



PERC NEWS

Florida Public Employees Relations Commission

January 1—March 31, 2004

Scope of Union Income and Expense Account Disclosure Delineated

By Joey D. Rix, Hearing Officer.

In *Clarke v. Transport Workers Union of America, Local #291*, Case No. CB-2003-012 (Fla. PERC March 9, 2004), *appeal filed*, Case No. 1D04-1522 (Fla. 1st DCA April 7, 2004), the Commission, resolved an issue of first impression involving the disclosure requirement of Section 447.305(5), Florida Statutes (2003), which provides that “[e]very employee organization shall keep accurate accounts of its income and expenses, which accounts shall be open for inspection at all reasonable times by any member of the organization or by the commission.”

The case stemmed from an unfair labor practice charge filed by Local 291 member Wessell Clarke alleging that Local 291 refused his request to inspect its financial records. Following an evidentiary hearing, the Commission-appointed hearing officer found that Local 291 violated Section 447.501(2)(a),

Florida Statutes (2003), by refusing to allow Clarke to inspect its income and expense accounts at a reasonable time pursuant to Section 447.305(5), Florida Statutes.

In resolving Local 291’s exceptions, the Commission agreed with the hearing officer that the income and expense accounts which employee organizations are required to disclose to its members or the Commission must include underlying supporting documents. Relying on the common definition of an “account” the Commission reasoned that an “account” necessarily depends upon receipts, invoices, checks, and other documents reflecting income and expenditures.

The Commission noted that Section 447.305(5) requires employee organizations to keep their income and expense accounts accurately. It reasoned that accuracy cannot be

tested unless the underlying support documents from which an account’s records are prepared can be verified. Thus, by requiring disclosure of the underlying support documents, the public policy behind Section 447.305(5), of ensuring that employee organizations act responsibly in receiving and disbursing monies entrusted to them by employees seeking their assistance in advancing workplace interests, is satisfied. The Commission also noted that requiring that the documentary proof of receipts and expenditures serving as the support for income and expense records be disclosable under Section 447.305(5) is consistent with the scope of discovery available to a party to an unfair labor practice proceeding brought upon an alleged violation of this statutory section. Local 291 has appealed the Commission’s final order to the First District Court of Appeal.

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When is a Prevailing Party Entitled to Attorney's Fees for Litigating the Amount of Fees?

By William D. Salmon, Hearing Officer.

In *Anderson v. International Brotherhood of Painters and Allied Trades, AFL-CIO, Local 1010*, 8 FPER ¶ 13228 at 433-434 (1982), the Commission interpreted Section 447.503(6)(c), Florida Statutes, as not authorizing the award of attorney's fees to a prevailing party for litigating the amount of the fee. The Commission applied the *Anderson* standard until the Florida Supreme Court decided *State Farm Fire and Casualty Company v. Palma*, 629 So. 2d 830 (Fla. 1993). In *Palma*, the court held that attorney's fees may be awarded for litigating entitlement to fees but may not be awarded for litigating the amount of fees unless the statute expressly supports such a conclusion.

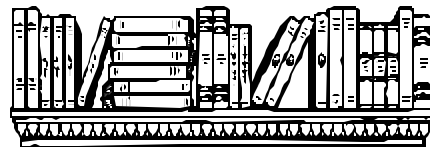
Based on exceptions filed by the prevailing respondent/appellee in *Professional Association of City Employees, Inc. v. City of Jacksonville*, 30 FPER ¶ 47 (2004), the Commission explicitly receded from the *Anderson* standard and reiterated that a prevailing party is not entitled to an award of attorney's fees for litigating the amount of fees unless the party opposing the amount needlessly prolonged the litigation. See *Gaston v. Department of Revenue*, 742 So. 2d 517 at 523 (Fla. 1st DCA 1999).

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From the Commission's Bookshelf

The Commission has published a new, improved, revised, and updated edition of *A Practical Handbook on Florida's Public Employment Collective Bargaining Law*. The *Practical Handbook* will be available on the Commission's website in the near future and is currently available from the Clerk of the Commission at a cost of \$3.00 per copy. Send requests to:

Clerk of the Commission
Public Employees Relations Commission
4050 Esplanade Way
Tallahassee, FL 32399-0950

Post 9/11 Security Changes at Orlando International Airport

By H. Lee Cohee II, Hearing Officer.

