



PERC NEWS

Florida Public Employees Relations Commission

April 1—June 30, 2006

Commission Holds that Parties Must Ratify Tentative Collective Bargaining Agreements Promptly

By Sharon A. Zahner, Hearing Officer.

The Village of Key Biscayne Professional Firefighters, Local 3638, IAFF, filed an unfair labor practice charge alleging that the village manager for the Village of Key Biscayne failed to advocate approval of the parties’ tentative collective bargaining agreement and that the Village held illegal shade meetings after a final and complete agreement had been reached. The hearing officer found that the parties completed negotiations for a tentative collective bargaining agreement in April, 2005. In July, the tentative agreement was ratified by the unit members. In the middle of August, at the request of the Village, the parties entered into further negotiations and made several changes to the tentative agreement. When the Village’s attorney had these modifications incorporated into the agreement, two additional changes to which Local 3638 did not agree were also placed into the agreement.

In late August, the Village identified two other issues that may have affected the agreement, a pension deficit the Village recently learned that it would have to cover and the lack of a cap on the cost of living adjustment (COLA). On September 1, the Village Council met in executive session to discuss these concerns. The village manager prepared a resolution which contained the two provisions to which Local 3638 did not agree for the Village Council to consider at a September 27 meeting to ratify the collective bargaining agreement. Just prior to the council meeting, the council met in executive session to discuss the agreement. At the council meeting, the village manager did not state that she recommended the agreement be approved, and the council unanimously rejected the agreement.

In his recommended order, the hearing officer reasoned that, because the parties did not agree to all of the provisions in the agreement submitted to the Village Council for ratification, negotiations were not completed and the parties had not reached a final and complete agreement. Therefore, he recommended that the charge be dismissed inasmuch as the Village Council could legally meet to discuss collective bargaining, and the village manager was not required to recommend that the agreement be ratified. The hearing officer also recommended against awarding attorney fees.

The Commission agreed with these recommendations. However, it also identified the rules that require both parties to promptly ratify a proposed agreement. The Commission stated that the longer the parties delay in ratifying a proposed agreement, the greater the likelihood that issues will arise that will cause one or both of the parties to reconsider the wisdom of their agreement. Here, neither party promptly complied with the statutory and rule requirements. Local 3638 delayed over two and one-half months before presenting the agreement to the unit members, and the Village Council delayed almost five months. The result in this case demonstrates the pitfalls that lurk when a proposed contract is not promptly ratified. *Village of Key Biscayne Professional Firefighters, Local 3638, IAFF v. Village of Key Biscayne*, Case No. CA-2005-069 (May 31, 2006).

In this Issue:	Refusal to Arbitrate	2	Career Service Cases	5
	General Counsel Recognized.....	3	Unfair Labor Practice Cases	7
	Commission Mitigates Dismissal	3	Representation Cases	7
	PERC Seminar.....	4	Veteran’s Preference Case.....	10
	Commission Lacks Jurisdiction.....	4	Elections Verified.....	11

A Primer on How to Win and How to Lose a Refusal to Arbitrate a Grievance Charge

By William D. Salmon, Hearing Officer.

Question: What is the analytical process used by the Commission in resolving an unfair labor practice charge alleging a refusal to arbitrate a grievance? **Short answer:** Look to the precise terms of the parties' agreement.

In *AFSCME Florida Council 79, AFL-CIO v. Miami-Dade County*, 32 FPER ¶ 76 (2006), AFSCME filed an unfair labor practice charge alleging that the County violated Section 447.501(1)(a) and (f), Florida Statutes (2005), by refusing to arbitrate a class grievance and the grievances of two employees. In analyzing the case, the Commission first considered whether AFSCME's request for arbitration conformed to the contractual procedure.

As to the class grievance, the hearing officer concluded that the County did not commit an unfair labor practice because AFSCME failed to follow the procedure for requesting arbitration specified in the collective bargaining agreement. The Commission affirmed this conclusion.

The hearing officer found that AFSCME did follow the contractual procedure for requesting arbitration of the two employees' grievances. The next step was to determine if the subject matter of the grievances was within the collective bargaining agreement. If so, the grievances were arguably arbitrable, and the County had to proceed to arbitration. The County tried to demonstrate that the employees' grievances were void of subject matter jurisdiction.

The hearing officer found that the subject matter of the dispute was whether the two employees whose positions were reclassified were in probationary or permanent status at the time of their dismissal. The hearing officer and the Commission concluded that the subject matter of the dispute, the probationary or permanent status of the two employees, was encompassed within the collective bargaining agreement, and that AFSCME had not clearly and unequivocally waived the employees' right to grieve that subject. Consequently, the County violated Section 447.501(1)(f), Florida Statutes.

