

**KANSAS PROFESSIONAL  
NEGOTIATIONS ACT, K.S.A. 72-5413 *et seq.*,  
ADMINISTRATIVE REGULATIONS**

**K.A.R. 49-22-1 *et seq.***

**49-22-1 Definitions.** (a) “Act” means the professional negotiations act, as defined in K.S.A. 72-5413 *et seq* and amendments thereto.

(b) Computation of time. Whenever the time limit in these rules, for any act, is seven days or more, Saturdays, Sundays and legal holidays shall be included in making the computation. Whenever the time limit is less than seven days, Saturdays, Sundays and legal holidays shall be excluded. Whenever the last day of any time period falls on a Saturday, Sunday or legal holiday, that day shall be omitted from the computation. The secretary, for good cause shown, may extend any time limitation prescribed in these rules other than those time limitations fixed by statute. Computation of time shall commence when service to a party is made by the secretary, except as otherwise provided by these rules and regulations.

(c) “Party” means any professional employee, professional employee organization, or board of education named as a party in a petition filed under the act or these rules, or any professional employee, professional employee organization or board of education whose timely motion to intervene in a proceeding has been granted.

(d) “Memorandum of agreement” means an agreement entered into, pursuant to the provisions of K.S.A. 72-5421 (a), between a board of education and a professional employee organization.

(e) “Proof or showing of interest” means, in the case of a representation election pursuant to K.S.A. 72-5418, a signed card or petition form indicating an employee's interest in questions raised in a petition form filed with the secretary. In the case of a professional employee organization filing a petition with the secretary for a representation election pursuant to K.S.A. 72-5416, proof or showing of interest means a membership list.

(f) “Hearing examiner” means the secretary or the person designated by the secretary to conduct a hearing. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5413, 72-5416, 72-5418, 72-5421, 72-5426, 72-5427, 72-5428, 72-5430a; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; amended, E-81-38, Dec. 10, 1980; amended May 1, 1981; amended May 1, 1984.)

**49-23-1** (Authorized by K.S.A. 72-5413 *et seq.*; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.

**49-23-2 and 49-23-3** (Authorized by K.S.A. 72-5416 to 72-5418; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-23-4 Notification of recognition.** (a) All boards of education shall be required to file with the secretary, on a form to be provided by the secretary, annual notification of the status of recognition of any recognized employee organization, a description of the appropriate unit and the current memorandum of agreement status. The annual notification shall be filed no later than July 1 of each calendar year. A copy of the notification shall be filed by the secretary with the appropriate professional organization. No employee organization recognized as a bargaining representative of the unit shall lose its recognition and status by failure of a board of education to file.

(b) In the event a board of education fails to file as required by this section, the previously recognized bargaining representative may file with the secretary, on a form to be provided by the secretary, notification of the recognition and a description of the unit for whom the organization is or has been the recognized representative.

(c) Once a board of education has granted recognition to a professional employee organization the recognition shall remain in force and effect until changed by procedures specified by K.S.A. 72-5413 et seq. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5417; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-23-5 Service of papers.** (a) Petitions, complaints and other papers filed with the secretary shall be served by personal service, by certified mail, by telegraph or by leaving a copy thereof in the office or place of business of the person to be served.

(1) If service is by personal service or by leaving a copy of the paper in the office or place of business of the person to be served, a written return shall be made by the person serving the paper. The return shall state the time, place and manner of service, and shall be signed by the person serving the paper.

(2) If service is by certified mail or by telegraph, the signed post office receipt or telegraph receipt shall constitute proof of service.

(b) Any person, association or entity wishing to file a petition, complaint or other paper with the secretary shall submit the original petition, complaint or other paper and two copies to the secretary.

(c) Service upon attorney. If a party is represented by an attorney, all papers other than the complaint, notice of original hearings, decisions and orders may be served as herein provided upon the attorney and the service shall have the same force and effect as though served upon the party.

(d) Notice by the secretary. The secretary shall provide to all parties to an action copies of pleadings duly filed with the secretary.

