

STATE OF KANSAS  
PUBLIC EMPLOYEE RELATIONS BOARD

IN THE MATTER OF  
PETITION OF MATTRESS ASSEMBLERS  
& PACKAGERS FOR UNIT DETERMINA-  
TION & CERTIFICATION OF CERTAIN  
EMPLOYEES OF KANSAS INDUSTRIES  
FOR THE BLIND, KANSAS CITY

CASE NO. UDC 5-1974

CERTIFICATION OF REPRESENTATIVE AND ORDER TO MEET AND CONFER

An election having been conducted in the above matter by the Public Employee Relations Board in accordance with the Public Employee Relations Act and the Rules of Procedure of the Board, and it appearing that an employee organization has been selected;

Pursuant to the authority vested in the Board by the Public Employee Relations Act,

IT IS HEREBY CERTIFIED THAT

**MATTRESS ASSEMBLERS & PACKAGERS**

has been designated and selected by a majority of the employees of the above named public employer, in the unit described below, as their exclusive representative for the purpose of meeting and conferring and the settlement of grievances.

UNIT: INCLUDE: All mattress assemblers and packagers

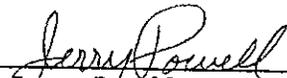
EXCLUDE: All sighted employees, seamstresses, Civil Service employees, tennis racket assemblers, rubber mat manufacturers

Further, IT IS ORDERED that the above named public employer shall meet and confer with

**MATTRESS ASSEMBLERS & PACKAGERS**

and may enter into a written agreement with such employee organization with regard to conditions of employment, and shall meet and confer with such employee organization in the determination of, and administration of, grievances.

Signed on the 25th day of September , 19 74 .

  
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Jerry Powell, Executive Director  
FOR THE PUBLIC EMPLOYEE RELATIONS  
BOARD

6-20-74

State Of Kansas  
Before The Public Employee Relations Board

\* \* \* \* \*  
In The Matter Of: \*  
\*  
Petition for Unit Determination \*  
of certain employees of Kansas \*  
Industries For The Blind in \*  
Kansas City, Kansas \*  
\* \* \* \* \*

Case JDC 5-1974

Comes now on the 29th day of May 1974 the above captioned matter for hearing. The hearing is conducted before Donald R. Hoffman, hearing examiner for the Board. The hearing is held at the Kansas Industries for the Blind, Industrial Workshop, at 925 Sunshine Road, Kansas City, Kansas. Mr. Gary Huxter, Attorney at Law, 727 Ann, Kansas City, Kansas appears on behalf of the petitioners. Mr. Charles V. Hamm, General Counsel, State Department of Social and Rehabilitation Services, State Office Building, Topeka, Kansas appears on behalf of the respondent.

The case comes before the Board on petition of five employees at the workshop seeking a determination of an appropriate unit composed as follows:

"All mattress assemblers"

Excluding: All sighted employees, seamstresses,  
Civil Service employees, tennis  
racket assemblers, rubber mat  
manufacturers

The petitioners are as follows:

- Doris Adams
- Bill Sailer
- Ben Blagg
- Nathan Shelby
- Frank Wells

All petitioners are blind workers at the workshop.

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Findings of Fact and Discussion

The workshop is one of two state-owned facilities which produces products for both private and government consumers. The State of Kansas has established by legislation a requirement that certain state and local agencies purchase products as are available from the Blind Workshops.

The operation of the workshop is under the supervision of the Director of Services for the Blind and Visually Handicapped, State Department of Social and Rehabilitation Services.

The workshop is funded through sales of its products and through direct subsidy from state appropriations. Its purpose is to provide a work conditioning program for blind persons in preparation for competitive employment and for extended employment for those who are not ready or able for competitive employment. In order for the workshop to remain eligible for federal contracts, 75% of its work force must be legally blind.

All employees of the workshop are paid by state warrant. A similar workshop is located in Topeka.

The Kansas City, Kansas workshop is composed of two major and distinct sections - mattress assembly and shipping and sewing room.

Two other sections are operational though on a lesser scale - tennis racket assembly and the rubber department.

The major product of the workshop is mattresses.

A higher percentage of sighted workers are employed in the sewing department than in the assembly and packaging department. Supervision in both is provided by a separate sighted worker.

Both the sewing room and mattress assembly and packaging sections have separate identities. Their physical locations within the plant, though interconnected to permit flow of materials, are obviously distinct work areas with a separate character and demeanor. Factors

as safety, work progression, team activity and physical strain are different as between the sections.

Some exchange of personnel between the sections has occurred, although during normal workload periods it has not been frequent.

Blind workers at the workshop are not covered under the Kansas Civil Service Act, KSA 75-2925.

#### Conclusions Of Law

1. The parties are properly before the Board, having been given notice pursuant to KAR 84-2-1 et seq.
2. Petitioners and all those included within the proposed appropriate unit are "public employees" within the meaning of KSA Supp. 75-4322(a) and are thus subject to the benefits and obligations of the act.
3. In making unit determinations, the Board must consider the seven criteria established by KSA Supp. 75-4327(e).
  - (a) Principle of efficient administration of government -- The Board finds that no particular hardship will be imposed upon the employer by the establishment of the proposed unit. The evidence to the contrary discloses a concern by management officials that the relative smallness of the unit would produce less for the employees concerned. (Tn pg. 60, Tn pg. 63)
  - (b) Community of interest -- Members of the proposed unit have a common bond unique to their common disability. Their demeanor during the hearing disclosed a feeling of close comradeship beyond the ordinary.

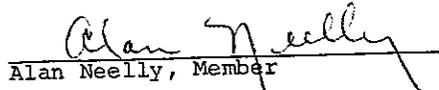
- (c) The history and extent of employee organization -- Organizational efforts at the workshop have no viable impact on the instant case since it is apparent that only recently have the employees considered themselves involved in an employer-employee relationship at the workshop. The Employees' Council previously established bears little consequence since its purpose relates mainly to the rehabilitation aspects of the workshop.
- (d) Geographical location -- The proposed unit has a common location.
- (e) Overfragmentation -- This consideration was stressed by the employer, but when balanced with the other factors is not controlling.
- (f) KSA Supp. 75-4325 -- Not applicable.
- (g) Recommendations of the parties -- Previously discussed.

The instant case presents a rather unique factual setting. The employees involved are on the one hand "blind clients" of the State Department of Social and Rehabilitation Services; on the other, they are essentially paid employees. The Board takes notice that there has been a recent surge in employee awareness at the workshop. A brief work stoppage occurred. A sense of frustration was evident. The purpose of the Act is to develop communication and orderly procedures for settlement and resolution of such problems before they become major. The state has committed itself to the blind workshop as a permanent program. Accordingly, it is appropriate that those involved be accorded both the obligations and benefits of the Act. The unit is appropriate as proposed.

IT IS SO ORDERED BY THE PUBLIC EMPLOYEE RELATIONS BOARD

  
Eldon Danenhauer, Chairman

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William McCormick, Member

  
Alan Neelly, Member

  
Nathan Thatcher, Member

  
Arthur Veach, Member

Date: June 20, 1974

June 21, 1974

Copies of Order mailed to:

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