

Approved: February 10, 1998
Date

MINUTES OF THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS.

The meeting was called to order by Chairperson Garry Boston at 1:30 p.m. on February 4, 1998 in Room 519-S of the Capitol.

All members were present except: Representative Steve Lloyd, Excused
Representative Jene Vickrey, Excused

Committee staff present: Mary Galligan, Legislative Research Department
Jill Wolters, Revisor of Statutes
June Evans, Committee Secretary

Conferees appearing before the committee: Bob Wing, Kansas Association of Fire Fighters
Paul Wilson, Kansas Assn. of Public Employees
Geraldine Larson, Service Employees International Union
Steve Bukaty, Kansas State Lodge Fraternal Order of Police
Weston Moore, Kansas State Lodge Fraternal Order of Police
Dennis E. Shell, Kansas City
Doug Grenier, Leavenworth
Craig Grant, Kansas National Education Association
Lonie Addis, Labette County Commissioner

Others attending: See attached list

The Chairman called the meeting to order and asked if there were any bill introductions.

Representative Faber requested a bill to change a statute which requires the election of not more than the majority of members of an elected hospital board to one which allows a majority of board members to be elected at one time.

Representative Mason moved and Representative Gilbert seconded to accept bill request. The motion carried.

The Chairman opened the hearing on **HB 2244**.

HB 2244 - Repealing local option provisions in public relations act.

Jill Wolters, Revisors of Statutes Office, gave a briefing on **HB 2244**.

Bob Wing, President of Local 64 of the International Association of Fire Fighters, Kansas City, Kansas, testified as a proponent for **HB 2244**, stating since 1971, when the Public Employer-Employee Relations Act (PEERA) was enacted, IAFF locals have established collective bargaining relationships with those municipal and county employers availing themselves of coverage under PEERA. PEERA affords local governments a so-called local option, pursuant to which they may elect to bring themselves within the provisions of the Act. By the same token, the local option furnishes municipal and county employers an unfettered right to exempt themselves from coverage under PEERA, thereby depriving their employees of organized representation. (Attachment 1)

Paul K. Wilson, Director of Labor Relations, Kansas Association of Public Employees testified as a proponent for **HB 2244**, stating the provisions of subsection "c" of the act which the bill seeks to repeal are the most inequitable provisions imaginable. Subsection "c" denies public employees of political subdivisions the right to representation in their employment dealings with their employers unless their employers grant them that right. Virtually every other employee of every other employer in this, as well as most other states, has the right to that representation if they so desire. In those other places of employment, it is solely the employee, as it should be, who has the right to make that determination. Kansas state employees have the right to make their own decision on this issue by means of a vote. It is only the public employees of governmental entities, other than the state and its agencies, to whom this right to representation is denied, and there is no good reason for that. The purpose of the act to which the employees are seeking access provides nothing more than a communication tool between labor and management. (Attachment 2)

Geraldine Larson, Business Representative, Service Employees International Union, Hays, Kansas, a

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
Statehouse, at 1:30 p.m. on February 4, 1998.

proponent for **HB 2244**, testified that many employees working in cities, counties and school districts across Kansas deserve and need representation, but are denied it because the governing body refuses to come under the Public Employer/Employee Relations Act (PEERA). Ms. Larson stated that every worker has the right to representation if a majority of the workers, through a democratic process, vote to be represented and collectively bargain for wages, benefits and working conditions. (Attachment 3)

Steve A. J. Bukaty, State Lodge Attorney for the Kansas State Lodge of the Fraternal Order of Police, a proponent for **HB 2244**, testified the KPEERA in many ways is a model statute that has been followed by other jurisdictions. It conveys many employment rights upon State employees and certain local government employees, including the right to organize, collectively bargain, arbitrate grievances, and be free from retaliation for engaging in these activities. Local option has created a two-class system in the state of Kansas for public employees. Those in cities and counties where the statute has been adopted, enjoy all of the rights under the statute, including the right to be represented in employment matters by their employee organization; they are covered by collective bargaining agreements; they have grievance procedures in which they can air their complaints against their employers; and, can have a much higher morale than those who do not. Those who are not covered by the statute have no bargaining rights, have their terms and conditions of employment completely and unilaterally determined by their employers, have no meaningful voice in their employment decisions, and tend to suffer from low morale.

