AN ACT concerning public employees; relating to the public employer-
employee relations act; certain deductions from wages; amending K.S.A. 75-4321, 75-4322, 75-4324, 75-4326, 75-4328, 75-4329, 75-
4335 and 75-4337 and K.S.A. 2014 Supp. 75-4327, 75-4330, 75-4332,
75-4333, 75-4334 and 75-4338 and repealing the existing sections; also repealing K.S.A. 2014 Supp. 75-4323 and 75-5713.

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

New Section 1. (a) The secretary shall adopt such rules and regulations necessary to implement and enforce the provisions of K.S.A. 75-4321 et seq., and amendments thereto.

(b) This section shall be a part of and supplemental to the public employer-employee relations act, K.S.A. 75-4321 et seq., and amendments thereto.

New Sec. 2. (a) The public employee relations board is hereby abolished. Whenever the public employee relations board is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the secretary of labor. All powers, duties, functions, records and property of the public employee relations board, as provided by law, are hereby transferred to and conferred and imposed upon the secretary of labor. The secretary of labor shall be the successor in every way to the powers, duties and functions of the public employee relations board, as provided by law.

(b) All rules and regulations of the public employee relations board shall continue to be effective and shall be deemed to be duly adopted rules and regulations of the secretary of labor until revised, amended, revoked or nullified pursuant to law.

(c) All policies, orders and directives of the public employee relations board shall continue to be effective and shall be deemed to be policies, orders and directives of the secretary of labor until revised, amended, revoked or nullified pursuant to law.

(d) All officers and employees who were engaged in the exercise of powers or the performance of duties and functions of or on behalf of the public employee relations board and who, in the opinion of the secretary of labor, are necessary to the exercise of powers or the performance of duties and functions of the department of labor shall remain or become officers
and employees of the department of labor. Any such officer or employee shall retain all retirement benefits and rights of civil service which had accrued to or vested in such officer or employee, and the service of each such officer and employee shall be deemed to have been continuous. All transfers and any abolishment of positions of personnel in the classified civil service under the Kansas civil service act shall be in accordance with civil service laws and any rules and regulations adopted thereunder.

(e) No vested right of any person shall be affected and no lawful claim of any person against the state shall abate by reason of the abolition of the public employee relations board, nor shall any lawful claim or right of the state abate by reason of abolition of the public employee relations board. Responsibility for litigation or other reconciliation of such rights and claims is hereby transferred to and imposed upon the secretary of labor.

(f) No suit, action or other proceeding, judicial or administrative, lawfully commenced, or which could have been commenced, by or against the public employee relations board, or by or against any officer or employee of the public employee relations board in relation to the discharge of duties imposed on such officer or employee by law, shall abate by reason of the abolition of the public employee relations board. The court may allow any such suit, action or other proceeding to be maintained by or against the secretary of labor.

(g) When any conflict arises as to the disposition of any power, duty or function or the unexpended balance of any appropriation or any unexpended moneys received from private persons or organizations as a result of the abolition of the public employee relations board, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(h) When any conflict arises as to the proper disposition of any property or records as a result of the abolition of the public employee relations board, such conflict shall be resolved by the governor, and the decision of the governor shall be final.

(i) This section shall be part of and supplemental to the public employer-employee relations act.

Sec. 3. 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 public agencies of the state and its political subdivisions by providing a uniform basis for recognizing the right of public employees to join organizations of their own choice, or to refrain from joining, and be represented by such organizations in their employment relations and dealings with public agencies.

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

Sec. 4. K.S.A. 75-4322 is hereby amended to read as follows: 75-4322. As used in this act:

(a) "Public employee" means any person employed by any public agency, except those persons classed as supervisory employees, professional employees of school districts, as defined by subsection (c) of K.S.A. 72-5413, and amendments thereto, elected and management officials, and confidential employees.

(b) "Supervisory employee" means any individual who normally
performs different work from his such individual's subordinates, having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibly to direct them, or to adjust their grievances, or effectively to recommend a preponderance of such actions, if in connection with the foregoing, the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment. A memorandum of agreement may provide for a definition of "supervisory employees" as an alternative to the definition herein.

