

MINUTES OF THE House COMMITTEE ON Labor and Industry

The meeting was called to order by Representative Anthony Hensley
Chairperson

9:04 a.m./~~p.m.~~ on March 16, 1992 in room 526-S of the Capitol

All members were present except:

Representative Gomez - excused
Representative Wagle - excused

Committee staff present:

Jim Wilson, Revisor of Statutes
Jerry Donaldson, Principal Analyst
Barbara Dudney, Committee Secretary

Conferees appearing before the committee:

R. A. Caraway, President, Ks. Public Employees Council 64, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO
Craig Grant, Dir. of Governmental Affairs, Kansas-National Education Association (K-NEA)
Gregory Ruff, Fraternal Order of Police Lodge No. 19, Leavenworth, Ks.
Robert H. Mendoza, Pres. Fraternal Order of Police Lodge No. 19, Leavenworth, Ks.
Kenneth W. Gorman, Fraternal Order of Police, Topeka, Ks.
Ernie Mosher, Research Counsel, League of Kansas Municipalities
Norman Wilks, Dir. of Labor Relations, Kansas Association of School Boards
Robert Walters, Mayor, City Lawrence, Ks.
Donald R. Seifert, Asst. Dir. of Administrative Services, Olathe, Ks.
David Watkins, City Administrator, Lenexa, Ks.
Gerry Ray, Intergovernmental Officer, Johnson Co. Board of Commissioners

The meeting was called to order at 9:04 a.m., by the chairman, Rep. Anthony Hensley.

Chairman Hensley stated that the purpose of the meeting was to have a public hearing on House Bill No. 2419. He explained that this bill would repeal the "local option" provision of the Kansas Public Employer-Employee Relations (PEER) Act, which requires that the governing body of any public employer, except the state and its agencies, by a majority vote may elect to bring itself and its employees under the act. He then introduced proponents of the bill:

R.A. Caraway, President, Kansas Public Employees Council 64, American Federation of State, County and Municipal Employees (AFSCME), AFL-CIO, distributed and read written testimony in support of the bill (attachment #1).

Craig Grant, Director of Governmental Affairs, Kansas-National Education Association (K-NEA), spoke in favor of the bill. He pointed out that the professional members of K-NEA enjoy the rights and privileges of the Kansas Professional Negotiations Act, while other members, particularly educational support personnel, do not (attachment #2).

Gregory Ruff, representing the Fraternal Order of Police Lodge No. 19, Leavenworth, distributed and read written testimony in support of the bill (attachment #3). He described the problems his organization has experienced in negotiating with the city officials of Leavenworth. He answered questions from several members of the committee.

Robert H. Mendoza, President, Fraternal Order of Police Lodge No. 19, Leavenworth, also appeared as a proponent of the bill and provided written testimony (attachment #4).

Kenneth W. Gorman, representing the Fraternal Order of Police, Topeka, provided written testimony in support of House Bill No. 2419 (attachment #5).

Chairman Hensley then introduced opponents of the bill:

Ernie Mosher, Research Counsel, League of Kansas Municipalities, distributed and read written testimony in opposition to the bill (attachment #6). He said the bill would be detrimental to the "local control" cities now have over negotiations with their employees. Mr. Mosher also provided a list of the 15 cities that have chosen to bring themselves and their employees under the provisions of the PEER Act (attachment #7). The chairman referred to a news article which described the settlement of a \$3.2 million lawsuit between the city of Emporia and its firefighters on the issue of overtime pay (attachment #8), and asked Mr. Mosher to comment on it. Mr. Mosher responded by pointing out that the issue of overtime pay under the Federal Fair Labor Standards Act is a prevalent issue in several cities across Kansas. He then answered questions from other members of the committee.

CONTINUATION SHEET

MEMBERS OF THE House COMMITTEE ON Labor and Industry
room 526-S, Statehouse, at 9:04 a.m./~~p.m.~~ on March 16, 1992.

Norman Wilks, Director of Labor Relations, Kansas Association of School Boards (KASB), spoke in opposition to the bill (attachment #9). He expressed KASB's support for repealing the Kansas Professional Negotiations Act and bringing all public employees, including teachers, under the PEER Act.

