

BEFORE THE PUBLIC EMPLOYEES RELATIONS BOARD
FOR THE STATE OF KANSAS

INTERNATIONAL ASSOCIATION OF FIRE-)
FIGHTERS, LOCAL 2783 Claimant)
AND) No. 75-UC-2-1981
RENO COUNTY FIRE DISTRICT No. 2 and)
BOARD OF COUNTY COMMISSIONERS OF)
RENO COUNTY, KANSAS Respondent)

O R D E R

Now on this 20th day of April, 1981, after due deliberation, it is the unanimous decision of the Board that the above complaint be and the same is hereby dismissed for lack of jurisdiction in that the governing body of Reno County Fire District No. 2 has not elected to bring the said district under the provisions of the Act as required by K.S.A. 75-4321 (c). The Board's reasoning is as follows:

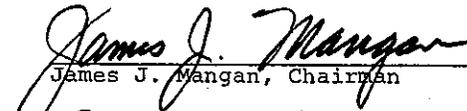
1. Reno County Fire District No. 2 is a "Public Employer" as defined by K.S.A. 75-4322 (f). It follows that employees of this agency are "public employees" within the meaning of the Public Employer-Employee Relations Act hereinafter referred to as the PERB Act.

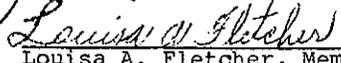
2. Under the PERB Act "Governing Body" is defined as the policy board or other authority of a public employer possessing policy-making responsibilities pursuant to the laws of this State. Pursuant to the provisions of K.S.A. 19-3601 the Board of County Commissioners of Reno County constitutes the governing body of this Fire District. A fire district is a special district constituting a separate entity from the County and is organized as such. There is no question but that the Board of County Commissioners sits as the governing body of the Fire District, with policy-making

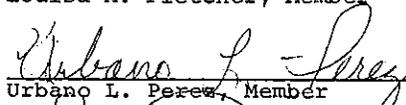
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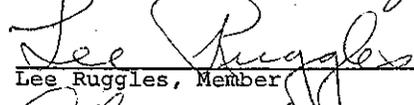
responsibilities under the laws of Kansas. It is apparent that the Legislative intent was for the Board of County Commissioners to govern as a separate body relative to each Fire District. Throughout Article 36 are found references describing the Board of County Commissioners as the "Governing Body" of the organized Fire District (See K.S.A. 19-3601, 3607, 3608 and 3609.). The Board of County Commissioners as individuals merely change "hats", so to speak, when they act as the policy Board and authority over the Fire District. When they are sitting as the Board of County Commissioners their actions affect only the employees of the County and not the employees of a separate public employer known as a fire district. Therefore, since the Board, as the governing body of the Fire District, has not elected to bring said Fire District under the provisions of the PERB Act as required by 75-4321 (c), the employees of the Fire District do not have the benefits of the Act.

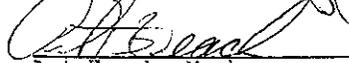
DATED and EFFECTIVE this 20th day of April, 1981.


James J. Mangan, Chairman


Louisa A. Fletcher, Member


Urbano L. Perez, Member


Lee Ruggles, Member


Art Veach, Member