In the wake of the September 11, 2001, terrorist acts, the Greater Orlando Aviation Authority implemented measures to tighten security at Orlando's international airport by imposing stricter requirements upon employees' access to restricted areas of the airport. The Authority denied access badges to a broader group of employees who had been charged with certain crimes, despite less restrictive federal standards. This prompted an unfair labor practice charge from the union representing airport employees alleging an unlawful unilateral change. Denial of access prevents an employee from performing assigned job duties and subjects the employee to dismissal.

On March 5, 2004, the Fifth District Court of Appeal agreed with the Commission's order that affirmed its General Counsel's summary dismissal of the charge. *See Laborers' International Union of North America v. Greater Orlando Aviation Authority*, 29 Fla. L. Weekly D572 (Fla. 5th DCA, March 5, 2004), *aff'g* 28 FPER ¶ 33256 (2002). Both the Commission and the court determined that the Authority had a management prerogative by statute and by provisions of its contract with the union to unilaterally decide on higher security standards. The court also found that exigent circumstances predicated upon an overriding need to protect the public permitted a unilateral decision by the Authority.

Finally, the court also agreed with the Commission's conclusion that the union failed to request impact bargaining and to identify a bargainable impact flowing from the Authority's decision to tighten airport security. The charge referred to only one employee who was discharged as a result of the new policy.

BOTs as Public Employers: Right Result, Wrong Reason

The First District Court of Appeal affirmed the Commission's determination that the boards of trustees of the state universities are the public employers of the employees of those universities for the purpose of collective bargaining and held that the Commission did not err in dismissing four petitions to amend certifications held by Florida Public Employees Council 79, AFSCME, to substitute the Florida Board of Governors for the Florida Board of Regents as the public employer of statewide university bargaining units. The court, however, disagreed with the Commission's grounds for reaching its decision.

The Commission's decision relied on Section 447.203(2), Florida Statutes, which provides that the boards of trustees are to serve as the public employers of their respective universities. The court disagreed with this analysis, noting that as of the effective date of the constitutional amendment that created the Board of Governors, that board was the institution fully responsible for management of the state university system and for establishing the power and duties of the boards of trustees and did so by designating the boards of trustees as the public employers of their institutions. Thus, the court reasoned, even though the Board of Governors had reached the same conclusion as the legislature did in enacting section 447.203(2), that statute's pronouncement that the boards of trustees are to serve as the public employers is no longer enforceable and cannot serve as the basis for denying the petitions to amend certification. Rather, the court affirmed the Commission's denial of the petitions because the Board of Governors' action of designating the boards of trustees as the public employers constituted a legitimate exercise of constitutional authority. AFSCME has filed a motion for rehearing or certification, which remains pending. *Florida Public Employees Council 79, AFSCME v. Public Employees Relations Commission and Florida Board of Governors*, 29 Fla. L. Weekly D694a (Fla. 1st DCA March 22, 2004).

Appellate Update

Professional Association of City Employees, Inc. v. City of Jacksonville, 2004 Fla. App. LEXIS 4439 (Fla. 1st DCA Mar. 29, 2004).

On January 2, 2003, the Commission issued an order concluding that the City of Jacksonville violated Section 447.501(1)(a), Florida Statutes, by failing to disburse to the Professional Association of City Employees dues deductions collected from employees by the City pursuant to Section 447.303, Florida Statutes. The Commission rejected the City's defense that it was using the dues deductions as a common law setoff to the fees owed to it by PACE. The Commission agreed with the hearing officer that PACE is entitled to an award of reasonable attorney's fees and costs.

The City appealed the Commission's decision in Case No. 1D03-388. On March 29, 2004, the court affirmed the Commission, but denied an award of appel-

late attorney's fees to PACE. The case has been remanded to the hearing officer to determine the amount of reasonable attorney's fees and costs due to PACE as a prevailing party before the Commission. § 447.503(6)(c), Fla. Stat.

Professional Association of City Employees, Inc. v. City of Jacksonville, 2004 Fla. App. LEXIS 4784 (Fla. 1st DCA Mar. 31, 2004).

PACE filed an unfair labor practice charge alleging a per se violation of Section 447.501(1)(a) and (c), Florida Statutes, when the City cancelled one bargaining session for the two units PACE represented. On April 3, 2003, the Commission issued an order concluding that the City had not committed a per se unfair labor practice. PACE appealed the Commission's decision in Case No. 1D03-1847. On March 31, 2004, the court affirmed the Commission.

