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### Correspondence July 1978

James E. Thomas  
*PSU/KHEA*

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**PITTSBURG STATE UNIVERSITY CHAPTER  
KANSAS HIGHER EDUCATION ASSOCIATION**

PITTSBURG, KANSAS 66762

July 27, 1978

AFFILIATED NEA and KNEA

To: The PSU Teaching Faculty

From: The Combined Executive Committees (1977-78--1978-79), James E. Thomas, President Elect, Pittsburg Higher Education Association

The PSU Board of Regents team presented PHEA with three items for discussion at a meeting with your organization representatives on July 18, 1978, at 3:30 p.m. These were given to our team at 12:00 noon of the same day. These three items were a new merit evaluation system, a promotions policy and procedure, and a tenure policy.

The PSU Board of Regents team has taken the position that these are not subject to the negotiation process and hence, they told us at the table, they would place their unilateral proposals in effect whether we gave them our input or not.

We have taken the position that we have not negotiated any policies on merit evaluation, promotions, or tenure; further, we have stated that promotion and tenure obviously fall under the PEER law as conditions of employment because of their impact on our next year's salary and hence are subject to negotiation. Our position is strengthened by the PER Board's recent ruling, which specifies negotiation on all levels of the salary determination system.

At the 3:30 meeting we proposed extensive changes in each area which we hope will have substantive impact. In the meantime, we ask that you do not voluntarily participate in any unilateral administrative system or policy regarding these items. Should your chair, director, or dean require you to do so, state that you are doing so under protest. Let us know immediately because we do not wish you to compromise your principles or those of your colleagues and the organization. We will then take whatever steps necessary to protect your individual rights and those of the unit. These will include, but not be limited to, legal action.

July 18, 1978 KHEA & Comm.

Kerle moved (Shaw 2nd) that Shurt be chair of the PAC. Passed.

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Galloway

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April 15  
May 1 =  
June 1 =

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# news

## note

### Synopsis.

In July, 1977, your negotiating team tentatively reached agreement with the administrative team on a four item package, and thought there was additionally an agreement for an informal discussion on allocation of salary funds at the school and department level which was proposed by the administrations team. At the next meeting, the Board team backed away from the allocation agreement contending they have no obligation to negotiate salary until final department allocations have been made. We requested that they join with us in submission of the question on where salary funds are negotiable to the Public Employee Relations Board (PERB). The administration team would not agree to a joint submission of the question. They wish to determine unilaterally what items are negotiable.

The only alternative method to get the question before PERB Board was to file a prohibited practice complaint - which your negotiating team recommended and to which the Executive Board agreed. This complaint was formally filed on October 24, 1978. The hearings were held January 24-25, 1978, and the decision was made July 14, 1978. A copy of the PERB order was made available to us the following week.

We asked KNEA legal counsel to summarize the PERB decision and we report that summary to you on the following page.

# PERB

# DECISION

## SUMMARY OF PERB DECISION OF JULY 14, 1978

### REGARDING QUESTIONS OF LAW:

1. It reaffirms our position that the Public Employer-Employee Relations Act is a negotiations law rather than a meet and confer law.
2. It denies the Administration's position that there is no duty to negotiate budget allocations except on the departmental level.
3. It denies the Administration's position that the discussion of overall salary allocations is illegal because it involves administration as well as teacher salaries.
4. It refuses to set any time limits to bargaining except those in the law - 30 days prior to or 30 days after budget submission.

We feel that, although the PERB did not find bad faith on the part of the Administration, it was a very positive decision on these key issues and it paves the way for future bargaining at a higher level.

James E. Thomas, President  
P.S.U./K.H.E.A.  
August 25, 1978