

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD

OF THE STATE OF KANSAS

IN THE MATTER OF THE PETITION
FILED BY

Fraternal Order of Police Lodge
#5, for Clarification or Amendment
of the Appropriate Unit for Certain
Employees of the City of Wichita
(Police Department).

CASE NO: 75-UCA-3-1984

O R D E R

Now on this 18th day of June, 1984, the above captioned case comes on for consideration before the Public Employee Relations Board. The case comes on petition of Mr. Harold R. Reed, President, Wichita Fraternal Order of Police (F.O.P.) Lodge #5. The petition asks the Public Employee Relations Board to amend the existing unit of Police Officers within the City of Wichita as determined by the Public Employee Relations Board in case UE-3-1974 and to amend the existing unit of employees of the City of Wichita as determined by the Public Employee Relations Board in case UDC-3-1974. Specifically, the petition requests the removal of Traffic Safety Officers and Warrant Officers from the unit of civilian employees and places those classifications in the Police Officer unit.

PROCEEDINGS BEFORE THE BOARD

1. Petition filed February 10, 1984, on behalf of F.O.P. Lodge #5.
2. Answer received from Mr. Art Veach on behalf of Service Employees Union Local 513 (S.E.U.) on February 21, 1984.
3. Answer received from Mr. John Dekker on behalf of the City of Wichita on April 6, 1984.
4. Hearing conducted before the Public Employee Relations Board on June 18, 1984.

FINDINGS OF FACT

1. That the City of Wichita is the proper employer as defined by K.S.A. 75-4321 et seq.
2. That the petition is properly before the Public Employee Relations Board.

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3. That the two classifications in question were previously placed within the civilian employee unit within the City of Wichita.

4. That the City of Wichita does not contest the requested amendment but has requested that such an amendment, if granted by the Public Employee Relations Board, become effective on January 1, 1985.

5. That the S.E.U. Local 513, currently representing the civilian employee group, does not contest the amendment if in fact the two employee classifications are "sworn" or "uniformed" Police Officers.

6. That both Warrant Officers and Traffic Safety Officers receive training as Police Officers in some respects.

7. That Warrant Officers carry a gun, a badge and insignia of Police Officers.

8. That Traffic Safety Officers wear uniforms, display a police patch and come under the supervision of other "sworn" Police Officers.

9. That both Traffic Safety Officers and Warrant Officers, fall within the definition of Police Officer as stated at K.S.A. 74-5602(e).

CONCLUSIONS OF LAW

This case comes before the Public Employee Relations Board for a ruling on the definition of "uniformed police officers" as utilized at K.S.A. 75-4327(f). This statute provides that uniformed police officers shall not be included in an appropriate unit with other employees of a public employer.

Neither the City nor the S.E.U. Local 513 has contested the recommended amendments. Rather, they have indicated that the Public Employee Relations Board should rule on the question of law. After having considered the evidence contained in the official file and the testimony of witnesses, the Public Employee Relations Board is persuaded that Warrant Officers and Traffic Safety Officers are "uniformed police officers" within the meaning of K.S.A. 75-4327(f). The definition of Police Officer as stated at K.S.A. 74-5602(e) was also taken into consideration by the Public Employee Relations Board.

It was, therefore, the order of the Public Employee Relations Board at its June 18, 1984, meeting that the amendments as requested by the petition be granted.

Public Employee Relations Board case UE-3-1974 be amended to in-clude; Traffic Safety Officers and Warrant Officers.

Public Employee Relations Board case UDC-3-1974 be amended to ex-clude the classifications of; Traffic Safety Officers and Warrant Officers.

These amendments shall become effective on January 1, 1985.

IT IS SO ORDERED THIS 9th DAY OF July, 1984, BY JERRY POWELL,
FOR THE PUBLIC EMPLOYEE RELATIONS BOARD.

Jerry Powell

Jerry Powell
(For the Public Employee Relations Board)
Employment Relations Administrator
Public Employee Relations Section
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