



PERC NEWS

Florida Public Employees Relations Commission

July 1—September 30, 2005

31st Annual Public Employment Labor Relations Forum

The 31st Annual PELR Forum will be held in Orlando on October 27 – 28, 2005. The program includes the following presentations:

- Should Your DROP PLOP? And Other Pressing Pension Questions for the 21st Century
- Government in the Sunshine: Is There Any Shade in Florida?
- Conducting Workplace Investigations: Weingarten, Bill of Rights, and Other Issues
- PERC Update
- FCHR Update
- Administering the FMLA: Intermittent Leave and Other Concerns
- Employee Leasing Issues in the Public Sector
- Trends in Bargaining in the Education Sector
- Union Access to E-Mail, Records and Facilities – Where Can Employers Draw the Line?
- A Practical Approach to Arbitration: A Mock Arbitration
- Ethical Aspects in Law Practice Management

Luncheon speaker Carl J. Zahner, Director of The Florida Bar’s Center for Professionalism, will speak on Professionalism and Civility. A reception will be held in the evening of the first day of the forum. The program has been approved for 11.5 hours of general CLE credit and 2 hours of ethics credit.

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New Edition of *Scope of Bargaining* Available Now

The Commission is pleased to announce the availability of a new edition of its *Scope of Bargaining* publication. This edition contains summaries of cases addressing mandatory, permissive, and prohibited subjects of bargaining from 1970 to 2005. A table of cases and a subject matter index are included. *Scope of Bargaining* is available at a cost of \$5.00 from:

Office of the Clerk
Public Employees Relations Commission
4050 Esplanade Way, Suite 150
Tallahassee, Florida 32399-0950
Phone (850) 488-8641

The publication will also be available soon at the Commission’s website: http://199.205.30.67/dms/programs_commission/public_employees_relations_commission.

Imposition of Pay Freeze, Management Rights Clause Not Unfair Labor Practice

On July 3, 2003, the Commission issued a final order in which it concluded that the City of Winter Springs violated Section 447.501(1)(a) and (c), Florida Statutes (2005), by unlawfully imposing “pay freeze” language and a management rights article materially different from the city’s last proposal. See *Winter Springs Professional Firefighters Association, Local 3296 v. City of Winter Springs*, 29 FPER ¶ 167 (2003).

On July 28, 2003, the city filed an appeal. On November 5, 2004, the First District Court of Appeal issued its decision reversing the Commission. The court vacated and reversed the Commission’s final order. Specifically, the court held that the city’s imposition of the pay freeze language and the management rights article did not constitute unfair labor practices. Consequently, the court remanded this case for a determination consistent with its opinion. See *City of Winter Springs v. Winter Springs Professional Firefighters Association, Local 3296*, 885 So. 2d 494 (Fla. 1st DCA 2004).

On November 23, 2004, the First DCA issued its mandate. However, on December 7, Local 3296 filed a notice to invoke the discretionary jurisdiction of the Florida Supreme Court. That matter was pending until August 26, 2005, when the supreme court issued an order declining jurisdiction and denying the petition for review. *Winter Springs Professional Firefighters Association, Local 3296 v. City of Winter Springs*, No. SC-04-2275 (Fla. Aug. 26, 2005).

Accordingly, on September 15, 2005, the Commission issued an amended final order to be consistent with the First DCA’s order and dismissed the unfair labor practice charge against the city. The amended final order stated that neither party was entitled to an award of attorney’s fees or costs.

Other Appellate Cases

Klein v. Department of Education, 908 So. 2d 1097 **(Fla. 1st DCA 2005).**

Jonathan Klein was reclassified from a position within the career service system to one in the selected exempt system with the Department of Education in 2003. Klein challenged his reclassification soon after it was completed, but his challenge was dismissed by the department as procedurally deficient. Klein waived the opportunity to amend his challenge and the case was closed. Subsequently, Klein was allegedly forced to resign. He filed a career service system appeal with the Commission, which dismissed his case for lack of jurisdiction. On appeal, the First District Court of Appeal agreed with the Commission that Klein had waived his right to challenge the reclassification of his position outside of the career service, and thus, the Commission had no jurisdiction to consider the merits of his appeal.

