State of Kansas
BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD

KANSAS ASSOCIATION
OF PUBLIC EMPLOYEES
KAPE Physical Plant
Employees (PPES)
Petitioner

VS **CASE NO: 75-CAE-2-2006**

WICHITA STATE UNIVERSITY
(WSU)
Respondent

JOURNAL ENTRY OF DISMISSAL

THE COURT does hereby find and order that:

1. Respondent should and does hereby agree to comply with relevant law set out in K.A.R. 1-9-5 (e)(1) "Sick leave with pay shall be granted..." (Emphasis added) by rescinding and striking the "Heskett Center" policies dated March 31, 1997, from their personnel policy, to-wit:

   "...if any employee uses more (sick leave) than he or she earns during their evaluation period, they shall receive an unsatisfactory rating for the evaluation and will be placed on a special evaluation..."

2. Respondent should and does hereby assure Petitioner and this tribunal that Respondent has disciplined no employees under said language except Karen Chambers whose complaint has been satisfied by this journal entry of dismissal.

3. WSU should and does hereby amend "Plant Personnel Policies" as set out in Exhibit 1, attached hereto and made a part hereof.
4. Respondent's personnel policy should, and does hereby include all WSU employees.
5. The parties have agreed to resolve this matter under the conditions set out above and the petition should be dismissed.

THEREFORE, THE COURT DOES FIND AND ORDER that this matter is settled and does hereby dismiss petitioner's petition.

12-22-06

DOUGLAS A. HAGER, Judge

APPROVED:

CLAUDE LEE,
Attorney SC # 05924

12/13/06
Date

TED AYRES, #13038
Vice-president & General Counsel

12.13.06
Date

CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager, for the Public Employee Relations Board of the Kansas Department of Labor, hereby certify that on the **26th** of **December, 2006,** a true and correct copy of the Journal Entry of Dismissal were deposited in the U. S. Mail, first class, postage prepaid, addressed to:

Claude Lee, Attorney
Kansas Association of Public Employees
5633 sw Hawick Lane
Topeka, KS 66614
Attorney for Petitioner

Ted D. Ayres, General Counsel
Wichita State University
1845 Fairmount
Wichita, KS 67200-0001
Attorney for Respondent

Les Hughes
Kansas Department of Administration
900 SW Jackson - Room 600
Topeka, KS 66612-1220

Sharon L. Tunstall

Sharon L. Tunstall

PHYSICAL PLANT POLICIES

The following are basic policies of the Physical Plant Department, expressing performance expectations of all Physical Plant personnel, both permanent and temporary. They are not all inclusive, nor do they supercede State or Federal regulations.

1. Working Hours: 1st shift is 7:45 a.m. to 12:00 p.m. and 12:45 p.m. to 4:30 p.m. 2nd shift is 3:00 p.m. to 7:00 p.m. and 7:30 p.m. to 11:30 p.m., unless emergency situations arise. Personnel are to begin work on time, morning and after lunch. If you are unable to be at work for any reason, you are expected to notify your supervisor no later than 30 minutes after the start of your shift. Failure to notify your supervisor within this span, or not at all, will result in your being placed in Leave Without Pay (LWOP) status for that day. If you anticipate that you are going to be late for work, you are still expected to notify your supervisor no later than 30 minutes after the start of your shift. Failure to notify your supervisor will result in you being placed in LWOP until you report to work.
2. Check-In: Report to the shop and to your supervisor at the beginning of each workday, before and after lunch, and at the end of the workday. In the absence of your direct supervisor, you are expected to coordinate and cooperate with the next in-line supervisor in charge.
3. Absenteeism: Absenteeism should be kept to a minimum so that attendance is maintained to your supervisor's satisfaction. Absences resulting in an employee being placed into a LWOP status on their time records may result in disciplinary action being taken. Patterns of absenteeism may also be subject to disciplinary action.
4. Break Times: 1st shift break times are 15 minutes in duration, from 9:30 a.m. to 9:45 a.m., and from 2:30 p.m. to 2:45 p.m. 2nd shift break times are 15 minutes in duration, from 5:00 p.m. to 5:15 p.m. and from 9:30 p.m. to 9:45 p.m. Break times cannot be used to make up time.
5. Lunch Time: 1st shift lunch break is from 12:00 p.m. to 12:45 p.m. 2nd shift lunch break is from 7:00 p.m. to 7:30 p.m.
6. Quitting Time: Return to the shop at the end of the day no sooner than 4:15 p.m., unless otherwise requested. Use that time to clean and check-in tools and clean out and service vehicles.
7. Productivity: Employees are expected to remain alert and be productive on the job. Report to your supervisor immediately any illness or use of medication capable of affecting your work ability. Idleness and misuse of time will not be tolerated.
8. Conduct: Employees are expected to cooperate with coworkers, supervisors, faculty, staff, students, and visitors at all times and to maintain a professional decorum. Remember you represent the Physical Plant and the University.
9. Annual/Vacation Leave: Annual/Vacation will be approved by the supervisor as long as the employee has the necessary hours accrued to cover their time off and if the vacation time will not impose a hardship on productivity of the department. Request should be received 24 hours in advance for approval. Failure to give the necessary allowance for time off will result in unapproved leave.
10. Overtime: No overtime will be approved without prior authorization from the Director of the Physical Plant.
11. Telephone Use: Limit telephone usage to break times and lunch time, unless in an emergency situation. This includes the use of personal cell phones.

