



# PERC NEWS

Florida Public Employees Relations Commission

October—December 2002

## 2002 IN RETROSPECT

by Donna Poole, Chair

As we usher in the New Year, it gives me pause to reflect upon 2002, and to do a little crystal ball gazing into 2003. Once again I am thankful that the PERC staff is healthy and productive. I'm so very proud to work with this group of well-seasoned employees. The hearing officers and support staff have a wealth of experience, with an average PERC tenure exceeding 20 years. This experience translates into consistency in meeting strict time frames and producing superior work product. I would proudly compare PERC's performance to that of any state agency, or any private business for that matter. The downside to our extensive experience and longevity is that we must soon face the retirement of a number of excellent senior staff members. Lou Ann Demont, Darlene Alligood, and Nancy Marchant will all be leaving us this year. While we are happy for them, we will miss all three. Their absences will require adjustments in a number of critical PERC functions that have run smoothly for many years.

A staff change most of you already know about was the addition of Commissioner Jessica Varn. Commissioner Varn was appointed to PERC in February 2002. I am thrilled to welcome her on board. Commissioner Varn comes to us with a very strong background in

legal writing, having taught the subject at FSU College of Law, and having clerked at the First District Court of Appeal. She hit the ground running with an active caseload and has not looked back. Commissioner Varn is a gregarious and caring individual, and I love that she is not afraid to speak her mind. She has blended well with the staff. I am honored to work along side both Commissioner Varn and Commissioner Charles Kossuth.

Consistent with Governor Bush's commitment to economy and efficiency in government, PERC moved last summer from its headquarters of sixteen years to the state satellite office complex south of Tallahassee. We consolidated both space and operations, and also reduced our rent per square foot. The savings to the taxpayer has been substantial. Our new offices are clean, bright and open, which provides a positive influence on staff satisfaction and productivity. If you have not already done so, please drop by and tour our new location.

Concerning the current status of PERC, there have been significant developments in the labor arena. The Commission is presently handling several representation cases filed by the United Faculty of Flor-

ida, the Florida Police Benevolent Association, and the American Federation of State, County and Municipal Employees, seeking to maintain bargaining units in the State University System or to have elections at Florida's twelve institutions of higher learning. This all began several years ago when the Board of Regents of the State University System was abolished and replaced for one year by the State Board of Education. The Board of Regent's status as public employer was to be transferred to twelve separate Boards of Trustees on January 7, 2003. In the meantime, Florida voters passed an amendment to the state constitution in November 2002 that created the Board of Governors to oversee the State University

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System. At the present time, these representation cases have been assigned to PERC hearing officers to collect facts and make recommendations to the Commission regarding the public employer issue.

In addition to the activity in the State University System, on January 30, 2003, in a four to three decision, the Florida Supreme Court held in *Coastal Florida Police Benevolent Association v. Williams*, that deputy sheriffs have the constitutional right to collectively bargain. This overruled the 1978 supreme court decision in *Murphy v. Mack*, which held that deputy sheriffs are not public employees, but appointed individuals who do not have constitutional bargaining rights. The *Williams* decision is not final as of publication pending a potential motion for rehearing. There are eight representation cases before the Commission that have been stayed pending this supreme court decision. These cases literally involve thousands of deputies.

## Appeal Lengthens Certification Bar

by H. Lee Cohee, Deputy General Counsel

After waiting over a year since the Professional Association of City Employees (PACE) replaced it as the exclusive bargaining agent for a unit of City of Jacksonville employees, the Florida Public Employees Council 79, American Federation of State, County and Municipal Employees, AFL-CIO (AFSCME), filed a petition with the Commission seeking to regain representation of that unit. However, because AFSCME had appealed the Commission's order certifying PACE as the exclusive bargaining agent, the Commission majority dismissed AFSCME's petition, ruling that PACE's "effective certification," which bars a rival's petition for one year, did not begin until AFSCME's appeal was exhausted. See *Florida Public Employees Council 79, American Federation of State, County and Municipal Employees, AFL-CIO v. City of Jacksonville v. Professional Association of City Employees*, Case No. RC-2002-046 (Fla. PERC Nov. 27, 2002). Even though AFSCME's appeal did not stay the Commission's certification order and a stay was not sought by motion either to the court or to the Commission, the Commission ruled that the unintended result produced by the plain and unambiguous language of Section 447.307(3)(b) and (d), Florida Statutes (2002), is that PACE will receive a longer insulated period than intended by the legislature. Commissioner Kossuth dissented, concluding that the peculiar facts of this case produced an illogical result not intended by the legislature. AFSCME has appealed the Commission's order.

