

PUBLIC EMPLOYEE RELATIONS BOARD

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In the Matter of LAWRENCE POLICE OFFICERS ASSOCIATION  
Petitioner,  
and  
CITY OF LAWRENCE, KANSAS  
Respondent  
\*\*\*\*\*

UDC 4-1976

ORDER DISMISSING PETITION

On January 14, 1976, a petition for unit determination and certification of certain employees of the City of Lawrence, Kansas, was filed by Mr. Arnold Berman, Attorney for the Lawrence Police Officers Association.

A letter dated January 22, 1976 under signature of Mr. Buford M. Watson, Jr., City Manager of Lawrence, Kansas, was received by PERB office stating that the City Commission of Lawrence elected not to bring the public employer under the provisions of the Public Employer-Employee Relations Act pursuant to K.S.A. 75-Supp. 75-4321(c).

In light of prior Public Employee Relations Board decisions - specifically UDC 3-1975 and CAE 6-1975 - the Board finds that: "The Public Employee Relations Board has no jurisdiction in this matter until such time as the City Commission of Lawrence, Kansas, elects by majority vote of all members to bring the public employer under the provisions of the Public Employer-Employee Relations Act."

THE PETITION FOR UNIT DETERMINATION AND CERTIFICATION IS DISMISSED.

ORDERED this 17th day of June, 1976.

Nathan W. Thatcher  
Nathan W. Thatcher, Chairman, PERB

Garold A. Been  
Garold A. Been, Member, PERB

Phyllis Burgess  
Phyllis Burgess, Member, PERB

E. Jay Rennick  
E. Jay Rennick, Member, PERB

Richard R. Rock  
Richard R. Rock, Member, PERB

STATE OF KANSAS

Public Employee  Relations Board

701 JACKSON—OFFICES 202-204  
TOPEKA, KANSAS 66603

ROBERT F. BENNETT  
GOVERNOR

GAROLD A. BEEN  
PHYLLIS BURGESS  
E. JAY RENNICK  
RICHARD R. ROCK  
NATHAN W. THATCHER, Chairman

JERRY POWELL  
Executive Director

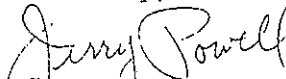
June 17, 1976

Mr. Buford Watson, Jr.  
City Manager  
City Offices, 910 Massachusetts St.  
P. O. Box 708  
Lawrence, Kansas 66044

Dear Mr. Watson:

At the Public Employee Relations Board meeting this date, the Board approved ORDER DISMISSING PETITION relating to Cases UDC 1-1976 through UDC 4-1976. We are enclosing a copy of the Orders for your information.

Sincerely,

  
Jerry Powell  
Executive Director

JP:cm

Enclosures

UDC-3-1976

PUBLIC EMPLOYEE RELATIONS BOARD

In the Matter of the LAWRENCE STREET  
DEPARTMENT EMPLOYEES ASSOCIATION

Petitioner,

and

CITY OF LAWRENCE, KANSAS

Respondent

UDC 3-1976

ORDER DISMISSING PETITION

On January 14, 1976, a petition for unit determination and certification of certain employees of the City of Lawrence, Kansas, was filed by Mr. Arnold Berman, Attorney for the Lawrence Street Dept. Employees Association, Lawrence, Kansas.

A letter dated January 22, 1976 under signature of Mr. Buford M. Watson, Jr., City Manager of Lawrence, Kansas, was received by PERB office stating that the City Commission of Lawrence elected not to bring the public employer under the provisions of the Public Employer-Employee Relations Act pursuant to K.S.A. 75-Supp. 75-4321(c).

In light of prior Public Employee Relations Board decisions - specifically UDC 3-1975 and CAE 6-1975 - the Board finds that: "The Public Employee Relations Board has no jurisdiction in this matter until such time as the City Commission of Lawrence, Kansas, elects by majority vote of all members to bring the public employer under the provisions of the Public Employer-Employee Relations Act."

THE PETITION FOR UNIT DETERMINATION AND CERTIFICATION IS DISMISSED.