The Commission then considered the appropriateness of awarding attorney's fees. AFSCME filed the class grievance with the two employees' grievances as part of the same charge, which created a situation where a stipulated record supported both parties' entitlement to attorney's fees and costs. The Commission concluded that the parties were equally entitled to attorney's fees and costs because there was a stipulated record, the two issues were interrelated, and AFSCME prevailed on one issue while the County prevailed on the other. The Commission decided that requiring the parties to litigate the amount of fees each owed the other would not promote harmonious and cooperative relations between the County and AFSCME. Accordingly, the Commission exercised its discretion and refrained from awarding attorney's fees and costs to either party.

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PERC General Counsel Recognized

The Commission is proud to announce that General Counsel Steve Meck has received an award from the Labor and Employment Law Section of the Florida Bar in recognition of his outstanding contribution to the section as its Legal Education Chair. Due to his efforts in serving the state labor and employment law bar for many years, Steve has also been elected to the Section's top position and will assume the role of Section Chair in 2007. Steve brings to that position many years of experience and leadership, not only to PERC, but also to other labor related organizations at both the state and national level.



Commission Mitigates Dismissal to Demotion

By Sharon A. Zahner, Hearing Officer.

Virginia Garrett-Maddox was the supervisor in the Department of Corrections' Crawfordville probation and parole office. The Agency charged Maddox with sexual harassment based upon various allegations of inappropriate conduct. It also charged her with conduct unbecoming a public employee for allegedly participating in and permitting inappropriate conversations in the workplace. The hearing officer found that the person Maddox allegedly sexually harassed was not offended and was motivated to file the sexual harassment complaint in order to obtain a transfer. Thus, the hearing officer determined that the Agency lacked cause to discipline Maddox for the charges relating to the sexual harassment claim. However, the hearing officer determined that the Agency did have cause to discipline Maddox for the conduct unbecoming charge. Because of her position as a correctional probation supervisor, the hearing officer considered whether to mitigate Maddox's dismissal. Based upon Maddox's spotless employment and disciplinary records, the lack of cause for the most serious charges, and because her misconduct was infrequent, the hearing officer recommended mitigating her dismissal to a demotion to a nonsupervisory position with a 15% reduction in pay.

The Commission agreed with the hearing officer's cause determination. In addition, a majority of the Commission agreed with the hearing officer's mitigation recommendation. Regarding mitigation, the majority stressed Maddox's work record, the lack of cause for the most serious charges, and the fact that her coworkers considered the most offensive language used by Maddox to be out of character. The majority of the Commission also pointed out that the recommended discipline was severe and eliminated Maddox's ability to allow such conduct in the workplace in the future.

Commissioner Varn agreed with the hearing officer's cause determination, but dissented from the Commission's decision to accept his mitigation recommendation. While Commissioner Varn agreed that Maddox's excellent employment history and disciplinary record weighed in favor of mitigation, she would have given more weight to the egregiousness of the conduct and Maddox's supervisory role and upheld the Agency's decision to dismiss Maddox. *Garrett-Maddox v. Department of Corrections*, Case No. CS-2006-074 (Fla. PERC June 28, 2006).

PERC Seminar at Firefighter Conference

On June 1, 2006, Commissioner Charles Kossuth, General Counsel Steve Meck, and attorney Paul Donnelly made back-to-back three and a half hour presentations to more than 150 firefighters at the annual Florida Professional Firefighter conference in Marco Island. The seminar was exclusively dedicated to PERC law and procedures. This has been an annual event for this team for many years and the evaluations show that this year's seminar was very well received. During the event, Charlie and Steve met and talked with Attorney General Charlie Crist and longtime firefighter supporter Senator Rod Smith, who are both running for governor. Charlie and Steve would like to thank FPF president Bob Carver and his excellent staff and look forward to being at the conference next year.



Commission Lacks Jurisdiction to Determine Employee's Qualifications

By Frances H. Seidler, Hearing Officer.

In *Johnson v. Department of Highway Safety and Motor Vehicles*, Case No. CS-2006-091 (June 29, 2006), the Commission ruled that it did not have jurisdiction to decide whether a driver's license examiner specialist was qualified to hold her position because that issue was not before the hearing officer or the Commission for resolution. Even though the hearing officer concluded that the Department of Highway Safety and Motor Vehicles did not have cause to dismiss the employee for the misconduct charged, she concluded that the employee should not be returned to work because she had a criminal record and, thus, was not qualified for the position she held. The Commission observed that the employee was dismissed for alleged misconduct that did not include whether she had a criminal record which might disqualify her from holding the position in question.

