

Kansas Administrative Regulations

Public Employee Relations Board

Article 3.—Prohibited Practices

84-3-1. Complaints.

(a) Who may file. A complaint that any public employee, employee organization or public employer has engaged in or is engaging in any prohibited practice under the act may be filed by a public employee, a group of public employees, an employee organization or a public employer, any of whom may hereafter be referred to as the party filing the complaint.

(b) Form and filing. Complaint forms shall be provided by the board. The original and file copies of the complaint shall be filed with the board or its designee pursuant to 84-2-1(b).

(c) Answer to complaint; contents. The answer shall contain the following:

(1) A specific admission, denial, or explanation of each allegation of the complaint, or if the filing party is without knowledge thereof, a statement to that effect, such statement operating as a denial. Admissions or denials may be to all or part of an allegation but shall fairly meet the substance of the allegation.

(2) A specific detailed statement of any affirmative defense.

(3) A clear and concise statement of the facts and matters of law relied upon. Any allegation in the complaint not specifically denied in the answer, unless the respondent shall state in the answer that the respondent is without knowledge, and the reasons the respondent is without knowledge, shall be deemed admitted to be true and may be so found by the board.

(d) Answer to the complaint. The party named in the complaint shall file, pursuant to 84-2-1(b), a written answer within seven days after service of the complaint.

(e) Amendment to complaint. Any complaint may be amended, in whole or in part, by the complainant at any time prior to the filing of an answer by the respondent. After an answer has been filed by the respondent, a complaint may be amended by the

complainant with approval of the board or its designee at any time before the presiding officer's initial order is served.

(f) Amendment of answer; following amendment of complaint. In any case where a complaint has been amended, the respondent shall have an opportunity to amend the respondent's answer within such period as may be fixed by the presiding officer.

(g) Withdrawal of complaint. Through written notice served on the board, a complaint or any part thereof may be withdrawn at any time.

(Authorized by and implementing K.S.A. 75-4323(d)(4); 75-4334(b), (d); effective, E-72-29, Sept. 29, 1972; effective Jan. 1, 1973; amended May 1, 1975; amended July 30, 1990.)

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