

BEFORE THE PUBLIC EMPLOYEE RELATIONS BOARD
STATE OF KANSAS

KANSAS ASSOCIATION OF PUBLIC)
EMPLOYEES,)
)
Petitioner,)
)
vs.) Case No. 75-UDE-4-1992
)
STATE OF KANSAS, DEPARTMENT OF)
ADMINISTRATION (Physical &)
Natural Sciences),)
)
Respondent.)
_____)

ORDER

On the 9th day of April, 1992, the above captioned unit decertification election petition came on for verification of the showing of interest.

FINDINGS OF FACT

1. On January 13, 1992 the Petitioner filed with the Public Employee Relations Board a Unit Decertification Election petition seeking to decertify the Kansas Council of Government Engineers and Scientists as the exclusive representative for the Physical and Natural Sciences unit, and have it certified as the exclusive representative. The petition was accompanied by showing of interest petitions containing the names of 175 employees.
2. On March 2, 1992 the Respondent filed a list of employees it sought to have excluded from the unit as supervisory or confidential employees pursuant to K.S.A. 75-4322(a).
3. On March 23, 1992 the Petitioner advised that it had no objection to the exclusion of those employees Respondent sought to have excluded from the unit as supervisory or confidential employees.
4. On April 6, 1992 Respondent provided a list of all eligible employees in the Physical and Natural Sciences unit less those employees excluded as supervisory or confidential who were employed by Respondent on January 13, 1992, the date of filing the petition. The list contained a total of 331 names.

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5. Pursuant to K.S.A. 75-4327(d) a petition must be accompanied by a showing of interest of not less than 30% of the eligible employees in the unit. Here that 30% would equate to 100 employees.
6. Upon matching the Petitioner's showing of interest names with the names on the list provided by Respondent of all eligible employees in the unit resulted in a match of 74 names or 22.3%.

CONCLUSIONS

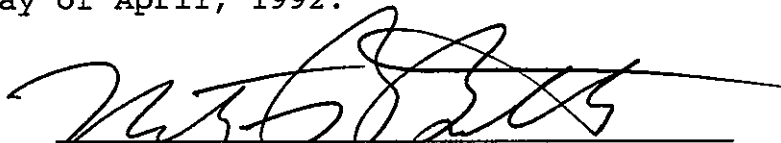
Before the Public Employee Relations Board can conduct an election to decertify an employee organization as the exclusive employee representative for the unit and certify a new employee organization, the requesting organization must petition the Board and provide a showing of interest that at least 30% of the employees in the unit want the certified organization decertified and the new employee organization certified. A failure to provide the necessary 30% showing of interest must result in a dismissal of the petition.

Here the Petitioner, while submitting petitions containing the names of 175 employees, only 74 could be verified as eligible employees in the unit. This was only a 22.3% showing of interest. Not meeting the 30% threshold required by K.S.A. 75-4327(d), Petitioners petition must be dismissed.

ORDER

IT IS THEREFORE ORDERED that Petitioner's petition for a decertification election is dismissed.

Dated this 10th day of April, 1992.



Monty R. Bertelli
Executive Director,
Public Employee Relations Board
512 W. 6th Street
Topeka, Kansas 66603

CERTIFICATE OF SERVICE

I, Sharon Tunstall, Office Specialist for Employment Standards and Labor Relations, of the Kansas Department of Human Resources, hereby certify that on the 10th day of April, 1992, a true and correct copy of the above and foregoing Final Order was deposited in the U.S. mail, first class, postage prepaid, addressed to:

Brad Avery, Counsel
Kansas Association of Public Employees
1300 Topeka Blvd.
Topeka, Kansas 66607.

Gary E. Leitnaker
Director of Labor Relations
Department of Administration
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members of the PERB.

Sharon Tunstall