Police officers in adjoining jurisdictions have completely different standards by which their conduct is judged depending on whether or not the governing body of their city or county has voted to come under the statute.

Employees covered by the statute are not automatically represented by employee organizations. It is the employees' choice, following an election, to determine whether or not they would be represented by an employee organization. However, at the present time, those not covered by the statute are not even given that choice and do not have the opportunity to avail themselves of the rights which their brothers and sisters in adjoining jurisdictions may enjoy. (Attachment 4)

Weston R. Moore, attorney for the Fraternal Order of Police, a proponent to **HB 2244**, stated he has been involved in law enforcement in the state of Kansas. Police officers at a non-PEERA municipality are confronted with reminders of status as a second class public employee. Their employers have no obligation to address any of their employment related concerns and no obligation to even listen to those concerns.

Complaints are received weekly from officers all over the state that there is no procedure to express work related concerns to their employer. Officers complain that they live in a constant state of fear that they may be arbitrarily subjected to discipline, depending upon the political atmosphere within their department and their city. These officers express disappointment that so much of their energies are diverted from the task of law enforcement and must be, instead, focused on local politics and job preservation.

A change in the PEERA to provide coverage for all public employees is the right thing to do for Kansas and the right thing to do for its public employees. This change would not take control of local matters out of the hands of the community. A municipality covered by PEERA is still free to agree or disagree with its employees or their chosen representative. The only conduct mandated by PEERA is that the employer listen and discuss the concerns of its employees. The state-wide imposition of this minimum requirement does not interfere with government at the local level. (Attachment 5)

Dennis E. Shell, retired Kansas City police officer, testified in support of **HB 2244**, stating he was involved in negotiations of the first contract with the city of Kansas City and negotiations that followed. Mr. Shell assists FOP lodges nation-wide on labor issues and has found that lodges that have contracts with their employers have higher morale. This is due to the fact that both sides are aware of the working conditions and benefits that are available. It is felt the right to negotiate with employers should be extended to all law enforcement officers in the state. (Attachment 6)

Douglas Grenier, Lodge President, Fraternal Order of Police, Leavenworth, Kansas, testified in support of **HB 2244**, stated 52 registered voters have signed this petition in support of collective bargaining between local governments and their employees. The majority are employed by a local subdivision of Kansas government. Some of the problems are: 40% turnover rate/cost of new employee, 17 officers have under one year on the department, city refuses to discuss issues despite numerous attempts to resolve problems, evaluations are biased and works on point system, manpower minimums for road patrol, current pay does not include a cost of living, policy changes without officers input, etc. (Attachment 7)

Craig Grant, representing Kansas National Education Association, a proponent for **HB 2244**, stated the NEA has as a part of its membership a category of education support personnel, or ESP. The ESP members are the secretaries, paraprofessionals, custodians, food service workers, and others whose lives touch students each

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MINUTES OF THE HOUSE COMMITTEE FEDERAL AND STATE AFFAIRS, Room 519-S
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and every school day. They are an important part of the operation of the schools and have made significant contributions toward the education of Kansas children. Members 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 and a local unit of government may opt in or opt out of the negotiating process. School districts opt out.

Nothing in this bill would require a board, city or county to agree to anything or take away any local control. It would only require a Board to talk with its employees if so requested and that is the basic change -- the right to talk with the boss on a collective basis. (Attachment 8)

Lonie R. Addis, Commissioner, Labette County, testified as an opponent to HB 2244, stated he represented 17 counties in southeast Kansas and each county is quite diverse. There is home rule authority to govern each county of the 105 counties. Each county is different in population, valuation and employee needs. The flexibility under existing laws gives each county commission the right to exercise their home rule authority to deal with labor issues that represent a harmonious and cooperative relationship with county employees. Each county is unique and needs to be governed accordingly. (Attachment 9)

The Chairperson stated the hearing would be continued for opponents February 5.

