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AUG 31 PM 2:44

DIRECTOR'S OFFICE



Guam's Local Union

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By: [Signature]

Date: 8/31/11

**DEPARTMENT OF ADMINISTRATION
GUAM**

GUAM FEDERATION OF TEACHERS,

Union,

vs.

**Guam Department of Education, Guam
Education Policy Board Member Barry L.
Mead.**

Management.

**PETITION FOR AN UNFAIR LABOR
PRACTICE**

To The Director of The Department of Administration (DOA) Benita Manglona

COMES NOW the grieved party, GUAM FEDERATION OF TEACHERS ("GFT") and All Union Members at the Department of Education, by and through undersigned union counsel, to allege as follows that:

- I. That DOA must investigate any allegation of an unfair labor practice pursuant to 2 GAR § 5111©. The union respectfully requests a hearing on this matter.
- II. That 2 GAR § 5111© states that:

Any Charge of an unfair labor practice shall be filed in writing with the Director and he shall take such action as he determines necessary to ascertain the truth of the allegation. Upon completion of his investigation, the Director shall forward his findings in writing to the Governor.

- III. Upon information and belief, that the Guam Education Policy Board Barry L. Mead continues to refuse to negotiate with the Guam Federation of Teachers because the Union has not furnished documents showing that it is the exclusive bargaining unit. *See Attached Exhibit A.* Mr. Mead has not provided any documentation and/or authority to the Union on why it's the Unions responsibility to continue to prove an established fact.
- IV. The Guam Education Policy Board member Barry L. Mead is required to bargain in Good Faith as required by 4 GCA Chapter 10, et al. ("Public Employee-Management Relations Act"), hereafter "PERMA" and as set forth in 2 Guam Administrative Rules (GAR) Section 5101 et seq. to allow recognized public employee organization to negotiate free from restraint and protracted negotiations.

4 GCA Chapter 10.

A. § 10111. Unfair Labor Practices.

The Provisions of this Section apply to all government of Guam management officials and to all employee organizations accorded exclusive recognition to represent public employees under this Chapter.

(a) Management officials are prohibited from:

(6) [R]efusing to consult or negotiate with an employee organization accorded exclusive recognition on matters within the scope of this Chapter and implementing rules and regulations.

- V. The Guam Education Policy Board member Barry L. Mead have provided no documentation, law, statue, administrative ruling, or otherwise that shows that the Union must provide documentation that it has been recognized as the collective bargaining unit.
- VI. The Guam Education Policy Board member Barry L. Mead have ignored the mandates of the administrative procedures set forth in GAR.

2 GAR § 5112. Miscellaneous Provisions.

- (a) It shall be the mutual responsibility of department heads or their designees and employee organization representatives to negotiate in good faith with the objective of reaching (sic) an agreement by diligent and serious exchange of information and views, and by avoiding unnecessarily protracted negotiations.**

The Guam Education Policy Board member Barry L. Mead is trying to stop the negotiation process without providing any documentation or authority that his position is a correct and/or proper position to hold under the guise of Guam Law.

VII. The union, by undersigned counsel, requests that DOA conduct an investigation and allow a hearing to determine if unfair labor practices happened

Respectfully submitted this 31 day of August 2011.



William Benjamin Pole, Esq.
Law Office of Gumataotao and Pole
Counsel for Guam Federation of Teachers

VERIFICATION

GUAM, USA)

MANGILAD (SS:
VILLAGE OF HAGATNA)

Matt Rector, being first duly sworn, deposes and states that he is the President of the Guam Federation of Teachers, that he has read said the unfair labor practice complaint and knows the contents thereof to be true and correct except as to those matters which are therein stated upon her information and belief, as to those matters he believes them to be true and correct.

Date this August 30, 2011.



MATT RECTOR

SUBSCRIBED AND SWORN To before me, a Notary Public in and for Guam, USA upon the day and date first above written



Notary Public

JERRIANN C. S. CRUZ
NOTARY PUBLIC
In and For Guam
My Commission Expires: May 21, 2012
P.O.Box 2404 Hagatna, Guam 96932



Subject: FW: Support Staff Recognition and Librarians

From: Matt Rector (mrector@gftunion.com)

To: legalpole@yahoo.com;

Date: Monday, August 29, 2011 9:40 AM

I don't know if I sent these to you but just in case.