(c) "Confidential employee" means any employee whose unrestricted access to confidential personnel files or other information concerning the administrative operations of a public agency, or whose functional responsibilities or knowledge in connection with the issues involved in the meet and confer process would make his such employee's membership in the same employee organization as other employees incompatible with his such employee's official duties.

(d) "Professional employee" includes any employee: (1) Whose work is predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; involves the consistent exercise of discretion and judgment; requires knowledge of an advanced type in a field of science or learning customarily acquired by prolonged study in an institution of higher learning; or (2) who has completed courses of prolonged study as described in paragraph (1) of this subsection (d)(1), and is performing related work under the supervision of a professional person in order to qualify as a professional employee as defined in paragraph (1) of this subsection (d)(1); or (3) attorneys-at-law or any other person who is registered as a qualified professional by a board of registration or other public body established for such purposes under the laws of this state.

(e) "Elected and management officials" means any elective official and any appointed officer charged by law with major administrative and management responsibilities.

(f) "Public agency" or "public employer" means every governmental subdivision, including any county, township, city, school district, special district, board, commission, or instrumentality or other similar unit whose governing body exercises similar governmental powers, and the state of Kansas and its state agencies.

(g) "Governing body" means the legislative body, policy board or other authority of the public employer possessing legislative or policymaking responsibilities pursuant to the constitution or laws of this state.

(h) "Representative of the public agency" means the chief executive officer of the public employer or his or her such officer's designee, except
when the governing body provides otherwise, and except in the case of the
state of Kansas and its state agencies. Such chief executive shall be for
counties, the chairman of the board of county commissioners; for cities,
the mayor, city manager or city superintendent; for school districts, the
president of the board of education; and for other local units, such similar
elected or appointed officer. In the case of the state of Kansas and its state
agencies, "representative of the public employer" means a team of persons,
the head of which shall be a person designated by the secretary of
administration and the heads of the state agency or state agencies involved
or one person designated by each such state agency head.

(i) "Employee organization" means any organization which includes
employees of a public agency and which has as one of its primary
purposes representing such employees in dealings with that public agency
over conditions of employment and grievances.

(j) "Recognized employee organization" means an employee
organization which has been formally acknowledged by the public agency
or certified as representing a majority of the employees of an appropriate
unit.

(k) "Business agent" means any authorized person who is a full-time
official of an employee organization and whose principal duties are to act
or to attempt to act for an employee organization: (1) In proceedings to
meet and confer and other proceedings involving a memorandum of
agreements; (2) in servicing existing memorandums of agreements; or (3)
in organizing employees into employee organizations.

(l) "Board" means the public employee relations board established
pursuant to this act.

(m) "Meet and confer in good faith" is the process whereby the
representative of a public agency and representatives of recognized
employee organizations have the mutual obligation personally to meet and
confer in order to exchange freely information, opinions and proposals to
endeavor to reach agreement on conditions of employment.

(n) "Memorandum of agreement" means a written memorandum
of understanding arrived at by the representatives of the public agency and
a recognized employee organization which may be presented to the
governing body of a public employer or its statutory representative and to
the membership of such organization for appropriate action.

(o) "Mediation" means effort by an impartial third party to assist in
reconciling a dispute regarding conditions of employment between
representatives of the public agency and recognized employee
organizations through interpretation and advice.

(p) "Fact-finding" means investigation of such a dispute by an
individual, panel, or board with the fact-finder submitting a report to the
parties describing the issues involved; the report shall contain—
recommendations for settlement and may be made public.

(q) "Arbitration" means interpretation of the terms of an existing or a new memorandum of agreement or investigation of disputes by an impartial third party whose decision may or may not be final and binding. Arbitration is advisory when the results are not binding upon the parties; it is final and binding when both parties, of their own volition, agree to submit a dispute to, and to abide by the decision of, the impartial third party.

(r) "Strike" means an action taken for the purpose of coercing a change in the conditions, rights, privileges or obligations of employment through the failure by concerted action with others to report for duty or to work at usual capability in the performance of the normal duties of employment.