Robert Walters, Mayor, City of Lawrence, distributed and read written testimony against the bill. He described how his city has established a grievance procedures for its employees. He stated that requiring local units of government to be subject to the PEER Act would increase costs (attachment #10). He then introduced David Corliss, Lawrence city administrator, to respond to questions regarding the city's employee grievance procedures.

Donald R. Seifert, Assistant Director of Administrative Services, Olathe, appeared in opposition to the bill and provided written testimony (attachment #11).

David Watkins, City Administrator, Lenexa, distributed and summarized written testimony against the bill (attachment #12), and then answered questions from several committee members.

Gerry Ray, Intergovernmental Officer, Johnson County Board of Commissioners, presented written testimony in opposition to the bill (attachment #13).

The chairman closed the public hearing on House Bill No. 2419 and announced that the committee's meeting time the rest of week would be reserved for meetings of the subcommittee on workers' compensation legislation.

The meeting was adjourned at 10:02 a.m.

GUEST LIST

COMMITTEE: House Labor & Industry

DATE: March 16, 1992

NAME	ADDRESS	COMPANY/ORGANIZATION
David R. Tinsley	715 E. 4th Garnett, Ks.	AFSCME Local 1488
Donald Lambert	Box 67 Nevada Rapids Ks.	AFSCME Local 1357
Larry F. Rosenquist	Nevada Rapids, Ks.	AFSCME 1357
Norm Wilkes	TOPICKA	KASB
Wm C Baker	921 main st Osawatomie Ks	AFSCME Local 1270
Margie L. Baker	921 main	AFSCME Local 1270
Karen Ohlmer	R#2 Box 239A Paola KS 66071	AFSCME Local 1790
Esther Kromer	1300 1/2 S. Linn Ks	AFSCME Local 1469
Lupe Perry	107 Alberta Linn Ks	AFSCME Local 1469
Sharon J. Jumper	1201 Park Linn	
Wanda S. Jett	15 E. Logan EMPERIA KANSAS 66848	AFSCME LOCAL 1357
Ronald R. Dreyer	1128 NE Forest Topick	AFSCME 3371
John H. Morgan	1808 Rose LEAN	AFSCME 3371
Gary R. Spaulding	9154 W. 78 th ^{out} Tenn	AFSCME Local 3371
Charles Triggs	Newton KS	Newton HS
Michael P. Roschmann	Newton KS	"
RYAN SUMMONDS	NEWTON, KS	NEWTON H.S.
I. M. Profound	Doolittle, Ks	Thought Provoking High
Thang Duong	Newton, Ks	NEWTON H.S.
Cliff Burton	Newton, Ks	Newton H.S.
Ken Gorman	264 SW 5th st TOPICKA	Ks. Fraternal Order OF POLICE
Pete Mitchell	212 Avenida Marcon	TOB & CTR 1489
RICHARD A. HUBBARD	O.P. KS	INTRACORP

<u>NAME</u>	<u>ADDRESS</u>	<u>COMPANY / ORGANIZATION</u>
William M Burns	3405 Claremont Independence MO	DOC LCF AFSCME
Richard J. Tinsley	RR 3 BOX 179A Garnett KS.	3371 AFSCME 1438 Local
Ray Branden	1014 Kickapoo LUN, KS	LCF AFSCME-3371
Lesly Ray	Olathe, KS	Johnson County Commissioner
Bob Walters	Lawrence, KS	Mayor, City of Lawrence
Low Bruce	TOPEKA	KDHR
Don Siefert	Olathe	City of Olathe



AFSCME

Kansas Public Employees Union

Council 64 A.F.L.-C.I.O.



TESTIMONY ON HB 2419
MARCH 16, 1992
9:00 AM

HOUSE COMMITTEE ON LABOR AND INDUSTRY

Good mourning, my name is R.A. Caraway. I am President/Executive Director of Kansas Public Employees Council 64 of the American Federation of State, County and Municipal Employees union, AFL-CIO; testifying on behalf of our 1.3 million members nationwide and the 4,000 public workers we represent in Kansas.

I want to thank the committee for the opportunity to appear before you on HB 2419; which will delete from the PEER ACT that section which denies employees of political sub-divisions of the state the same rights and privileges that state employees and all employees of private business have had for many years. This section says that the governing body of the local government unit must vote to have the provisions of the Public Employer Employee Relations Act extended to the citizens of Kansas that they employ, there is no other class of workers in the state of Kansas that this basic right is controlled to this degree by their employer.

