

Approved AMP Date 3-16-90

MINUTES OF THE House COMMITTEE ON Labor & Industry

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

9:05 a.m./~~PM~~ on February 8, 1990 in room 526-S of the Capitol.

All members were present except:

Representative Gomez - Excused
Representative O'Neal - Excused
Representative Patrick - Excused

Committee staff present:

Jerry Donaldson - Legislative Research Department
Jim Wilson - Revisor of Statutes' Office
Kay Johnson - Committee Secretary

Conferees appearing before the committee:

Representative Anthony Hensley
Craig Grant - Kansas National Education Association
Charles Dodson - Kansas Association of Public Employees
Cynthia Kelly - Kansas Association of School Boards
Dee Sales - Paraprofessional, Garden City School System
Ernie Mosher - Kansas League of Municipalities

The meeting was called to order at 9:05 a.m. by the Chairman, Representative Arthur Douville.

HB 2710 - Public employer-employee relations law, application to political subdivisions.

Representative Hensley addressed the committee in support of HB 2710 and distributed a copy of a newspaper article, attachment #1, which points out the problems with the local option provision. He stated that this bill would give other public employees the same rights and opportunities as, for example, teachers have under the Professional Negotiations Act.

Craig Grant testified in support of HB 2710 stating the local option does nothing to promote harmonious relationships as the PEER Act states is the purpose of the act, attachment #2. Chairman Douville asked if a janitor, along with 3 or 4 fellow employees, wants to go talk to the School Board, aren't they allowed to do so? Mr. Grant responded yes, but many have asked to be recognized as a group with a spokesman in a formal process and have been denied this opportunity. Representative Buehler asked if the Board of Education should instruct a school to sit down and listen to grievances. Mr. Grant responded yes, but many have chosen not to under the PEER Act. Chairman Douville asked if every district had someone representing the employees. Mr. Grant responded only 3 school districts recognize support personnel, Wichita, Salina and Hays.

Charles Dodson testified in support of HB 2710, attachment #3, stating there is no equity in a set of laws that would dictate the right of representation for professional employees but deny that same right to non-professional employees. Representative Whiteman asked about the process for a group to be recognized. Mr. Dodson stated they would petition the local governing body to adopt the PEER Act provisions and there is no cost for the petition. Mr. Dodson commented on the fiscal note for this bill, attachment #4, and said he thought it was because of labor conciliator positions that would have to be filled.

Cynthia Kelly testified as an opponent of HB 2710, attachment #5, stating that Boards of Education currently are willing to listen to concerns of non-certificated staff and this legislation is unnecessary. The cost of meeting with teachers has ranged from \$10.00 to \$30,000.00. Chairman Douville asked if this bill would create a situation where School Boards would deal with two different groups. She responded yes, under the PEER Act and the Professional Negotiations Act. Also, there is the potential for more if custodial, clerical, etc. don't want to be grouped together. Representative Schauf asked how many negotiations went to fact-finding. Ms. Kelly responded approximately 10. Representative Schauf noted that with so many support personnel, it might be easier to deal with them as a group. Ms. Kelly reiterated her statement that the Kansas Association of School Boards does not perceive this to be a problem. Representative Everhart asked how would she know if there is a problem with support staff. Ms. Kelly responded an employee wouldn't contact her but administrative people and Board members generally call to clarify legal obligations.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Labor & Industry,
room 526-S, Statehouse, at 9:05 a.m./~~p.m.~~ on February 8, 1990.

Dee Sales addressed the committee in support of HB 2710, attachment #6. Her experience as a paraprofessional makes her believe that the meet and confer process will improve communications between labor and management. Representative Schauf asked if the non-teaching staff at her school has had problems. She responded yes, they were allowed to attend School Board meetings but were told not to call School Board members. Representative Whiteman asked if this has affected the turnover rate. She responded yes, many will quit for a higher paying job, for example, a custodian job.

Ernie Mosher testified as an opponent of HB 2710 stating this issue should essentially be a matter of local affairs and government and not state mandated.

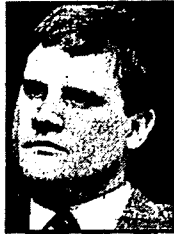
Additional written testimony was submitted by Susan White, paraprofessional, USD 512-Shawnee Mission, attachment #7, and by Jim DeHoff, Executive Secretary and Wayne Maichel, Executive Vice-President, Kansas AFL-CIO, attachment #8, both in support of HB 2710.