(s) "Lockout" means action taken by the public employer to provoke interruptions of or prevent the continuity of work normally and usually performed by the employees for the purpose of coercing the employees into relinquishing rights guaranteed by this act.

(t) "Conditions of employment" means salaries, wages, hours of work, vacation allowances, sick and injury leave, number of holidays, retirement benefits, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, jury duty and grievance procedures, but shall mean:

(1) With regard to counties, townships, cities or special districts, and the public employees of counties, townships, cities or special districts, "conditions of employment" shall exclusively mean salaries, wages, hours of work, vacation allowances, sick and injury leave, number of holidays, retirement benefits, insurance benefits, prepaid legal service benefits, wearing apparel, premium pay for overtime, shift differential pay, or jury duty and grievance procedures.

(2) With regard to all other public employers, including, but not limited to, the state and its agencies, and the public employees of such public employers, "conditions of employment" shall exclusively mean the minimum amount of salaries and wages.

Nothing in this act shall authorize the adjustment or change of such matters which have been fixed by statute or by the constitution of this state.

(u) "Grievance" means a statement of dissatisfaction by a public employee, or supervisory employee of a county, city, township or special district, employee organization or public employer representing public employees employed by a county, city, township or special district, or a county, township, city or special district concerning interpretation of a memorandum of agreement or traditional work practice.

(v) "Budget submission date" means: (1) For any public
employers subject to the budget law in K.S.A. 79-2925 et seq., and amendments thereto, the date of July 1; and (2) for any other public employer, the date fixed by law. "Budget submission date" means, in the case of the state and its state agencies, the date of September 15.

(s) "Legislature" means the legislature of the state of Kansas.

(t) "Secretary" means the secretary of labor, or the secretary's designee.

(u) "State agency" means the same as is ascribed thereto in K.S.A. 75-3701, and amendments thereto.

Sec. 5. K.S.A. 75-4324 is hereby amended to read as follows: 75-4324. Public employees shall have the right to form, join and participate in the activities of employee organizations of their own choosing, for the purpose of meeting and conferring with public employers or their designated representatives with respect to grievances and conditions of employment. Public employees also shall have the right to refuse to join or participate in the activities of employee organizations.

Sec. 6. K.S.A. 75-4326 is hereby amended to read as follows: 75-4326. Nothing in this act is intended to circumscribe or modify the existing right of a public employer to:

(a) Direct the work of its employees;
(b) hire, promote, demote, transfer, assign and retain employees in positions within the public agency;
(c) suspend or discharge employees for proper cause;
(d) maintain the efficiency of governmental operation;
(e) relieve employees from duties because of lack of work or for other legitimate reasons;
(f) take actions as may be necessary to carry out the mission of the agency in emergencies; and
(g) determine the methods, means and personnel by which operations are to be carried on;
(h) determine the criteria, procedures and methods by which candidates for hire, promotion, demotion, transfer, assignment, retention, furlough, lay off or termination are identified; and
(i) determine which personnel shall be hired, promoted, demoted, transferred, assigned, retained, furloughed, laid off or terminated.

Sec. 7. K.S.A. 2014 Supp. 75-4327 is hereby amended to read as follows: 75-4327. (a) Public employers shall recognize employee organizations for the purpose of representing their members in relations with public agencies as to grievances and conditions of employment. Employee organizations may establish reasonable provisions for an individual's admission to or dismissal from membership.
(b) Where an employee organization has been certified by the board secretary as representing a majority of the employees in an appropriate
unit, or recognized formally by the public employer pursuant to the provisions of this act, the appropriate employer shall meet and confer in good faith with such employee organization in the determination of conditions of employment of the public employees as provided in this act, and may enter into a memorandum of agreement with such recognized employee organization.

