

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Arthur Douville at _____
Chairperson

9:00 a.m./~~p.m.~~ on February 13, 1985 in room 526-S of the Capitol.

All members were present except:

Representatives R.D. Miller and V. Snowbarger. Both excused.

Committee staff present:

All present except Beth James, secretary.
Connie Kelsey substituting as secretary

Conferees appearing before the committee:

Mr. Art Veach, Service Employees Local 513
Dr. Robin Smith, Kansas State University, Amer. Assoc. of University Professors
Mr. Ken Gorman, Sargent with the Topeka Police Dept., Fraternal Order of Police
Mr. Brent Jaimes, Attorney, National Association of Government Employees

Chairman Douville called the meeting to order. He invited opponents to continue their testimony on H.B. 2013 and the out-of-town speakers would go first.

Mr. Veach came forward with a chart and showed the difference between collective bargaining and meet and confer. He explained that Kansans do not have the right to strike, do not have interest arbitration, and the public employees of any political sub-division of the state by a major vote of the government body must first opt to come under the direction of the state statute. He stated that during 1974/75 and 1984 the interim studies showed no record to change the law. The current law has worked for 13 years and currently there are 13 cities, 6 counties, three board of educations, and 32 memorandum agreements that affect state employees. He stated he would prefer to do away with civil service and deal with public employees through the bargaining process.

Mr. Smith's testimony dealt with collective bargaining and tenure. For the most part, tenure is acquired after six years, and the burden of proof rests on the faculty member. They want the right to a meaningful collective bargaining agreement. Most of them don't want a union, but don't want to be told in advance they can't have one. Without tenure the faculty is deprived of protection and can be removed from their posts for political reasons. (see attachment #1)

Mr. Gorman stated the present PEER Act would be ineffective in promoting harmony between public groups and their employers. He said this act will affect municipal, as well as county employees. He stated that approximately 24% of the employees affected under this act are police officers, and the present law works for them. (See attachment #2)

Mr. Jaimes stated his experience with the present law. He said he was satisfied with it and that they were able to address their concerns and to address policies about to be enacted and which have been enacted.

The meeting was adjourned at 9:55 a.m. to meet again this afternoon in a joint session at 2:20 p.m. with the Education Committee regarding JTPA.

Labour & Industry

Feb 13, 1985

<u>Name</u>	<u>Representing</u>	<u>Town</u>
KEN GORMAN	FRATERNAL ORDER OF POLICE	TOPEKA
DENNIS SHELL	FRATERNAL ORDER OF POLICE	KCK
ROBERT M. FALLIER	FRATERNAL ORDER OF POLICE	ARK City
DAVID REAVIS	FRATERNAL ORDER OF POLICE	Lawrence
Craig Grant	K-NEA	Lawrence
MIKE MCBURIN	K-NEA	TOPEKA
Robin Smith	KSC-AAVP	Manhattan
Ruth Wilkin	" "	Topeka
Maurin F Long	GCIU	Topeka
Jim Marchello	K-NEA	TOPEKA
Darrell Hoffman	DOJA - Div. Pers.	
B. Mariani	DOJA Pers	Topeka
Charlene Farrell		TOPEKA
ROD LAKE	KASTB	TOPEKA
Roger Meyer	Cap-Journ	
James A. Todd	Wichita KSTTA	W. c. Wto
Jerry Marlatt	KLCFF	Topeka
Wayne Maskef	KANS. AFL-CIO	TOP.
Carl Beach	SEU-513	Wichita
Jerry Powell	DHR	Topeka
Wayne K WIANECKI	AFSCME	TOPEKA
Sam McFarrell		Topeka
Rich Schubert	Board of Regents	Topeka
Kay Collins	K-NEA	Topeka
Nickie Stein, RN	KS St. Nurses' Assn.	Topeka

2-13-85

says PERB

is neutral

A member of the Public Employee Relations Board, Art Veach of Wichita, said Wednesday he believes the board is neutral in settling disputes between public employees and their employers.

Veach, the public employee member of the board, told the House Labor and Industry Committee, "The members of the board view themselves as neutral.

"However, if you asked labor representatives about the board I'm sure they would say it was management oriented. Management representatives would probably say it is union oriented.