Carbo v. Department of Children and Families, **Case No. 4D05-2472 (Fla. 4th DCA Sept. 2, 2005).**

The Fourth District Court of Appeal granted the Department of Children and Families’ motion to dismiss Carbo’s appeal because the appeal was untimely filed and Carbo failed to produce any orders by the Commission tolling the time for filing the appeal.

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Career Service Cases

Gatewood v. Agency for Persons with Disabilities, 20 FCSR 249 (2005).

Dismissal of human services counselor for inefficiency or inability to perform assigned duties due to her allergies/asthma affirmed where agency attempted to accommodate employee's alleged impairment with reasonable measures.

Hoff v. Department of Corrections, 20 FCSR 253 (2005).

Five-day suspension of correctional officer for failure to conduct herself so as to command the respect of fellow employees by confronting and yelling at a coworker affirmed. Mitigation not warranted.

Philippe v. Department of Juvenile Justice, 20 FCSR 255 (2005); Jenkins v. Department of Corrections, 20 FCSR 256 (2005); McNealy v. Department of Children and Families, 20 FCSR 257 (2005); Berrouet v. Department of Juvenile Justice, 20 FCSR 287 (2005); McNair v. Department of Juvenile Justice, Case No. CS-2005-174 (Aug. 9, 2005); Werner v. Department of Corrections, Case No. CS-2005-192 (Aug. 23, 2005); McLain v. Department of Corrections, Case No. CS-2005-228 (Sept. 28, 2005).

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

Zackery v. Department of Juvenile Justice, 20 FCSR 258 (2005).

Back pay awarded to senior juvenile detention officer whose dismissal was vacated.

Puckett v. Department of Corrections, 20 FCSR 259 (2005).

Dismissal of correctional officer for sleeping and/or failure to maintain the proper level of alertness while supervising a close custody inmate in the hospital affirmed. Mitigation not warranted where seriousness of offense outweighs good seven-year employment history and spotless disciplinary history. Ten day's back pay awarded where extraordinary dismissal procedure was improperly utilized.

Greason v. Department of Transportation, 20 FCSR 263 (2005).

Five-day suspension of scenic highway coordinator for insubordination affirmed.

Higgins v. Department of Corrections, 20 FCSR 265 (2005).

Dismissal of correctional officer for requesting and receiving payment (more than \$2,300) for leave he did not have and for unscheduled absences. Mitigation not warranted where seriousness of conduct and disciplinary record outweigh mid-length employment.

Mann v. Department of Financial Services, 20 FCSR 267 (2005).

Appeal of dismissal of employee for insubordination, violation of law or agency rules, and conduct unbecoming a public employee dismissed as abandoned where employee left hearing room. Employee's request for continuance

at the time of hearing was denied because witnesses and court reporter were present and agency objected to continuance.

Harris v. Department of Children and Families, 20 FCSR 269 (2005); George v. Department of Revenue, Case No. CS-2005-177 (Aug. 15, 2005); Townsend v. Department of Children and Families, Case No. CS-2004-197 (Aug. 23, 2005); Kennedy v. Department of Corrections, Case No. CS-2005-210 (Sept. 23, 2005).

Appeals of employees who failed to appear at their hearings are dismissed.

Palm v. Department of Children and Families, 20 FCSR 270 (2005).

Dismissal of human services worker for negligence for failing to make visual contact with resident affirmed.

Matthews v. Agency for Persons with Disabilities, 20 FCSR 272 (2005).

Dismissal of vocational instructor for violating agency rules engaging in unbecoming conduct by verbally intimidating disabled residents.

Bowers v. Department of Business and Professional Regulation, 20 FCSR 276 (2005).

Dismissal of employee for conduct unbecoming a public employee for being dishonest on his employment applications and failing to disclose his criminal background affirmed.

Love v. Florida State University, 20 FCSR 279 (2005).

Appeal of layoff of clerk at FSU's student health center

(Continued on page 4)

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dismissed because the Commission does not have jurisdiction to consider career service appeals of State University System employees.