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

(d) (1) Following determination of the appropriate unit of employees, the public employee relations board secretary, at the request of the public employer or on petition of employees, shall investigate questions and certify to the parties in writing, the names of the representatives that have been designated for an appropriate unit. The filing of a petition for the investigation or certification of a representative of employees shall show the names of not less than 30% of the employees within an appropriate unit. In any such investigation, the board secretary may provide for an appropriate hearing, shall determine voting eligibility and shall take a secret ballot of employees in the appropriate unit involved to ascertain such representatives for the purpose of formal recognition. Recognition shall be granted only to an employee organization that has been selected as a representative of an appropriate unit, in a secret ballot election, by a majority of the employees in an appropriate unit who voted at such election. Each employee eligible to vote shall be provided the opportunity to choose the employee organization such employee wishes to represent such employee, from among those on the ballot, or to choose "no representation." When an election in which the ballot provided for three or more choices between representatives and no representation resulted in no choice receiving a majority of the valid votes cast, the board secretary shall conduct a run-off election by secret ballot. The ballot in a run-off election shall only provide for a selection between the two choices receiving the largest and second largest number of votes in the original election. The board secretary is authorized to hold elections to determine whether: (1) (A) An employee organization should be recognized as the formal representative of employees in a unit; (2) (B) an employee organization should replace another employee organization as the formal representative of employees in a unit; (3) or (C) a recognized employee organization should be decertified.
(2) Any petition calling for an election in accordance with this section shall be dismissed by the board secretary without determining the questions raised therein if such petition is filed more than 150 days or less than 90 days prior to the expiration date of an existing memorandum of agreement which governs the terms and conditions of employment of the employees within the appropriate unit.

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

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

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

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

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

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

Sec. 8. K.S.A. 75-4328 is hereby amended to read as follows: 75-4328. (a) A public employer shall extend to a certified or formally recognized employee organization the right to represent the employees of the appropriate unit involved in meet and confer proceedings and in the settlement of grievances if grievance procedures are included in the conditions of employment, and also shall extend the right to unchallenged representation status, consistent with subsection (d) of K.S.A. 75-4327(d), during the twelve (12) 12 months following the date of certification or formal recognition.

Sec. 9. K.S.A. 75-4329 is hereby amended to read as follows: 75-4329. Every public agency, other than the state, acting through its governing body, may establish procedures, not inconsistent with the provisions of K.S.A. 75-4327 and 75-4328, and amendments thereto, and, after consultation with interested employee organizations and employer representatives, may resolve disputes concerning the recognition status of employee organizations composed of employees of such agency. In the absence of such procedures, such disputes shall be submitted to the public employee relations board in accordance with K.S.A. 75-4327.

Sec. 10. K.S.A. 2014 Supp. 75-4330 is hereby amended to read as follows: 75-4330. (a) The scope of a memorandum of agreement may extend only to all matters relating to conditions of employment, except and shall not include any other matter; including, but not limited to, proposals relating to: (1) Any subject preempted by federal or state law, or by a municipal ordinance passed under the provisions of section 5 of article 12 of the Kansas constitution of the state of Kansas; (2) public employee rights defined in K.S.A. 75-4324, and amendments thereto; (3) public employer rights defined in K.S.A. 75-4326, and amendments thereto; or (4) the authority and power of any civil service commission, personnel board, personnel agency or its agents established by statute, ordinance or special act to conduct and grade merit examinations and to rate candidates in the order of their relative excellence, from which
appointments or promotions may be made to positions in the competitive
division of the classified service of the public employer served by such
civil service commission or personnel board. Any memorandum of
agreement relating to conditions of employment entered into may be
executed for a maximum period of three years, notwithstanding the
provisions of the cash-basis law contained in K.S.A. 10-1102 et seq., and
amendments thereto, and the budget law contained in K.S.A. 79-2925 et
seq., and amendments thereto.

(b) Such memorandum agreement may contain a grievance procedure
and may provide for the impartial arbitration of any disputes that arise on
the interpretation of the memorandum agreement. Such arbitration shall be
advisory or final and binding, as determined by the agreement, and may
provide for the use of a fact-finding board. The public employee relations
board is authorized to establish rules for procedure of arbitration in the
event the agreement has not established such rules. In the absence of
arbitrary and capricious rulings by the fact-finding board during
arbitration, the decision of that board shall be final. Judicial review shall
be in accordance with the Kansas judicial review act.

