

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 14, 1985 in room 526-S of the Capitol.

All members were present except:

Representatives Cribbs and Bideau

Committee staff present:

All present.

Conferees appearing before the committee:

- Mr. Jerry Pigsley, Coffeyville
- Mr. William Snell, City Manager, City of Coffeyville
- Mayor Jack W. Anderson, Coffeyville
- Mr. Clifford S. Griffin, KU-NEA
- Mr. Jerry Powell, Dept. of Human Resources

Chairman Douville asked if anybody from out of town would like to be heard on H.B. 2013. The first speaker to take the stand was Mr. Clifford Griffin. He spoke as an opponent to H.B. 2013. See attachment number 1.

The next group of people to speak were from Coffeyville, Kansas. They told of having to let go employees of the city and the problems they were having with a member of the PEER Board. They also gave the committee members attachment number 2.

The next speaker was Mr. Jerry Powell who also spoke in reference to the problems the City of Coffeyville was having.

Chairman Douville announced that there would be another meeting of the committee tomorrow because several speakers hadn't addressed the committee yet.

House Labor & Industry

2-14-85

<u>Name</u>	<u>Representing</u>	<u>City</u>
Wayne K WIANECKI	AFSCME	TOPEKA
Tom McFall		Topeka
Ruth Wilkin	AAUP	Topeka
Maurin F. Long	GCIU	Topeka
Larry Ellis	K-NEA	Topeka
Craig Drant	K-NEA	Lawrence
Terry Piggley		Coffeyville
Clifford S. Griffin	KU-NEA	Lawrence
Jim Marghells	K-NEA	Topeka
Richard Funk	KASB	Topeka
William Hutcheson	DHR	"
Skip Herd	"	"
Jerry Powell	"	"
Paul Deckhoff	"	"
Larry Wolgast	"	"
KEVIN DAVIS	Dept. of Admin.	"
DARRELL HOFFMAN	DofA, OPS	"
Spud Kent	DofA, DPS	"
Gene Marlatt	KSCFF	"
B. Marini	DofA Pers.	Topeka
Jean Jagan	Bd. of Regents	Topeka
Bill Kueffner	Bd. of Regents	Topeka
William Swell	city of Coffeyville	city
Jack W. Anderson	Mayor, Coffeyville	Coffeyville
Bob D. Fore	city commissioner	Coffeyville

KU-NEA / 623 INDIANA STREET / LAWRENCE, KANSAS 66044

AFFILIATED WITH KANSAS-NEA AND THE NATIONAL EDUCATION ASSOCIATION

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2-14-85
Att. #1

(TESTIMONY OF CLIFFORD S. GRIFFIN TO THE KANSAS HOUSE OF REPRESENTATIVES
COMMITTEE ON LABOR AND INDUSTRY, in re H.B. 2013)

Mr. Chairman and Members of the Committee:

Thank you very much for allowing me to appear here this morning. I am going to offer you what I regard as convincing reasons for rejecting Bill 2013. To make those reasons plain, I have to tell you four things about myself. First, I am a professor of American history at KU in Lawrence. I have been a faculty member there for over twenty-five years. Except for two years before I came to Kansas, I have spent my whole professional career at KU, and I intend to stay at KU until I retire. Second, I am the University historian. I know more about the history of KU than anyone else, dead or alive. And I know the history of this bill. Third, I am a union organizer. I am president of KU-NEA, which is the KU affiliate of Kansas-NEA. Fourth, the reason that I am a union organizer is that I owe both KU and the State of Kansas a debt. I intend to pay that debt with interest by trying to improve higher education in this state to the maximum. You can tell from my accent that I am not a native Kansan. I grew up in Rhode Island, but later I got lucky and came here. Kansas has done a great deal for me--and also for my wife and children. I want to give Kansas a good return.

I think that if Bill 2013 becomes law, it will have the extremely unfortunate effect of preventing higher education in Kansas from being as good as it should be. I am not suggesting for a moment that this is the intention of people who support the bill. The proponents of this bill are surely acting in good faith. But so am I. Here is one of those cases where



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people acting in good faith differ from each other and need to discuss their differences, also in good faith.

Bill 2013 is an obstacle to excellence in Kansas higher education because it makes equality impossible. I mean equality between the faculties of Kansas institutions of higher education and their employer, the Board of Regents. At KU we have over 1300 regular faculty members. The ones I know, and the ones whose remarks I hear in faculty meetings, make it clear that the KU faculty is just as dedicated to improving higher education in Kansas as the Board of Regents is. It is also clear that the faculty has a great deal of practical knowledge about how to make KU even better than it is. I am not saying that the faculty agrees on everything. But in terms of dedication to improving higher education, and in terms of knowing how to do it, the faculty is the full equal of the Board of Regents.

I hope you will agree that when groups of people have equal concerns and equal abilities, they ought to be able to talk together as equals. They ought to be able to talk together as equals with the good faith desire to work out whatever differences they have and arrive at the best agreements possible. And since both the Board of Regents and KU exist under law, the agreements reached should be enforceable in law. Bill 2013 prohibits equality under law. Under the bill the Board of Regents is not obliged to meet and confer in good faith with any faculty organization with affirmative willingness to resolve grievances and disputes relating to conditions of employment. Under the bill it is no longer a prohibited practice for the Regents to refuse to meet and confer in good faith. Under the bill the Regents may totally ignore requests from a duly constituted faculty organization to meet and discuss matters relating to conditions of employment.

This is not equality. This is a radical change from the PEER Act of 1971. The PEER Act provided for equality. Bill 2013 forbids it.

When you work against quality in Kansas higher education, you work against the quality of life in Kansas. Now, I am not a native Kansan, but I am still a Kansan. I want the lives of all Kansans to be the best lives that can be lived in this state. In higher education, quality requires equality. I ask this Committee to consider that idea as the Committee decides the fate of Bill 2013.

Thanks again for hearing me. If you have questions, I will be pleased to have them. I will try to deal with them, Mr. Chairman and members of the Committee, in good faith. That is, I will try to deal with them in exactly the way you have dealt with me.

City impasse called improper

By BILL GRAY
City editor

1-10-85

Two commissioners defend
elimination of jobs, Page 12A.

City officials this morning cut off a scheduled meeting with the International Association of Firefighters Local No. 265 and declared an impasse in current contract talks, but a state official said later that the city's action was improper.

Jerry Powell, executive director of the Kansas Public Employees Relations Board, said that under PERB regulations neither the union nor the city could unilaterally declare an impasse. He also said the city's announced intention to remove three lieutenants' positions from the fire department bargaining unit was improper without PERB's consent.

The city had given the firefighters 24 hours to accept or reject a final contract proposal, Barbara Walton, chief negotiator for the city, said today. She told Bryan Mecom, the firefighters' principal spokesman, that at this morning's meet-

ing the city would not negotiate but would only answer questions about the final city proposal.

Mecom said parts of the final proposal were in agreement with the firefighters, but as far as an overall package, it is rejected.

"We're not here to negotiate," Mrs. Walton repeated. "We can accept your rejection, and we are now at impasse."

Mecom said his union requested that the city make no further changes regarding the fire department until impasse procedures had been completed with PERB. But Mrs. Walton responded that "the city reserves the right to implement its final proposals."

The meeting ended shortly thereafter, with Mecom announcing the firefighters

had voted unanimously to re-accept into the union three shift commanders whose positions will be eliminated Friday from the department by city action. He said the union would work to seek reinstatement of the shift commanders, and he also said his union would continue to represent three lieutenants which the city said they would not recognize any longer as part of the bargaining unit.

A short time later Mecom and several members of Local No. 265 were picketing in front of City Hall. Mecom said the action was an "informational picket for the citizens of Coffeyville," and would continue for three days.

"After that we'll meet and take the big vote," he said. He declined to comment further on that statement.

The city broke off negotiations, with firefighters because of lack of progress, according to Mrs. Walton. "It was appar-

She was critical of the 1984 fire department contract, which she said lacked management rights' provisions. She said under the current setup firefighters were employed on 24-hour shifts, "of which they sleep eight hours, and then they have a two-hour rest period in the other periods they are supposed to work. . . ."

The city acted Wednesday to eliminate three shift commander positions at the fire department, which a press release said would eliminate a cost of \$114,000. Powell, speaking by telephone from his Topeka PERB office, said the city could take such action regarding the shift commanders since there was no apparent contract governing them since the end of the year.

But the city could not act to remove lieutenants from the bargaining unit, Powell said, without petitioning PERB. "What they don't seem to understand down there in that city," said Powell, a Coffeyville native, "is that once you come under the PERB law, you've got to follow its procedures."

He said Mrs. Walton contacted him about the city's declared impasse, and that she indicated the city would contact him in writing requesting an impasse to be implemented.

Powell said once he received such a request, he would have to determine whether firefighters also thought an impasse existed. Then PERB could become involved in providing a fact-finder or a mediator, unless the city and union wished to hire their own.

"If they want me to spend my money (for a fact-finder or mediator), they're going to have to do what I say," Powell said.

Both the firefighters' union and the city have unfair labor practice allegations pending before PERB. Powell said both parties had been sent notifications Wednesday by mail giving them seven days to respond to the other's allegations.

2-14-85
Att. # 2

Attch. 2
2/14/85

Union adds two to growing list of complaints

By BILL GRAY 1-16-85
City editor

The Coffeyville scorecard with the Kansas Public Employees Relations Board has two new entries.

The International Association of Firefighters Local No. 265 plans to file with PERB two unfair labor practice allegations against the city government, union business agent Bryan Mecom said Saturday.

The city previously filed with PERB against Local No. 265, alleging improper activities by Mecom in a City Commission meeting Dec. 27.

Also pending with PERB since July are several allegations of unfair labor practices filed by the International Union of Operating Engineers Local No. 123. Neither of the two unions has been able to reach a 1985 contract agreement with the city as talks continue this week. The operating engineers also did not reach a contract agreement for 1984.

Jerry Powell, PERB executive director, said recently he had delayed action on the operating engineers' filings because the city and the union had indicated they thought the matters would be solved at the bargaining table. As for the more recent filings involving the firefighters, Powell has said he did not expect any action by PERB for some time, particularly because the city failed to properly file its allegations and would have to do so again.

The allegations by the fire department against the city allege that the city is not bargaining in good faith, Mecom said, and that the city acted improperly when it suspended Mecom for five tours of duty (120 working hours) the day after the City Commission meeting. Mecom

said he probably would be allowed to return to work from his suspension on Jan. 15.

Mecom said his union did not think the city was negotiating for a 1985 contract in earnest because it had declined to make any concessions from its proposals. "We call it surface bargaining," Mecom said. They're just kind of offering a one-way street. We're just not willing to drive down it."

