

**BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS**

Glenda F. Flowers,)
Petitioner,)
)
v.)
)
Shawnee County Commissioners)
Don Cooper, Vic Miller, Winnie)
Kingman; and Teamsters #696,)
Respondents.)
_____)

Case No(s) 75-CAE-9-1997
75-CAEO-3-1997

INITIAL ORDER

COMES NOW on for consideration by presiding officer, Susan L. Hazlett, the Respondents' pleadings and requests for dismissal therein. The Petition in this matter was filed pro se on December 11, 1996. The Respondent Teamsters #696's Answer was filed by and through counsel, Thomas H. Marshall, on December 24, 1996. The Respondent Shawnee County Commissioners' Answer was filed by and through counsel, Sandra Jacquot on January 6, 1997. All parties filed prehearing questionnaires at the request of the presiding officer. A prehearing conference was scheduled for February 19, 1997, but the Petitioner notified the presiding officer that she would be unable to attend. The presiding officer, after being duly advised of the premises, finds:

1. That Petitioner states as her theory of claim:

...K.S.A. 75-4334 (2) has been violated in that management rights granted in K.S.A. 75-4326 has been violated in that Respondents are now engaging in a wrongful and unlawful pattern and practice of violating section D 'maintain the efficiency governmental operation['] ... Respondent Union files numerous frivolous grievances, which costs the office efficiency as time, money and resources are unnecessarily spent dealing with said frivolous grievances with responses and meetings. (Pet. Prehearing Questionnaire);

75-CAE-9-1997
75-CAEO-3-1997


2. That the complaint in this matter fails to allege one or more prohibited practices, or facts in support thereof, within the meaning of K.S.A. 75-4333, and Petitioner has failed to state a claim upon which relief can be granted under the Public Employer-Employee Relations Act (PEERA);

3. That the Public Employee Relations Board (PERB) lacks authority to remove or dismiss Shawnee County Counselor Sandra Jacquot from representing the County in this matter, as requested by Petitioner in her prehearing questionnaire;

4. That this case should be and is hereby dismissed for the aforesaid reasons; and

5. That the Respondent Teamsters #696 request for attorneys' fees and expenses is denied.

IT IS SO ORDERED this 19th day of February, 1997.



Susan L. Hazlett
Presiding Officer
Public Employee Relations Board
1430 SW Topeka Blvd., 3rd Floor
Topeka, KS 66612

NOTICE OF RIGHT TO REVIEW

This Initial Order is the official notice of the presiding officer's decision in this case. The Initial Order may be reviewed by the Public Employee Relations Board, either on its own motion, or at the request of a party, pursuant to K.S.A. 77-527. This Order will become final fifteen (15) days from the date of service, plus three (3) days for mailing, unless a Petition for Review is filed pursuant to K.S.A. 77-526 within that time with the Public Employee Relations Board, addressed to: Kansas Department of Human Resources, Public Employee Relations Board, 1430 Topeka Blvd., Topeka, Kansas 66612.

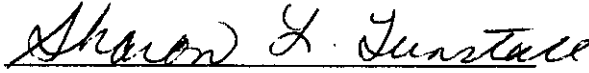
Certificate of Service

I hereby certify that on the 20th day of February, 1997, a true and correct copy of the above and foregoing Initial Order was placed in the United States Mail, first class, postage prepaid to the following:

Ms. Glenda F. Flowers
Shawnee County Motor Vehicle
200 SE 7th Street, Rm. 103
Topeka, KS 66603-3959
Petitioner

Sandra L. Jacquot
Shawnee County Counselor
Shawnee County Courthouse
200 S.E. 7th Street, Suite 100
Topeka, KS 66603
Attorney for Respondent Shawnee Co. Commissioners

Thomas H. Marshall
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753 State Ave.
Kansas City, KS 66101
Attorney for Respondent Teamsters #696


Sharon L. Tunstall