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DIRECTOR'S OFFICE  
 **Guam's Local Union**  
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By:                       
Date: 8/31/11

**DEPARTMENT OF ADMINISTRATION  
GUAM**

**GUAM FEDERATION OF TEACHERS,**

**Union,**

**vs.**

**Guam Department of Education, Guam  
Education Policy Board Member Chairman  
Francis Santos.**

**PETITION FOR AN UNFAIR LABOR  
PRACTICE**

**Management.**

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 Member Chairman Francis Santos stated that Union President Matt Rector was removed from his position on the School Board because he was not a Union Member *See Attached Exhibit A*. Board Chairman Francis Santos has provided no documentation to show that Mr. Matt Rector is not a member of the Union nor that being a member of the union is a requirement under the law. This action was done days before Union negotiations and in bad faith.

IV. Removal of Members of The Board is governed by 17 G.C.A § 3102.5, which states in pertinent part:

**No member of the Board shall be removed from office before a written bill of particulars shall have been given to the accused and before an investigation and an open and public hearing shall have been had.**

The Board never served Matt Rector with a written Bill of Particulars. Nor to the best of GFT's knowledge did The Board ever conduct an investigation related to removing Matt Rector from The Board.

The Guam Education Policy Board Member Chairman Francis Santos is responsible for removing the President of the Union without just cause and on the "eve" of negotiations.

V. The Guam Education Policy Board member Chairman Francis Santos 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.**

VI. The Guam Education Policy Board member Chairman Francis Santos has provided no documentation, law, statute, administrative ruling, or otherwise that shows that the Union Representative Matt Rector should or could be removed because he is not a Union Member. The allegation is patently false and without supporting documentation.

VII. The Guam Education Policy Board member Chairman Francis Santos has 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 Chairman Francis Santos is trying to stop the negotiation process by interfering with union business without providing any documentation or authority that his position is a correct and/or proper position to hold under the guise of Guam Law.

VIII. 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.

A handwritten signature in black ink, appearing to read 'Wm Pole', is positioned above the printed name.

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

# VERIFICATION

GUAM, USA

VILLAGE OF HAGATNA)

*SS:*  
MANGILAD

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 7, 2011.

*[Signature]*  
MATT RECTOR

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

*[Signature]*  
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



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## BREAKING NEWS: School board suspends collective bargaining; Rector removed as union repersenative

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Written by  
Pacific Daily News  
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The Guam Education Board suspended collective bargaining with teachers during a meeting this morning and removed Guam Federation of Teachers President Matt Rector as a union representative.

Board Chairman Francis Santos said Rector was removed from his non-voting seat because he is not an actual union member.

Rector said yesterday that, although he is not a teacher or support staffer employed by the Department of Education, he is a union member. Regardless, the Guam Federation of Teachers can choose any representative they want, member or not, Rector said.

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"We suspected they were going to try to wage war on the union for a long time," Rector said, after the board meeting.

"This is just a tactic to try and destroy the union, once again ... It's endangering the entire public education system."

Rector said the board also passed a motion to suspend collective bargaining with the GFT because they did not know if the union had "exclusive recognition," which is a legal document that proves the union represents the teachers.

Rector said the GFT got both documents back in the 1960's, and GovGuam should also have copies. It should not be hard to prove to the board that the documents exist, Rector said, so bargaining should be restored easily.

"Whatever," Rector said. "We've got them."

The school system and teacher's union are scheduled to re-negotiate the teacher's contract starting Sept. 2, Rector said. The contract has not been negotiated in five years, but until collective bargaining is restored, this can't happen.

"I'm meeting with my attorney in a couple of hours to explore every means necessary to hold accountable this board for these illegal actions," Rector said. "Just because you are appointed to a board does not make you God and make you above the law."

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EXHIBIT A

