who, in the execution of their duties, must be resolute in their mission and dedicated to helping those children who most need it. Much of the responsibility of the safety and well-being of children who, of various reasons, must come into the care of the government, falls on the employees of the CPS. This includes not only removing children from dangerous home environments; but also ensuring that those children receive such things as clean clothes, basic hygiene and sanitation, and other basic needs such as food and a safe place to stay. A lot of times, children may be placed in the care of foster homes which the CPS is also responsible for coordinating. Things such as medical or dental appointments are essential, and require CPS personnel to ensure that those children who need assistance to attend these appointments receive it.

It is because of the nature of these duties that it is difficult to hire for and retain employees. This situation is not limited to Guam; but is also a fact in many different social work areas around the world. This type of social work is something that is very graphic, requires long hours and irregular schedules, and puts personnel in situations that many times require the presence of local law enforcement combined with skills to help manage tense situations. The market for applicants that meet both the regular qualifications, but those applicants who end up being dedicated to those children who they serve and the protection of their physical and mental well-being.

It has been noted that the efforts made in line with Executive Order No. 2021-02 have been effective in helping to address the backlog in cases and referrals. This is exceptional; however, it is found that there still exists the need to reinforce the personnel of the CPS to help bring staffing levels to a point where the section can be self-sustaining and operate without the assistance of the DYA. In addition to the numerous hours of work and efforts made by both DYA and DPHSS employees; Guam recently secured \$96 million in one-time supplemental federal funding under the Coronavirus Aid, Relief and Economic Security Act, Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act. This has prompted the signing of Executive Order No. 2021-26, which prioritizes child care programs and orders the development of a comprehensive plan to manage the millions of dollars in federal grant funds provided to improve and expand programs available to island residents to child care.

In an effort to develop this comprehensive plan and to address the overwhelming number of cases experienced in the CPS component unit, E.O. 2021-26 has established a new **Division of Children's Wellness** within the DPHSS. This new division will include the Bureau of Social Services and the Bureau of Child Care Services. E.O. 2021-26 has also directed the DOA to address the following compensation issues in regard to the Child Welfare Services profession. They are as follows:

1. Development of a differential / premium pay for duties performed by the CPS
2. Assessment of overtime pay for exempted positions performing duties related to the CPS
3. Assessment of Night Differential compensation
4. Assessment of the current Hazardous Pay

As ordered, the DOA has looked at the above initiatives and additional administrative measures that can be taken to augment the expeditious processing of social worker recruitment which provisions in the current budget act that allows for the hiring of Unclassified social workers for the CPS. These recommendations will require close collaboration between the DPHSS and the Department of Administration, Human Resources Division (DOA-HR). A combination of existing administrative processes and newly recommended initiatives that, based on the most recent E.O. 2021-26 should provide a multi-faceted approach to aide in addressing the challenges of the CPS.

The DPHSS (and DYA) shall provide the following information to assist the DOA in the review and recommendations of the above:

1. Proposed Staffing Pattern for the newly formed Division of Children's Wellness
2. Proposed Functional Chart for the newly formed Division of Children's Wellness
3. Proposed Organizational Chart for the newly formed Division of Children's Wellness
4. Position Description Questionnaires of personnel being transferred into the newly formed Division of Children's Wellness

The recommendations are as follows:

CHILD WELFARE WORKER DIFFERENTIAL POLICY:

In order to further address the recruitment and retention issues within CPS, but also provide an incentive for those employees who are willing to be employed and/or help within the CPS, a CHILD WELFARE WORKER DIFFERENTIAL POLICY is being recommended (please see attached proposed policy). This policy will provide

• **Compensation for Child Welfare Services Professions**

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a 25 percent (25%) differential to those employees who are either employed or who are formally assigned to the CPS by the Director of the DPHSS and the Director of the DYA to assist with the caseload of the CPS.