Moody v. Department of Corrections, 20 FCSR 280 (2005).

Ten-day suspension of correctional probation officer vacated where agency failed to prove charges of insubordination, failure to follow instructions, and conduct unbecoming a public employee by a preponderance of the evidence. Back pay awarded.

Brown v. Department of Corrections, 20 FCSR 283 (2005).

Dismissal of correctional officer for excessive absenteeism, tardiness, failure to maintain a professional relationship with an inmate under the custody of the agency, and conduct unbecoming a public employee affirmed. Mitigation not warranted where lengthy employment record was tarnished by several disciplinary actions.

Booker-Hamilton v. Department of Juvenile Justice, 20 FCSR 288 (2005).

Five-day suspension of senior juvenile detention officer for poor performance and insubordination for failing to report for work and failing to obtain prior approval for her absence affirmed. Motions for reconsideration and to vacate final order denied.

Ming v. Department of Juvenile Justice, 20 FCSR 290 (2005).

Dismissal of juvenile detention officer for violating agency rule by improperly completing a visual observation form affirmed.

Nisbett v. Department of Corrections, 20 FCSR 294b (2005).

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

Thomas v. Department of Corrections, 20 FCSR 298 (2005).

Dismissal of correctional officer for failing to follow lawful orders and perform officially-designated duties by failing to submit to random drug test affirmed. Mitigation not warranted.

Gallon v. Department of Corrections, 20 FCSR 300 (2005).

Demotion of correctional probation specialist for willful violation of agency rules, regulations or policy statements for using agency equipment in an unauthorized manner and engaging in conduct inconsistent with the maintenance of proper security of a person on probation by not completing a violation of probation report affirmed. Mitigation not warranted where seriousness of conduct outweighs long employment record.

Williams v. Department of Children and Families, 20 FCSR 304 (2005).

Dismissal of mental health security officer for willful violation of policies, procedures, rules or regulations by transporting client of the opposite gender vacated where no written policy existed and agency failed to prove the existence of a known practice.

Walker v. Department of Corrections, 20 FCSR 308 (2005).

Dismissal of correctional officer sergeant for having a personal relationship with an inmate, marriage to an offender, and willful violation of

agency rules affirmed. Agency's use of extraordinary dismissal procedure was improper where potential for danger due to relationship was absent because employee was on medical leave. Mitigation not warranted where seriousness and willfulness of conduct outweigh lengthy employment record. Ten days back pay awarded.

Lawyer v. Department of Children and Families, 20 FCSR 311 (2005).

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

Worth v. Department of Corrections, 20 FCSR 312 (2005).

Five-day suspension of correctional officer sergeant for failure to report for duty in an emergency situation, absence without authorized leave, and conduct inconsistent with the maintenance of proper security and welfare of the institution affirmed. Mitigation not warranted.

White v. Department of Children and Families, 20 FCSR 316 (2005).

Dismissal of economic self sufficiency specialist for poor performance affirmed.

Smith v. Department of Corrections, 20 FCSR 318 (2005).

Dismissal of correctional officer for insubordination and for conduct unbecoming a public employee affirmed. Mitigation not warranted due to seriousness of conduct, short employment record, and prior reprimand.

(Continued on page 5)

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Daley v. Department of Transportation, 20 FCSR 321a (2005); Szabo v. Department of Business and Professional Regulation, Case No. CS-2005-206 (Sept. 14, 2005).

Appeals dismissed where agencies rescinded employees' suspensions and restored pay and benefits.

Hartsfield v. Department of Education, 20 FCSR 321b (2005).

Appeal of dismissal of employee dismissed for lack of jurisdiction because employee was in an exempt status position when dismissed.

White v. Department of Children and Families, Case No. CS-2005-158 (Sept. 9, 2005).

Dismissal of human services worker for being involved in an unprovoked altercation with a resident vacated where evidence showed that resident initiated the attack.

Gaskins v. Department of Corrections, Case No. CS-2005-170 (Sept. 14, 2005).

Dismissal of correctional officer for unbecoming conduct for randomly selecting an inmate for confinement and using abusive language toward inmates, thereby creating an incident in an open bay sleeping area housing dangerous and violent inmates, affirmed. Mitigation not warranted due to seriousness of conduct.