Legislative Report

Senate Bill 192, which will change the title of Special Masters to Magistrates, was ordered enrolled on March 25, 2004, and approved by Governor Bush on April 6, 2004. It will become effective October 1, 2004.



Career Service Cases

Schmidtke v. Department of Health, 19 FCSR 1 (2004).

Dismissal of clerk specialist for poor performance affirmed. Employee did not come to work the day after a two-week leave, left work early on another day, and left confidential documents in her office overnight.

Kipen v. Department of Transportation, 19 FCSR 4 (2004).

Dismissal of roadway characteristics inventory technician for conduct unbecoming a public employee affirmed. Employee made racial remarks.

Freeman v. Department of Corrections, 19 FCSR 5 (2004).

Five-day suspension of vocational instructor III for engaging in a loud and heated argument affirmed.

Brown v. Department of Corrections, 19 FCSR 9 (2004).

Dismissal of correctional officer for

inability to perform duties affirmed. Also employee's failure to appear at original hearing was not due to excusable neglect.

Santos v. Department of Corrections, 19 FCSR 12 (2004).

Dismissal of correctional officer sergeant for intentionally violating known prison policy for counting inmates, submitting a false report regarding inmate count, and allowing a rookie officer to handle the count alone affirmed. Mitigation not warranted.

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Villanueva v. Department of Agriculture and Consumer Services, 19 FCSR 14 (2004).

Appeal dismissed for lack of jurisdiction where seasonal fruit and vegetable inspector was not demoted and his rate of pay was not decreased, although the inspector had experienced months of without work due to closure of a large farm in his area.

Bletcher v. Department of Children and Families, 19 FCSR 13 (2004); Steverson v. Department of Corrections, 19 FCSR 21 (2004); Morrison v. Department of Corrections, 19 FCSR 23b (2004); Henderson v. Department of Corrections, Case No. CS-2004-019 (Mar. 8, 2004).

Appeals dismissed because employees failed to appear at hearings.

McGee v. Department of Revenue, 19 FCSR 16 (2004).

Three-day suspension of revenue specialist II for disruptive conduct and offensive language affirmed.

Derycke v. Department of Corrections, 19 FCSR 20a (2004).

Back pay case closed because employee failed to file a back pay petition.

Johnson v. Manatee County Sheriff's Department, 19 FCSR 20b (2004).

Appeal dismissed for lack of jurisdiction where employee was not a state career service employee.

Monds v. Department of Corrections, 19 FCSR 23a (2004); Otte v. Department of Corrections, Case No. CS-2000-465 (Feb. 24, 2004).

Appeals that had been stayed pending resolution of criminal charges were dismissed as abandoned.

McAnelly v. Department of Transportation, 19 FCSR 24 (2004).

Dismissal of operations/maintenance/support/trades – Level III employee for violation of law or agency rules affirmed. Employee received gifts with the knowledge that they were sent to induce him to purchase from a certain vendor.

Swing v. Department of Health, 19 FCSR 27 (2004).

Dismissal of medical disability program specialist for conduct unbecoming a public employee affirmed. Employee made statements threatening harm to herself and an administrator. The Agency's use of the extraordinary circumstance procedure to dismiss the employee without ten-day notice was appropriate.

Thomas v. Department of Agriculture and Consumer Services, 19 FCSR 31 (2004).

Dismissal of sanitation and safety specialist for conduct unbecoming a public employee, negligence, and violating Agency rules affirmed. Employee treated a police officer discourteously, failed to provide certain information, and failed to report a food establishment's unsanitary conditions.

Ellis v. Department of Corrections, Case No. CS-2003-408 (Feb. 3, 2004).

Five-day suspension of correctional officer sergeant for absence without authorization affirmed. Mitigation not warranted.

Mathis v. Department of Juvenile Justice, Case No. CS-2003-373 (Feb. 4, 2004).

Dismissal of senior juvenile detention officer for using a wristlock inappropriately and failing to file a report affirmed.

White v. Department of Corrections, Case No. CS-2003-387 (Feb. 4, 2004).

Dismissal of correctional officer for

making threatening statements at work affirmed. Mitigation not warranted. Request to reopen the record denied.

Spain v. Department of Corrections, Case No. CS-2003-383 (Feb. 10, 2004).

Dismissal of correctional probation officer for driving while under the influence of alcohol while serving a warrant and for interfering with her son's arrest affirmed. Mitigation not warranted.

