

UDC 2-1975
Presented to
Dist. at meeting
July 27, 1975

Before The
PUBLIC EMPLOYEE RELATIONS BOARD

In The Matter Of: *
*
* MAINTAIN EMPLOYEES OF THE DEPART- *
* MENT OF SOCIAL AND REHABILITATION *
* SERVICES, TOPEKA DISTRICT OFFICE, *
* CASE NO. UDC 2-1975, AND A REVIEW *
* OF THE STATE EMPLOYEE UNIT DETERM- *
* INATION HEARINGS, CASES NO. SUD *
* 1 THROUGH 13. *

FINDINGS OF FACT-CONCLUSIONS OF LAW-ORDER

The hearing officer appointed by the Public Employee Relations Board conducted hearings on a petition of the employees of the Topeka District Office of the State Department of Social and Rehabilitation Services and also gave all interested parties an opportunity to present any recommendations for changes as a result of errors and omissions in the earlier findings on the Statewide Unit Determination Hearings. The State Department of Social and Rehabilitation Services appeared by Charles Hamm, Chief Attorney, and John Badger, Staff Attorney. The Government Employee Union, A.P.S.C.M.E., appeared by and through Terry Watson, Attorney at Law. Documentary exhibits, as well as the testimony of numerous witnesses, were presented; and arguments of counsel were heard. The record is examined and it is ordered:

The May 16, 1974, Statewide Unit Determination Order of the Board created the following units for certain non-professional employees of the Department of Social and Rehabilitation Services.

6 Regional Units: Southeastern, Southcentral, Southwestern, Northeastern, Northcentral, Northwestern

3 Local Units: Topeka District Office, Kansas City District Office, Wichita District Office

Since the issuance of this omnibus order questions have arisen relative to the proper placement of certain employees within Social and Rehabilitation Services. The following is a clarification of this order and further a modification of the order to accommodate recent statutory changes. (Chap. 372, L.74). The Board finds that no undue hardship will result from these announced changes.

FINDINGS OF FACT-CONCLUSIONS OF LAW-ORDER - Social and Rehabilitation Services

Of the nine units listed above, the Board intended to include its order all non-professional employees of Social and Rehabilitation Services and did not limit its order only to those in regional and district offices. To do so would leave some 500 non-professional employees of Social and Rehabilitation Services without being designated to an appropriate unit contrary to the stated objective of the Statewide hearings. Since the conditions of employment are similar for the same job classifications, these employees should, and were intended to, be in the regional unit where they are employed.

The three district offices which were found to be separate units are hereby abolished. Testimony in the record shows that the Director of the Topeka District Office does not have the authority to set conditions of employment for those persons working under him to any greater extent than other directors. Other than sheer numbers of employees, his authority to execute management powers are no greater than any other of the 35 directors working under the Secretary of Social and Rehabilitation Services. Further, in light of the passage of Chap. 372, L.74 and the position taken by the Board herein relative to these professionals, the numbers of non-professional employees under the 3 directorships will decrease substantially.

Chap. 372, L.74 provides for the licensure of Social Workers and declares Social Workers to be professional employees. All parties involved in this matter agree that Income Maintenance Workers are professionally equivalent, (K.S.A. 75-4322(d)), to Social Workers. There are approximately 1,600 Social Workers and Income Maintenance Workers employed by Social and Rehabilitation Services at various sites across the state. Of this number, 1,500 are employed in Regional or District offices. The remainder are located at institutions or vocational rehabilitation units.

The only Social Workers who are now represented by a certified organization are as follows:

Topeka State Hospital	13
Larned State Hospital	13
Osawatomie State Hospital	15

No alteration of the representation status of these employees is made

herein.

No Income Maintenance Workers are presently represented since they were placed in the professional special services unit heretofore established in the May 16 Order.

A professional statewide unit of Social Workers and Income Maintenance Workers is hereby created. Accordingly Social Workers and Income Maintenance Workers, or any other professional worker, will be offered the election of being placed in a non-professional regional unit should a majority of their number within a particular region vote as such for certification purposes.

In order to place Income Maintenance Workers in this new professional unit, the job classification of Income Maintenance Workers is hereby removed from the special services unit.

The job classification of homemaker is hereby added to the list of job classifications within the social services non-professional field employees unit.

It is therefore ordered that employees of Social and Rehabilitation Services are determined to be in the following units:

Non-Professional Employees

All non-professional employees, except those job classifications listed under the technical unit - the inspection and regulatory unit - the penal non-guards unit - the security services unit or the non-professional employees of the state institutions, would belong in one of the 6 regional units of the social services non-professional field employees unit depending upon where they are employed.

Professional Employees

Professional employees would belong in one of the following statewide units, depending upon their job classification:

- Fiscal and Staff
- Physical and Natural Sciences
- Patient's Care
- Legal
- Special Services
- Social Workers and Income Maintenance Workers Unit

Since the May 16, 1974, Order was issued, a new minimum security correctional facility has been opened in Topeka, Kansas. Therefore, the employees of the Kansas Correctional Vocational Training Center were not placed in an appropriate unit. It is hereby ordered that the employees of Kansas Correctional Vocational Training Center be placed in one of the following appropriate units: correctional officers of the center be placed in the appropriate security services unit; the non-professional employees of the center be placed in the penal non-guards unit, depending upon job classification, the technical unit or the inspection and regulatory unit; professional employees be placed in the appropriate professional unit, depending upon job classification as set forth in the May 16, 1974, Board Order.

IT IS SO ORDERED BY THE PUBLIC EMPLOYEE RELATIONS BOARD
August 28, 1975.

Nathan Thatcher
Nathan Thatcher, Acting Chairman

William B. McCormick
William McCormick, Member

Phyllis Burgess
Phyllis Burgess, Member

E. Jay Renhick
E. Jay Renhick, Member

copy of original 9-27-75 sent to each of members 9-2-75 sbl