"But, I don't think the board is prejudiced in any way."

Veach testified against a bill which would change the public employee relations law to make it clear the statute was merely a meet-and-confer measure and not a collective bargaining statute.

He said the present law has worked well during its 13-year history at settling disputes between public employees and their employers. However, he said at another point in

Veach also said that he would prefer collective bargaining over civil service for public employees.

his testimony the present law favors employers because there is no right for employees to strike, nor any binding arbitration in the present public employee relations law.

Veach also said in response to questions from Rep. Kerry Patrick, R-Leawood, a member of the panel, that he would prefer collective bargaining over civil service for public employees.

"It would be easier from my point of view," said Veach, who is the business representative for a number of public service union locals in Kansas.

Veach agreed that civil service gives state workers job protection that their colleagues in the private sector do not have.

But he also said most private sector employers have a self-imposed termination procedure which offers workers job protection.

Another witness before the committee, Dr. Robin Smith of Kansas State University, also urged the panel to kill the bill and make no changes in the public employee relations law.

Smith, who is president of the Kansas chapter of the American Association of University Professors, said most faculty members in the state don't want to organize into unions.

However, he said, "We don't want to be told we can't have one."

2-13-85

TESTIMONY OF THE KANSAS CONFERENCE, AMERICAN ASSOCIATION OF
UNIVERSITY PROFESSORS, CONCERNING CHANGES IN THE PEER ACT

The Kansas Conference of the American Association of University Professors wishes to oppose changes in the PEER act which would reduce it to a comparatively limited meet-and-confer law. We are of course primarily concerned with the law as it affects faculty in the institutions under the Kansas Board of Regents, but given the history of the present legislative proposals this is of considerable importance: it was the controversy between the Regents and the faculty at Pittsburgh State University which ultimately brought about these proposals.

Let me first explain just who we are. KSC-AAUP is a state Conference of the American Association of University Professors, the oldest and largest professional organization for college and university faculty in the United States. The AAUP is not itself a union, although many AAUP Chapters are recognized collective bargaining agents for faculty members on their campuses. There is in fact something of a division of the Association into collective-bargaining (or, as it is usually abbreviated, "CB") Chapters and "traditional" (i. e., non-collective bargaining) Chapters. It is hardly surprising that the members of an association of university professors should have diverse views on the appropriateness of collective bargaining in university governance. My personal opinion, which is shared by many but by no means all AAUP members in Kansas, is that collective bargaining is a last-ditch measure, a response to an intolerable situation: the cause of collective bargaining agreements is poor administrators.

Nevertheless, the AAUP has recognized that under certain circumstances faculty members may be justified in seeking collective bargaining agreements for their institutions and that these may be effective forms of governance. The Association's fundamental concern has always been to promote university governance of a sort that protects the interests, not only of faculty, but of all those concerned with higher education. Those faculty who believe that this can most effectively be accomplished through collective bargaining agreements ought, in our view, to have the right to the responsible pursuit of this course. Thus, we consider the right to a meaningful collective bargaining agreement to be important, much as the right to seek redress for wrongs. To put it briefly, most of us don't want a union, but we don't want to be told in advance that we can't have one.

Collective Bargaining and Tenure. The AAUP is closely identified with the concept of academic tenure, the primary instrument through which academic freedom is preserved. The relationship between tenure and collective bargaining agreements is often misunderstood, since tenure is frequently viewed merely as a form of job security or seniority. In the view of the AAUP, tenure is a means to certain ends, to wit, the protection of faculty

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members from dismissal for expressing their views honestly and the provision of a reasonable degree of financial security to faculty. We would argue that the ultimate beneficiaries of academic freedom are those who use and support the universities: the students and the public. Students are the beneficiaries of teachers who are able to express their views without fear of displeasing powerful interests; we forget too easily how often in the past, and how often still in many parts of the world, universities under political control have become institutions for indoctrination. The financial security provided by tenure is also important to the users of the university, for it is one of the primary compensations to faculty for the considerably reduced financial rewards of the teaching profession: without some measure, competent professors would be harder to find. The latter end can perhaps be served by collective bargaining agreements, but the preservation of academic freedom without academic tenure is impossible. AAUP investigations have shown time and again that faculty deprived of this protection (and sometimes with it) are removed from their posts for the most obvious of political reasons; the real losers in such cases are the students and the public, who are insulated from the offending opinions and thus, it often turns out, from the truth.

