

STATE OF KANSAS

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD

Kansas University Nurses)
Association,)
)
Petitioner,)
)
vs.) CASE NO. 75-UC-1-1990
)
University of Kansas)
Medical Center,)
)
Respondent.)
_____)

ORDER

NOW on this 2nd day of February, 1990, comes for review Petitioner's request for hearing on Respondent's proposed exclusions to the employee unit pursuant to K.S.A. 75-4322(a), and for a list of names and addresses of the employees in the unit pursuant to K.A.R. 84-2-11(a)(4).

I.

It is the usual procedure of the Board to resolve all questions of membership in the employee unit prior to commencing validation of the showing of interest. The record however indicates that Petitioner began the unit determination and certification process in June of 1989, over seven months ago. Additionally, the number of individuals in question, i.e. 26, represents less than 5% of the potentially eligible employees, i.e. 536, and less than 10% of the number of showing of interest cards and/or petition signatures submitted by Petitioner. To delay the validation process further does not appear warranted.

75-UC-1-1990-I

The Respondent shall within ten (10) days of the date of this order supply to the Board a list of eligible employees excluding those appearing on the list filed January 23, 1990 by Respondent. The validation processes will proceed upon receipt of these names.

Should it be determined that an insufficient showing of interest has been submitted and that the 26 excluded employees would not affect that determination, Petitioner's request for hearing is moot and the Petition for Unit Certification will be dismissed.

If it be determined that an insufficient showing of interest has been submitted but the 26 excluded employees would affect that determination, the validation process will be stayed and a hearing upon the appropriateness of the supervisory designation shall be scheduled within fourteen (14) days. The decision from that hearing will be then used to conclude the validation process.

Finally, if it is determined a sufficient showing of interest has been submitted, an election shall be scheduled and prior to that election a hearing shall be held and decisions issued on the appropriateness of the supervisory designation for the 26 named employees.

II.

Pursuant to K.A.R. 84-2-11(a) (4) the employee organization is entitled to a list of names and addresses of all eligible employees in the unit upon validation of the showing of interest. Since there has been no validation of Petitioner's showing of

interest at this time no release of such list is required. Should Petitioner's showing of interest be determined insufficient, the request is inappropriate and the matter moot.

If a sufficient showing of interest is submitted by Petitioner, it is entitled to such list. It is general knowledge, both now and at the time of adoption of K.A.R. 84-2-11(a) (4), that the Board does not maintains such lists. Only the public employer would have the name and address information. Obviously, if the Board is to provide such a list to the employee organization it must have the means to obtain them from the public employer. Such authority is provided in K.S.A. 75-4323(d) (2) and (3).

Therefore, if it is determined that the Petitioner has submitted a sufficient showing of interest, Respondent shall file with the Board a list of the names and home addresses of all eligible employees in the unit within ten (10) days of service of the notice of validation. Such list to be forwarded to Petitioner in accordance with its request.

IT IS SO ORDERED this 2nd day of February, 1990.

Monty R. Bertelli
Monty R. Bertelli
Acting Senior Labor Conciliator
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CERTIFICATE OF SERVICE

I, Sharon L. Tunstall, Secretary III for the Kansas Department of Human Resources for the State of Kansas, do hereby certify that a copy of the above Order was mailed this 6th day of February 1990, by first class mail, postage prepaid to the following:

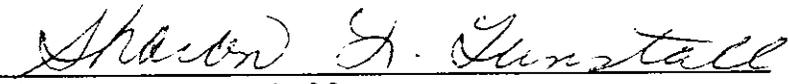
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