The meeting adjourned at 3:05 p.m.

The next meeting is scheduled for February 5, 1998.

FEDERAL & STATE AFFAIRS COMMITTEE

DATE: February 4, 1998

NAME	REPRESENTING
Don LINDSEY	UTU
Lonie R. ADDIS	Hubette Co. Commission & KCCA
STEVE KENONZY	FOP
Wayne Maibach	K. AFL-CIO
Meraldine Larson	SEIU
Dave Wilson	KAPE
David Hunt	IAFF Local 64
Mike Domann	IAFF Local 64
Donna Domann	Independent
Theodore E. Huff	IAFF Local 64
Judy Molen	Ks. Assoc of Counties
Don Reifert	City of Olathe
Kelly Kuntala	City of Overland Park
John Weber	IAMA W
Jerry Marlatt	KSCFF
Bob Wing	KSCFF
John Evans	Lawrence/Douglas County ^{Fine &} Medical
Craig Grant	INERA
Keith Haxton	SFAK
John Ruel	Lifesaver Interloc
Tom KANATZAR	Local 64 IAFF
DAVID HERNANDEZ	Local 3309 IAFF
Ed Lynn Jr.	Local 64 IAFF
Pat Young	Local 64 IAFF
Steve Long	Local 64 IAFF K.C.K
Bill Hollander	Local 64 I.A.F.F.
Matt Jackson	Local 3309 IAFF
Michael Ryan	Local 3309 IAFF
Christopher Scott	Local 3309 IAFF

**BEFORE THE KANSAS HOUSE COMMITTEE
ON FEDERAL AND STATE AFFAIRS**

Wednesday, February 4, 1998

Room 519-South

Testimony of Bob Wing

Good afternoon, distinguished Committee members. My name is Bob Wing. I am President of Local 64 of the International Association of Fire Fighters (IAFF), in Kansas City, Kansas. I also serve as President of the Kansas State Council of Fire Fighters. The State Council is comprised of 20 local affiliates scattered across the state of Kansas. Those affiliates represent some 1500 union members.

Since 1971, when the Public Employer-Employee Relations Act (PEERA) was enacted,¹ IAFF locals have established collective bargaining relationships with those municipal and county employers availing themselves of coverage under PEERA. PEERA affords local governments a so-called local option,² pursuant to which they "may elect" to bring themselves within the provisions of the Act.³ By the same token, the local option furnishes municipal and county employers an unfettered right to exempt themselves from coverage under PEERA, thereby depriving their employees of organized representation.

The predictable result has been that a majority of municipalities have chosen to retain total control over employment relations. In point of fact, out of the 20 local affiliates of the State Council, fewer than ten enjoy bargaining rights. This poor track record is directly attributable to the presence of the local option provision, which allows local governments to categorically deny recognition to labor organizations. Kansas is one of only a handful of states that still have such a provision on the books.

¹ There is a substantial amount of background information on the passage of this statute in Raymond Goetz's article "The Kansas Public Employer-Employee Relations Law," 28 Kansas Law Review 243 (1980).

² K.S.A. 75-4321(c).

³ The adoption of PEERA by a local government signals the right of its employees to seek union representation. Disputes as to determination of the appropriate bargaining unit are settled through the Public Employee Relations Board (PERB). If a labor organization is selected as collective bargaining representative and a collective bargaining agreement is negotiated, the local government and its employees then have a method by which to peacefully and efficiently resolve disputes. Court litigation is largely avoided, as a process is established for the evaluation and redress of employee grievances.

"The ostensible justification for optional rather than mandatory coverage is the desirability of preserving 'home rule' recognized in the Kansas Constitution . . ."⁴ However, the Kansas Constitution expressly makes the home rule power of cities "subject only to enactments of the legislature of statewide concern applicable uniformly to all cities."⁵ I submit that harmonious and cooperative public-sector labor relations are a statewide concern which are uniformly applicable to all municipalities. Accordingly, the legislature is not hampered by the "home rule" provision, nor should it allow itself to be.

