

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD  
OF THE STATE OF KANSAS

International Association  
of Fire Fighters (IAFF),

Petitioner,

v.

State Fire Marshall,

Respondent.

Case No: 75-UDC-2-2000

Petition for Unit Determination  
and Certification

**FINAL ORDER**

**Setting Aside the Presiding Officer's Initial Order  
and Denying the Petitioner's Petition to Create A Separate Bargaining Unit  
For Fire Inspectors Employed by the State Fire Marshall**

Pursuant to K.S.A. 77-527 and K.S.A. 75-4327(e)

ON THE 19th day of June, 2002 this case came regularly before the Public Employee Relations Board (PERB) for agency head review of the presiding officer's Initial Order. All four board members Janice Benjamin, Shirley Sicilian, Sally O' Grady and Greg Windholz were in attendance; and there was one unfilled vacancy on the board.

Petitioner International Association of Fire Fighters (IAFF) appeared by and through James Waers of the law firm of Blake & Uhlig, P.A.; and Respondent State Fire Marshall appeared by and through Allison Kelso Burghart of the Kansas Dept of Administration, Legal Section.

Whereupon the board reviewed the record, considered the arguments of counsel and ruled. The board voted unanimously, 4-0, to set aside the presiding officer's initial order and to deny the petitioner's petition to create a separate bargaining unit for fire inspectors employed by the State Fire Marshall.

75-UDC-2-2000

The board determined as a matter of policy that the proposed bargaining unit was too small to be appropriate under the criteria set forth in K.S.A. 75-4327 (e). The board voted unanimously to approve a motion to deny the petition for representation based on the following policy considerations:

- (1) The importance of avoiding overfragmentation of bargaining units;
- (2) The community of interest among all state employees whose duties are to conduct inspections to enforce statutory or regulatory requirements; and
- (3) The furtherance of efficient administration of government by avoiding a policy that would invite proliferation of small stand-alone bargaining units.

Journalized this 19th day of August, 2002.

PUBLIC EMPLOYEE RELATIONS BOARD

By:



Don Doesken # 10564  
Attorney for the PERB Board

#### Notice of Right to Seek Judicial Review

The foregoing journal entry is a final order of the Public Employee Relations Board pursuant to K.S.A. 77-527. This order is subject to review by the district court in accordance with the Act for Judicial Review and Civil Enforcement of State Agency Actions K.S.A. 77-601 et seq.

Unless a motion for reconsideration is filed pursuant to K.S.A. 77-529, a petition for judicial review must be filed with the appropriate district court within 30 days after the final order has been served upon the parties. Since this Final Order is being served upon the parties by mail, the parties are allowed a total of 33 days from the date on the certificate of mailing below to file their petition for judicial review in the appropriate district court. See K.S.A. 77-613 (b) and (e).

Final Order Denying Petition to Create a Separate Bargaining Unit for State Fire Inspectors  
IAFF v. State Fire Marshall  
Case No. 75-UDC-2-2000  
Page 3

Pursuant to K.S.A. 77-527(j), K.S.A. 77-613(e), and K.S.A. 77-615 (a), any party seeking judicial review must serve a copy of its petition for judicial review upon the PERB Board by serving its designated agent at the following address:

Public Employee Relations Board  
c/o A.J. Kotich, Chief Counsel  
KDHR - Legal Services  
401 Topeka Blvd.  
Topeka, Kansas 66603-3182

### CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager of the Public Employee Relations Board, do hereby certify that on this 22<sup>nd</sup> day of August, 2002, true and correct copies of the above and foregoing Final Order were served upon the parties by depositing the copies in the U.S. mail, first class, addressed to:

James R. Waers, Attorney  
BLAKE & UHLIG, P.A.  
753 State Ave., Ste. 475  
Kansas City, KS 66101  
*Attorney for Petitioner IAFF*

Allison Kelso Burghart  
Kansas Dept of Administration - Legal Section  
1000 SW Jackson - Suite 510  
Topeka, KS 66612  
*Attorney for Respondent State Fire Marshall*

State Fire Marshall's Office  
c/o James W. Clark, Assistant Atty General  
700 SW Jackson St., Suite 300  
Topeka, KS 66603

Les Hughes, Labor Negotiator  
Kansas Dept of Administration  
1000 SW Jackson - Rm 510  
Topeka, KS 66612

  
Sharon L. Tunstall, Office Manager