

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
STATE OF KANSAS

In the Matter of
COMPLAINT AGAINST EMPLOYEE ORGANIZATION
Filed by University of Kansas Medical
Center (Complainant);

VS

Public Service Employees Union Local
1132, AFL-CIO (Respondent)

CASE CAEO 1-1974

Comes now on the 26th day of March, 1974 the above captioned matter for hearing. The hearing is conducted by Donald R. Hoffman, the duly appointed Hearing Examiner for the Board.

Complainant appears by and through its attorney Mr. Lee J. Dunn, Jr. Respondent appears by and through its attorney Mr. Ronald R. Gold (Rm 621, 5800 Fox Ridge Dr. 66202).

The matter comes before the Board upon petition of the University of Kansas Medical Center, State Board of Regents and the Department of Administration. Complainant alleges that employees of the appropriate unit exclusively represented by Respondent, Public Service Employees Union Local 1132, AFL-CIO have engaged in a "strike" as defined by KSA Supp. 75-4333(c)(5). The Board takes notice of its official file.

1. Public Service Employees Union Local 1132, AFL-CIO is an "employee organization" duly certified by the Board to be the exclusive representative of the appropriate unit composed of the following classes of employees (approximately 630):

Animal Carekater I*	Equipment Operator II	Maint. Plumber
Automotive Driver	Food Service Worker I	Maint. Painter
Automotive Mechanic I	Food Service Worker II	Maint. Repairman
Automotive Serviceman	Hospital Attendant	Refrig & A/C Mech
Baker	Laborer I	Sheet Metal Worker
Clerk I (Mail Room only)	Laborer II	Seamstress I
Cook I	Laundry Worker	Stationary Fireman
Cook II	Maint. Carpenter	Steam Fitter
Custodial Worker	Maint. Electrician	Storekeeper I
Elevator Operator	Maint. Mason	Storekeeper II
		Welder

*Including unclassified employees at this level.

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2. A strike vote was taken by members of the Local at the Local's headquarters. The vote authorized a strike.

3. On March 19, 1974 at approximately 5:00 a.m., pickets appeared at or near the Medical Center.

4. The pickets identified Local 1132 as being on "strike".

5. Leaflets were distributed identifying Local 1132 as being on "strike".

6. Approximately 250 employees failed to report for their respective shifts throughout the day.

7. Absenteeism among employees represented by the Local was approximately 46% during the period from March 19, 1974 through March 21. On March 22, 1974 absenteeism was down to 11% but on March 23 and 24 it rose to 65%. On March 25 approximately 10% were absent. On March 26, approximately 3% were absent, which is near the normal rate of absenteeism for the employees in the unit.

8. Mr. Lloyd Rose, Business Manager, Local 1132 communicated with management officials prior to March 19, that a "strike" was going to occur.

CONCLUSIONS OF LAW

The record of the hearing is clear that between March 19 and March 25, 1974 members of the appropriate unit represented exclusively by Local 1132 were engaged in a "strike" as defined by the Act. It is further clear that the strike was authorized officially by the Local; that it took part in the planning of the strike and that it encouraged non-members of the Local to participate. The brief return to work on March 22 was calculated to coincide with the provisions of KAR 1-11-2 providing for job abandonment.

The hardship created by the Local's activity upon the public employer (complainant) and the public at large is monumental. The public employer is one of the largest medical centers in the state.

Care of patients was jeopardized. Sanitary conditions became questionable. Admissions had to be curtailed. Scheduled surgery and other vital functions of the institution had to be limited.

The Board takes notice that this is not the first incidence of a work stoppage at the Medical Center since Local 1132 became the certified representative. In January of 1974 a similar stoppage occurred with similar results.

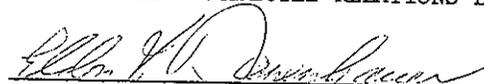
Inability of the public employer to provide demanded pay increases cannot mitigate the obvious fact that what occurred was unlawful.

Local 1132 is hereby ordered to cease and desist from striking in the future. This order will be enforced without hearing if future strikes occur.

Local 1132 is further ordered to appear at the May meeting of the Board to show cause on the issue of their certification to represent this unit.

IT IS SO ORDERED BY THE PUBLIC EMPLOYEE RELATIONS BOARD

BY


Eldon V. Danenhauer, Chairman
For the Public Employee Relations Board

April 24, 1974
Date