The meeting adjourned at 9:58 a.m. The next meeting of the committee is on call of the Chairman on Tuesday, February 13, 1990 at 9:00 a.m. in room 526-S.

Kissinger urges commissioners to reject union move

By DAN HESS
Staff Writer

Communication problems exist between the city and its employees, but Salina City Manager Dennis Kissinger said Monday unions are not the answer.



Kissinger

Kissinger told the Salina City Commission that a union can cause more problems than it solves with the adversarial nature of collective bargaining.

"I don't believe in the tooth fairy anymore, and I don't think you can talk about the sweet process of collective bargaining," Kissinger told commissioners.

The commission is considering

adopting the Public Employer-Employee Relations Act, which would allow city employees the right to negotiate with the city in collective bargaining agreements. The commission has not voted on the act since rejecting it in 1974.

To improve communication within the city, Kissinger said, the commission needs to vote on the act to establish a direction. The commission will continue to study the issue and hear public comments on it.

Ron York, president of the Association of Municipal Employees and a general services worker for the city for 11 years, said the commission should at least adopt the act and give the city employees a chance to vote on the issue.

"We're not trying to take over running the city," York said after the meeting. "All we want to do is have

better communication and work out problems. When you have happy employees, you get a better job out of them."

York said some employees are upset with the way grievances are handled. Some employees, he said, have been threatened, while other complaints receive no consideration.

"Without any protection, nobody wants to say anything," York said. "A lot of employees try to express their opinions and no one wants to listen to them."

Commissioner John Divine said he was concerned that ideas or complaints employees have might not make it past a supervisor.

"I think we need to review our whole communication process," he said.

Kissinger said city employees must be fairly satisfied because of the lack of complaints, although he said communication could be better.

York said there is interest in a union here. The fire and police departments have some members in unions, York said, and many other city employees have expressed interest.

"I'm not afraid on which way the vote's gonna go," York said. "If they (commission) are not afraid to see what employees want, let them vote."

Commissioner Steve Ryan said collective bargaining may have been a good way to solve labor disputes during the industrial revolution, but not heading into the 1990s.

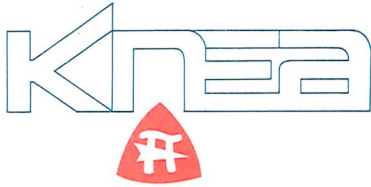
"Things are changing so fast and you need to be flexible," Ryan said. "It will not work. It will create more problems than it solves. I think we can do without it."

Officials of the Kansas Association of Public Employees, which represents about 6,000 employees statewide, said Salina city employees deserve the chance to decide for

themselves.

"If the employees do not want this — no matter what the city commission does — there will be no organization coming into Salina," said Charles Dodson, executive director of the association.

The issue came up in 1987, shortly before Kissinger was hired as city manager. Kissinger said that since then, he's evaluated communications and, "one of the things we do not do so well is getting the message across."



Craig Grant Testimony Before The
House Labor & Industry Committee

Thursday, February 8, 1990

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee about HB 2710.

Kansas-NEA supports HB 2710 and the concepts embodied in the changes it makes in the public employer-employee relations act. Kansas-NEA has a number of educational support personnel--secretaries, paraprofessionals, school custodians--who are members of our organization and who also desire to have the right to speak to their employer, the board of education, about the terms and conditions of their work. It is very frustrating when so many times such groups go through all the preliminary steps to be recognized under the PEER Act only to have the board of education arbitrarily refuse to recognize their unit for negotiations purposes. This does nothing to promote harmonious and cooperative relationships between government and its employees as KSA 35-4321 states is the purpose of the act.

We would hope that you would pass HB 2710 to give these important people--workers who are underpaid for the important contribution they make --the right to talk collectively with their employer. Thank you for listening to our concerns.

House Labor & Industry
Attachment #2
02-08-90



Presentation to
Committee on Labor and Industry
by
Charles Dodson
Kansas Association of Public Employees

Mr. Chairman, members of the Committee, thank you for this opportunity to appear in support of HB 2710.

If you will allow, I would like to read part of the preamble to the Public Employer-Employee Relations Act, PEERA. Unfortunately that same act states that in spite of these advantages, public employers do not have to work with their employees in this fashion unless they want to do so. Therein lies the purpose of this bill.