House Bill No. 2244 proposes to remove the local option from PEERA. As a result, every local government would automatically be subject to PEERA, and its employees would enjoy uniform rights to organize, select a collective bargaining representative, and negotiate with their employer -- rights long enjoyed by employees in the private sector as well as by all Kansas state employees. Repealing the local option provision would also ensure consistency in employee relations among the state's local governments.

Based on my personal experience as President of Local 64 in Kansas City, I can assure you that labor organizations do not seek to subvert local government authority. Those public bodies electing coverage still control their own budgets. They are still free to legislate the final terms of any agreement. Collective bargaining simply gives employees a voice, through their bargaining representative, with respect to the matters that concern them in their employment relationship. I sincerely believe that this leads to more satisfied and productive employees. Employees who feel they have a means for redress of their grievances are much more likely to stay in their positions and much less likely to seek resolution of such issues through an already overcrowded court system. Local governments having elected coverage under PEERA are, I feel, largely satisfied with the results. None of the local governments whose employees are represented by the IAFF has rescinded its decision to come under the provisions of PEERA.

I perceive the most common fear of PEERA harbored by local governments to be an irrational fear of the unknown. It is far easier to decline coverage than to learn about the Act and to make an objective decision as to whether it will benefit public employees and citizens. The experience of State Council affiliates whose employers have "opted in" bears out the benefits of collective bargaining. What is more, these affiliates and their employers have achieved such harmonious relationships without a single work stoppage. On the other hand, in those cities and counties which have refused to exercise their local option, labor relations are relatively acrimonious. Making PEERA coverage mandatory would promote more stable, more cooperative relations.

In theory, the enactment of PEERA has provided significant rights to the public employees of this state. Unfortunately, by virtue of the local option provision, these rights *in*

⁴ Goetz, "The Kansas Public Employer-Employee Relations Law," 28 Kan. L. Rev. 243, 247 (1980) (citing Art. 12, § 5(b) of the Kansas Constitution).

⁵ Kansas Constitution, at Art. 12, § 5(b).

practice reach only a small percentage of these same employees. Removing the local option will extend these bargaining rights to all public employees in our state. These are rights that all our public employees deserve.

For all of the foregoing reasons, I implore this Committee to recommend passage of House Bill No. 2244. Thank you for your time.

Respectfully submitted,

By:

A handwritten signature in black ink, appearing to read "Bob Wing", is written over a horizontal line. The signature is stylized and cursive.

Bob Wing

On behalf of the Kansas State
Council of Fire Fighters



The Kansas Association of Public Employees
1300 SW Topeka Blvd., Topeka, KS 66612
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Testimony of Paul K. Wilson
Director of Labor Relations
Kansas Association of Public Employees before
The House Committee on Federal and State Affairs on
House Bill 2244

Members of the committee, good afternoon and thank you for allowing me to come before you to offer testimony in support of House Bill 2244.

My name is Paul Wilson and I am the Director of Labor Relations for the Kansas Association of Public Employees. The bill under consideration here deals with the Public Employer Employee Relations Act found at K.S.A. 75-4321, and specifically seeks to repeal subsection "c" of that statute.

The provisions of the ^{of the Act} section which the bill seeks to repeal are the most inequitable provisions imaginable. Subsection "c" denies public employees of political subdivisions the right to representation in their employment dealings with their employers unless their employers grant them that right.

Virtually every other employee of every other employer in this, as well as most other states, has the right to that representation if they so desire. And in those other places of employment, it is solely the employee, as it should be, who have the right to make that determination. Even here in the State of Kansas, state employees have the right to make their own decision on this issue by means of a vote. It is only the public employees of governmental entities, other than the state and its agencies, to whom this right to representation is denied, and there is no good reason for that denial.

