

BEFORE THE SECRETARY, KANSAS DEPARTMENT OF HUMAN RESOURCES

LABETTE COUNTY U.S.D. 506,)

Petitioner,)

vs.)

Case No. 72-URE-4-1990

LABETTE COUNTY TEACHER'S)
ASSOCIATION,)

Respondent.)

ORDER OF DISMISSAL

NOW, on this 30th day of November, 1989, the Secretary of the Department of Human Resources, by and through his authorized representative, Monty R. Bertelli, having reviewed the file in the above-captioned matter FINDS:

1. On November 29, 1989 the Petitioner, Labette County U.S.D. 506 has filed a petition pursuant to K.S.A. 72-5417(b)(1) requesting a unit representation election.

2. The petition alleges the Professional Educators Association of U.S.D. 506 has petitioned the Petitioner for recognition as the exclusive representative of all the professional employees in the negotiating unit.

3. The negotiation unit is presently represented by the Labette County Teacher's Association. Said association having been recognized as the exclusive representative of all the professional employees on November 22, 1971.

4. The current contract between Petitioner and the negotiating unit expires June 30, 1991.

CONCLUSIONS OF LAW AND OPINION

K.S.A. 72-5417(a) provides:

"A petition may be filed with the secretary asking the secretary to investigate and decide the question of whether . . . (2) a professional employees' organization which is the recognized exclusive representative should be displaced by another professional employees' organization; . . ."

K.S.A. 72-5417(b) provides such a petition may be filed by:

"(1) A board of education alleging that it has received a request for exclusive recognition from a professional employees' organization and has a good faith doubt as to the accuracy or validity of the claims made in the request;"

Pursuant to K.S.A. 72-5418(a) the secretary may direct and conduct a secret ballot election in order to decide the questions raised by the petition. Based upon Findings 1, 2 and 3 it would be appropriate for the Secretary to conduct such election in this case. However, it is necessary to look to K.A.R. 49-25-4 for additional factors which must be considered before an election is ordered.

K.A.R. 49-25-4(b) provides:

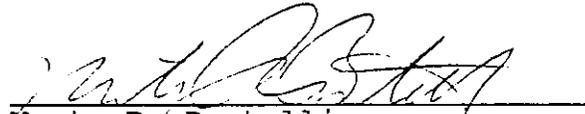
"A petition calling for a certification or decertification election shall be dismissed by the secretary if there is an existing memorandum of agreement, and the expiration date of the agreement is more than twelve (12) months subsequent to the date upon which the petition was filed with the secretary."
(emphasis added).

There is an existing contract between the petitioner and the negotiating unit involved in this petition. That contract does not expire until June 30, 1991. Such date is more than twelve months

from the November 29, 1989 filing date of the unit representation election petition filed by Petitioner. Accordingly, K.A.R. 49-25-4(b) requires the petition be dismissed by the Secretary.

ORDER

Pursuant to K.A.R. 49-25-4(b) the unit representation election petition filed by Petitioner is hereby dismissed. This order is an initial order of the presiding officer and will become final unless appealed to the Secretary of the Department of Human Resources in accordance with K.S.A. 77-527 within fifteen (15) days of the date of mailing.


Monty R. Bertelli
Senior Labor Conciliator and
Secretary's representative

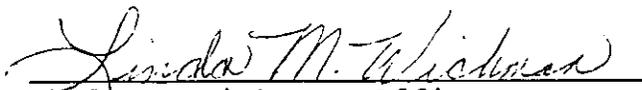
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the above Order of Dismissal was mailed to the following on the 28th day of December, 1989:

Labette County Unified School District 506
Mr. L. D. Curran, Superintendent
Box 188
Altamont, KS 67330

Labette County Teachers' Association
c/o Arleen McKinney
Box 585
Altamont, KS 67330

Professional Educators Association of U.S.D. 506
c/o Gary Spruill
Box 796
Altamont, KS 67330


Linda M. Wichman, Office
Assistant II