

PUBLIC EMPLOYEES RELATIONS COMMISSION

TEAMSTERS LOCAL UNION 769,
affiliated with the INTERNATIONAL
BROTHERHOOD OF TEAMSTERS, CHAUF-
FEURS, WAREHOUSEMEN AND HELPERS
OF AMERICA,¹

Petitioner,

v.

CITY OF KEY WEST,

Respondent.

Case No. RC-80-025

VERIFICATION OF ELECTION RESULTS AND
CERTIFICATION OF EXCLUSIVE COLLECTIVE
BARGAINING REPRESENTATIVE

Mark L. Weinstein, LAW OFFICES OF GOODHART & ROSNER, Miami, attorney
for petitioner.

Joseph B. Allen, Key West, attorney for respondent.

A secret ballot election was conducted on February 3, 1981 in the
following unit:

INCLUDED: Dispatcher, Secretary I, Secretary II,
Clerk-Typist, Data Processing Clerk,
Accounting Clerk, Accounts Payable Clerk,
Personnel Clerk, Inspector, PBX Operator,
Administrative Aide, and Public Service
Coordinator.

EXCLUDED: All other employees of the City of Key West.

The election results are as follows:

1. Approximate number of eligible voters	36
2. Void ballots	0
3. Votes cast for Petitioner	28
4. Votes cast against the participating organization	0
5. Valid votes counted	28
6. Challenged ballots	0
7. Valid votes counted plus challenged ballots	28
8. Challenges are not sufficient to affect the results of the election	

The Commission VERIFIES the results of the election conducted on February
3, 1981. Petitioner received a majority of the valid votes plus challenged
ballots.

Pursuant to Section 447.307(3)(b), Florida Statutes (1979), the Commission
CERTIFIES the Petitioner as the exclusive bargaining representative for em-
ployees in the unit described above. Certification number 526 is issued
to Teamsters Local Union 769, affiliated with the International Brotherhood of
Teamsters, Chauffeurs, Warehousemen and Helpers of America.

¹/ Petitioner's aforecaptioned name appears as altered pursuant to the
Commission's order issued on February 3, 1981, in Case No. OR-753-0054, which
granted Petitioner's request to change to registered name from Teamsters
Local Union No. 769, IBT to conform identically with that contained in its
by-laws.

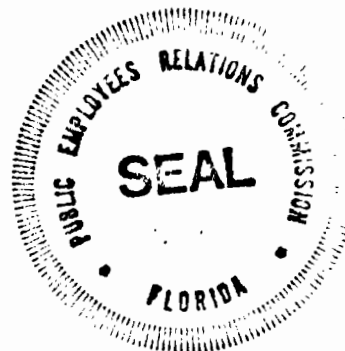
#526

It is so ordered.

POWERS, Chairman, PARRISH, Commissioner, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on March 3, 1981.

BY: Charles F. McCammon
Clerk



officer's findings of fact. The proceedings on which the findings are based comply with the essential requirements of law. Therefore, the hearing officer's findings of fact are adopted by the Commission. The Commission is also in agreement with the hearing officer's analysis of the legal issues in this case, except for his analysis of the managerial designation for the assistant directors. The HORO, as modified herein, is adopted as the Commission's final order.

Regarding the assistant directors, a managerial designation will be made only to the extent necessary to resolve an issue of unit placement. Fla. Admin. Code Rule 38D-17.020. Each of the assistant directors is already excluded from the unit because of supervisory conflict. Further, there is no proposed confidential designation which requires the Commission to make a managerial determination on the assistant directors. Accordingly, the Commission will not make a managerial determination regarding the assistant directors at this time.