The very purpose of the act to which the employees are seeking access provides nothing more than a communications tool between labor and management. And ironically, the legislative intent for passing the act in the first place was because some employers refused to enter into meaningful communications with their employees. It is only those employers who refuse to enter into constructive dialog with their employees who will fight this bill as an infringement on their authorities as elected officials. To them I can reply, how can a law which requires elected officials to communicate with their employees before taking action be construed to be anything but positive toward fulfillment of the public interests they were elected to steward?

Some will argue that it is far too expensive to open these rights to employees of all political subdivisions and to that I reply, the employees of all state agencies, the major cities and counties, in Kansas already function under the act which is administered by two part time administrators and one clerical employee who also administer all similar activities of the Professional employees of school districts under the Professional Negotiations Act. Even if the staff were doubled, the cost for providing for these communication would be minimal and well worth the expenditures.

Surely, no person elected to a representative position would support continuation of a law which excludes some Kansas citizens of the right to representation on employment issues which other citizens enjoy. To date, KAPE believes legislators have voted against this repeal several times because of a lack of understanding of the injustices that K.S.A. 75-4321 "c" applies to some of our citizens. It is KAPE's belief that once you become aware of the injustices caused by the provisions of K.S.A. 75-4321 "c" you will seek its repeal through passage of this bill.

Thank you for your consideration of my comments and I would be happy to try to answer any questions you may have.

Wednesday, February 4, 1998

House Federal and State Affairs Committee
Room 519-S, 1:30 pm

Geraldine Larson
Business Representative
Service Employees International Union, Local No. 513, AFL-CIO, CLC
2302 Timber Drive
Hays, Kansas 67601

Repeal of Local Option, House Bill 2244

Good Afternoon and thank you for the opportunity to testify today. I am speaking today for the thousands of employees working in Cities, Counties and School Districts across Kansas who deserve and need representation, but who are denied it because the governing body refuses to come under the Public Employer / Employee Relations Act (PEERA).

I believe that every worker has the right to representation if a majority of the workers, through a democratic process, vote to be represented and collectively bargain for wages, benefits and working conditions. As a former employee of Ellis County in Hays Kansas, I enjoyed for the first time the benefits of Union negotiated wages and benefits. I believe that all workers deserve the same rights that I enjoyed, including a real voice on the job. Some might think that the concept of Total Quality Management and Continuous Quality Improvement is new. For organized Kansas Public Employees the concept of employee involvement has developed through Labor Management Committees assisted by the Federal Mediation and Conciliation Service and the U.S. Department of Labor. Labor and Management have successfully launched health insurance programs, safety programs, child care programs and the list goes on, all to the benefit of the workers, the employer and the taxpayer.

All workers deserve the right to vote for representation and to collectively bargain a contract. Workers who have voted to be represented should not be denied freedom of association, simply because they work for the taxpayer, or simply because a governing body refuses to come under the act. Neither should the workers right to collectively bargain be simply removed by the governing body by voting to come out from under the act as was our experience in Reno County. The county workers did not accept a 1% increase in pay after several years of the CPI being between 3% and 5%. The contract was unsuccessfully mediated, the fact finder ruled in favor of the workers on the issues of wages and binding arbitration, even though the workers had never exercised the right to arbitrate a grievance.

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The county voted to implement a unilateral contract and come out from under the act, thus removing any rights the workers had under the collective bargaining agreement. It became very clear that the problem the county had was honoring their responsibility to bargain in good faith with their employees.

Another example I can give demonstrating the unfair treatment to workers is in Russell County where Road and Bridge workers, making little more than \$1000. per month in the early 1990's voted for the Unions representation and their health insurance. SEIU's health fund covered workers families for less than \$400.00 per month and Singles for less than \$200.00. While this was beneficial to the workers and the taxpayers of Russell County, the County Commission voted to come out from under the act so that the Commissioners and Clerical employees could absorb the Road and Bridge workers into their group, bringing their Blue Cross and Blue Shield coverage down a few dollars per month, from \$700. to \$680. The real losers were the workers and the taxpayers. The Commissioners could have had the SEIU coverage with it's \$100.00 a year deductible but instead nearly doubled the premiums.