Negotiations were postponed from last week until Thursday because chief city representative Barbara Walton was not available Wednesday and could not meet as requested by Mecom the following day, Mecom said. Mrs. Walton told the Journal Thursday that talks were postponed at the union's request so that an international union representative could be present.

"I never requested a delay," Mecom said.

The firefighters have presented counterproposals to the city's attempt to standardize sick leave and vacation accrual, according to Mecom. The firefighters originally had sought to stay with the 1984 contract levels that allowed from six to 12 tours of duty (144 to 288 hours) for vacations, Mecom said, but now the department was willing to settle for six to nine tours. Firefighters receive additional tours under the plan depending upon their tenure.

Mecom said on sick leave firefighters proposed that the accrual be dropped from 24 hours per month to 15 per month, and that employees who accrue sick leave be allowed to convert it to vacation time upon retirement. Mecom said the latter proposal was intended as an incentive so that employees

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a new dispatcher in the police department.

Since the layoffs last February, four other positions have been filled at City Hall that were not staffed in February: Fire Chief Dave Beisly was switched to Chief of Safety and Inspections; Ernie Baker was hired as power plant supervisor and later given the title of acting director of public works; Mrs. Walton was hired to her position; and Richard Diveley returned from sick leave to a City Hall job instead of his former position as power plant supervisor.

Positions not filled since February include the assistant fire chief's job formerly held by now-chief Gordon Fry and the deputy city manager's position held by the late William Clairborne.

Mrs. Walton said because of the changes in duties of many

number of employees in the city last February to the number employed now. Finance Director Dan Bryant said 204 persons were listed on the city's payroll in February, and at the end of December there were 28 fewer listed, or 176 persons.

Mrs. Walton said attrition had kept the city's total number of employees low. Most recently the city has advertised for firefighters, and Mrs. Walton said employees also were being sought for the power plant. The city followed equal opportunity employment guidelines and always advertised openings, she said.

Fire Chief Fry said his department had lost two persons recently who had taken employment in other jobs outside the city. He said he would like to have his department replace those positions to reach the num-

Firefighters' union plans lawsuit

By BILL GRAY 1-16-85
City editor

A lawsuit will be filed in federal court over recent city actions regarding the fire department and its employees, the business agent for the International Association of Firefighters, Local No. 265, said today.

Bryan Mecom, the agent, confirmed today that a lawsuit would be filed, but was unable to provide details. Legal counsel for his union, who have offices in Kansas City, Kan., could not be reached for comment by press time.

The union has contended the city acted improperly in

saying it would consider three former lieutenants in the department as no longer represented by the union, and the union also has contended the city was improper in attempting to declare an impasse in negotiations.

Jerry Powell of the Kansas Public Employees Relations Board has confirmed that an impasse must be jointly requested and recognized by PERB, or that PERB would have to complete an investigation and declare an impasse itself.

Unions member met Monday, Mecom said, and also planned two information

pickets" in front of City coming days. The first will begin at 9 a.m. Thursday and the second will start at 9 a.m. Tuesday — one hour to the regularly scheduled Commission meeting.

"We want (city administrators) to know that the pickets still behind us," Mecom said. City Manager William A. Snell said Tuesday that the employee's assertion that administrators had threatened to fire any city employee joining the picketing was untrue. He said administrators had asked that city employees picket while they were on duty for the city.

Firefighters to hold up on lawsuit

By BILL GRAY 1-25-85
City editor

The local firefighters' union has decided not to file a federal lawsuit in the current controversy over contract negotiations with the city; the union's attorney said Thursday.

Instead, the International Association of Firefighters Local No. 265 will see if differences with the city over contract talks and other recent actions can be resolved through a state process, Steve Bukaty, a Kansas City, Kan., attorney representing the local, said. The process will be started the first full week of February at the earliest, he said, by the Kansas Public Employees Relations Board.

Jerry Powell, PERB executive director, said he tentatively planned to come to Coffeyville Feb. 8 to talk to both sides of the labor dispute. "I told both parties that if I come down there, I want to get done with everything in one fell swoop," he said in a telephone interview from his Topeka office.

"Everything in this case is a request that negotiations be declared at impasse, a city allegation of an unfair labor practice by the union, and three union allegations of unfair labor practices by the city. Powell said he would first take a look at the unfair labor or prohibitive practice allegations before ruling on whether the talks were at impasse."

"I want to see whether these (allegations of unfair labor practice) had a direct bearing on the talks," Powell said.

The city's unfair practice allegation has been amended and re-filed in a motion received last week from Nelson and Harding, Powell said, which is a Lincoln, Neb., firm that served as a legal consultant to the city on 1984 labor matters. The amended allegation still centers on action the city considers improper by Bryan Mecom, business agent for the firefighters' union, when he spoke at a Dec. 27 City Commission meeting, according to Powell.

Woody Smith, city attorney, was unavailable for comment today about what role the Nelson and Harding firm was to take in the PERB action. On Nov. 12 at a City Commission meeting

Mayor Jack Anderson announced that outside consultants would not be used in upcoming labor negotiations.

City Manager William A. Snell said today he did not know what role Nelson and Harding would take with the PERB action. But Snell noted that previously Smith had pointed out that his time would be occupied greatly with needs of the city's power plant and a pending lawsuit against the city's electric rates, with those priorities necessitating that some other city legal matters be delegated to others.

Barbara Walton, acting director of human resources and the city's chief negotiator, said she thought the retention of a labor lawyer (Bukaty) by the firefighters' union might make it justifiable that the city also seek additional labor law assistance.

No more action set for employee

By BILL GRAY ¹⁻⁴⁻⁸⁵
City editor *Journal*

No further action is expected against Firefighter Bryan Mecom, Acting Director of Human Resources Barbara Walton said Thursday.

Mecom, in the midst of a five-tour or 15-day suspension for alleged improper behavior at a City Commission meeting, could have been subjected to additional "personnel action," City Attorney Woody Smith said last week. However, Mrs. Walton said she thought the city's filing of an unfair labor practice against Mecom's union, the International Association of Firefighters Local No. 265, would be the extent of the city's action resulting from Mecom's attendance at a Dec. 27 commission meeting.

Negotiations have been postponed until next week for the firefighters, as well as for the only other union without a 1985 contract with the city, the International Union of Operating Engineers Local No. 123. Negotiations with both unions may soon end up involving the Kansas Public Employee Relations Board, but so far PERB Executive Director Jerry Powell has made no plans to come to Coffeyville to investigate complaints filed involving both bargaining units.

Until contract agreements are reached, Mrs. Walton said members of both unions would be working under the authority of the city's new personnel manual, which would mean several changes in the way the unions'

employees had previously received fringe benefits such as sick leave, holidays and vacation time.

The manual standardizes those and other fringe benefit areas for all city employees. Mrs. Walton said sick leave and vacation time were two areas where the city and the firefighters were having disagreements.

"They (firefighters' representatives) submitted some costly counter proposals on vacation and sick leave," Mrs. Walton said.

She said the proposals sought compensation for firefighters who had accrued sick leave above a newly-imposed limit in the personnel manual, and she said other proposals were seeking the city to pay for items ordinarily covered by Workers Compensation regulations.

Mecom, the union's chief negotiator, could not be reached for comment this morning.

The firefighters and the city did make progress in agreeing on a safety policy, she said. The next meeting for the bargaining units will be Thursday, she said, with meetings also set that day with the three-member firefighters' shift supervisors union. Both employee units requested a delay in talks, Mrs. Walton said, to allow a representative of their union's national office to be present.

Operating Engineers' talks "are hung up again on union determination," Mrs. Walton said. The union and the city have been unable all year to agree on what

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Continued from Page 1A
employees should be considered part of the union, with many of the disagreements centering on which employees should be considered supervisors or with duties that are of a confidential nature.

The city also is seeking to remove from the union nine employees who approached the administration in mid-December and asked to be able to bargain their wages directly with the city, Mrs. Walton said. A representative of those employees said earlier this week that a petition drive seeking to dissolve the union had not been pushed since the initial meeting the employees had with city administrators.

A third petition by another segment of Operating Engineers members has been circulated, John Thompson, a light and power plant employee, said today. Thompson himself tried

twice to petition light and power plant employees out of the union, and said a third petition had been started by fellow employee Boyd Carr. Carr could not be reached for comment today.

Thompson said his first petition was improperly completed, according to a ruling he received from PERB. He said he had received no reply on the second petition he sent to PERB. He said both attempts were designed to get light and power plant workers into the electrical line workers union "because we thought we'd be more compatible."

PERB's Powell said last month that Thompson's petitions were improper because they did not have sufficient names to dissolve the union. Powell said if the workers wanted to join a different union, they could seek a different type of action through PERB.

12-16-84 Journal

City employees begin new drive to shed union

By BILL GRAY
City editor

Nine city employees started a second petition drive Friday, attempting to bypass union representation in negotiating wages and benefits with the city.

The employees, all represented by the International Union of Operating Engineers Local No. 123, said that some employees of the city's light and power plant were circulating another petition with a similar goal. A representative of that group, John Thompson, could not be reached for comment Saturday.

Both groups of employees petitioned the Kansas Public Employee Relations Board in early July, seeking to come out from under union representation. But neither petition was recognized by PERB.

The operating engineer employees met for more than an hour with Mayor Jack Anderson, City Manager William A. Snell and Acting Director of Human Resources Barbara Walton Friday, and during the meeting drew up a new petition.

"This is coming out of frustration — nothing has been done," Jim Hayes, one of the employees, told Snell. "We had a talk about this yesterday. . . . I said, 'We have to try something. Even if we make Snell mad, we can't be doing any worse than last year.'"

Snell stressed repeatedly that he could not encourage employees to leave a union without facing a labor lawsuit, but he did arrange a teleconference between them and William Harding, city labor consultant.

Harding, who called PERB's previous non-recognition of the petitions "curious," told the employees they had limited alternatives if they did not want to be represented by the union.

After an impending budget crisis was announced by Snell, the City Commission, realizing that layoffs might be forthcoming, in February recognized PERB as a determiner of employee disputes.

Harding said that if employees did not want to be represented by the union they could try to obtain dated signatures from more than half of the union's current members on a petition and submit it to the city.

He also said he thought the commission could at any time withdraw recognition of the union after verifying the signatures, but could risk a lawsuit if the action was taken before the one-year anniversary of recognition of PERB and the union, in February.

Snell said he was willing to allow the city to withdraw recognition before February if

Talks progress for four units

Barbara Walton, chief labor negotiator for the city of Coffeyville, said last week that progress was being made in talks with four of six employee bargaining units.

