

STATE OF KANSAS
PUBLIC EMPLOYEE RELATIONS BOARD

7-22-76

 COMPLAINT AGAINST EMPLOYER: *
 SERVICE EMPLOYEES UNION, Local 513, *
 Complainant, *
 vs. *
 CITY OF WICHITA, A MUNICIPAL *
 CORPORATION *
 Respondent. *

Case CAE 9-1976a

FINDINGS OF FACT AND CONCLUSIONS OF LAW ORDER

COMES NOW the above captioned case before the Public Employee Relations Board on petition of the Service Employees Union, Local 513, Wichita, Kansas, filed May 5, 1976 against the City of Wichita, Kansas. The amended case was filed May 27, 1976, and the City of Wichita's Response was filed with this Board July 6, 1976.

The cause of action stated in the case can be summarized:

"Thereafter, Clayton made known to his supervisor Pat Miller that he had been requested to testify before the Grievance Board and thereafter, Imogene Patrick his immediate supervisor called Clayton and did either by threat or inducement interfere with his intention to testify before the Grievance Board."

Investigation of the complaint reveals that this matter was considered in a grievance hearing May 5, 1976 in Wichita, Kansas, before the Wichita Grievance Board formed pursuant to the Memorandum of Agreement between the City of Wichita and Service Employees Union, Local 513.

The certified court reporter's record of that grievance hearing has been made available to the Public Employee Relations Board. The Board finds that Chairperson Richard E. Zody, and other parties to the matter, questioned Mr. Eugene Clayton at length, under sworn oath, concerning this case. At no time in the hearings did Mr. Clayton testify that his director or supervisor "interfered, restrained or coerced or intimidated him" in any way in connection with this matter. Mr. Clayton did, nevertheless, state that it was his personal feeling that his director and supervisor would rather he stay out of the whole situation. There is no evidence

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that any statements were made by the director or supervisor to cause a violation of the statutes.

In light of Mr. Clayton's testimony in the grievance hearings of May 5, 7, and 10, 1976 in connection with the grievance of Mr. Robert L. Bass and Mr. John F. Thompson, the Board finds no support for the allegations contained in the complaint.

IT IS THEREFORE ORDERED that the Complaint is HEREBY DISMISSED, this 22nd day of July, 1976.

Absent - 7-22-76
NATHAN W. THATCHER, CHAIRMAN, PERB

Garoed A. Been
GAROLD A. BEEN, MEMBER, PERB

Phyllis Burgess
PHYLLIS BURGESS, MEMBER, PERB

Absent - 7-22-76
E. JAY RENNICK, MEMBER, PERB

Richard R. Rock
RICHARD R. ROCK, MEMBER, PERB

PUBLIC EMPLOYEE RELATIONS BOARD
701 Jackson St., Topeka, Kansas

NATIONAL UNION OF POLICE OFFICERS *
LOCAL 806 *
Plaintiff, *
vs. *
CITY OF HAYS (POLICE DEPARTMENT) *
Defendant, *

CAE 8-1976

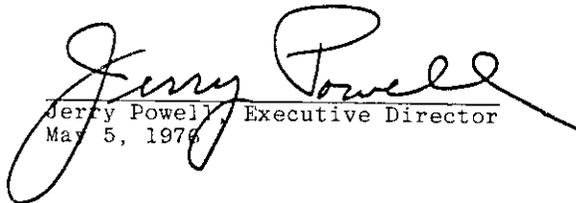
ORDER TO DISMISS

THE ABOVE-ENTITLED MATTER COMES before the Public Employee Relations Board by petition under the signature of Stephen R. Mooney, dated April 8, 1976.

The Board, at its meeting April 29, 1976, took action finding that the context of the complaint did not properly state a violation of K.S.A. 75-Supp. 75-4333.

The complaint is ordered dismissed.

IT IS SO ORDERED BY THE PUBLIC EMPLOYEE RELATIONS BOARD.


Jerry Powell, Executive Director
May 5, 1976

CAE-8-1976