

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
OF THE STATE OF KANSAS

INTERNATIONAL ASSOCIATION
OF FIRE FIGHTERS,
LOCAL 64,

Petitioner,

v.

CITY OF KANSAS CITY, KANSAS
(Fire Department)

Respondent.

Prohibited Practice Complaint
PERB Case No. 75-CAE-9-1993

Pursuant to K.S.A. 75-4321 et seq.
and K.S.A. 77-501 et seq.

ORDER DECLINING TO EXERCISE REVIEW

Pursuant to K.S.A. 77-527(b)

NOW ON THIS 20th day of November, 1996 this matter comes regularly before the Public Employee Relations Board (PERB) to consider whether the Board wishes to review the presiding officer's Initial Order, which was filed herein on October 28, 1996.

The certificate of service attached to the Initial Order shows that the Order was mailed to the parties on October 31, 1996, and that the Order was mailed to all PERB board members on November 4, 1996. The Board notes that neither party has asked the Board to review this Initial Order, and that the time to request review pursuant to K.S.A. 77-527(b) has now expired.

The Board has studied the Initial Order, has considered the advice of counsel, and has determined by majority vote during the Board's November 20, 1996 public meeting that no review of the order is necessary. The Board therefore allows the presiding officer's Initial Order to become the final decision of the Board.

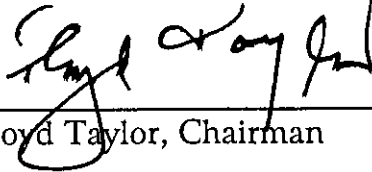
IT IS SO ORDERED.

75-CAE-9-1993-0

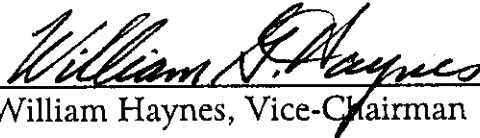
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Entered in Topeka, Kansas this 18th day of December, 1996.

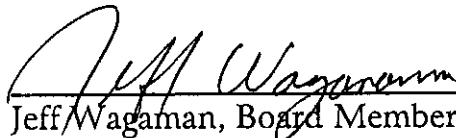
PUBLIC EMPLOYEE RELATIONS BOARD



Floyd Taylor, Chairman



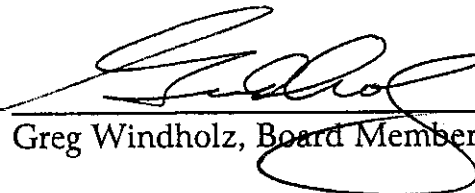
William Haynes, Vice-Chairman



Jeff Wagaman, Board Member



Errol Williams, Board Member



Greg Windholz, Board Member

Prepared by:



Don Doesken #10564
KDHR - Legal
401 Topeka Blvd.
Topeka, Kansas 66603-3182
(913) 296-5020
Attorney for PERB

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Notice of Right to Seek Judicial Review

This Order converts the presiding officer's Initial Order into a final order of the Public Employee Relations Board, pursuant to K.S.A. 77-530. That order is now 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.

However, in this case, it appears neither party would have standing to file a petition for judicial review, because neither party has exhausted its administrative remedies by requesting Board review of the Initial Order. K.S.A. 77-612(a) states that a party may file a petition for judicial review only after exhausting all available administrative remedies.

In any event, a petition for judicial review must be filed with the appropriate district court within 30 days after this Order is served upon the parties. Since this Order is being served upon the parties by mail, the parties would be allowed a total of 33 days from the date on the certificate of mailing below to file their petition for judicial review. See K.S.A. 77-613 (b) and (d).

Pursuant to 1995 Supp. 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 PERB Board's designated agent at the following address:

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

Questions concerning judicial review should be directed to Don Doesken, staff attorney, at the KDHR - Legal office. Tele: (913) 296-5020.

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Certificate of Service

I, Sharon G. Tunstall do hereby certify that on this 19th day of December, 1996 the foregoing Order was served upon the parties by depositing copies in the United States mail, first-class, postage pre-paid, addressed to:

James R. Waers
BLAKE & UHLIG, P.A.
475 New Brotherhood Bldg.
753 State Avenue
Kansas City, Kansas 66101
Attorney for Petitioner

Daniel B. Denk
McANANY, VAN CLEAVE & PHILLIPS, P.A.
707 Minnesota Ave., 4th Floor
P.O. Box 1300
Kansas City, Kansas 66117
Attorney for Respondent

Sharon G. Tunstall
Name: Sharon L. Tunstall
Title: Office Manager