

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD  
REGION 20, SUBREGION 37

GUAM INDUSTRIAL SERVICES, INC.  
d/b/a GUAM SHIPYARD

and

Case 20-CA-075617

GUAM FEDERATION OF TEACHERS  
AMERICAN FEDERATION OF TEACHERS, LOCAL 1581

COMPLAINT AND NOTICE OF HEARING

The Guam Federation of Teachers, American Federation of Teachers, Local 1581, herein called the Union, has charged that Guam Industrial Services, Inc. d/b/a Guam Shipyard, herein called Respondent, has been engaging in unfair labor practices as set forth in the National Labor Relations Act, 29 U.S.C. Sec. 151, et seq., herein called the Act. Based thereon, the Acting General Counsel, by the undersigned, pursuant to Section 10(b) of the Act and Section 102.15 of the Rules and Regulations of the National Labor Relations Board, herein called the Board, issues this Complaint and Notice of Hearing and alleges as follows:

1. The charge in this case was filed by the Union on February 29, 2012, and a copy was served by first-class mail on Respondent on March 1, 2012.
2. (a) At all material times, Respondent, a Guam corporation with its principle place of business in Santa Rita, Guam, has been engaged in the industrial repair industry doing ship repair work.
  - (b) During the 12-month period ending April 30, 2012, Respondent, in conducting its operations described above in paragraph 2(a), has been engaged in ship repair work under contracts to the United States valued in excess of \$50,000.

(c) Based on its operations described above in subparagraphs 2(a) and (b), Respondent has a substantial impact on the national defense of the United States.

(d) During the period of time described above in subparagraph 2(b), Respondent, in conducting its operations described above in subparagraph 2(a), purchased and received at its Santa Rita facility, goods valued in excess of \$5,000 which originated from points outside of Guam.

3. At all material times, Respondent has been an employer engaged in commerce within the meaning of Sections 2(2), (6) and (7) of the Act.

4. At all material times, the Union has been a labor organization within the meaning of Section 2(5) of the Act.

5. At all material times, the following individuals held the positions set forth opposite their respective names and have been supervisors of Respondents within the meaning of Section 2(11) of the Act and/or agents of Respondent within the meaning of Section 2(13) of the Act:

Mathews Pothen	President and Chief Executive Officer
Maria Connolly	Vice President
Cynthia Pizzaro	Chief Financial Officer

6. (a) On or about January 20, 2012, Respondent suspended its employee Sonne Alston.

(b) On an unknown date between January 20, 2012 and January 24, 2012, Respondent terminated its employee Sonne Alston.

(c) Respondent engaged in the conduct described above in subparagraphs 6(a) and (b) because the named employee of Respondent formed, joined and assisted the Union and engaged in concerted activities, and to discourage employees from engaging in these activities.

7. By the conduct described above in paragraph 6, Respondent has been discriminating in regard to the hire or tenure or terms or conditions of employment of its

employees, thereby discouraging membership in a labor organization in violation of Section 8(a)(1) and (3) of the Act.

8. The unfair labor practices of Respondent described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

**WHEREFORE**, as part of the remedy for the unfair labor practices alleged above in paragraph 7, the Acting General Counsel seeks an Order requiring reimbursement of amounts equal to the difference in taxes owed upon receipt of a lump-sum payment and taxes that would have been owed had there been no discrimination. The Acting General Counsel further seeks, as part of the remedy for the unfair labor practices alleged above in paragraph 7, that Respondent be required to submit the appropriate documentation to the Social Security Administration so that when backpay is paid, it will be allocated to the appropriate periods.

#### ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The answer must be received by this office **on or before June 14, 2012**, or postmarked on or before June 13, 2012. Unless filed electronically or in pdf format, Respondent should file an original and four (4) copies of its answer with this office and serve a copy of the answer on each of the other parties.

An answer may also be filed electronically through the Agency's website. *To file electronically, go to [www.nlr.gov](http://www.nlr.gov), click on **File Case Documents**, enter the NLRB Case Number, and follow the detailed instructions.* The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's

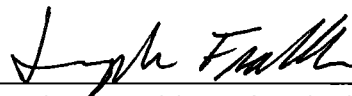
website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required signature, no paper copies of the answer need to be transmitted to the Regional Office. However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing.

Service of the answer on each of the other parties must be accomplished in conformance with the requirements of Section 102.114 of the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE that on August 21, 2012, at 9:00 a.m. at a place to be designated in Guam, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

DATED AT Honolulu, Hawaii, this 31<sup>st</sup> day of May, 2012.



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Joseph F. Frankl, Regional Director  
National Labor Relations Board  
Region 20  
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