



# DEPARTMENT OF YOUTH AFFAIRS

Dipartimento Asuntion Manhoben  
Government of Guam

P.O. Box 23672

Barrigada, Guam 96921

Tel: (671)735-5010 Fax: (671)734-7536



LOURDES A. LEON GUERRERO  
Governor

JOSHUA F. TENORIO  
Lieutenant Governor

MELANIE W. BRENNAN  
Director

KRISINDA C. AGUON  
Deputy Director

## MEMORANDUM

**TO: Honorable Speaker Therese M. Terlaje  
36th Guam Legislature**

**FROM: Director, Department of Youth Affairs**

**DATE: October 29, 2021**

**SUBJECT: 4th Quarter FY2021 Prior Year Obligation**

*Buenas Speaker Terlaje,*


Pursuant to 5 GCA §10306, please be advised, that the Department of Youth Affairs has the following prior year obligation payments for unpaid overtime hours worked in calendar years 2008, 2009, and 2010. Authorization to pay out the overtime hours is pursuant to P.L. 30-215, and paid from DYA's FY2021 general fund appropriations.

DIVISION		AMOUNT PAID
Youth Corrections	Overtime	\$85,849.78
	Associated Benefits	\$13,197.05
	Total Amount Paid	\$99,046.83

An electronic submission of the stamp received copy of this report will be sent to [speaker@guamlegislature.org](mailto:speaker@guamlegislature.org) and a copy to the Office of the Public Auditor at [admin@guamopa.com](mailto:admin@guamopa.com), and this report will be posted on DYA's Government of Guam website at [www.dya.guam.gov](http://www.dya.guam.gov).

Please contact 735-5010 should you have any questions or concerns.

*Kon Respetu.*



Melanie W. Brennan

Attachments

Cc: Office of the Public Auditor





LOURDES A. LEON GUERRERO  
Maga'haga

JOSHUA F. TENORIO  
Segundo Maga'haga

# DIPATTAMENTON ASUNTON MANHO BEN

Department of Youth Affairs

Government of Guam

P.O. Box 23672

Barrigada, Guam 96921

Tel. (671)735-5010 Fax (671)734-7536



MELANIE W. BRENNAN  
Dir-You

KRISTINA C. AGUION  
Segundo Direktor

July 10, 2019

## MEMORANDUM

**TO:** Director, Department of Administration

**From:** Director, Department of Youth Affairs

**Subject:** Supreme Court Case No. CVA09-027/Superior Court Case Nos. CV0523-09/CV2038-10 (40 vs 43 Overtime Compensation for Law Enforcement Personnel)

*Buenas!*

In 2010 the Supreme Court of Guam ruled in favor of the Guam Customs and Quarantine Agency officers who challenged the 43-hour workweek policy. This policy did not calculate overtime until after 43 hours of work in one week instead of the traditional 40 hours set by the Minimum Wage and Hour Act of Guam during that time.


Following this ruling by the Supreme Court of Guam, DOC and GPD also filed class action lawsuits in the Superior Court of Guam on the same merits and later prevailed. Since the 2010 ruling by the Supreme Court, local statute has been amended to mirror the federal Fair Labor and Standards Act, which allows overtime to accrue after 43 hours of work in one workweek.

Given the compensation that law enforcement officers from the Guam Customs and Quarantine Agency received, as well as the most recent payout to the Guam Police Department and the Department of Corrections law enforcement officers of this prior obligation, I respectfully request your assistance in obtaining a thorough review/estimated cost of compensation for the Department of Youth Affairs law enforcement personnel (Superintendent; Youth Service Supervisor; Youth Service Worker II, Youth Service Worker I and Youth Service Worker Assistant) who would be entitled to this prior obligation by virtue of the same merits argued in the previous civil court cases.

