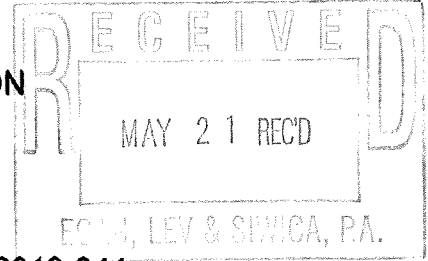


STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION



UNITED FACULTY OF FLORIDA,
Charging Party,
v.
FLORIDA POLYTECHNIC
UNIVERSITY BOARD OF
TRUSTEES,
Respondent.

Case No. CA-2019-044

FINAL ORDER

Order Number: 20U-105
Date Issued: May 21, 2020

Eric J. Lindstrom, Orlando, attorney for Charging Party.

Thomas M. Gonzalez, Tampa, and Alexander M. Landback, Lakeland, attorneys for Respondent.

On September 9, 2019, United Faculty of Florida (UFF) filed an unfair labor practice charge alleging that the Florida Polytechnic University Board of Trustees (University) violated section 447.501(1)(a), (b), and (d), Florida Statutes (2019).¹ Specifically, UFF alleged that the University unlawfully disciplined Melissa Morris based on her protected concerted activity and her role in a prior case involving a separate unfair labor practice. The Commission's General Counsel issued a notice of sufficiency, and the Commission appointed a hearing officer to this case.

On December 20, 2019, a hearing was conducted in Lakeland. After several time extensions were granted, both parties timely filed post-hearing documents. UFF also filed a transcript of the evidentiary hearing.

¹All statutory references are to the 2019 edition of the Florida Statutes.

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On March 13, 2020, the hearing officer issued his recommended order, concluding that the University violated section 447.501(1)(a), (b), and (d), Florida Statutes, by disciplining Morris for her union activities, including her testimony in the earlier unfair labor practice case. The hearing officer recommended that the University be directed to rescind the discipline imposed against Morris and that UFF be awarded its attorney's fees and costs for litigating the case. Neither party filed exceptions.

Upon review of the entire record, including the transcript, we conclude that the hearing officer's findings of fact are supported by competent substantial evidence and were received in a proceeding that complied with the essential requirements of law. See § 120.57(1)(j), Fla. Stat.; *Boyd v. Department of Revenue*, 682 So. 2d 1117 (Fla. 4th DCA 1996). Therefore, we adopt the hearing officer's findings of fact. Moreover, we agree with the hearing officer's analysis of the dispositive legal issues, his conclusions of law, and his recommendations. Accordingly, the hearing officer's recommended order is incorporated herein, and UFF's unfair labor practice charge is SUSTAINED.

Pursuant to section 447.503(6), Florida Statutes, the University is ORDERED to:

1. Cease and desist from:
 - (a) Discouraging membership in any employee organization by discrimination with regard to hiring, tenure, or other conditions of employment;
 - (b) Discriminating against any employee because he or she has filed charges or given testimony in a proceeding before the Commission; and
 - (c) In any like or related manner, interfering with, restraining, or coercing its public employees in the exercise of any right guaranteed them under Chapter 447, Part II, Florida Statutes.

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- 2. Take the following affirmative action:
 - (a) Rescind the discipline against Morris in an unambiguous way that clears her name;
 - (b) E-mail the attached Notice to Employees; and
 - (c) Pay UFF its reasonable attorney's fees and costs incurred in litigating this case.

UFF is directed to file its attorney's fees and costs proposal within thirty days from the date of this order. The Clerk of the Commission is directed to open an attorney's fees case and schedule a hearing.

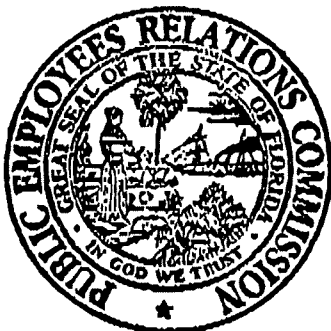
This order may be appealed to the appropriate district court of appeal. A notice of appeal must be received by the Commission and the district court of appeal within thirty days from the date of this order. Except in cases of indigency, the court will require a filing fee and the Commission will require payment for preparing the record on appeal. Further explanation of the right to appeal is provided in sections 120.68 and 447.504, Florida Statutes, and the Florida Rules of Appellate Procedure.

It is so ordered.
 POOLE, Chair, BAX and KISER, Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on May 21, 2020.

BY: Barry Edmund
 Clerk

/bjk



NOTICE TO EMPLOYEES



Case No. CA-2019-044

**POSTED PURSUANT TO AN ORDER OF THE
PUBLIC EMPLOYEES RELATIONS COMMISSION**

AN AGENCY OF THE STATE OF FLORIDA

AFTER A HEARING IN WHICH ALL PARTIES HAD AN OPPORTUNITY TO PRESENT EVIDENCE, IT HAS BEEN DETERMINED THAT WE HAVE VIOLATED THE LAW AND WE HAVE BEEN ORDERED TO E-MAIL THIS NOTICE. WE INTEND TO CARRY OUT THE ORDER OF THE PUBLIC EMPLOYEES RELATIONS COMMISSION AND ABIDE BY THE FOLLOWING:

WE WILL NOT discourage membership in any employee organization by discrimination with regard to hiring, tenure, or other conditions of employment.

WE WILL NOT discriminate against any employee because he or she has filed charges or given testimony in a proceeding before the Commission.

WE WILL NOT, in any like or related manner, interfere with, restrain, or coerce its public employees in the exercise of any right guaranteed them under Chapter 447, Part II, Florida Statutes.

WE WILL rescind the discipline against Melissa Morris in an unambiguous way that clears her name.

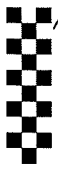
WE WILL pay UFF its reasonable attorney's fees and costs.

DATE	BY	TITLE
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Florida Polytechnic University Board of Trustees

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE.

Any questions concerning this notice or compliance with its provisions may be directed to the Commission.



STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION

4708 Capital Circle Northwest, Suite 300
Tallahassee, Florida 32303
850.488.8641
Fax: 850.488.9704
www.perc.myflorida.com

To: Eric J. Lindstrom Egan, Lev, Lindstrom & Siwica, PA	From: Office of the Clerk Public Employees Relations Commission
Fax: (407) 422-3658	Pages: 5
Phone: (407) 422-1400	Date: 05/21/2020
Case: CA-19-044	Re: Final Order 20U-105

Comments:

NOTICE:

If you have received this facsimile communication in error,
please contact the Public Employees Relations Commission,
Office of the Clerk, 850.488.8641.

facsimile