After the passage of Service First legislation two years ago, the number of state career service appeals has predictably declined. However, there has been a dramatic increase in the number of public sector labor cases, including unfair labor practice charges, as well as representation cases. Although it is hard to determine the catalyst for the increase, some have speculated that the economy, potential lay-offs, and large increases in the cost of insurance and health care have made the public sector an attractive target for union organizational activity.

The year 2002 was exciting and gratifying for the Commission and its staff. This year promises even more. Staff changes and dramatic increases in labor cases, including the potential for numerous protracted hearings and large elections, may present substantial challenges to PERC, requiring a reevaluation of PERC's organization and operations. I invite all of our readers to offer comments and suggestions. Your input is essential and highly valued. Thank you.

## PERC NEWS

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## SES Employee Retains Appeal Rights

In a recent opinion, the First District Court of Appeal reversed a PERC final order dismissing for want of jurisdiction the appeal of an employee who had been reclassified from the career service to the selected exempt service prior to imposition of the discipline. *Dickens v. Department of Juvenile Justice*, 830 So. 2d 135 (Fla. 1st DCA 2002). Noting that Dickens had a property interest in his career service position, the court held that he had the right to appeal his suspension that arose from conduct that occurred while he was a career service employee. The court denied a motion for rehearing on November 14, 2002, and mandate has issued on the case.

### Q. When Is A Set-Off Not A Set-Off??

#### A. When There Is No Mutual Debt.

by William D. Salmon, Hearing Officer

On June 18, 2001, the Commission certified the Professional Association of City Employees (PACE) as the exclusive bargaining agent to represent a group of non-professional clerical, administrative, and technical employees of the City of Jacksonville. As requested by PACE and authorized by certain employees, the City began deducting the applicable union dues from the employees' pay. From September 2001 through August 2002, on generally the first workday of the month, the City paid PACE the amount of the dues it collected the previous month. Although the City continued to deduct the applicable union dues from its employees, beginning with the dues collected in August 2002, the City stopped remitting the amount collected to PACE. Commencing September 1, 2002, the City placed the dues it collected in a "PACE Setoff Deferred Account."

PACE filed an unfair labor practice charge alleging that the City violated Section 447.501(1)(a), Florida Statutes (2002), by failing to disburse to PACE dues deductions collected by the City pursuant to Section 447.303, Florida Statutes (2002). *PACE v. City of Jacksonville*, Case No. CA-2002-072 (Fla. PERC Jan. 2, 2002). In its answer, the City admitted placing the dues it collected in a "PACE Setoff Deferred Account" rather than remitting them to PACE. The City asserted, among other defenses, that it was using the dues deductions as a common law setoff to attorney's fees owed to it by PACE. According to the City, it was entitled to an award of attorney's fees from PACE, as ordered by the Commission in two other unfair labor practice cases.

The hearing officer rejected the City's argument that it had common law authority for setoff. According to the hearing officer, the cases relied upon by the City support the general notion that a claimant is justified to use self-help in cases of mutual debts. However, there are no mutual debts in this case. The funds that the City collects from its employees are for payment of dues owed by the employees to PACE. In these circumstances, the City is not a debtor of PACE. The hearing officer concluded that the City should have known that its actions violated established law, and therefore, PACE is entitled to an award of attorney's fees and costs. The City filed exceptions to, among other things, the hearing officer's analysis regarding set-off.

The Commission agreed with the hearing officer that there are no mutual debts in this case. According to the Commission, the City is an intermediary by which employees' dues pass through to PACE, and the City has no right to confiscate its employees' money in an attempt to collect on a debt owed by PACE, the amount of which had not yet been established. The Commission held that the City's confiscation of the employees' dues frustrates the procedure created by the legislature and has the practical effect of leading to labor instability. The Commission also agreed with the hearing officer that PACE is entitled to an award of reasonable attorney's fees and costs.



***Anderson v. Department of Children and Families, 17 FCSR 379a (2002).***

Appeal filed by a selected exempt service employee dismissed for lack of jurisdiction.

