

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

Beverly Creswell,	)	
Petitioner,	)	
	)	
v.	)	Case No(s) 75-CAE-8-1997
	)	75-CAEO-2-1997
Shawnee County Commissioners	)	
Don Cooper, Vic Miller, Winnie	)	
Kingman; and Teamsters #696,	)	
Respondents.	)	
_____	)	

**INITIAL ORDER**

COMES NOW on for consideration by presiding officer, Susan L. Hazlett, the Respondents' pleadings and requests for dismissal therein. The Petition in this matter was filed pro se on December 10, 1996. The Respondent Teamsters #696's Answer was filed by and through counsel, Thomas H. Marshall, on December 24, 1996. The Respondent Shawnee County Commissioners' Answer was filed by and through counsel, Sandra Jacquot on January 6, 1997. All parties filed prehearing questionnaires at the request of the presiding officer. A prehearing conference was scheduled for February 19, 1997, but the Petitioner notified the presiding officer that she would be unable to attend. The presiding officer, after being duly advised of the premises, finds:

1. That Petitioner states as her theory of claim:

I am a member of Teamsters Local 696 and employed in the Shawnee County Motor Vehicle Department and according to K.S.A. 75-4324 I am entitled to union representation with respect to grievances and conditions of employment. Said Respondents have refused to follow the declared grievance process as spelled out in the Agreement breaching the duty of fair representation. Respondents have engaged in a wrongful pattern and practice of conducting grievance hearings on open public record disclosing private personnel

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information to the public. This is a Shawnee County Commission controlled Union because Respondent County can refuse to recognize the Teamsters Local 696 as the employees representative and can choose another Union to represent the County employees. Therefore Respondent Union does not or refuses to file grievances. This is a fraudulent situation because the Teamsters Local 696 is taking my dues knowing that the Board of County Commissioners can end the tenure of the Teamsters Union. (Pet. Prehearing Questionnaire);

2. That the complaint in this matter fails to allege one or more prohibited practices, 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 (PEERA);

3. That the Public Employee Relations Board (PERB) has no authority to enforce contracts or to sanction for contract violations;

4. That the PERB has no obligation or authority to appoint or provide legal representation for a party, as requested by Petitioner;

5. That this case should be and is hereby dismissed for the aforesaid reasons; and

6. That the Respondent Teamsters #696 request for attorneys' fees and expenses is denied.

**IT IS SO ORDERED** this 19th day of February, 1997.

  
\_\_\_\_\_  
Susan L. Hazlett  
Presiding Officer  
Public Employee Relations Board  
1430 SW Topeka Blvd., 3rd Floor  
Topeka, KS 66612

### NOTICE OF RIGHT TO REVIEW

This Initial Order is the official notice of the presiding officer's decision in this case. The Initial Order may be reviewed by the Public Employee Relations Board, either on its own motion, or at the request of a party, pursuant to K.S.A. 77-527. This Order will become final fifteen (15) days from the date of service, plus three (3) days for mailing, unless a Petition for Review is filed pursuant to K.S.A. 77-526 within that time with the Public Employee Relations Board, addressed to: Kansas Department of Human Resources, Public Employee Relations Board, 1430 Topeka Blvd., Topeka, Kansas 66612.

### Certificate of Service

I hereby certify that on the 20<sup>th</sup> day of February, 1997, a true and correct copy of the above and foregoing Initial Order was placed in the United States Mail, first class, postage prepaid to the following:

Ms. Beverly Creswell  
Shawnee County Motor Vehicle  
200 SE 7th Street, Rm. 103  
Topeka, KS 66603-3959  
*Petitioner*

Sandra L. Jacquot  
Shawnee County Counselor  
Shawnee County Courthouse  
200 S.E. 7th Street, Suite 100  
Topeka, KS 66603  
*Attorney for Respondent Shawnee Co. Commissioners*

Thomas H. Marshall  
BLAKE & UHLIG, P.A.  
475 New Brotherhood Bldg.  
753 State Ave.  
Kansas City, KS 66101  
*Attorney for Respondent Teamsters #696*

  
Sharon L. Tunstall