Kansas Public Employees Council 64, AFSCME, AFL-CIO is a union that has been representing public employees in Kansas since the 1950's. We were a supporter of this law when it was passed by the Legislature in the early 1970's, even then, we urged the Legislature to extend the Act to all public employees in Kansas.

It has been our experience since the PEERA was adopted approximately 20 years ago that many cities, counties and other political sub-divisions at the State of Kansas refuse to allow their employees to have the same rights as their family members, neighbors and most other citizens enjoy.

They are denied the right to have a collective voice in their future. We have been contacted by many employees of local governments and school board over the years and after securing support from the majority of these employees, request the employer to either give us recognition or to elect to come under the PEERA, only to be turned down and the employees have no other recourse left to them.

It is time the Kansas Legislature recognize and give these citizens the rights they've been denied for so long.

We urge you to vote in favor of HB 2419, and urge the rest of the legislators to pass this bill.

Labor & Industry
3-16-92
Attachment #1



KANSAS NATIONAL EDUCATION ASSOCIATION / 715 W. 10TH STREET / TOPEKA, KANSAS 66612-1686

Craig Grant Testimony Before
House Labor & Industry Committee
Monday, March 16, 1992

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas-NEA. I appreciate this opportunity to visit with the committee in favor of HB 2419.

Kansas-NEA has as part of its membership a category of education support personnel, or ESP. Our ESP members are the secretaries, paraprofessionals, custodians, food service workers and others whose lives touch students each and every school day. They are an important part of the operation of our schools and have made significant contributions toward the education of Kansas children.

Our ESP members have a problem. They often want to have the right to talk to the Board of Education about salaries and other terms of employment. They are under the PEER act. The PEER act states that a local unit of government may opt in or opt out of the negotiating process. School districts, unlike many cities and counties, opt out. Some cities also have other policies and regulations which cover the negotiation process with employee. Some cities and school districts have policies which cover the salaries and terms of employment. However, those policies can be overturned just as easily as they were implemented. As best we can determine, only three districts--Wichita, Hays, and Kansas City--recognize school support workers for negotiations under the PEER act.

It is not that we have not tried. Unit determinations and selection of an agent--the first steps in being recognized--have happened in a number of

*Labor + Industry
3-16-92
Attachment #2-1*

areas only to have the Board refuse to recognize the unit for discussions.
HB 2419 will end that arbitrary denial.

Nothing in this bill will require a board or a city or a county to agree to anything. Nothing in this bill will take away any local control. All it will do is to require a Board to talk with its employees if so requested.

That is the basic change. It asks for a basic right--the right to talk with the boss on a collective basis. It is not too much to ask. It is not too much for this committee and the Legislature to grant.

Kansas-NEA asks that you pass HB 2419 because it is the fair and proper thing to do. Thank you for listening to our concerns.

3

Testimony of Gregory W. Ruff Fraternal Order of Police Leavenworth Lodge NO. 19 Concerning HB 2419

According to the Department of Human Resources, there are approximately 175,000 public employees in the state of Kansas. Out of this number, approximately 44,000 are state employees, who currently come under the provision of the Public Employer-Employee Relations Act (PEER) and enjoy the right to organize and speak in a collective voice concerning conditions of employment. The remaining 131,000 are public employees who work for local government entities and as a result are disenfranchised by the local option provision of the PEER Act.

In a state with 105 counties and hundreds of cities and school districts one has to wonder why only 8 counties, 15 cities and two school districts have opted to bring themselves under the PEER Act?

The answer appears to be quite clear. The local option provision of the PEER Act simply allows local governing bodies to arbitrarily deny public employees of their right to collectively bargain. If all of the state's agencies and the three largest cities in the state, Topeka, Wichita and Kansas City, can sit down in good faith and discuss conditions of employment with their employees, why can't all public employers do so?

This deficiency in an otherwise excellent labor relations statute only makes second class citizen out of thousands of public employees and they quite simply deserve better treatment from their elected officials.

The 42 members of the Fraternal Order of Police, Leavenworth Lodge No. 19, strongly urge you to vote in favor of House Bill 2419 so that the disenfranchised public employees of this state can enjoy their basic rights as provided for in the PEER Act.