This differential is specifically for those employees who hold Social Worker, Homemaker, and other positions within the DPHSS and the DYA that are determined to be eligible by DOA. It's intended to be a tool to help DPHSS and DYA management to offer incentives for those employees who voluntarily request to assist and those who are assigned to help out of necessity as is seen in the current emergency. This differential is not intended to cover those employees whose positions and duties are classified in different categories and sub-categories as social workers. This may include general clerical and administrative staff. This policy is intended to cover work performed surrounding child welfare duties and case management that includes direct contact and/or interaction with clients and their families in order to address cases and referrals. This policy is also recommended to only authorize the differential for hours worked, and not to be included in the calculation of any overtime as the occurrence of overtime is often necessary.

The DPHSS and the DYA must submit a list of positions proposed to be covered by the differential / premium pay to the DOA for review and approval.

OVERTIME PAY AUTHORIZATION:

The DPHSS and DYA shall provide a list of positions that are being requested for the authorization of overtime compensation. DOA will review the lists submitted and provide approval in accordance with the Fair Labor Standards Act (FLSA) and all governing laws, rules, and regulations. Overtime will be authorized only for work performed that are directly related to child welfare services. If employees holding covered positions are detailed or assigned to another position or section in which the core duties are not related to child welfare services, overtime compensation will not be authorized pursuant to E.O. 2021-26.

It is recommended that additional positions may be authorized if requested by the Directors of DPHSS and DYA, and approved by the Director of DOA, specifically covered as intended by E.O. 2021-26.

NIGHT DIFFERENTIAL:

Pursuant to DOA Personnel Rules and Regulation Rule 7.800 all employees of the DPHSS and the DYA shall be entitled to Night Differential at the rate of ten percent (10%) of their base pay for duties performed between the hours of 6:00 p.m. to and 6:00 a.m., except as otherwise provided by statute.

HAZARDOUS DUTY PAY:

Pursuant to the DOA Hazardous Pay Policy, the DPHSS and DYA shall, in collaboration with the DOA, prepare and submit the Hazardous Duty Pay request form to the Guam Department of Labor (GDOL) and DOA for review and approval. Once approved, the DOA Payroll Division will be given a copy of the approved request (which will include the appropriate percentage and certified hazardous condition) so that compensation may be afforded to those covered employees upon exposure to the hazardous environment or condition. These will be notated on the employee timesheets as required by the DOA Payroll Division.

CONCLUSION:

In accordance with E.O. 2021-26, the DOA will provide administrative assistance and oversight on the initiatives and policies stated above. After implementation, should further adjustments or additional recommendations be necessary, they will be conveyed in writing to the affected agencies. It must also be noted that a review of the duties performed by the CPS section is necessary and may warrant the creation of newly designed positions. Any proposed amendments to the policies approved pursuant to this Executive Order must be provided in writing to the Director of Administration to include justification for those proposed amendments.


SHANE G.L. NGATA

- APPROVED & CONCURRED
 DISAPPROVE



EDWARD M. BIRN
Director of Administration

1/4/22

(Date)

Attachment
Child Welfare Worker Differential Pay Policy



EDWARD M. BIRN
Director (Direktot)
BERNADINE C. GINES
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**LOURDES A. LEON
GUERRERO**
Governor (Maga'lagu)
JOSHUA F. TENORIO
1st Governor (Sigundo Maga'lahi)

CHILD WELFARE DIFFERENTIAL PAY POLICY

SUBJECT: CHILD WELFARE WORKER DIFFERENTIAL PAY
EFFECTIVE DATE: UPON APPROVAL
INQUIRIES: Department of Administration, Personnel Services Division

I. STATEMENT OF POLICY:

It is the policy of the Government of Guam to ensure that the total compensation package of government employees be consistent with Title 4 Guam Code Annotated, Chapter 6 §6301 and based on §6304 of the same chapter that differential pay be developed and uniformly administered in the government. It is the policy of the Department of Administration (DOA) that this recommended CHILD WELFARE WORKER differential pay be administered uniformly for those personnel whose duties dictate work in child protective services and other related child welfare services pursuant to Executive Order No. 2021-26.

