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GOVERNMENT OF GUÅHAN
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Director
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OCT 04 2012

HRD No.: OG-12-0080

Memorandum

To: General Manager, Port Authority of Guam
From: Director, Department of Administration
Subject: Status of Negotiated Contract and Membership

Hafa Adai! This memorandum is in response to the status of the negotiations for the collective bargaining contract and union membership of the PAG Employees from the Operations & Maintenance Departments.

Based on the information that was provided on your memorandums dated May 10, 2010 and July 6, 2010, you indicated that the negotiations between Guam Federation of Teachers (GFT) and Port for the collective bargaining agreement for the PAG Employees of the Operations and Maintenance Departments were still ongoing; and you also attached a list of employees who were being deducted membership dues including a total breakdown.

Upon reviewing the list of employees who were deducted membership dues, you identified the breakdown by employee name, position title and by department, including identifying the employee's position title if they are considered eligible or not eligible pursuant to PEMRA inclusion provisions. The information was notated on the memorandum dated May 10, 2010. Based on the information, of the 198 eligible employees, 84 are paying members which represent 42% membership.

On the memorandum dated July 6, 2010, your office only provided information of total eligible employees and total membership, and stated that "the membership has decreased from 84 to 81 out of 194 eligible employees..." Based on 194 eligible employees, 81 are paying members which represent 42% membership.

We further acknowledge that our office received on November 3, 2011 your memorandum dated October 31, 2011, which provided the same information on total eligible employees and total membership. You stated "the membership has now decreased to 80 out of 213 eligible employees..." which represent 38% membership.

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Pursuant to Title 2 Guam Administrative Rules & Regulations (GARR), the provisions state:

§5107(2), A minimum of at least ten percent (10%) membership and a sufficient number authorization cards to indicate at least fifty percent (50%) of the eligible employees in the unit desire the petitioning organization to be the exclusive bargaining agent; or

§5107(3), A total of at least twenty percent (20%) membership within the unit to justify an election.

Based on the membership information and PEMRA provisions, an election shall be conducted. Conducting an election will clarify if PAG employees from the Operations and Maintenance Department/Divisions still desire the Guam Federation of Teachers to be their exclusive bargaining agent on labor relation matters.

Please coordinate with the Acting Manager, Human Resources Division on this matter. He can be reached at 475-1132/1288. *Si Yu'os Ma'ase.*


BENITA A. MANGLONA
Director of Administration

OCT 4 2012