Gurley v. Department of Children and Families, Case No. CS-2003-412 (Feb. 18, 2004).

Dismissal of senior clerk for telling a supervisor that he did not want to "hear her mouth" about a work-related issue affirmed.

Lovelady v. Department of Corrections, Case No. CS-2003-389 (Feb. 23, 2004).

Suspension of correctional officer for submitting a false report vacated. A mistake is not tantamount to intentional falsification. Back pay awarded.

Moore v. Department of Education, Case No. CS-2003-393 (Feb. 23, 2004).

Immediate dismissal of senior counselor for making statements at the workplace that threatened harm to himself and others and for engaging in an inappropriate relationship with a former client affirmed.

O'Lear v. Department of Corrections, Case No. CS-2003-399 (Mar. 1, 2004).

Dismissal of correctional probation senior officer for failing to follow written instructions affirmed where employee failed to note a conversation in case notes. Mitigation not warranted.

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Walker v. Department of Corrections, Case No. CS-2003-404 (Mar. 1, 2004).

Five-day suspension of correctional officer for violating rules by being present in a dormitory officer's station alone with an inmate while the inmate painted the interior walls vacated. Back pay awarded.

Jackson v. Department of Juvenile Justice, Case No. CS-2003-406 (Mar. 16, 2004).

Dismissal of juvenile detention officer for physical inability to perform her essential duties affirmed. Mitigation is not available even though the employee holds a certification as a correctional officer and many of her essential job duties are the same as those of a correctional officer. Employee's argument that she was not accommodated under the ADA was rejected because she did not raise this argument until the record was closed.

Marsh v. Department of Corrections, Case No. CS-2004-008 (Mar. 16, 2004).

Five-day suspension of a correctional officer for failing to follow instructions affirmed. Mitigation not warranted.

Donnell v. Department of Juvenile Justice, Case No. CS-2004-016 (Mar. 16, 2004).

Five-day suspension of senior juvenile detention officer for failing to follow the policy on strip searches affirmed.

Monsen v. Department of Corrections, Case No. CS-2004-012 (Mar. 17, 2004).

Appeal dismissed because suspension was rescinded. Employee received back pay for the one day of work he missed for the suspension.

Mobilio v. Department of Financial Services, Case No. CS-2004-026 (Mar. 17, 2004); **King, Jr. v. Department of Corrections**, Case No. CS-2004-053 (Mar. 31, 2004).

Appeals dismissed because employees did not have permanent status in the career service system.

Coney v. Department of Children and Families, Case No. CS-2004-044 (Mar. 17, 2004).

Untimely filed appeal dismissed.

Fernandez v. Department of Health, Case No. CS-2003-407 (Mar. 22, 2004).

Dismissal of network systems and data communications analyst for making rude and threatening statements affirmed. The Agency's use of the extraordinary dismissal procedure not justified. Employee awarded ten days of back pay in lieu of being suspended pending an investigation.

Irvin v. Department of Children and Families, Case No. CS-2004-042 (Mar. 24, 2004).

Appeal dismissed because Commission lacks jurisdiction to hear an appeal of a dismissal filed by a selected exempt employee.

Clark v. Department of Corrections, Case No. CS-2004-033 (Mar. 25, 2004).

Suspension of correctional officer sergeant for making a statement which inmates could reasonably react to as offensive and/or confrontational affirmed in part. The twenty-day suspension was mitigated to a five-day suspension in light of employee's ability to diffuse situation he created, sixteen-year employment record, and employee's honesty and remorse in forthrightly reporting incident.

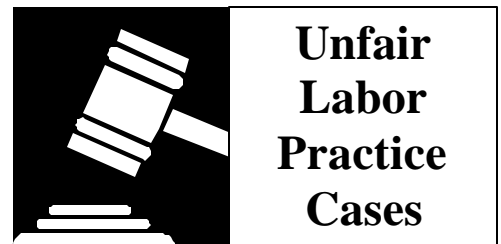
Harriott v. Department of Corrections, Case No. CS-2004-022 (Mar. 31, 2004).

Dismissal of correctional probation

officer for unauthorized use of Agency equipment affirmed. Mitigation not warranted.

Wade v. Department of Children and Families, Case No. CS-2004-039 (Mar. 31, 2004); **Lumpkin v. Department of Children and Families**, Case No. CS-2004-040 (Mar. 31, 2004).