This bill is about equity. State law already proclaims that some local government employers must provide for representation by organizations freely chosen by the employees. And not, by just a few employees, but by a majority of the employees. The Professional Negotiations Act requires local units of government to recognize employee organizations as the exclusive representatives of certified school employees if a majority of the employees want that representation.

But, state law also tells those same school boards that they need not provide the same privilege for non-certified employees. Where is the equity in a set of laws that would dictate the right of representation for professional employees but deny that same right to non-professional employees.

This bill is about fairness. Is it fair for federal, state and local governments to provide a system of dignified representation to every worker in this state, but deny that right, subject to the whim and fancy of some local government employers, to thousands of Kansas citizens.

House Labor & Industry
Attachment #3
02-08-90

This bill is about insuring every public employees right to freedom of association without intimidation. The PERB has determined that unless a local jurisdiction has adopted the provisions of PEERA then PERB has no authority to stop intimidation or job security threats for employees who attempt to gain representation. Of course, these employees have access to the court system when such intimidation occurs, if they can afford it. And, they can't.

Does intimidation occur? Last week one county commissioner in a newspaper interview stated that if the employees of the county wanted to elect an organization to represent them then that county could get by with half the employees they had on the payroll at that time.

One city councilperson stated that employees could afford to pay dues then their salaries must be too high, and should be rolled back by the amount of the dues they were willing to pay the organization.

This bill is also about need. About two weeks ago I received a call from a non-elected county official asking if there was anything we could do to help the employees of the county. After explaining the current state of the PEERA, I asked what prompted the call for help. The reason given was that on a particular job posting, the commissioners refused to give a starting salary until they found out whether the job was be given to a man or a woman. I don't see how anyone could question the need for passage of the bill.

Some may argue that passage of this bill will create adversarial relationships between the local officials and their employees. If there is an adversarial relationship, it is present before we come in to assist the employees, otherwise why would a majority of the employees vote to have an organization represent them. As a matter of fact, we generally end conflict and increase morale because the employees concerns are treated with respect and dignity rather than being summarily dismissed as they are without professional representation. As a general rule, we find that most employer representatives appreciate the exchange of information and discussion that occurs because of the meet and confer process. Attached to this statement is a letter from Mr. Lee Ruggles who served as Director of Employee Relations at KSU for fourteen years. The last two sentences of the second paragraph states "My experience with PEERA has been a very positive experience. PEERA provides a very problem solving mechanism that benefits all parties." KAPE is the representative of both the Service and Maintenance Unit and the Clerical Unit at KSU.

Mr. Robert Bugg, the Personnel/Labor Relations Director for the City of Topeka says, "We have found that the meet and confer

process is an excellent communications tool. Communications have improved from manager to employee and, as importantly, from employee to manager. Many problems and misunderstandings have been avoided. As a consequence, employee morale is improved and the productivity of our workers' has remained high."

May I point out the present law provides that local government employers who decide to accept the provisions of PEERA have the option of rejecting those provisions at any time they choose. Yet, to my knowledge, not a single employer who has adopted the provisions has ever exercised the opt-out provision.

A list of those cities and counties that are now working with their employees under the provisions of PEERA is attached for your information.

We would urge you to recognize the need for passage of this bill and report HB 2710 favorably. Thank you for your time, I will be happy to answer any questions you may have about the bill or about the way the PEERA operates in practice.

B. L. RUGGLES
1933 BLUESTEM TERRACE
MANHATTAN, KANSAS 66502
(913) 537-2177

February 7, 1990

Mr. Charles Dodson
Executive Director
Kansas Association of Public Employees
400 SW 8th
Topeka, Kansas 66603

Dear Mr. Dodson:

This letter is in reply to your query to me concerning House Bill No. 2710.

I have had the opportunity to work closely with The Kansas Public Employer-Employee Relations Act (PEERA) since 1972. First, as Director of Employee Relations for Kansas State University from 1972 to 1985 and secondly as the Member of the Public Employee Relations Board (PERB) appointed as the "representative of public employers" from 1979 to the present time. My experience with PEERA has been a very positive experience. PEERA provides a problem solving mechanism that benefits all parties.

