

STATE OF FLORIDA
PUBLIC EMPLOYEES RELATIONS COMMISSION

INTERNATIONAL UNION OF POLICE
ASSOCIATIONS, AFL-CIO,

Petitioner,

v.

SHERIFF OF ST. LUCIE COUNTY,

Respondent,

v.

COASTAL FLORIDA POLICE
BENEVOLENT ASSOCIATION, INC.,

Intervenor.

Case No. RC-2009-045

HEARING OFFICER'S
RECOMMENDED ORDER

Aaron M. Nisenson, Sarasota, attorney for petitioner.

Robert L. Norton and Luke C. Savage, Coral Gables, attorneys for respondent.

Johnny D. Bingham, Daytona Beach, representative for intervenor.

ZAHNER, Hearing Officer.

On October 30, 2009, the International Union of Police Associations, AFL-CIO (IUPA), filed a representation-certification petition pursuant to Section 447.307, Florida Statutes (2009) seeking to represent a unit of deputy sheriff's employed by the Sheriff of St. Lucie County (County). The employees in the proposed unit are currently represented by the Coastal Florida Police Benevolent Association, Inc. (PBA). See Certification 1566. The petition was found sufficient, a telephone hearing was scheduled for December 10, and the undersigned was assigned as hearing officer.

RC-2009-045

On November 6, the County filed a response to the petition asserting that the proposed unit is identical to the existing unit and agreeing that it is appropriate for the purpose of collective bargaining. On November 24, I directed the PBA to file a response to the petition by December 3. In the order, I also stated:

If the PBA does not file a response, I will assume that it does not object to the petition or the relief sought and issue an order recommending that the Commission direct that an election be held in the proposed unit to determine whether the employees desire to be represented by IUPA, the PBA, or to be unrepresented.

The PBA has not filed a response to the petition.

Accordingly, I hereby transfer this case to the Commission as a matter of undisputed fact and law. I recommend that the Commission order an election in the following bargaining unit as soon as is practicable:

INCLUDED: All sworn full-time law enforcement personnel employed by the St. Lucie County Sheriff's Office assigned to the law enforcement and administration departments in the classification of Deputy Sheriff.

EXCLUDED: All sworn law enforcement personnel employed by the St. Lucie County Sheriff's Office in the classifications of Sergeant, Lieutenant, Captain, Major, Chief Deputy, Sheriff, all detention personnel, and all non-sworn employees of the St. Lucie County Sheriff's Office.

The evidentiary hearing scheduled for December 10 is cancelled.

Any party may file exceptions to my recommended order, but exceptions must be received by the Commission within **fifteen** days from the date of this order. See Fla. Admin. Code Rule 28-106.217(1). An extension of time for filing exceptions will not be granted unless good cause is shown.

RC-2009-045

ISSUED and SUBMITTED to the Public Employees Relations Commission in accordance with Florida Administrative Code Rule 28-106.216 and SERVED on all parties this 4th day of December, 2009.


SHARON A. ZAHNER
Hearing Officer

SAZ/sea