Dismissal of family services counselors for submitting altered documents as if they were authentic affirmed.



International Union of Police Associations, v. Department of Management Services, 29 FPER ¶ 339 (2004).

On appeal of a Commission order finding that State's unilateral change of prior work schedules of wildlife conservation officers was unfair labor practice and concluding that, due to possible disruption that requirement to return to status quo ante might cause, the appropriate remedy would be for parties to negotiate issue of work schedules, First District Court of Appeal ordered parties to negotiate settlement agreement within 60 days or face reinstatement of status quo ante. See 28 FPER ¶ 33137 (2002) and 855 So. 2d 76 (Fla. 1st DCA 2003). When, after sixty days, the parties failed to file any pleadings indicating the case was settled, the Commission directed the State to return affected officers' work schedules to the status quo ante existing on May 10, 2001.

City of St. Petersburg v. National Conference of Firemen and Oilers, Local 1220, 30 FPER ¶ 12 (2004).

Union committed an unfair labor

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practice by continuously refusing to meet and discuss the re-opener provisions that it had previously agreed to discuss. The Commission considered this a per se violation of the union's duty to bargain. The union failed to file an answer to the unfair labor practice charge. Attorney's fees awarded to the City.

Taylor v. Hollywood Municipal Employees, Local 2432, 30 FPER ¶ 14 (2004).

General Counsel's Summary Dismissal affirmed. Commission does not determine the job titles, pay grades, or qualifications of employees other than its own. The Commission has no investigatory authority.

Professional Association of City Employees v. City of Jacksonville, 30 FPER ¶ 42 (2004).

General Counsel's Summary Dismissal affirmed. City council member's statements preferring a particular employee organization are protected speech because she did not promise any benefits or threaten force.

Professional Association of City Employees v. City of Jacksonville, 30 FPER ¶ 47 (2004).

City entitled to \$27,304.33 for attorney's fees and costs in defending two consolidated unfair labor practice charges. The City was not compensated for litigating the amount of fees.

Edge v. Jacksonville Supervisors Association, Case No. CB-2004-006 (Mar. 3, 2004).

General Counsel's Summary Dismissal affirmed. Employee needed to provide more factual specificity in the charge regarding the alleged unlawful conduct by the union in a contract ratification vote.

McKeena v. Government Supervisors Association of Florida, OPEIU, Local 100, Case No. CB-2003-026 (Mar. 3, 2004).

General Counsel's Summary Dismissal affirmed. The charge was untimely filed. The charge also failed to establish a prima facie breach of the duty of fair representation because no competent evidence was presented that the employer acted without rational or proper basis or that its decision was arbitrary or made in bad faith.

Meaton v. City of St. Petersburg, Case No. CA-2003-055 (Mar. 8, 2004).

City's motion to dismiss because of election of remedies granted. No attorney's fees awarded.

Palm Beach County PBA v. Martin County Sheriff's Office, 29 FPER ¶ 344 (2004).

Consent election agreement seeking to represent deputy sheriffs in the corrections department and the juvenile offender training center approved.

Coastal Florida PBA v. Sheriff of Nassau County v. Florida State Lodge, FOP, 29 FPER ¶ 345 (2004).

Consent election agreement seeking to represent a rank-and-file bargaining unit and a supervisory bargaining unit of law enforcement officers approved.

Professional Law Enforcement Association of Miami-Dade County v. Village of Virginia Gardens, 29 FPER ¶ 346 (2004).

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

ATU, Local 1577 v. Palm Tran and Palm Beach County, 29 FPER ¶ 347 (2004).

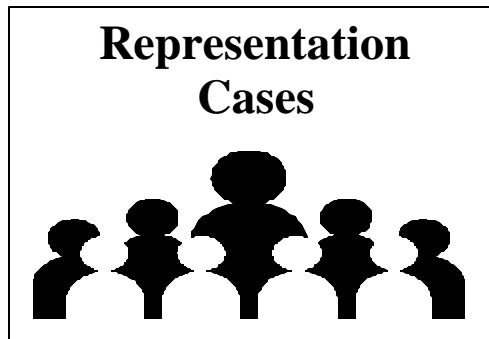
Consent election agreement seeking an opt-in election to determine whether storekeepers desire to be included in the nonsupervisory bargaining unit approved.

Florida Public Employees Council 79, AFSCME v. City of Jacksonville v. Professional Association of City Employees v. Jacksonville City Employees Union, 29 FPER ¶ 348 (2004).

