



GFT, AFT Local 1581
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November 14, 2019

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DIRECTOR

David Dell'Isola, Guam DOL Director
414 West Soledad Avenue
Suite 400 (4th Floor), GCIC Building
Hagatna, GU 96910

RE: Official Complaint against Samantha Brennan, Director of DOC for recklessly endangering the lives of Employees charge under her care.

Dear Mr. David Dell'Isola

The Guam Federation of Teachers Union, AFT local 1581, AFL/CIO, in its capacity as the exclusive representative for Correction Officers at the Guam Department of Corrections hereby bring this complaint on behalf of those officers it represents. This complaint is brought against Samantha Brennan, Director of the Department of Corrections for her unlawful, irresponsible and reckless conduct to endanger the lives of the employees under her charge based on the following:

- 1. Reckless Endangerment:** Director refuses or fails to adequately staff the correctional facility and this places the health safety and welfare of Corrections Officers in an immediate risk of serious harm at all times while on duty. Officers assigned inside the facility face a ratio of one officer for up to 70 inmates. Officers walk among inmates who are not secured for much of the time and officers are forced to control the prison population without any means of protection. For cost saving purposes, Director has eliminated back-up support or the special task force formerly in place to respond to an officers' call for help in the event of an incident. Presently, should an Officer call for back up assistance, none would be provided and the officer is at the mercy of up to 70 inmates. This unreasonable risk created by management reflects gross negligence because management is knowingly placing the lives of DOC officers in immediate danger and without any good cause for doing so. Gov. Guam anticipates tens of millions in surplus revenue this budget cycle and is unnecessarily placing officer's lives in danger. This demonstrates a gross disregard for the health safety and welfare of those under Samantha Brennan's charge.
- 2. Excessively long shifts:** Director refuses or fails to adequately staff the correctional facility and this causes Correction Officers to work excessively. Correction Officers at DOC typically work 12 hours or more in any given shift. At times, Officers have been required to work shifts of up to 24 consecutive hours or more. This is violation of local and federal labor laws and compounds the already unreasonable level of danger these Officer face. DOC operations cannot be predicated on a system of unlawful conduct and unnecessarily endangering employee lives. Brennan's conduct reflects little or no concern for the welfare of the employees under her charge.
- 3. Failure to pay overtime wages:** Director of DOC refuses or fails to pay overtime wages timely. Wages for overtime should be paid at the same time as regular wages. DOC fails to pay overtime earned by employees timely. Presently Employees are waiting for weeks or months to receive payment overtime wages and in many instances, DOC management resisted payment of wages until it was brought before the courts. Governor of Guam admits that DOC was at least two pay periods behind. This is unacceptable and does not meet the standard required by law. GFT has repeatedly hired attorneys to bring suit against the DOC for unpaid overtime wages. DOC Management's continued and repeated

disregard for the timely payment of wages now warrants sanctions for each instance against the director personally in order to convince her of the importance to pay wages timely. This matter firmly within the jurisdiction of DOL. Employees fully expect the DOC Director to comply with law.

4. **No radio communication:** Director of DOC has failed to provide proper radio communication equipment to officers on duty. Employees are given push to talk cell phones and suffer from sporadic service interruptions and poor reception. Communications between Officers in a prison setting is a fundamental safety issue and reliability is paramount. Malfunctioning and unreliable phones place employee safety at serious risk.
5. **Contagious disease:** Director of DOC has failed to provide officers with import personal safety equipment and information needed to protect officers from contracting contagious diseases while on duty. Some inmates at DOC have serious contagious diseases. Samantha Brenna has failed to inform officers of these inmates and further failed to provide officers with any safety equipment required for their personal protection. DOC protocol and SOP for this purpose has been disregarded by Samantha Brennan and she has recklessly and needlessly endangered the lives of the officers under her charge. We are outraged by Brennan's clear disregard for the health, safety and welfare of her employees.

This complaint seeks the full assistance of the Guam Department of Labor, DOSH and or other division as appropriate and necessary to bring the DOL into full compliance and with sufficient incentive to remain in compliance with all Guam laws relative to the efficient operations of the DOC. I can be reached at 735-4390 or by email at rkoss@gftunion.com.

Thank you for your assistance.



ROBERT E. KOSS, GFT Field Representative