(c) Notwithstanding the other provisions of this section and the act of
which this section is a part, when a memorandum of agreement applies to
the state or to any state agency, the memorandum of agreement shall not be
effective as to any matter requiring passage of legislation or state finance
council approval, until approved as provided in this subsection. When
executed, each memorandum of agreement shall be submitted to the state
finance council. Any part or parts of a memorandum of agreement which
relate to a matter which can be implemented by amendment of rules and
regulations of the secretary of administration or by amendment of the pay
plan and pay schedules of the state may be approved or rejected by the
state finance council, and if approved, shall thereupon be implemented by
it to become effective at such time or times as it specifies. Any part or
parts of a memorandum of agreement which require passage of legislation
for the implementation thereof shall be submitted to the legislature at its
next regular session, and if approved by the legislature shall become
effective on a date specified by the legislature.

Sec. 11. K.S.A. 2014 Supp. 75-4332 is hereby amended to read as
follows: 75-4332. (a) Public employers may include in memoranda of
agreement concluded with recognized employee organizations a provision
setting forth the procedures to be invoked in the event of disputes which
reach an impasse in the course of meet and confer proceedings. Such
memorandum shall define conditions under which an impasse exists, and if
the employer is bound by the budget law set forth in K.S.A. 79-2925 et
seq., and amendments thereto, the memorandum shall provide that an
impasse is deemed to exist if the parties fail to achieve agreement at least
14 days prior to budget submission date.

(b) In the absence of such memorandum of procedures, or upon the failure of such procedures resulting in an impasse, either party may request the assistance of the public employee relations board, or the board may render such assistance on its own motion. In either event, if the board determines an impasse exists in meet and confer proceedings between a public employer and a recognized employee organization, the board shall aid the parties in effecting a voluntary resolution of the dispute, and request the appointment of a mediator or mediators, representative of the public, from a list of qualified persons maintained by the secretary of labor, and such appointment of a mediator or mediators shall be made forthwith by the secretary.

(c) All verbal or written information transmitted between any party to a dispute and a mediator conducting the proceeding, or the staff of an approved program under K.S.A. 5-501 et seq., and amendments thereto, shall be confidential communications. No admission, representation or statement made in the proceeding shall be admissible as evidence or subject to discovery. A mediator shall not be subject to process requiring the disclosure of any matter discussed during the proceedings unless all the parties consent to a waiver. Any party, including the neutral person or staff of an approved program conducting the proceeding, participating in the proceeding has a privilege in any action to refuse to disclose, and to prevent a witness from disclosing, any communication made in the course of the proceeding. The privilege may be claimed by the party or anyone the party authorizes to claim the privilege.

(d) The confidentiality and privilege requirements of this section shall not apply to:

(1) Information that is reasonably necessary to establish a defense for the mediator or staff of an approved program conducting the proceeding in the case of an action against the mediator or staff of an approved program that is filed by a party to the mediation;

(2) any information that the mediator is required to report under K.S.A. 2014 Supp. 38-2223, and amendments thereto;

(3) any information that is reasonably necessary to stop the commission of an ongoing crime or fraud or to prevent the commission of a crime or fraud in the future for which there was an expressed intent to commit such crime or fraud; or

(4) any information that the mediator is required to report or communicate under the specific provisions of any statute or in order to comply with orders of the court.

(e) If the impasse persists seven days after the mediators have been appointed, the board shall request the appointment of a fact-finding board of not more than three members, each representative of the public, from a
list of qualified persons maintained by the secretary of labor. The fact-finding board shall conduct a hearing, may administer oaths, and may request the board to issue subpoenas. It shall make written findings of facts and recommendations for resolution of the dispute and, not later than 21 days from the day of appointment, shall serve such findings on the public employer and the recognized employee organization. The board may make this report public seven days after it is submitted to the parties. If the dispute continues 14 days after the report is submitted to the parties, the report shall be made public.