***O'Neal-Bennett v. Department of Corrections, 17 FCSR 379b (2002); Harris v. Department of Revenue, 17 FCSR 391a (2002).***

Untimely appeals dismissed.

***Young v. Department of Children and Families, 17 FCSR 381 (2002).***

Agency did not have cause to dismiss human services worker II for violation of the provisions of law or agency rules, and inefficiency or inability to perform assigned duties where the employee was arrested off-duty on felony drug charges but agency failed to prove that employee knew of drugs found in home she occupied with her boyfriend and brother. Dismissal vacated and back pay awarded.

***Castanedo v. Department of Children and Families, 17 FCSR 384 (2002).***

Appeal dismissed because employee failed to appear at hearing and his exception to the hearing officer's recommended order failed to identify a basis upon which he was challenging the recommended order.

***Lockhart v. Department of Corrections, 17 FCSR 391b (2002).***

Correctional officer sergeant's dismissal for falsifying reports regarding use of force on inmates, giving false testimony to an Agency inspector about inmate abuse, trading with and presenting gifts to inmates, failing to maintain a professional relationship with a person in custody of the Agency, and for physically abusing inmates affirmed. Employee's misconduct was discovered when he made admissions to misconduct during a polygraph examination required as part of his application for employment with another state agency. Mitigation not warranted.

***Gilbert v. Department of Environmental Protection, 17 FCSR 396 (2002).***

Maintenance mechanic's dismissal for poor performance, conduct unbecoming a public employee, misconduct, and violating Agency law or rules affirmed. Employee had sufficient notice of the charges against him in the predetermined notice, the final action letter, and the Inspector General's investigative report.

***Drinks v. Department of Corrections, 17 FCSR 403 (2002).***

Correctional officer sergeant's five-day suspension for excessive absenteeism affirmed. Employee was absent twenty-two times in less than four months. Mitigation not warranted.

***Roberts and Crawson v. Department of Corrections, 17 FCSR 405 (2002).***

Five-day suspensions of correctional officer sergeant and correc-

tional officer for sleeping while on duty affirmed. Mitigation not warranted.

***Hurst v. Department of Children and Families, 17 FCSR 408 (2002).***

Motion to enforce settlement agreement denied. Appropriate remedy is action in circuit court for enforcement of Commission's final order approving the agreement.

***O'Guin v. Department of Corrections, 17 FCSR 410 (2002).***

Appeal dismissed because it was untimely filed and because the employee is unable to perform assigned duties.

***McIntyre v. Agency for Workforce Innovation, 17 FCSR 411 (2002).***

Demotion appeal dismissed due to a lack of jurisdiction. Employee did not attain permanent status in the position from which she was demoted.

***Leovao v. Department of Health, 17 FCSR 412 (2002).***

Health support technician's dismissal for making a false statement to her supervisor and obtaining Family and Medical Leave Act leave under false pretenses affirmed.

***Mescher v. Department of Children and Families, 17 FCSR 419 (2002); Rose v. Department of Children and Families, 17 FCSR 420a (2002); Washington v. Department of Children and Families, 17 FCSR 420b (2002).***

Commission closed back pay cases because employees received back pay.

(Continued from page 4)

***Cohen v. Department of Corrections, 17 FCSR 417 (2002).***

Correctional officer's dismissal for unauthorized possession of inmate property affirmed. Employee took home a woodworking project confiscated from an inmate. Condonation by the agency was not proven. Mitigation not warranted.

***Leovao v. Department of Health, 17 FCSR 421 (2002).***

Motion to vacate final order affirming dismissal on grounds that the employee's documents were not considered and that the employee was under the impression that the Commission would automatically be reviewing transcript was denied where the employee did not file post-hearing documents and the recommended order specifically advised that any party that desired the Commission to review the transcript must file one with their exceptions.

***Stevens v. Department of Education, 17 FCSR 422 (2002).***

Vocational rehabilitation counselor's dismissal for insubordination and inability to perform the essential functions of her position affirmed. Supplementary exceptions filed one day late were not considered.

***Stultz v. Department of Transportation, 17 FCSR 428 (2002).***

Law enforcement staff sergeant's dismissal for violating a state statute prohibiting perjury while not in an official proceeding by making false statements under oath regarding his relationship with a female officer affirmed. Additionally, the sergeant attempted to use

his official position to obtain confidential information for his personal advantage regarding the officer's complaint that he pressured her into a sexual relationship. The other charges were dismissed as unfounded. Mitigation not warranted.

