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Governor, AG meet to weigh options on foreign labor shortage

John O'Connor | The Guam Daily Post 7 hrs ago



CONSTRUCTION: A shortage of skilled construction workers has delayed construction projects in the government and private sectors, officials have said. Post file photo

David Castro | The Guam Daily Post

Gov. Eddie Calvo and Attorney General Elizabeth Barrett-Anderson met recently to explore possible legal options to push for change in the ongoing impasse with the federal government on Guam's need for foreign skilled labor.

To underscore the importance of the issue, Calvo skipped a press briefing with international and local media Aug. 15 to meet with the Guam attorney general.

They discussed possible avenues before committing to a lawsuit against the federal government, according to the governor.

"I think it's important, before we file a suit, we exhaust all methods and all resources to move forward in some positive resolution ... because once a lawsuit is filed, then it makes (it) very difficult to have one-on-one conversations with key decision-makers," Calvo said.

As part of these avenues, the governor is planning a trip to Washington, D.C., next month — his latest attempt to have a dialogue with federal officials and to convince them to reverse course.

Guam's construction industry filed a lawsuit in federal court several months ago against U.S. Attorney General Jeff Sessions after federal immigration desk officers rejected nearly all petitions for hiring or renewal of hiring foreign workers on H-2B visas. This visa category has been used, primarily by Guam's construction industry for decades, to fill a labor gap for masons, electricians, steel workers and other blue-collar skilled job categories.

The federal government has said, however, the process hasn't changed, and that employers can use the H-2B visa program only for temporary worker needs, rather than a sustained labor solution for years.

Last year, petitions for this type of visa for Guam had a 99.3 percent rejection rate, according to employers in the Guam Contractors Association who filed the lawsuit.

The contractors recently hit a snag when District Court Magistrate Judge Joaquin V.E. Manibusan Jr. decided he would recommend that the U.S. District Court reject the Guam contractors' motion for a preliminary injunction against the federal government. The plaintiffs had hoped an injunction would allow for approval of H-2B petitions before the final resolution of the case.

The magistrate judge also expressed doubt on the contractors' likelihood of succeeding in their lawsuit against the federal government.

The foreign labor crisis caused the governor to rescind his support of the military buildup a few months ago.

Cargo flow drops

Meanwhile, as the labor shortage delayed construction projects, for the military, the local government and the commercial sector, the Port Authority of Guam continues to see decreases in break-bulk cargo shipments - which include construction materials - compared with last year.

Revenue tonnage fell by about 28 percent and 20 percent for May and June respectively, compared with the same period in 2016.

While the reduction in revenue may not necessarily harm port finances, it is perhaps indicative of labor troubles faced by Guam contractors, according to Port General Manager Joanne Brown.