BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD OF THE STATE OF KANSAS

Fraternal Order of Police)	
Lodge #5, Wichita, Kansas, Inc.,)	
and)	
International Association of Firefighters)	
Local 135,)	
Petitioners,)	
v.)	Case No. 75-CAE-8-1995
)	
City of Wichita, Kansas,)	
Respondent.)	
	_)	
Pursuant to K.S.A. 75-4321 et seq. and		
K.S.A. 77-501 et seq.		

FINAL ORDER

NOW on the 15th day of May, 1996, this matter came before the Public Employee Relations Board of the State of Kansas ("the Board") during its regularly scheduled meeting. The Initial Order in the above-captioned prohibited practice case was issued by the special presiding officer, John Yeary, on February 1, 1996, ruling that the Respondent committed a prohibited practice in violation of K.S.A. 75-4333(b)(5) relative to the unilateral adoption and implementation of Resolution R-94-129 on April 12, 1994, requiring all new employees of the City of Wichita to reside within the corporate limits of the City. The special presiding officer ordered that the City of Wichita, Kansas, shall render such Resolution ineffective with respect to members of bargaining units represented by F.O.P. Lodge #5 and I.A.F.F. Local 135; that the Respondent shall cease and desist in refusing to meet and confer with the Petitioners concerning residency requirements; and that the Respondent shall post a copy of the Initial Order in a conspicuous place at all locations where members of the bargaining units are employed.

75-CA8-8-1995

The Respondent City of Wichita, Kansas, filed a timely Petition for Review of the Initial Order with the Board on February 20, 1996, which was granted by the Board on February 21, 1996, at their regularly scheduled meeting. An Order was issued to that effect on February 26, 1996. The Petitioner filed a brief with the Board on April 19, 1996, and the Respondent filed a brief on April 22, 1996.

WHEREAS the Board has reviewed the Initial Order of February 1, 1996, and incorporates by reference the Finding of Facts therein,

WHEREAS the Board has received briefs from both parties and reviewed same, and oral arguments of both parties were heard by the Board on May 15, 1996, and

WHEREAS the Board has determined, in a 3-2 vote, that the Respondent's unilateral adoption and implementation of Resolution R-94-129 on April 12, 1994, requiring all new employees of the City of Wichita to reside within the corporate limits of the City constitutes a management right pursuant to K.S.A. 75-4326(d), and was not a prohibited practice as concluded by the special presiding officer in the Initial Order,

THEREFORE, the Board finds for the Respondent and the Initial Order of February 1, 1996, in this matter is hereby reversed.

IT SO ORDERED this <u>ASH</u> day of <u>May</u>, 1996.

Susan L. Hazlett

Acting Associate Director

Public Employee Relations Board

1430 SW Topeka Blvd.

Topeka, Kansas 66612

CERTIFICATE OF SERVICE

I hereby certify that on this <u>39</u>th day of <u>May</u>, 1996, a true and correct copy of the above and foregoing Final Order was deposited in the U.S. Mail, first class, postage pre-paid, addressed to:

Steve A.J. Bukaty BLAKE & UHLIG 475 New Brotherhood Bldg. 753 State Avenue Kansas City, Kansas 66101 Attorney for Petitioners

Kelly J. Rundell Senior Assistant City Attorney Office of the City Attorney 455 North Main Street Wichita, Kansas 67202 Attorney for Respondent

Sharon L. Tunstall