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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.