

SENATE BILL No. 88

By Senators Haley and Steineger

1-28

AN ACT concerning the public employer-employee relations act; relating to the applicability of the act to local units of government; amending K.S.A. 75-4321 and repealing the existing section.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 75-4321 is hereby amended to read as follows: 75-4321. (a) The legislature hereby finds and declares that:

(1) The people of this state have a fundamental interest in the development of harmonious and cooperative relationships between government and its employees;

(2) the denial by some public employers of the right of public employees to organize and the refusal by some to accept the principle and procedure of full communication between public employers and public employee organizations can lead to various forms of strife and unrest;

(3) the state has a basic obligation to protect the public by assuring, at all times, the orderly and uninterrupted operations and functions of government;

(4) there neither is, nor can be, an analogy of statuses between public employees and private employees, in fact or law, because of inherent differences in the employment relationship arising out of the unique fact that the public employer was established by and is run for the benefit of all the people and its authority derives not from contract nor the profit motive inherent in the principle of free private enterprise, but from the constitution, statutes, civil service rules, regulations and resolutions; and

(5) the difference between public and private employment is further reflected in the constraints that bar any abdication or bargaining away by public employers of their continuing legislative discretion and in the fact that constitutional provisions as to contract, property, and due process do not apply to the public employer and employee relationship.

(b) ~~Subject to the provisions of subsection (c),~~ It is the purpose of this act to obligate public agencies, public employees and their representatives to enter into discussions with affirmative willingness to resolve grievances and disputes relating to conditions of employment, acting within the framework of law. It is also the purpose of this act to promote the improvement of employer-employee relations within the various pub-

1 lic agencies of the state and its political subdivisions by providing a uni-
2 form basis for recognizing the right of public employees to join organi-
3 zations of their own choice, or to refrain from joining, and be represented
4 by such organizations in their employment relations and dealings with
5 public agencies.

6 ~~(c) The governing body of any public employer, other than the state
7 and its agencies, by a majority vote of all the members may elect to bring
8 such public employer under the provisions of this act, and upon such
9 election the public employer and its employees shall be bound by its
10 provisions from the date of such election. Once an election has been made
11 to bring the public employer under the provisions of this act it continues
12 in effect unless rescinded by a majority vote of all members of the gov-
13 erning body. No vote to rescind shall take effect until the termination of
14 the next complete budget year following such vote.~~

15 Sec. 2. K.S.A. 75-4321 is hereby repealed.

16 Sec. 3. This act shall take effect and be in force from and after its
17 publication in the statute book.

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