Although we agree with the hearing officer's recommendation that the Parking Enforcement Specialist and the Sexton be included in the unit, the Commission adopts that recommendation for the following reasons. Concerning the Parking Enforcement Specialist, the parties have considered the position to be part of the bargaining unit and the Teamsters have established a history as the bargaining representative for that position. This prior bargaining history is sufficient to include the Parking Enforcement Specialist in the unit. See In re Petition of Polk Education Association, Inc., 9 FPER ¶ 14304 (1983) (Commission adopts hearing officer's finding that opt-in election requirement does not apply in cases where the parties have treated the position as if it were included in the unit). The record on the Sexton indicates that its duties and responsibilities have substantially changed since the unit was originally certified (Cert. No. 536). These changes are sufficient to include the Sexton in the unit. See Sarasota County PBA v. City of Sarasota, 7 FPER ¶ 12339 at 680 (1981).

Based upon the foregoing, the Commission concludes that the unit description for certification number 536 should be and is hereby AMENDED to read as follows:

INCLUDED: Clerk Typist II, Records Clerk, Lead Records Clerk, Communications Officer I, Communications Officer II, Administrative Assistant I, Administrative Assistant II (other than Administrative Assistant II - Police Department and Administrative Assistant II - Finance Department), Secretary I, Secretary II, Secretary III, Supervisor of Revenues, Inspectors, Sewer Dispatcher, Sexton, Citizen Liaison, Coordinator I, Coordinator II, Computer Operator I, Computer Operator II, Main Frame Computer Operator I, Main Frame Computer Operator II, Chief License & Collections Officer, License & Collections Officer, Parking Enforcement Specialist, Communications Technician (PBX Operator), Accounting Clerk II, Accounting Clerk III, Human Resources/Risk Management Clerk, Courier, Secretary Substitute/Floater.

EXCLUDED: Administrative Assistant II - Finance (a/k/a Executive Assistant I - Finance), Administrative Assistant II - Police Chief (a/k/a Executive Assistant I - Police Chief), Executive Assistant II - Assistant City Manager, Executive Assistant II - City Manager, Assistant Director, all other employees of the City of Key West.

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 30 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 447.504 and 120.68, Florida Statutes, and the Florida Rules of Appellate Procedure.

Alternatively, a motion for reconsideration may be filed. The motion must be received by the Commission within 15 days from the date of this order. The motion shall state the particular points of fact or law allegedly overlooked or misapprehended by the Commission, and shall not reargue the merits of the order.

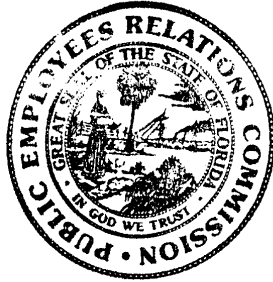
For further explanation, refer to Florida Administrative Code
Rule 38D-15.005.

It is so ordered.
SLOAN and POOLE, Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy
served on each party on Sept. 11, 1989.

BY: N. V. Marchant
Deputy Clerk

/bjk



STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION

TEAMSTERS LOCAL UNION 769	:	
AFFILIATED WITH THE	:	
INTERNATIONAL BROTHERHOOD	:	
OF TEAMSTERS,	:	
	:	
Petitioner,	:	Case No. UC-2008-037
	:	
v.	:	<u>ORDER CLARIFYING</u>
	:	<u>CERTIFICATION 526</u>
CITY OF KEY WEST,	:	
	:	Order Number: 08E-255
Respondent.	:	Date Issued: October 27, 2008
	:	

D. Marcus Braswell, Jr., Coral Gables, and Stan Orr, Miami, attorneys for petitioner.
Sandy Gilbert, Key West, representative for respondent.

On October 7, 2008, a Commission hearing officer issued a recommended order in which he concluded that the unit clarification petition of Teamsters Local Union 769 affiliated with International Brotherhood of Teamsters (Local 769) should be granted. Consistent with that conclusion the hearing officer recommended that the newly-created classifications of transfer station operator, administrative assistant II – solid waste, transfer station mechanic, and scale/tipping floor attendant be included in a bargaining unit of City of Key West (City) employees defined in certification 526.

