

STATE OF KANSAS
BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD

IN THE MATTER OF :
Petition filed by Kansas Public :
Employees Union Council 64, for unit :
determination and unit certification :
for certain employees of the Shawnee :
County Youth Center. :

CASE NO. 75-UDC-8-1979

ORDER

Comes now this 22nd day of October, 1979 the Public Employee Relations Board to consider the matter of unit determination and certification of exclusive representative for certain employees of the Shawnee County Youth Center.

PROCEEDINGS BEFORE THE BOARD

A petition for unit determination and certification was filed with the Board by Mr. Roger Siegal, International Union Representative of Kansas Public Employees Union Council 64 affiliated with A.F.S.C.M.E./AFL-CIO, on March 1979.

The petition was properly forwarded to Mr. Charles Wells, Director of Personnel for Shawnee County, on March 20, 1979 for answer.

The answer to the petition was received by the Public Employee Relations Board on March 26, 1979. In their answer, Shawnee County stated that the positions in question per the petition were clearly "supervisory employees" in accordance with K.S.A. 75-4322 (b) and as such the county chose not to recognize those employees as "public employees" for purposes of the Act in accordance with their right as set out at K.S.A. 75-4325.

DISCUSSION - RECOMMENDATION

An investigation was commenced by members of the Public Employee Relations Board staff to determine a resolution to this matter. During the investigation it was determined that the "supervisory" nature of the duties assigned to the positions in question (shift leaders) were discussed in a previous case before the Board (UC-3-1979) filed on December 7, 1978. At that time the "shift leaders" were initially petitioned for by A.F.S.C.M.E. as a proper inclusion within the unit. In their answer Shawnee County sought to exclude the "shift leaders" as "supervisory employees". A mutual agreement to that effect was achieved on January 4, 1979 at a meeting of the parties and Mr. Paul K. Dickhoff, Jr. of the Public Employee Relations

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Board staff. An election was subsequently conducted and A.F.S.C.M.E. was certified as the employee representative

K.S.A. 75-4327 (d) states in part:

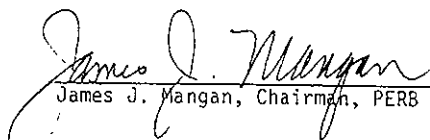
"If the board has certified a formally recognized representative in an appropriate unit, it shall not be required to consider the matter again for a period of one (1) year, unless the board determines that sufficient reason exists.

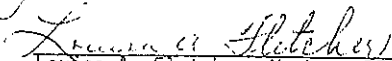
In light of this statutory provision coupled with the fact that the "shift leaders" have previously been excluded as "supervisory employees" it is my recommendation that the petition filed in 75-UDC-8-1979 be dismissed without prejudice and that any petition for unit determination or certification regarding "shift leaders" at Shawnee County Youth Center not be entertained until after January 4, 1980 unless the Board determines that sufficient reason exists.

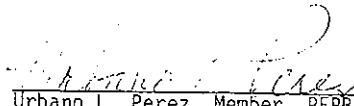
It is so recommended this 14th day of September, 1979 by: Paul K. Dickhoff, Jr., Administrative Officer, Public Employee Relations Board.

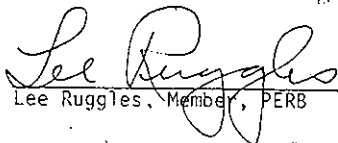
O R D E R

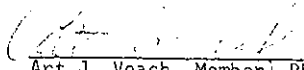
It is hereby ordered that unit determination and certification case number 75-UDC-8-1979 be dismissed without prejudice by the Public Employee Relations Board on this 22 day of Oct, 1979


James J. Mangan, Chairman, PERB


Louisa A. Fletcher, Member, PERB


Urbano L. Perez, Member, PERB


Lee Ruggles, Member, PERB


Art J. Veach, Member, PERB