Sawyer v. Department of Corrections, Case No. CS-2005-191; DF-2005-002 (Sept. 14, 2005).

Dismissal of correctional officer sergeant for a positive drug test vacated where discrepancies in labeling of samples led to a lack of

trustworthiness indicating the results were unreliable and not the employee's test results.

Schmitt v. Department of Corrections, Case No. CS-2005-208 (Sept. 21, 2005).

Dismissal of correctional sergeant for using profane or abusive language in dealing with inmate and submitting inaccurate or untruthful information, among other allegations, vacated where credibility of conflicting testimony regarding incident was resolved in favor of employee.

Lite v. Department of Corrections, Case No. CS-2005-215 (Sept. 23, 2005).

Appeal of five-day suspension dismissed for lack of jurisdiction where the agency unilaterally reduced suspension to written reprimand and restored any leave deducted to cover the period of suspension.

Marseille v. Department of Children and Families Case No. CS-2005-180 (Sept. 27, 2005).

Dismissal of child protective investigator for inefficiency and inability to perform assigned duties for failing to document seventeen case files with case notes and conducting a deficient investigation affirmed.

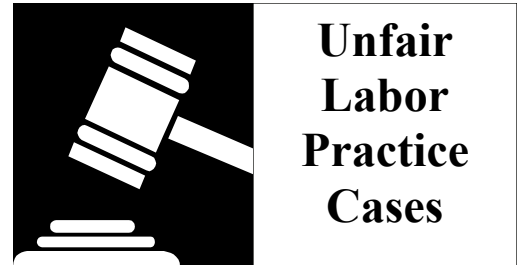
Olivo v. Department of Corrections Case No. CS-2005-209 (Sept. 28, 2005).

Ten-day suspension of correctional probation senior officer for failure to follow oral or written instructions by failing to submit a timely violation of probation report and for negligently failing to institute a warrantless arrest of offender

affirmed. Mitigation not warranted where seriousness of conduct and disciplinary record outweigh lengthy employment record.

Varano v. Department of Environmental Protection, CS-2005-224 (Sept. 28, 2005).

Appeal of resigned employee is dismissed because Commission's jurisdiction over resignation is limited to determining whether resignation is voluntary.



Public Employees Union and Professional Managers & Supervisors Association v. City of Lake Worth, Case No. CA-2005-038 (July 12, 2005).

Commission denied city's motion to recuse any member of the Commission or any staff member who had worked with the union's attorney when he was employed with the Commission. The city failed to allege any facts which would prompt a reasonably prudent person to have a well-founded fear that the members of the Commission or its staff were biased, prejudiced, or had an interest in the outcome of the proceeding as required by Section 120.665(1), Florida Statutes.

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Coppola v. Broward County, Case No. CA-2005-024 (July 20, 2005).

Commission affirmed General Counsel's summary dismissal of unfair labor practice which alleged that the county unlawfully failed to process union member's grievance to arbitration. The county was not required to process a grievance where union retained exclusive control over the arbitration of collective bargaining agreements and chose not to arbitrate the claim. Union's decision to allow member to proceed on his own did not obligate the county to process grievance because union cannot delegate arbitral decision when it has retained exclusive control of arbitration.

IAFF, Local 3088 v. City of Mount Dora, Case Nos. 31 FPER ¶ 155 (2005).

City committed an unfair labor practice through the actions of the city council by resolving a matter at impasse which was not clearly stated in the city's proposal at the parties' final negotiating session. The city had submitted contradictory wage proposals to the union for its consideration which resulted in confusion in the legislative body resolution of the impasse.

Cyr v. Indian River County School Board, 31 FPER ¶ 156 (2005).

Commission affirmed General Counsel's summary dismissal of an unfair labor practice charge alleging that the school board unlawfully refused to discuss an employee's grievance in good faith. Cyr failed to demonstrate that he was prohibited

from fully utilizing the contractual grievance procedure.

CWA, Local 3178 v. City of Miami Beach, 31 FPER ¶ 162 (2005).