EXHIBIT 1

12. Classes: No employee will be allowed to take University classes during working hours without the explicit authorization and approval from their immediate supervisor and from the Director of the Physical Plant. Determination to take classes will be based on department staffing and workload associated with each department.

13. Vehicle Use: Only employees with a valid driver's license may operate a State vehicle. You are expected to observe all University, city parking and traffic regulations and to drive with care and courtesy at all times. All vehicles will remain on campus unless directed by supervisors. Do not use State Cushmans, Diahatsus, cars, trucks, or vans off campus unless it is business related. Only University/State personnel are to be transported in State vehicles.

14. Vehicle Parking: Park vehicles in designated numbered stalls around Physical Plant shop area. Do not block walk-in doors or overhead doors anytime. Keep campus building entrances and sidewalks open to pedestrians at all times. Use campus streets and service zones rather than sidewalks as parking areas.

15. Servicing Vehicles: Service your vehicle on a daily basis by checking and maintaining proper fluid levels, checking tire pressure, and cleaning out the vehicle on a regular basis. Report all mechanical problems promptly to the automotive maintenance department. Get problems repaired promptly.

16. Vehicle Keys: Return ALL vehicle and equipment keys to the appropriate supervisor or key locker on a daily basis. No vehicle or equipment keys are to be kept on personal key chains.

17. Other Keys: Maintain custody of all building keys at all times. Custodians will not leave campus with work keys at any time. Losing or failing to keep building keys in one's personal custody will result in disciplinary action.

18. Safety: Employees are expected to use protective personal equipment appropriately and as instructed by supervision. Use sound judgment in performing work so that safe work practices are always applied. If an employee is not certain how to most safely perform a task, they should ask their supervisor for procedural training.

19. Use of Headphones: The use of stereo headphones, walkmans, I-pods, or any other device which utilizes headphones to listen to music will be prohibited from being worn while operating a Daihatsu, Cushman, truck, or any equipment such as tractors, lawnmowers, dump trucks or small lawn equipment.

20. Uniform Policy: Effective July 1, 2005, the Physical Plant will be implementing a mandatory uniform policy. Employees of the Physical Plant will be issued and required to wear uniforms. No attire will be permitted depicting other places of employment.

21. Photo Identification Badge: Effective July 1, 2005 employees of the Physical Plant will be issued and required to wear photo identification badges.

22. Release of Information to the Press: All press releases are to be handled through News and Media Relations. Any inquiries from the press should be referred to Joseph Kleinsasser. Under no circumstances are any comments to be made to the press without prior authorization from University Relations.

23. Personal Trash: Personal trash is not to be dumped in the Physical Plant compactor. This causes additional labor cost and dumping fees to the University.

24. WSU Property and Equipment: Personal use of WSU property and equipment is forbidden.