

## HOUSE BILL No. 2341

By Committee on Appropriations

2-14

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1 AN ACT concerning public employee organizations; relating to  
2 resignation by public employees from the organization; amending  
3 K.S.A. 2018 Supp. 75-4327 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2018 Supp. 75-4327 is hereby amended to read as  
7 follows: 75-4327. (a) Public employers shall recognize employee  
8 organizations for the purpose of representing their members in relations  
9 with public agencies as to grievances and conditions of employment.  
10 Employee organizations may, *subject to the provisions of subsection (j)*,  
11 establish reasonable provisions for an individual's admission to or  
12 dismissal from membership.

13 (b) Where an employee organization has been certified by the board  
14 as representing a majority of the employees in an appropriate unit, or  
15 recognized formally by the public employer pursuant to the provisions of  
16 this act, the appropriate employer shall meet and confer in good faith with  
17 such employee organization in the determination of conditions of  
18 employment of the public employees as provided in this act, and may enter  
19 into a memorandum of agreement with such recognized employee  
20 organization.

21 (c) A recognized employee organization shall represent not less than a  
22 majority of the employees of an appropriate unit. When a question  
23 concerning the designation of an appropriate unit is raised by a public  
24 agency, employee organization or by five or more employees, the public  
25 employee relations board, at the request of any of the parties, shall  
26 investigate such question and, after a hearing in accordance with the  
27 provisions of the Kansas administrative procedure act, rule on the  
28 definition of the appropriate unit in accordance with subsection (e).

29 (d) Following determination of the appropriate unit of employees, the  
30 public employee relations board, at the request of the public employer or  
31 on petition of employees, shall investigate questions and certify to the  
32 parties in writing, the names of the representatives that have been  
33 designated for an appropriate unit. The filing of a petition for the  
34 investigation or certification of a representative of employees shall show  
35 the names of not less than 30% of the employees within an appropriate  
36 unit. In any such investigation, the board may provide for an appropriate

1 hearing, shall determine voting eligibility and shall take a secret ballot of  
2 employees in the appropriate unit involved to ascertain such  
3 representatives for the purpose of formal recognition. Recognition shall be  
4 granted only to an employee organization that has been selected as a  
5 representative of an appropriate unit, in a secret ballot election, by a  
6 majority of the employees in an appropriate unit who voted at such  
7 election. Each employee eligible to vote shall be provided the opportunity  
8 to choose the employee organization such employee wishes to represent  
9 such employee, from among those on the ballot, or to choose "no  
10 representation." When an election in which the ballot provided for three or  
11 more choices between representatives and no representation resulted in no  
12 choice receiving a majority of the valid votes cast, the board shall conduct  
13 a run-off election by secret ballot. The ballot in a run-off election shall  
14 only provide for a selection between the two choices receiving the largest  
15 and second largest number of votes in the original election. The board is  
16 authorized to hold elections to determine whether: (1) An employee  
17 organization should be recognized as the formal representative of  
18 employees in a unit; (2) an employee organization should replace another  
19 employee organization as the formal representative of employees in a unit;  
20 (3) a recognized employee organization should be decertified.

21 Any petition calling for an election in accordance with this section shall  
22 be dismissed by the board without determining the questions raised therein  
23 if such petition is filed more than 150 days or less than 90 days prior to the  
24 expiration date of an existing memorandum of agreement—~~which~~ *that*  
25 governs the terms and conditions of employment of the employees within  
26 the appropriate unit.

27 If the board has certified a formally recognized representative in an  
28 appropriate unit, it shall not be required to consider the matter again for a  
29 period of one year, unless the board determines that sufficient reason  
30 exists. The board may promulgate such rules and regulations as may be  
31 appropriate to carry out the provisions of subsections (c) and (d).

32 (e) Any group of public employees considering the formation of an  
33 employee organization for formal recognition, any public employer  
34 considering the recognition of an employee organization on its own  
35 volition and the board, in investigating questions at the request of the  
36 parties as specified in this section, shall take into consideration, along with  
37 other relevant factors: (1) The principle of efficient administration of  
38 government; (2) the existence of a community of interest among  
39 employees; (3) the history and extent of employee organization; (4)  
40 geographical location; (5) the effects of overfragmentation and the  
41 splintering of a work organization; (6) the provisions of K.S.A. 75-4325,  
42 and amendments thereto; and (7) the recommendations of the parties  
43 involved.

1 (f) A recognized employee organization shall not include: (1) Both  
2 professional and other employees, unless a majority of the professional  
3 employees vote for inclusion in the organization; (2) uniform police  
4 employees and public property security guards with any other public  
5 employees, but such employees may form their own separate homogenous  
6 units; or (3) uniformed firemen with any other public employees, but such  
7 employees may form their own separate homogenous units. The  
8 employees of a public safety department of cities ~~which~~ *that* has both  
9 police and fire protection duties shall be an appropriate unit.

10 (g) It is the intent of this act that employer-employee relations  
11 affecting the finances of a public employer shall be conducted at such  
12 times as will permit any resultant memorandum of agreement to be duly  
13 implemented in the budget preparation and adoption process. A public  
14 employer, during the 60 days immediately prior to its budget submission  
15 date, shall not be required to recognize an employee organization not  
16 previously recognized, nor shall it be obligated to initiate or begin meet  
17 and confer proceedings with any recognized employee organization for a  
18 period of 30 days before and 30 days after its budget submission date.

19 (h) No employee organization shall be recognized unless it  
20 establishes and maintains standards of conduct providing for: (1) The  
21 maintenance of democratic procedures and practices, including periodic  
22 elections by secret ballot and the fair and equal treatment of all members;  
23 and (2) the maintenance of fiscal integrity, including accurate accounting  
24 and periodic financial reports open to all members and the prohibition of  
25 business or financial interests by officers ~~which~~ *that* conflict with their  
26 fiduciary responsibilities.

27 (i) The board shall assess the reasonable costs for conducting a secret  
28 ballot of the employees against the party seeking the election. For the  
29 purposes of this subsection, the term "costs" shall include amounts  
30 expended by the board for printing of ballots and necessary postage.

31 (j) *(1) No memorandum of agreement between an employee  
32 organization and a public employer entered into on or after July 1, 2019,  
33 may establish conditions for when a public employee may join or resign  
34 from an employee organization acting as the exclusive representative of a  
35 unit.*

36 *(2) A public employee may resign from an employee organization at  
37 any time.*

38 *(3) Resignation shall become effective 30 days after the date of  
39 sending notice by first class mail, private mail service, delivery service or  
40 fax or by email to the address of the employee organization or transmitted  
41 by other means deemed appropriate by the public employee relations  
42 board.*

43 *(4) A stamped receipt from a United States post office, or private mail*

1 *service or delivery service, or a copy of a fax showing the date sent, a*  
2 *copy of an email showing the date sent or other evidence deemed*  
3 *appropriate by the public employee relations board shall constitute proof*  
4 *of mailing.*

5       Sec. 2. K.S.A. 2018 Supp. 75-4327 is hereby repealed.

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