

Thursday, February 17, 2005

Florida Court Orders Restoration of Collective-Bargaining Rights to Faculty and Employee Unions

By [JOHN GRAVOIS](#)

Two years after the State of Florida dropped its contracts with the leading faculty and employee unions at its public universities, a state appellate court has ruled that the state had no right to discontinue its obligations to the unions.

When the Florida Legislature scrapped the statewide Board of Regents in 2001 and turned that body's authority over to separate boards of trustees at the universities, it used the reshuffling as an excuse to discard longstanding union contracts negotiated under the old university governance system.

When the United Faculty of Florida's previous deal with the Board of Regents expired, in January 2003, there was no option for renewal.

As a result, unions had to begin negotiating new contracts from scratch with each of the university system's 11 institutions -- an arduous process that left the employees unnecessarily vulnerable, union leaders say. The Board of Trustees of the University of Florida, the flagship campus of the state system, has yet to even recognize the faculty union.

The faculty union and the employees union, Florida Public Employees Council 79, both filed complaints with the state's Public Employees Relations Commission, alleging unfair labor practices. The commission dismissed those complaints in 2003, holding that there was no continuity between the new boards of trustees and the previous statewide Board of Regents.

That decision was overturned on Monday by Florida's First District Court of Appeal, in Tallahassee.

The appellate court ruled that the state government may not "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 ruling, which takes effect on March 14, sends the case back to the employee-relations commission for further proceedings.

The United Faculty of Florida's president, Thomas Auxter, called the ruling "terrific."

"Faculty are tremendously relieved," he said, "that the State of Florida has come back to what was always the precedent in the past -- that public employees have rights to collective bargaining that cannot be abridged by politicians."

Joseph Glover, the University of Florida's interim provost, said that the university's general counsel is studying the ruling to "assess the implications and possibilities."

"At this point," he said, "no decision has been made about the university's next step in the matter."

The full text of the appellate court's ruling in the case, *United Faculty of Florida, Florida Public Employees Council 79, et al. v. Public Employees Relations Commission, et al. (No. 03-4689)*, is available on the court's [Web site](#).

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