City did not commit an unfair labor practice when it denied union representation to an employee at a meeting convened to resolve a grievance. Employee's mistaken belief that he might be disciplined did not convert the grievance meeting into an investigatory interview. Further, a supervisor's threat to personally take legal action against a subordinate who filed grievances against him constituted an unfair labor practice. The fact that the threats were made by a supervisor was sufficient to render the city liable for his unlawful conduct.

Frederick v. AFSCME, FPEC 79, Region II, 31 FPER ¶ 172 (2005).

Commission affirmed General Counsel's summary dismissal of an unfair labor practice charge that was untimely filed. The six-month statutory time period for filing the charge commenced in 2001 when the employee had actual knowledge of the fact that a prior union was not going to advance her grievance to arbitration. Statements made to the employee by AFSCME after it replaced the other union, that it should not be a problem to advance her case to arbitration, did not operate to extend or "suspend" the statutory limitations period.

City of Lake Worth v. Professional Managers and Supervisors Association, Case No. CB-2005-012 (Sept. 12, 2005).

Commission affirmed General Counsel's summary dismissal of an

unfair labor practice charge alleging that the union unlawfully threatened a supervisory employee and refused to participate in grievance arbitration concerning that threat. The union did not violate Chapter 447, Part II, by its admonition to a supervisory employee that his conduct may be improper. The mere opinion as to the legality of the supervisor's actions was not an unlawful threat or an unlawful interference with a managerial employee. Further, the language in the parties' agreement did not contemplate the city presenting a grievance for arbitration.

Volusia County Fire Fighters Association, Local 3547, IAFF v. Volusia County, Case No. CA-2005-033, Volusia County v. Volusia County Fire Fighters Association, Local 3547, IAFF, Case No. CB-2005-018, and In Re Impasse Proceeding Between Volusia County Fire Fighters Association, Local 3547, IAFF, and Volusia County, Case No. SM-2005-022 (Sept. 16, 2005).

Union's motion to stay impasse proceedings granted. The Commission, not hearing officers, has the authority to rule upon motions to stay impasse proceedings. The Commission has stayed impasse proceedings pending the resolution of unfair labor practice charges alleging bad faith bargaining and premature declaration of impasse. This is because the impasse proceedings may be unnecessary if the charge is proven and additional bargaining is ordered as a remedy.

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Seminole County Professional Firefighters, Local 3254 v. Seminole County, Case No. CA-2005-020 (Sept. 20, 2005).

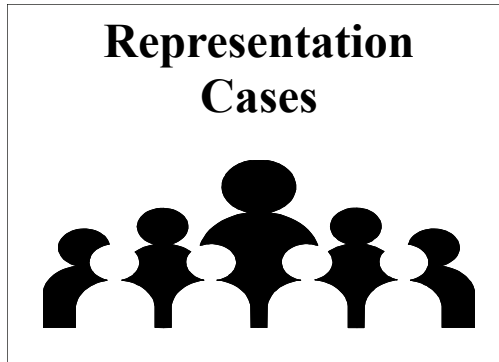
County did not commit an unfair labor practice by failing to bargain the effects of its decision to withdraw take-home vehicles from two chiefs because the union failed to give the county notice of any specific and identifiable impacts it desired to negotiate.

Heyhurst v. Broward Teachers Union, Case No. CB-2004-024 (Sept. 28, 2005).

Union did not commit an unfair labor practice by assisting a guidance counselor in obtaining a temporary restraining order against her school principal. Attorney fees not awarded to union, in part because the Commission had not previously considered whether the alleged misuse of the civil legal system could constitute an unfair labor practice.

LIUNA, Local 678 v. City of Orlando, Case No. CA-2005-030 (Sept. 29, 2005).

City committed an unfair labor practice by refusing a timely request for union representation during an employee interview that was reasonably perceived by employees as potentially leading to disciplinary action. Union was awarded attorney's fees and costs.



Palm Beach County PBA v. City of Riviera Beach v. IUPA, 31 FPER ¶ 145 (2005).

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

International Union of Painters and Allied Trades, Local Union 3201 v. City of Cape Coral, Case No. UC-2005-005 (July 8, 2005).

