



NEWS BULLETIN 7/18/03

AFSCME Florida Council 79

American Federation of State, County and Municipal Employees, AFL-CIO

AFSCME WINS COURT RULING AGAINST 'SERVICE WORST' TRANSFERS TO SES

The 1st District Court of Appeals has dealt a serious blow to a major provision of the "Service Worst" initiative. In a unanimous decision, the Court ruled that the administration had violated the rights of 16,300 Career Service employees by unilaterally moving them to the Select Exempt Service (SES) without proving that these employees should lose their permanent employment status under Career Service.

AFSCME Florida Council 79 President Jeanette D. Wynn celebrated the court victory:

"The Court's decision is a clear set back to the administration's attempt to make all state employees at will. The Court ruled that the administration violated the law in transferring Career Service workers to Select Exempt without affording them appeal rights that all Floridians enjoy. Just as we have defended their rights in court, now we will assist these employees in challenging their transfers and rejoining the Career Service."

BACKGROUND—The case was brought by AFSCME outside counsel Ben Patterson and Jerry Traynham on behalf of five Career Service employees who were fired without cause or due process after being moved to SES. AFSCME Council 79 supported this lawsuit and will continue fight for the rights of all of our bargaining unit members. We will not stand for ill-considered action by this or any administration that tramples upon the rights of Florida's hard working public employees.

CAUTION—With the issuance of this decision, we anticipate that management in each department will try to discourage employees from filing appeals to determine whether they were correctly moved into the SES. These scare tactics may include statements about having to pay for the state employee health insurance or having to repay the health insurance premiums benefits the state paid during their time as SES employees. Tell these employees not to be alarmed. Although it is true that Career Service employees have to pay for their health insurance, these employees have job protection that SES employees do not have. Remember, this case was brought on behalf of Career Service employees who were fired without cause as SES employees.

Also, you should let employees know that the Legislature has already passed legislation making it easier for the State Group Insurance office to charge SES employees for their health insurance. In addition, AFSCME will fight any attempts to retroactively recover health insurance premiums paid by its bargaining unit members. It's our attorneys' opinion that it is highly unlikely that any court would allow the administration to charge employees for its own mistake.

TAKE ACTION—Please encourage as many former Career Service employees, including those who were terminated after being moved to SES to file an appeal to protect their rights. Interested employees may contact AFSCME Council 79 at (800) 541-0584 or (850)222-0842 for assistance.

The court's decision is a clear set back to the administration's Service First plan to destroy the Career Service and make all state employees at will. It is a reason to celebrate and to remain vigilant in the fight against anti-worker schemes. Thank you for your continued support. In the meantime, please feel free to contact Special Counsel Alma R. Gonzalez or Communications Director Doug Martin in the Tallahassee office with any questions or comments.