The focal issue in the appeal was whether the employee falsified the job applications she submitted to the Agency for both her original position and that of the position to which she had been promoted. Those applications disclosed only her most recent criminal conviction and plea, rather than her entire criminal history. The hearing officer credited the employee's testimony and found that she did not intend to misrepresent or falsify her applications. The Commission stated that, even though it might have found to the contrary if it were the finder of fact, there was competent substantial record evidence to support the hearing officer's findings on this issue. Thus, the Commission reinstated the employee with back pay, but noted that its order did not preclude the Agency from taking further action after providing the employee with proper notice.



Career Service Cases

Felder v. Department of Children and Families, 21 FCSR 41 (2006).

Dismissal of child protective investigator for violation of agency rules and conduct unbecoming a public employee for using her state cell phone for personal use without reimbursing the state and for lying about phone usage affirmed.

Bellamy-Corbett v. Department of Juvenile Justice, 21 FCSR 42 (2006).

Five-day suspension of juvenile probation officer for conduct unbecoming a public employee and misconduct for failing to show her identification and for being loud and disrespectful to fellow employees affirmed.

Bellamy v. Department of Juvenile Justice, 21 FCSR 44 (2006); White v. Department of Juvenile Justice, 21 FCSR 69 (2006); Locher v. Department of Children and Families, 21 FCSR 72 (2006); Denps v. Department of Juvenile Justice, Case No. CS-2006-081 (May 3, 2006); Martinez v. Department of Health, Case No. CS-2006-093 (June 29, 2006).

Appeals dismissed where employees failed to appear at hearings.

Lee v. Department of Corrections, 21 FCSR 45 (2006).

Dismissal of correctional officer sergeant for failing to follow written instructions to report use of force and for shoving an inmate affirmed.

Washington v. Department of Health, 21 FCSR 48 (2006).

Appeal of dismissal of probationary employee dismissed for lack of jurisdiction.

Varnum v. Department of Corrections, 21 FCSR 50 (2006); Gundrum v. Department of Corrections, Case No. CS-2006-064 (May 19, 2006).

Appeals of suspensions dismissed for lack of jurisdiction where agencies reduced suspensions to written reprimands.

Garzon v. Department of Business and Professional Regulation, 21 FCSR 51 (2006).

Three-day suspension of law enforcement captain for unbecoming conduct for pulling fellow employee by arm mitigated to one-day suspension where long-term, unblemished employment record, combined with employee's sincere regret, outweighs seriousness of conduct. Back pay awarded.

Hall v. Department of Juvenile Justice, 21 FCSR 54a (2006).

Back pay awarded.

Lien v. Department of Corrections, 21 FCSR 54b (2006).

Ten-day suspension of correctional officer for insubordination and for unbecoming conduct for treating his superior officer in a discourteous, inconsiderate, and disrespectful manner affirmed. Mitigation not warranted due to seriousness of conduct.

Daniels v. Department of Children and Families, 21 FCSR 57b (2006).

Dismissal of secretary for violation of law or agency rules by allowing an unauthorized person access to confidential child abuse/neglect file affirmed.

Wells v. Department of Corrections, 21 FCSR 59 (2006); Henry v. Department of Corrections, Case No. CS-2006-053 (Apr. 25, 2006).

Appeals filed more than fourteen days after receipt of final action letter dismissed as untimely filed.

Adams v. Department of Juvenile Justice, 21 FCSR 60 (2006).

Appeal of dismissal of Selected Exempt Service employee dismissed for lack of jurisdiction.

Calhoun v. Department of Corrections, 21 FCSR 61 (2006).

Dismissal of correctional officer for leaving toolbox and pipe chase locks unsecured affirmed. Mitigation not warranted.

Wendorff v. Department of Highway Safety and Motor Vehicles, 21 FCSR 63a (2006).

Appeal dismissed as premature where Agency had only issued notice proposing to dismiss employee, but had not served notice of dismissal.

Henry v. Department of Corrections, 21 FCSR 63b (2006).

Appeal filed after receipt of notice of dismissal dismissed as untimely filed.

Dixon v. Agency for Persons with Disabilities, 21 FCSR 64 (2006).

Dismissal of institutional security specialist for conduct unbecoming a public employee for allegedly stomping youth in the leg vacated based on credibility of testimony.

West v. Department of Agriculture and Consumer Affairs, 21 FCSR 70 (2006).

