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Members of the House, Commerce, Labor and Economic
Development Committee

Re: House Bill 2083

Dear Committee Members:

I am the State Lodge Attorney for the Kansas State Lodge of the Fraternal Order of Police. I speak in opposition House Bill 2083.

The Bill proposes to make two additions to the current Public Employee/Employer Relations Act (PEERA). The first change proposes to add a section to K.S.A. 75-4327, which would allow the Public Employer Relations Board (PERB) to assess the reasonable costs for conducting a secret ballot election against the party seeking the election. We oppose this proposed change for two reasons.

First, there is no definition of the word costs. Our members are greatly concerned that any FOP Lodge which would attempt to organize and seek a union election, could bear substantial costs, which are currently paid by the State. In fact, ever since the Statute was enacted over forty years ago, the costs of representation elections have been considered part of the cost of doing business under the Statute, and have always been paid for by the State.

Second, assessing these costs solely against the Union, will have the chilling effect of reducing the amount of elections which occur. As such, it is diametrically opposed to the purposes of the Act, which are the development of harmonious and cooperative relationships between Government and its employees through the collective bargaining process. Some of the FOP Lodges in the State, which are organized, have as few as twenty members. Forcing labor organizations of that small size to now, for the first time, incur and pay for all the costs of an election, will effectively prohibit them from seeking to be recognized as a bargaining representatives, in direct contravention of the purposes of the Act. For this reason, we strenuously oppose this proposed change to the PEERA.

The second proposed change in the Statute would require all the parties to mediation and fact-finding to bear all the costs, including the costs of any arbitrator. For over forty years, these costs have always been borne by the State. One of the many positive features of the PEERA is

that it contains an impasse dispute resolution procedure which has successfully allowed the parties, over several decades, to resolve disputes in collective bargaining negotiations.

This provision also provides no definition of the word costs. It is entirely possible that the parties who are attempting to resolve their disputes peacefully, could be stuck with a substantial financial burden. Furthermore, as noted above, this change is diametrically opposed to the purposes of the Act, which is to develop harmonious relationships, and assist the parties to resolve their differences.

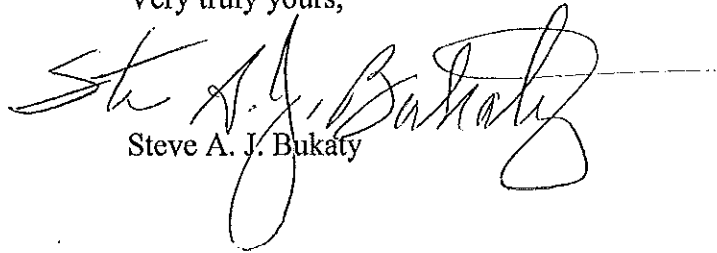
Currently, if the parties are not able to reach agreement through negotiations, they may declare impasse, and seek the assistance of PERB. PERB appoints a mediator. If mediation is not successful, the parties may then seek fact-finding at which they present evidence to a neutral arbitrator who issues a decision and recommendations for resolving the dispute. History has shown that this procedure has been very effective in assisting the parties to amicably and peacefully resolve disputes in collective bargaining.

The FOP is also concerned that the adoption of this new provision will lead to more labor strife; that the parties will be reluctant to follow the impasse procedures, and that labor unrest among public employees will follow, all in direct contravention to the purposes of the Act.

For these reasons, the FOP requests that the Committee not adopt any of the proposed changes to PEERA as set out in House Bill 2083.

Thank you for your attention to this matter.

Very truly yours,



Steve A. J. Bukaty

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Cc: Pete Fogarty, President, Kansas State Lodge Fraternal Order of Police