

SENATE BILL No. 175

By Committee on Assessment and Taxation

2-13

1 AN ACT concerning public employee organizations; enacting the public
2 employee right to choose act; amending K.S.A. 75-4324 and K.S.A.
3 2018 Supp. 75-4327 and repealing the existing sections.

4
5 WHEREAS, The legislature finds Kansas public employees should
6 have the right to choose whether or not to permit union dues to be
7 withdrawn from their pay; and

8 WHEREAS, The 2018 amendments to K.S.A. 75-4324 and K.S.A.
9 2018 Supp. 75-4327, and amendments thereto, shall be known as the
10 public employee right to choose act.

11 Now, therefore:

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

13 Section 1. K.S.A. 75-4324 is hereby amended to read as follows: 75-
14 4324. (a) Public employees shall have the right to form, join and
15 participate in the activities of employee organizations of their own
16 choosing, for the purpose of meeting and conferring with public employers
17 or their designated representatives with respect to grievances and
18 conditions of employment. Public employees also shall have the right to
19 refuse to join or participate in the activities of employee organizations.

20 (b) *Public employees shall have the right to immediately cease the*
21 *withholding of employee organization dues from their wages at any time*
22 *upon the submission of a written or email request to their public employer.*
23 *Upon receipt of a request, the public employer shall immediately provide*
24 *written or email notification of the employee's decision to the employee*
25 *organization and shall cease any withholding of dues for the employee*
26 *organization from the employee's wages. Public employers shall notify*
27 *their employees of their right to cease payment of employee organization*
28 *dues and to withdraw from an employee organization by, at least annually,*
29 *providing written notification and a request form to their employees.*

30 Sec. 2. K.S.A. 2018 Supp. 75-4327 is hereby amended to read as
31 follows: 75-4327. (a) Public employers shall recognize employee
32 organizations for the purpose of representing their members in relations
33 with public agencies as to grievances and conditions of employment.
34 Employee organizations may establish reasonable provisions for an
35 individual's admission to or dismissal from membership *subject to the*
36 *provisions of K.S.A. 75-4324, and amendments thereto.*

1 (b) Where an employee organization has been certified by the board
2 as representing a majority of the employees in an appropriate unit, or
3 recognized formally by the public employer pursuant to the provisions of
4 this act, the appropriate employer shall meet and confer in good faith with
5 such employee organization in the determination of conditions of
6 employment of the public employees as provided in this act, and may enter
7 into a memorandum of agreement with such recognized employee
8 organization.

9 (c) A recognized employee organization shall represent not less than a
10 majority of the employees of an appropriate unit. When a question
11 concerning the designation of an appropriate unit is raised by a public
12 agency, employee organization or by five or more employees, the public
13 employee relations board, at the request of any of the parties, shall
14 investigate such question and, after a hearing in accordance with the
15 provisions of the Kansas administrative procedure act, rule on the
16 definition of the appropriate unit in accordance with subsection (e).

17 (d) Following determination of the appropriate unit of employees, the
18 public employee relations board, at the request of the public employer or
19 on petition of employees, shall investigate questions and certify to the
20 parties in writing, the names of the representatives that have been
21 designated for an appropriate unit. The filing of a petition for the
22 investigation or certification of a representative of employees shall show
23 the names of not less than 30% of the employees within an appropriate
24 unit. In any such investigation, the board may provide for an appropriate
25 hearing, shall determine voting eligibility and shall take a secret ballot of
26 employees in the appropriate unit involved to ascertain such
27 representatives for the purpose of formal recognition. Recognition shall be
28 granted only to an employee organization that has been selected as a
29 representative of an appropriate unit, in a secret ballot election, by a
30 majority of the employees in an appropriate unit who voted at such
31 election. Each employee eligible to vote shall be provided the opportunity
32 to choose the employee organization such employee wishes to represent
33 such employee, from among those on the ballot, or to choose "no
34 representation." When an election in which the ballot provided for three or
35 more choices between representatives and no representation resulted in no
36 choice receiving a majority of the valid votes cast, the board shall conduct
37 a run-off election by secret ballot. The ballot in a run-off election shall
38 only provide for a selection between the two choices receiving the largest
39 and second largest number of votes in the original election. The board is
40 authorized to hold elections to determine whether: (1) An employee
41 organization should be recognized as the formal representative of
42 employees in a unit; (2) an employee organization should replace another
43 employee organization as the formal representative of employees in a unit;

1 (3) a recognized employee organization should be decertified.

2 Any petition calling for an election in accordance with this section shall
3 be dismissed by the board without determining the questions raised therein
4 if such petition is filed more than 150 days or less than 90 days prior to the
5 expiration date of an existing memorandum of agreement which governs
6 the terms and conditions of employment of the employees within the
7 appropriate unit.

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

13 (e) Any group of public employees considering the formation of an
14 employee organization for formal recognition, any public employer
15 considering the recognition of an employee organization on its own
16 volition and the board, in investigating questions at the request of the
17 parties as specified in this section, shall take into consideration, along with
18 other relevant factors: (1) The principle of efficient administration of
19 government; (2) the existence of a community of interest among
20 employees; (3) the history and extent of employee organization; (4)
21 geographical location; (5) the effects of overfragmentation and the
22 splintering of a work organization; (6) the provisions of K.S.A. 75-4325,
23 and amendments thereto; and (7) the recommendations of the parties
24 involved.

25 (f) A recognized employee organization shall not include: (1) Both
26 professional and other employees, unless a majority of the professional
27 employees vote for inclusion in the organization; (2) uniform police
28 employees and public property security guards with any other public
29 employees, but such employees may form their own separate homogenous
30 units; or (3) uniformed firemen with any other public employees, but such
31 employees may form their own separate homogenous units. The
32 employees of a public safety department of cities which has both police
33 and fire protection duties shall be an appropriate unit.

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

43 (h) No employee organization shall be recognized unless it

1 establishes and maintains standards of conduct providing for: (1) The
2 maintenance of democratic procedures and practices, including periodic
3 elections by secret ballot and the fair and equal treatment of all members;
4 and (2) the maintenance of fiscal integrity, including accurate accounting
5 and periodic financial reports open to all members and the prohibition of
6 business or financial interests by officers which conflict with their
7 fiduciary responsibilities.

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

12 Sec. 3. K.S.A. 75-4324 and K.S.A. 2018 Supp. 75-4327 are hereby
13 repealed.

14 Sec. 4. This act shall take effect and be in force from and after its
15 publication in the statute book.