Dismissal of laboratory technician for conduct unbecoming a public employee vacated where statement made to coworker regarding cleanup of dog urine, albeit inappropriate and unfortunate, was not disrespectful.

Kohan v. Department of Corrections, 21 FCSR 74 (2006).

Demotion of correctional officer sergeant to correctional officer for failure to follow orders to prepare incident report on three separate occasions affirmed. Mitigation not warranted.

(Continued from page 5)

Brown v. Department of Corrections, 21 FCSR 77 (2006).

Dismissal of lieutenant for failing to make a full written report within three calendar days of knowledge of any violation of the law, rules, directives, or procedures and for knowingly submitting untruthful information affirmed. Mitigation not warranted where twenty-two year unblemished employment record is outweighed by false statement demonstrating that employee is untrustworthy, and trustworthiness is a significant requirement of job.

Sweet v. Department of Corrections, 21 FCSR 80 (2006).

Appeal of dismissal of correctional officer dismissed where employee sentenced to two years felony probation supervision no longer meets the minimum job qualifications.

Williams v. Department of Children and Families, 21 FCSR 81 (2006).

Dismissal of human service worker for conduct unbecoming a public employee for being arrested for violating judge's order affirmed where the arrest was reported in local newspaper.

Shiver v. Department of Corrections, 21 FCSR 83 (2006).

Dismissal of correctional officer for failing to follow inmate count procedures, failing to search food service inmate and food cart when entering confinement area, and falsifying information affirmed. Mitigation not warranted due to the seriousness of conduct and employee's extensive disciplinary history.

Sloan and Martin v. Department of Corrections, 21 FCSR 87 (2006).

Dismissal of correctional officer and correctional officer sergeant for conduct inconsistent with maintenance of proper security and welfare of inmates, willful treatment of inmate in cruel or inhuman manner, verbal or physical abuse of

inmate, and giving false testimony affirmed. Mitigation not warranted due to seriousness of conduct.

Knight v. Department of Business and Professional Regulation, Case No. CS-2006-101 (June 8, 2006).

Appeal of probationary employee dismissed for lack of jurisdiction where employee had been promoted to position outside bargaining unit and, thus, was no longer covered by collective bargaining agreement that would have required that he be demoted rather than dismissed.

Matijasevic v. Department of Corrections, Case No. CS-2006-011 (June 14, 2006).

Dismissal of correctional officer sergeant for willful violation of rules, regulations, directives, or policy statements for entering into improper relationship with parolee by employing parolee in his landscaping business affirmed. Mitigation not warranted due to seriousness of conduct and extensive disciplinary record. Agency did not show basis for use of extraordinary dismissal procedure, so employee was entitled to ten days back pay.

Bell v. Department of Highway Safety and Motor Vehicles, Case No. CS-2006-047 (June 14, 2006).

Dismissal of word processor and typist for conduct unbecoming a public employee for reporting non-emergency employment matter to 911 emergency response dispatcher and for contacting news station regarding matter affirmed.

Melendez v. Department of Financial Services, Case No. CS-2006-017 (June 16, 2006).

Dismissal of secretary specialist for violating law or agency rules and administrative policy and conduct unbecoming a public employee for taking money for personal gain while performing job and for being rude to customers affirmed.

McMillon v. Department of Corrections, Case No. CS-2006-066 (June 19, 2006).

Dismissal of correctional officer sergeant for knowingly making false statements to agency investigator during official investigation affirmed. Mitigation not warranted where good, sixteen year employment history is outweighed by seriousness of conduct. Extraordinary dismissal warranted because retaining supervisory correctional officer who knowingly provided false information is detrimental to Agency's best interests.

Donaldson v. Department of Corrections, Case No. CS-2006-107 (June 20, 2006).

Five-day suspension of senior classification officer for negligence for failing to properly audit an inmate's file, thereby allowing an ineligible inmate to be placed on an outside work squad, affirmed.

Howard v. Department of Corrections, Case No. CS-2006-109 (June 27, 2006).

Five-day suspension of correctional officer sergeant for failure to follow oral or written instructions by refusing to work extended workday to meet critical complement and failing to file required incident report. Mitigation not warranted where twenty year employment history is outweighed by seriousness of conduct and prior discipline for same conduct.

Ferguson v. Department of Corrections, Case No. CS-2006-113 (June 27, 2006).

Demotion of correctional probation senior supervisor for negligence for failing to meet several Agency deadlines affirmed. Mitigation not warranted due to seriousness of conduct and where, although employee had been employed twenty-two years, employee had only been in current position for two years and had received prior discipline for the same conduct.