Kansas patterned PERRA closely on the "meet and confer model" of the model state public employee relations bill drafted in May 1970. by the national Advisory Commission On Intergovernmental Relations (ACIR). However, one important deviation was the addition of KSA 75-4321 (c) which provides that any public employer other than the state may elect to bring itself under the provisions of PEERA. This provision is contrary to the 1970 ACIR recommendation for uniform treatment of state and local government employees and for a single statute giving the same rights and privileges to all.

From my experience with the PEERA since 1972, I am sincerely convinced of the wisdom of the 1970 ACIR recommendations. In view of this I support House Bill No. 2710.

Sincerely yours,


LEE RUGGLES



CITIES AND COUNTIES CURRENTLY UNDER PEERA

CITIES

Burlington

Chanute

Coffeyville

Derby

Ellis

Hays

Hutchinson

Junction City

Kansas City

McPherson

Manhattan

Osawatomie

Russell

Topeka

Wichita

Derby

COUNTIES

Ellis

Norton

Phillips

Reno

Saline

Sedgwick

Shawnee

Wyandotte

STATE OF KANSAS

115-3



DIVISION OF THE BUDGET

MIKE HAYDEN,
Governor
MICHAEL F. O'KEEFE
Director of the Budget

Room 152-E
State Capitol Building
Topeka, Kansas 66612-1575
(913) 296-2436

February 6, 1990

The Honorable Arthur Douville, Chairperson
Committee on Labor and Industry
House of Representatives
Third Floor, Statehouse

Dear Representative Douville:

SUBJECT: Fiscal Note for HB 2710 by Committee on Committee on Labor and Industry

In accordance with KSA 75-3715a, the following fiscal note concerning HB 2710 is respectfully submitted to your committee.

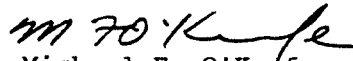
The bill amends KSA 75-4321 by deleting subsection (c) which gives public employers, other than the state and its agencies, the option to determine whether or not they will come under the provisions of the statute. HB 2710 mandates that all public employers abide by these provisions which recognize the right of public employees to join and be represented by organizations in their employment relations and dealings with public agencies. The bill would bring all city, county, and special board employees under the provisions of the Public Employers-Employees Act.

The Department of Human Resources indicates that currently only 13 cities and 10 counties of the 637 incorporated cities and 109 counties in the state have opted for coverage under the law, and only two special boards. The Department estimates that to handle the increased number of unit determination hearings and elections anticipated in the first two years as a result of the bill would require the addition of four FTE Labor Conciliator I positions and two FTE Keyboard Operator I positions to be funded from the State General Fund at a cost of \$152,309. It also estimates that an additional \$45,000 in related operating expenses and \$15,000 in administrative overhead costs would be incurred. The Department estimates total expenditure from the State General Fund would be \$212,309 for FY 1991 and FY 1992, with a corresponding reduction of \$15,000 in the funding of administrative overhead from the Employment Security Administration Fund. The Department predicts that it would incur increased costs once the organizational process is completed and the units commence negotiation, but it does not provide an amount of increase due to a lack of data.

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The Honorable Arthur Douville, Chairperson
February 6, 1990
Page Two

The League of Municipalities indicates that there is certainly a potential for fiscal impact to those counties and cities not currently under the act, but that impact is impossible to quantify. This is due to the variance in experiences of the governmental units that can be expected throughout the state.


Michael F. O'Keefe
Director of the Budget

cc: Jim Kaup, League of Municipalities
John Tolbert, Kansas Association of Counties
Ray Siehndel, Human Resources

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KANSAS
ASSOCIATION



OF
SCHOOL
BOARDS



5401 S. W. 7th Avenue Topeka, Kansas 66606
913-273-3600

TESTIMONY ON HOUSE BILL NO. 2710
BEFORE HOUSE LABOR AND INDUSTRY COMMITTEE

By

CYNTHIA LUTZ KELLY, DEPUTY GENERAL COUNSEL
Kansas Association of School Boards

February 8, 1990

Mr. Chairman, members of the committee, I appreciate the opportunity to appear before you today on behalf of our member school districts. House Bill No. 2710 would require a school board to enter into meet and confer sessions with non-certificated staff.

We believe this legislation is unnecessary. Boards of Education currently are willing to listen to the concerns of non-certificated staff, and willing to meet with these staff members. A formal process, which creates an adversarial tenor, would do nothing to facilitate communication.