*Labor + Industry
3-16-92
attachment # 3*

March 16, 1992

Chairman and Committee Members:

I would first like to thank you for allowing me this time to express my views and feelings on this matter.

I am here representing my fellow brothers and sisters of the Fraternal Order of Police Lodge 19, of Leavenworth. We have met and discussed this issue. We are in agreement that the most important aspect of this bill, is that it will open lines of communication. As it stands now we have no input on issues we believe are essential to execute effectively and safely our duties as public employees.

Manpower and equipment are some of our main concerns. There are times now that we do not have sufficient manpower to serve the public in the manner they deserve. Insufficient manpower lowers the effectiveness and raises the possibility of injury. We like any other employee would like to go home at the end of our shift.

Benefits and wages are our next concerns. As the cost of living increases steadily, our raises decrease. We are attempting to catch up, but instead continue to fall behind. Our benefits are constantly being taken away. Each year another falls to the wayside, and there is nothing we can do to stop this. Our jobs are stressful enough, we do not need the worries that if a family member becomes ill, how are the bills going to get paid?

Committee members, all we are asking for is the same rights that employees in the private sector, and state employees receive at this time. The right to bargain in good faith with our employer.

Robert H. Mendoza, President
FOP Lodge 19, Leavenworth, KS

*Labor + Industry
3-16-92
Attachment #4*



GRAND LODGE FRATERNAL ORDER OF POLICE

NATIONAL HEADQUARTERS • 2100 GARDINER LANE • LOUISVILLE, KENTUCKY 40205-2900
502-451-2700 • FAX 502-459-2000

DEWEY R. STOKES
NATIONAL PRESIDENT

CHARLES R. ORMS
NATIONAL SECRETARY

KENNETH W. GORMAN
CHAIRMAN BOARD OF TRUSTEES
KANSAS NATIONAL TRUSTEE
5424 S.W. 14TH STREET
TOPEKA, KANSAS 66604
913-272-1400
913-354-9227
913-354-9445

TESTIMONY OF KANSAS FRATERNAL ORDER OF POLICE CONCERNING HB 2419

by Kenneth W. Gorman

Perhaps nowhere is the reason for passing this legislation better stated than under KSA 75-4321, section (a) of the Public Employer-Employee Relations Act. It states:

" 1). The people of this state have a fundamental interest in the development of harmonious and cooperative relationships between government and its employees;

2) the denial by some public employers of the right of public employees to organize and the refusal by some to accept the principle and procedure of full communication between public employers and employee organizations can lead to various forms of strife and unrest;

3) the state has a basic obligation to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government;"

It is the opinion of the Kansas Fraternal Order of Police the local option provision currently in the act does nothing more than make second class citizens of those public employees whose city or county has not elected to come under the provisions of this most important labor relations statute.

We strongly urge you to support passage of House Bill 2419 so that this inequitable provision will be removed from the law and all public employers of the State of Kansas will be required to grant the basic rights to their employees which all employees of the state and its subdivisions should enjoy.

Labor + Industry
3-16-92
Attachment #5





**THE LEAGUE
OF KANSAS
MUNICIPALITIES**

**Municipal
Legislative
Testimony**

AN INSTRUMENTALITY OF KANSAS CITIES 112 W. 7TH TOPEKA, KS 66603 (913) 354-9565 FAX (913) 354-4186

TO: House Committee on Labor and Industry
FROM: E.A. Mosher, Research Counsel, League of Kansas Municipalities
RE: HB 2419--Mandated Coverage of All Local Units Under the Kansas Peer Act
DATE: March 16, 1992

My name is E.A. Mosher, Research Counsel for the League of Kansas Municipalities, appearing in opposition to HB 2419 on behalf of our member cities. This bill would repeal subsection (c) of K.S.A. 75-4321, thus eliminating the local option provision which has been in the Kansas Public Employer-Employee Relations (PEER) Act since its enactment in 1972. The effect of HB 2419 is to authorize the formation of employee organizations under PEER in all governmental units, and to require the governing bodies of these units to meet and confer with such "recognized employee organizations". We also interpret the thrust of the act as effectively nullifying any locally-established employee relations procedures other than under the Kansas PEER Act.