DYA's law enforcement personnel are charged with the 24 hours- 7 days a week, care and custody of juveniles remanded to the Youth Correctional Facility of the Department of Youth Affairs, just as the Department of Corrections' Correctional Officers are charged with supervision over adult offenders. The expertise and research of a payroll technician who may have assisted the other law enforcement agencies in this cause would be invaluable to articulating our agency's claim.

Please let me know if you have any questions or concerns; I look forward to your response.

*Kon Respetu.*



Melanie W. Brennan





GOVERNMENT OF GUAM

Masåhån

GOVERNMENT OF GUAM  
Señado Magsaån

# DIPATTAMENTON ASUNTON MANHOBEN

Department of Youth Affairs  
Government of Guam

P.O. Box 23672

Barrigada, Guam 96921

TEL: (671) 735-5000 FAX: (671) 734-1536



MELANIE W. BRENNAN  
Director

KRISTINE Y. MOON  
Secretary

August 13, 2021

## MEMORANDUM

**To:** Director, Bureau of Budget and Management Research

**From:** Director, Department of Youth Affairs

**Subject:** Request Modification of Account  
Advice No. DYA21-016

*Håfa Adai*, per P.L. 30-215 enacted on December 13, 2010, amended §3107 of Article 1, Chapter 3, Title 22, Guam Code Annotated that identifies Public Safety Personnel to be covered under Section 207 (k) of the Fair Labor Standards Act, Chapter 8 of Title 29 of the United States Code, and that overtime compensation for our law enforcement (LE) personnel will be entitled to a rate not less than 1.5 times the regular rate at which he is employed for each hour worked after 43 hours in a workweek. Before the enactment of P.L. 30-215, DYA should be compensating our personnel for overtime after 40 hours, however, DYA was compensating the OT rate after 43 hours.

Therefore, the Department of Youth Affairs requests your approval to release our general funds in reserve to pay our LE personnel for Overtime hours worked after 40 hours. Since DYA LE personnel have already been compensated at their regular rate at 1 times their pay based on a 43-hour workweek, the balance owed for hours worked after 40 hours shall be paid at a rate of .5 or half their rate of pay, multiplied by the number of hours worked after 40 hours. Totals for the Calendar Years are as follows:

5,070 total hours worked after 40 hours each workweek for CY2008, totaling \$30,036.84  
4,917 total hours worked after 40 hours each workweek for CY2009, totaling \$32,744.86.

Validation of the 2010 hours worked is still in progress at 90% and our accounts will be reassessed upon completion.

Additionally, the release of reserve funds is necessary to cover a negative balance in salaries and should accommodate labor costs at \$190,400/month through September 30, 2021, as well.

Should you have questions or concerns, please feel free to call me at 735-5001/10.

*Si Yu'os Ma'åse'.*

  
Melanie W. Brennan

**Attachments**



LOURDES A. LEON GERRERO  
Magistrate

JUSTICE MINISTER  
Segundo Ministro

DIPATTAMENTON ASUNTON MANHOBEN

Department of Youth Affairs  
Government of Guam  
P.O. Box 23672  
Barrigada, Guam 96921  
Tel: (671) 735-5310 Fax: (671) 734-7536



MELANIE W. BRENNAN  
Director

KRISTINA C. MOLON  
Segundo Director

August 13, 2021

MEMORANDUM

To: Director, Bureau of Budget and Management Research  
From: Director, Department of Youth Affairs  
Subject: Request Modification of Account  
Advice No. DYA21-017

*Håfa Adai*, a modification of accounts to move funds from general fund available balances and RESERVES into Youth Corrections account is being requested to accommodate the pay out of overtime hours worked during the period 2008 thru 2010, pursuant to P.L. 30-215, and payout of IPS 10% hazard pay which should be reimbursed by the American Rescue Funds that have been earmarked for the Department of Youth Affairs for the period January 30, 2021 through September 30, 2021.

Validation of raw data provided by Dept. of Administration's Payroll Branch for the three (3) calendar years 2008 through 2010 of hours worked has been completed and identifies 13,566 hours of overtime worked by our law enforcement personnel in the total amount of \$89,939.