(e) Intervention. Any third party having a legitimate interest in any proceeding before the secretary may file a motion to intervene setting forth facts sufficient to establish such interest and requesting the secretary to allow it to intervene in the matter. The secretary shall serve a copy of the motion to intervene on all parties, granting the parties five (5) days in which to respond, then issue an order either allowing or disallowing the motion to intervene. Any organization which is recognized as the representative of a unit shall be considered to have a legitimate interest in any proceeding involving said unit or any portion thereof. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5417, 72-5418, 72-5419, 72-5420, 72-5427, 72-5430; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-23-6 Petition filing.** (a) A petition form to be provided by the secretary, may be filed with the secretary by a professional employee organization, board of education, or a professional employee for the following purposes:

- (1) Unit determination;
- (2) Representation election;
- (3) Impasse declaration; and
- (4) Prohibited practice.

The original of the petition shall be signed by the petitioner or his or her authorized representative and the original and two (2) copies shall be filed with the secretary.

(b) Amendment or withdrawal of petitions. A petition may be amended, in whole or in part, or withdrawn by the petitioner at any time prior to the filing of an answer by an interested party. A petition may be amended or withdrawn by the petitioner after the filing of an answer only with the approval of the secretary.

(c) Answers to unit determination and prohibited practice petitions. All parties shall file an answer to a petition within twenty (20) days after receipt of the petition from the secretary. The secretary may extend the time for filing an answer upon written motion showing good cause for the extension. Failure to answer or deny within twenty (20) days shall be deemed an admission by the party to any allegation in the petition not answered or denied. Answers may be amended only with the approval of the secretary. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5417, 72-5418, 72-5419, 72-5420, 72-5427, 72-5430; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-23-7 Hearings, procedures.** (a) Notice of hearing.

(1) Following the filing of a petition, complaint or other paper with the secretary, if it appears to the secretary that a hearing is authorized and warranted, the secretary shall fix a time and place for a hearing and shall notify each of the parties and all individuals or employee organizations known by the secretary to represent employees directly affected in the matter, of the time and place of the hearing. The hearing shall not be held less than seven (7) days after issuance of the notice by the secretary, except by agreement of the parties or in unusual circumstances.

(2) The time and place of the hearing may be changed by the secretary prior to the beginning of the hearing. Reasonable notice of the alternate time and place of the hearing shall be given to all interested parties.

(b) Objections to appointment. Upon notification of appointment by the secretary of an agent to perform any function, the parties shall file, within three (3) days of notification, any objection they might have to the agent appointed. The objection shall contain a specific statement of the reasons for the objection.

(c) Conduct of the hearings.

(1) All hearings shall be conducted by a hearing examiner. In the event the hearing examiner is unable to continue a hearing, the hearing may be reconvened at a later date, when the examiner is available, or, with the consent of all parties, another hearing examiner may be substituted.

(2) It shall be the duty of the hearing examiner to inquire fully into all matters at issue and to obtain a full and complete record.

(3) The hearing examiner may, at his or her discretion, continue the hearing from day to day or adjourn it to a later date or another place, by announcement at the hearing or by other appropriate notice.

(d) Motions.

(1) All motions made during a hearing shall be made part of the record of the proceedings and shall be ruled upon by the examiner.

(2) All motions and answers, other than those made during a hearing, shall be made in writing to the secretary, shall briefly state the relief sought, and may be accompanied by affidavits setting forth the grounds upon which they are based. Any response to the motion shall be filed with the secretary within five (5) days after service of the moving papers, unless the secretary directs otherwise. The secretary shall rule upon all motions. The secretary may decide to hear oral arguments or to accept written testimony on any motion and the secretary shall notify the parties of the fact and of the time and place of the arguments or the methods of submission of written testimony. The secretary shall issue rulings and orders to decide all matters and all motions and rulings shall be part of the record of the proceedings.

(e) Objections. An objection not made before the hearing examiner or the secretary shall be deemed waived unless the failure to make the objection shall be excused by the secretary because of extraordinary circumstances.

(f) Introduction of evidence; the rights of parties at hearings. Any party shall have the right to appear at a hearing in person or by counsel, and any party and the hearing examiner shall have the power to call and examine witnesses, and to introduce into the record documentary and other evidence. A party shall, upon offering an exhibit into evidence at a hearing, simultaneously furnish copies to all other parties, unless excused by the hearing examiner. Witnesses shall be examined orally under oath. Compliance with the technical rules of evidence shall not be required. Stipulations of fact may be introduced as evidence with respect to any issue.

(g) The refusal of a witness at a hearing to answer a question which has been ruled proper by the hearing examiner shall be noted in the record. Such refusal shall go to the weight of the witness' previous testimony, but shall not be grounds for striking all previous testimony of the witness.