There are two sections of the League's convention-adopted "Statement of Municipal Policy" dealing with this basic issue. These sections provide as follows:

"The governing bodies of cities should have full authority to establish comprehensive personnel programs, including authority to determine hours of work, compensation, overtime, leave policies, residency requirements, training requirements, fringe benefits, promotion, firing and all other terms, conditions and qualifications of city employment. We urge local governing bodies to adopt comprehensive personnel programs and policies, including grievance procedures, which are fair to employees, respect their legal rights, protect the public interest and are consistent with adopted policies of affirmative action."

"The state and federal government should not intervene in local government employee relations. Neither should city officials, employees or employee organizations seek state or federal legislative determination of such local affairs. Because personnel management must remain a local responsibility, we oppose any federal or state legislation which would mandate collective bargaining or the recognition of employee organizations. The local option provisions of the Kansas public employer-employee relations law (PEER act) should be retained."

Put bluntly, we think the matter before you is essentially a matter of home rule and local self-determination, and that state government should not intervene in local employee relations by mandating the procedures and requirements for dealing with employees and their organizations. The League was active in the development of the PEER Act and actively supported its passage, with the inclusion of the local option provision. The League's policy position at that time was taken after thoughtful consideration. We believed that some cities and counties would elect to come under the law, in order to take advantage of the procedures and processes established by the PEER Act, as has occurred. We also believed, at that time, that some local units would not elect to come under the act, for a variety reasons, including the disinterest of their employees, the absence of need, the attitude of the general public, or the desire to establish a local process separate and distinct from the state act.

*Labor & Industry
3-16-92
Attachment # 6*

We do not believe this general environment has changed since 1972. We suggest that locally elected governing bodies are responsive to community needs and interests, and recognize the need to have good employee relations. We suggest to you that if local employees find it difficult or impossible to convince their locally elected governing body to come under the PEER Act, one can question whether the state legislature should take it upon itself to mandate the inclusion of that local unit within the PEER Act.

We remind you that the bill applies to public employers, not private businesses. In our judgment, the state has filled its responsibilities to the public, and to local public employers and public employees, by making the PEER Act available. We believe the public policy decision as to whether a local government is within or without the PEER Act should continue to be a local government decision, based on local conditions.

Cities and Counties Under the PEER Act
January, 1992

Cities 15

- Burlington (may have no organization)
- Chanute
- Coffeyville
- Derby
- Ellis
- Hays
- Hutchinson
- Junction City
- Kansas City
- Manhattan
- McPherson (may have no organization)
- Osawatomie
- Russell (may have no organization)
- Topeka
- Wichita

Counties 8

- Ellis
- Norton
- Phillips
- Reno
- Saline
- Sedgwick
- Shawnee
- Wyandotte

Labor & Industry
3-16-92
attachment #7

Emporia settles with firefighters

The Capital-Journal 3-5-92

EMPORIA — City firefighters and Emporia announced Wednesday evening a settlement of \$3.2 million in a lawsuit over back pay for time spent on call.

The settlement, announced after an executive session of the Emporia City Commission, will be paid to 33 Emporia firefighters in a lump sum. The agreement suspends accrual of interest if payment is made within 45 days and also ends the city's appeal to the U.S. Supreme Court.

City Commissioner William Jenks said accumulated interest had brought the total due the firefighters to an estimated \$4.24 million.

"I figured we were getting off easy to settle," said Jenks, who voted for settlement.

If the payment deadline is missed, interest of 12 percent a year will begin accumulating again.

City Commissioners Floyd McCracken and Ray Toso voted against the settlement, and Commis-

sioners Alvin "Pete" Maley, John Webb and Jenks voted in favor.

William Renfro, president of Local 2991, International Association of Firefighters, said the firefighters voted 25-6 with two abstentions Tuesday to accept the settlement.

Renfro said it was "generally agreed we wanted to get it over with."

The 33 Emporia firefighters filed the lawsuit against the city in 1987, claiming back wages accrued for time spent on call but not on duty at the fire station.

They said being subject to call restrained their personal activities so they couldn't attend functions out of town, hold another job or participate in other activities without risking a reprimand if they missed a call-in.

Federal Judge Dale Saffels of Topeka awarded the firefighters \$3.6 million damages in 1990. That award was to accumulate interest at 12 percent a year. Interest was running about \$1,000 a day.