An estimated amount of \$127,901 is also due and payable for 10% hazardous pay to our LE and Social Work staff while being exposed to the general public and the Covid-19 virus and authorized by E.O. 2021-03.

Estimated benefits associated with the above costs is \$62,000.

Total amount needed to be modified into the Youth Corrections account is \$213,041, and shall be modified from our available balances and reserves in General Fund accounts as follows:

- 5100A212000GA001-111/113 AND RESERVES
- 5100A212010E1001-111/116 AND RESERVES
- 5100A212030E1002-111/113 AND RESERVES

Should you have questions or concerns, please feel free to call me at 735-5001/10.

*Si Yu'os Ma'åse'.*

Melanie W. Brennan

Attachments



Jeannette Toves <jeannette.toves@dya.guam.gov>

**Fwd: 40-43 Issue**

4 messages

Melanie Brennan <melanie.brennan@dya.guam.gov>  
To: Jeannette Toves <jeannette.toves@dya.guam.gov>

Tue, Aug 17, 2021 at 11:45 AM

FYI



**Melanie W. Brennan**  
Director  
Department of Youth Affairs  
work: (671) 735-5001  
fax: (671) 734-7536  
email: melanie.brennan@dya.guam.gov

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----- Forwarded message -----

From: BERTHA <bertha.duenas@guam.gov>  
Date: Thu, Jul 2, 2020 at 5:48 PM  
Subject: Fwd: 40-43 Issue  
To: Melanie Brennan <melanie.brennan@dya.guam.gov>  
Cc: Gilbert D Galang <Gilbert.Galang@doa.guam.gov>, Edward M. Bim <edward.bim@doa.guam.gov>

Sorry I meant to copy you on this.

Sent from my iPhone

Begin forwarded message:

From: BERTHA <bertha.duenas@guam.gov>  
Date: July 2, 2020 at 5:45:09 PM GMT+10  
To: Gilbert D Galang <Gilbert.Galang@doa.guam.gov>  
Cc: "Edward M. Bim" <edward.bim@doa.guam.gov>  
Subject: Fwd: 40-43 Issue

Hi Gil, this status update was shared with me upon inquiry with DYA Director, Lani, today. Thank you for the quick extrapolation of payroll data for further review with their assistance.

Lani, once Gil provides the final list, please give him the assistance he will need to identify what is owed to each DYA employee, so he can make them whole as they should've been with the rest last year.

Please keep me copied on all communications and updates on this issue.

Thank you and stay safe everyone!

Sent from my iPhone

Begin forwarded message:

From: Melanie Brennan <melanie.brennan@dya.guam.gov>  
Date: July 2, 2020 at 5:31:37 PM GMT+10  
To: Bertha Duenas <bertha.duenas@guam.gov>  
Subject: Fwd: 40-43 issue

Fyl. He's working on the data.

----- Forwarded message -----  
From: Gilbert D Galang <Gilbert.Galang@doa.guam.gov>  
Date: Tue, Jun 30, 2020, 2:38 PM  
Subject: RE: 40-43 issue  
To: Melanie Brennan <melanie.brennan@dya.guam.gov>

Hafa Adai Director Brennan,

Just to update you, I've already extracted the 3 calendar years, 2008, 2009 and 2010 for all active DYA employees that were part of the 40-43 case. I'm currently scrubbing the data and will provide you the final list sometime this week. Now after this, I will need assistance from maybe one of your admin staff to go through the list on each employee per pay period and analyze which hours are qualified as the excess of 40 or the 3 hours per week. It is going to be tedious process and might take time and effort to complete. Rest assured it will be done.