The exceptions were units representing the fire department, the International Association of Firefighters Local No. 265, and a three-member bargaining unit representing shift commanders, formerly called fire captains. The other bargaining units — the International Union of Operating Engineers Local No. 123, the International Brotherhood of Electrical Workers Local No. 1523 and a non-union bargaining unit representing employees of the police department — have had some progress in talks on non-economic issues, Mrs. Walton said Thursday.

However, on Friday she told nine persons represented by the operating engineers union that "we're not getting real far at the bargaining table" with that union. Those nine employees had approached City Manager William A. Snell, asking whether he could assist them in obtaining the authority to bargain with the city independently of the union. Snell told them during a lengthy discussion that the city was barred by law from encouraging them to withdraw from union representation.

Concerning the electrical workers, Mrs. Walton said that she was "hopeful" a settlement was near on economic issues on 1985 contract talks. She previously said many non-economic issues had been agreed to.

In police talks, she said, the city and bargaining unit representatives are to begin Friday talks on economic issues.

Snell and Mrs. Walton said there were three issues they stressed in negotiations for 1985 pacts, which the city has said it wants to complete by Jan. 1. The issues are:

- That the city base its pay according to a standard regional survey of positions in similar-sized cities.
- That benefits be provided as defined in the recently passed citywide personnel manual.
- That "management reserves the right to direct the work, hire, promote, demote, transfer, schedule and assign and retain its employees and positions."

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Snell stressed repeatedly that he could not encourage employees to leave a union without facing a labor lawsuit, but he did arrange a teleconference between them and William Harding, city labor consultant.

Harding, who called PERB's previous non-recognition of the petitions "curious," told the employees they had limited alternatives if they did not want to be represented by the union.

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He also said he thought the commission could at any time withdraw recognition of the union after verifying the signatures, but could risk a lawsuit if the action was taken before the one-year anniversary of recognition of PERB and the union, in February.

Snell said he was willing to allow the city to withdraw recognition before February if enough employees asked for it.

"I've got smoke coming out of my ears about this thing," he said during the teleconference with Harding. "These people haven't gotten pay raises for three years, and I can't do anything about it."

Labor law prohibits the city from encouraging employees to dissolve unions. Harding said he thought federal law would allow employees in many cases to withdraw from a larger union and form a smaller separate union, but he said the state PERB probably would not allow it.

Harding also said the employees could approach the union, which is represented by

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business agent Howard Barnhart, and seek to have their positions excluded from the bargaining unit. "But the probability of that happening is like having the pope turn Jewish," Harding added.

Barnhart could not be reached Saturday for comment.

Strong criticism of Harding's advice came from PERB executive director Jerry Powell, who said Friday from his Topeka office that Harding's advice was "totally asinine. I don't know what . . . he's thinking about."

Powell said the only way employees could get out of union representation was by petitioning PERB with signatures of 30 percent of the union membership.

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Two discrimination suits settled

Operating engineers, city renew negotiations

By BILL GRAY
City editor

Negotiations resumed today with a labor union that has been without a contract all year.

Six representatives of the International Union of Operating Engineers Local No. 123, met with city officials for talks at 10 a.m. today.

Also, city and state officials confirmed today that two of three civil rights discrimination complaints filed by members of that union had been resolved. A third complaint remains under investigation, according to Roger Lovett, chief counsel for the Kansas Commission on Civil Rights.

The suits were filed July 17, 23 and 27 by individuals who at that time were former city employees. All were members of the International Union of Operating Engineers Local No. 123, but filed their suits individually.

One of the suits filed, entered

by Iva L. Argent, 1814 W. Seventh, was resolved almost from the outset, according to Woody Smith, city attorney. Ms. Argent, as well as the other two who filed suit, were among 29 city employees laid off in February in an announced cost-cutting measure, but Ms. Argent said at a layoff hearing in March that she chose to retire.

Of the other two suits alleging discrimination, the complaining parties are Myrna Lanning, 502 N. Buckeye, and Joanne N. Bromley, 502 N. Buckeye. The complaint involving Ms. Bromley, formerly a clerk, was resolved with no probable cause found, according to Lovett and Smith.

The case involving Ms. Lanning, formerly a personnel clerk until her layoff, remains under investigation, Lovett said. Under ordinary circumstances, he said, the case would be resolved by mid-January "unless

something peculiar comes up."

Ms. Lanning has been re-employed by the city in another capacity, starting work this past summer as a secretary at the city Light and Power Plant.

Lovett declined to comment on specifics of the complaints in a telephone interview from his Topeka office.

Neither the city nor union representatives would comment about the status of the talks, which have been held on-again, off-again since March.

"We'll just see what happens when we get in there," said Howard Barnhart of Coffeyville, union business agent.

One of the union representatives, who said he was a representative of the union office, criticized the city's use of consulting labor attorneys in previous negotiations. He refused to be identified.

Mayor Jack Anderson said after a Nov. 15 City Commission

meeting that he thought it was the commission's consensus that no outside persons should be involved in negotiations for 1985 contracts. City Commissioner Preston Haddan has been an outspoken critic of the city's use of Nelson and Harding, a Nebraska law firm specializing in labor negotiations. Haddan said Nelson and Harding's fees now total approximately \$80,000 for work on this year's labor talks and for other labor-related matters.

In addition, City Manager William A. Snell said this week he would not be a member of any of the city's contract negotiating teams, preferring instead to leave the talks to Smith, Acting Director of Human Resources Barbara Walton, and to various department heads.

"We thought this would be something for the department heads to become more involved in," Snell said, "because they're

the ones who have to deal with these contracts and employee all year."

The operating engineer union employees have been without a contract since Jan. 1. Meanwhile, the city has entered the initial phases of negotiation with bargaining units representing four other departments of the city for 1985 pacts.

Smith confirmed that complaints filed by the union with the Kansas Public Employees Relations Board still are pending. Those complaints allege various acts of mistreatment of employees by members of the city administration.

Jerry Powell, executive director of PERB, said last month he was allowing the city and the union approximately 45 days to try to mend their differences before he would derive any fact-finding action regarding the complaints.

Negotiating session canceled

A negotiating session scheduled for last Friday between the city of Coffeyville and representatives of the International Union of Operating Engineers Local No. 123 was canceled. The two sides have been negotiating a 1984 contract for months.

Meanwhile, Jerry Powell, executive director of the Public Employee Relations Board, said today that he had been trying unsuccessfully for two weeks to contact the two parties to set up a meeting between the city and union regarding union allegations that the city was guilty of unfair labor practices.

Powell added that a petition by some employees to be allowed to negotiate their contracts separately from the union would come before PERB at its next meeting Oct. 10.

Powell said that if the board followed past practice, it would recommend that the employees, who recently requested the union, give the union a chance. Powell said that the board then might give the union 12 months before allowing the employees a chance to have a decertification election, if the employees still wanted it.

Powell also said the board could give the employees a decertification election now.

September 4, 1984

City starts talks on '85 contracts with four units

By BILL GRAY 10-25-84
City editor

While the city has yet to finish all 1984 contract negotiations with employees, 1985 sessions have begun for most bargaining units.

The International Union of Operating Engineers Local No. 123 has not come to terms with the city of Coffeyville on a 1984 contract. Howard Barnhart, business agent for the union, said Wednesday that talks were scheduled to resume Tuesday with city representatives. But he declined to elaborate on any progress in negotiations.

"I'm waiting until we get something done, and then we'll go from there," Barnhart said.

Barbara Walton, acting director of human resources, also was close-mouthed about the sessions with operating engineers representatives, only confirming that talks were "tentatively" scheduled for Tuesday. The union's employees have been working for the city without a contract since Jan. 1.

"We've been working on negotiations for next year, and we've put a priority on that," Mrs. Walton said.

The operating engineers local in August filed a series of complaints with the Kansas Public Employee Relations Board, alleging discrimination incidents on the part of the city. Jerry Powell, PERB director, had said he would hold a meeting between the two parties concerning the charges, but he said that nothing had been scheduled.

"I spoke to both parties recently and I'm giving them from 30 to 45 days to settle their differences," Powell said.

The PERB director said he came to Cherryvale about two weeks ago and met with Stan Basler, a Cherryvale attorney who represents the operating en-

gineers. Basler could not be reached for comment.

Traditionally negotiations with city unions will start at the same time of year in anticipation of reaching an agreement for the coming year before Jan. 1, which is the expiration date of contract agreements. This year negotiations are under way. The International Association of Firefighters Local No. 1526, International Brotherhood of Electrical Workers Local, newly-formed union representing fire department supervisors and the non-union bargaining unit representing police department employees.

The operating engineers union represents city workers in varied roles, including street department employees and some city clerical staff.

Because the city was without a permanent city manager this time last year, bargaining units agreed to delay negotiations until a replacement was found for Ray Neale, who was fired at mid-summer of 1983. Current City Manager William A. Snell did not assume his duties until mid-December, and negotiations were further delayed when Snell conducted a concentrated study of the city 1984 budget and declared an impending financial crisis.

Union talks did not start earnestly until mid-March, in the wake of layoffs in February. The city staved off what Snell and his staff said was a probable shortfall in revenue to meet budgeted expenditures. All unions except the operating engineers settled with the city by mid-July, and some wage increases were granted to employees of those unions backdated to Jan. 1. The increases were based on a wage survey completed by a consultant firm as part of an effort by Snell to establish the city's first personnel system.

Deadline looms on employees' plea

By BILL GRAY 8-15-84
City editor

Unless a last-minute extension is granted, a request that nurses and certain other Coffeyville Memorial Hospital employees be allowed to seek unionization will be dropped by the Kansas Public Employee Relations Board, CMH attorney Roy Kirby said Tuesday.

Kirby said he received a copy Monday of an order from PERB giving the hospital until Thursday to request to come under the auspices of PERB. If the trustees would do so, it would pave the way for attempts at union organization.

But Kirby, who declined to be quoted directly, said the hospital's policy adopted by the trustees was to remain independent from PERB.

Ed Orear, chairman of the board of trustees, confirmed that the trustees' policy was that "we have no desire to come under PERB." Orear said he did not wish to be quoted, and thought any comments on the matter should come from Kirby "because this is a legal matter."

Art Veach, business agent for a Wichita union that had re-

quested union organization for CMH employees, said today that he was concerned about the short amount of time to act after receiving the PERB order Monday. He said he had sent a letter to the CHM trustees Tuesday asking that they consider coming under PERB, and that he had also requested from PERB an extension of time from Thursday for consideration of the request.

"I have inquired from PERB why it took so long to receive the order," Veach said in a telephone interview. "We should have received the order in July."

Jerry Powell, PERB executive director, could not be reached for comment this morning.