(Continued on page 7)

(Continued from page 6)

Dawson v. Department of Corrections, Case No. CS-2003-352 (June 29, 2006); Antonino v. Department of Corrections Case No. CS-2000-563 (June 29, 2006).

Dismissals of employees for conduct unbecoming a public employee due to criminal convictions affirmed.

Stein v. Department of Juvenile Justice, Case No. CS-2006-114 (June 29, 2006).

Dismissal of juvenile detention officer for inefficiency or inability to perform assigned duties affirmed where off-duty injury prevented employee from being able to perform duties, and employee had exhausted medical leave.

IUPAT District Council #78, Local 1010 v. Marion County School Bd., 32 FPER ¶ 80 (2006).

School Board did not commit an unfair labor practice when it denied an employee's request for union representation during a meeting conducted by a school principal where the employee did not have a reasonable belief that the meeting could result in discipline.

Coastal Fla. PBA v. City of Melbourne, 32 FPER ¶ 86 (2006).

The City did not unilaterally rescind a past practice regarding take-home vehicles for officers, but instead acted in compliance with the terms of the collective bargaining agreement regarding take-home vehicles for on-call officers. Attorney's fees and costs awarded to City.

Volusia County Fire Fighters Assn., Local 3574 v. Volusia County; Volusia County v. Volusia County Fire Fighters Assn., Local 3574, IAFF, 32 FPER ¶ 89 (2006).

County committed an unfair labor practice by unilaterally implementing a wage adjustment of 8% for all bargaining unit employees and a \$1.00 per hour increase in paramedic premium pay. The Commission rejected the County's argument that public safety concerns created exigent circumstances which warranted modification of the wage structure without notice.

Zephyrhills Professional Firefighters, Local 3884 v. City of Zephyrhills, Case No. CA-2006-005 (May 24, 2006).

City committed an unfair labor practice when its fire chief engaged in direct dealing by offering a bargaining unit member a 5% retention bonus. Attorney's fees and costs awarded to union.

Wagner v. Transport Workers Union of America, Local 219, Case No. CB-2006-028 (May 25, 2006).

Union committed an unfair labor practice by requiring a union member to prepay estimated costs associated with both the retrieval of financial records she had requested and the monitoring of her inspection of these records.

IUPAT, Local Union 1010, an Affiliate of District Council 78 v. City of Bartow, Case No. CA-2006-006 (June 22, 2006).

City committed an unfair labor practice when it declared impasse over a non-mandatory subject of bargaining and conditioned bargaining over mandatory subjects of bargaining upon union's agreement to non-mandatory subject of bargaining.

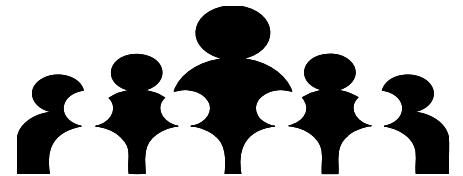


Unfair Labor Practice Cases

Government Supervisors Assn. of Fla/Office & Professional Employees International Union, Local 100 v. Miami-Dade County, Case No. CR-2006-001 (Apr. 4, 2006).

Order implementing Third District Court of Appeal's reversal of Commission final order, holding that County did not commit an unfair labor practice when it implemented a change in the work schedules of protocol officers without bargaining with the union. The court determined that the collective bargaining agreement gave the County the exclusive right to modify work schedules.

Representation Cases



Local 3080, Metro-Broward Professional Fire Fighters v. City of Oakland Park, 32 FPER ¶ 63 (2006).

Unit clarification petition seeking to include the classifications of assistant fire marshal, EMS coordinator, fire rescue captain and rescue supervisor in a fire suppression and medical rescue unit granted.

Florida State Lodge, FOP v. Sheriff of Clay County, 32 FPER ¶ 64 (2006).

Consent election agreement seeking to represent a unit of rank-and-file law enforcement officers in the classification of deputy sheriff approved.

(Continued on page 8)

(Continued from page 7)

Florida State Lodge, FOP v. Sheriff of Clay County, 32 FPER ¶ 65 (2006).

Consent election agreement seeking to represent a unit of certified correctional officers approved.

Florida State Lodge, FOP v. Sheriff of Clay County, 32 FPER ¶ 66 (2006).

Consent election agreement seeking to represent a unit of supervisory law enforcement officers in the classifications of sergeant and lieutenant approved.

Trawick v. Coastal Fla. Public Employees Assn. v. City of Flagler Beach, 32 FPER ¶ 67 (2006).