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E. Jay Rennick  
E. Jay Rennick, Member, PERB

Richard R. Rock  
Richard R. Rock, Member, PERB

UDC-3-1976

P E T I T I O N

- Filed By:  Employer  
 Employee Organization  
 Employees (must be signed by five employees)

Do Not Write In This Space  
 Case No. 9UDC3-19761  
 Date Filed JAN 11 1976

INSTRUCTIONS: File an original and five copies of this Petition to the Public Employee Relations Board, 701 Jackson, Rms 204-206, Topeka, Kansas 66603 by Certified Mail. If more space is required for any item, attach additional sheets, numbering item accordingly.

The Petitioner alleges that the following circumstances exist and requests that the Public Employee Relations Board proceed under its proper authority.

1. Purpose of this Petition (Check appropriate box)

- Unit Determination (UD)  
 Unit Certification (UC)  
 Unit Determination and Certification (UDC)  
 Unit Decertification (UDE)

2. Name and Address of Petitioner Earl R. Silvers, Pres., Lawrence Street Dept. Employees Ass  
1135 Oregon (Affiliation, if any)  
Lawrence, Kansas Phone 841-5412

3. Name and Address of Employer City of Lawrence, Kansas  
1st National Bank Tower  
Lawrence, Kansas Phone 843-4600

4. Employer Representative to Contact Buford Watson, City Manager  
 Phone 843-4600

5. Type of Establishment Municipal Corporation

6. Description of unit alleged to be appropriate (be complete and specific, using job titles):

INCLUDE: All operators, laborers, mechanics, working foremen

EXCLUDE: Supervisor I through Supt.

6a. Number of employees in unit 25

6b. If filing for Unit Certification or Decertification, is this Petition supported by 30% or more of the employees in the unit?

YES  NO  If "YES", please attach signature petitions or authorization cards.

7. Is there agreement by all parties on the appropriate unit?

YES  NO  Unknown

8. Give statement to the effect the governing body of the public employee is under the provisions of the Public Employer-Employee Relations Act either by virtue of the public employer being with the state or one of its agencies, or if not with the state or a state agency, that said public employer has elected to come under the provisions of said Act, and include evidence to that effect.

City of Lawrence governing body has not as yet resolved to come under PERA. Petitioner requests PERB to ask said governing body if it will so elect.

- 9. Is there a work stoppage or picketing in progress at the establishment involved? YES  NO  If "YES", state date of work stoppage and number of employees involved \_\_\_\_\_
- 10. Has an appropriate unit been determined by the Public Employee Relations Board? YES  NO  If "YES", attach details of unit.
- 11. If Petitioner is representative in behalf of employee organization, is that representative duly licensed under the laws of the state of Kansas? YES  NO  Not applicable
- 12. Name(s) of other persons or employee organizations, known to Petitioner, who claim to represent any employees, or other employee organizations known to have an interest in representing employees in the alleged appropriate unit: (If none, so state)  

| Name   | Address | Affiliation |
|--------|---------|-------------|
| -NONE- |         |             |
| _____  | _____   | _____       |
| _____  | _____   | _____       |
| _____  | _____   | _____       |

- 13. Include a clear and concise statement of any other relevant facts:
- 14. If Petition for Unit Decertification is filed by public employees or employee organization, complete and attach Form PERB 002.

Note: Any answer to this Petition is to be filed with the Public Employee Relations Board within seven days after receipt of said Petition. The Board will consider failure to answer Petition as an admission of the allegations of said Petition, particularly the Unit Determination.

DECLARATION

I declare that I have read the above Petition and that the statements herein are true to the best of my knowledge and belief.

Earl R. Silvers  
Earl R. Silvers, Pres., Lawrence Street Dept. Employees Assn.

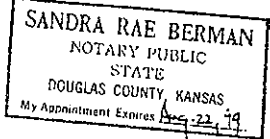
Petitioner & Affiliation, if any \_\_\_\_\_

BY Arnold Berman Attorney for Petitioner  
Representative or Person Filing Title, if any

Date January 13, 1976

Subscribed and sworn to before me this 13<sup>th</sup> day of January, 1976.

Sandra Rae Berman  
Notary Public



My commission expires August 22, 1979