

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

FRATERNAL ORDER OF POLICE
Lodge No. 47,

Petitioner,

v.

LEAVENWORTH COUNTY
SHERIFF'S DEPARTMENT,

Respondent.

Case No: 75-CAE-3-1999

FINAL ORDER
AFFIRMING THE PRESIDING OFFICER'S INITIAL ORDER
Pursuant to K.S.A. 77-527

NOW ON THIS 16th day of May, 2001 this case comes regularly before the Public Employee Relations Board (PERB) for oral argument and deliberation on agency head review of the presiding officer's make-whole remedy in Item 4 on page 15 of the presiding officer's Initial Order. Petitioner appears by and through Lawrence G. Rebman, counsel. Respondent appears by and through David Van Parys, Leavenworth County Counselor. All PERB board members are in attendance.

After reviewing the hearing record, the pleadings and the applicable law, and having fully considered a stipulation of facts and the arguments of counsel, the board votes 5-0 to uphold the make-whole remedy in item 4 of the presiding officer's order. The board finds it has sufficient power to issue a make-whole remedy in this case, and that the remedy set forth in item 4 of the Initial Order is necessary to deter the public employer from committing acts of retaliation against members of the employee organization. The Initial Order is therefore affirmed in all respects.

75-CAE-3-1999-F

Final Order Affirming the Presiding Officer's Initial Order
FOP Lodge No. 47 v. Leavenworth County Sheriff's Department
Prohibited Practice Complaint No. 75-CAE-3-1999
Page 2

Journalized this 21st day of May, 2001.

PUBLIC EMPLOYEE RELATIONS BOARD

By Sharon G. Tunstall
Sharon Tunstall, Office Manager

Prepared by:

Don Doesken

Don Doesken #10564
Attorney for the PERB Board

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 the Final Order is served upon the parties. Since this Final Order is being served upon the parties by mail, the parties are allowed a total of 33 days from the date on the certificate of mailing below to file their petition for judicial review in the appropriate district court. See K.S.A. 77-613 (b) and (e).

Pursuant to K.S.A. 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 Board's designated agent at the following address:

A.J. Kotich, Chief Counsel
KDHR - Legal Services
401 Topeka Blvd.
Topeka, Kansas 66603-3182

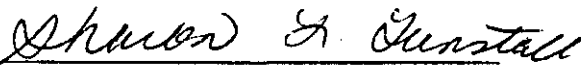
Questions regarding judicial review should be directed to Don Doesken, attorney for PERB, at ddoesken@hr.state.ks.us or to the legal services office at (785) 296-4902.

CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager of the Public Employee Relations Board, do hereby certify that on this 21st day of May, 2001, a true and correct copy of the foregoing Final Order was served upon the parties by U.S. mail, first class, addressed to:

Lawrence G. Rebman
STEVE A.J. BUKATY, CHTD.
8826 Santa Fe Drive, Suite 218
Overland Park, KS 66212
Attorney for FOP Lodge No. 47

David C. Van Parys
Leavenworth County Counselor
300 Walnut
Leavenworth, KS 66048
Attorney for Leavenworth County Sheriff's Department



Sharon L. Tunstall, Office Manager