Si Yu'os Ma'ase,

*G Galang*

Gil Galang

Chief Payroll Officer

Department of Administration

Tel: 671-475-1195

Fax: 671-475-9794

Email: gilbert.galang@doa.guam.gov

Website: www.doa.guam.gov

 DOA LOGO 2020 RESIZED

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From: Melanie Brennan [mailto:melanie.brennan@dya.guam.gov]  
Sent: Monday, June 22, 2020 12:29 PM  
To: Gilbert D Galang <Gilbert.Galang@doa.guam.gov>

Cc: Bertha Duenas <bertha.duenas@guam.gov>; Krisinda Aguon <krisinda.aguon@dya.guam.gov>; Edward M. Bim <Edward.Bim@doa.guam.gov>; Edith C. Pangelinan <Edith.Pangelinan@doa.guam.gov>; Ariana C Villaverde <ariana.villaverde@guam.gov>  
 Subject: Re: 40-43 Issue

Hafa Adai Mr. Galang,

Thank you for your prompt response; I appreciate the effort it will take to extract that information knowing how inundated you must be with all Covid related matters.

Melanie



Melanie W. Brennan

Director

Department of Youth Affairs

work: (671) 735-5001

fax: (671) 734-7536

email: melanie.brennan@dya.guam.gov

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On Mon, Jun 22, 2020 at 9:51 AM Gilbert D Galang <Gilbert.Galang@doa.guam.gov> wrote:

Hafa Adai Melanie,

Yes, we can extract all necessary payroll history information pertaining to DYA employees that were covered during those period. I will provide them to you as soon as it becomes available.

Senseramente,

*G Galang*

Gil Galang

Chief Payroll Officer

Department of Administration

Tel: 671-475-1195

Fax: 671-475-9794

Email: [gilbert.galang@doa.guam.gov](mailto:gilbert.galang@doa.guam.gov)

Website: [www.doa.guam.gov](http://www.doa.guam.gov)

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**From:** Melanie Brennan [<mailto:melanie.brennan@dya.guam.gov>]  
**Sent:** Monday, June 22, 2020 8:52 AM  
**To:** Gilbert D Galang <[Gilbert.Galang@doa.guam.gov](mailto:Gilbert.Galang@doa.guam.gov)>  
**Cc:** Bertha Duenas <[bertha.duenas@guam.gov](mailto:bertha.duenas@guam.gov)>; Krisinda Aguon <[krisinda.aguon@dya.guam.gov](mailto:krisinda.aguon@dya.guam.gov)>; Edward M. Birn <[Edward.Birn@doa.guam.gov](mailto:Edward.Birn@doa.guam.gov)>; Edith C. Pangelinan <[Edith.Pangelinan@doa.guam.gov](mailto:Edith.Pangelinan@doa.guam.gov)>; Ariana C Villaverde <[ariana.villaverde@guam.gov](mailto:ariana.villaverde@guam.gov)>  
**Subject:** Re: 40-43 issue

Hafa Adai Mr. Galang,

Thank you for the response. Based on the success of all previous cases will your department look into this matter on behalf of DYA or is litigation the only way to resolve this? My letter dated last July was an attempt to "reach out" to DOA however I did not get a response until this morning.



**Melanie W. Brennan**

Director

Department of Youth Affairs

work: (671) 735-5001

fax: (671) 734-7536

email: [melanie.brennan@dya.guam.gov](mailto:melanie.brennan@dya.guam.gov)

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On Mon, Jun 22, 2020 at 8:32 AM Gilbert D Galang <Gilbert.Galang@doa.guam.gov> wrote:

Hafa Adai Ms. Bertha,

I've attached copies of three civil cases and judgement orders from GPD, DOC and C & Q with regards to the 40-43. Each civil case was unique and were filed separately by employees of each department. DOA settlement were paid on the dates below in line with the availability of additional funds legislatively requested by each affected Agency. Timesheets were also prepared and submitted to DOA payroll for processing each settlement.

C & Q 40-43 judgement was paid by DOA on 12/02/2011.

GPD and DOC judgment was paid by DOA on 06/07/2019.

With regards to DYA employees, again each civil case filed and decision orders were settled individually with each agency. DYA did not reach out to DOA for settlement.