(h) Findings of fact; conclusion of law; orders or recommendations.

(1) Upon conclusion of a hearing any party to the hearing may, within a time period specified by the hearing examiner file suggested findings of fact, conclusion of law, and order.

(2) In the event the secretary appoints a hearing examiner to conduct a hearing the hearing examiner shall as expeditiously as possible after the conclusion of the hearings, issue his or her findings of fact, conclusions of law and recommendations. The findings, conclusions, and recommendations shall be in writing and in a form as the secretary may direct.

(A) The hearing examiner's findings, conclusions and recommendations shall be served upon the parties, by the secretary, granting all parties ten (10) days from receipt in which to file written exceptions.

(B) The secretary shall, based upon the evidence produced at the hearing, and after reviewing the findings of fact, conclusions, recommendations of the hearing examiner, and any written exceptions, issue a final order.

(3) In the event the secretary serves as hearing examiner, the secretary shall, as expeditiously as possible after the close of the hearing, issue findings of fact, conclusions of law and a final order. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5417, 72-5418, 72-5419, 72-5420, 72-5427, 72-5430; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-24-1 and 49-24-2** (Authorized by K.S.A. 72-5413 *et seq.*; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-24-3** (Authorized by K.S.A. 72-5417 to 72-5420; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-24-4 Determining appropriate units.** Petitions for unit determination may be filed by a board of education, professional employee organization, or a professional employee(s). In the event a board of education has recognized a professional employee organization, unit determination or clarification questions shall be governed by the memorandum of agreement unless the secretary determines that the agreement is unclear or that the agreement is silent with regard to the positions in question. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5420; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-1 and 49-25-2** (Authorized by K.S.A. 72-5413 *et seq.*; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-25-3** (Authorized by K.S.A. 72-5417 to 72-5419; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-25-4 Eligibility and conditions.** A petition may be filed by a professional employees' organization, board of education, or professional employees requesting the secretary to investigate and rule on the question(s) raised by a petition.

(a) The secretary shall investigate all the questions but may postpone a representation election if a unit determination question is in issue.

(b) A petition calling for a certification or de-certification election shall be dismissed by the secretary if there is an existing memorandum of agreement, and the expiration date of the agreement is more than twelve (12) months subsequent to the date upon which the petition was filed with the secretary.

(c) Elections called pursuant to sufficient petitions filed after December 1 in any calendar year will be conducted as expeditiously as possible subsequent to July 1 of the next ensuing calendar year. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5417, 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-5 Membership lists, petition.** (a) Evidence of membership shall be by verified membership list. Showing of interest may be by petition or authorization cards. A petition shall name the board of education, shall show the employee's address, and shall be signed

and dated by the professional employee specifying that the employee supports the questions raised by the petition. A card or petition signed and dated by a professional employee less than one hundred and eighty (180) days prior to the date on which the petition was filed shall constitute prima facie evidence of continuation of the authorization. Membership lists shall contain each member's name alphabetically and show the member's address. The list shall be verified on each page by an officer or representative of the organization.

(b) The proof of interest submitted shall not be furnished to any of the parties.

(c) The professional employees eligible to vote on the question(s) raised by the petition shall be those in the appropriate unit on the payroll on the date of validation and who remain on the payroll on the date of the election. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-6 Listing of employees.** (a) Upon the filing of a petition with the secretary requesting a certification or decertification election, the secretary shall request, in writing, the appropriate board of education to furnish the secretary an alphabetical listing of all employees within the affected unit. The board of education shall furnish the listing to the secretary as expeditiously as possible not to exceed twenty (20) days following the date of the request by the secretary, unless otherwise directed by the secretary.

(b) Upon a determination by the secretary that an election shall be conducted, the secretary shall furnish a list of the names and addresses of all eligible professional employees in the appropriate unit to any professional employee organization currently recognized to represent the employees, and to all professional employee organizations or groups of professional employees who have submitted sufficient proof of interest to the secretary. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-7 Notice of election.** (a) At least fifteen (15) days prior to an election, the secretary shall cause a notice of election and sample ballot to be posted in conspicuous areas where professional employees in the affected unit assemble.

(b) A motion for intervention for representation on an election ballot shall not be entertained during the ten (10) day period immediately preceding an election. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-8 Procedure.** (a) All elections shall be by secret ballot and shall be conducted at times and places and in a manner prescribed by the secretary. All elections shall be conducted by the secretary or a designated agent of the secretary. Determinations by the secretary on any question regarding an election shall be final. Determinations by the secretary's agent on any question regarding an election shall be subject to review by the secretary.

