

TOWN OF PALM BEACH

Office of The Town Clerk

MINUTES OF TOWN OF PALM BEACH PUBLIC EMPLOYEES RELATIONS COMMISSION FRIDAY, FEBRUARY 15, 2008

2008-02-15

I. CALL TO ORDER - Chair, Helen Hoffman

The meeting was called to order by Chair Helen Hoffman at 9:30 a.m., on Friday, February 15, 2008, in the Town Hall Council Chambers. The Commission Members present were: Chair Helen Hoffman and Member Alex Flamm. Commission Member Peter Graves was not present. Also present: Attorney Jeffrey Pheterson, on behalf of the Commission; William C. Crouse, Human Resources Director for the Town of Palm Beach; and Susan A. Eichhorn, Town Clerk for the Town of Palm Beach.

II. APPROVAL OF THE REPORT OF THE PUBLIC EMPLOYEES RELATIONS COMMISSION - MEETING HELD ON THURSDAY, JANUARY 24, 2008.

Hoffman: The first item on the Agenda was the approval of the Minutes of the meeting held on January 24, 2008. We have been given copies and it appears to be a verbatim.

Pheterson: For your information, this meeting is being broadcast over a webstream, audio over the internet. There is no video, but there is audio over the internet, and what people will see if they are on the internet listening is the Agenda. The portion of the Agenda that we are on will be highlighted, as you go through the Agenda, by Sue Eichhorn, Town Clerk. The counsel for the parties may be listening from this point on in their offices, on the internet.

Flamm: How will they communicate to us?

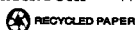
Pheterson: They have communicated in writing, with us.

Flamm: In other words, they are done communicating on this issue?

Pheterson: Yes, we can explain that when we get a little further. We do not anticipate that the other attorneys will be here. I spoke with Peter Graves, the other Commissioner, yesterday. He is on an airplane, at this point, so he is unable to attend.

2-15-08 PERC

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1
2 Hoffman: We are two out of three, so we still have a quorum out of the three of us. I should
3 call attendance, when I call the meeting to order. The minutes will note that Peter
4 Graves is out of town, but the Chair Helen Hoffman is here, and Alec Flamm. I
5 asked for a motion to approve the Minutes.
6

7 Flamm: So moved.
8

9 Hoffman: The Minutes are accepted as submitted.
10
11

12 III. CONSIDERATION OF:

13 JOINT STIPULATION IN SUPPORT OF CONSENT ELECTION AGREEMENTS
14 [Petitioners: Florida State Lodge Fraternal Order of Police, Inc. - Case No. RC-2007-002 and
15 Palm Beach County Police Benevolent Association, Inc. - Case No. RC-2007-001.
16 Respondent: Town of Palm Beach].
17
18

19 IV. CONSIDERATION OF:

20
21 A. CONSENT ELECTION AGREEMENT - SUPERVISORY UNIT (UNIT A)

22 [Petitioners: Florida State Lodge Fraternal Order of Police, Inc. - Case No. RC-2007-
23 002, and Palm Beach County Police Benevolent Association, Inc. - Case No. RC-
24 2007-001.
25 Respondent: Town of Palm Beach].
26

27 B. CONSENT ELECTION AGREEMENT - NON-SUPERVISORY UNIT (UNIT B)

28 [Petitioners: Florida State Lodge Fraternal Order of Police, Inc. - Case No. RC-2007-
29 002, and Palm Beach County Police Benevolent Association, Inc. - Case No. RC-
30 2007-001.
31 Respondent: Town of Palm Beach].
32
33

34 Hoffman: Counsel, I have read this consideration of the Joint Stipulation of the Consent
35 Election, and it appears to be in order. I would like your official opinion.
36

37 Pheterson: On February 1, 2008, the Town of Palm Beach filed, with the Commission, two
38 Consent Election Agreements for two separate proposed collective bargaining units.
39 Unit A is a supervisory unit, and Unit B is a non-supervisory unit. The Consent
40 Election Agreement forms are in the standard form used by the Public Employees

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Relations Commission (PERC). The forms are proper and appropriate. They are signed by representatives of the Town of Palm Beach, Florida State Lodge Fraternal Order of Police, and the Palm Beach County Police Benevolent Association. All parties involved in the case, at this point, are in agreement. The supervisory unit, Unit A, is proposed to include all full-time sworn law enforcement personnel employed by the Town of Palm Beach in the classification of Sergeant; and excluding all other employees of the Town of Palm Beach, including the Chief of Police, employees in the classifications of Major, Captain, and Police Officer, and one Sergeant, Sergeant for Professional Standards Unit, which is like the Internal Affairs Sergeant, and all non-law enforcement personnel.

Flamm: Would that be comprised of 14 persons?