The PERB order was based on decisions made at a July 16 meeting in Topeka where PERB determined that the trustees could be considered the governing body for the CMH employees. The request for unionization filed by Veach had contended the city of Coffeyville was the governing body, and the city in February had elected to come under PERB's auspices.

No progress made in city, union talks

Aug. 27, 1984
No perceptible progress has been made in the months-long contract negotiations between the city of Coffeyville and the International Union of Operating Engineers Local No. 123.

Representatives of the city and the union met Wednesday to define areas of disagreement, Woody Smith, city attorney, said. Smith said today he was expecting to hear soon from the Kansas Public Employee Relations Board about scheduling a meeting between the parties in Coffeyville.

Jerry Powell, PERB executive director, said Friday he had been unsuccessful in attempting to contact the union and the city to set up a meeting time. Topic for the PERB meeting will be allegations made by Local No. 123 of unfair labor practices by the city.

"We filed an answer to those charges, and now we're waiting for Mr. Powell to contact us," Smith said.

The most recent negotiations between the city and the union amount to a meeting where the sides defined their final positions after the breakoff of talks

at the end of July, Smith said. At the time of the breakoff, the city stated its final position and said there would be no retroactive pay granted back to the first of the year to union members under any agreement for 1984.

Two separate petitions have been sent to PERB's Topeka office signed by city employees requesting that they be allowed to bargain for their city contracts separately from the Operating Engineers union. PERB has taken no action on the request.

Smith and William A. Snelson, city manager, have said they think the city has not violated any labor practices. But Smith said some of the allegations involved the late William Claiborne, deputy city manager, and the city would have no access to information about those incidents because of his death.

Smith said a further negotiating session was planned with the operating engineers, but a date had not been set. Stan Basler, attorney for the union, and union business agent Howard Barth were not available for comment this morning.

City employees submit second petition for release

By BILL GRAY
City editor 7-84

Another petition has been received by the Kansas Public Employee Relations Board from Coffeyville city employees asking that they be removed from union representation, City Manager William A. Snell said Friday.

Snell said he had received a checking copy of the petition sent by employees represented by the International Union of Operating Engineers Local No. 123, but declined to discuss its content or disclose the number of names on the petition. A previous copy of the petition — which contained 14 names — also had been sent to Snell this week.

The operating engineers were recognized by the City Commission as the

bargaining unit for about 75 city employees at city hall, the light and power plant, the water filtration plant and in the street and sewer departments. The union is the only one of five bargaining units yet to reach an agreement with the city on contracts covering 1984 wages and benefits.

William Harding, Lincoln, Neb., labor counsel for the city, said Friday that he had talked to Stan Basler, attorney for the union, but that no meetings had been scheduled. Harding said there was no change in the city's position that it would not budge from its final offer as of June 26.

"(Basler) asked me if he thought the City Commission would change their stance, and I told him they had

not," Harding said.

The commission stated through a release read by Mayor Jack Anderson that no retroactive wage or benefit increases would be made available if the contract was not settled by July 1.

Basler said Friday that he and Howard Barnhart, business agent for the union, planned to formally submit additional data to the city concerning wage levels. The city has established a salary grid for all employees based on a regional survey of similar-sized cities, and Basler said Barnhart was collecting additional data to justify variance from the established grid.

The union attorney said no specific date was set for presenting the data. Concerning the petitions by employ-

ees, Basler said he thought there was no danger that a movement would persevere to have the union de-certified. He said he had spoken to one person who had signed the petition.

"The person expressed mainly regret and dismay with what had happened in the city so far," he said. "I think that person was even having second thoughts."

PERB officials Jerry Powell, executive director, and Paul Dickhoff, labor conciliator, were out of the office Friday and unavailable for comment concerning the petitions. Earlier this week Powell said any movement to de-certify would have questionable legal basis, because PERB had not yet determined which city positions could be

long to the union — and the union not been officially certified.

Harding agreed that the City Commission had voluntarily accepted union as a bargaining unit, but that if enough city employees petitions asking the union to withdraw recognition as provided in Kansas statute.

Harding said the law provides if more than half of the employees represented by the union asked not represented by that entity, the commission would have to consider the union. In that case, Harding said PERB's involvement in the suit would end.

PERB recognizes trustees as hospital's governing body

By BILL GRAY
City editor 7-17-84

The unique status of the Coffeyville Memorial Hospital Board of Trustees was clarified Monday in a decision that places in limbo attempts by some CMH employees to form a union.

The Kansas Public Employee Relations Board in Topeka also heard a report relative to the stalled negotiations between the city and its employees represented by the International Union of Operating Engineers Local No. 123. City and union representatives reported a tentative agreement was pending that would settle differences over which employees would be considered ineligible for union membership because of supervisory or confidential records responsibilities.

PERB decided that the hospital trustees — and not the City Commission — constitute the hospital's governing body. The effect of that decision is the thwarting of an attempt to unionize under PERB made by the Service Employer Union Local No. 513 of Wichita.

The union, represented by

"...to my knowledge we're the only city that has its hospital set up under our own statutory language."

— Woody Smith, city attorney

Art Veach, had filed a petition for unionization with the city in an attempt to bypass the trustees. The City Commission in February elected to come under PERB's auspices, while the trustees have not done so.

Woody Smith, city attorney, said the PERB decision was precedent-setting, but very well could have ramifications only in Coffeyville. He said he was not aware of any other municipalities that had hospitals overseen by bodies similar to the CMH Board of Trustees.

"I've asked around to other

city attorneys," Smith said, "and to my knowledge we're the only city that has its hospital set up under our own statutory language. Other cities have built hospitals and then leased them out to someone."

Jerry Powell, PERB executive director, said he had met with city and CMH representatives and that he had not reached a decision in a matter involving the hospital.

Smith said the city's involvement with the hospital employees' situation would end "pending a possible appeal by the union... I asked (Veach) whether he would appeal, and he said he would have to get back and talk to his people."

Veach could not be reached for comment today.

Rodger Johnson, CMH administrator who attended the PERB meeting, was also unavailable for comment. Randy Phelps, assistant administrator, said today his understanding of the situation was that employees would now have to contact trustees if they wished to pursue forming a union.

Roy Kirby, attorney for the trustees, said he could not comment on the trustees' role in the situation until he had seen a copy of the PERB order. Art Palmer of Topeka, special labor counsel for the trustees, was not available for comment.

Smith said there was a motion pending before PERB on behalf of the trustees seeking dismissal of the unionization request. That motion was based on the fact that the trustees had not elected to come under PERB, Smith said.

The city attorney said "at this point," the city was satisfied with PERB's ruling. "We were prepared to take on the responsibility for the employees if it was given us," he added.

The city's negotiations with operating engineers remained stalled, Smith said, despite the tentative agreement over employee positions. He said that agreement had been worked out prior to the breakdown of talks at the end of June.

"I think basically we're at impasse," Smith said.

He said no meetings had been scheduled.

Some members of the union have petitioned PERB seeking to disassociate themselves from the bargaining unit. But Powell has said any consideration of those petitions would be held up until the matter of which positions belonged in the union was resolved.

Final arguments ready in engineers' suit

By BILL GRAY
City editor 7/18/84

The federal court suit has been dormant since February 17, when Wichita Federal District Court Judge Patrick Kelly put the lawsuit on indefinite continuance pending contact by one of the parties in the suit. Originally, the suit was filed by both the operating engineers and the firefighters, with the latter group removing itself from the suit with the contract settlement made last month.

Harding said he reported to PERB that action involving the city and the International Union of Firefighters Local No. 265 should be dismissed because a 1984 contract agreement had been reached. And Jerry Powell, PERB executive director, said today that PERB was up-dated on the operating engineers' city situation, where the two parties have reported a tentative agreement about what job positions should be included in

the City Commission. The operating engineers-city labor negotiations was one of three topics discussed involving Coffeyville at Monday's Kansas Public Employee Relations Board hearing in Topeka. In one attempt by Coffeyville Memorial Hospital Employees to unionize was ended for the time being by a ruling that the employees were governed by the CMH Board of Trustees and not

Final arguments are scheduled July 20 in a pending federal court lawsuit filed by the International Union of Operating Engineers Local No. 123, William Harding, city labor counsel, said Tuesday. And the operating engineers have until Monday to re-

The city's ongoing work with labor law appears to have cleared one level, and it's on to the next. Final arguments are scheduled July 20 in a pending federal court lawsuit filed by the International Union of Operating Engineers Local No. 123, William Harding, city labor counsel, said Tuesday. And the operating engineers have until Monday to re-

Hospital, employees present cases to PERB official

By BILL GRAY 6-11-84
City editor

TOPEKA — City officials and representatives of Coffeyville Memorial Hospital and hospital employees agreed on what they disagreed about after a 90-minute meeting this morning at the Kansas Public Employees Relation Board (PERB) offices here.

At issue is who governs CMH: the city of Coffeyville or the CMH Board of Trustees.

The answer to that question may be some time in coming. The PERB board will initially consider the issue on July 16, and may not act at that time.

"Our main contention is the

Board of Trustees is the governing body, and as governing body hasn't agreed to come under PERB," said Art Palmer, an attorney representing CMH.

"Then if (Palmer) is right, it's just a jurisdictional dispute," said city attorney Woody Smith.

Also representing the city was William Harding, a Lincoln, Neb., labor counsel. Also representing CMH was Rodger Johnson, CMH administrator, while Art Veach of Wichita, business agent for Employees Union Local No. 513, represented hospital employees. Veach, who is also on the

PERB board, said he would disqualify himself from any board action on the issue. He said his current involvement was to determine what position should constitute a bargaining unit at the hospital.

Harding pointed out that less than 30 percent of CMH employees had petitioned PERB for organization. Veach confirmed that, but added that only five or more employees needed to petition for unit determination.

Veach said he thought he could be "flexible" on determining a bargaining unit, "but we have a problem with the hospital saying it's the governing body."

In answer to a question by Smith, Palmer said trustees would not agree to joint employer status with the city.

Jerry Powell, executive director of PERB, conducted the pre-hearing conference because he was not certain what the parties were disputing.

Powell said that to his knowledge PERB had never been involved in a hospital employee organization attempt to form a union. He said he did not know how many classifications of employees CMH had.

Johnson and Palmer said there were more than 100

Palmer added that traditionally hospital employees were divided into four units: professionals, including registered nurses; technical, including licensed practical nurses; clerical; and service/maintenance.

Eowell said he had some experience in jurisdictional disputes between county commissions and elected officials in county courthouses.

"We contend it is a completely distinguishable situation," Palmer said. "In the county, somebody else controls the purse."

Powell noted the city had the authority to tax for the hospital,

and Palmer answered the city only taxed at the pleasure of the trustees. He added that there had been no levy for CMH in 1983.