(4) (b) If the parties have not resolved the impasse by the end of a 40-day period, commencing with the appointment of the fact-finding board, or by a date not later than 14 days prior to the budget submission date, whichever date occurs first: (1) The representative of the public employer involved shall submit to the governing body of the public employer involved a copy of the findings of fact and recommendations of the fact-finding board, together with the representative's recommendations for settling the dispute; (2) the employee organization may submit to such governing body its recommendations for settling the dispute; (3) the governing body or a duly authorized committee thereof shall forthwith conduct a hearing at which the parties shall be required to explain their positions; and (4) thereafter, the governing body shall take such action as it deems to be in the public interest, including the interest of the public employees involved. The provisions of this subsection shall not be applicable to the state and its agencies and employees.

(g) The cost for the fees of court reporters and fact finders provided by the secretary of labor upon the request of the board shall be borne equally by the parties to a dispute.

Sec. 12. K.S.A. 2014 Supp. 75-4333 is hereby amended to read as follows: 75-4333. (a) The commission of any prohibited practice, as defined in this section, among other actions, shall constitute evidence of bad faith in meet and confer proceedings.

(b) It shall be a prohibited practice for a public employer or its designated representative willfully to:

(1) Interfere, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324, and amendments thereto;

(2) dominate, interfere or assist in the formation, existence, or administration of any employee organization;

(3) encourage or discourage membership in any employee organization, committee, association or representation plan by discrimination in hiring, tenure or other conditions of employment, or by blacklisting;

(4) discharge or discriminate against an employee because such employee has filed any affidavit, petition or complaint or given any
information or testimony under this act, or because such employee has formed, joined or chosen to be represented by any employee organization;

(5) refuse to meet and confer in good faith with representatives of recognized employee organizations as required in K.S.A. 75-4327, and amendments thereto;

(6) deny the rights accompanying certification or formal recognition granted in K.S.A. 75-4328, and amendments thereto; or

(7) deliberately and intentionally avoid mediation, fact-finding, and arbitration endeavors as provided in K.S.A. 75-4332, and amendments thereto; or

(8) institute or attempt to institute a lockout.

(c) It shall be a prohibited practice for public employees or employee organizations willfully to:

(1) Interfere with, restrain or coerce public employees in the exercise of rights granted in K.S.A. 75-4324, and amendments thereto;

(2) interfere with, restrain or coerce a public employer with respect to management rights granted in K.S.A. 75-4326, and amendments thereto, or with respect to selecting a representative for the purposes of meeting and conferring or the adjustment of grievances;

(3) refuse to meet and confer in good faith with a public employer as required in K.S.A. 75-4327, and amendments thereto; or

(4) deliberately and intentionally avoid mediation, fact-finding and arbitration efforts as provided in K.S.A. 75-4332, and amendments thereto;

or

(5) engage in a strike.

(d) (1) It shall be a prohibited practice for a public employee organization to endorse candidates, spend any of its income, directly or indirectly, for partisan or political purposes or engage in any kind of activity advocating or opposing the election of candidates for any public office.

(2) For the purposes of this section, "partisan or political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary or election.

(e) In the application and construction of this section, fundamental distinctions between private and public employment shall be recognized, and no body of federal or state law applicable wholly or in part to private employment shall be regarded as binding or controlling precedent.

Sec. 13. K.S.A. 2014 Supp. 75-4334 is hereby amended to read as follows: 75-4334. (a) Any controversy concerning prohibited practices may be submitted to the board secretary. Proceedings against the party alleged to have committed a prohibited practice shall be commenced
within six months of the date of such alleged practice by service upon the accused party by the board secretary of a written notice, together with a copy of the charges. The accused party shall have seven days within which to serve a written answer to such charges, unless the board secretary determines an emergency exists and requires the accused party to serve a written answer to such charges within 24 hours of their receipt. Hearings on prohibited practices shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If the board secretary determines an emergency exists, the board secretary may use emergency adjudicative proceedings as provided in K.S.A. 77-536, and amendments thereto. A strike or lockout shall be construed to be an emergency. The board secretary may use its rulemaking power, as provided in K.S.A. 75-4323 section 1, and amendments thereto, to make any other procedural rules it deems necessary to carry on this function.