Pheterson: Approximately, I believe. The non-supervisory unit, Unit B, is proposed to be all sworn law enforcement personnel employed by the Town in the classification of Police Officer and would have the same exclusions. It would exclude the Chief of Police, Major, Captain, Sergeant, the Professional Standards Unit Sergeant, and all non-sworn personnel. In support of the Consent Election Agreement, in accordance with the Commission's rules, the parties have provided a Joint Stipulation in which they identify the reasons for the exclusions of these various classifications. Regarding the Chief of Police, Major, and Captain, they have outlined the duties and responsibilities of the personnel in those positions and have analyzed the duties in light of the statutory definition of a management employee, being involved in administration of any collective bargaining agreement, being involved in administration of the Police Department, and being involved in personnel relations for all subordinate personnel. There is also a description of the duties and responsibilities of the Professional Standards Sergeant describing his or her work, written internal affairs investigation reports, and investigations of all firearms discharge and the like. It is agreed by all the parties that the position, as well, should be excluded based upon that conflict of interest. In addition, there are supporting documents, as required, that would provide a sufficient basis for the Commission if it agreed with the positions taken by the parties, to approve these two bargaining units. As you were provided with this a little earlier in the week, are there any questions about any of the materials?

Hoffman: May I hear a motion to accept it?

Flamm: I would move so.

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- 1 Pheterson: This is actually the same thing, but for the record, Madam Chairman, you also agree
2 with the motion that was made?
3
- 4 Hoffman: Yes.
5
- 6 Pheterson: We have unanimous approval, at this point, of the Consent Election Agreements for
7 the supervisory unit, Unit A, and the non-supervisory unit, Unit B. I have drafts of
8 orders, if you want to take a look at what I have prepared, to basically go through the
9 chronology of events. First, as we did at the last meeting, approve the registration of
10 the two employee organizations, with the Commission, and then describe the
11 proposed units, the supervisory Unit A, and non-supervisory Unit B, and indicate that
12 the matter came before the Commission today, based on the materials in the Joint
13 Stipulation, and in light of the stipulation, the statements of the parties, applicable
14 State PERC law, and otherwise being advised of the premise that the Commission
15 approves the parties agreements, and directs that the process move forward. Since the
16 last hearing, the parties had been in touch with the State Public Employee Relations
17 Commissions, spoke with their General Counsel, and they have again graciously
18 agreed to permit us to use their election staff to run the election. This order
19 delegates responsibility to the State PERC Election Staff, to conduct the election. It
20 may be appropriate to have a formal motion on the record, that would delegate the
21 Commission's responsibilities for conducting the election to the elections agent from
22 State PERC, who will essentially be our agent for that purpose.
23
- 24 Hoffman: At this point, we ought to make the motion, as you have stated it, that we delegate the
25 State PERC official to conduct the election for our Town employees.
26
- 27 Flamm: Can I back up for just a moment, what we have here does not show that the three
28 parties have not all signed on to this. You have something that shows that?
29
- 30 Pheterson: First, we have the Agreement itself, but it is stated in the paragraph that begins at the
31 bottom of page 2: Subsequent to the adjournment of that hearing, the parties jointly
32 have submitted two Consent Election Agreements with the Commission along with
33 a Joint Stipulation in Support of Consent Election Agreements. After consultation
34 between the parties, they jointly propose that the following supervisory (Unit A) and
35 non-supervisory (Unit B) bargaining units are appropriate.
36
- 37 Flamm: This has been agreed to by the three parties?
38
- 39 Pheterson: Correct.
40

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- 1 Hoffman: We accepted it when we made our motion.
2
3 Pheterson: Is there a motion to approve the State PERC Elections Agent?
4
5 Flamm: I will move so.
6
7 Hoffman: Seconded. I move unanimously.
8
9 Pheterson: With that passed, if you would like to take some time and read through this order,
10 you could. The order does note that and since it is now that you have just been
11 handed this, I can also advise you that Commissioner Graves is in agreement, he
12 concurs in this result.
13
14 Hoffman: Have the minutes show that.
15
16 Pheterson: Unless there are other questions, that would conclude the business of the
17 Commission today.
18
19 C. FUTURE PROCEDURES
20
21 Flamm: How and when would a date be established for the election?
22
23 Pheterson: Perhaps Mr. Crouse might advise on it. I believe the parties have agreed on a date
24 at this point. I am not sure what that is. The parties have already been in touch with
25 the PERC elections agent, assuming that the Commission would most likely approve
26 the Consent Election Agreements today.
27
28 Crouse: Yes they have, and the dates are March 10th and 11th to be held at the Police
29 Department, at different intervals, so each of the shifts will be provided an
30 opportunity to vote.
31
32 Hoffman: Is that recorded in our minutes?
33
34 Pheterson: It would be, but it does not need to. If something were to come up, the date could
35 change. Once we delegate it to the elections staff they'll....
36
37 Flamm: Just informational.
38
39 Hoffman: That can be at the current time. March 10th and 11th have been selected for the
40 election to be held.

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1
2 V. ANY OTHER MATTERS
3

4 There were none.
5
6

7 VI. ADJOURNMENT
8

9 There being no further business to discuss, the Town of Palm Beach Public Employees
10 Relations Commission of February 15, 2008, was adjourned at 9:48 a.m.
11
12

13 APPROVED:
14
15
16

17
18 _____
19 Helen Hoffman
Chair