***Reynolds v. Department of Corrections, 17 FCSR 434 (2002).***

Correctional officer's dismissal for inability to perform the essential functions of her job affirmed. Mitigation was not an issue in this case because it was found that the correctional officer was unable to perform an essential duty of her position.

***Detz v. Department of Children and Families, 17 FCSR 437 (2002).***

Contract manager's dismissal for poor performance affirmed. The Agency reasonably expected the contract manager to timely complete work assignments.

***Ross-Boyd v. Florida School for the Deaf and the Blind, 17 FCSR 441 (2002).***

Motion to reconsider the final order denied. The Commission lacks the authority to entertain a motion for reconsideration.

***Smith v. Department of Children and Families, 17 FCSR 442 (2002).***

Institutional security specialist's dismissal for negligence affirmed. Employee was negligent by not having his handcuff key in his possession and for failing to pat-search a resident returning to the institution after dialysis. Mitigation not warranted.

***Ghattas v. Department of Insurance, 17 FCSR 440 (2002).***

Commission lacked jurisdiction

over the appeal of a demotion where the alleged demotion was actually a reassignment. Additionally, the Commission lacked jurisdiction to review charges of discrimination and retaliation. Furthermore, the Commission lacked jurisdiction because the employee previously availed himself of the grievance process relative to the same subject matter.

***Shapiro v. Department of Children and Families, Case No. CS-2002-283 (Dec. 3, 2002).***

Human services program specialist's dismissal for inability to perform his assigned duties affirmed. Employee admitted he could not work the required eight hours or do the required amount of writing.

***Bassett v. Department of Agriculture and Consumer Services, Case No. CS-2002-300 (Dec. 3, 2002).***

Regulatory consultant's five workday suspension for conduct unbecoming a public employee affirmed. Employee made or received 250 non-work-related telephone calls during a two month period.

***Jackson v. Department of Highway Safety and Motor Vehicles, Case No. CS-2002-323 (Dec. 3, 2002).***

Employee's appeal of her demotion to a driver license examiner I dismissed because she was a selected exempt service employee without appeal rights at the time of her demotion.

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***Roberts v. Department of Corrections, Case No. CS-2000-389 (Dec. 3, 2002).***

Employee's appeal dismissed as abandoned because the employee's criminal case, pending which the career service appeal had been stayed, was resolved, and attempts to contact the employee were unsuccessful.

***Cotterell v. Department of Transportation, Case No. CS-2002-310 (Dec. 4, 2002).***

Welder's dismissal for inability to perform his duties affirmed because he no longer possessed a required class B commercial driver's license.

***Insua v. Department of Children and Families, Case No. CS-2002-282 (Dec. 11, 2002).***

Dismissal of economic self-sufficiency specialist I for conduct unbecoming a public employee affirmed because he used threatening and/or offensive language.

labor practice charge alleging that the parties incorporated references to the personnel rules in their collective bargaining agreement and, after the State notified the union of its intent to change the rules, the State implemented rule changes without providing the union an opportunity to bargain over the proposed changes. Jurisdiction of the case was deferred until the resolution of the constitutionality of the "Service First" legislation.

***Coniglo v. Broward Teachers Union, Local No. 1975, 28 FPER ¶ 33281 (2002).***

The Commission affirmed the General Counsel's rationale for dismissing an unfair labor practice charge. The Commission also stated that a truthful disclosure by the union of the name of a union grievance supporter is not an unfair labor practice.

***Phillips v. Pinellas County Police Benevolent Association, 28 FPER ¶ 33285 (2002).***

The Commission affirmed the General Counsel's rationale for dismissing an unfair labor practice charge and his conclusion that the charge was untimely filed. All the events necessary to the charge were known to the charging party outside the six-month limitations period. Even though the alleged consequences of the union's decision to not represent the charging party continued as arbitration proceedings were reopened, this did not mean that the six-month limitations period was tolled. Additionally, the pursuit of other remedies did not toll the limitations period, and the discovery of additional supporting documentary evidence did not breathe new life into a potential unfair labor

practice charge that had already expired.