Unit of non-professional employees approved. Union provided with five days to cure its registration documents.

UFF v. Florida Atlantic University Board of Trustees, 30 FPER ¶ 2 (2004).

Recognition-acknowledgment petition seeking certification of a bargaining unit of faculty, administrative, and professional employees granted.



Florida Public Employees Council 79, AFSCME v. University of Florida Board of Trustees, 29 FPER ¶ 341 (2004).

Consent election agreement seeking to represent a unit of non-professional operational services and human services employees approved.

West Central PBA v. Hillsborough County Sheriff's Office, 29 FPER ¶ 342 (2004).

Consent election agreement seeking to represent a unit of detention deputies and detention corporals approved.

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Florida State Lodge, FOP v. City of Pensacola, Case No. RC-2003-012 (Jan. 14, 2004).

Representation-certification petition dismissed because union filed a recognition-acknowledgment petition which was approved.

LIUNA, Local Union #517 v. Orange County Board of County Commissioners v. IUPAT District Council 78, Local Union 1010, 30 FPER ¶ 10 (2004).

Unit clarification petition seeking to add the newly-created rigger classifications to an operational services bargaining unit granted. Representation-certification petition seeking to represent the on-call employees employed at the convention center, including the riggers, dismissed because the proposed bargaining unit is overly fragmented.

In Re Bradford County EMS Association, IAFF, Local #4315, 30 FPER ¶ 15 (2004).

Petition to amend certification by substitution of bargaining agents approved.

City of Dania Beach, Florida, General Employees Association, Local No. 3535, AFSCME v. City of Dania Beach, 30 FPER ¶ 16 (2004).

Unit clarification petition seeking to extensively clarify a rank-and-file bargaining unit granted.

Government Supervisors Association of Florida, OPEIU, Local 100 v. City of Miami Beach, 30 FPER ¶ 16 (2004).

Unit clarification petition seeking to include seven positions in a supervisory bargaining unit granted. A separate unit clarification petition seeking to include four inspector classifications in the supervisory bargaining unit dismissed. Inspectors lacked a community of interest with

employees in the supervisory unit.

UFF v. Florida International University Board of Trustees, Case No. RA-2004-001 (Feb. 4, 2004).

Recognition-acknowledgment petition seeking certification of a unit of faculty and other professional educational personnel granted.

UFF v. Florida International University Board of Trustees, 30 FPER ¶ 26 (2004).

Election case dismissed because the parties filed a recognition acknowledgment petition for the same unit.

Teamsters Local Union No. 385 v. City of Winter Garden, 30 FPER ¶ 28 (2004).

Representation-certification petition seeking to represent a unit of police officers and police corporals approved.

Florida Public Employees Council 79, AFSCME v. University of Central Florida Board of Trustees, 30 FPER ¶ 33 (2004).

Consent election agreement seeking to represent a unit of nonprofessional blue-collar employees approved.

Southwest Florida Professional Firefighters and Paramedics, Local 1826, IAFF v. Ft. Myers Shores Fire and Rescue District, 30 FPER ¶ 34 (2004).

Consent election agreement seeking to represent a unit of engineers and firefighters approved.

Florida PBA v. Sheriff of Hendry County, Case Nos. RC-2003-128 and RC-2003-129 (Feb. 17, 2004).

Consent election agreements seeking to represent a nonsupervisory unit of deputy sheriffs, bailiffs, and investigators and a supervisory unit of sergeants and lieutenants approved.

Communications Workers of America v. City of Gainesville, 30 FPER ¶ 39 (2004).

Petition dismissed because a unit of three supervisory classifications is considered overly fragmented.

Florida Public Employees Council 79, AFSCME v. Manatee County School Board, 30 FPER ¶ 41 (2004).

Petition dismissed because a unit limited to cafeteria managers is overly fragmented.

Professional Firefighters of Marco Island, IAFF, Local 2887 v. City of Marco Island, 30 FPER ¶ 46 (2004).

Unit clarification petition seeking to clarify a unit of fire suppression personnel granted.

Palm Beach County PBA, Inc. v. Sheriff of Palm Beach County v. Federation of Public Employees, A Division of the National Federation of Public and Private Employees, Case No. RC-2003-130 (Mar. 1, 2004).

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

Florida State Lodge, FOP v. Clay County Sheriff's Office, Case No. RC-2004-011 (Mar. 1, 2004).

