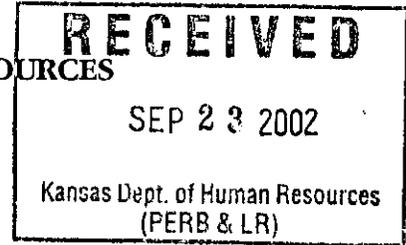


BEFORE THE SECRETARY OF HUMAN RESOURCES
OF THE STATE OF KANSAS



RUSSELL COUNTY NEA,

Petitioner,

v.

UNIFIED SCHOOL DISTRICT #407, Russell, Kansas,
Respondent.

Case No. 72-CAE-1-1999

CONSENT ORDER

NOW on this 23rd day of August, 2002, the above captioned case comes before the Secretary of Human Resources upon the petitioner's complaint alleging a prohibited practice. The petitioner appears by its counsel, Gene F. Anderson, Anderson & Wichman, Hays, Kansas. The respondent appears by its counsel, Dennis R. Davidson, Thompson, Arthur & Davidson, Russell, Kansas.

THEREUPON, the parties announce that the complaint may be dismissed upon the following stipulation and understanding, to-wit:

1. Petitioner contends that the respondent committed a prohibited practice by granting to Carole Hall part but not all of the early retirement benefits provided for in the Collective Bargaining Agreement, thereby unilaterally changing the terms of the Collective Bargaining Agreement.

2. Respondent contends that the action it took in granting Carole Hall part but not all of the early retirement benefits was done by mutual assent between Carole Hall and the Board of Education.

3. The parties acknowledge that under the current terms of the Collective Bargaining Agreement, the board has discretion to deny any request for early retirement benefits. The parties stipulate that as to future applications for early retirement benefits under

72-CAE-1-1999

Article V Sections D. and E. of the Collective Bargaining Agreement, unless said Agreement is otherwise amended through collective bargaining, the Board of Education's discretion to approve or deny a request for early retirement benefits will be limited to approval or denial of all benefits for which the applicant is qualified under the said Sections D. and E. This stipulation shall not affect the request for early retirement benefits made by Carol Hall and approved by the Board of Education in May of 1998 or any other past request for early retirement benefits.

4. The parties request that the prohibited practice complaint filed herein be dismissed and acknowledge that such dismissal does not constitute a finding that a prohibited practice was or was not committed.



Douglas A. Hager, Presiding Officer

PREPARED AND APPROVED:

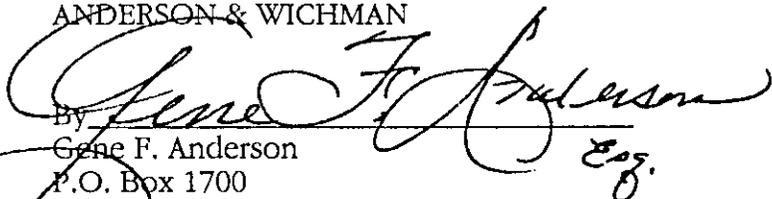
THOMPSON, ARTHUR & DAVIDSON

By 

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APPROVED:

ANDERSON & WICHMAN

By 

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(785) 625-6519
Attorneys for Petitioner

RECEIVED

SEP 23 2002

Kansas Dept. of Human Resources
(PERB & LR)

CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager for the Labor Relations Section of the Kansas Department of Human Resources, hereby certify that on the **24th** day of **September, 2002**, true and correct copies of the above and foregoing Consent Order was deposited in the U. S. Mail, first class, postage prepaid, addressed to:

Gene F. Anderson, Attorney
ANDERSON & WICHMAN
P. O. Box 1700
Hays, KS 67601
Attorney for Russell County NEA

Dennis R. Davidson, Attorney
THOMPSON, ARTHUR & DAVIDSON
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Russell, KS 67665
Attorney for USD 407 - Russell, KS


Sharon L. Tunstall