***Austin and Moreno v. City of Pembroke Pines Fire Department, 28 FPER ¶ 33295 (2002).***

The Commission affirmed the General Counsel's rationale for dismissing an unfair labor practice charge and his conclusion that the charging party failed to state when any of the actions he complained of occurred. Commission rules require a charging party to state the dates of incidents in order that it can be determined whether the charge is timely.

***Eriksen v. Sarasota Classified/Teachers Association, 28 FPER ¶ 33302 (2002).***

The Commission affirmed the General Counsel's rationale for dismissing an unfair labor practice charge alleging breach of the duty of fair representation and his conclusions that the charge did not contain a clear and concise statement of the facts, was not accompanied by sworn statements from persons having personal knowledge of the allegations, and was untimely. The six-month limitations period began when the charging party either knew or should have known of the alleged unfair labor practice. The employee did not point to a specific event that occurred within the six-month limitations period sufficient to state a prima facie violation which would allow the Commission to consider earlier events as support for the event timely pled. Furthermore, the union was privileged to refuse to represent the employee in the contractual grievance process because of his non-membership.



***AFSCME Public Employees Council 79 v. State of Florida, John Ellis Bush as Governor, and State of Florida, Department of Management Services, 28 FPER ¶ 33280 (2002).***

The Commission affirmed the General Counsel's stay of an unfair

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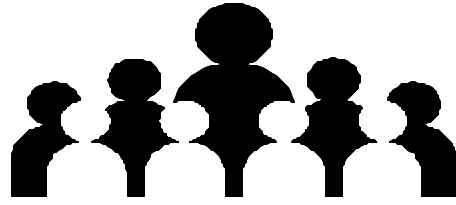
***Ponce Inlet Professional Fire Fighters, Local 4140 v. Town of Ponce Inlet, Case No. CA-2002-079 (Dec. 17, 2002).***

Amended unfair labor practice charge dismissed because it was not amended within the additional time sought by the party.

***Rosario v. Amalgamated Transit Union, Local 1596, Case No. CB-2002-013 (Dec. 31, 2002).***

Union did not breach its duty of fair representation when it refused to file a grievance on the employee's behalf. The union representative would not file a grievance because the employee failed to appear at work when ordered, which allowed her employer to dismiss her legally. Furthermore, the union did not give the employee assurances it would assist her and then fail to do what it promised, thereby precluding the employee from filing a grievance herself and extinguishing her right to challenge her dismissal.

## Representation Cases



***Hale v. Coastal Florida Public Employees Association, 28 FPER ¶ 33279 (2002).***

Petition to revoke certification filed outside statutory window period dismissed.

***In Re City of Pensacola Local Option Commission, 28 FPER ¶ 33282 (2002).***

The Commission assumed jurisdiction over all pending and future cases because the City's local option commission was dissolved.

***Florida Public Employees Council 79, American Federation of State, County and Municipal Employees v. City of Frostproof, 28 FPER ¶ 33283 (2002).***

Bargaining unit of operational services employees approved.

***Hillsborough County Aviation Authority v. Teamsters, Chauffeurs and Helpers, Local Union No. 79, 28 FPER ¶ 33284 (2002).***

Blue-collar bargaining unit clarified by the inclusion of several newly-created classifications and the deletion of several obsolete classifications.

***International Union of Painters and Allied Trades, AFL-CIO, Local Union 2301 v. City of Cape Coral, 28 FPER ¶ 33288 (2002).***

Non-supervisory full-time, part-

time and probationary office, clerical, and administrative bargaining unit clarified by amendment of the preface of the unit description.

***South Walton Professional Firefighters Association, Local 3516 v. South Walton Fire District, 28 FPER ¶ 33289 (2002).***

Petition seeking to clarify unit to exclude newly-created position denied as unnecessary.

***FOP, Florida State Lodge v. City of Orlando, 28 FPER ¶ 33293 (2002).***

Election directed in supervisory unit of lieutenants. Second proposed supervisory unit of ranks of captain, deputy chief, and assistant chief was not appropriate because employees' role in collective bargaining rendered them confidential. Confidential designation of fourteen employees is unusual but warranted under unique facts of case and parties' agreement to exclude employees due to their status as top management officials in large police department.