These are two examples of why workers need representation, and why it makes sense to repeal the local option of the governing body. I can give you countless examples as well as those you've heard from my colleagues here today where the workers have a majority to vote for representation and are unable to get a majority of the governing body to vote to come under the act.

Public employees should not have to strike for recognition to get the same representation that other public employees have. To be called into public service requires a sense of dedication to the good^xail. All public employees deserve the same rights, protections and consideration under a fair and just collective bargaining law. We, the thousands of workers in the classrooms, the courthouses, in the trenches and water plants, serving the citizens ask that you change the law. We ask that it no longer be an option in Kansas that workers be treated fairly. In these days of Interest Based and Win / Win bargaining, we ask that for workers who bring a majority together to vote for representation, that they be granted the right to collectively bargain with their employers for wages, benefits and working conditions.

Thank you very much and I would be happy to answer any questions.

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February 4, 1998

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*** ADMITTED IN MISSOURI, NEBRASKA AND WASHINGTON, D.C.
ALL OTHERS ADMITTED IN KANSAS AND MISSOURI

REMARKS OF STEVE A.J. BUKATY STATE LODGE ATTORNEY
FOR THE KANSAS STATE LODGE OF THE FRATERNAL ORDER OF POLICE

TO: THE CHAIRPERSON AND MEMBERS OF
THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS

MEMBERS OF THE COMMITTEE:

The undersigned has represented numerous public employees, including hundreds of police officers in the State of Kansas. I speak to you today on a matter of fundamental fairness.

The Kansas Public Employee-Employer Relations Act in many ways is a model statute that has been followed by other jurisdictions. It conveys many employment rights upon State employees and certain local government employees, including the rights to organize, collectively bargain, arbitrate grievances, and be free from retaliation for engaging in these activities. Unfortunately, the statute also contains what has come to be known as the "local option" which allow cities and counties to determine whether their public employees will be covered by this statute. As I tell my seminar audiences, this local option provision, in my opinion, would be comparable to allowing each individual to determine whether or not he wished to be covered by the Internal Revenue Code.

As a result of this local option, we have created a two-class system in the State of Kansas for public employees. Those in cities and counties where the statute has been adopted, enjoy all of the rights under the statute, including the right to be represented in employment matters by their employee organization; they are covered by collective bargaining agreements; they have

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grievance procedures in which they can air their complaints against their employers; and, in my experience, they have much higher morale than those who do not.

By contrast, those who are not covered by the statute, have no bargaining rights, have their terms and conditions of employment completely and unilaterally determined by their employers, have no meaningful voice in their employment decisions, and tend to suffer from low morale.

In law enforcement, we have the incredible anomaly that police officers in adjoining jurisdictions have completely different standards by which their conduct is judged depending on whether or not the governing body of their city or county has voted to come under the statute. You will hear today from an attorney in my firm who was a former Olathe Police Department officer, who will demonstrate to you how stark this contrast can be.

PEERA is a very good and fair statute. There is no legitimate reason that it does not apply to all the public employers in the State. It is past time that the legislature do away with the second-class citizen status which is conferred upon those employees who are not covered by this statute. All State employees are covered by this statute. All local government employees should be covered by the statute as well.

It needs to be kept in mind that employees covered by the statute are not automatically represented by employee organizations. It is the employees' choice, following an election, to determine whether or not they will be represented by an employee organization. However, at the present time, those who are not covered by the statute are not even given that choice and do not have the opportunity to avail themselves of the rights which their brothers and sisters in adjoining jurisdictions may enjoy.

On behalf of the thousands of law enforcement officers in the State of Kansas, I strongly urge you to recommend the adoption of House Bill No. 2244.