II. STATEMENT OF PRACTICE:

The provisions contained herein shall be implemented uniformly within the Department of Public Health and Social Services (DPHSS) and the Department of Youth Affairs (DYA), and all eligible employees. Proper documentation of the administration of this policy is required for accountability purposes and to ensure conformance with all requirements established herein.

III. REFERENCES:

Title 4 Guam Code Annotated, Chapter 6 §§6301 and 6304 and Executive Order No. 2021-26.

IV. APPLICABILITY:

This policy applies to all employees who are holding positions approved by the Director, DOA within the Division of Children's Wellness, DPHSS and the DYA.

V. PURPOSE:

The purpose of this policy is to establish the guidelines within which the Child Welfare Worker Differential Pay can be implemented within the DPHSS and DYA.

VI. SCOPE:

This policy applies to those Child Welfare Social Workers of those departments which are established by DOA as meeting the eligibility requirements to qualify for the differential. This differential only applies to those employees whose duties require them to work in child protective services or child welfare services. DPHSS and DYA have been designated as qualifying departments.

VII. IMPLEMENTATION:

- a. A twenty-five percent (25%) differential pay will be applied to those eligible employees as determined by the DOA within DPHSS and DYA.
- b. The 25% differential will be calculated on the base salary of a covered employee. The differential is not to be applied when calculating overtime compensation.
- c. The 25% differential covers those employees at the DPHSS and DYA whose duties require them to perform duties related to child welfare services.
- d. The differential pay is authorized beginning when employees report for work/duty; at which time compensation will be authorized. This differential will not be paid when an employee is on any status other than regular work status (i.e. annual, sick, administrative leave, etc...).
- e. The DPHSS and DYA will inform the Director of Administration of all relevant information regarding the implementation of this policy.
- f. If covered employees are assigned to other areas which are considered outside the scope of this policy, the covered department will inform DOA of such assignment in an effort to ensure that the administration of the differential pay remains accountable.
- g. Reviews and assessments may be conducted by the DOA Payroll or Personnel Services Divisions upon determination of the necessity of a review. Findings of a review or assessment for compliance or any other purpose with respect to the policy will be forwarded to the Director of Administration for review and determination.

VIII. FISCAL CONTROL:

- a. Implementation and payment of this differential is contingent upon the availability of funding.
- b. Covered departments and agencies will request approval for funding from the Bureau of Budget and Management Research (BBMR) prior to initial implementation of the 25% differential.
- c. Approval by the BBMR in regards to the initial implementation of the differential will be forwarded to the DOA Personnel Services Division and Payroll Services Division for record purposes.
- d. Payment of the differential for covered employees may be suspended based on the lack of funding as certified by the BBMR.

IX. ADMINISTRATIVE REVIEW:

This policy will be reviewed by the DOA Personnel Services Division every three (3) years to determine whether any adjustments or amendments need to be made to the authorized differential or policy requirements. Any recommended changes will be forwarded to the Director of Administration for review and approval.

X. AMENDMENTS:

Request for amendments to the policy can be made by DPHSS and DYA. Requests will be made in writing and addressed to the Director of the Department of Administration. The requests will be limited to administrative items and employees covered by this policy.

XI. REPORTING REQUIREMENTS:

Departments and agencies covered by this policy will submit a report on personnel costs associated with this policy for their respective agencies to the Director of Administration at the end of the 2nd and 4th quarters of each fiscal year.

XII. PENALTY FOR NON-COMPLIANCE:

In the event that any review or assessment finds that policy requirements were not complied with; it may be determined by the Director of Administration that any employee or employees found to receive the differential pay in a manner which does comply with the regulation contained herein, may have their eligibility revoked and will no longer be able to receive the authorized differential.

XIII. EFFECTIVE DATE: Upon approval.

- APPROVED
 DISAPPROVE



EDWARD M. BIRN
DIRECTOR OF ADMINISTRATION



(Date)