BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD OF THE STATE OF KANSAS

Leslie Charles Coover,)	
Petitioner,)	
v.)	
)	Case No. 75-CAEO-1-1998
AFSCME Council 64 and Local 1593,)	
Respondents.)	
)	
Pursuant to K.S.A. 75-4321 et seq. and		
K.S.A. 77-501 et seq.		

INITIAL ORDER

NOW on the 14th day of August, 1997, the presiding officer, Susan L. Hazlett, has reviewed the pleadings of the parties in the above-captioned matter and finds as a matter of law, the following:

- 1) that the petitioner, Leslie Charles Coover, is an employee of the Shawnee County Refuse Department and is a member of AFSCME Council 64, Local 1593;
- 2) that the petitioner states the following as the basis of his complaint against the respondent union:

The [petitioner] alleges that he has received unfair and disparate treatment by the above named union in regard to wage and job classification. Furthermore, the [petitioner] alleges that the unions callous disregard and in[n]atention to union work rule enforcement has caused the [petitioner] to receive harsh treatment from his employer which has resulted in a deterioration of health and mental well being.

3) that the relief sought by petitioner is stated in his complaint against the union

as:

75-CAEO-1-1998

Fair wage and compensation for past wage disparity, as well as, decent work rules that will allow the [petitioner] to get the help he needs to do his job and to work within a union contract.

- 4) that the petitioner in this matter fails to allege one or more prohibited practices, or facts in support thereof, within the meaning of K.S.A. 75-4333, and petitioner has failed to state a claim upon which relief can be granted under the Public Employer-Employee Relations Act (PEERA);
- 5) that the Public Employee Relations Board (PERB) does not have jurisdiction to enforce contracts, to sanction for alleged contract violations, and to ensure fair representation by the union; and
- 6) that this case should be and is hereby dismissed for the aforestated reasons.

 IT IS SO ORDERED on this 19th day of August, 1997.

Susan L. Hazlett

Presiding Officer

Public Employee Relations Board 1430 S.W. Topeka Blvd., 3rd Floor Topeka, Kansas 66612-1853

NOTICE OF RIGHT TO REVIEW

This Initial Order is the official notice of the presiding officer's decision in this case. The Initial Order may be reviewed by the Public Employee Relations Board, either on its own motion, or at the request of a party, pursuant to K.S.A. 77-527. This Order will become final fifteen (15) days from the date of service, plus three (3) days for mailing, unless a Petition for Review is filed pursuant to K.S.A. 77-526 within that time with the Public Employee Relations Board, addressed to: Kansas Department of Human Resources, Public Employee Relations Board, 1430 S.W. Topeka Blvd., 3rd Floor, Topeka, Kansas 66612.

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CERTIFICATE OF SERVICE

I, Sharon Tunstall, Public Administrator, Public Employee Relations Board and Labor Relations Section of the Kansas Department of Human Resources, hereby certify that on the A512 day of August 1997, a true and correct copy of the above and foregoing Initial Order was deposited in the U.S. Mail, first class, postage prepaid, addressed to the following:

Leslie Charles Coover 432 S.E. Tefft Street Topeka, KS 66607 Petitioner

Roy Swanson AFSCME International Union Rep. 4125 S.W. Gage Ctr. Dr., Suite 200 Topeka, KS 66604 Representative for the Respondent

Sharon L. Tunstall