Petition seeking to revoke certification of incumbent Union granted. Inasmuch as the Union disclaimed interest in the unit, no election was necessary.

Teachers Assn. of Lee County v. Lee County School Bd., 32 FPER ¶ 68 (2006).

Unit clarification petition seeking to include the newly created classification of immigration health specialist in a unit of instructional employees granted.

Southwest Fla. Professional Fire Fighters & Paramedics, Local 1826 v. Fort Myers Beach Fire Control District, 32 FPER ¶ 69 (2006).

Unit clarification petitions seeking to include the classifications of medical officer/training officer and fire marshal into a rank-and-file fire suppression unit and add the classification of battalion chief to the supervisory bargaining unit granted.

Professional Firefighters of Lake County, Local 3990 v. Village Center Community Development District, 32 FPER ¶ 72 (2006).

Consent election agreement seeking to represent a supervisory unit of fire lieutenants approved.

St. Petersburg Assn. of Fire Fighters, Local 747 v. City of Gulfport, 32 FPER ¶ 74 (2006).

Unit clarification petition seeking to include the newly created classification of fire prevention specialist/inspector into an existing fire suppression and EMT bargaining unit granted.

International Assn. of EMT's & Paramedics v. Emergency Medical Services Alliance, 32 FPER ¶ 75 (2006).

Union's motion for mail ballot election, brought after two prior on-site elections were set aside due to improper election conduct and failure to maintain laboratory conditions, denied where only one of prior elections was tainted by election conduct, and presence of two election agents will ensure that laboratory conditions are maintained.

Hillsborough County PBA d/b/a West Central Fla. PBA v. Sheriff of Pasco County, 32 FPER ¶ 77 (2006).

Consent election agreement seeking to represent a unit of rank-and-file certified corrections officers approved.

Florida PBA v. State of Florida v. IUPA, 32 FPER ¶ 78 (2006).

Consent election agreement seeking to represent a unit of law enforcement officers approved.

Professional Firefighters of Palatka, Local 2992 v. City of Palatka, 32 FPER ¶ 81 (2006).

Representation-certification petition seeking to represent a supervisory unit of captains and battalion chiefs granted.

Transport Workers Union of America, Air Transport Division, Local 525 v. Canaveral Port Authority, 32 FPER ¶ 83 (2006).

Unit clarification petition seeking to include the classification of public service officer in a bargaining unit composed of operational services personnel granted.

Dade County PBA v. FIU Board of Trustees, Case No. RC-2005-040 (May 1, 2006).

Commission agreed with hearing officer that four police lieutenants were neither managerial nor confidential employees and were appropriate for a supervisory bargaining unit composed entirely of lieutenants.

Public Employees Union/PEU v. Sheriff of Palm Beach County, Case No. RC-2006-003 (May 2, 2006).

Consent election agreement seeking to represent a unit of non-professional, non-supervisory, non-sworn administrative, clerical, and technical white collar employees approved.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, 32 FPER ¶ 90 (2006).

Commission granted amendment to certification seeking to substitute the University of Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at UF.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 733, 32 FPER ¶ 91 (2006).

Commission granted amendment to certification seeking to substitute the University of Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System administrative and clerical employees at UF.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, 32 FPER ¶ 92 (2006).

Commission granted amendment to certification seeking to substitute the University of South Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at USF.

(Continued on page 9)

(Continued from page 8)

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, 32 FPER ¶ 93 (2006).

Commission granted amendment to certification seeking to substitute the University of Central Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at UCF.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 733, 32 FPER ¶ 94 (2006).

Commission granted amendment to certification seeking to substitute the University of Central Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System administrative and clerical employees at UCF.

Broward County PBA v. Town of Hillsboro Beach, 32 FPER ¶ 93 (2006).

Consent election agreement seeking to represent a unit of non-supervisory police officers, police corporals, and dispatchers approved.

Florida PBA v. Sheriff of Columbia County, Case No. RC-2006-018 (May 9, 2006).

Consent election agreement seeking to represent a unit of non-supervisory full-time sworn law enforcement personnel approved.

Palm Beach County PBA v. Village of Tequesta v. Florida State Lodge, FOP, Case No. RC-2006-025 (May 9, 2006); Florida PBA v. Sheriff of Levy County v. Northeast Fla. Public Employees, Local 630, Case No. RC-2006-027 (May 9, 2006).

Representation-certification petitions filed outside the statutory window period of the existing contracts dismissed.

City of Petersburg v. National Conference of Firemen and Oilers, Local 1220, Case No. UC-2006-009 (May 9, 2006).

