SUBJECT: Voluntary recognition of the United Faculty of Florida as the collective bargaining representative for a general faculty unit at Florida Gulf Coast University

PROPOSED BOARD ACTION

Approve resolution voluntarily recognizing the United Faculty of Florida as the collective bargaining representative for a general faculty unit at Florida Gulf Coast University in accordance with Section 447.307(1), Florida Statutes.

BACKGROUND INFORMATION

Synopsis of Events

On December 20, 2002, the United Faculty of Florida (UFF), a labor organization, filed a representation-certification petition with the Public Employees Relations Commissions (PERC) seeking to be the collective bargaining representative for a unit of faculty employees at Florida Gulf Coast University. In the petition, the UFF certified that they possessed signed and dated showing of interest cards from 129 out of the 179 employees (72%) in the unit indicating that they desire to be represented by the UFF for purposes of collective bargaining.

On January 8, 2003, PERC found reasonable cause to believe that the petition is legally sufficient and issued a notice of sufficiency. In so doing, PERC suspended processing the petition while it considered the threshold question as to whether the Board of Governors or the Board of Trustees is the public employer for FGCU employees. On February 7, 2003, Hearing Officer John G. Showalter issued a recommended order finding that each university board of trustees is appropriately designated as the public employer for its employees as of January 7, 2003. PERC is expected to issue a final order adopting the recommended order soon.

1 Chapter 447, Florida Statutes, designates the Public Employees Relations Commission as the governmental entity responsible for certifying a labor organization as a collective bargaining representative where the employer is a state agency, local government or political subdivision of the State of Florida.
Also on February 7, 2003, the FGCU Faculty Senate by unanimous resolution expressed its collective support for the voluntary formal recognition of the UFF as the collective bargaining agent for faculty and submitted the resolution to President Merwin for his consideration.

**Voluntary Recognition**

Section 447.307(1), Florida Statutes, provides for certification of an employee organization as a collective bargaining representative through voluntary recognition by a public employer. When a public employer is satisfied as to the majority status of the petitioning organization and the appropriateness of the proposed bargaining unit, it may voluntarily recognize the employee organization and thereby obviate the need for an election. After obtaining recognition, either party may file a recognition-acknowledgment petition with PERC. In such cases, PERC’s authority in reviewing the petition is limited to determining whether the proposed unit is appropriate.

If the unit is appropriate, PERC will certify the employee organization as the exclusive representative of all employees in the unit. After certification, the bargaining agent for the organization and the chief executive officer of the public employer, or designee, shall bargain collectively in the determination of the wages, hours, and terms and conditions of employment of the employees within the bargaining unit. See § 447.309, Fla. Stat.

FGCU General Counsel is presently obtaining verification through a third party that the UFF holds a showing of interest cards for a majority of faculty in the unit proposed by UFF. General Counsel also is negotiating the appropriate composition of the bargaining unit with Tom Brooks, UFF’s Legal Counsel.

Should the Board of Trustees decide not to voluntarily recognize the UFF, the matter will proceed to an election conducted by PERC in accordance with § 447.307(2), Fla. Stat. PERC will certify the UFF as the collective bargaining agent for faculty if UFF receives a simple majority of the votes cast during the election by unit members.

**Supporting Documentation Included:** “A Resolution of the Florida Gulf Coast University Board of Trustees”

**Prepared by:** Wendy S. Morris, General Counsel

**Legal Review by:** N/A

**Submitted by:** William C. Merwin, President
WHEREAS, the Florida Constitution guarantees employees the right to form, join and participate in a labor organization of their choosing;

WHEREAS, the United Faculty of Florida filed a Representation-Certification Petition with the Public Employees Relations Commission seeking to be certified as the collective bargaining representative for faculty at Florida Gulf Coast University;

WHEREAS, the Florida Gulf Coast University Faculty Senate by unanimous resolution expressed its collective support for the voluntary recognition of the United Faculty of Florida as the collective bargaining agent for faculty;

WHEREAS, the Florida Gulf Coast University Board of Trustees is satisfied as to the majority status of the United Faculty of Florida; and

WHEREAS, the Florida Gulf Coast University Board of Trustees is the public employer for its employees within the meaning of Chapter 447, Fla. Stat.

NOW, THEREFORE BE IT RESOLVED as follows:

1. The United Faculty of Florida shall be and hereby is voluntarily recognized as the collective bargaining representative for a general faculty unit at Florida Gulf Coast University, pursuant to §447.307(1), Fla. Stat., contingent upon such unit being defined appropriately.

2. The University President or designee shall be and hereby is authorized to negotiate and reach agreement with the United Faculty of Florida regarding an appropriately defined general faculty unit.

3. After an agreement has been reached with respect to appropriate unit definition, the University President or designee shall be and hereby is authorized to file or to support the United Faculty of Florida in filing a Recognition-Acknowledgement Petition with the Public Employees Relations Commission.

4. In the event that an agreement cannot be reached with respect to the unit definition, the University President or designee shall be and hereby is authorized to file or to support the United Faculty of Florida in filing a Recognition-Acknowledgement Petition after the Public Employees Relations Commission enters an order defining an appropriate general faculty unit.
5. The University President or designee shall be and hereby is authorized to take any and all actions necessary to accomplish the purposes of this voluntary recognition.

DULY ADOPTED THIS 6th DAY OF MARCH IN THE YEAR 2003.

SIGNED:

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Scott F. Lutgert, Chair
Florida Gulf Coast University Board of Trustees