BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD OF THE STATE OF KANSAS

International Brotherhood of Teamsters) Local Union No. 795,) Petitioner,) v.) Sedgwick County Sheriff Department,) Respondent.)

Case No. 75-UDC-5-1998

SUMMARY ORDER

COMES NOW on for consideration by presiding officer Susan L. Hazlett the above-

captioned Unit Determination and Certification petition filed by the International Brotherhood of

Teamsters Local Union No. 795 through its president, Charles J. Mosqueda, on April 28, 1998.

The Respondent, Sedgwick County Sheriff Department, filed an Answer in this matter on May

18, 1998, through its counsel, Ed L. Randels.

The presiding officer, after being duly advised, finds that:

1. K.S.A. 75-4321(c) provides that:

"The governing body of any public employer, other than the state and its agencies, by a majority vote of all the members may elect to bring such public employer under the provisions of this act, and upon such election the public employer and its employees shall be bound by its provisions from the date of such election. ..."

- 2. None of the purported governing bodies of the Sedgwick County Sheriff Department, i.e. the Sheriff of Sedgwick County, the Sheriff's Civil Service Board, or the Board of County Commissioners of Sedgwick County, Kansas, have elected to come under the provisions of the Public Employer Employee Relations Act ("PEERA") or are currently under the PEERA.
- 3. The election by the Sedgwick County Fire District Number One to come under the provisions of the PEERA in 1979 did not work to bring all of Sedgwick County under such provisions. (See PERB Case No. 75-UDC-5-1993)

75-UDC-5-1998-5

Teamsters v. Sedgwick Co. Sheriff Dept. Case No. 75-UDC-5-1998 Page 2

ACCORDINGLY, this matter is hereby dismissed for lack of jurisdiction over the parties.

IT IS SO ORDERED this <u>24th</u> day of May, 1998.

Susan L. Hazler Presiding Officer Public Employee Relations Board 1430 SW Topeka Blvd. Topeka, Kansas 66612

RIGHT TO REQUEST HEARING

This is a summary proceeding pursuant to K.S.A. 77-537. A party may request a hearing on the Order by filing a request with the Executive Director of the Public Employee Relations Board within fifteen (15) days of service of the Order setting forth the issues to be determined at the hearing. Failure to request a hearing will result in the Order becoming effective upon the expiration of the time for requesting a hearing.

CERTIFICATE OF MAILING

I, Sharon L. Tunstall, Office Manager for the Public Employee Relations Board of the Kansas Department of Human Resources, hereby certify that on the $\underline{\mathcal{A}}^{\mu}$ day of $\underline{\mathcal{M}}_{\mu\nu}$, 1998, a true and correct copy of the above and foreoing Summary Order was deposited in the U.S. Mail, first class, postage prepaid, addressed to:

Charles J. Mosqueda International Brotherhood of Teamsters 4921 Cessna Street Wichita, Kansas 67210

Ed L. Randels Assistant County Counselor Sedgwick County Courthouse 525 North Main, Suite #359 Wichita, Kansas 67203

havon & Suntace

Sharon L. Tunstall