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ALL OTHERS ADMITTED IN KANSAS AND MISSOURI

**REMARKS OF WESTON R. MOORE
ATTORNEY FOR THE FRATERNAL ORDER OF POLICE**

**TO: THE CHAIRPERSON AND MEMBERS OF
THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS**

MEMBERS OF THE COMMITTEE:

I have spent the last seventeen (17) years, all my adult life, involved in law enforcement in the State of Kansas. I began my career as a civilian employee with the Lenexa Police Department, served seven (7) years as a patrol officer with the Olathe Police Department and have spent the last five (5) years serving the police officers of this State as counsel to the Fraternal Order of Police. I am firmly convinced that our State is best served by providing the minimal rights guaranteed by the Kansas Public Employee-Employer Relations Act to all our public employees and I strongly urge you to recommend the adoption of House Bill No. 2244.

As a police officer at a non-PEERA municipality, I was consistently confronted with reminders of my status as a second class public employee. My employer had no obligation to address any of my employment related concerns and no obligation to even listen to those concerns. I had no guarantee of consistency in discipline, nor protection from municipal politics. This is not a position in which police officers should be.

I continue to receive complaints, on a weekly basis, from officers all over this State about the same types of problems. The complaints and concerns I hear are those that I have heard since 1981. Officers complain that they have no procedure to express work related concerns to their employer; officers complain that they live in a constant state of fear that they may be arbitrarily subjected to discipline, depending upon the political atmosphere within their department

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THE CHAIRPERSON AND MEMBERS OF
THE HOUSE COMMITTEE ON FEDERAL AND STATE AFFAIRS
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and their City; and, these officers express disappointment that so much of their energies are diverted from the task of law enforcement and must be, instead, focused on local politics and job preservation.

A change in the Public Employee-Employer Relations Act to provide coverage for all public employees is the right thing to do for Kansas and the right thing to do for its public employees. Such a change would not take control of local matters out of the hands of the community. A municipality covered by PEERA is still free to agree or disagree with its employees or their chosen representative. The only conduct mandated by PEERA is that the employer listen and discuss the concerns of its employees. The State-wide imposition of this minimum requirement does not interfere with Government at the local level.

The State and Federal Governments have long found it to be proper to set minimum standards in the work place. Standards relating to safety issues, minimum pay and overtime pay, and a host of other minimum requirements, including those related to equal opportunity and discrimination are common-place in Kansas and throughout the country. We, as a country, more than fifty (50) years ago, decided that all employers, at a minimum, would be required to bargain with employees if such a request was made. This mandate of the National Labor Relations Act, however, because of constitutional issues, was not applicable to State and local employees. The State of Kansas then followed the lead of the NLRA and enacted PEERA. Thus, giving all State employees similar rights. The State of Kansas also enacted the Kansas Civil Service Act which put in place many State employee protections. The coverage of these three (3) laws - the National Labor Relations Act, the Kansas Public Employer-Employee Relations Act, and the Kansas Civil Service Act - combined, provide an umbrella of coverage and a minimum standard to be followed by every category of employer within the State of Kansas, except one. The only category of employers that is not required to provide and meet this minimum standard is the local government employer. This condition should be remedied.

The granting to public employees of the right to select a bargaining representative and enter into discussions with their employer, if the employees so choose, is as much the right thing to do as was granting those rights to private employees and state employees. For that reason, and for all those reasons cited above, I strongly urge you to recommend the adoption of House Bill No. 2244.

I am Dennis E. Shell I'm here today to testify on HB 2244. That seeks to repeal the local option provision of the Public Employees Relations Act.

I retired from the Kansas City, Kansas Police Department October 01, 1996 after twenty five years of service with the rank of Lieutenant. I was involved in the negotiations of the first contract with the city of Kansas City and negotiations that followed. I also assisted the University of Kansas Medical Center Police with the negotiations on their first contract. At the present time I serve on the National Fraternal Order of Police labor committee assisting FOP lodges nation wide on labor issues.

I have found that those lodges that have contracts with their employers have higher moral. This comes about due to the fact that both sides are aware of the all of the working conditions and benefits that are available to them. Having been in management it makes the day to day operation run smoothly.

I speak today against the repeal of the local option and strongly believe that the right to negotiate with their employers should be extended to all law enforcement officers in the State.