Unit clarification petition seeking to include the classifications of water plant operator IV and water reclamation plant operator III into a bargaining unit of operational services employees granted.

City of Jacksonville v. Jacksonville Consolidated Lodge 5-30, FOP, Case No. UC-2006-010 (May 9, 2006).

Unit clarification petition seeking to include the newly created classification of judicial officer in a unit of sworn police officers granted.

In Re Petition of Local 2957, Professional Firefighters of Leesburg, Case No. MS-2006-002 (May 17, 2006).

Commission granted union's petition to disclaim interest in a supervisory bargaining unit and revoked certification.

Reedy Creek Fire Fighters Assn., Local 2117 of IAFF v. Reedy Creek Improvement District, Case No. RC-2006-011 (May 25, 2006).

Consent election agreement seeking to represent a supervisory unit of fire personnel approved.

Florida PBA v. Sheriff of Columbia County, Case No. RC-2006-021 (May 31, 2006).

Consent election agreement seeking to represent a supervisory unit of law enforcement officers approved.

In Re Petition of RWDSU Southeast Council (United Food and Commercial Workers), to Amend Certification No. 427, Case No. AC-2006-014 (June 5, 2006).

Petition seeking to substitute RWDSU Southeast Council for Local 218, Textile Processors, Service Trades, Health Care, Professional and Technical Employees International Union as the certified bargaining agent for a unit of operational services employees granted.

Teachers Assn. of Lee County v. Lee County School Bd., Case No. RC-2006-020 (June 5, 2006).

Consent election agreement seeking an opt-in election to include the classifications of school nurse, health specialist/school nurse, and ESE nurse specialist in a unit of instructional personnel approved.

Coastal Fla. PBA v. Sheriff of Indian River County, Case No. RC-2006-022 (June 5, 2006).

Consent election agreement seeking to represent a unit of rank-and-file sworn correctional officers approved.

Sheriff of Charlotte County v. Florida State Lodge, FOP, Case No. UC-2006-007 (June 5, 2006).

Unit clarification petition seeking to retitle some classifications, delete classifications that no longer exist, and include newly-created classifications granted.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, Case No. AC-2006-006 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the Florida Agricultural and Mechanical University Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at FAMU.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, Case No. AC-2006-001 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the Florida State University Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at FSU.

(Continued on page 10)

(Continued from page 9)

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 733, Case No. AC-2006-003 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the Florida State University Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System administrative and clerical employees at FSU.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, Case No. AC-2006-005 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the University of North Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at UNF.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, Case No. AC-2006-009 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the University of West Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System professional employees at UWF.

In Re Petition of FPEC 79, AFSCME, to Amend Certification No. 733, Case No. AC-2006-011 (June 14, 2006).

Commission granted amendment to certification seeking to substitute the University of West Florida Board of Trustees for the Florida Board of Education as the public employer for University Support Personnel System administrative and clerical employees at UWF.

Deerfield Beach Fire Fighters and Paramedics Assn., Local 1673, IAFF v. City of Deerfield Beach, Case No. RC-2006-017 (June 14, 2006).

Consent election agreement seeking to represent a unit of fire battalion chiefs approved.

Coastal Fla. PBA v. Sheriff of Indian River County, Case No. EL-2006-033 (June 16, 2006).

Commission denied sheriff's motion for an on-site election and granted the union's request for a mail ballot election. In determining the type of election which best affords eligible voters the opportunity to cast ballots, the Commission considers voter accessibility, the economic impact on the Commission and parties, reliability, and the potential disruptive effect of the election process on the employer's ability to provide services during the election.

City of Kissimmee v. Kissimmee Professional Firefighters, Local 4208, Case No. UC-2006-013 (June 21, 2006).

Unit clarification petition seeking to rename the classification of EMS supervisor to health and safety officer granted.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732, Case No. AC-2006-002 (June 29, 2006); In re Petition of FPEC 79, AFSCME, to Amend Certification No. 733, Case No. AC-2006-004 (June 29, 2006).

Motions to lift automatic stays during pendency of appeals of certification orders granted.

Professional Firefighters of Marathon, Local 4396 v. City of Marathon, Case No. RC-2005-062 (June 29, 2006).

Representation-certification petition for unit of captains determined to be appropriate despite claims that captains are managerial or confidential

employees. Logistics officer excluded from unit due to lack of community of interest with supervisors; deputy chief excluded based on supervisory conflict.

Melvin v. Coastal Fla. PBA v. City of Orange City, Case No. RD-2006-004 (June 29, 2006).

Election on decertification petition ordered.