Despite disagreements, the brief meeting had a consoling air of cordiality between the parties. They agreed to jointly submit a copy of the ordinance that formed the Board of Trustees.

Powell set June 25 as a deadline to submit briefs and July 16 as a reply deadline. He said after the meeting that could be sometime after the 16 meeting before PERB so the matter.

Some workers want union out of their talks

By BILL GRAY 7-2-84
City editor

At least 14 city employees, and possibly several more, do not want to be represented by the International Union of Operating Engineers Local No. 123.

Those 14 persons signed a petition submitted this morning to City Manager William A. Snell asking that they not be represented by the operating engineers bargaining unit. The city has not reached a 1984 contract agreement with that bargaining unit, which represents about 75 employees in several departments.

One of the signers of the petition, who asked not to be identified, said the petition request was made by the employees in city hall because they did not want to be represented by any union or bargaining unit. He said the petitioners did not necessarily want to have the operating engineers union dissolved, but would rather deal directly with the city administration and commission in reaching contract agreements.

On the advice of labor counsel William Harding of Lincoln, Neb., Snell declined to release a copy of the petition. Harding, speaking by telephone from his Lincoln office, said the city had

been contacted by several employees in the operating engineers unit, and that it was possible that "within the next 24 hours" there could be two or more additional petitions submitted from other departments in the city.

"Until we know who the 'players' are — until we receive additional names, if there are any — I don't really think it is appropriate to release the names (on the submitted petition)," Harding said.

The submitted petition included signatures of employees working in city hall, Snell said. The operating engineers unit represents employees in the departments of finance, engineering, community development, public service, traffic (separate from police), the city clerk's office, water and sewer distribution, water and sewer treatment, and in the City Municipal Light and Power Plant.

Reports of dissatisfaction with the union representation of employees surfaced late last week. On Saturday Stan Basler of Cherryvale, attorney representing the bargaining unit, said he was not aware of any movement to de-certify the unit. He was not available for comment this morning.

Snell and Harding both stressed that the city administration was not taking a position concerning the employees and their bargaining unit. Snell said he had been asked for advice from individual employees about how to proceed, and he told them that he could not be involved.

The City Commission issued an ultimatum last Wednesday that the city had made its final contract offer, and failure to settle by Sunday would mean that no retroactive pay and benefit increases to Jan. 1 would be granted.

"I think the city's position was made quite clear," Harding said. "I see no need for another meeting."

has a highly unusual situation, to [redacted] to [redacted]

The city and the operating engineers have disagreed on defining who are supervisory officials, and therefore not eligible for union representation. The two parties also have failed to come to terms on contracts for employees to take effect this year, and Harding said no further talks were scheduled.

The City Commission issued an ultimatum last Wednesday that the city had made its final contract offer, and failure to settle by Sunday would mean that no retroactive pay and benefit increases to Jan. 1 would be granted.

"I think the city's position was made quite clear," Harding said. "I see no need for another meeting."

Employees stymied on union departure

By BILL GRAY 7-3-84
City editor

Employees that want to get out of a union representing some city employees have found their status in limbo.

Two employees said today that a state official informed them they would not be able to attempt any de-certification of their union because the union itself had not been defined. The two were among 14 city employees that signed a document delivered to the city manager's office Monday stating that they "do not wish to be represented by any union or bargaining committee."

"It appears that you can't de-certify a union when it hasn't been certified," Jim Hayes, city codes inspector and a signer of the document, said. "But this isn't really an attempt to get rid of the union — it's not a question of being for or against a union."

"It's a matter of individual preference."

Hayes and Brenda Lowrey, an employee in the city clerk's office, said they and the other signees did not think they needed to be represented by the International Union of Operating Engineers Local No. 123. That union garnered members from City Hall early last fall for

the first time, expanding the existing union that covered electric, water and sewer system workers, and street and maintenance workers.

Lowrey also said other departments were considering passing petitions "on their own," asking not to be represented by the union. She and Hayes said they were not involved in an overall union de-certification effort.

City Manager William A. Snell was in Wichita today and unavailable for comment. He said Monday that he had been contacted by other employees who indicated other petitions might be submitted.

The petition received by the city manager's office also was mailed to the Kansas Public Employee Relations Board (PERB) and to Howard Barnhart, business agent for the operating engineers local. Barnhart was unavailable for comment today.

Jerry Powell, PERB executive director, said Monday that any attempts to de-certify the union or for employees to leave the bargaining unit would be ineffective. That is because PERB is still considering the matter of certifying the bargaining unit, and the city management and the union cannot agree on what employees could be included in the union, Powell said.

He said he was waiting to hear from the city and the union on whether they had resolved their differences. The operating engineers and city negotiators broke off talks last week after failing to reach an agreement on employee contracts to cover 1984.

"Until we figure out who's in the union, I don't know what (the employees) can do," Powell said.

Hayes said he thought each employee had his or her own personal reasons for signing the petition, but added, "I do think I speak for the employees in saying it's a doggone shame we just can't come in and do a decent day's work and get an honest day's pay."

"That may be oversimplifying everything, but in the end, that's what everyone wants."

Dismissed hospital employees end final shift

ANNE CALOVICH 6-3-84
staff writer

The last shift that 54 workers dismissed from Coffeyville Memorial Hospital could have worked ended at 7 p.m. today.

Some employees who were among those that caught the backlash of over-than-expected patient volume at the hospital this year said they were glad they did not have to wonder any more about whether they would work. It now they have no paycheck coming and worry about how fewer employees will affect patient care.

The hospital's Board of Trustees de-

clined to make the cut in employees two weeks ago. CMH, with other hospitals around the country, faces a decrease in patient volume for reasons including a new way Medicare reimburses hospitals. CMH's patient flow so far in 1984 has been 20 percent below what was budgeted. The hospital said it could lose \$133,000 this year if it proceeded on its course without the cutbacks.

Most of the departments affected by the dismissals had already experienced work cutbacks because of the lower number of patients, Brad Buckner, director of human resources, said last week. Some workers got days

off without pay when there were not enough patients in the hospital. The hospital calls such days "convenience days." Dismissing employees could eliminate those days, Buckner said.

"We're cutting back to the point where we'll provide more hours for those who are here," he said.

But eliminating convenience days will depend on how many patients are in the hospital on any given day. The dismissals were figured on an revised estimate of an average of 70 patients per day in the hospital.

The majority of the 54 dismissed employees, 32, were nurse's aides,

Buckner said 38 nurse's aides remained at CMH.

Monte Campbell worked at the hospital for 15 months as a nurse's aide.

"I think it was kind of a cheap shot," he said Saturday of the dismissals. "There's better ways to do it. We could've kept the (hospital convenience days) instead of getting laid off. At least I'd still have had a check coming."

Campbell said he usually ended up getting seven days of work out of a two-week pay period.

"I don't know what to think," he said. "All of a sudden I'm out of a job."

"And there's nothin' in Coffeyville."

Joyce Owens had worked as a nurse's aide for the past three years.

"I didn't like it," she said of her notice. "I didn't think they did us right."

She said that when employees asked administrators about the security of their jobs, "they'd give us a different story" every time.

The hospital convenience days mounted unbearably, she said — "a whole lot more than I could stand. I couldn't get by on what I was making. One week I'd work two days, and maybe the next week three days. And

then you thought you'd get a full week, and they sent you home."

Knowing that is over is a relief, she said. Still, "A little something is better than nothin'." It's hard to get jobs. If they would've told us in advance, it would've been easier.

"But this is better. At least I know I am gone for good so I can find something else."

She said she worked on the north wing, and that the nurses "really need help over on the north wing. The nurses aren't going to be able to take care of them (patients). It takes more than one person to take care of them."

She said that with a cutback in ward clerks, nurses might have to do more of their own paper work, and she thought less care would be rendered the patients. Many of them are elderly and need more than one person's care, she said.

Hospital administrators have said that with the cutback patients might not get little extras that were present in former care, but that none of the essential care would be missing.

Mary Morris, a nurse's aide affected by the cutback, does not agree.

"I do not feel the patients are going to get the care they need and deserve," she said.

"I think people from around here are going to go elsewhere for care because they're not going to get the care."

"The administration has given us — the present administration — has given us the run-around. Like this layoff. Word gets around, and you never know, and it hits you, 'Boom!'"

"It's not only unfair to us. It's gonna be unfair to everybody."

Coming to work for the past few months has been difficult, she said. She worked the night shift, but did not know when she came home in the morning whether she would be going back to the hospital in the evening.

"The morale up there was terrible. We used to love to come to work..."

"We didn't know how to plan our days, how to sleep. Everybody hated to come in, including the nurses."

The hospital follows the Na-

tional Labor Relations Board rules for dismissing employees, Buckner said.

Termination hearings will be conducted for city employees when they were laid off early this year. The Kansas Public Employee Relations Board is looking at whether the hospital employees come under its jurisdiction of the city. The city appoints the hospital Board of Trustees.

PERB is to meet with city and hospital officials June 11 to determine an answer to the question, which came up after some hospital employees are tempted to start a union.

If it is determined that the hospital is under the city's jurisdiction, the hospital would have to follow the rules of PERB to employees in the future, Buckner said.

In the meantime, Jerry Powell, executive director of PERB, said the only hearings the hospital could have are conducted by PERB. He said that PERB would take place on June 11, and that the hospital would have to follow the rules of PERB to employees in the future, Buckner said.

City removes Captain criticizes captain's job switching of job from fire unit

By BILL GRAY 4-20-84
Staff writer

An apparent settlement of a disputed fire department position has been clouded by the city's elimination of the job today.

Memos sent to two current fire captains, Ron Pursley and Ron Galindo, by City Manager William A. Snell said their captain's positions were being eliminated. Instead, the city will add two more assistant fire chief positions, Snell said in the memo.

The change will be effective May 1. Snell said in the memo that he would discuss the assistant fire chief jobs with both fire captains if they were interested in applying.

Snell was unavailable for comment today.

Attorneys representing the city and two labor unions, including the firefighters, met for about one hour Thursday with two officials of the Kansas Public Employees Relations Board (PERB). The meeting was to discuss differences between the city and the union over which positions could be included in employee bargaining units.

Jerry Powell, executive director of PERB, said the city's attorney and Stan Basler, attorney for the International Union of Operating Engineers Local No. 123, agreed to postpone any hearing activity on disputed positions in that bargaining unit. Powell said there could be as many as 20 positions in dispute in that unit, and that Basler and the city counsel did not have time to review each position prior to a tentative hearing time today.