Representation-certification petition dismissed because union's showing of interest fails to meet 30% requirement.

In Re Teamsters Local Union 385, Case No. MS-2003-003 (Mar. 3, 2004).

Petition to disclaim interest in continuing to represent a supervisory bargaining unit of police lieutenants (certification 1396) granted.

Palm Beach County PBA v. Sheriff of Palm Beach County, Case No. RC-2003-126 (Mar. 3, 2004).

Consent election agreement seeking to represent a unit of supervisory cor-

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rectional officers approved.

Florida Public Employees Council 79, AFSCME v. Florida International University Board of Trustees, Case No. RA-2004-002 (Mar. 8, 2004).

Recognition-acknowledgment petition seeking to represent a unit of professional employees granted.

Florida Public Employees Council 79, AFSCME v. Florida International University Board of Trustees, Case No. RC-2003-125 (Mar. 8, 2004).

Representation-certification petition dismissed because parties filed recognition-acknowledgment petition.

Polk County Professional Firefighters, Local 3531 v. Polk County, Case No. RC-2004-003 (Mar. 8, 2004).

Consent election agreement seeking an opt-in election to include fire lieutenant classification with group of rank-and-file firefighters approved.

Denny v. AFSCME v. City of Frostproof, Case No. RD-2004-001 (Mar. 16, 2004).

Petition to revoke certification dismissed because of several significant deficiencies.

Board of County Commissioners of Nassau County v. Northeast Florida Public Employees' Local 630, AFL-CIO, Case No. UC-2003-021 (Mar. 16, 2004).

Unit clarification petition seeking to represent four newly-acquired classifications granted.

International Union of Operating Engineers, Affiliated with AFL-CIO Local #487, #487-B, and #487-A v. Okeechobee County Road and Bridge Department, Case No. RC-2004-013 (Mar. 17, 2004).

Representation-certification petition dismissed because employee organization is not registered with the Commission. Also unit limited to non-supervisory classifications in one department is facially inappropriate.

Florida State Lodge, FOP v. City of Ocala, Case No. RC-2004-004 (Mar. 22, 2004).

Consent election agreement seeking to represent a unit of sergeants and lieutenants approved.

JEA d/b/a St. Johns River Power Park v. Local Union 1618 of International Brotherhood of Electrical Workers of Jacksonville, Florida, Case No. UC-2004-001 (Mar. 22, 2004).

Unit clarification petition seeking to include ten newly created positions in an existing nonsupervisory bargaining unit granted.

Florida Police Benevolent Association, Inc. v. Sheriff of Sarasota County, Case No. RC-2003-133 (Mar. 31, 2004).

Consent election agreement seeking to represent a unit of sergeants approved.

Elections Verified and Certifications Issued

West Central Florida PBA v. Hillsborough County Sheriff's Office, Case No. EL-03-082; Election 12/7/03 – 1/14/04; Union won; Certification 1461.

Federation of Public Employees, A Division of the National Federation of Public and Private Employees, AFL-CIO v. Jacksonville Seaport Authority v. Florida Regional Council of Industrial and Public Employees, Local 2081, United Brotherhood of Carpenters and Joiners of America, Case No. EL-03-052; Election 12/23/03 – 1/15/04; Federation won; Certification 1462.

Florida PBA v. UWF Board of Trustees, Case No. EL-03-093; Election 12/23/03 – 1/16/04; Union lost.

Florida PBA v. Sheriff of Columbia County, Case No. EL-03-096; Election 12/23/03 – 1/21/04; Union lost.

Florida PBA v. Sheriff of Columbia County, Case No. EL-03-097; Election 12/23/03 – 1/21/04; Union lost.

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Health Care Workers Council of the United Steelworkers of America v. West Orange Healthcare District, Case No. EL-03-102; Election 1/22 – 1/23/04; Union lost.

Health Care Workers Council of the United Steelworkers of America v. West Orange Healthcare District, Case No. EL-03-103; Election 1/22 – 1/23/04; Union lost.

Coastal Florida PBA v. Brevard County Sheriff's Office, Case No. EL-03-100; Election 1/6 – 1/27/04; Union lost.

AFSCME, Florida Public Employees Council 79 v. Marion County Board of County Commissioners, Case No. EL-03-098; Election 1/29/04; Union lost.

Florida State Lodge, FOP v. Pasco County Sheriff's Office, Case No. EL-03-101; Election 1/13 – 2/3/04; Union lost.