*Labor & Industry
3-16-92
Attachment # 8*



TESTIMONY ON HOUSE BILL NO. 2419
BEFORE THE HOUSE COMMITTEE ON LABOR AND INDUSTRY

BY

NORMAN D. WILKS, DIRECTOR OF LABOR RELATIONS
KANSAS ASSOCIATION OF SCHOOL BOARDS

March 16, 1992

Mr. Chairman and members of the committee, on behalf of 294 of the 304 unified school boards of education which are members of the Kansas Association of School Boards, we wish to express our opposition to the passage of H.B. 2419.

The current provisions of the Public Employer-Employee Relations Act recognize the advisability of the governing body determining whether the provisions of the Act are the proper forum for communication with its classified employees. The issue was specifically considered by our Delegate Assembly in December, 1991, and the resulting position was that local boards of education should continue to determine the appropriate method of communication with their classified employees to determine terms and conditions of employment.

We therefore urge the continuation of the local option portions of the Public Employer-Employee Relations Act. The elected board of education representing all staff, students, taxpayers, and patrons is best able to determine the appropriate form of communication to determine local conditions of employment.

*Labor & Industry
3-16-92
Attachment #9*

In addition we believe that more formal bargaining procedures with classified staff would take away from other educational pursuits being considered by many local school districts. At a time when districts are considering educational reforms and restructuring, improvement in quality performance, and discussions about outcomes accreditation additional formal negotiations may take away from or impede such activities.

In the alternative, if it is the will of this committee and the legislature that boards of education be required to engage in formal negotiations at the request of their classified employees, then we should examine the Public Employer-Employee Relations Act and the Professional Negotiations Act and create a single procedure that is appropriate to conduct negotiations with classified and professional public employees. We believe that ease of administration and consistency of one acceptable law far outweighs the benefit of splitting the procedures and having one set of rules apply to teachers and another set of rules apply to classified employees.

In closing, we urge the committee to oppose H.B. 2419, or in the alternative, if it is the will of this committee and the legislature to engage in bargaining with all public employees, that one acceptable negotiations law be applied to all public employees.

Thank you for your consideration in this matter.



MIKE WILDGEN, CITY MANAGER

City of Lawrence KANSAS

CITY OFFICES

BOX 708

66044-0708

6 EAST 6th

913-832-3000

CITY COMMISSION

MAYOR

ROBERT L. WALTERS

COMMISSIONERS

BOB SCHULTE

SHIRLEY MARTIN-SMITH

JOHN NALBANDIAN

BOB SCHUMM

To: Honorable Representative Anthony Hensley
Chair, Committee on Labor and Industry
and Members of the Committee

From: Robert L. Walters, Mayor, City of Lawrence

Date: March 16, 1992

Re: House Bill 2419 - Repeal of Local Option for
PEER Act

The Lawrence City Commission has unanimously adopted a legislative program that strongly opposes the repeal of the local option provisions of the Public Employer - Employee Relations Act, the so-called PEER Act, such as that found in House Bill 2419.

The City of Lawrence is one of the many Kansas cities which has decided not to come under the provisions of the PEER Act, because locally created and administered procedures -- set out in a City Resolution and tailored to meet our needs -- offer advantages of local flexibility and practice which are not present in the state law.

PEER will add costs to local governments.

The public employer-employee act will add costs to the ability of local governments -- such as the City of Lawrence -- to efficiently address employee concerns. The PEER Act establishes a costly fact-finding process in impasse situations, requiring taxdollars to be spent to justify current and proposed employee compensation and benefits. Additionally, costly mediators can be required under the state law. In the past, the City has not had to pay for mediator services. An additional possible cost is preparing evidence and support for the state board that will determine the make-up of the employee organizations. This is a decision -- and cost -- which is best left to local governing bodies.

*Labor & Industry
3-16-92
Attachment #10*



Employee relations in the City of Lawrence - like the vast majority of Kansas local governments -- is working well.

Our local procedures for meeting with employee groups has worked well. Our City Resolution establishes appropriate procedures through which city employee groups and the City can discuss and decide employment issues of mutual importance. In fact, even the one union representative in our fire department who testified earlier this year on Senate Bill 276 (the Senate twin to House Bill 2419) has been publicly quoted praising the recent negotiation of the firefighter-City pact. See attached article.

Legislature should avoid adding mandates and costs to local governments.