But Powell did conduct a hearing this morning on the fire captain's position. The proceeding lasted only a few minutes when William Harding, city labor counsel, said the city had decided to agree that the fire captain positions should be part of the bargaining unit for the International Union of Firefighters Local No. 265.

Basler, admitting he was "caught by surprise," spoke with union representatives for a few minutes, then agreed to end the hearing. Contacted later today about the action to abolish the fire captain position, Basler said he had not been aware of the city's move and could not comment.

Powell, speaking after the short hearing but without knowledge of the city's action to terminate the captain's position, was highly complimentary of the behavior of Basler and the attorneys for the city.

"As far as I'm concerned, both parties have been very cooperative, very up front about this," Powell said. "This is somewhat unusual compared to other cases I've heard throughout the state."

If agreement was not reached on positions in dispute, Powell said a long process could unfold involving completion of a hearing with witnesses and documents introduced, further briefs or arguments filed with the PERB board, a decision by PERB, and then even a possible appeal to court of a PERB decision.

"What the citizens should understand is that this is a very formalized relationship now, and it takes some time," Powell said.

The city went under PERB in February for the first time since the board was created in 1973. After a court suit was filed over disputed positions, the city and unions agreed to have PERB determine which positions would be considered supervisory or confidential, and therefore ineligible to become part of an employee bargaining unit or union.

By BILL GRAY 4-23-84
and MATTHEW SCHOFIELD
Staff writers

One possible candidate for two newly created city assistant fire chief's positions today blasted the way the city made the announcement Friday about the new jobs.

But the city's chief labor counsel said the city acted properly in announcing Friday that fire captains' jobs would be eliminated May 1, and two more assistant fire chief jobs would be created. The announcements were made in the form of memos issued only about one hour after the city had agreed to allow the captains' jobs to be included in a union bargaining unit.

Two fire department employees currently filling captains' jobs, Ron Galindo and Ron Pursley, were issued memos stating they could apply for the assistant chief jobs. A third captain's position has been filled temporarily by F.R. Coffey after the suspension and subsequent firing of Frank Riley for an altercation involving then-chief David Beisly.

Coffey was not given a copy of the memo.

Galindo said today that he had not decided whether he would apply for the assistant fire chief position.

"I think it's a plot," Galindo said. "And the plot is to move me to an area where I can no longer be in the union. The reason I think this is because only minutes after the city conceded that a captain could be on the bargaining committee, they handed me a memo telling me that my captain's position would be eliminated."

"Therefore, I have to voluntarily move into the assistant fire chief's position and be subject to exclusion from the union."

Galindo, president of the International Union of Firefighters Local No. 265 until two years ago, said that the move by Snell to eliminate the three captains' positions and replace them with assistant chief positions went against the city manager's earlier stance on layoffs.

"His excuse for laying off in the way that he did was that he

said there were too many chiefs and not enough Indians," he said. "Now, by title, we will be too top heavy."

Because only one of the city's two fire stations is open (the westside station was closed Feb. 3), Galindo said that two additional assistant fire chiefs weren't necessary.

"I could be a captain and still do the same job," he said. "And the job would still be done in the same way."

"When we decided to push this thing through with the PERB (Public Employees Relations Board) hearing, they realized we were going to win — so they changed their strategy."

Pursley could not be reached for comment today.

The city had no obligation to inform the firefighters' union about changes in management positions, William Harding, city labor counsel, said today. Harding added that he did not think the change was relevant to PERB hearings conducted on the fire captain's position be-

cause PERB was attempting to determine what positions should be included in the bargaining unit, and the assistant chief positions "clearly" were supervisory.

"I don't think there's any question about that," Harding said. "Before there was one level between the fire chief and the captains. Now that is no longer there."

Harding said the city was willing to meet with the union to discuss the impact of the change in fire department positions.

"The city has been willing since (the date of the layoffs of firefighters) to talk about issues that might have impact on the bargaining unit," Harding said.

He said further meetings between the city and the firefighters' union to discuss 1984 labor contract matters was "totally dependent" on the schedule of Stan Basler, attorney for the firefighters. Basler was unavailable for comment this morning, and Harding said the earliest Basler indicated he would be able to meet would be some time

next week.

William A. Snell, city manager, was unavailable for comment today.

William Clairborne, deputy city manager, said that his understanding was that the assistant chief's positions would have more authority than the former captain's jobs. He said he thought Snell planned to have an assistant chief oversee each fire department shift.

The firefighters' union might decide to appeal the city's move to eliminate the captain's jobs, Jerry Powell, PERB executive director, said. But the employees might choose to apply for the new positions and consider them promotions, he said.

"It could mean they get a nice promotion," Powell said.

The change will give the city three assistant fire chiefs. Gordon Fry, acting fire chief, had been the city's only assistant chief until he was temporarily promoted to fill the vacancy created by Beisly's move to the job of director of safety and inspections. A new chief has not been named.

PERB holds meets here

4-2-84
A representative of the Kansas Public Employee Relations Board (PERB) will be in Coffeyville next week for pre-hearing meetings and, if necessary, hearings to determine which city employees should be considered supervisors.

Jerry Powell, PERB's executive director, said today that a pre-hearing and hearing for the International Brotherhood of Electrical Workers Local No. 1523 would be 1:30 p.m. April 11 and 9 or 10 a.m. April 12. A pre-hearing conference for the International Association of Operating Engineers Local No. 123 and the International Union of Firefighters Local No. 265 will be 9 or 10 a.m. April 13, Powell said.

If a hearing is needed for those two locals, it will be April 20.

Powell has said he hopes it would be possible to work out differences over PERB designations without the necessity of hearings.

A suit filed by employees' unions in federal district court over the dispute has been placed on indefinite continuance after attorneys for both parties in the suit agreed to undergo the PERB hearing procedure.

PERB requests meeting with city union, CMH

4-17-84
The Public Employee Relations Board (PERB) is requesting a meeting with representatives of the city of Coffeyville, Coffeyville Memorial Hospital's Board of Trustees and a union that seeks to represent the hospital's nurses.

Paul Dickhoff, labor conciliator for PERB, said today from his Topeka office that he sent a letter to representatives, requesting to know when they could meet with him and Jerry Powell, PERB's executive director. The meeting would be to resolve the trustees' motion to intervene in a request by Service Employees Union Local No. 513 to represent registered and licensed practical nurses at CMH.

The union's petition, filed with PERB in March, names the city as the governing board of the hospital. The trustees' mo-

tion contends that they are the governing body.

PERB has received a response from the union but not from the city administration on CMH's motion to intervene.

Powell said PERB probably would allow the hospital to intervene as an interested party, and that PERB then would "take a look at the appropriate governing body."

Dickhoff said the meeting could resolve the question of who the governing body is, depending on whether the hospital board continues to maintain that it is the governing body. If it does, a hearing probably will have to be held, he said.

Dickhoff said the hospital trustees would have to be allowed to intervene in some way so that the hospital would provide information that would help determine the governing body.

Powell said he wanted to meet with representatives of the hospital, city and union, and then investigate further, if necessary.

Hearing set in lawsuit

By BILL GRAY
Staff writer 4-19-84

A meeting scheduled for late this afternoon was to determine whether the Kansas Public Employees Relations Board would have to conduct hearings in a dispute between Coffeyville city officials and employee representatives.

And on Wednesday afternoon city and employee representatives met in a pre-trial conference with Associate District Judge Richard Medley on a related dispute. A court appearance was set by Medley for May 8 in Coffeyville to hear arguments on that dispute.

Medley met with Woody Smith, city attorney, and with Stan Basler, attorney for the International Union of Firefighters Local No. 265. Smith said he filed a brief asking for summary judgment in favor of the city's position, and Basler was

granted 10 days to respond. Arguments on the brief and response are to follow May 8.

The court case involves a disagreement over the effective period of the firefighters' most recent labor contract with the city. The union contends that its contract was still in effect this past February when the layoffs of 29 city employees took place. The city contends that the contracts with city employees expired at the end of 1983 as per dates stated within the contracts.

The unions contend that the labor contracts called for any layoffs to be conducted according to seniority in a department. But the city chose to lay off employees according to seniority by position in classification. For example, in the fire department, the union contends that the city should have laid off employees by taking the persons with the least amount of time served in the department. But the city laid off a certain number of employees from the positions of lieutenant, driver and firefighter.

The city's method meant, in some cases, that persons laid off from certain positions had more time in service than some employees retained in different positions within a department.

PERB representatives were to meet with William Harding, city labor counsel, and with employee representatives, including Stan Basler, attorney for firefighters' and operating engineers' unions.

The PERB dispute involves positions within the firefighters' union and in the International Union of Operating Engineers Local No. 123. The unions, both represented by Basler, contend that certain positions should be

part of the bargaining while the city contends the positions in question are either supervisory or confidential in nature, and therefore not eligible for union membership under PERB guidelines.

PERB representatives Coffeyville will include J. Powell, executive director, Paul Dickhoff, PERB labor conciliator. This is the first year city has elected to come under the authority of PERB. The Commission decided to come under PERB shortly before layoffs were made.

If the meeting with PERB officials does not resolve the dispute, hearings will be conducted Friday, according to Powell. The unions had filed a federal court lawsuit in February concerning the dispute, but attorneys agreed to submit their differences to PERB instead of pursuing the suit.

Decision on who governs at CMH may go to Stephan

By BILL GRAY
Staff writer

Kansas Attorney General Robert Stephan may end up ruling in a dispute over whether Coffeyville Memorial Hospital employees may organize a union, says the executive director of the Kansas Public Employees Relations Board (PERB).

Representatives of parties in the dispute probably will meet in Coffeyville next week with PERB representatives, Jerry Powell, PERB executive director, said today. The representatives would include spokesmen for the city, the hospital board of trustees, hospital employees and a Wichita-based union seeking to organize the employees.

"This is the first time we've ever had a situation involving a city and a municipal hospital," Powell said. "We may well end up having the attorney general rule on this."

The central issue involves who should be defined as the governing body for the hospital employees. The employees contend that body should be the city, while the hospital board of trustees claims that they should be recognized as the governing body.

In February, the city elected for the first time to come under the auspices of PERB in dealing with management-employee matters. In March, a request to organize hospital employees was filed with the city by Employees Union Local No. 513 and their business agent, Art Veach. That request named the city as the governing body.

Since that filing, the board of trustees has filed a motion to intervene, claiming that the city incorrectly was named as the governing body. Powell said that he would rule that the hospital be included in the PERB meetings and hearings on the

matter "as an interested party, but not as the governing body."

"The reason we do that is so that we can get everybody together," Powell said. "What we try to do with PERB is to try to facilitate communications between the parties."

