

**STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION
4708 Capital Circle N.W., Suite 300
Tallahassee, Florida 32303
(850) 488-8641**

Do Not Write In This Box

CASE NUMBER
DATE FILED

CHARGE AGAINST EMPLOYER

INSTRUCTIONS: Submit an original and one (1) copy of this charge to the Public Employees Relations Commission along with proof of simultaneous service upon the other parties. **(NOTE: Pursuant to Florida Administrative Code Rule 60CC-5.001(5), the charge must be accompanied by sworn statements(s) setting forth facts of which the affiant has personal knowledge, and where applicable, documentary evidence sufficient to support a prima facie violation of the applicable unfair labor practice provision(s). Such supporting evidence is not to be attached to the charge and is to be furnished only to the Commission.)** The Charging Party alleges that the public employer or its agents named below have engaged in (an) unfair labor practice(s). Charging Party requests the Public Employees Relations Commission to process this charge under its proper authority.

1. NAME OF CHARGING PARTY: United Faculty of Florida

Phone No. 850-224-8220 Facsimile (Fax) No. _____

Address: 115 N. Calhoun Street, Suite 6

Tallahassee, FL 32301
Zip Code

2. CHARGING PARTY REPRESENTATIVE: Eric Lindstrom

Title: Attorney

Phone No. 407-422-1400 Facsimile (Fax) No. 407-422-3658

Address: Post Office Box 2231

Orlando, FL 32802
Zip Code

3. NAME OF EMPLOYER: Florida Polytechnic University Board of Trustees

Address: 4700 Research Way

Lakeland, FL 33805-8531
Zip Code

4. EMPLOYER REPRESENTATIVE: Regina DeJulio

Title: Vice President & General Counsel

Phone No. 863-874-84120 Facsimile (Fax) No. _____

Address: 4700 Research Way

Lakeland, FL 33805-8531

5. The above-named employer or its agents have engaged in (an) unfair labor practice(s) within the meaning of Section 447.501(1)(a) and (b) and (d), Florida Statutes.
(list sections)

6. BASIS OF CHARGE: (Specify facts, names, places, dates, etc. If more space is needed, attach additional pages.):

See Attachment.

/s Eric Lindstrom
Signature of Charging Party or Charging Party's Representative

**FALSE STATEMENTS MAY RESULT IN FINE AND IMPRISONMENT
PURSUANT TO CHAPTER 837, FLORIDA STATUTES**

ATTACHMENT

1. Charging Party, United Faculty of Florida (“UFF”), is an employee organization representing a unit of faculty employed by Respondent, the Florida Polytechnic University Board of Trustees (the “University”).

2. Melissa Morris is an Assistant Professor in the University’s Department of Mechanical Engineering.

3. On January 25, 2019, Morris provided testimony in a hearing on unfair labor practice charges filed by UFF against the University, Case Nos. 2018-029 and 2018-034. Morris testified that her department chair, Mary Vollaro had threatened her against “speaking up” about her workplace concerns and threatened her against bringing union representation to meetings with Vollaro.

4. Morris’ testimony played an important role in assisting UFF in the unfair labor practice charges. On April 25, 2019, the hearing officer used Morris’ testimony as a basis for finding anti-union animus and found that the University had engaged in multiple unfair labor practices by, among other things, non-renewing faculty in the Department of Mechanical Engineering in retaliation for engaging in protected concerted activities. On July 24, 2019, the Commission adopted the hearing officer’s conclusions and expressly referenced Morris’ testimony. *See e.g.*, Final Order, Case Nos. 2018-029 and 2018-034 (FL PERC, July 24, 2019), at 27 (“based upon the interactions with Mirgolbabaei and Morris, the hearing officer would have been entitled to find that Parker and Vollaro had a disdain for *Weingarten* rights and conspired against union members who asserted *Weingarten* rights.”).

5. After testifying in the ULP hearing, in the Spring of 2019, Morris was elected to and has served in a union leadership position, the Secretary/Treasurer for UFF’s chapter at the University.

6. Within one week of the Commission’s final order, on July 29, 2019, Vollaro summoned Morris into her office and told Morris that she needed to work on her “communication.”

7. On August 30, 2019, Vollaro summoned Morris back into her office and issued Morris a “Memorandum of Counseling” for “Insubordination, Unwillingness to Accept Authority, [and] Failure to Comply with Instructions.” Ex. B. Morris had desired to attend an out-of-town work conference that would have required her to miss class. Morris consulted with another professor to see if he could cover her classes if her leave were approved. Then Morris asked Vollaro if she could attend the conference. Vollaro alleged that Morris should have consulted with Vollaro first, before asking another professor if he could cover her classes. Vollaro had never previously instructed Morris on Vollaro’s apparently preferred leave procedure, there is no University rule or practice requiring Vollaro’s apparently preferred procedure, and other university faculty have arranged leave in the same manner as Morris did. Nevertheless, Vollaro issued Morris a “counseling” for her conduct. Ex. B.

8. “Counseling” is the first step in the faculty progressive disciplinary process. Ex. A at § 9.3. Vollaro’s counseling to Morris concluded, “failure to immediately rectify this behavior will lead to more serious consequences, which could lead up to and/or include written reprimand, suspension and/or termination.” Ex. B.

9. On September 6, 2019, Morris was summoned to the office of Tom Dvorske, Vice Provost of Assessment and Instruction and provided a document entitled, “Oral Reprimand – Failure to Comply with Instructions.” Ex. C. The reprimand alleges that Morris inappropriately failed to refer a student seeking a waiver from a course prerequisite to Vollaro, and that Morris inappropriately referred to Vollaro by an incorrect title. *Id.* In fact, Morris *did not* refer to Vollaro by the incorrect title and *did* refer to student to Vollaro; Vollaro knew that (*see* Ex. D); and yet Morris was nevertheless disciplined.

10. “Reprimand” is the second step in the faculty progressive disciplinary process. Ex. A at § 9.3. Dvorske’s reprimand to Morris concluded, “Further such incidents may lead to serious consequences, such as written reprimand, suspension, and/or termination.” Ex. C.

11. UFF alleges that the University violated Section 447.501(1)(a), (b), and (d), Florida Statutes, by discriminating against Morris in the form of harassment, threats of

discipline, and unjust discipline in retaliation for her engaging in protected concerted activity and for having testified against the University in the prior unfair labor practice charges, Case Nos. 2018-029 and 2018-034.

12. As a remedy, the University should be ordered to cease and desist violating violated Section 447.501, Florida Statutes; make Morris whole by rescinding the counseling and reprimand; post an appropriate notice; and pay UFF's attorneys fees and costs.

**STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION**

UNITED FACULTY OF FLORIDA,

Charging Party
v.

Case No.

FLORIDA POLYTECHNIC UNIVERSITY
BOARD OF TRUSTEES,

Respondent
_____ /

CERTIFICATE OF SERVICE

I hereby certify that on September 9, 2019, a copy of the foregoing Charge Against Employer was served on Respondent via U.S. Mail to Gina DeIulio, Vice President & General Counsel, Florida Polytechnic University, 4700 Research Way, Lakeland, FL 33805-8531.

/s/ Eric Lindstrom

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