



Collective Bargaining session with UFF and the FPU Board of Trustees, May 10 2018, Lakeland, FL.  
(Left to right: Representing the FPU BOT Mark Bonfanti; Representing UFF Casey Fox, Wylie Lenz, Kate Bernard, Patrick Luck, Candi Churchill, Myles Kim, Rich Matyi and Chris Coughlin). Photo credit: Lauren Byers, UFF.

## PRESS RELEASE

April 26, 2019

### Media Contacts:

**Casey Fox**, Mental Health Counselor ([caseysix@hotmail.com](mailto:caseysix@hotmail.com), 863-521-2631)

**Christina Drake**, Professor of Mechanical Engineering ([chartdrake@yahoo.com](mailto:chartdrake@yahoo.com), 407-413-4180)

**Kate Bernard**, Librarian ([kittypaz@yahoo.com](mailto:kittypaz@yahoo.com), 321-443-4344)

**Patrick Luck**, Professor of History, UFF-FPU President ([patluck@yahoo.com](mailto:patluck@yahoo.com), 443-683-0637)

### For background:

**Candi Churchill**, UFF Field Staff ([candi.churchill@floridaea.org](mailto:candi.churchill@floridaea.org), 352-281-7454)

**Eric Lindstrom**, Attorney with Egan, Lev, Lindstrom & Siwica P.A. ([elindstrom@eganlev.com](mailto:elindstrom@eganlev.com), 352-727-4072)

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## *Labor Board Hearing Officer Recommends Reinstatement with Backpay for Union Leaders Fired by Florida Polytechnic Administrators for “Protected Concerted Activity”*

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LAKELAND, Fla. — A hearing officer with the Public Employees Relations Commission found that Florida Polytechnic University violated state labor laws when it eliminated four positions held by leaders in the faculty union, including the university’s sole librarian and counselor. In a recommended order issued on April 25, Hearing Officer Janeia D. Ingram found that the job eliminations had no “legitimate purpose” and that the university’s administrators were motivated by “obvious” anti-union bias.

If adopted by PERC, the hearing officer’s decision will require the university to rehire its former wellness counselor, Casey Fox, and its former librarian, Kate Bernard. The university has not filled these positions since June 2018. The university would also be required to rescind a layoff notice for a mechanical engineering professor, Christina Drake; and pay the union’s litigation expenses, among other things.

The recommended order is available here:

[http://perc.myflorida.com/download.aspx/Prefix=CA/CaseYr=18/CaseNo=029/File=CA18029\\_Ord10\\_04252019\\_152830.pdf](http://perc.myflorida.com/download.aspx/Prefix=CA/CaseYr=18/CaseNo=029/File=CA18029_Ord10_04252019_152830.pdf).

The hearing officer made these recommendations:

- Reinstatement Casey Fox and the on-campus wellness counselor position with full back pay (including benefits) to the date of termination last July.
- Reinstatement Kate Bernard and the Assistant Librarian position with full back pay (including benefits) to the date of termination last July.
- Rescind Mechanical Engineering Professor Christina Drake's non-renewal letter.
- Post notices of the Unfair Labor Practice finding and cease from further violations.
- Pay UFF's attorney fees.

In the recommended order, the hearing officer did not "credit" the reasons and justifications given by the administration for the actions taken and concluded that they were taken "in retaliation for protected concerted activity."

The Florida Constitution, Article 1 Section 6, states: "The right of employees, by and through a labor organization, to bargain collectively shall not be denied or abridged." Florida Statutes, chapter 447, states: "Employees shall have the right to self-organization, to form, join, or assist labor unions or labor organizations or to refrain from such activity, to bargain collectively through representatives of their own choosing, and to engage in concerted activities, for the purpose of collective bargaining or other mutual aid or protection."

## QUOTES

### Casey Fox:

"The recommended order is a victory because the inconsistencies and wrongdoings of the Florida Poly administration have finally been validated by an unbiased state officer. I want Florida Poly students to have a full-time, on-campus wellness counselor again. They can no longer be the only university students in the nation without easy access to essential professional services. In fact, there should be more wellness counselors; a hotline and crisis services are insufficient. I cannot adequately express my sadness at the loss these decisions ultimately led to — known and unknown hardships on countless students and their families. The upper administrator's agenda to dismantle our union and grip tight onto sole power and control resulted in hasty decisions that left our students without the support they needed and still need today."

### Christina Drake:

"This recommended order is a first step of many needed to fix the broken environment at Florida Poly. My hope is that both the Florida Poly Board of Trustees and the Florida Board of Governors will take seriously their governance roles and stop protecting or turning a blind eye to the clear problems with the administrators of our university. They owe it to the taxpayers, students and the state of Florida to whom it is their obligation to serve."

**Kate Bernard:**

“I am ecstatic that the Hearing Officer vindicated our claims. As someone who believes that students come first, seeing how the university has deteriorated over the four years I worked there was, at best, disturbing, and at worst, life threatening. I implore the Board of Governors to finally act and hold the responsible parties accountable. For our team, unionizing and collective bargaining was never about jobs or salaries; our union was formed to help make Florida Polytechnic the outstanding, cutting-edge, student-centered university it was founded to be. To be truly world-class, you must put student needs first and listen to your staff and faculty.”

**Patrick Luck:**

“While we remain disappointed that the administration's actions required the union to file this ULP, we are certainly pleased with the hearing officer's findings and we hope this is a step toward building a better university — one that treats its employees fairly, where faculty are allowed to fulfill their educational missions without interference or fear of retaliation, and where students receive high quality academic and support services.”

**Previous statements available here:**

[http://www.uff-floridapoly.org/documents/FPU\\_statement\\_handout-v2-FINAL.pdf](http://www.uff-floridapoly.org/documents/FPU_statement_handout-v2-FINAL.pdf)

**Sampling of Previous News Coverage**

- [\*Standing Up for Mental Health, Losing Faculty Job. Inside Higher Ed, 9/14/2018\*](#)
- [\*Florida Poly faculty union protests amid strained talks, unfair labor practice allegations. The Ledger, 9/5/2018\*](#)
- [\*Campus Suicide Exposes Risk of Cutting Mental Health Staff. NEA Today, 8/16/2018\*](#)
- [\*Editorial: Florida Poly is right to 'close the loop.' The Ledger, 5/29/2018\*](#)
- [\*Faculty survey shows low morale, lack of direction at Florida Poly. The Ledger, 5/24/2018\*](#)
- [\*Concerns raised about raises given to 3 Florida Poly VPs. Fox 13 News, 5/23/2018\*](#)
- [\*Florida Poly audit committee to review investigative report after employee letter asserts toxic environment. The Ledger, 5/22/2018\*](#)
- [\*Internal report reveals financial struggles at Poly Foundation. The Ledger, 5/14/2018\*](#)
- [\*Anonymous employee letter asserts toxic environment at Florida Poly. The Ledger, 5/6/2018\*](#)

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*UFF represents more than 20,000 faculty and academic professionals at all 12 public state universities, 14 state colleges and the private university St. Leo University, along with graduate employees at four universities.*