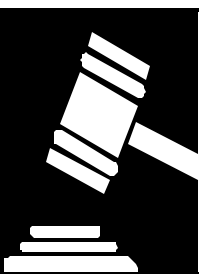
***Cornish v. Florida Police Benevolent Association v. Escambia Sheriff's Office, 28 FPER ¶ 33297 (2002).***

Commission directed an election to determine whether a majority of the members of a unit of certified supervisory correctional officers desire to revoke the union's certification.

***Service Employees International Union, AFL-CIO, Local 1991 v. Jackson Memorial Hospital/Public Health Trust, 28 FPER ¶ 33294 (2002).***

Health-related professional bar-

## Veteran's Preference Case



***Rodriguez v. Department of State, 28 FPER ¶ 33507 (2002).***

Veterans' preference complaint dismissed as untimely filed. The doctrine of equitable tolling was not applied because the complainant had not been misled or lulled into inaction.

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gaining unit clarified by the inclusion of the classification of medical surgical attendant.

***Brevard Federation of Teachers, Local 2098 v. School Board of Brevard County v. International Brotherhood of Painters and Allied Trades, 28 FPER ¶ 33296 (2002).***

Non-instructional bargaining unit clarified by removal of the classifications of occupational therapy assistant and physical therapy assistant. Those classifications were then included in an instructional bargaining unit.

***In Re Petition of Palm Harbor/Oldsmar Professional Firefighters, Local No. 2980, International Association of Firefighters, to Amend Certification No. 967, 28 FPER ¶ 33305 (2002).***

Certification number 967 amended to reflect a name change from Palm Harbor Fire Rescue Association, Local 2980, to Palm Harbor/Oldsmar Professional Firefighters, Local No. 2980.

***Florida Public Employees Council 79, American Federation of State, County and Municipal Employees v. City of Frostproof, 28 FPER ¶ 33303 (2002).***

The Commission directed a mail ballot election in a bargaining unit comprised of seventeen voters.

***Office and Professional Employees International Union v. County of Volusia, 28 FPER ¶ 33301 (2002).***

The Commission directed an election in a bargaining unit of professional supervisory employees.

***Truck Drivers, Warehousemen and Helpers, Local Union 512 v. University of North Florida v. Florida Police Benevolent Association, 28 FPER ¶ 33304 (2002).***

A representation-certification petition seeking to represent a unit of university law enforcement officers was dismissed as untimely. The petition was not filed during the 150 to 90 day window period.

***In Re Petition of Palm Harbor/Oldsmar Professional Firefighters, Local No. 2980, International Association of Firefighters, to Amend Certification No. 960, 28 FPER ¶ 33307 (2002).***

Certification number 960 amended to reflect a name change from Palm Harbor Fire/Rescue Association, Local 2980, IAFF to Palm Harbor/Oldsmar Professional Firefighters, Local No. 2980, International Association of Firefighters.

***Dade County Police Benevolent Association v. Indian Creek Village, 28 FPER ¶ 33306 (2002).***

Commission directed an election in a bargaining unit composed of police officers.

***In Re Petition of Teamsters Local Union No. 769, Affiliated with the International Brotherhood of Teamsters, to Disclaim Interest in Certification 1328, Case No. MS-2002-002 (Nov. 18, 2002).***

Petition to disclaim interest granted and certification 1328 revoked.

***District 2A, Transportation, Technical, Warehouse, Industrial and Service Employees Union, Affiliated with American Maritime Officers v. Miami-Dade County v. Miami-Dade Water and Sewer Au-***

***thority Employees, Local 121, AF-SCME, AFL-CIO, Case No. RC-2002-042 (Nov. 19, 2002).***

Commission directed an election in a wall-to-wall bargaining unit. The Commission indicated that it will only compare the showing of interest with the number of employees in the proposed unit, not the number of employees in an expanded unit, because there is no statutory basis for such a determination.

***Local Union 1205 of the International Brotherhood of Electrical Workers, Gainesville, Florida v. City of Tallahassee, Case No. RC-2002-053 (Nov. 20, 2002).***

Consent election agreement for a bargaining unit of operational services employees approved.

***Hale v. Coastal Florida Public Employees Association v. City of South Daytona, Case No. RD-2002-009 (Nov. 20, 2002).***

Commission directed an election to determine whether a majority of the members of a unit of wall-to-wall employees desire to revoke the union's certification.

