



hearing was held March 3, 1975, at Topeka, Kansas, at which evidence was presented by both parties. Written argument has been received from both parties.

The Board, having reviewed the pleadings and the evidence and being otherwise fully advised in the premises, makes the following findings:

1. The employer, the Kansas Turnpike Authority (K.T.A.), established by K.S.A. 68-2001 et seq., is a state agency.

2. At the time of the filing of the Petition herein for an appropriate unit determination, specifically, on the 13th day of December, 1974, there existed no work stoppage or picketing with respect to the K.T.A.

3. The Board has not considered this matter in any way previously nor has it considered any prior matter relative to said employees and employer.

4. No other employee organization claims to represent any employees pertinent hereto or are known to have a manifest interest in the same.

5. Toll Collectors I and II (formerly, until September 27, 1974, "collectors") and Toll Collectors III (formerly, until September 27, 1974, "collectors in charge") are "directly responsible to the (assistant) supervisor in charge of their respective interchanges" and perform basically the same duties, as provided by their respective job descriptions, all of which show the following examples:

"Issue correct classification of toll tickets at the entry lanes and collect the proper tolls and tickets at the exit lanes."

"Operates the radio and telephone in the entry lane toll booth in connection with properly handling the collection of tolls and other turnpike business."

"During a tour of duty, each collector is accountable for all axles crossing his treadle and ticket axles must balance out with treadle axles."

"Required to handle all irregular transactions as outlined under operating procedures in the collector's manual."

"Issue information to patrons, when it is requested, relative to road information, restaurants, motels, etc."

6. All Toll Collectors must have completed eight school grades and must have the "(a)bility to make change quickly and adequately to keep traffic moving" and must have the "(a)bility to maintain an attitude of courtesy and good public relations in everyday contacts with the traveling public," as provided by their respective job descriptions at Exhibits C-1, C-2, and C-3.

7. The basic difference between the positions of Toll Collectors I, II and III is a pay-raise difference for which length of service is a necessary requirement, except for the necessity for Toll Collectors I and II to receive authority, generally by telephone, for special patron problems, e.g., lost ticket or illegal u-turn.

8. That Toll Collector III positions are presently maintained by the employer only at Wellington<sup>(1)</sup>, Kansas City<sup>(6)</sup>, and Bonner Springs<sup>(6)</sup> interchanges among its 17 interchanges.

9. All Toll Collectors, in the performance of their duties:

- a) serve a public relations/public information function with the traveling public, unlike any other group of employees of the employer and specifically maintenance employees.
- b) are uniformed, but have no security function and are unarmed.
- c) must accurately perform a substantial amount of clerical work, as shown by Exhibits B-1 through B-8 and testimony thereon, and including preparing deposits of money following shift work (for which he receives no compensation).
- d) must frequently perform accurate communications chores relative to the highway patrol, the employer's headquarters, the Toll Collectors III, if applicable, and the weather bureau.
- e) are usually without present and direct supervision.

10. The principal and major standard for performance evaluation of Toll Collectors is fiscal accountability for accuracy of axle

variation and treadle counts vis-a-vis funds received, as shown by Exhibit B-9 and testimony relating thereto. No formal performance evaluation for Maintenance personnel is currently being utilized by the K.T.A.

11. Defective equipment may necessitate extraordinary clerical (non-machine) calculations for all Toll Collectors and is, therefore, unique thereto.

12. All the Toll Collectors work with a 10-step, 28-day rotational, 8-hour-day per shift schedule, consistent with Exhibit B-10, which provides for as many as six days of consecutive work, which can require an employee to work 16 hours in a row without a break, which does not allow choice of holidays, except as required to be taken by the employer and which may be required to be taken on a non-holiday, and which does not provide credit for seniority following absence from sickness or other leave.

13. Notwithstanding length of service, a Toll Collector may be placed on relief status, which places him outside the above-noted rotational shift schedule and places him on an irregular shift, while Toll Collectors with less length of service may be on said shift schedule.

14. Transfers or promotions of Toll Collectors to other positions with the employer are minimal.

15. Toll Collectors have only limited contact with maintenance employees of the K.T.A., e.g., upon entrance or exit of maintenance employee vehicles, to relay messages from headquarters, including telephoning maintenance employees after regular hours at their respective homes to return to work because of hazardous conditions caused from weather or accident.

16. Both the employer and employee organization oppose inclusion of any other employees, such as headquarters clerical personnel within the appropriate unit.

17. K.T.A. personnel other than Toll Collectors work a regular five-day-per-week, eight hour-per-day schedule, which allows a one-hour lunch break, except for emergencies.

18. Toll Collectors often get no lunch break and must maintain their work duty positions at all times.

19. Toll Collectors have concerns as employees that are unique to their positions, which are also unique, by the very nature of their job duties.

20. All K.T.A. employees are provided the same fringe benefits;

21. Toll Collectors and maintenance personnel are on the same pay scale.

22. Toll Collectors and maintenance personnel have different supervision and, therefore, constitute separate divisions of the agency.

23. Previous organizational efforts including both maintenance personnel and Toll Collectors were made difficult owing to differences in job functions, scheduling, chain of supervision, evaluation and skills and training necessary.

24. K.T.A. personnel are not subject to the Kansas Civil Service Act, but are members of the Kansas Public Employees Retirement System.

25. K.T.A. maintenance personnel may be properly considered within a laborer status, similar to that of the building trades in private enterprise.

26. Toll Collectors of all classifications may be properly considered within a clerical/service status, similar to that of the retail clerk in private enterprise.

27. The employer proposes the establishment of an appropriate unit composed of both Maintenance workers and Toll Collectors.

#### CONCLUSIONS OF LAW

The Board, concludes:

1. The employer, the Kansas Turnpike Authority, is subject to the Public Employer-Employee Relations Act by virtue of its status as a state agency.