Pittsburgh State University is the only institution under the Kansas Board of Regents which either has, or is in the immediate future likely to have, a bargaining agent under the present PEER law. It is also a test case of sorts for the claim that the law is burdensome on governmental employers. The Board of Regents has complained that negotiations with Pittsburgh State have been a great burden to them, but that burden appears to have been self-imposed by their refusal even to consider actually dealing with a bargaining agent. Once the Regents were compelled, in accordance with the Kansas Supreme Court's decision, to bargain with the faculty at PSU, it became apparent that a working relationship was not at all difficult to obtain. No useful purpose can be served by destroying a successfully working relationship simply in order to make a point.

The AAUP has always regarded itself as promoting not simply faculty interests, but also the interests of the educational community: it is our position that in a properly managed university, these coincide. Today, Kansas is fortunate to have a university system in which faculty and administrators are able to work together harmoniously for their common goals. It would be a tragedy to see that harmony perish. We therefore oppose any changes in the current PEER statute.

--Robin Smith
President, KSC-AAUP

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POSITION OF THE FRATERNAL ORDER OF POLICE
CONCERNING H.B. 2013

MR. CHAIRMAN, COMMITTEE MEMBERS:

MY NAME IS KENNETH GORMAN, I AM NATIONAL TRUSTEE OF THE KANSAS FRATERNAL ORDER OF POLICE. MY DUTIES ARE TO REPRESENT THE 1500 FULL TIME LAW ENFORCEMENT OFFICERS THAT ARE MEMBERS OF THE KANSAS F.O.P. TO THE NATIONAL ORGANIZATION OF 170,000 MEMBERS.

WE ARE OF A COMMON BELIEF THAT H.B. 2013 WOULD AMEND THE PRESENT PUBLIC EMPLOYEE RELATIONS ACT TO THE POINT OF BEING ENTIRELY INEFFECTIVE IN PROMOTING HARMONY BETWEEN PUBLIC EMPLOYEE GROUPS AND THEIR RESPECTIVE EMPLOYERS.

AS INDICATED IN THE PRESENT P.E.R.B. LAW, THE PEOPLE OF THIS STATE HAVE A FUNDAMENTAL INTEREST IN THE DEVELOPMENT AND COOPERATIVE RELATIONSHIPS BETWEEN GOVERNMENT AND ITS EMPLOYEES. THE PUBLIC HAS A RIGHT TO EXPECT ORDERLY GOVERNMENT OPERATIONS AND WITHOUT SOME AUTHORITY MANDATING THE RIGHT OF PUBLIC EMPLOYEES TO ORGANIZE AND DISCUSS CONDITIONS OF EMPLOYMENT WITH THEIR EMPLOYER, THE END RESULT CAN ONLY BE STRIFE AND UNREST.

THE FRATERNAL ORDER OF POLICE HAS CONSISTANTLY UTILIZED THE PRESENT SYSTEM, WHERE IT IS ALLOWED, AND HAVE SUCCESSFULLY MAINTAINED HARMONY WITH GOVERNMENTAL LEADERS IN OUR RESPECTIVE COMMUNITIES WHILE PROMOTING BETTER SALARY AND WORKING CONDITIONS FOR OUR MEMBERS. ALL OF THIS HAS BEEN ACCOMPLISHED WITHOUT PLACING ANY UNDUE FINANCIAL BURDENS ON OUR COMMUNITIES.

BECAUSE OF OUR PRESENT BELIEFS IN THE FAIRNESS OF THE SYSTEM, WE FEEL THE PASSAGE OF H.B. 2013 IS A GIANT STEP BACKWARDS IN THE RELATIONSHIP BETWEEN THE PEOPLE OF KANSAS AND ITS GOVERNMENTAL EMPLOYEES.

WE URGE YOU TO VOTE TO DEFEAT THIS PROPOSAL TO UNDERMINE THE PRESENT PUBLIC EMPLOYEES RELATIONS ACT.

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