Si Yu'os Ma'ase,

*G Galang*

Gil Galang

Chief Payroll Officer

Department of Administration

Tel: 671-475-1195

Fax: 671-475-9794

Email: [gilbert.galang@doa.guam.gov](mailto:gilbert.galang@doa.guam.gov)

Website: [www.doa.guam.gov](http://www.doa.guam.gov)

 DOA LOGO 2020 RESIZED

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**From:** Bertha Duenas [<mailto:bertha.duenas@guam.gov>]

**Sent:** Friday, June 19, 2020 5:34 PM

**To:** Melanie Brennan <[melanie.brennan@dya.guam.gov](mailto:melanie.brennan@dya.guam.gov)>

Cc: Krisinda Aguon <krisinda.aguon@dya.guam.gov>; Edward M. Bim <Edward.Bim@doa.guam.gov>; Edith C. Pangelinan <Edith.Pangelinan@doa.guam.gov>; Gilbert D Galang <Gilbert.Galang@doa.guam.gov>; Ariana C Villaverde <ariana.villaverde@guam.gov>  
Subject: Re: 40-43 Issue

You're welcome! The DYA Officers deserve an answer (one way or another) as to why they were not included in the 40/43 retro pay.

Only 2 things could have prevented it. 1) no DYA employee accrued the 3 hours being retro paid pursuant to the 40/43 ruling, or 2) they did accrue the 3 hours, but do not meet the basis for the Court's conclusions and ruling for the govt to pay.

I've copied DOA in this email so they can provide a response from their end as it relates to both points listed above.

I'd appreciate a response by next week

On Fri, Jun 19, 2020 at 4:05 PM Melanie Brennan <melanie.brennan@dya.guam.gov> wrote:

Hafa Ada: Bertha,

Please see attached letter regarding this outstanding issue and the corresponding attachment that remains unanswered to date. I will also send a follow-up email to Ms. Edith Pangelinan inquiring about the status. Thanks for your interest and assistance.



**Melanie W. Brennan**

Director

Department of Youth Affairs

work: (671) 735-5001

fax: (671) 734-7536

email: melanie.brennan@dya.guam.gov

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Best,

**Bertha Duenas**

**Chief Advisor on Fiscal Discipline**

**Office of the Governor**

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**3 attachments**



image001.png  
46K

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRACION



image003.png  
49K

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRACION



image005.png  
49K

**DEPARTMENT OF  
ADMINISTRATION**  
DIPATTAMENTON ATMENESTRACION

Jeannette Toves <[jeannette.toves@dya.guam.gov](mailto:jeannette.toves@dya.guam.gov)>  
To: Melanie Brennan <[melanie.brennan@dya.guam.gov](mailto:melanie.brennan@dya.guam.gov)>

Tue, Aug 17, 2021 at 11:31 AM

Thank you Ma'am, I will forward to Art Mariano.

[Quoted text hidden]

**Jeannette Toves**  
Administrative Services Officer  
Department of Youth Affairs

(671) 735-5009 Tel  
(671)734-7536 Fax  
P.O. Box 23672, GMF  
Barrigada, GU 96921

Jeannette Toves <[jeannette.toves@dya.guam.gov](mailto:jeannette.toves@dya.guam.gov)>  
To: Art Mariano <[art.mariano@bbmr.guam.gov](mailto:art.mariano@bbmr.guam.gov)>  
Cc: Melanie Brennan <[melanie.brennan@dya.guam.gov](mailto:melanie.brennan@dya.guam.gov)>

Tue, Aug 17, 2021 at 11:32 AM

Art, please see this email string and let me know if you require additional information. Thank you.