Powell has been with PERB since its creation in 1973. In that time, he said the board had been called to monitor disputes between city governments, employees and municipal boards, but not one involving a hospital, and not a dispute involving a municipal body with the same type of authority situation as was present between the city of Coffeyville and the CMH trustees.

"We had one case recently involving the Kansas City (Kan.) Board of Utilities, and we found them to be the governing body," Powell said. "They (board members) were appointed by the city, but they (utility board) had complete budgeting authority."

"The hospital here, as I understand it does not."

Powell and Paul Dickhoff, PERB labor conciliator, were in Coffeyville last week to conduct meetings and a hearing on a city employee dispute. Powell said the hospital employee unionization request dispute probably would be handled in a similar manner, with a pre-hearing meeting between the parties to define issues, to be followed by hearings if necessary.

"An alternative would be for an investigation to be conducted by PERB officials, Powell said, without hearings being conducted. In either event, the PERB officials would make a recommendation to the PERB board, which would make a determination that may or may not be the same as the recommendation, Powell said.

April 25, 1984
Village Vanguard
Week in Review

COFFEYVILLE AREA

Sen. Dan Thiessen, R-Independence, chief sponsor of a bill to curtail the use of trending factors in taxing business property, announced he will be a candidate for re-election from the 15th senatorial district including parts of Montgomery and Woodson counties and all of Chautauqua, Wilson, Elk and Woodson counties. Former Sen. John Vermillion has filed as a candidate to oppose Thiessen.

City Manager William Snell of Coffeyville fired Capt. Frank Riley of the Fire Department during a recess of a hearing on whether Riley should be terminated.

The termination came after Glenn Casebeer, attorney for Riley, challenged the credentials of Kelley Baker, a lawyer for a Nebraska firm, to practice in Kansas.

Former Fire Chief David Beisley testified that he and Riley has frequent disagreements but said that he, Beisley, had done nothing to provoke an incident last Feb. 14 in which he said Riley struck him.

The Coffeyville City Commission was scheduled to consider at its meeting at noon Wednesday the ratification of a proposed contract for policemen.

Jerry Powell, executive director of the Kansas Public Employees Relations Board, was quoted by The Coffeyville Journal as saying that if the board is unable to determine the governing body for Coffeyville Memorial Hospital, it could be referred to the attorney general. Some employees of the hospital have petitioned the PERB board to permit organization of a union.

Ron Galindo, a captain in the Fire Department, criticized an offer by the city administration to create two new assistant chief positions and allow captains to apply for them. Galindo said it was an attempt to move them from the union. Galindo added that the city created the positions and changed its strategy after it realized firefighters were going to win a case with the Kansas Public Employee Relations Board.

Steve Kimball, chief negotiator for Coffeyville's National Education Association, said teachers will request salary increases greater than six percent when negotiations commence on May 8.

Official to explain public employee law

By MARK PITTMAN
City editor

The chief of staff for the state Public Employee Relations Board will be in Coffeyville Tuesday to explain the Kansas Public Employer-Employee Relations Law.

Jerry Powell, the employment relations administrator for the Kansas Department of Human Resources, said today that his visit was spurred by confusion about the law and the function of the board. He said that his office had received a lot of inquiries recently from people in Coffeyville.

"There's a lot of misunderstanding amongst all of the parties there," said Powell, who is a Coffeyville native. "I thought I'd come down and try to clear some of it up."

Powell said he would conduct one informational session at 1 p.m. Tuesday in the Commission Room at City Hall and another at 6 p.m. in the same location.

Powell said it was not unusual for city workers and the public to have questions after a city elects to come under the

provisions of the PERB law.

"It's easier for me to come down and take care of it in person than to handle all these individual inquiries," Powell said.

Powell said that PERB gave some rights and obligations to public workers but did not have jurisdiction over a number of areas that employees appear to be concerned about.

"Our job is to protect sanctity of the bargaining process and protect any employee that has joined a union," Powell said. "For instance, in most contractual matters, there are two main avenues — the grievances procedure as set in the contract and the district courts."

"We have always taken the position that our primary job is to educate — not adjudicate. One of our main jobs is to put on seminars for employees and management."

Powell said PERB did not have exclusive jurisdiction over:

- Whether the city has a valid contract with its unions.
- The firefighters have chosen the proper forum for determining that — the district courts," Powell said.
- Whether any party has allegedly violated a contract.

"This has two basic exceptions," Powell said. "For example, let us say that a contract had just been entered into and the employer says, 'Forget it. We're not going to live by this contract.' We would examine this because it is an allegation that the employer didn't meet and confer in good faith."

"We would also look into it if they had a grievance procedure, for instance, and binding arbitration was the culmination of that procedure. And, if one of the parties refused to go to arbitration, we would look into that under the allegation that the group was deliberately avoiding fact-finding, mediation, or arbitration."

Powell said PERB, for example, could not determine whether city was making layoffs properly.

Union petitions to represent nurses at Coffeyville hospital

By MARK PITTMAN
City editor

Coffeyville's municipal government will respond within seven days to a Wichita-based union local's request to represent Coffeyville Memorial Hospital nurses in collective bargaining.

Under the union's request, the union would represent approximately 90 registered nurses and licensed practical nurses at CMH. The hospital currently has no union employees.

The petition was received Thursday at City Hall and Coffeyville city commissioners voted 4-1 to provide the answer through City Attorney Woody Smith and the city's labor counsel, Bill Harding of Lincoln, Neb. Commissioner Arthur

Treece voted against the resolution without comment.

Nearly all hospital affairs have been handled in the past by the hospital's board of trustees and the hospital administration. The city normally only takes a direct hand when new trustees must be appointed and when the hospital requests capital improvement bonds, which must be approved by the commission.

The chairman of the CMH board, Ed Orear, said he did not know about the petition.

"This is something up to (CMH Administrator) Rodger Johnson," he said. "I'd better not answer right now."

Johnson said today that he would have to discuss the issue with the hospital's attorney, Roy Kirby, and the CMH board. "We will abide by the state

statutes on this," Johnson said. "In my opinion, this matter should not have been sent to the City Commission. It should have gone to the board of trustees."

"I would presume that state statutes would show that the hospital board has complete responsibility for the running of the hospital, including the matter of labor relations."

"I would think that the posture of the city would be not to involve the city management in this. They have quite enough to do."

Johnson said he would support the hospital's written policy on union activity, which states that: "unions are not necessary to protect the best interests of the employees nor those of our patients. There is no need for a third (sic) party to intervene between our employees and the management of the hospital."

"... We believe we should make our views known to all employees and that we should discuss frankly the disadvantages to all concerned if a union is allowed to intervene in hospital affairs."

The petition was filed with the Kansas Public Employee Relations Board (PERB) by Service Employees Union Local No. 513, which represents city employees in Wichita and employees at Mount Carmel Hospital in Pittsburg.

The petition was signed by Art Veach, business representative and financial secretary for the local. Veach, who one of five members on the PERB board, was unavailable for comment.

The union action was directed at City Hall instead of the CMH Board of Trustees because the city appears to be the final authority over the hospital by the Kansas PERB board.

"We could fight it, I guess," Harding said. "But it looks like a lose."

Harding also said the City Commission could delegate the authority for negotiations with employees over to the hospital board or the administration. However, he said there were advantages to allowing only one agent bargain for the city in all union negotiations.

Coffeyville came under the guidelines of PERE on Feb. 7. PERB sets down ground rules on how public employers and employees must negotiate in collective bargaining. The statute also dictates that a public employer that elects to come under

the law — as the city has — must bargain in good faith with any duly selected collective bargaining agent.

PERB executive director Jerry Powell said today that it appeared that the hospital came under the jurisdiction of the city.

"I still don't know for sure," he said. "Art (Veach) is a member of the PERB board and he thinks the hospital board is appointed and can be removed by the city; that is one of the criteria. It appears to me that the city is the governing body and the hospital board is a representative of the public employer."

Powell said that the hospital employees and the city must go through a determination of which employees are in the bargaining unit. Then the employees must vote on whether they want a union to represent them.

PERB plans meetings here

A representative of the Kansas Public Employees Relations Board says he hopes to come to Coffeyville in the next two to three weeks in an attempt to resolve differences over which city employees may belong to unions.

Jerry Powell, PERB executive director, said last week that hearings might be necessary to help determine what city employees should be considered supervisors, and therefore not eligible for union membership. But he added that he hoped the situation could be resolved before that step was necessary.

A PERB office spokesman in Topeka was unable to confirm today whether a specific time had been set for meetings in Coffeyville. Powell was unavailable for comment today.

"I'll definitely have to come down there," Powell said from

his Topeka office. "But nothing's been scheduled."

"First, I'll sit down with the parties at pre-hearing conferences. I hope that we can work things out. If not, we'll probably have to hold hearings."

William Harding, the city's labor counsel, said Friday he had filed a motion with PERB asking Powell be replaced as hearing officer in an effort to expedite the proceedings. Harding said he understood that it could be as long as a month before Powell could address the Coffeyville situation.

"We just want this matter over as soon as possible," said Harding.

But Powell said there was no other PERB employee that could substitute as per Harding's request. He said that his office now was contacting representatives of the unions involved to attempt to schedule a

"That would be like me going down to the Municipal Light Plant and trying to run whatever they do down there," he said.

However, if the dispute falls within PERB's jurisdiction, the five-member board becomes a hearing panel to decide the issue, but only if the parties cannot agree by themselves, Powell said.

Examples of issues that fall within PERB's realm are:

- Whether employees are supervisors.
- When employers and employees can't agree on what issues must be bargained.
- Whether either party is bargaining in good faith.
- And whether anyone is being discriminated against because of union involvement.

"What we are is a mini-National Labor Relations Board for public employees," Powell said. "We do on a small scale for public employees what the NLRB does across the country for the private sector."

mutually agreeable date for conferences and possible hearings.

"It's probably several months down the road before we get this done if we have to have hearings," Powell said.

The city of Coffeyville's 1984 contract proposals made to its four employee bargaining units call for supervisors to be excluded from the units or unions. These include such positions as police and fire lieutenants, fire captains and foremen from other departments.

Two employee unions took the issue to court in February. The International Union of Operating Engineers Local No. 123 and the International Association of Firefighters Local No. 265 contended in Federal District Court that the city was attempting to illegally coerce employees from giving up union membership.

City supervisors to be excluded from labor units

By MARK PITTMAN
City editor 2-1-84

City Manager William Snell notified city union representatives today that all "supervisors and confidential employees" would be considered excluded from the city bargaining units.

The notice came this afternoon during a meeting of Snell and the union agents. Union response to Snell's proposal was not available at press deadline.

In addition, the union representatives were notified of a proposed procedure for layoffs — which may or may not include seniority as one of the criteria for laying off employees.