***In Re Petition of Suncoast Professional Firefighters and Paramedics, International Association of Firefighters, Local 2546, to Amend Certification No. 1133, Case No. AC-2002-011 (Nov. 22, 2002).***

Certification number 1133 amended to reflect a name change from Sarasota-Manatee-Charlotte Professional Firefighters and Paramedics to Suncoast Professional Firefighters and Paramedics, International Association of Firefighters, Local 2546.

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***International Union of Police Associations, AFL-CIO v. City of Belle Glade/Police Department, Case No. RC-2002-050 (Nov. 26, 2002).***

Consent election agreement for a bargaining unit of police officers and police sergeants approved.

***Federation of Public Employees, A Division of the National Federation of Public and Private Employees, AFL-CIO v. Broward Sheriff's Office v. Florida State Lodge, Fraternal Order of Police, Case No. RC-2002-054 (Nov. 26, 2002).***

Consent election agreement for a bargaining unit of detention lieutenants approved.

***Putman County EMS Association, Local 3529, International Association of Firefighters v. Putnam County Board of County Commissioners, Case No. UC-2002-019 (Dec. 3, 2002).***

Rank-and-file and a supervisory bargaining units of rescue employees clarified. Newly-created training coordinator classification was included in supervisory bargaining unit and newly-created support services specialist classification was included in the rank-and-file bargaining unit.

***Florida Council of Industrial & Public Employees Local 2081, UBC and Joiners of America, AFL-CIO v. Jacksonville Airport Authority and Jacksonville Seaport Authority, Case No. RA-2002-004 (Dec. 4, 2002).***

R e p r e s e n t a t i o n -

Acknowledgment petition dismissed because the petitioner failed to correct various deficiencies in the petition.

***Metro-Broward Professional Firefighters, Local 3080, IAFF v. City of Coral Springs, Case No. UC-2002-023 (Dec. 5, 2002).***

Rank-and-file and a supervisory bargaining units of fire suppression and medical rescue personnel clarified by the inclusion and exclusion of several newly created classifications.

***Cornish v. Florida Police Benevolent Association, Inc. v. Escambia Sheriff's Office, Case No. EL-2002-041 (Dec. 11, 2002).***

Petition to decertify certified bargaining representative dismissed where petition was filed by a non-bargaining unit employee.

***JEA Supervisors Association v. St. Johns River Power Park, Case No. RC-2002-021 (Dec. 13, 2002).***

Supervisory bargaining unit of production leaders, shift leaders, and area leaders approved. Parties will be permitted to challenge the ballot of any production leader who votes in the election because the Commission denied the parties' stipulation that the production leaders be excluded from the bargaining unit.

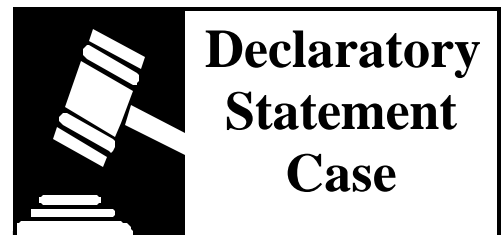
***Florida Police Benevolent Association, Inc., Big Bend Chapter v. Florida State University, Board of Trustees v. Florida Police Benevolent Association, Inc., and International Union of Police Associations, AFL-CIO, Case No. RC-2002-048 (Dec. 20, 2002).***

Petition to represent a unit of university law enforcement officers

dismissed until such time as the Board of Governors is selected and decides whether it, the university Board of Trustees, or the Board of Governors and Trustees jointly, will negotiate for the wages, hours, and terms and conditions of employment of the university's law enforcement officers.

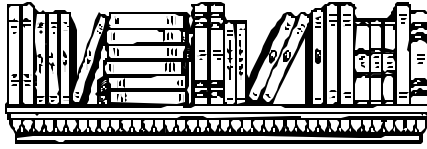
***City of Tarpon Springs v. Tarpon Springs Firefighters Association, Local 3140, Case No. UC-2002-031 (Dec. 31, 2002).***

Fire fighter bargaining unit clarified to reflect reorganization of fire department.



***In Re Petition for Declaratory Statement of the United Faculty of Florida, Case No. DS-2002-002 (Dec. 20, 2002).***

Petition for declaratory statement dismissed as premature. The UFF was seeking a declaratory statement on the impact of the change in public employers for the employees it represents. Petition was dismissed until the Board of Governors is selected and decides whether it, the university Board of Trustees, or the entities jointly, will negotiate for the wages, hours, and terms and conditions of employment.



