

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

Teamsters Local Union #955,)
Petitioner,)
)
v.) Case No(s): 75-UDC-3-1992
)
Wyandotte County, Kansas,)
(Sheriff's Department -)
Civilian Unit),)
Respondent.)
_____)

ORDER

NOW, on the 4th day of January, 1994, the above-captioned petition for Unit Determination and Certification comes on for review. Pursuant to written stipulation (attached hereto) and mutual agreement of the parties, Teamsters Local Union 955 and Wyandotte County (Sheriff's Department - Civilian Unit), the presiding officer finds the unit to be appropriate, no statutory violation in the proposed action, and that the proposed unit should be adopted.

IT IS THEREFORE ORDERED that the unit shall consist of the following classifications:

INCLUDE: Auditor
Classification Technician
Clerk
Clerk Typist
Commissary Clerk/Manager
Cook
Head Cook
Identification Technician
Laundry Clerk
Mailroom Clerk
Medical Records Clerk
Nurse
Nursing Supervisor

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Purchasing Agent
Receptionist
Records Clerk
Stores Clerk
Time Keeper
Warrants Clerk

EXCLUDE: Executive Secretary to the Sheriff
Programs Coordinator
Secretary/Executive Assistant to the Detention
Administrator
All other civilian positions not specifically
included.

Dated this 10th day of January, 1994.



Monty R. Bertelli
Senior Labor Conciliator
Employment Standards & Labor Relations
512 SW Sixth Street
Topeka, KS 66603-3150

CERTIFICATE OF MAILING

I, Sharon Tunstall, Office Specialist, Labor-Management Relations and Employment Standards, of the Kansas Department of Human Resources, hereby certify that on the 11th day of January, 1994, a true and correct copy of the above and foregoing Order was deposited in the U. S. Mail, first class, postage prepaid, addressed to:

Steve A. J. Bukaty, Attorney
F.O.P. Lodge #4
BLAKE & UHLIG, P.A.
475 New Brotherhood Bldg.
753 State Avenue
Kansas City, KS 66101

Daniel B. Denk, Attorney
Wyandotte County Kansas
McANANY, VAN CLEAVE & PHILLIPS, P.A.
Attorneys at Law
707 Minnesota Ave., 4th Floor
P. O. Box 1300
Kansas City, KS 66117


Sharon Tunstall

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

TEAMSTERS LOCAL UNION
NO. 955

Petitioner,

vs.

WYANDOTTE COUNTY SHERIFF

Respondent.

Case No.: 75-UDC-3-1992

STIPULATION OF WYANDOTTE COUNTY, KANSAS
AND TEAMSTERS LOCAL UNION NO. 955

COMES NOW the public employer, Wyandotte County, Kansas, and the Sheriff's Department of Wyandotte County, Kansas and the employee organization, Teamsters Local Union No. 955, and stipulate and agree as follows:

1. The Teamsters Local Union No. 955 (hereinafter "Union") petitioned the Public Employee Relations Board (hereinafter "PERB") to determine an appropriate bargaining unit within the Sheriff's Department of Wyandotte County, Kansas and to certify the Union as the exclusive collective bargaining representative for members of the ultimately determined appropriate unit.

2. PERB, in its Initial Order of September 15, 1993, attached hereto as Exhibit A, determined various issues as follows:

- That the election of governing bodies of public employers pursuant to K.S.A. 75-4321(c) (local option provision) is an "all of nothing" provision, with the election by the public employer directed only to the question of whether the public employer should be covered by PEERA.

- That Wyandotte County's resolutions 2615 and 2616, were sufficient to bring Wyandotte County under PEERA and grant jurisdiction to PERB to entertain the unit determination and certification petition filed by the Union.
- That the positions of nursing supervisor and nurse are "professional employees" and are entitled to a separate vote to determine whether they desire to be included in the proposed non-professional civilian unit and that the positions of nursing supervisor, nurse, purchasing agent and auditor are appropriately included in the proposed unit.
- The positions of nursing supervisor, commissary clerk/manager, head nurse and lead classification technician are not supervisory employees and should not be excluded from the proposed unit pursuant to K.S.A. 75-4322(a).
- That the positions of time keeper, purchasing agent, auditor, and secretary to the Warden are not confidential employees and should not be excluded from the proposed unit pursuant to K.S.A. 75-4322(a).

3. The rulings of PERB in its Initial Order were confirmed in its Final Order entered on October 12, 1993, a copy of which is attached hereto as Exhibit B, wherein the request for review by public employer, Wyandotte County, Kansas (hereinafter "County") and its Sheriff's Department ~~request for review~~ was denied. SAB
B
C
D
E

4. The County filed, in the District Court of Shawnee County, Kansas, on November 17, 1993, an action captioned Wyandotte County, Kansas v. Public Employee's Relation Board of the State and Kansas and Secretary of Kansas Department of Human Resources, case no. 93-CV-1307, a Petition for Judicial Review, a copy of which petition is attached hereto as Exhibit C.

5. Since the filing of the captioned judicial action, the parties have met and conferred and have reached agreement concerning the employees to be included and excluded from the

appropriate bargaining unit within the Sheriff's Department. The positions to be included within the unit are the auditor, classification technician, clerk, clerk typist, commissary clerk/manager, cook, head cook, identification technician, laundry clerk, mail room clerk, medical records clerk, nurse, nursing supervisor, purchasing agent, receptionist, records clerks, stores clerk, timekeeper, warrants clerk. Those positions to be excluded are the executive secretary to the Sheriff, the programs coordinator and the secretary/~~receptionist to the Warden~~ *executive assistant to the Detention Administrator* and all other civilian positions not specifically included. The positions of nursing supervisor and nurse are "professional employees: and are entitled to a separate vote to determine whether they desire to be included in the proposed nonprofessional civilian unit.

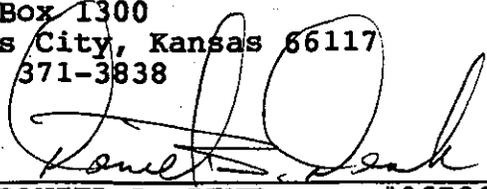
6. The public employer agrees to dismiss its appeal pending in the Shawnee County District Court above referenced.

Dated this 4th day of January, 1994.

BLAKE & UHLIG, P.A.
475 new Brotherhood Building
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(913) 321-8884

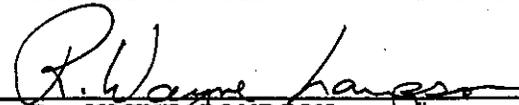
By *Steve A. J. Bukaty*
STEVE A. J. BUKATY #
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By 

DANIEL B. DENK

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By 

R. WAYNE LAMPSON

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