

BOARD OF DIRECTORS

Francisco G. Santos, Chairman
Nathan T. Taimanglo, Vice Chairman
Isa Marie C. Koki, Board Secretary
Maria D.R. Taitano, Member
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Resolution No. 2019-06

RELATIVE TO APPROVING THE COLLECTIVE BARGAINING AGREEMENT FOR OPERATIONS AND MAINTENANCE EMPLOYEES OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT AND GUAM FEDERATION OF TEACHERS LOCAL 1581

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE JOSE D. LEON GUERRERO COMMERCIAL PORT:

WHEREAS, the Jose D. Leon Guerrero Commercial Port's bargaining team in good faith negotiated a five-year collective bargaining agreement ("Agreement") with the Guam Federation of Teachers Local 1581, a copy of which agreement is attached to this resolution; and

WHEREAS, the Union membership ratified the tentative Agreement on June 16, 2019, and the Port's bargaining team recommends approval of the collective bargaining agreement by the Board of Directors; and

WHEREAS, in accordance with the Title 2, Guam Administrative Rules and Regulations, Chapter 5, Public Employee-Management Relations Act, Section 5105(d), such agreement shall be transmitted to the Governor of Guam for approval, which copies of the approved agreement shall be filed with Civil Service Commission, Department of Labor and Department of Administration; and

WHEREAS, on November of 2012, the former Board of Directors approved the collective bargaining unit agreement as negotiated between the Guam Federation of Teachers and Jose D. Leon Guerrero Commercial Port. The agreement had stalled because of the lack of authorized signatories in order for the union and the Port to implement the provisions of the agreement; and

WHEREAS, in the Leon Guerrero-Tenorio transition report, one of the priorities and recommendations identified is Employee Issues. The report stated that "Mutual trust and greater understanding between management and employees would need to be built and created. The key elements in any organization's operation is cooperation and not confrontation between management and employees. Port employees have expressed the desire for the following:

- a. improved communication;
- b. management awareness of employee job-related concerns;
- c. personal growth and development;
- d. enhanced decision making skills;
- e. increased individual power;
- f. improved motivation; and
- g. opportunities for recognition of individual improvement"; and

WHEREAS, the transition report recommended that the Port invite the Guam Federation of Teachers to return to the negotiation table to augment the current agreement provisions to improve the work life of the employee; and

WHEREAS, on February 12, 2019, the Board of Directors adopted the ground rules between the Guam Federation of Teachers and Jose D. Leon Guerrero Commercial Port. Negotiations began on February 28, 2019 wherein an agreement by the negotiating team was reached on April 18, 2019. Once the agreement was formed, the negotiation teams spent the remaining days fine tuning the agreement. The agreement also included a thorough legal review, which the former Port Legal Counsel, had approved to form. Thereafter, the agreement was signed by the members of the negotiating committee on June 6, 2019; and

WHEREAS, at the outset of these negotiations, the guiding principles for these negotiations centered around an agreement consistent with the rule of law, fairness, transparency, and a structure which promotes a healthy employee/management relationship; and

WHEREAS, this agreement, not only reflected these guiding principles, but also addressed the desires of the employees outlined in the transition report and as reiterated above. Furthermore, the agreement was negotiated with the mindset that the outcome must be beneficial for all of our Port employees, and not only for Port employees who are members of the Guam Federation of Teachers; and

WHEREAS, the most significant aspect of the agreement is the scheduling of shift workers under Section 4.B., Operations Personnel/Shift Workers. The agreement defined the workweek of the Operations and Maintenance employees who are involved in cargo operations. It was further agreed that when no vessel operations are in port, the employees' workday shall consist of 8 hours. It restated as written in the Personnel Rules and Regulations the workweek schedule shall be prepared and posted at least 2 weeks in advance and changes to such schedule can only be made for good cause and notification of such changes must be given to the employees at least 24 hours; and

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WHEREAS, the agreement promotes a greater sense of community spirit. Under Section 4.A.1, Good Housekeeping, Page 6, provides when there is no vessel in Port and the terminal yard is secured and on normal operations, these employees will participate in clean-up efforts at Port Beach, Family Beach, other Port property, as well as, other government properties in the surrounding areas; and

WHEREAS, the agreement provides fairness and equality amongst the workers. Under Article IV of the agreement, for all Port training programs, it was agreed that seniority shall be a deciding factor in participation of such programs. Employees will be given an equal opportunity to work weekends and holidays and a volunteer list will be established for employees to sign up for weekend or holiday work in order for the Port to secure a sufficient number of manpower requirements for vessel operations in the event of a shortage; and

WHEREAS, the agreement provides a foundation in establishing mutual trust and understanding between management and the employees. Under Section 2.F., Meetings, the Port agreed to meet on a quarterly basis with the union representatives to discuss matters on how the Port and Union can better work together to help further the mission of the Port and to serve the people of Guam. The agreement also allows the Port to include in its new employee orientation package informational material regarding the union and its membership; and

WHEREAS, the agreement strengthened a health employee/employer relationship. Under Article 5, Health and Safety Provisions, it was agreed that the Port will work with Department of Labor in identifying those employees who may qualify for pay differential under certain hazardous work conditions. Additionally, subject to the procurement regulations, the Port is to contract services of a certified environmental company specializing in hazardous and environmental working conditions in the event that Guam Occupational Safety & Health Administrator is unable to act on the Port's request for an inspection and investigation of any existing hazardous conditions; now therefore be it

RESOLVED, the Board of Directors finds that in the best interest of the Port are served by formally approving the negotiated five-year collective bargaining agreement between the Jose D Leon Guerrero Commercial Port and Guam Federation of Teachers Local 1581; and

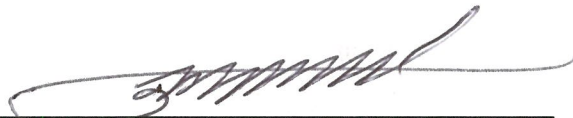
RESOLVED, that the General Manager shall transmit the collective bargaining agreement to the Attorney General for his approval as to form and legality and the Governor of Guam for her approval in accordance with Title 2, Guam Administrative Rules and Regulations; and

RESOLVED, upon the approval of the Governor, copies of the collective bargaining agreement shall be transmitted to Civil Service Commission, Department of Labor and Department of Administration; and

RESOLVED, the General Manager and his appointed designee in his absence are authorized to execute the approved collective bargaining agreement on behalf of the Port and to implement any other documents necessary to carry out the intent and purpose of said agreement and this resolution; and be it further

RESOLVED, that the Chairman certify and the Secretary attest to the adoption hereof and that a copy of the resolution, along with the approved collective bargaining agreement, be transmitted to the Attorney General for his approval as to form and legality and Governor of Guam for her final approval.

PASSED AND ADOPTED UNANIMOUSLY BY THE BOARD OF DIRECTORS THIS 30th DAY OF JULY, 2019.



**FRANCISCO G. SANTOS
CHAIRMAN, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**



**ISA MARIE C. KOKI
SECRETARY, BOARD OF DIRECTORS
PORT AUTHORITY OF GUAM**