TOGETHER WE WIN

Matt Rector

President

GFT Guam's Local Union

AFT Local 1581, AFL-CIO

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From: Barry L. Mead [mailto:bigb@guam.net]

Sent: Saturday, August 27, 2011 10:28 AM

To: Rector, Matt; tfedenko@gftunion.com; nprakash@gftunion.com; jlujan@gftunion.com; sanjaywinnie@gmail.com

Cc: Taitano, Taling M.; San Agustin, Joe; Cruz, Jose Q.; Pineda, Paul; Borja-Enriquez, Anita; Ronald Ayuyu; Santos, Francis; Camacho, May; Tainatongo, Rosie; Anita Borja-Enriquez; rekoss@gdoe.net

Subject: Support Staff Recognition and Librarians

Good Morning,

EXHIBIT

A

Being more awake this morning and after reading the Letter of Recognition in preparation for the Teachers Contract Negotiations, I have found that the letter does not include Librarians. In that the letter is very specific

about counselors, vocational instructors (that later were given to GCC), activity directors etc, I would think that Librarians would have been specifically spoken to.

Mr. Rector,

By way of this email I am asking if you would be so kind to provide a copy of anything you may have that would show that the GFT also has Exclusive Recognition for Librarians.

Also, the motion was clear (I have included it here-in) for your information. You have shown on the GFT website the exclusive recognition for teachers, could you now provide us with a copy of the Exclusive Recognition for the GDOE Support Staff as well, since that contract is also on the table for negotiation. I am asking you if you would be so kind as I am sure none of the Government entities that should have a copy will not (as evidence by our last attempt to secure the one covering teachers).

"I stand to move to suspend all collective bargaining activity with the Guam Federation of Teachers, Local 1581 AFT, AFL/CIO. And, suspend all future collective bargaining activity until such time as the board receives proper notification that the Governor of Guam has accorded *Exclusive Recognition* to a qualified employee organization as the sole representative of an appropriate unit of public employees."

Since I am certain, you as well as I would want to forgo the episodes of yesterday, that when you provide the copy of the Teachers Exclusive Letter to the superintendent on Monday, you will also provide evidence that it includes Librarians and will also provide the Support Staff document as well.

Thank you in advance for what I hope to be a more congenial relationship. If you wish I can have this email transferred to official letterhead and delivered to you no later than Tuesday August 30, 2011.

Barry L. Mead

----- Original Message -----

From: Barry L. Mead

To: Rector, Matt ; tfedenko@gftunion.com ; nprakash@gftunion.com ; jlujan@gftunion.com ; sanjaywinnie@gmail.com

EXHIBIT

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2

Cc: Taitano, Taling M. ; San Agustin, Joe ; Cruz, Jose Q. ; Pineda, Paul ; Borja-Enriquez, Anita ; Ronald Ayuyu ; Santos, Francis ; Camacho, May ; Tainatongo, Rosie ; Anita Borja-Enriquez ; rekoss@gdoe.net

Sent: Friday, August 26, 2011 7:36 PM

Subject: Begin Negotiations

Hafa Adai and good evening all,

Now that the issue of recognition has been resolved and pending the expected provision on Monday of the Exclusive Recognition Letter to the Superintendent of GDOE we can get down to the matter of negotiating.

Let me start by saying I saw a message from Mr. Rector to my GDOE email account accepting to meeting on September 2nd and I believe at 6:30 p.m. in the GDOE conference room. I now can not find that message, the reason is that I have a problem figuring how to use the GDOE email and lose a number of them, so if you would all be so kind as to use this email address I would appreciate it.

As I understand it, the Teachers Bargaining Unit negotiating team will not attend this meeting, which is fine. Mr. Koss and I will meet with whoever is present to represent the unit. Unfortunately we are bound by an Attorney General's opinion that states negotiations must be conducted between 7:00 a.m. - 7:00 p.m. hence for this meeting we would only be able to meet for about 30 minutes. So I would like to suggest that we use this meeting to establish meeting times that are conducive to everyone's schedule and allows for a timely conclusion of the negotiations. We could also use this meeting to establish the number of people that will make up each team.

Though we have not started on what one may call a congenial footing I do hope that as we move along we are able to negotiate as professionals and remember that these negotiations are about a contract that will allow for the teachers and administration to work in a way together that will provide the best outcomes for our students.

Let me also say at this time that I have a hearing impairment and ask all of you know that if I ask what did he or she say it isn't to be "smart." What I call my hearing assistance devices are adjustable to different environments so I should be ok, but sometimes they just don't seem to get it.

Thank you and again have a good evening,

EXHIBIT **A**

"B"

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EXHIBIT A

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