The City of Lawrence feels strongly that state interference in local personnel decisions is inappropriate and counter-productive to efficient municipal service. The fact so few local governments have opted to come under the PEER act -- in many cases after lengthy research and consideration -- should tell the Committee something of the merits of the law. We are also concerned -- and very much opposed to the notion -- that repeal of the local option provision will encourage efforts to require mandatory employee arbitration by local governments.

We urge the Committee to kill House Bill 2419, and continue to allow local municipal personnel decisions to be made locally.

cc: Douglas County Delegation Members
League of Kansas Municipalities

Wednesday, May 22, 1991

LAWRENCE JOURNAL-WORLD

LOCAL-REGIONAL

City finalizes work pact for firefighters

By RICHARD BRACK
J-W Staff Writer

A new three-year work agreement between the city and its firefighters became official Tuesday with the unanimous approval of the Lawrence City Commission.

Mayor Bob Walters praised as a "remarkable process" the relatively short and amicable negotiating period that culminated in the pact, the first ever to cover three years.

Members of the firefighters union on May 8 had unanimously ratified the work agreement, making the commission's vote the final hurdle to be cleared before it takes effect next year.

It will give firefighters pay raises of at least 10 percent over three years. Merit raises could increase that to 18 percent over three years for most firefighters.

Firefighters will receive a 4 percent salary increase in 1992 and 3 percent in-

creases in 1993 and 1994. Firefighters at the top of their wage scales will also be eligible for merit increases of 2.5 percent in July 1992 and 1993 and 3 percent in July 1994. According to city calculations, about 88 percent of the city's 55 firefighters are at the top of their wage scales.

WHILE WAGE adjustment was the most hotly contested issue, the new contract that will take effect in 1992 differs from the current contract in several other ways.

A reclassification clause was included that will adjust the wage scale of minimum-salaried firefighters and lieutenants by 8.19 percent and maximum-salaried firefighters and lieutenants by 8.02 percent in 1992.

The new work agreement also more clearly outlines eligibility and pay for firefighters and lieutenants required to work as acting officers of higher rank. Acting officers take on the duties of a cap-

tain or a lieutenant in the event of illness or vacation.

The new contract calls for the list of acting officers to include 12 firefighters and six lieutenants. Under the old contract, only 12 positions were available.

Also, acting officers now will be paid the increased wage at all times. Previously, they received the increased wage only for the time they performed the duties of an officer.

OTHER CHANGES included a provisional reduction in the number of days the firefighters' association can use each year for training and education, a 2.5 percent increase in skill incentive payments, the inclusion of active duty in Kansas military units on the list of those for which firefighters can receive compensation, increases in the city's contribution toward dependent health insurance, increase in the shoe allowance and a new clause outlining the rights of employer and

employee.

Changes in the extra board, a major sticking point during negotiations for the current contract, were not proposed by firefighters this time. Commissioners, who had been briefed on the agreement while negotiations were being conducted, voted to accept it after little discussion, during which they praised the participants' conduct during negotiations.

BOB KENT, chief negotiator for the International Association of Firefighters Local 1596, said, "The main reason it went well is because (Assistant City Manager) Rod Bremby was sitting across the table from me. It was good communication all the way around. That's the way I like to do business."

Bremby said City Clerk Ray Hummert had offered valuable insight into the process. He also thanked other members of the negotiating team.



City of Olathe

MEMORANDUM

TO: Members of the House Committee on Labor and Industry
FROM: Donald R. Seifert, Assistant Director, Administrative Services
SUBJECT: House Bill No. 2419; PEER Act, Local Option Provision
DATE: March 16, 1992

On behalf of the city of Olathe, thank you for the opportunity to appear today to express opposition to House Bill No. 2419. This bill would eliminate the local option provision in the Kansas Public Employer-Employee Relations Act.

Local option has been a basic provision of the PEER Act since its enactment in 1971. We view this bill as a fundamental threat to the principle of home rule. Home rule may rarely be a topic for discussion in this Committee, but I can assure you it is the very foundation of city government in Kansas. Home rule has long made Kansas a most progressive state in matters of local government self determination.

Opposition to this bill does not suggest that Olathe is uncommitted to a positive relationship with its employees. It does not suggest that the PEER Act is a poor statement of public policy or has no merit. Instead, our opposition is solely based on the fact that this bill would obligate the city to come under this particular employee relations system. Just as state government is hesitant to accept federal mandates, you must appreciate our natural opposition at the local level to mandates from Topeka.

