

MEMORANDUM

TO: Human Resource Directors

FROM: Les Hughes
Labor Negotiations Director

DATE: June 20, 2007

SUBJECT: Newly Realigned Bargaining Units

The purpose of this note is to provide agency Human Resource and other managers with information which will be helpful in the implementation and administration of the realigned bargaining units.

These changes began with a review of the Public Employer Employee Relations Act, K.S.A. 75-4321 *et. seq.* and the Public Employee Relations Board (PERB) established units by a consultant retained by the Kansas Department of Labor. A copy of the consultant's report may be viewed at the following Dept. of Administration, Division of Personnel Services Labor Relations link: <http://www.da.ks.gov/ps/subject/labor/laborrelations.htm> The results of this review formed the basis for a cooperative effort between organized labor and representatives of the State as a public employer to streamline a growing total of 42 non-regents units into 17 occupationally based bargaining units.

A list of the 17 realigned statewide units (excluding regents' institutions) may also be displayed at the above Labor Relations link. The right-hand column indicates which units have PERB certified representatives or unions and which units are not currently represented. The PERB has certified the unit representatives who represented more than 50% of the employees in a particular unit in the former unit structure. That includes the combined total of employees formally represented by AFSCME and KAPE prior to their merger as the Kansas Organization of State Employees (KOSE).

Also available at the above link is a listing of job classes with realigned unit assignments as adopted by PERB at their May 16, 2007 meeting. You can use these listings to determine which job classes in your agency are covered by a union. Each listing is based upon November 2006 data, but the D of A Unit determination petition, incorporated into the PERB order by reference, is intended to be expansive and provides for the inclusion of "similar or like job classifications or functions". This will allow the units to grow or change with our organizational needs.

Included in these units are also employees in classified and unclassified job titles and full or part-time regular positions. Excluded from these units are confidential, managerial, supervisory, temporary and original-appointment-probationary-status employees and elected officials. So, while a job class may be assigned to a unit, some of the positions allocated to that job class may be excluded from the unit because of the above listed categories of exclusions. Care should be taken at the agency level with the flagging in SHARP of individual positions as confidential or supervisory, because those exclusions may be challenged by a union, with PERB making a determination. K.S.A. 75-4322 which may be found at the following link <http://www.kslegislature.org/legsrv-statutes/getStatuteInfo.do> provides statutory definitions for use in making decisions concerning unit exclusions.

As we proceed with the transition to the newly realigned labor units, previously negotiated employee and management rights will be preserved until further negotiations occur. The existing memorandum of agreement (MOA) provisions will remain in effect for the employees originally covered who remain in represented units until changes are made through negotiation. Also in keeping with this status quo approach, agencies will not be required to extend any provision of a MOA to a category of employees who were not in the previous unit covered by the MOA, until or unless those provisions are extended to the expanded group of employees through negotiations.

To illustrate why this basic approach may be needed, consider the following circumstances created by the unit realignment. As an example, the new unit #1 Maintenance, Trades and Technical now includes employees in 48 state agencies but also contains employees covered by eight existing MOAs. Those previous units and agreements include the DOT District Maintenance employees, JJA Support Services employees, KNI Support Services unit, Larned and Osawatomie State Hospitals unit, Parsons State Hospital Support Services, SRS Support Services employees, Soldiers' Home Maintenance and Service unit, and the Statewide Technical unit.

In the next few months we expect to receive requests to negotiate especially from units that do not have labor agreements or MOAs. Organizing efforts may also be initiated or intensified for those units that are not currently represented. We will make every effort to keep you updated on these and other labor relations activities. However, should you have any questions about the information presented or questions about requests received from one of these employee organizations, please contact me by phone at (785) 296-2441 or by e-mail at les.hughes@da.ks.gov.