(b) The board secretary shall either dismiss the complaint or determine that a prohibited practice has been or is being committed. If the board secretary finds that the party accused has committed or is committing a prohibited practice, the board secretary shall make findings as authorized by this act and shall file them in the proceedings.

(c) Any action of the board secretary pursuant to subsection (b) is subject to review and enforcement in accordance with the Kansas judicial review act. The procedures for obtaining injunction and allied remedies shall be as set forth in the code of civil procedure, except that the provisions of K.S.A. 60-904, and amendments thereto, shall not control injunction actions arising out of public employer-employee relations under this act.

(d) If there is an alleged violation of either subsection (b)(8) or (c)(5) of K.S.A. 75-4333(b)(7) or (c)(4), and amendments thereto, the aggrieved party is authorized to seek relief in district court in the manner provided for the board secretary in subsection (c) while proceedings on such prohibited practices are pending before the board secretary. Any ruling of the district court shall remain in effect until set aside by the court on motion of the parties or of the board secretary or upon review of the board's secretary's order as provided by subsection (c).

Sec. 14. K.S.A. 75-4335 is hereby amended to read as follows: 75-4335. This act, except for K.S.A. 75-4322, 75-4323, 75-4324, 75-4325, 75-4326, 75-4327, 75-4328, 75-4333 and 75-4334, and amendments thereto, shall be inapplicable to any public employer, other than the state and its agencies which, acting through its governing body, has adopted by ordinance or resolution its own provisions and procedures which have been submitted to the board secretary by such public employer and as to which there is in effect a determination by the board secretary that such provisions and procedures and the continuing implementation thereof are
reasonably equivalent to the provisions and procedures set forth in this act
with respect to the state.

Sec. 15. K.S.A. 75-4337 is hereby amended to read as follows: 75-
4337. (a) Every employee organization operating in the state of Kansas
and having 100 or more members shall file an annual report with the
secretary of state on or before April 15, showing the financial condition of
the employee organization on the December 31 next preceding the date of
filing or at the close of business on the last day of the organization's fiscal
year next preceding the date of filing. Each annual report filed under this
section shall be accompanied by a filing fee of $5. The secretary of state
may upon showing of reasonable cause grant an extension of time for
filing of annual report.

(b) The annual report shall be in such form as the board secretary
shall prescribe and shall include:

(1) The name of the employee organization;
(2) the location and mailing address of its office;
(3) the name and title of each of its officers and registered business
agents, together with the salaries, wages, bonuses and other remuneration
paid each, and mailing address of each;
(4) the date of the regular election of officers of such employee
organization;
(5) the rate of its initiation fees, dues, assessments and any other
periodic payments required of its members; and
(6) an audited statement of the income, expenditures, assets and
liabilities of the employee organization.

(c) In lieu of filing an annual report in the form prescribed by the
board secretary under subsection (b) of this section, the employee
organization may file copies of the reports required to be filed with the
United States department of labor by the federal labor management
reporting and disclosure act of 1959, 29 U.S.C.A. § 431, et seq., as
follows:

(1) By having on file with the secretary of state a copy of the labor
organization information report form LM-1 which is currently on file with
the United States department of labor; and
(2) by filing annually as required in subsection (a) of this section, a
copy of the labor organization annual report form LM-2 or form LM-3
which is filed with the United States department of labor and covers a
reporting period specified in subsection (a).

(d) Every employee organization which has filed an annual report as
a labor organization under the provisions of K.S.A. 44-806, and
amendments thereto, shall be deemed to have fully satisfied the
requirements of this section and shall not be required to file an annual
report under this section.
Sec. 16. K.S.A. 2014 Supp. 75-4338 is hereby amended to read as follows: 75-4338. (a) It shall be a prohibited practice for any professional employees' organization, as defined in K.S.A. 72-5413, and amendments thereto, or public employee organization, as defined in K.S.A. 75-4322, and amendments thereto, to use any union dues, fees, money or other assessments deducted from a member's paycheck for the purpose of engaging in partisan or political purposes as defined in subsection (d). A professional employees' organization or public employee organization may not require any contribution to a candidate, personal campaign committee, political action committee, registered political party, or political fund as a condition of membership or participation in the professional employees' organization or public employee organization.