## From the Commission's Bookshelf

### Publication of Commission Orders

The Commission often receives inquiries about access to the full text of Commission orders. Commission final and recommended orders in career service cases are published and indexed in the *Florida Career Service Reporter*. The Commission published the FCSR from 1986 until mid-1999. Since July 1999, the FCSR has been published by Florida Administrative Law Reports, Inc., Post Office Box 385, Gainesville, Florida 32602; phone (352) 375-8036; [www.falr.com](http://www.falr.com).

Commission final and recommended orders in all other areas of the Commission's jurisdiction (unfair labor practice charges, representation cases, veteran's preference cases, whistle-blower cases, and drug-free appeals) are published and indexed in the *Florida Public Employee Reporter* by Labor Relations Press Publications, Post Office Box 980, Horsham, PA 19044-0980; (215) 784-0860.

### Career Service Guide Available

The Commission has published a guide to the career service appeal process, including changes resulting from the Service First legislation. This sixteen-page document can be downloaded from the Commission's web site, <http://www2.myflorida.com/les/perc/default.html>. A copy of the guide can also be obtained by sending \$2.00 to the Commission Clerk, requesting *Career Service Appeals Under Service First*.

### Coming Soon: Appellate Decisions in Career Service Cases

The Commission announces the publication of a digest of appellate decisions in career service cases from 1970 to the present. A copy of *Appellate Decisions in Career Service Cases* may be obtained from the Commission Clerk for the cost of \$10.50. This document will also be available on the Commission's web site, <http://www2.myflorida.com/les/perc/default.html>.

**Elections Verified October 1 – December 31, 2002**

*Florida State Lodge, Fraternal Order of Police, Inc. v. City of Sunrise v. Federation of Public Employees, A Division of the National Federation of Public and Private Employees*, Case No. EL-02-026; Election conducted 09/16/2002 thru 10/17/2002 (Union won)

*Wakulla Classroom Teachers Association v. Wakulla County School Board*, Case No. EL-02-035; Election conducted 10/23/2002 (Union lost)

*St. Cloud Professional Firefighters, Local 4153, IAFF v. City of St. Cloud*, Case No. EL-02-034; Election conducted 10/03/2002 thru 10/24/2002 (Union lost)

*Teamsters Local Union No. 385 v. City of Winter Garden v. Florida Police Benevolent Association, Inc.*, Case No. EL-02-033; Election conducted 10/16/2002 thru 10/29/2002 (Union lost)

*Teamsters Local Union No. 769 v. Indian River County Emergency Services District*, Case No. EL-02-036; Election conducted 10/10/2002 thru 10/31/2002 (Union won)

*Florida State Lodge, Fraternal Order of Police, Inc. v. City of Quincy v. Florida Police Benevolent Association, Inc.*, Case No. EL-02-037; Election conducted 10/31/2002 thru 11/21/2002 (Union won)

*Florida State Lodge, Fraternal Order of Police, Inc. v. City of Quincy v. Florida Police Benevolent Association, Inc.*, Case No. EL-02-038; Election conducted 10/31/2002 thru 11/21/2002 (Union won)

*Federation of Physicians and Dentists/Alliance of Healthcare and Professional Employees v. Jeb Bush, Governor of the State of Florida*, Case No. EL-02-032; Election conducted 11/06/2002 thru 12/03/2002 (Union won)

*Fraternal Order of Police, Florida State Lodge v. City of Orlando*, Case No. EL-02-040; Election conducted 11/14/2002 thru 12/05/2002 (Union won)

*Florida Public Employees Council 79, American Federation of State, County and Municipal Employees v. City of Frostproof*, Case No. EL-2002-039; Election conducted 11/20/2002 thru 12/10/2002 (Union won)

*Local Union 1205 of the International Brotherhood of Electrical Workers, Gainesville, Florida v. City of Tallahassee*, Case No. EL-02-046; Election conducted 12/11/2002 thru 12/12/2002 (Union lost)

*Dade County Police Benevolent Association v. Indian Creek Village*, Case No. EL-02-043; Election conducted 11/27/2002 thru 12/19/2002 (Union lost)

*Office and Professional Employees International Union v. County of Volusia*, Case No. EL-2002-042; Election con-



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