

Decision may give UF union new life

Two state employee unions representing more than 40,000 people at Florida's 11 public universities claimed victory Tuesday after a favorable court ruling restores bargaining rights taken away two years ago.

At the University of Florida, the court's decision could prove significant for thousands of faculty and blue-collar workers who had been represented by United Faculty of Florida and the American Federation of State, County and Municipal Employees before Jan. 7, 2003.

Faculty and employee raises, benefits, as well as tenure and promotion decisions during the past two years all could be up for renegotiation should the 1st District Court of Appeals ruling stand.

The court struck down a labor board's decision to abolish union contracts with the universities on the day each institution's boards of trustees took over management from the state's Board of Education two years ago. Unions that had been recognized for decades were forced to start over as if they were organizing on campus for the first time. The court said that was wrong.

"It's a huge day," said Alma Gonzalez, special counsel for AFSCME. "It says that this idea of blowing up employee contracts and employee rights cannot stand the light of constitutional review."

Union contracts in place at the time should have transferred from the Board of Education to the boards of trustees, providing for an easy transition from one employer to the next, the court ruled.

The confusion came after the Legislature abolished the Board of Regents, which gave the Board of Education supreme power over higher education. Voters then constitutionally created a state Board of Governors to govern the state university system, providing that each university was administered by a local board of trustees.

Unions had to seek recertification and negotiate start-from-scratch contracts - a lengthy and tedious process that has yet to be completed at most universities.

But the court said that should have never been necessary.

"State government cannot (according to state law) unilaterally terminate its obligations under a collective bargaining agreement simply by reorganizing the executive branch, where the employees affected perform the same work, in the same jobs, under the same supervisors, by operating the same facilities, carrying on the same enterprise, providing the same service," the

court ruled.

The decision is not final until March 14. It could be appealed to the Florida Supreme Court, although those close to the situation don't believe that will happen.

The decision could make moot the two-year-long battle between UF's faculty union and the UF administration over how to structure a new bargaining unit.

The administration had argued that all faculty in the law school, medical school and the Institute of Food and Agricultural Sciences should be allowed to vote on whether to hire a union.

Collective bargaining advocates claimed it was the administration's attempt to bust the union by diluting the pool of eligible faculty.

When United Faculty of Florida was selected in 1976, its bargaining unit excluded faculty in the law school, medical school and IFAS.

Florida's Public Employees Relations Commission is overdue by one year in issuing a decision on whether to grant the administration's request.

"If this is upheld, we will go back to the original certification in 1976," said Stephen Meck, a lawyer with PERC.

The Tuesday court decision stems from charges of unfair labor practices lobbed at Florida State University and the University of West Florida by the United Faculty of Florida and AFSCME.

UFF represents about 10,000 faculty statewide, and AFSCME represents some 30,000 blue-collar workers.

Three universities - the University of South Florida, Florida Atlantic University and the University of Central Florida - already have renegotiated new faculty contracts, said Tom Auxter, a UF philosophy professor now serving as state president of United Faculty of Florida. Five others, he said, are very close to coming to terms.

"Maybe this will help move things along," Auxter said.

UF is the only university that has yet to recognize or hold an election for a faculty union, but the ruling gives union advocates reason to put the past behind them.

About 1,800 university faculty are represented by the union.

"I'm ramped up," said Kim Emery, an English professor and president of the UF chapter of the United Faculty of Florida.

"It's exciting to have a court in Florida affirm faculty rights. It's not up to politicians in Tallahassee to decide whether we keep our bargaining unit. It's a decision that appropriately belongs to the faculty," she said.

It's unclear how many other UF employees will be impacted or just what the university will have to do to comply with the ruling.

Will UF have to roll the hands of time back two years?

"Clearly this decision might end up affecting substantial ways the university operates and its relationships with employees," said Joe Glover, UF's interim provost. "It will take it some time to understand it and to formulate our reaction to it."

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THE



INDEPENDENT



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Faculty union safe

By EMILY YEHLE
Alligator Writer

A Monday court decision may prove that UF's highest governing body, the Board of Trustees, unlawfully refused to recognize the university's faculty union, United Faculty of Florida, officials said.

Responding to an appeal filed by UFF and other unions, the First District Court of Appeals in Tallahassee decided Monday that the state government should have continued to recognize collective bargaining units, such as faculty unions, when it reorganized the governance of state universities in 2003.

The ruling overturns an earlier decision by the Public Employees Relations Commission, or PERC, which stated that the governing bodies of FSU and the University of West Florida did not have to recognize the existing chapters of UFF.

Consequently, faculty unions at those universities were forced to re-establish themselves, rather than continue as before.

"This is a historic decision, " UFF president Tom Auxter said, adding, "Now the stalling time is over, and the court has made it clear."

Although UF was not included in the appeal, the ruling should affect the position of the university's faculty union, said Kim Emery, president of UF's chapter of UFF.

Since the universities' boards of trustees were given governing power over their public universities in 2003, UF's has been the sole board that has refused to recognize its faculty's union.

The union was previously recognized by the state Board of Education, which governed over the universities, but that recognition ceased when the Board of Governors and the Board of Trustees were given their governing powers.

But the ruling states that state government cannot "terminate its obligations under a collective bargaining agreement simply by reorganizing the executive branch."

Therefore, the ruling means the trustees have been acting unlawfully by not negotiating with the faculty union, Emery said. The situation hopefully will be reconciled by the trustees, and the union won't have to push to negotiate an overdue contract, she said.

"The ruling seems quite clear and quite straightforward," she said, adding that the ruling means keeping the union "is up to faculty and not up to politicians and political appointees."

But UF Interim Provost Joe Glover said the university will wait until the FSU and UWF boards' legal counsel interpreted the ruling before jumping to conclusions.

Auxter said UFF will now insist that all contracts have, in fact, been in effect since 2003, and the union will review decisions that might be affected by the ruling.

However, both Auxter and Emery said the union has been included in some decisions since 2003, even when it was not recognized as a bargaining unit.

Some administrators at UF have "made an effort to walk the legal line" by respecting individual faculty rights, Emery said.

"I think the boards all across the state had a sense that this was really not going to last," Auxter said.