

**UFF-SEMINOLE NEWS & NOTES #3 March 5, 2010**  
**<http://www.uff-seminole.org/>**

***Latest on PERC...***

Seminole State has engaged a separate law firm to represent it in dealing with the Public Relations Employees Commission (PERC). Apparently the college is going to challenge the bargaining unit – that's the only thing they have to fight us on. There is considerable prior case law to establish the bargaining unit as all full-time faculty, including instructional, library, and counseling faculty. So the only challenge the college has is whether department chairs are included.

The Florida Education Association (FEA) has assigned to us a private attorney who is the best public labor union lawyer in Florida. At the request of the college's attorney, UFF has agreed to a short extension to time allowed the college to respond to PERC – until March 11. Understand that even if we had not granted the extension, PERC likely would have permitted it anyway. UFF doing so keeps us “on the high road” with PERC.

The college has retained the Miami firm Bryant Miller Olive, the same firm that represents Broward College in its PERC dealings. The Board of Trustees was required to pass a resolution justifying an expenditure exceeding the maximum state-allowed per hour fee for *special legal counsel*. This was done without discussion or public participation at the February 22 board meeting. Below are the pertinent portions of the matter as they appeared on the agenda. Note the generalized and vague language; there is nothing indicating why the college is making this decision. Moreover, note the portion about Bryant Miller Olive having extensive expertise in post-secondary institutions. Apparently, Seminole State's regular legal counsel is *inexperienced in post-secondary institutions*. A double whammy – money paid for inadequate legal counsel that has to be bailed out by additional counsel charging more than the state allows (see the attached resolution).

**The College needs on occasion, to seek specialized legal services for advice and direction. Situations may arise requiring the College to have access to the technical expertise required to address and resolve special issues as they arise.**

**The firm of Bryant Miller Olive of Miami, Florida, has extensive expertise in post-secondary education institutions in Florida. The proposed resolution will allow the college to retain the firm of Bryant Miller Olive at its standard fee rate as necessary.**

Regarding the college's action, we expected the challenge. Dr. McGee and the Board wish to prolong the process for as long as possible because they believe that we will become so frustrated and tired that we will lose interest and withdraw support. Unfortunately, delay and stall is stereotypical employer behavior.

As for the challenge itself, we are on solid ground including chairs in the unit as the job description provides almost no decision making power. In other words, chairs are managers who do some supervising, but are not administrators. Importantly, Seminole State department chairs maintain a teaching load.

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Thanks to those of you who responded to our request for survey questions and issues. Look for an e-mail in the next few days with a link to the questionnaire. The survey will be entirely on-line and anonymous so please take a few minutes to complete and be heard as we begin to formulate an agenda for the future.

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For the view of a college president who truly respects faculty and understands shared governance, see Steven Bahls, “Shared Faculty Governance: An Essential Institution” (originally appeared in the January 10, 2010 issue of the *Chronicle of Higher Education* as “Administrators Must Dispel the Derogatory Myths About Professors”). <http://www.augustana.edu/x18335.xml>