

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

AFSCME Council 64,)
Petitioner/Respondent,)
v.)
Department of Corrections,) Case Nos. 75-CAE-34-1995
Lansing Correctional Facility,) 75-CAEO-4-1995
Respondent/Petitioner.)

ORDER

NOW on this 6th day of May 1998, the hearing officer, having held numerous hearings on the above matter, as well as having received a plethora of motions, briefs, and memoranda since this case was filed on June 7, 1995, has concluded that this matter should be brought to an end.

The Public Employer\Employee Relations Act (PEERA) was not enacted to permit parties to engage in actions before the PERB and prolong alleged issues to such an extent that the mere passage of time obscures an accurate review of the facts and inhibits the likelihood that a just result can be achieved. Nonetheless, the Petitioner/Respondent have, in this case, caused unreasonable and unjustifiable delays and failed to comply with specific orders of the hearing officer.

Respondent/Petitioner has correctly cited PEERA which is found at K.S.A. 75-4321 et. seq., the Kansas Administration Procedure Act (KAPA), K.S.A. 77-501 et. seq., and specifically K.S.A. 77-520(d) which compels the hearing officer to dismiss this case as requested by the Respondent/Petitioner in its "Motion to Dismiss" filed herein on April 1, 1998.

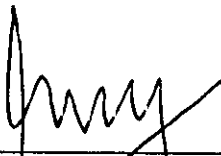
The Petitioner/Respondent in the course of this case has (1) failed to comply with discovery requests; (2) failed to comply with PERB orders; and (3) in general, failed to prosecute this matter in a timely manner or even in a manner that would suggest the Petitioner/Respondent took the matter seriously.

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Accordingly, the hearing officer does hereby dismiss this matter on the date first-above stated for the reasons set out above.

RIGHT TO REQUEST HEARING

This is a summary proceeding pursuant to K.S.A. 77-537. A party may request a hearing on the order by filing a request with the presiding officer within fifteen (15) days of service of the Order setting forth the issues to be determined at the hearing. Failure to request a hearing will result in the Order becoming effective upon expiration of the time for requesting a hearing.



George M. Wolf
Director of Labor Relations

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 15th day of May, 1998, a true and correct copy of the above and foregoing Order was deposited in the U. S. Mail, first class, postage prepaid, addressed to the following:

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