

2012 Kansas Statutes

44-823. Certified employee organizations; duties of agricultural employers; determination and designation of appropriate unit; certification of representatives of appropriate unit; investigations, hearings and elections by board; membership in appropriate unit and employee organizations; duties of employee organizations. (a) Agricultural employers shall recognize certified employee organizations for the purpose of representing their members as to grievances and conditions of employment. Employee organizations may establish reasonable provisions for an individual's admission to or dismissal from membership.

(b) Where an employee organization has been certified by the board as representing a majority of the employees in an appropriate unit, the appropriate agricultural employer shall meet and confer in good faith with such employee organization in the determination of conditions of employment of the agricultural employees as provided in this act, and may enter into a memorandum of agreement with such recognized employee organization.

(c) A recognized employee organization shall represent not less than a majority of the employees of an appropriate unit. When a question concerning the designation of an appropriate unit is raised by an agricultural employer or an employee organization, the board, at the request of any of the parties, shall investigate such question and, after a hearing conducted in accordance with the provisions of the Kansas administrative procedure act, rule on the definition of the appropriate unit in accordance with subsection (e) of this section.

(d) Following determination of the appropriate unit of employees, the board, at the request of the agricultural employer or on petition of employees, shall investigate questions and certify to the parties in writing, the names of the representatives that have been designated for an appropriate unit. The filing of a petition for the investigation or certification of a representative of employees shall show the names of not less than 30% of the employees within an appropriate unit. In any such investigation, the board may provide for an appropriate hearing in accordance with the provisions of the Kansas administrative procedure act, shall determine voting eligibility and shall take a secret ballot of employees in the appropriate unit involved to ascertain such representatives for the purpose of formal recognition. Recognition shall be granted only to an employee organization that has been selected in a secret ballot election by a majority of the eligible employees in an appropriate unit who vote in such election. Each employee eligible to vote shall be provided the opportunity to choose the employee organization such employee wishes to represent such employee, from among those on the ballot, or to choose "no representation." The board is authorized to hold elections to determine whether: (1) An employee organization should be recognized as the formal representative of employees in a unit; (2) an employee organization should replace another employee organization as the formal representative of employees in a unit; and (3) a recognized employee organization should be decertified. If the board has certified a formally recognized representative in an appropriate unit, it shall not be required to consider the matter again for a period of one year, unless the board determines that sufficient reason exists. No election shall be directed in any appropriate unit or subdivision thereof where there is in force and effect a valid memorandum of agreement which was not prematurely extended and which is of a fixed duration not exceeding three years; except the board shall reconsider any certification upon receipt of a voluntary petition of 70% or more of the employees of any appropriate unit, seeking decertification. The board may promulgate such rules and regulations as may be appropriate to carry out the provisions of this section.

(e) Any group of agricultural employees considering the formation of an employee organization for formal recognition and the board, in investigating questions at the request of the parties as specified in this section, shall establish an appropriate unit to include the largest number of eligible employees consistent with: (1) The principles of efficient administration of the business; (2) the existence of a community of interest among employees; (3) the history of employee organization; (4) geographical location; (5) the effects of overfragmentation and the splintering of a work organization; (6) the provisions of K.S.A. 44-822 and amendments thereto; and (7) the recommendations of the parties involved.

(f) Supervisory, confidential, clerical, domestic, technical, executive and professional employees and guard shall be excluded from an agricultural employee appropriate unit.

(g) As a condition precedent to certification, an employee organization shall file with the secretary of state a copy of its articles, bylaws or governing rules which shall provide that the employee organizations: (1) Will establish and maintain standards of conduct providing for the maintenance of democratic procedures and practices including the fair and equal treatment of all members; (2) will disclose fully to members in advance the purpose of all assessments and collections; (3) will have a secret ballot election of all officers not less frequently than every four years; (4) will submit to the secretary of state annually a list of the names and addresses of its officers and a designation of its principal office within the state of Kansas, and will notify the secretary of state of any changes in such information within 30 days after the making of such change; (5) will submit to the secretary of state an annual financial report in the manner and form and containing information required under the provisions of K.S.A. 44-806 and amendments thereto; and (6) will prohibit all business and financial interests by officers which conflict with their fiduciary responsibilities.

History: L. 1972, ch. 193, § 6; L. 1988, ch. 356, § 144; July 1, 1989.