[Quoted text hidden]

[Quoted text hidden]

**3 attachments**

image001.png  
46K



image003.png  
49K



image005.png  
49K



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Jeannette Toves <jeannette.toves@dya.guam.gov>  
To: Art Mariano <art.mariano@bbmr.guam.gov>

Tue, Aug 17, 2021 at 11:35 AM

Sorry Art, attached here is the memo to DOA Director.  
[Quoted text hidden]

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 letter to DOA re 40vs43 hour work weeks 7-10-19 (1).pdf  
46K





Run date 10/28/21  
Run time 10:42:40  
Run Id 109

Department of Administration  
Labor Cost Distribution Report  
PPE date : 10/09/2021 Chk date : 10/22/2021

Page 3  
Program: PAYU006

Job Order #	Dpby	Employee #	Employee Name	Regular \$	Overtime \$	Holiday \$	Night Diff \$	EMT \$	Typhoon \$	Nurse Pay \$	OC 114 GC Hazard \$	OC 115 GC Govt Contrb
202021004	2020	8869	[REDACTED]								3285.70	933.79
202021004	2020	3977	[REDACTED]									18.86
202021004	2020	3993	[REDACTED]									510.77
202021004	2020	6469	[REDACTED]									21.74
202021004	2020	4034	[REDACTED]									4.81
202021004	2020	4080	[REDACTED]								4166.46	2023.03
202021004	2020	4217	[REDACTED]								1935.36	577.98
202021004	2020	5997	[REDACTED]									497.93
202021004	2020	8407	[REDACTED]								2482.85	85.76
202021004	2020	7705	[REDACTED]								1734.26	263.84
202021004	2020	4474	[REDACTED]								4016.11	1839.06
202021004	2020	6704	[REDACTED]								2637.38	543.31
202021004	2020	4589	[REDACTED]								7973.10	43.11
202021004	2020	10485	[REDACTED]								877.90	139.04
202021004	2020	8093	[REDACTED]								1481.24	21.48
202021004	2020	4434	[REDACTED]								1866.41	27.06
202021004	2020	11476	[REDACTED]								1751.40	25.40
202021004	2020	10760	[REDACTED]								959.51	13.91
202021004	2020	9698	[REDACTED]								2039.52	29.57
202021004	2020	5858	[REDACTED]								1535.94	421.16
202021004	2020	4767	[REDACTED]									614.87
202021004	2020	9270	[REDACTED]								2628.60	38.12
202021004	2020	9182	[REDACTED]								2506.82	16.35
202021004	2020	9101	[REDACTED]								1416.35	20.54
202021004	2020	9569	[REDACTED]								2124.35	30.80
202021004	2020	6972	[REDACTED]								2233.90	32.39
202021004	2020	10758	[REDACTED]								767.04	11.17

Run date: 10/28/21  
 Run time: 10:42:40  
 Run id: 105

Department of Administration  
 Budget Cost Distribution Report  
 PPE date: 10/09/2021    Chk date: 10/22/2021

Page: 4  
 Program: PAVU-8

Job Order #	Regulatory	Dgny	Employee #	Employee Name	Right	Diff	EMT	Type	Pay	GC 114 GC Hazard	GC 115 GC Govt Contb
202021004	2020	2020	10761	[REDACTED]						1429.01	20.52
202021004	2020	2020	4017	[REDACTED]							4.10
202021004	2020	2020	7706	[REDACTED]						1821.38	428.8
202021004	2030	2030	59906	[REDACTED]						727.04	17.74
202021004	2030	2030	7585	[REDACTED]						1298.23	18.82
202021004	2030	2030	10906	[REDACTED]						1408.43	27.42
202021004	2030	2030	6296	[REDACTED]						491.38	7.11
202021004	2030	2030	5955	[REDACTED]						1621.91	21.32

202021004 TOTALS 5100A212020CE004 YOUTH CORRECTIONS  
**85849.78**

118157.29    3136.05

85849.78  
 118157.30  
 204007.10

85849.78/204007.07 = 42%  
 118157.30/204007.07 = 58%

Fringe  
 31360.50 x 42% = 13197.05  
 31360.50 x 58% = 18163.45