(b) Ballots shall be prepared and issued by the secretary.

(c) The place of priority on the ballot shall be determined by the chronological filing or appearance on the dockets of the secretary but with the petitioner taking first priority, except that a currently recognized organization shall always take priority.

(d) In a runoff election, the place of priority shall be determined by the sequence of the ballot at the prior inclusive election. All runoff elections shall be conducted as expeditiously as possible not to exceed thirty (30) days following the first election unless otherwise ordered by the secretary. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-9 Observers, eligibility, challenged ballots.** (a) Each organization named on a ballot and the board of education shall be entitled to be represented by an observer at each polling place. Observers for each organization shall be a professional employee eligible to vote, and the board of education's observer shall be a non-supervisory person unless otherwise agreed to by all parties.

(b) Prior to the commencement of the election, the agent of the secretary shall designate the polling area and no advocating, soliciting, promoting, or otherwise supporting, in any manner, the election or defeat of a professional employees' organization or the choice of "no representation" shall be permitted within this area. A violation of this rule by any party or its representative or agent may be grounds for setting aside the election.

(c) Any prospective voter may be challenged for cause.

(d) All professional employees whose names do not appear on the list certified by the secretary as being a complete list of professional employees within the defined appropriate unit, shall be challenged by the agent of the secretary.

(e) A challenged voter shall be permitted to vote but the voter's ballot shall not be cast; instead it shall be sealed in a separate, unmarked envelope under the supervision of an agent of the secretary and inserted in a special, identifiable form envelope provided by the secretary for the purpose and return to the election agent.

(f) Prior to counting the ballots, questions regarding challenged voters shall be resolved by the election agent, if the agent is able to do so. If the election agent cannot resolve all questions regarding challenged voters, the agent shall seal the ballot box, and all questions shall be resolved by the secretary. The results of the election will be certified by the secretary in accordance with K.A.R. 49-25-9a. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-10 Absentee ballots.** Absentee ballots shall be available from the secretary upon written request by an eligible voter showing good and proper cause for obtaining the ballot. The secretary shall rule on the sufficiency of the cause and shall prescribe the method and timeliness of application for absentee ballots on the notice of election as required by K.A.R. 49-25-4a. Ballots shall be mailed to voters by the secretary and shall be returned to the secretary's office within the time limits specified on the election notice. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-11 Tally of balloting, objections.** (a) A tally of ballots shall be made by the election agent immediately following the closing of the polls except in the case of

unresolved challenged ballots. A tally sheet shall be furnished to all parties to the election.

(b) Each party to the election shall be permitted to observe the count of the ballots.

(c) All objections to a party's conduct or third person's conduct to the election shall be filed with the secretary within five (5) days of the election and the secretary shall immediately conduct an investigation of the objection and shall determine the sufficiency of the election. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5418, 72-5419; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-25-12 Certification of election results.** (a) Certification. The secretary shall issue to the parties a certification of the results of the elections, including certification of the representative, if appropriate. All professional employee organizations shall be certified as of the next February 1 following the election in which they were selected, except where a postponement has occurred in accordance with Article 25 of these rules and regulations causing the election to be conducted after February 1. In that event, certification shall be effective as of the next February 1 following the filing of the petition for the representation election.

(b) Upon receipt of the certification of election results, the board of education shall grant official recognition to the professional employee organization selected by the professional employees if the employees in fact have selected an exclusive representative. The recognition shall become effective on the date of certification by the secretary. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5419, 72-5423; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-26-1** (Authorized by K.S.A. 72-5413 *et seq.*; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-26-2 Petition; contents.** (a) A petition for impasse declaration shall state:

(1) Name, address, telephone number, and representative to contact for both the recognized employee organization and the board of education;

(2) Approximate number of employees in unit;

(3) Number of negotiation sessions;

(4) Number of issues in dispute; and

(5) Description of issues in dispute. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5426; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-26-3 Determination of impasse; duties of secretary.** (a) If the secretary determines that an impasse exists, the secretary shall:

(1) If a federal mediator is available, appoint a mediator from the federal mediation and conciliation service; or

(2) If a federal mediator is not available within fourteen (14) days after the secretary's request the secretary shall appoint a mediator from a list of qualified persons maintained by the secretary. All mediators shall receive an amount of compensation determined to be appropriate by the secretary.