"The criteria for laying off employees is not negotiable," Snell said during an interview today. "However, the impact of those layoffs is negotiable."

The city intends to give notice to affected employees by Friday, Snell said.

Negotiations regarding what benefits laid-off employees will receive are scheduled to begin Saturday with written proposals from the union, Snell said. One item to be discussed could be severance pay, Snell said.

If an employee requests a hearing, he may argue his case before the Coffeyville City Commission, which will decide the issue, according to Snell's proposal. The hearings can begin Feb. 15, Snell said.

Snell also told representatives of a proposed timetable for negotiations, which will begin Feb. 15 with contract proposals from the unions. The city will respond to the proposals by Feb. 22 and bargaining sessions will start Feb. 29.

Under the Kansas Public Employer-Employee Relations Act, supervisors and confidential employees are constrained from membership in organizations that represent other workers. Supervisors are defined in the law as those who have responsibility for direction of work and maintenance of discipline. Confidential employees are defined as clerical workers and secretaries who have frequent access to management information. Supervisors, however, may join labor organizations other than those that represent the rank and file.

Snell's staff was expected to compile a list of all personnel that would be considered excluded from the bargaining unit. If the city and the unions cannot agree on the composition of the bargaining units, the issue could be settled by the state Public Employees Relations Board.

City commissioners voted Monday to come under the board and adopt the rules contained in the 1972 Kansas Public Employer-Employee Relations Act. Commissioners adopted the goal of eliminating supervisors from unions during a goal-setting session two weeks ago.

Jerry Powell, employee relations administrator for the Kansas Department of Human Resources, said the intention of the law in barring supervisors was to protect both employees and management.

Officials cite pluses of labor law

By MARK PITTMAN
City editor 2-1-84

City commissioners placed Coffeyville under the auspices of the Kansas Employer-Employee Relations Law, formally recognizing city unions as official bargaining agents for the first time.

Mayor Jack Anderson said Monday that the city's action was in direct response to accusations of "union busting" made by the city firefighters Friday.

"We are facing tough economic decisions," Anderson said. "The unions feel we are trying to 'bust' them because some employees must be laid off."

"That is not true. To show clearly that we are only trying to make the best budget decisions for our citizens and that we are not selecting the unions as targets, we have today elected to be covered by the Kansas Public Employee Relations Board procedures."

City commissioners voted unanimously to come under the law after a 30-minute executive session to discuss "non-elected personnel and labor legal matters." The change was recommended by City Manager William Snell.

The law also lays down ground rules for negotiations, union rights, management rights, arbitration and mediation. The authority for interpreting the law rests with the Kansas Public Employees Board, a five-member board appointed by the governor with one union representative, one management representative and three members of the general public.

Fifteen Kansas cities — most of the larger cities in the state — have elected to come under the act, including Topeka, Wichita and Kansas City.

Under the act, management cannot conduct a lockout to violate employees' rights and must "meet and confer" with registered agents of city unions. Labor organizations are forbidden to strike.

Coffeyville has negotiated with city union committees for decades, but the negotiations had never been accorded formal legal status. The city was not forced by any laws to recognize employee organizations, even though city workers have a long tradition of organizing. For in-

stance, city firefighters have been organized since Dec. 8, 1924. However, the negotiations did not have any legal definition before coming under the act, said Jerry Powell, employment relations administrator for the Kansas Department of Human Resources.

"If someone didn't want to bargain, they didn't have to. It's like if the Royals and the Cardinals were going to go out on the field and suddenly there weren't any rules," said Powell, who grew up in Coffeyville. "Now that would be a tremendous screw-up."

Powell said that many prob-

lems arise in negotiations between cities and employees because of a lack of rules for discussion and bargaining.

"All this does is set up a framework and it's whatever the employer and the employees want," Powell said. "I can see nothing but advantages."

Many cities have elected not to come under the law because of misunderstandings about the function of PERE, Powell said.

"They think that some super board from Topeka is going to come in and tell them how much they're going to have to pay their employees."

"But if you're going to nego-

tiate, it's better to be under law."

A fire union representative described the Kansas Employee-Employer Relations today as a two-edged sword can cut both ways — for union and for the city.

"It's got its good points its bad points," said B. Mecom, president of the International Association of Firefighters Local No. 265.

The chief negotiator for police, Sgt. Phil Schlotfeld, today that he could see only advantages for employees and management.

"It'll be good for us and good for the city, too."

City discontent with PERB official

By BILL GRAY ²⁻⁶⁻⁸⁵
City editor

The city may seek to have a state labor official removed from formal involvement in hearings over stalled contract talks if the official expresses what could be considered bias in the future, an attorney consultant for the city said today.

William Harding, the attorney, said previous involvement of Jerry Powell, executive director of the Kansas Public Employees Relations Board, in city labor matters "might lead some to think" that Powell was prejudging matters. "If we see more of that same sort of attitude, the city may well seek to have Mr. Powell removed from a hearing," Harding, of Nelson and Harding of Lincoln, Neb., said.

Powell said today from his Topeka office that he was unaware of anything he might have said in previous involvements in Coffeyville that might be considered prejudicial. "I've been very careful about this for

about 12 years and I doubt that I've slipped up now," Powell said. "The only thing I can think of is that it's because I grew up in Coffeyville."

Powell's current involvement in city labor matters concerns the stalled 1985 contract talks between the city and the International Association of Firefighters Local No. 265. He said today that he would conduct a pre-hearing conference with both sides on Feb. 15, and at that time would try to determine if an impasse existed in the talks.

The city has requested an impasse be declared, but firefighters' representatives have rejected a "final" city offer while saying they are willing to continue negotiations of specific items they find objectionable in the offer.

Whether an impasse is declared could be contingent upon the status of at least three of five prohibitive practice complaints filed by both sides of the negotiations. Powell said. He said the

three complaints seemed to allege that the parties had bargained in bad faith.

"Usually the remedy in a bad faith situation is that I'll order the parties to get back together to meet and confer," Powell said.

Powell said if he decided a formal hearing could be scheduled, the city "would have every right" at that point to seek to have him removed from the proceeding.

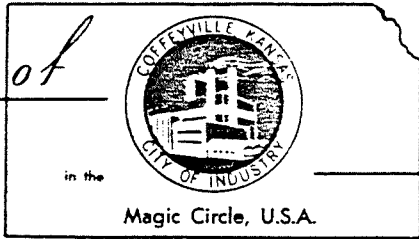
Harding confirmed that he had written a letter on behalf of the city to two leaders of the Kansas Legislature, offering that City Manager William A. Snell and Mayor Jack Anderson would testify as to the city's experiences with PERB "and with Mr. Powell in particular." Harding said the city decided to write such a letter because it was aware of "some sort of ongoing review process conducted of state agencies," and the letter was sent to the chairmen of the

House and Senate labor committees.

Harding said city officials who had contact with Powell had observed behavior that might be thought to be prejudicial. "Some would say that (Powell's behavior) was," Harding said.

In another activity related to the negotiations with firefighters, Snell released a two-page statement on the city's involvement with PERB. The release said "the city is prepared to defend the charges brought against it by the union and to bring charges against the union on behalf of the city." The statement also details the city's position on each of the complaints filed.

The release says a complaint was filed against Bryan Mecom, business agent of the union, for insubordination, and not because of union activities. Mecom was suspended after he spoke on behalf of the union at a Dec. 27 City Commission meeting.



COFFEYVILLE

COFFEYVILLE, KANSAS — 67337

February 15, 1984

Woody Smith, City Attorney
City of Coffeyville
Coffeyville, KS 67337

Subject: Jerry Powell's Public Meeting of February 14, 1984

Dear Mr. Smith:

On the above date, I attended the afternoon public meeting held by Mr. Jerry Powell of PERB representing the State of Kansas.

In spite of saying he was a neutral party between the unions and the city, the statement was made by him to the effect that the Fire Department management employees were being forced out of the union illegally.

Regarding the personnel clerk, in essence, he stated that his board would get her her job back since a personnel clerk, in his opinion, could not be labeled "confidential"; and that she should file the necessary papers with PERB to implement reinstatement.

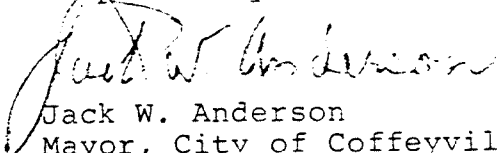
Time after time the seed was planted that in many of these areas, the union members should recourse to lawsuits to establish their positions.

In all fairness to Mr. Powell, the statement was made that the City did not have to go under PERB and, not under PERB, could have elected not to recognize the unions as bargaining units.

Woody Smith, City Attorney
February 15, 1984
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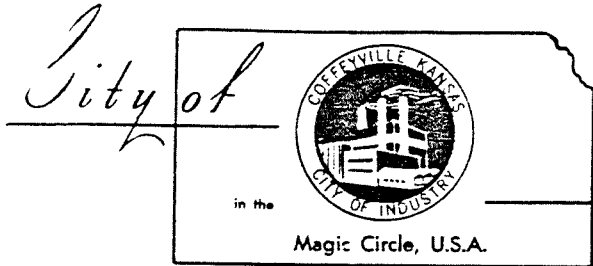
In summary, in my opinion, this gentleman's stance was to establish himself as a successful, local boy returning and being more than willing to help the union members re-establish their rights. I seriously question as to whether or not he was trying to find himself of being in a position of being declared prejudice in order not to officiate in PERB transactions with personal friends and school chums in Coffeyville.

Respectfully,


Jack W. Anderson
Mayor, City of Coffeyville

JWA:cms

cc: William A. Snell
City Manager



COFFEYVILLE

COFFEYVILLE, KANSAS — 67337

To: Mr. Bill Harding
From: Commissioner Bob Jones
Subject: Mr. Jerry Powell, Executive Director of PERB
Memo for the Record - Public Employee Relations Board
Date: 14 February 1984

Mr. Jerry Powell, Executive Director of PERB, made a number of points this afternoon which, in my opinion, were misleading and to some degree untrue. A summary follows:

1. City was incorrect in their identification of some jobs as "supervisory" or "confidential".
2. If employees thought they were layed off because they are Union members, he, Jerry Powell, would probably put them back to work.
3. One employee whose job was identified as confidential, alleged that she had been layed off because she would not resign from the Union. She further alleged that she had been replaced by two (2) people. The employee in question was the personnel clerk and Powell flatly stated that such a job could not possibly be called confidential. He suggested that she appeal. Also, on the above basis, he would put her back to work.
4. His demeanor and tone implied, indeed, he stated that the City was wrong in some cases and had acted contrary to his advice.

Bob Jones
City Commissioner

BJ:bl