



KANSAS STATE TROOPERS ASSOCIATION

To: Senate Commerce Committee

From: Mitch Mellick, President Kansas State Troopers Association

Regarding: Opposition to Senate Bill 179

Sen. Lynn and members of the Commerce Committee, thank you for taking the time to consider our remarks in opposition to Senate Bill 179. The measure before you sets about the undoing of more than 40 years of public policy in the state of Kansas. The Public Employer Employee Relations Act otherwise known as PEERA, was enacted in 1972 and adopted by other states as a model law enacted to foster effective working relationships between government employers and employees.

PEERA is an act that provides a mechanism through which public employers and employees can have a free exchange of ideas necessary to promote the best possible delivery of public service owed to its citizens. The basic concept embodied in PEERA is the "development of harmonious and cooperative relationships between government and its employees."

Senate Bill 179 eliminates the Public Employer Relations Board (PERB) and delegates its responsibilities to the Kansas Department of Labor. PEERA provides for a neutral detached third-party for the consideration of violations of the Act by either party embodied in PERB and we believe it should be continued.

PERB in its current form provides a venue comprised of a board balanced with appointees by the governor with a mix of background and expertise in both labor and management. PERB's opinions are published as a resource for both the employer and employee and in recent years are available online. The benefit of PERB as a venue for violations of PEERA, coupled with their previous decision-making and established precedent, provides both guidance for both the employer or employee representative as well as deterring frivolous filings by either.

Another area of concern in Senate Bill 179 is the elimination of "mediation" and "fact-finding" as methods through which disputes arising from negotiations can be resolved. The use of mediation in bringing parties together on any given issue has proven successful as a dispute resolution tool in a wide variety of settings including PEERA. As a method of alternative dispute resolution it is both cost-effective and efficient, bringing the added benefit of preserving ongoing relationships in a non-adversarial setting.

"Fact-finding" in the context of PEERA allows the employer and employee representative the opportunity to present their case to a neutral detached third-party for determination on the merits. It is

important to remember that “fact-finding” is not binding in any fashion upon the employer, in this instance the state of Kansas. A determination by a factfinder, even in favor of the employee representative, does not obligate the employer to follow or adhere to the conclusions of the factfinder.

PEERA is a “meet and confer” law. “Meet and confer” means simply that the employer and the representative of the employees discuss and seek agreement regarding the terms and conditions of employment including such things as wages and hours of work for example. At the end of the process established by PEERA, the employer may still unilaterally impose a contract of its choosing, with the provisions it determines.

Last, the limitations in this measure that restrict “conditions of employment” to “the minimum amount of salaries and wages” will shut off the discourse between the KSTA and the KHP on matters affecting the safety of our officers and the safety of the Kansas public. For our members in the unique area of law enforcement, matters such as officer involved shootings, other use of force, specialty units like accident reconstruction, K-9, drug interdiction, SRT (special response team), and in car camera use are examples of other topics often discussed. We fear many unintended consequences will result from eliminating our ability to negotiate over matters other than “the minimum amount of salaries and wages.”

Thank you for your taking the time to review our comments. The members of the KSTA respectfully request your rejection of Senate Bill 179 and the dramatic changes to a well-established Act that continues to serve both the public employer and employees well for over 40 years.