Unit clarification petition granted. The Commission declined petitioner's request to change the unit description from a list of specific classifications to a generic description.

Coastal Florida PBA v. Town of Indian River Shores v. FOP, Florida State Lodge, 31 FPER ¶ 147 (2005).

Representation-certification petition seeking to represent a unit of certified public safety officers granted. FOP's request to disclaim interest denied without prejudice to re-filing where it failed to indicate whether a collective bargaining agreement for unit employees was in effect or whether it had any outstanding financial obligations relating to election costs or special master proceedings.

Transport Workers Union of America, Local 291 v. Miami-Dade County (Miami-Dade Transit Authority), 31 FPER ¶ 148 (2005).

Unit clarification petition seeking to amend certification to include the classification of bus maintenance control clerk and exclude the classifications of bus maintenance clerk I and II granted.

International Association of EMT's and Paramedics, A Division of the National Association of Government Employees v. Leon County Board of County Commissioners, 31 FPER ¶ 151 (2005).

Consent election agreement seeking to represent a unit of rank-and-file certified emergency medical personnel approved.

Office and Professional Employees International Union v. Office of State Attorney, 17th Judicial Circuit, 31 FPER ¶ 152 (2005).

Representation-certification petition seeking to represent a unit of administrative and clerical employees granted.

Leesburg Employees Unity Council v. City of Leesburg, 31 FPER ¶ 153 (2005).

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

Palm Beach County PBA v. Village of Royal Palm Beach v. Florida State Lodge, FOP, 31 FPER ¶ 154 (2005).

Consent election agreement seeking to represent a unit of certified police officers, detectives, and sergeants approved.

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International Union of Painters and Allied Trades, Local Union 2301 v. City of Cape Coral, Case No. UC-2005-004 (July 20, 2005).

Unit clarification petition seeking to include the newly created classifications of ordinance inspector and lead mechanic granted.

Coastal Florida PBA v. Town of Indian River Shores v. FOP, Florida State Lodge, 31 FPER ¶ 158 (2005).

Commission denied town's motion requesting that an on-site election be conducted. The decision whether to conduct a mail ballot or on-site election is made on a case-by-case basis. The expense to the parties, the Commission, and taxpayers to send election staff to Indian River Shores to conduct an on-site election among approximately fifteen eligible voters was not justified by either the size of the voting group or the town's desire to have the election completed in one day.

Tampa Bay Area Transit Workers Union, Inc. v. Pinellas Suncoast Transit Authority v. National Conference of Firemen and Oilers, Local 1220, 31 FPER ¶ 159 (2005).

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

Polk County Professional Firefighters, Local 3531, IAFF v. Polk County, 31 FPER ¶ 164 (2005).

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

International Association of EMT's and Paramedics, A Division of the National Association of Government Employees v. Leon County Board of County Commissioners, 31 FPER ¶ 169 (2005).

Commission denied county's request to allow three new employees who were hired within eight days of the eligibility cut-off date to participate in the representation election. The date of eligibility for participation in an election is the date of the Commission order directing an election.

Teamsters Local Union No. 385 v. City of Oviedo v. Coastal Florida PBA, 31 FPER ¶ 170 (2005).

Representation-certification petition seeking to represent a unit of rank-and-file law enforcement officers granted.

IUPA v. State of Florida, Department of Management Services, 31 FPER ¶ 171 (2005).

Unit clarification petition seeking to include the newly created classification of youth custody officer into bargaining unit of law enforcement officers employed by the State of Florida granted.

Coastal Florida PBA v. Brevard County Sheriff's Office, 31 FPER ¶ 173 (2005).

Recognition-acknowledgment petition for a supervisory unit of correctional sergeants and lieutenants granted.

Florida State Lodge, FOP v. City of Satellite Beach, 31 FPER ¶ 178 (2005).

Unit clarification petition seeking to include the newly created classification of police lieutenant into a

bargaining unit of law enforcement personnel granted.

In Re Petition of Local 1403 Metro Dade Fire Fighters, IAFF, to amend Certification No. 247, Case No. AC-2005-004 (Aug. 23, 2005).

