

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

Rhonda J. Vitatoe-Nunn et al.,
Petitioners

v.

Kansas Highway Patrol,
Kansas State Troopers Association,
Kansas Department of Administration,
and
Kansas Association of Public Employees,
Respondents.

Petition for Clarification or
Amendment of Bargaining Unit

Case No. 75-UCA-2-1995

Pursuant to K.S.A. 75-4321 et seq.
and K.S.A. 77-501 et seq.

**ORDER REMOVING HIGHWAY PATROL DISPATCHERS
FROM THEIR EXISTING BARGAINING UNIT
AND SCHEDULING A FURTHER PRE-HEARING CONFERENCE
TO DETERMINE AN APPROPRIATE UNIT**

NOW ON this 31st day of March, 1995 this matter comes before Don Doesken, presiding officer, for a decision on the legal question whether certain dispatchers employed by the Kansas Highway patrol are "uniform police employees" who must be removed from their existing bargaining unit pursuant to K.S.A. 75-4327(f).

The presiding officer has reviewed and studied all of the briefs filed herein by the Kansas Department of Administration ("KDA"), the Kansas State Troopers Association ("KSTA"), and the Kansas Association of Public Employees ("KAPE"), and now hereby issues the following:

Findings of Fact

This question has been submitted to the presiding officer on stipulated facts.

The parties have agreed that the Communication Specialists employed by the Kansas

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Highway Patrol are required to wear uniforms, and that they are employed as dispatchers by the Kansas Highway Patrol.

Conclusions of Law

The presiding officer finds as a matter of statutory interpretation that the Communication Specialists employed by the Kansas Highway Patrol are "uniform police employees" as that term is used in K.S.A. 75-4327(f), and concludes as a matter of law that these employees cannot lawfully remain in their existing bargaining unit with non-police employees.

The presiding officer finds Mr. Bukaty's arguments on pp. 3-7 of his brief on behalf of the Kansas State Trooper's Association to be persuasive on this question, and hereby adopts those arguments as his decision on this question.

It appears to this presiding officer that the category of "uniform police employees" includes a broader group of workers than police officers with arrest powers. Since the petitioners in this case are employees of a state police agency and are required to wear uniforms to carry out their jobs, they are "uniform police employees" and cannot remain in the Statewide Technical Unit with non-police employees.

However, the presiding officer finds that further proceedings are needed to determine an appropriate unit for these petitioners. Additional proceedings are needed

to determine, pursuant to K.S.A. 75-4327(e):

1. Whether the Communications Specialists employed by the Kansas Highway Patrol have a sufficient community of interest with Troopers I and II and Master Troopers employed by the Kansas Highway Patrol, and if so, whether the other criteria for appropriate bargaining units set forth in K.S.A. 75-4327(e) would permit the Communication Specialist to be placed in the same bargaining unit with troopers.

2. Whether the Communication Specialists employed by the Kansas Highway Patrol should be placed in a separate unit by themselves.

3. Whether the State of Kansas employs other uniform police employees who could be placed in the same bargaining unit with the Communication Specialists employed by the Kansas Highway Patrol.

Notice of Pre-Hearing Conference

The presiding officer hereby schedules a further pre-hearing conference to take place on **Wednesday, April 26, 1995 beginning at 9:30 a.m.** to consider the issues set forth above and to prepare this matter for a unit determination hearing, if necessary.

This pre-hearing conference will be held in the **Second Floor Conference Room** at **512 W. 6th Street, in Topeka, Kansas**, and will be conducted pursuant to the provisions of K.S.A. 75-4327(c) and K.S.A. 77-501 et seq.

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Please take note that pursuant to K.S.A. 77-506, this pre-hearing conference may be converted to a conference hearing under K.S.A. 77-533 et seq. for disposition of the issues, if appropriate; and any party who fails to appear or participate in this pre-hearing conference may be held in default under the provisions of K.S.A. 77-520.

IT IS SO ORDERED this 31st day of March, 1995.



Don Doesken #10564
KDHR - Legal Services
401 Topeka Ave.
Topeka, Kansas 66603-3182
(913) 296-5020
Presiding Officer

Certificate of Service

I, Sharon Tunstall do hereby certify that on this 3rd day of April, 1995 true and correct copies of the foregoing Order were deposited in state inter-agency mail and in the United States Mail, first-class, postage pre-paid, addressed to:

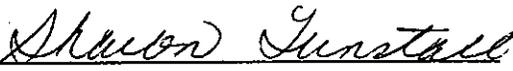
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