

Proposed Amendments for HB 2083
February 14, 2013
Prepared by Ken Wilke
Office of the Revisor of Statutes

1 involved.
2 (f) A recognized employee organization shall not include: (1) Both
3 professional and other employees, unless a majority of the professional
4 employees vote for inclusion in the organization; (2) uniform police
5 employees and public property security guards with any other public
6 employees, but such employees may form their own separate homogeneous
7 units; or (3) uniformed firemen with any other public employees, but such
8 employees may form their own separate homogeneous units. The
9 employees of a public safety department of cities which has both police
10 and fire protection duties shall be an appropriate unit.

11 (g) It is the intent of this act that employer-employee relations
12 affecting the finances of a public employer shall be conducted at such
13 times as will permit any resultant memorandum of agreement to be duly
14 implemented in the budget preparation and adoption process. A public
15 employer, during the 60 days immediately prior to its budget submission
16 date, shall not be required to recognize an employee organization not
17 previously recognized, nor shall it be obligated to initiate or begin meet
18 and confer proceedings with any recognized employee organization for a
19 period of 30 days before and 30 days after its budget submission date.

20 (h) No employee organization shall be recognized unless it
21 establishes and maintains standards of conduct providing for: (1) The
22 maintenance of democratic procedures and practices, including periodic
23 elections by secret ballot and the fair and equal treatment of all members;
24 and (2) the maintenance of fiscal integrity, including accurate accounting
25 and periodic financial reports open to all members and the prohibition of
26 business or financial interests by officers which conflict with their
27 fiduciary responsibilities.

28 (i) *The board shall assess the reasonable costs for conducting a*
29 *secret ballot of the employees against the party seeking the election.*
30 Sec. 2. K.S.A. 2012 Supp. 75-4332 is hereby amended to read as
31 follows: 75-4332. (a) Public employers may include in memoranda of
32 agreement concluded with recognized employee organizations a provision
33 setting forth the procedures to be invoked in the event of disputes which
34 reach an impasse in the course of meet and confer proceedings. Such
35 memorandum shall define conditions under which an impasse exists, and if
36 the employer is bound by the budget law set forth in K.S.A. 79-2925 et
37 seq., and amendments thereto, the memorandum shall provide that an
38 impasse is deemed to exist if the parties fail to achieve agreement at least
39 14 days prior to budget submission date.

40 (b) In the absence of such memorandum of procedures, or upon the
41 failure of such procedures resulting in an impasse, either party may request
42 the assistance of the public employee relations board, or the board may
43 render such assistance on its own motion. In either event, if the board

For the purposes of this subsection, the term "costs" shall include amounts expended by the board for printing of ballots and necessary postage.

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1 employer and the recognized employee organization. The board may make
 2 this report public seven days after it is submitted to the parties. If the
 3 dispute continues 14 days after the report is submitted to the parties, the
 4 report shall be made public.

5 (f) If the parties have not resolved the impasse by the end of a 40-day
 6 period, commencing with the appointment of the fact-finding board, or by
 7 a date not later than 14 days prior to the budget submission date,
 8 whichever date occurs first: (1) The representative of the public employer
 9 involved shall submit to the governing body of the public employer
 10 involved a copy of the findings of fact and recommendations of the fact-
 11 finding board, together with the representative's recommendations for
 12 settling the dispute; (2) the employee organization may submit to such
 13 governing body its recommendations for settling the dispute; (3) the
 14 governing body or a duly authorized committee thereof shall forthwith
 15 conduct a hearing at which the parties shall be required to explain their
 16 positions; and (4) thereafter, the governing body shall take such action as it
 17 deems to be in the public interest, including the interest of the public
 18 employees involved. The provisions of this subsection shall not be
 19 applicable to the state and its agencies and employees.

20 (g) ~~[(The cost for the mediation and fact-finding services provided by~~
 21 ~~the secretary of labor upon request of the board shall be borne by the~~
 22 ~~secretary of labor. All and all other costs, including that of a neutral~~
 23 ~~arbitrator, shall be borne equally by the parties to a dispute.~~

24 Sec. 3. K.S.A. 75-4327 and K.S.A. 2012 Supp. 75-4332 are hereby
 25 repealed.

26 Sec. 4. This act shall take effect and be in force from and after its
 27 publication in the statute book.

The costs for the fees of court reporters and fact finders provided by the secretary of labor upon the request of the board