(b) A mediator appointed pursuant to these rules shall be required to notify the secretary as to the date, time and location of his or her first meeting with the parties.

(c) The effective date of appointment for a mediator shall be the date of the first meeting with the parties. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5427; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-26-4 Mediator authority.** The mediator may hold separate or joint meetings with the parties or their representatives, but any meeting shall be private and non-public. The meetings shall be conducted at the time and place determined by the mediator. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5427; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-26-5 Costs incurred in mediation.** When the impasse is resolved or when a fact-finding board is appointed, the secretary shall submit a statement to the parties for the costs incurred by the appointment and service of a mediator. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5427, 72-5429; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-27-1** (Authorized by K.S.A. 72-5413 *et seq.*; effective, E-78-37, Dec. 29, 1977; effective May 1, 1978; revoked, E-81-38, Dec. 10, 1980; revoked May 1, 1981.)

**49-27-2 Failure to resolve impasse; appointment of fact-finding board.** (a) If a board of education or a recognized employee organization determines, after the seven (7) day period following the appointment of the mediator, that mediation has failed to resolve an impasse, the board of education or recognized employee organization shall file with the secretary notice of the failure. The secretary shall furnish a copy of the notification to the remaining party to the impasse.

(b) The party filing notice of the failure of mediation may, within ten (10) days of the filing date, request the secretary to appoint a fact-finding board.

(c) The party receiving the notice from the secretary stating the failure of mediation may, within ten (10) days from receipt of the notice, state their concurrence that mediation has failed and request the secretary to appoint a fact-finding board.

(d) Requests for appointment of fact-finding boards shall be considered timely if the request is postmarked by the U.S. Postal Service no later than the tenth day. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5428; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-27-3 Request for fact-finding.** (a) A request for the appointment of a fact-finding board shall be in writing and may be filed with the secretary by either party. Both parties to the impasse shall be granted three (3) days from receipt of a written notification from the secretary to respond to the secretary, setting out:

(1) All issues at impasse;

(2) The party's final position on each issue at impasse; and

(3) The party's desire for the appointment of an individual fact-finder or for the appointment of a panel of three (3) fact-finders or certification by the secretary of a roster of five (5) fact-finders from which the parties may recommend a fact-finding board.

(b) In the event the parties agree upon the number of fact-finders to be appointed, the secretary shall appoint the number of persons agreed upon.

(c) In the event the parties cannot agree upon the number of fact-finders, the secretary shall determine the number of members to serve on the fact-finding board.

(d) Prior to commencing the fact-finding hearings, the secretary shall furnish the fact-finder(s) and both parties at impasse the respective positions of the parties on each issue at impasse. However, in no event shall the secretary provide position papers of one party to the other party prior to receipt of position papers from both parties. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5428; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-27-4 Fact-finder requirements.** (a) The person or persons appointed by the secretary to serve as a fact-finding board shall notify the secretary of the date, time and location of the first meeting with the parties at impasse.

(b) The person or persons appointed by the secretary to serve as a fact-finding board shall be compensated at a rate determined by the secretary.

(c) The effective date of the appointment of a person to serve on a fact-finding board shall be the date on which the fact-finding board first meets with the parties.

(d) The secretary shall submit a statement to the parties for all costs incurred by the fact-finding board. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5428, 72-5429; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-28-1 Who may file.** An allegation of a violation of K.S.A. 72-5430 may be filed with the secretary by a board of education, professional employee organization, or a professional employee. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5430; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)

**49-28-2 Form and filing, content.** (a) Complaint forms shall be provided by the secretary.

(b) An answer filed by a party accused of a prohibited practice shall contain the following:

(1) A specific admission, denial, or explanation of each allegation of the complaint, or if the answering party is without knowledge thereof, he or she shall so state and the statement shall serve as a denial. Admissions or denials may be to all or part of an allegation but shall fairly meet the substance of the allegation.

(2) A clear and concise statement of the facts and matters of law relied upon. Any allegation in the complaint not specifically denied in the answer shall be deemed to be true and may be so found by the secretary, unless the respondent shall state in the answer that the respondent is without knowledge and the reasons he or she is without knowledge. (Authorized by K.S.A. 72-5432; implementing K.S.A. 72-5430; effective, E-81-38, Dec. 10, 1980; effective May 1, 1981.)