

Before the Committee on Commerce, Labor, and Economic Development

**Testimony in favor of HB 2083
Presented on January 28, 2013
By Justin McFarland, Deputy General Counsel
Kansas Department of Labor**

Mr. Chairman and Honorable members of the Committee:

Thank you for the opportunity to appear before you today on behalf of Interim Secretary Lana Gordon and the Kansas Department of Labor to testify in support of House Bill 2083.

House Bill 2083 makes two simple changes to the Kansas Public Employer-Employee Relations Act (PEERA) that will enable the Department of Labor to reduce expenses related to labor disputes.

For background information, it is important to understand PEERA governs labor relations between public employers and public employees. Under Kansas law, public employers who opt-in to PEERA, e.g., the City of Wichita, must recognize employee organizations for the purposes of representing the employee organization's members in relations with public agencies as to grievances and conditions of employment.

Public employers are only required to meet and confer with a *recognized* employee organization. By statute, that employee organization shall represent not less than a majority of the employees of an appropriate unit. Further, recognition shall be granted only to an employee organization that has been selected as a representative of an appropriate unit, in a secret ballot election, by a majority of the employees in an appropriate unit who voted at such election.

When there is a dispute as to the appropriateness of an employee organization, the Public Employer Relations Board (PERB) is authorized to conduct secret ballot elections to determine whether the employee organization should be recognized as the formal representative of the employees in a unit, whether one employee organization should replace another as the formal representatives in a unit, or whether a recognized employee organization should be decertified. Under

PEERA, PERB pays for the cost of conducting the election, including printing, postage, and staff time. Typically, this occurs 2 to 3 times per year.

HB 2083 grants PERB the authority to assess the costs of conducting the election onto the party who petitions the Board for election. While the costs of conducting the election have been minimal in recent years, it is entirely appropriate that the parties, i.e., public employees, public employee organizations, and public employers, bear the cost of services they benefit from.

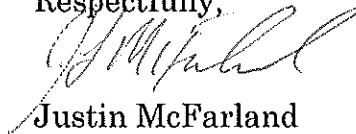
Secondly, HB 2083 amends K.S.A. 75-4332 regarding the cost of mediation and fact-finding services provided by the Secretary of Labor upon request of PERB. Use of the fact-finding services occurs when PERB determines an impasse exists in meet and confer proceedings between a public employer and a recognized employee organization.

Under current law, the State picks up the costs of these services. Fact-finders charge \$400 per day plus expenses for hearings plus \$66.66 per hour for preparation and report writing. From July 1, 2010 through present, the State has paid \$11,102.58 on professional services for fact-finding.

HB 2083 requires these costs to be assessed to the parties that are at impasse. Under the Professional Negotiations Act, the parties, not the State, bear the costs of fact-finding and mediation. See, K.S.A. 72-5429. HB 2083 should be passed so that this disparity is rectified and so that the parties directly benefiting from the services provided by the fact-finders pay the costs, not the State.

Thank you again for the opportunity to present testimony favorable for passage of HB 2083. Please feel free to contact me with any questions you may have regarding HB 2083 or any matter related to the Department of Labor.

Respectfully,



Justin McFarland