(b) (1) A professional employees' organization or a public employee organization wishing to make expenditures for partisan or political purposes shall establish a political fund.

(2) Each professional employees' organization or public employee organization that establishes a political fund shall:

(A) Maintain the political fund as a separate, segregated account apart from any account containing money received by a professional employees' organization or a public employee organization as union dues;

(B) ensure that each contribution to the political fund is voluntary; and

(C) establish the political fund as a political action committee.

(3) (A) A professional employees' organization or a public employee organization may only make expenditures for partisan or political purposes from a political fund established in accordance with this section.

(B) A professional employees' organization or a public employee organization may not expend union dues for partisan or political purposes or transfer union dues to a political fund.

(c) (1) Nothing in this section precludes a professional employees' organization or a public employee organization from making expenditures of union dues to communicate directly with its own members about political candidates or political issues.

(2) Nothing in this section precludes a professional employees' organization or public employee organization from making expenditures of union dues either for the establishment of a political fund or to solicit contributions from its members to a political fund.

(d) The use by a board of education, as defined in K.S.A. 72-5413, and amendments thereto, of public school resources to assist a professional employees' organization, as defined in K.S.A. 72-5413, and amendments thereto, in collecting union dues from wages of professional employees, as defined in K.S.A. 72-5413, and amendments thereto, is prohibited.
(e) The use by a public agency or public employer, as defined in K.S.A. 75-4322, and amendments thereto, of the public agency or public employer's resources to assist an employee organization, as defined in K.S.A. 75-4322, and amendments thereto, in collecting union dues from wages of public employees, supervisory employees or confidential employees, as such employees are defined in K.S.A. 75-4322, and amendments thereto, is prohibited.

(f) (1) "Partisan or political purposes" means an act done with the intent or in a way to influence or tend to influence, directly or indirectly, any person to refrain from voting or to vote for or against any candidate for public office at any caucus, political convention, primary, or election.

(2) "Political fund" means a separate segregated fund established by a professional employees' organization or a public employee organization for partisan and political purposes that meets the requirements of this section.

(3) "Union dues" means dues, fees, money, or other assessments required as a condition of membership or participation in a professional employees' organization or a public employee organization.

(e) (g) This section as it relates to public employee organizations shall be supplemental to the provisions of K.S.A. 75-4333, and amendments thereto, and shall be enforced pursuant to the provisions of K.S.A. 75-4334, and amendments thereto.

(4) (h) This section as it relates to professional employees' organizations shall be supplemental to the provisions of K.S.A. 72-5430, and amendments thereto, and shall be enforced pursuant to the provisions of K.S.A. 72-5430a, and amendments thereto.

New Sec. 17. (a) The use by a board of education of public school resources to make payroll deductions from the wages of a professional employee, administrative employee or other employee for voluntary contributions of the employee which are not for an employee benefit program are prohibited.

(b) The use by a state agency of the state agency's resources to make payroll deductions from the wages of an officer or employee of the state agency for voluntary contributions of the officer or employee which are not for an employee benefit program are prohibited.

(c) As used in this section:

(1) "State agency" means any state office or officer, department, board, commission, institution, bureau or any agency, division or unit within any office, department, board or commission of the executive, legislative or judicial branches of state government or any other state authority;

(2) "Board of education" means the state board of education, the board of education of any school district, the board of control of any area
vocational-technical school and the board of trustees of any community
college.

Sec. 18. K.S.A. 75-4321, 75-4322, 75-4324, 75-4326, 75-4328, 75-4329, 75-4335 and 75-4337 and K.S.A. 2014 Supp. 75-4323, 75-4327, 75-4330, 75-4332, 75-4333, 75-4334, 75-4338 and 75-5713 are hereby repealed.

Sec. 19. This act shall take effect and be in force from and after its publication in the statute book.