Nelson v. Wakulla County Bd. of County Commissioners, Case No. BP-2006-001 (May 22, 2006).

Veteran awarded back pay for successful prosecution of his veteran's preference complaint. Back pay award reduced by amount veteran received in unemployment compensation and gross earnings from other employment he obtained during litigation.

Hind-Marsh v. City of North Miami, Case No. VP-2006-003 (June 21, 2006).

City did not violate Chapter 295 by failing to hire veteran for code enforcement officer position for which he was not minimally qualified.



Elections Verified and Certifications Issued

Florida State Lodge, FOP v. Sheriff of Pasco County, Case No. EL-2006-009; Certification 1581.

Florida State Lodge, FOP v. Sheriff of Pasco County v. Hillsborough County PBA d/b/a West Central Florida PBA, Case No. EL-2006-010; Certification 1582.

Local 3169, Professional Firefighters of Marion County IAFF v. Marion County Bd. of County Commissioners, Case No. EL-2006-011; Election 3/14 - 4/4/06; Union won; Certification 1584.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (UF), Case No. AC-2006-002; Certification 1585.

In re Petition of Florida Public Employees Council 79, American Federation of State, County and Municipal Employees, to Amend Certification No. 733 (UF), Case No. AC-2006-004; Certification 1586.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (USF), Case No. AC-2006-007; Certification 1587.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (UCF), Case No. AC-2006-008; Certification 1588.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 733 (UCF), Case No. AC-2006-010; Certification 1589.

Florida State Lodge, FOP v. Sheriff of Clay County, Case No. EL-2006-018; Election 4/18/06; Union won; Certification 1590.

Florida State Lodge, FOP v. Sheriff of Clay County, Case No. EL-2006-019; Election 4/18/06; Union won; Certification 1591.

Florida State Lodge, FOP v. Sheriff of Clay County, Case No. EL-2006-020; Election 4/18/06; Union won; Certification 1592.

Coastal Florida PBA v. Sheriff of Indian River County, Case No. EL-2006-013; Election 3/30 - 4/20/06; Union won; Certification 1593.

Teamsters Local Union No. 769 v. St. Lucie West Services District, Case No. EL-2006-014; Election 4/14 - 5/4/06; Union won; Certification 1594.

Teamsters Local Union No. 769 v. St. Lucie West Services District, Case No. EL-2006-015; Election 4/14 - 5/4/06; Union won; Certification 1595.

International Association of EMT's and Paramedics v. Emergency Medical Services Alliance, Case No. EL-2005-008; Election 5/2 - 5/3/06; Union won; Certification 1596.

Teamsters Local Union No. 769 v. Village of Key Biscayne, Case No. EL-2006-017; Election 4/18 - 5/9/06; Union won; Certification 1597.

Campbell v. Teamsters Local Union No. 385 v. Sheriff of Putnam County, Case No. EL-2006-016; Election 4/18 - 5/9/06; Union lost.

Professional Firefighters of Lake County, Local 3990 v. Village Center Community Development District, Case No. EL-2006-021; Election 4/25 - 5/16/06; Union won; Certification 1598.

(Continued from page 11)

Hillsborough County PBA d/b/a West Central Florida PBA v. Sheriff of Pasco County v. Florida State Lodge, FOP, Case No. EL-2006-022; Election 5/23 - 5/24/06; No choice/Runoff needed between on organization and FOP.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (UWF), Case No. AC-2006-009; Certification 1599.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (UNF), Case No. AC-2006-005; Certification 1600.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (FAMU), Case No. AC-2006-006; Certification 1601.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 732 (FSU), Case No. AC-2006-001; Certification 1602.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 733 (UWF), Case No. AC-2006-011; Certification 1603.

In re Petition of FPEC 79, AFSCME, to Amend Certification No. 733 (FSU), Case No. AC-2006-003; Certification 1604.

Public Employees Union/PEU, A Division of Federation of Physicians and Dentist/FPD v. Sheriff of Palm Beach County, Case No. EL-2006-026; Election 06/20/06; Union lost.

Florida PBA v. Sheriff of Columbia County, Case No. EL-2006-027; Election 5/31 - 6/21/06; Union lost.

Broward County PBA v. Town of Hillsboro Beach, Case No. EL-2006-028; Election 5/31 - 6/21/06; Union won; Certification 1605.

Dade County PBA v. FIU Board of Trustees, Case No. EL-2006-025; Election 6/1 - 6/21/06; Union won; Certification 1606.

Florida PBA v. State of Florida v. International Union of Police Associations, Case No. EL-2006-023; Election 5/31 - 6/28/06; PBA won.



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