

Union battle heading for high court

State commission asks for hearing over firefighters bargaining issue

By Sara Isaac

OF THE SENTINEL STAFF

WINTER PARK — If the firefighters union has its way, an ongoing battle between the city and the union over who can participate in collective bargaining will not end until it reaches the state Supreme Court.

The Public Employees Relations Commission (PERC), acting on behalf of the union, has filed for a Supreme Court hearing.

The Winter Park Professional Firefighters Local 1598 and PERC are unhappy about a recent appellate court ruling. The court agreed with the city that battalion chiefs cannot participate in the union's collective bargaining units because they hold managerial positions. The Aug. 4 decision by the 5th District Court of Appeal overturned an earlier ruling by PERC, which held that the battalion chiefs could participate in collective bargaining.

"We're pleased with the decision, and we feel that it was the only decision that could be made," said assistant city administrator John Litton. "We consider the lieutenants managers, too."

But the appellate court's ruling conflicts with three decisions in two other appellate courts that have ruled on similar cases, said attorney Richard Siwica, who represents the union.

Those decisions — from the 1st District Court of Appeal in Tallahassee and the 4th District in West Palm Beach — support the union's position.

Based on this conflict, PERC has asked the Supreme Court to decide the battalion chief issue. PERC and Siwica also have asked the appellate court to rehear the case. "The Fifth District Court of Appeal is standing alone compared to the other appellate courts in this position," said Siwica.

Union president Bob Ferrell said Winter Park is trying to weaken by union by prohibiting the battalion chiefs from participating in the union.

Last year, the city successfully fought to split the union into two bargaining units. The battalion chiefs, as well as lieutenants, fire marshals and fire inspectors make up Unit B, while paramedics and firefighters are in Unit A.

Battalion chiefs act as shift supervisors.

"It's very important to us that we secure the battalion chief position," said Ferrell. The city's strategy, he said, "is kind of like divide and conquer."