

**BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS**

Jay M. Vicory)	
Petitioner,)	
)	
v.)	CASE NO: 75-CAE-7-1998
)	
Kansas Department of)	
Human Resources,)	
Respondent.)	
_____)	

SUMMARY ORDER

COMES NOW on for consideration by the Executive Director of the Public Employee Relations Board, the prohibited practice petition filed by Jay M. Vicory on October 30, 1997. The petition names the Kansas Department of Human Resources as Respondent in this matter.

The Executive Director, after being duly advised, finds that:

- 1) petitioner is an employee of the Kansas Department of Human Resources, Industrial Safety and Health Division;
- 2) petitioner states as the basis of his complaint:

" The public employee allege (s) the employer committed a prohibited practice as set forth in K.S.A. 75-4333(a) and (b)(7) by acting in bad faith to allow unqualified and unskilled employees with wages of comparable worth to a qualified and skilled employee and with disregard to K.S.A. 75-2935(2) and the Kansas Civil Service act."

- 3) the complaint in this matter fails to allege any prohibited practice, or facts in support thereof, within the meaning of K.S.A. 75-4333, and petitioner has failed to state a claim upon which relief can be granted under the Public Employer-Employee Relations Act; and

75-CAE-7-1998

Summary Order

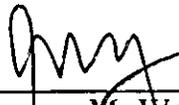
Jay M. Vicory v. Kansas Department of Human Resources

Page 2

- 4) this matter, as stated, does not fall within the jurisdiction of the Public Employer-Employee Relations Board.

Accordingly, this matter is hereby dismissed for lack of jurisdiction over the subject matter.

IT IS BY THE EXECUTIVE DIRECTOR SO ORDERED this 25th day of November, 1997.



George M. Wolf, Executive Director
Public Employee Relations Board
1430 S.W. Topeka Blvd.
Topeka, KS 66612-1853
(785) 368-6224

RIGHT TO REQUEST HEARING

This is a summary proceeding pursuant to K.S.A. 1996 Supp. 77-537. A party may request a hearing on the Order by filing a request with the Executive Director within fifteen (15) days of service of the Order setting forth the issues to be determined at the hearing. Failure to request a hearing will result in the Order becoming effective upon the expiration of the time for requesting a hearing.

CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager for the Public Employee Relations Board and Labor Relations Section of the Kansas Department of Human Resources, hereby certify that on the 25th day of November, 1997, a true and correct copy of the above and foregoing Summary Order was deposited in the U.S. Mail, first class, postage prepaid, addressed to:

Jay M. Vicory
P O Box 122
Stilwell, KS 66085

Wayne L. Franklin
Secretary
Kansas Department of Human Resources
401 SW Topeka Blvd.
Topeka, KS 66603

Summary Order

Jay M. Vicory v. Kansas Department of Human Resources

Page 3

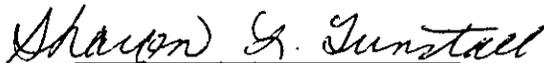
A. J. Kotich

Chief Counsel

Kansas Department of Human Resources

401 SW Topeka Blvd.

Topeka, KS 66603


Sharon L. Tunstall

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