West Central Florida PBA v. Pasco County Sheriff's Office v. Florida State Lodge, FOP, Case No. EL-03-079; Election 1/13 – 2/3/04; Unions lost.

West Central Florida PBA v. Pasco County Sheriff's Office v. Florida State Lodge, FOP, Case No. EL-03-080; Election 1/13 – 2/3/04; Unions lost.

UFF v. FIU Board of Trustees, Case No. RA-04-001; Certification 1463.

Fort Lauderdale Police Lodge 31, FOP v. City of Fort Lauderdale, Case No. EL-03-106; Election 1/15 – 2/5/04; Union won; Certification 1464.

Pinellas Lodge No. 43, FOP v. Pinellas County Sheriff's Office v. Pinellas County PBA, Case No. EL-03-099; Election 1/20 – 2/10/04; Unions lost.

Florida Regional Council of Industrial & Public Employees, United Brotherhood of Carpenters and Joiners of America v. St. Johns County, Case No. EL-03-091; Election 1/21 – 2/10/04; Union lost.

Coastal Florida PBA v. City of Oviedo, Case No. EL-03-104; Election 1/21 – 2/11/04; Union won; Certification 1465.

Broward County Professional Fire Fighters and Paramedics, IAFF, Local 4321 v. Sheriff of Broward County, Case No. RA-04-003; Certification 1466.

Florida Nurses Association v. FSU Board of Trustees, Case No. EL-03-094; Election 1/27 – 2/17/04; Union won; Certification 1467.

Florida Public Employees Council 79, AFSCME v. FIU Board of Trustees, Case No. RC-04-002; Certification 1468.

ATU, Local 1577 v. Palm Tran and Palm Beach County, Case No. EL-04-007; Opt-in election 2/3 – 2/24/04; Union won; Certification 1216.

Professional Law Enforcement Association of Miami-Dade County v. Village of Virginia Gardens, Case No. EL-04-003; Election 2/3 – 2/24/04; Union won; Certification 1469.

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Teamsters Local 385 v. County of Volusia v. Florida State Lodge, FOP, Case No. EL-03-105; Election 1/28 – 2/25/04; Local 385 won; Certification 1470.

Fransworth v. Teamsters Local 385 v. Volusia County, Case No. EL-03-092; Election 2/24 – 2/26/04; Union won; Certification not revoked.

Palm Beach County PBA v. Martin County Sheriff's Office, Case No. EL-04-004; Election 2/5 – 2/26/04; Union won; Certification 1471.

West Central Florida PBA v. Hillsborough County Sheriff's Office, Case No. EL-04-001; Election 2/11 – 3/4/04; Union won; Certification 1472.

Teamsters Local Union No. 385 v. City of Winter Garden, Case No. EL-04-009; Election 3/2 – 3/23/04; Union won; Certification 1473.

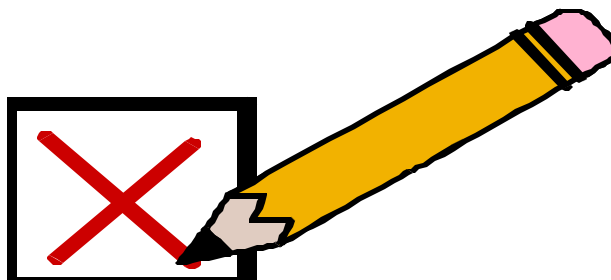
Florida State Lodge, FOP v. Charlotte County Sheriff's Office, Case No. RA-04-004; Certification 1474.

Florida Public Employees Council 79, AFSCME v. City of Jacksonville v. Professional Association of City Employees v. Jacksonville City Employees Union, Case No. EL-04-008; Election 3/3 – 3/25/04; AFSCME won; Election objections pending.

Coastal Florida PBA v. Sheriff of Nassau County v. Florida State Lodge, FOP, Case No. EL-04-005; Election 3/9 – 3/30/04; PBA won; Certification 1475.

Coastal Florida PBA v. Sheriff of Nassau County v. Florida State Lodge, FOP, Case No. EL-04-006; Election 3/9 – 3/30/04; PBA won; Certification 1476.

Southwest Florida Professional Firefighters and Paramedics, Local 1826 v. Ft. Myers Shores Fire and Rescue District, Case No. EL-04-011; Election 3/4 – 3/24/04; Union won; Certification 1477.





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