

GOVERNMENT OF GUAM
OFFICE OF THE GOVERNOR
AGANA, GUAM

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ATTORNEY GENERAL'S OFFICE U.S.

Executive Order No. 79-17

AMENDING THE RULES AND REGULATIONS
IMPLEMENTING CHAPTER VII, TITLE V OF
THE GOVERNMENT OF GUAM CODE, RELATING TO THE
PUBLIC EMPLOYEE-MANAGEMENT RELATIONS ACT OF GUAM

By virtue of the authority vested in me by the Organic Act and statutes of the Territory of Guam, the Rules and Regulations implementing the Public Employee-Management Relations Act are amended as follows:

1. Article VI(B) is amended to read as follows:

"B. No unit shall be established which includes Government managerial officers, supervisors or personnel workers in other than clerical positions, nor a unit which includes both professional employees and non-professional employees unless a majority of such professional employees and a majority of such non-professional employees vote to combine into one unit. The Director shall determine if an employee position is professional or not."

2. Article VI(D) is amended by adding:

"6. A unit may be established on any reasonable basis which will promote effective dealings and efficiency of agency operations. A unit shall not be established solely on the basis of the extent to which employees in the proposed unit have organized."

3. Article VI(D) is amended by adding:

"7. No bargaining unit having less than twenty (20) members will be considered an appropriate unit under Public Law 9-240."

4. Article VI(F) is amended to read as follows:

"F. After receipt of a petition for recognition as exclusive bargaining agent, the Director shall cause to be published in a newspaper of general circulation in the Territory of Guam for a minimum of two (2) times, seven (7) days apart, a notice of the petition. Notice of the petition shall also be posted on the bulletin board of the department or agency involved."

5. Article VI(G) is amended to read as follows:

"G. Within thirty (30) days, exclusive of Saturdays, Sundays and legal holidays, after receipt of said petition, the Director shall either certify the unit as acceptable or furnish, in writing, to the petitioning organization reasons for rejection of said petition. A notice of the Director's certification or noncertification shall also be published at least once in a newspaper of general circulation in the Territory of Guam."

6. Article VI(H) is amended to read as follows:

"H. An employee organization which made a proposal for recognition as an exclusive bargaining agent or an employee organization which filed written objection or opinion to the initial petition may appeal the decision concerning the appropriateness of the unit. An appeal shall be filed no later than fifteen (15) calendar days after the decision has been announced and shall be addressed to the Governor. It shall state in writing the reason for disagreeing with the unit determination and shall be accompanied by correspondence, records or other documents relied upon by the objecting organization. The Governor shall render

a decision on an appeal and communicate it in writing to the employee organization within thirty (30) calendar days after the appeal is filed. A notice of the Governor's decision shall also be published at least once in a newspaper of general circulation in the Territory of Guam."

7. Article VI is amended by adding:

"I. An employee organization which has filed a petition under Article VII(C) and fails to obtain the necessary majority may withdraw the petition but may not file a similar petition within six (6) months after the Director's determination.

8. Article VIII(A) is amended by adding:

"4. A valid petition is filed at any time during the period of recognition by at least 20% of the employees in the bargaining unit questioning the majority status of the exclusive bargaining agent."

9. Article VIII(B)(3) is amended by deleting at the end thereof the following:

"A copy of such list, together with a copy of the notice described in subparagraph VII(B)(2) shall be sent by United States mail to each person named on the list at the address shown on his employment record."

10. Amend Article VIII by adding:

"D. The procedural guide in Appendix I of these Rules and Regulations shall apply to all elections conducted pursuant to Public Law 9-240.

11. Amend Article VIII by adding:

"E. No election shall be necessary when a proper

petition is filed, after the first year of exclusive recognition, by a majority of the employees in the bargaining unit requesting the Governor's withdrawal of exclusive recognition previously granted an employee organization. After receipt of such petition, the Director shall investigate the matter and make appropriate recommendations to the Governor."

12. Amend Article IX(A)(2) to read as follows:

2. After the tally required in Article IX A 1 has been made, certify the election results in writing to the Governor and to each employee organization which was represented on the ballot. Such certification shall also be published at least once in a newspaper of general circulation in the Territory of Guam and be posted on the bulletin boards of the department or agency involved.

a. If the certified election results indicate an employee organization received a majority of the eligible votes in the bargaining unit, the Governor shall:

(1) Notify the employee organization in writing that it has been granted exclusive recognition and identify the unit for which it has been granted.

b. If the certified election results indicate no employee organization received a majority of the eligible votes in the bargaining unit and at least two (2) employee organizations were seeking recognition as exclusive bargaining agent, then the Director shall conduct a run-off election after eliminating

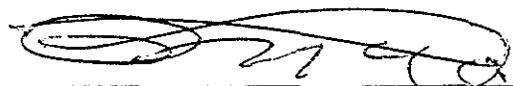
any ballot choice which received less than 15 percent of the total vote cast.

- c. If the certified elections results indicate that in an election in which the ballot choices were limited to only one employee organization or no organization, and the employee organization failed to obtain a majority of the eligible votes in the bargaining unit, the results shall be conclusive, unless the employee organization shall have some valid matter for appeal, and the Director shall take no further action after certifying the election results as provided in Article IX A 2.

13. Add the attached new Article XIII, Rules of Procedure.

The amendments made by this Order shall become effective immediately.

Dated at Agana, Guam, this 22nd day of August, 1979.



PAUL M. CALVO
Governor of Guam

COUNTERSIGNED:



JOSEPH F. ADA
Lieutenant Governor

INDEX TO ATTACHMENTS 1 AND 2

ATTACHMENT 1 - ARTICLE XIII, RULES OF 25-35
PROCEDURE

ATTACHMENT 2 - APPENDIX 1, PROCEDURAL 6-23
GUIDE FOR THE CONDUCT OF UNION ELECTIONS