Amendment to certification petition seeking to amend certification to change the name of the certified bargaining agent granted.

Morris v. National Conference of Firemen and Oilers, Local 1220 v. Pinellas Suncoast Transit Authority, Case No. RD-2005-008 (Aug. 31, 2005).

Petition seeking to revoke certification of incumbent union granted.

Coastal Florida PBA v. St. Lucie County Sheriff's Office, Case No. RC-2005-031 (Sept. 1, 2005).

Representation-certification petition seeking to represent a bargaining unit of nonsupervisory detention officers granted.

In Re Petition of UFF to amend Certification No. 218, Case No. AC-2005-003, and UFF v. University of Florida Board of Trustees, Case No. RC-2002-073 (Sept. 9, 2005).

Petition to amend certification to reflect the U of F Florida Board of Trustees as the successor employer to the Florida Board of Education for a unit of faculty and administrative employees granted. The historical bargaining unit in effect since 1976, albeit on a state-wide basis, remained appropriate at the local university level for purposes of collective bargaining. Inasmuch as the amendment was granted, the corresponding representation-certification petition involving the same unit was dismissed.

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Okeechobee County Fire Suppression and Rescue Association, Local 2918 v. City of Okeechobee, Case No. RA-2005-002 (Sept. 12, 2005).

Recognition-acknowledgment petition seeking to become the exclusive bargaining representative for a unit of fire suppression personnel granted.

Dwyer v. Florida State Lodge, FOP v. City of Belleview, Case No. RD-2005-009 (Sept. 12, 2005).

Petition to revoke bargaining agent's certification was dismissed because it was filed during "contract bar" period.

Local 1403 Metro Dade Fire Fighters, IAFF v. Miami-Dade County v. Dade County PBA., Case No. RC-2005-038 (Sept. 14, 2005) and In Re Petition of Dade County PBA, Case No. MS-2005-001 (Sept. 14, 2005).

Representation-certification petition seeking an opt-in election to add fire rescue dispatchers and fire rescue dispatcher supervisors to a unit of fire suppression personnel granted. PBA's disclaimer of interest granted, but would not become effective until the collective bargaining agreement between the PBA and county expired.

Professional Firefighters of Marathon, Inc., Local 4396, IAFF v. City of Marathon, Case No. RC-2005-017 (Sept. 16, 2005).

Representation-certification petition seeking to represent full-time employees in the classifications of firefighter/EMT/paramedic, lieu-

tenant and on-call volunteers granted. The on-call certified volunteers were public employees who shared a community of interest with unit personnel in that they responded to paged calls, substituted for full-time employees, and received wages from the city for their work. The part-time certified volunteers did not receive wages from the city and were not considered to be public employees.

UFF Keys Community College v. Florida Keys Community College, Case No. EL-2005-018 (Sept. 28, 2005).

Union's request to withdraw its representation-certification petition granted. Union directed to pay all election costs incurred by the Commission.

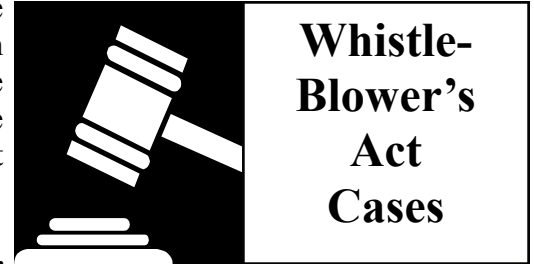
Professional Fire Fighters of Monroe County, IAFF, Local 3909 v. Monroe County Board of County Commissioners/Fire Rescue, Case No. UC-2005-013 (Sept. 28, 2005).

Unit clarification petition seeking to change the title of two positions and add newly created position of fire rescue captain to a unit of supervisory fire fighters granted.

Wood v. University of Central Florida, 31 FPER ¶ 174 (2005).

Veteran's preference complaint dismissed where complainant, who applied for two administrative/registrar jobs at UCF, abandoned hiring process by failing to appear at

interview, and UCF selected more qualified applicant.



Santana v. Department of Juvenile Justice, 31 FPER ¶ 166 (2005).

