

Kansas Administrative Regulations

Public Employee Relations Board

Article 4.—Local Government Procedures

84-4-7. Procedures for the review of implementation of local government procedures pursuant to K.

S.A. 75-4335. (a) General provisions. The fact that a local government has not adopted rules and regulations within 45 days after the board has determined that its provisions and procedures are substantially equivalent to the provisions and procedures set forth in the act and these rules, shall be prima facie evidence that the local government has not implemented its provisions and procedures in a manner substantially equivalent to the provisions and procedures as set forth in the act and these rules.

(b) Petition; filing. A petition to review the question of whether provisions and procedures of local government are being implemented in a manner substantially equivalent to the provisions and procedures set forth in the act and these rules, hereinafter called a petition for review, may be filed by any public employee or employee organization. Petitions under this section shall be in writing upon forms to be provided by the board. The original and five copies of the petition shall be filed with the board within 60 days after the act or non-action complained of occurred or failed to occur. Petition forms will be supplied by the board upon request. The petition may be withdrawn any time prior to action by the board, its designee or the presiding officer. Each party shall file an answer to the petition for review within 10 days after receipt thereof.

(c) Time for filing of petitions. A petition for review may be filed at any time.

(d) Contents of petitions for review. A petition for review shall contain the following:

(1) The name, affiliation, if any, and address of petitioner.

(2) The name of the local government involved.

(3) The names and addresses of any other employee organizations which claim to represent any public employees under the jurisdiction of the local government involved.

(4) A clear and concise statement of the grounds for alleging that the local government provisions and procedures, as implemented, are not substantially equivalent to the provisions and procedures set forth in the act and these rules.

(e) Intervention. Any public employee, employee organization or public employer may be permitted, in the discretion of the presiding officer, to intervene in a proceeding. The intervenor must make a motion on notice to all parties in the proceeding. Supporting affidavits establishing the basis for the motion may be required by the presiding officer. If intervention is permitted, the public employee, employee organization or public employer becomes a party for all purposes.

(f) Notice of pending petitions. Upon the filing of a petition under this part, notice thereof, including the date when such petition was filed and the name and address of petition and the local government involved, shall be posted by the designee of the board on the public docket maintained by the board at its principal office.

(g) Conduct of hearing. The conduct of hearings under this section shall follow the standard hearing procedures as provided in section 84-2-2.

(h) Determination by the presiding officer. No later than 30 days after the conclusion of the hearing or after submission of proposed findings of fact, conclusions of law and briefs, the presiding officer shall issue findings of fact, conclusions of law and an initial order, unless the 30 day period is waived or extended with the written consent of all parties or for good cause shown. All parties shall be served with the presiding officer's decision and initial order.

(Authorized by and implementing K.S.A. 75-4323(d)(4), 75-4335; effective, E-72-29, Sept. 29, 1972; effective Jan. 1, 1973; amended May 1, 1975; amended July 30, 1990.)

***** Authenticated Kansas Administrative Regulation *****