FedState
2-4-98
Atch#6

On behalf of the Fraternal Order of Police, lodge #19, Leavenworth, Kansas. 52 People, who are registered voters of the State of Kansas have signed this petition in support of house bill 2244 to support collective bargaining between local governments and their employees. The majority of these people are employed by a local subdivision of a Kansas government.

For lodge #19,

Douglas Grenier, Lodge President

PROBLEMS WITH OUR CURRENT DEPARTMENT ;

- 1) 40% TURNOVER RATE / COST OF NEW EMPLOYEE
- 2) 17 OFFICER UNDER 1 YR. ON THE DEPT.
- 3) CITY GOVERNMENT REFUSES TO MEET TO DISCUSS ISSUES DESPITE NUMEROUS ATTEMPTS TO RESOLVE PROBLEMS
- 4) EVALUATION ARE BIASED AND WORKS ON POINT SYSTEM.
- 5) MANPOWER MINIMUMS FOR ROAD PATROL
- 6) CURRENT PAY DOES NOT INCLUDE A COST OF LIVING. NEW EMPLOYEE STARTING SALARIES INCREASE WHILE SENIOR OFFICERS PAY STAYS THE SAME. NEW CORP. MAKE MORE MONEY THAN EXPERIENCED SGT.'S AND THE STARTING SALARY OF A LT. .
- 7) POLICY CHANGES WITHOUT OFFICERS INPUT WHICH HAS MADE ILLEGAL DRUGS CASES DIFFICULT
- 8) SUSPICIOUS HIRING PRACTICE (WITHOUT APPLICATIONS)
- 9) RETALIATORY ACTIONS FROM SUPERVISORS

Fede State
2-4-98
Atch #7



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

Craig Grant Testimony Before
House Federal & State Affairs Committee
Wednesday, February 4, 1998

Thank you, Mr. Chairman. I am Craig Grant and I represent Kansas NEA. Members of the committee, I appreciate this chance to visit with the committee about HB 2244.

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 opt out. Many school districts have policies which cover salaries and terms of employment. However, those policies can be overturned just as easily as they were implemented. As best we can determine, Wichita, Kansas City, and possibly Hays 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 areas only to have the Board refuse to recognize the unit for discussions. HB 2244 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 2244 because it is the fair and proper thing to do. Thank you for listening to our concerns.

February 4, 1998

To: House Committee on Federal and State Affairs
From: Lonie R. Addis, Labette County Commissioner
Re: Opposition to House Bill 2244

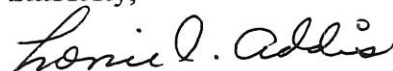
Dear Chairman Boston and Members of the Federal and State Affairs Committee:

Thank you for allowing me to come before this committee to address concerns of the Labette County Commission and Commissioners throughout the state. As a fifteen year veteran of the County Commission and an executive board member of the Kansas County Commissioners Association representing the 17 counties of Southeast Kansas, I assure you that every county is quite diverse. With each of the 105 counties of Kansas, comes home rule authority to govern their county as circumstances warrant. Each county is different in population, valuation and employee needs. The flexibility under existing laws gives each county commission the right to exercise their home rule authority to deal with labor issues that represent a harmonious and cooperative relationship with county employees.

Many county commissioners at one point in their life were members of organized labor. I belonged to the United Steelworkers of America for several years. As a Steelworker, I served as Chief Shop Stewart and was the Financial Secretary of Steelworkers Local 4359. While living and working in Kansas, I was also employed to assist Steelworker organizing efforts. I was and am very committed to the efforts of organized labor. I never became so committed till I witnessed some of the horrors of what people dealt with in the workplace while assisting the labor activities of my union.

The two commissioners I work with, and those I am acquainted with throughout the state of Kansas are very conscientious of the safety and welfare of their county employees. Each county is unique and needs to be governed accordingly. I would sincerely request that this committee vote in opposition to HB 2244 and leave KSA 75-4321 in tact with the local option as stated in paragraph 5C.

Sincerely,



Lonie R. Addis
Commissioner
Labette County, Kansas

Fede State
2.4.98
Atch # 9