In recent weeks, the Olathe City Council has been discussing the PEER Act. As with any issue, the Council has gathered information about the Act, talked to other cities, and received presentations from knowledgeable persons. This is how we believe local government should operate. Our governing body prefers to retain the flexibility to decide whether PEER or an alternative locally determined process best enables it to maintain a high level of commitment to its employees.

rc

Labor & Industry
3-16-92
Attachment #11

TESTIMONY REGARDING HOUSE BILL 2419

HOUSE COMMITTEE ON LABOR, INDUSTRY AND SMALL BUSINESS

MONDAY, MARCH 16, 1992

PRESENTED BY DAVID WATKINS
LENEXA, KANSAS

Chairman Hensley and Members of the Committee:

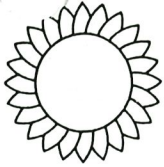
I am David Watkins, City Administrator for the City of Lenexa, located in Johnson County in the eastern part of the state. The City of Lenexa is a community of approximately 35,000 residents with a city labor force of 280 full time employees.

On behalf of the Lenexa Governing Body, I am here to testify in opposition to House Bill 2419 which proposes to take away the local option of determining whether a local government should fall under the Public Employer-Employee Relations act. This bill directly contradicts the principle of "Home Rule" for cities that was constitutionally adopted by the citizens of this state in November of 1960. This piece of legislation represents another example of legislators interfering with the way local governments run their own affairs.

Currently, it is the choice of each and every locally elected governing body to decide if, in fact, their respective organization should choose to recognize employee associations and unions. In fact, it is my understanding that the cities of Wichita, Topeka, and Kansas City, Kansas, have opted to adhere to the PEER act and have consciously chosen this direction for their individual organization. In Lenexa, we make every effort to listen to and work with employees on all issues, regardless of what they may be. More and more, local units of government are being held accountable by the public for how we spend their tax dollars, and this represents a direction that would take away our abilities and any flexibility to deal with fiscal constraint. This action, in effect, will probably cost cities more by being forced to deal with employee associations no matter how large or how small.

Finally, Kansas local governments have prided themselves on excellent relationships with their employees, thereby avoiding the problems other states throughout the country have experienced with labor unrest. There have been few visible problems of issues that could not be worked out by the local units of government and their employees. I urge this committee to defeat any effort to force local units of government into recognizing employee associations and unions. I would be happy to answer any questions you might have. Thank you.

Labor & Industry
3-16-92
Attachment #12



**Johnson County
Kansas**

March 16, 1992

HOUSE LABOR AND INDUSTRY

HEARING ON HOUSE BILL 2419

TESTIMONY OF GERRY RAY, INTERGOVERNMENTAL OFFICER
JOHNSON COUNTY BOARD OF COMMISSIONERS

Mr. Chairman, members of the Committee, my name is Gerry Ray, representing the Johnson County Board of Commissioners and appearing today in opposition to House Bill 2419.

The bill removes the authority of a public employer to determine if it is in the best interest of the organization and the taxpayers to allow itself to be brought under the provisions of the Public Employee/Employer Relations (PEER) Act. The Commissioners view this as a home rule issue and believe that such authority should not be removed from the governing body.

Under the Johnson County Personnel Policies there is a grievance procedure available to all employees of the County. It is utilized by various levels of employees and provides adequate due process to resolve the complaints in favor of either the employee or management. We believe these policies and procedures are sufficient to handle the situations that arise. We also have an Employee Benefits Committee, that presents employee opinions and proposals to the Personnel Department and the County Commission. Such issues have often been the basis for changes being made that affect the employees.

A primary objective of the County Commission is to deal with the employees in a fair manner and provide an adequate level of compensation to them for a good job performance. How else can an organization retain its best employees? On the other side of the coin is the taxpayer, who must pay the bills. The Commission believes it is its responsibility to determine what is fair and equitable to both groups. In order to do this it is necessary that the County have the flexibility to make appropriate decisions and choices for the operation of the organization. Almost everyday, some member of the Taxation Committee comments that the local governments should cut back on spending. We contend that removing authority of the local officials to manage the organization only inhibits their ability to make such cuts.

Based on the above reasons, the Johnson County Commission strongly urges that House Bill 2419 not be recommended for passage.

*Labor & Industry
3-16-92
Attachment #13*