



TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF THE PUBLIC EMPLOYEES RELATIONS COMMITTEE MEETING HELD ON TUESDAY, SEPTEMBER 22, 2009, 2:00 p.m.

I. CALL TO ORDER(2:15:13 p.m.)

The meeting of the Public Employees Relations Commission was called to order on Tuesday, September 22, 2009 at 2:15 p.m., in the Emergency Operations Center, 355 S. County Road, Palm Beach, by Chairwoman Helen Hoffman

II. INTRODUCTION OF BOARD MEMBERS(2:15:38 p.m.)

Upon roll call, the following Board members were present: Chairwoman Helen Hoffman, Commissioner Peter Graves, and attending by phone, Commissioner Alan Miller

III. FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., Petitioner, vs. THE TOWN OF PALM BEACH, Respondent, CASE NO. RC-09-001 Representation Certification Petition for Police Department Police Officers Unit(2:15:57 p.m.)

IV. FRATERNAL ORDER OF POLICE, INC., Petitioner, vs. THE TOWN OF PALM BEACH, Respondent, CASE NO. RC-09-002 Representation Certification Petition for Police Department Sergeants Unit(2:21:19 p.m.)

Chairwoman Hoffman announced the meeting was to discuss a consent election agreement for the above captioned agenda items. Attorney Jeff Pheterson stated that the representative of the Florida State Lodge Fraternal Order of Police, George F. Hachigian, was not present today but had been in touch with him and Attorney David Kornreich. Besides having signed, he verbally told him that he was in agreement with the two consent election agreements that are before the Commission today for consideration. There are two separate representation certification agreements, one for a police officers' rank and file unit and the second one for a supervisory/sergeants' unit. It should be noted that the Florida State Lodge Fraternal Order of Police, Inc. is a registered employee organization with the Commission which allows the organization the ability to file the petition.

The RC petition that was filed for the police officers' bargaining unit was filed with a showing of interest of authorization cards that was reviewed by Clerk Cunningham and

1 there was a sufficient showing of interest to support that petition. As to the sergeants'
2 petition, there was also a showing of interest of authorization cards that were provided.
3 The Town has stipulated that there is a sufficient showing of interest. Both bargaining
4 units can be considered on the merits of the consent election agreements. For purposes of
5 the record, Attorney Pheterson asked Attorney Kornreich if what he had stated was
6 correct and Attorney Kornreich responded in the affirmative.
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8 The parties jointly have submitted two consent election agreements with the Commission
9 along with a joint stipulation in support of the consent election agreements and the joint
10 stipulation has been provided to the Board members. This is essentially a second go
11 around for the same bargaining units. In 2007, the Commission reviewed and approved
12 consent election agreements for a supervisory and non-supervisory bargaining unit that
13 was, in substance, identical to these two bargaining units. This was not the first time this
14 had come before this commission. The last time the two organizations, the PBA (Police
15 Benevolent Association) and the FOP (Fraternal Order of Police) did not prevail in the
16 election. There is no existing bargaining unit.
17

18 The matter before the Commission today is whether the two proposed units that are set
19 forth in the two consent election agreements filed with the Commission are appropriate
20 for purposes of collective bargaining.
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22 Chairwoman Hoffman asked Attorney Kornreich if he had anything he wished to say for
23 the Town of Palm Beach. Attorney Kornreich stated that they had drafted all of the
24 documents that were involved here and Attorney Hachigian, the Chief of Staff of the
25 FOP, has signed the documents. It was simply a matter of the Board approving those
26 documents. They are routine, they are not controversial, and there are adequate showings
27 of interest. They have scheduled tentative election dates. In his opinion, there were no
28 issues of significance to be considered.
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31 **III. FLORIDA STATE LODGE, FRATERNAL ORDER OF POLICE, INC., Petitioner,**
32 **vs. THE TOWN OF PALM BEACH, Respondent, CASE NO. RC-09-001**
33 **Representation Certification Petition for Police Department Police Officers**
34 **Unit(2:21:26 p.m.)**
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37 **Chairwoman Hoffman called for a vote on approval of the Consent Election**
38 **Agreement related to the representation certification petition for the police**
39 **department officers' unit. On roll call, the vote was unanimous in favor of approval.**
40 **Chairwoman Hoffman announced the petition was approved.**
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37 **IV. FRATERNAL ORDER OF POLICE, INC., Petitioner, vs. THE TOWN OF PALM**
38 **BEACH, Respondent, CASE NO. RC-09-002 Representation Certification Petition**
39 **for Police Department Sergeants Unit(2:21:41 p.m.)**
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37 **Chairwoman Hoffman called for a vote on approval of the Consent Election**
38 **Agreement related to the representation certification petition for the police**
39 **department sergeants' unit. Commissioner Graves asked a question about the**
40 **supervisory roles. Attorney Pheterson stated that in the private sector, supervisors do not**
41 **have the right to collectively bargain. In the public sector, like employment with the**

1 Town, there is just a conflict of interest. The supervisory employees retain the right to
2 collectively bargain but have a separate bargaining unit. **On roll call, the vote was**
3 **unanimous in favor of approval.**
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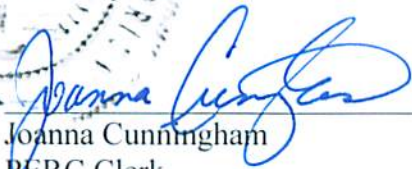
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6 **V. ANY OTHER MATTERS(2:22:40 p.m.)**

7 Attorney Kornreich said he was speaking for both the Town and the FOP and had nothing
8 further. Attorney Pheterson said that in the past, they have requested the election staff of
9 the State Public Employees Relations Commission conduct the election. This is what
10 they do, year in and year out, and that was acceptable to all parties as being impartial,
11 unbiased elections personnel, particularly for dealing with bargaining units like this in the
12 public sector. Attorney Pheterson said he did not think there needed to be a motion on
13 that but he wanted the record to be clear. Attorney Pheterson stated that he believed it
14 was going to be a mail ballot election and then was corrected by Attorney Kornreich who
15 said it was going to be an on site election. Ms. Hoffman asked if there was a date and
16 Attorney Kornreich said the dates were established and were in the documents filed with
17 the Commission. For the record, Attorney Pheterson noted there were two motions to
18 approve the consent election agreements provided by the parties for the two respective
19 bargaining units, both of which motions passed unanimously.

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21 **VI. ADJOURNMENT(2:24:23 p.m.)**

22 The meeting of the Public Employees Relation Commission held on Tuesday, September
23 22, 2009, was adjourned by Chairwoman Hoffman without benefit of motion at 2:24p.m.
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26 APPROVED:

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30 Joanna Cunningham
31 PERC Clerk