

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD  
OF THE STATE OF KANSAS

PSU/KNEA,  
Petitioner,

v.

Kansas Board of Regents/Pittsburg  
State University,  
Respondent.

Case No: 75-CAE-23-1998

AMENDED FINAL ORDER including NOTICE OF RIGHT TO SEEK JUDICIAL REVIEW  
Pursuant to K.S.A. 77-527 and K.S.A. 77-613(e)

NOW ON THIS 15th day of March, 2000, this case comes before the Public Employee Relations Board (PERB) for agency head review of the presiding officer's Initial Order. Petitioner PSU/KNEA appears by and through C.A. Menghini and David Schauner, counsel. Respondent Kansas Board of Regents/ Pittsburg State University appears by and through Scott Hesse, Assistant Attorney General, counsel.

WHEREUPON the board reviews the file, considers the briefs and the arguments of counsel, and rules from the bench. The board votes 4-1 to uphold the Initial Order, without modification. By agreement, the transcribed remarks of dissenting board member William Haynes are included as an appendix to this order, as follows:

Mr. Haynes (dissenting):

"I do not agree that the federal statute preempts all subjects that might be related to the subject of intellectual property, and I don't agree that the state statute, which has been relied upon by the hearing examiner, precludes the University in negotiating subjects that substantially affect subjects that are enumerated in the statute as mandatory subjects of bargaining.

The problem I have, though, with the issue here before us is that it appears, based on the hearing officer's decision and the record and argument, that what the parties are seeking is for the Board to decide whether the topic of intellectual property, quote, unquote, is a mandatorily negotiable subject. And the Board does not have before it any specific proposal to consider in making that decision, and that troubles me, but for that reason I vote no."

75-CAE-23-1998-AF

Journalized this 12<sup>th</sup> day of April, 2000.

PUBLIC EMPLOYEE RELATIONS BOARD

By Sharon L. Tunstall  
Sharon L. Tunstall, Office Manager

NOTICE OF RIGHT TO SEEK JUDICIAL REVIEW

This is a final order issued by 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 this Order is served upon the parties. See K.S.A. 77-613 (b) and (e). Pursuant to K.S.A. 1998 Supp. 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 upon the PERB board's designated agent at the following address:

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CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager of the Public Employee Relations Board, do hereby certify that on this 12<sup>th</sup> day of April, 2000, a true and correct copy of the foregoing Amended Final Order and Notice of Right to Review was served upon the following parties by fax machine and by U.S. mail addressed to:

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