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General Counsel

Fraternal Order of Police

FLORIDA STATE LODGE

Office of General Counsel



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Dear Brothers and Sisters:

As each of you is aware, the Florida Fraternal Order of Police, Labor Council, is very actively addressing the pending, “Legislative Body”/ “Impasse” issue on behalf of all the Deputy Sheriffs in the state of Florida. Many of you have heard of this issue, but have not received a detailed summary of what is happening in a matter that directly affects you and all of your co-workers whom are Deputy Sheriff’s in the state of Florida.

Currently, the Fraternal Order of Police is in a legal battle with the Sheriffs of Pasco County and Clay County over Contract implementation. The Fraternal Order of Police has attempted to ratify contracts with these two agencies, as it does with Sheriff’s Offices throughout the state. Unfortunately, there are a number of outstanding issues which these Labor Lodges and their respective Sheriff’s are unable to reach an agreement on.

In light of the inability to reach an agreement acceptable to both parties, an “Impasse” is declared, the next step is for the Sheriff and the F.O.P. to go before the appropriate “Legislative Body” at which point that Legislative Body resolves the Impasse and implements a Contract over any disputed articles. Unfortunately, the Sheriffs in Pasco County and Clay County have arbitrarily decided they are the “Legislative Body” and, as such, they feel they can both negotiate and implement a Contract over any unresolved article unilaterally.

The Fraternal Order of Police vehemently disagrees with these Sheriff’s opinions, believing their position to be fundamentally unfair (to create an Impasse and then rule on the validity of that Impasse) and, as such, has followed the appropriate legal and legislative avenues to correct what we believe to be a misapplication of the applicable Statutes.

To date, the F.O.P. through both inside and outside legal counsel has filed Unfair Labor Practices with the Public Employee Relations Commission (PERC). Independently, the Hearing Officers assigned by PERC in both Pasco and Clay Counties have sided with the F.O.P. in both cases and forwarded proposed orders supporting the F.O.P. position. PERC, through three of its Commissioners, reviewed “exceptions” to the Order filed by the two Sheriffs as well as our responses and remanded the cases to the hearing officers for further review using a slightly different standard. The hearing officers re-evaluated the whole issue based upon their findings, and once again sided with the F.O.P.

Currently, Clay County has once again filed exceptions, and we anticipate Pasco County will do the same in the next two or three weeks. After PERC receives all of the Briefs the full PERC Commission will rule on this matter, and we anticipate that whoever loses in the ruling will file in the District Court of Appeals.

Legislatively, the Florida Sheriff's Association had a bill filed on their behalf designed to create another level of local government designating the Sheriff, Tax Assessor and Supervisor of Elections in each of the 67 Florida Counties as "Legislative Bodies". The Florida State Lodge is working through our Legislative Liaison to de-rail this overt attempt to thwart the PERC Commission during the current legislative session. By filling this bill to become a Legislative Body, the Sheriff's acknowledge that they presently are not Legislative Bodies. Our position is their office does not meet the basic requirements to receive this designation.

I fully understand that each of you is working without a Contract. I am doing everything legally that I can to assist our attorneys and staff to resolve this matter as quickly as possible. I ask each of you to remember that through your willingness to fight for your legal rights the F.O.P. has given no quarter to either Sheriff. On behalf of each and every member of your local Lodge, we are also prepared to litigate this matter all the way to the Florida Supreme Court where Sheriff's Deputies won the right to engage in collective bargaining several years ago. Ultimately, to date no one has ruled against us, and with your continued support I am confident we will persevere and protect your contractual rights.

I personally wish to thank Tad DeLegal, whom has assisted us in this matter from its inception, and continues to take the lead on behalf of my office.

John D. Fry
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