On October 17, the City filed an exception to the hearing officer's recommended order. The City does not object to the inclusion of the four classifications named above in the unit. Rather, it complains of what is apparently a scrivener's error in naming the classifications in the existing unit. The hearing officer included in the unit description the classifications of citizen liaison coordinator I and liaison coordinator II, which the City

asserts are not part of the unit. Further, the City points out that the hearing officer omitted the classifications of citizen liaison, coordinator I, and coordinator II, which the City claims are in the existing unit. Reference to the most recent order clarifying certification 526 verifies the City's claim.

Accordingly, we grant both the petition and the City's exception. We adopt the hearing officer's recommended order with the exception of the unit description and substitute the following:

INCLUDED: Accounting Clerk II, Accounting Clerk III, Administrative Assistant I, Administrative Assistant II – Solid Waste, Administrative Assistant II (other than Administrative Assistant II – Police Department and Administrative Assistant II – Finance Department), Chief License & Collections Officer, Citizen Liaison, Clerk Typist II, Communications Officer I, Communications Officer II, Communications Technician (PBX Operator), Coordinator I, Coordinator II, Courier, Human Resources/Risk Management Clerk, Inspectors, Lead Records Clerk, License & Collections Officer, Main Frame Computer Operator I, Main Frame Computer Operator II, Parking Enforcement Specialist, Records Clerk, Scale/Tipping Floor Attendant, Secretary Substitute/Floater, Secretary I, Secretary II, Secretary III, Sewer Dispatcher, Sexton, Supervisor of Revenues, Transfer Station Mechanic, and Transfer Station Operator.

EXCLUDED: Administrative Assistant II – Finance (a/k/a Executive Assistant I – Finance), Administrative Assistant II – Police Chief (a/k/a Executive Assistant I – Police Chief), Assistant Director, Executive Assistant II – Assistant City Manager, Executive Assistant II – City Manager, and all other employees of the City of Key West.

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.

UC-2008-037

Further explanation of the right to appeal is provided in Sections 120.68 and 447.504, Florida Statutes (2008), and the Florida Rules of Appellate Procedure.

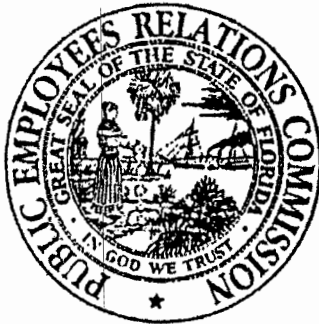
It is so ordered.

RAY, Chair, KOSSUTH, JR., and VARN, Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on October 27, 2008.

BY: Barry Edmund
Clerk

/bjk



INCLUDED: Accounting Clerk II, Accounting Clerk III, Administrative Assistant I, Administrative Assistant II – Solid Waste, Administrative Assistant II (other than Administrative Assistant II – Police Department and Administrative Assistant II – Finance Department), Chief License & Collections Officer, Citizen Liaison, Clerk Typist II, Communications Officer I, Communications Officer II, Communications Technician (PBX Operator), Coordinator I, Coordinator II, Courier, Human Resources/Risk Management Clerk, Inspectors, Lead Records Clerk, License & Collections Officer, Main Frame Computer Operator I, Main Frame Computer Operator II, Parking Enforcement Specialist, Quartermaster, Records Clerk, Scale/Tipping Floor Attendant, Secretary Substitute/Floater, Secretary I, Secretary II, Secretary III, Sewer Dispatcher, Sexton, Supervisor of Revenues, Transfer Station Mechanic, and Transfer Station Operator.

EXCLUDED: Administrative Assistant II – Finance (a/k/a Executive Assistant I – Finance), Administrative Assistant II – Police Chief (a/k/a Executive Assistant I – Police Chief), Assistant Director, Executive Assistant II – Assistant City Manager, Executive Assistant II – City Manager, and all other employees of the City of Key West.

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It is so ordered.

HOGAN, Chair, DELGADO and POOLE, Commissioners, concur.

I HEREBY CERTIFY that this document was filed and a copy served on each party on April 21, 2015.

BY: *Barry Edmond*
Clerk

/rlb