Further, formal negotiations are both costly and time consuming. Last year the average cost per district for negotiations under the Professional Negotiations Act was over \$1,500. This does not include time spent by administrators or board members in preparing for negotiations. In a year when money will be particularly tight, school districts

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02-08-90

should not be required to take on additional costs of negotiations, but should be left with the discretion to do so.

We urge you to recommend House Bill No. 2710 unfavorably for passage.

TABLE 17
 COST REPORTED FOR MEETING WITH TEACHERS
 ON TERMS AND CONDITIONS OF EMPLOYMENT
 (143 districts reporting cost greater than \$0)

HIGH	\$30,000
Top 10%	4,500
Top 20%	2,400
Top 30%	1,400
Top 40%	850
MEDIAN	\$ 500
Bottom 40%	300
Bottom 30%	200
Bottom 20%	100
Bottom 10%	100
LOW	\$ 10
Total Cost	\$223,408
Average cost per district	\$1,562.29

TABLE 40
NUMBER OF SESSIONS AND HOURS PER SESSION DEVOTED TO
NEGOTIATIONS BY BOARDS AND TEACHERS

Number of Sessions		Number of Hrs./Session	
	USDs		USDs
14	1		
13	1		
12	5		
11	5		
10	3		
9	7		
8	10	8	1
7	12	7	1
6	32	6	5
5	43	5	3
*4	58	4	12
3	43	3	35
2	29	*2	153
1	20	1	59

*MEDIAN

I am Dee Sales and I am a paraprofessional in the Garden City School system.

During my employment with USD 457, I have observed the process in which teachers meet with management and resolve any differences that might exist.

I have been impressed with the process because it has seemed orderly and productive. Any differences or misunderstandings between the teachers and management--whether as a group or individually--have been resolved in an orderly manner.

Kansas law requires these meetings between the teachers and management in order to promote better labor-management relations. As a local government employee, however, I am denied this right. Kansas law seems to say to me that any concerns and problems I might have are not important enough to be considered. It makes me feel like a second-class citizen.

I want to make clear that we do not foresee an adversarial relationship with management. We only want the same right already afforded to teachers, to state employees, and to employees in the private sector.

We believe that the meet and confer process will improve communications between labor and management, thus avoiding misunderstandings and permitting the open discussion and resolution of any problems that may arise.

We consider this an issue of fairness and equality -- simply that we be given the same right afforded other Kansans.

I ask you to support passage of HB-2710. Thank you for your time and attention.

Dear sirs,

Please help my Para to get what
She need's, with out her I wouldn't
be the special kid I am,

Thank's

Faythe
Sales

I am Susan White and I am employed as a paraprofessional with USD 512 in Shawnee Mission.

I am here to urge you to support passage of HB-2710 so that I and my fellow local government employees will have the right to establish an orderly process through which we can resolve any differences we might have with management.

Sometimes differences do indeed arise, as in any business or with any group of employees. Kansas law provides for an orderly process through which teachers and state employees can resolve such differences.

Yet, as local government employees we are denied that process. We feel that Kansas law does not treat us fairly or equally.

We desire the same right already afforded to teachers and state employees that would allow us to meet with management as a group to openly and honestly discuss whatever differences that may exist and to resolve those differences through a process that is organized and orderly.

HB-2710 would afford us that right. Its passage would make the law fair and equal to all government employees.

Thank you.

Kansas AFL-CIO

110 W. 6th St.

Topeka, KS 66603

(913)357-0396



President
Dale Moore

Executive Secretary
Treasurer
Jim DeHoff

Executive Vice
President
Wayne Maichel

Executive Board
Delton Baxter
Eugene Burrell
Jim Dickson
Garold Good
Jack Gray
David Han
Jim Hastings
John Hoover
Mike Krasovec
Kenneith Miller
Roger Naylor
John Rider
Wallace Scott
Debbie Snow
Russell Ward
John Weber
Wayne Wiancki

February 7, 1990

House Labor and Industry Committee
State Capitol
Topeka, Kansas

Dear Committee Members:

The Kansas AFL CIO strongly supports passage of HB 2710.

This bill would simply give county, city and school district employees the same rights other public employees have enjoyed in Kansas since 1971.

We strongly urge your support for the passage of HB 2710.

Sincerely,

Jim DeHoff
Executive Sec.

Wayne Maichel
Exec. Vice President

opeiu #320 afl cio

