BEFORE THE KANSAS PUBLIC EMPLOYEES RETIREMENT BOARD STATE OF KANSAS

In the Matter of

APR 1 7 1975

Case No. UD-13-1974

CERTAIN PUBLIC EMPLOYEES OF THE KANSAS TURNPIKE AUTHORITY

FINDINGS OF FACT, CONCLUSIONS OF LAW ORDER

This is a unit determination case prising from the filing of a Petition by the Kansas Public Employées Union, AFSCME, AFL-CIO, on December 13, 1974, requesting the PERB find a unit of Kansas Turnpike Authority (K.T.A.) employees, specifically including the employee job classifications of Toll Collectors I, II and III and excluding all other employees, as appropriate, pursuant to K.S.A. 1973 Supp. 75-4327(c).

The employer opposes the establishment of such a unit in its Answer to said Petition on the following basis:

"Employer denies that the unit described in question number 6 and 6a is appropriate because such a proposed unit would be contrary to the efficient operation and administration of the Kansas Turnpike Authority; that there is a more proper community of interest among all employees of the Kansas Turnpike Authority than in the small proposed unit; that the history and extent of employee organization has been to include all Kansas Turnpike Authority employees as a single unit; that the geographical location of Kansas Turnpike Authority employees necessitates a single unit if any appropriate unit is to be found; that the proposed unit would overfragment and splinter the work organization of the Kansas Turnpike Authority; that the unit as proposed does not have the employers' recommendation; that the proposed unit of employees is not a distinct and homogenous group, with significant problems which can be negotiated and adjusted without regard to the other employees of the employer, and that other relevant factors will show that the unit as proposed in the petition is not the appropriate unit.

WHEREFORE, the Employer, Kansas Turnpike Authority, having answered the petition filed herein, requests that the Public Employee Relations Board find and order that the unit as proposed by the petition is not appropriate."

The Board assigned the case to Donald R. Hoffman as hearing examiner pursuant to K.S.A. 1973 Supp. 75-4323(d), whereupon

UD-13-1974

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(1), Kansas City(6), and Bonner Springs(6) 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 Maintenace 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.

- Considering each of the factors provided for in K.S.A.
 Supp. 75-4327(e) the unit as petitioned is appropriate.
 - A. The record discloses no compelling evidence that the K.T.A. will be materially or adversely affected by the establishment of the unit.
 - B. No compelling community of interest has been shown as between maintenance workers and Toll Collectors.
 - C. The inference is clear that former informal employee organization was adversely impeded by the grouping of maintenance workers and Toll Collectors.
 - D. Geographical consideration are outweighed by the position taken by both parties, i.e., that the appropriate unit be configured on an agency wide basis.
 - E. Overfragmentation is not compelling in the instant case due to the historic cleavage of supervisory and administrative controls within the agency.

ORDER

IT IS, THEREFORE, BY THE BOARD, ORDERED, that the unit alleged by the petitioner herein shall be deemed appropriate, pursuant to K.S.A. 1973 Supp. 75-4327, by all parties for certification and meet-and-confer purposes resulting therefrom provided by the Kansas Public Employer-Employee Relations Act.

IT IS SO ORDERED BY THE BOARD.

SIGNATURE	DATE
nathaux Realth	4/17/75
Gollan Co	<u>4-17-25</u>
Bell Mc Carmela	4-17-75