Complainant failed to demonstrate that he engaged in whistle-blower activity as defined by the Act. Commission rejected complainant's argument that it should consider facts not contained in his formal complaint to the Florida Commission on Human Relations in deciding whether he met the statutory requirements for a Whistle-Blower's Act action. The Department of Juvenile Justice's motion for attorney's fees and costs was denied.

Clark v. Department of Revenue, 31 FPER ¶ 177 (2005).

Employee's dispute with employer regarding compromise of taxes due from a taxpayer, was about matter within employer's discretion and was not encompassed within disclosures protected by Act. Further, claim was not timely filed within sixty days after receipt of FCHJR notice of termination of investigation.



Elections Verified and Certifications Issued

Maria A. Virquez v. Government Supervisors Association of Florida/Office and Professional Employees, International Union, Local 100 v. City of South Miami, Case No. EL-2005-017; Election 6/16 - 7/7/2005; Union lost.

Emergency Service Professionals of Walton County, IAFF, Local #4413 v. Walton County Board of County Commissioners, Case No. RC-2005-019; Certification 1552.

Florida Police Benevolent Association, Inc. v. Sarasota County Sheriff's Office, Case No. EL-2005-016; Election 7/7 - 7/8/2005; Union won; Certification 1553.

Flagler County Professional Firefighters Association, Inc. v. Flagler County v. Communication Workers of America, Local 3102, Case No. EL-2005-020; Election 7/6 - 7/27/2005; Union won; Certification 1554.

Coastal Florida Police Benevolent Association, Inc. v. Brevard County Sheriff's Office, Case No. RA-2005-001; Certification 1555.

Southwest Florida Professional Firefighters and Paramedics, IAFF, Local 1826, Inc. v. Leigh Acres Fire Control and Rescue District, Case No. EL-2005-021; Election 7/12 - 8/2/2005; Union won; Certification 1556.

West Central Florida Police Benevolent Association, Inc. v. City of Fort Meade v. Teamsters, Chauffeurs and Helpers, Local Union No. 79, Case No. EL-2005-022; Election 7/21 - 8/10/2005; PBA won; Certification 1557.

In re United Faculty of Florida to Amend Certification No. 218 and United Faculty of Florida v. University of Florida Board of Trustees, Case Nos. AC-2005-003 and RC-2002-073; Certification 1558.

Okeechobee County Fire Suppression and Rescue Association, Local 2918 v. City of Okeechobee, Case No. RA-2005-002; Certification 1559.

Palm Beach County Police Benevolent Association, Inc., Chartered by the Florida Police Benevolent Association, Inc. v. City of Riviera Beach v. International Union of Police Associations, AFL-CIO, Case No. EL-2005-023; Election 8/10/2005; IUPA won.

Leesburg Employees Unity Council v. City of Leesburg, Case No. EL-2005-027; Election 8/17/2005; Union lost.

International Association of EMT's and Paramedics, A Division of the National Association of Government Employees v. Leon County Board of County Commissioners, Case No. EL-2005-025; Election 8/22 - 8/23/2005; Union lost.

Palm Beach County Police Benevolent Association, Inc., Chartered by the Florida Police Benevolent Association, Inc. v. Village of Royal Palm Beach v. Florida State Lodge, Fraternal Order of Police, Inc., Case No. EL-2005-026; Election 8/10 - 8/31/2005; PBA won; Certification 1560.

Coastal Florida Police Benevolent Association, Inc. v. Town of Indian River Shores v. Florida State Lodge, Fraternal Order of Police, Inc., Case No. EL-2005-024; Election 8/17 - 9/7/2005; PBA won; Certification 1561.

Tampa Bay Area Transit Workers Union, Inc. v. Pinellas Suncoast Transit Authority v. National Conference of Firemen and Oilers, Local 1220, NCFD, SEIU, AFL-CIO, CLC, Case No. EL-2005-029; Election 8/24 - 9/14/2005; TWU won; Certification 1562.

Polk County Professional Firefighters, Local 3531, IAFF v. Polk County, Case No. EL-2005-030; Election 8/31 - 9/21/2005; Union won.

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