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MEMORANDUM

To: Madam Chair Lynn and members of the Senate Commerce Committee
From: Charles Reimer, Asst. Revisor
Date: 3/10/2015
Subject: SB 179

SB 179 amends the public employer-employee relations act by abolishing the public employee relations board and transferring the board's duties to the secretary of labor, limiting the scope of negotiation between public employers and public employee organizations to minimum wages and salaries, and removing provisions pertaining to grievance procedures. Provisions pertaining to mediation and fact-finding procedures for resolving negotiation impasses between public employers and public employee organizations are also removed.

New Section 1. Directs the secretary of labor to adopt rules and regulations.

New Section 2. Abolishes the public employee relations board. The secretary of labor assumes the powers, duties and records of the public employee relations board. Rules and regulations, policies, orders and directives of the board continue until changed by the secretary of labor. Employees transfer at the discretion of the secretary.

Section 3. Amends K.S.A. 75-4321 to change the manner in which the governing body of a public employer, other than the state and state agencies, elect to bring themselves under the provisions of the public employer-employee relations act. Under current law, a majority vote of the members of the governing body is required. The amendment requires adoption of a resolution approved by a majority of the qualified electors of the public employer at an election. Pg. 3. This election can be rescinded by a majority vote of the

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members of the governing body. Language limiting the effect of a vote to rescind until the end of the next budget year following the vote is stricken. Pg. 4.

Section 4 amends the definitions section of the public employer-employee act. Language defining certain terms is stricken to conform with other amendments to the act. Pg. 6. Conditions of employment are amended to exclusively mean the minimum amount of salaries and wages. Pg. 6, lines 28-33.

Section 5 removes grievances from the scope of negotiations that public employee organizations have a right to discuss with public employers. Pg. 7. Public employee organizations may continue to confer with public employers regarding conditions of employment.

Section 6 adds language specifying that the act is not intended to limit the right of a public employer to determine criteria and procedures for hiring, promotion, demotion, termination and other personnel actions and determine which personnel should be hired, promoted, demoted, terminated, ect. Pg. 7.

Section 7 again removes “grievances” as a matter for which public employers are to recognize employee organizations as representing their members. Pg. 7.

Section 8, at page 10, removes language regarding the settlement of grievances as a matter which the public employer must recognize the right of the public employee organization to represent public employees. Pg. 10, lines 13-14.

Section 9 strikes language providing for an appeal of the recognition status of employee organizations from the determination of a public agency to the public employee relations board. Pg. 10, lines 25-26.

Section 10 limits the scope of a memorandum of agreement to conditions of employment. Pg. 10. Language providing the memorandum agreement may contain a grievance procedure and provide for impartial arbitration and judicial review is stricken. Pg. 11.

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Section 11 removes language regarding assistance through the public employee relations board to resolve in impasse in public employer and public employee organization negotiations. Pgs. 11-12. Language referring to appointment by the board of a mediator to resolve a dispute and, if mediation fails to resolve the dispute, appointment by the board of a fact-finding board to conduct a hearing, and related procedures, is stricken. Pg. 12-13. The remaining language provides that if the parties have not resolved an impasse by 14 days before the budget submission date, the governing body, including the state or a state agency, shall take such action as it deems to be in the public interest, including the interest of the public employees involved. Pg. 13.

Section 12 amends prohibited actions in meet and confer meetings by removing the deliberate avoidance of mediation, fact-finding and arbitration as a prohibited action. Pg. 14.

Section 13 replaces references to the board with references to the secretary with regard to appeal procedures of controversies concerning prohibited practices. Pg. 14-15.

Section 14 and 15 make conforming amendments replacing references to the board with the secretary. Pg. 15-16.

The bill also repeals K.S.A. 2014 Supp. 75-4323 and 75-5713.