

PERB COMPLAINT AGAINST EMPLOYER, EMPLOYEE ORGANIZATION OR EMPLOYEE(S)

K-PERB 006 (Rev. 6-12)

FILED BY: Employer
 Employee organization
 Employee(s)

Do Not Write In This Space
CASE NO: _____
DATE FILED: _____

INSTRUCTIONS: File an **original and five copies** of this complaint by Certified Mail™ with the Public Employee Relations Board at the address below. Questions regarding this form may be directed to Labor Relations at (785) 296-5000. If more space is required for any item, attach additional sheets and identify each item by number.

1. Employer, employee organization or employee(s) against whom complaint is brought:
 - a. Name: Patrick John Gauding
 - b. Number of workers employed: 10,000+
 - c. Address: 1450 Jayhawk Boulevard, Strong Hall Room 245 Lawrence, Kansas 66045
 - d. Representative: Mike Leitch Phone: 785-864-3276
 - e. Type of establishment: Educational Institution
 - f. The above named has engaged in prohibited practices within the meaning of K.S.A. 75-4333 subsection(s) 75-4333(b)(1), (4), (5), and (6) of the Public Employer-Employee Relations Act.

2. Basis of the complaint (be specific as to facts, names, addresses, locations involved, dates, etc.):

Please see attached page entitled "Basis of Complaint".

3. Name and address of party filing complaint: Patrick John Gauding
428 Wisconsin, Apartment B Lawrence, Kansas 66044 Phone: 216-870-9450

4. Relief sought by petitioner: Please see attached page entitled "Relief Sought by Petitioner".

PERB Complaint against employer, employee organization or employee(s)

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DECLARATION: I declare that I have read the complaint and that the statements contained herein are true and correct to the best of my knowledge and belief.

Partrick John Gauding
Petitioner

GTAC Officer
Affiliation, if any

By: _____
Signature of representative or person filing petition

Negotiations/Legislative Chair
Title

Date: 7/24/2020

Subscribed and sworn to before me this _____ day of _____, 20_____.

SEAL

Notary Public

My Commission Expires: _____

Original and five copies must be mailed to the address below.

GTAC, AFT Local 6403 vs University of Kansas
PERB Complaint Against Employer

Supplement to Question 2: Basis of the Complaint

The basis of the complaint is as follows:

1. Petitioner, GTAC AFT Local, is the duly recognized employee organization for the unit found appropriate and certified by PERB in 75-UC-1-1992.
2. In March 2020, the employer did appoint a new Provost to the University of Kansas.
3. This new Provost did announce budget and funding concerns.
4. Since announcing these concerns, the employer has:
 - a. ordered unit workers to work without pay,
 - b. threatened unit workers with non-renewal, discipline, and/or termination for attempting to discuss with supervisors the orders to work without pay,
 - c. told unit workers that they do not have the right to file grievances related to orders to work without pay,
 - d. threatened unit workers with non-renewal, discipline, and/or termination for filing grievances related to orders to work without pay,
 - e. told unit workers they do not have the right to be represented or advised by the employee organization in grievance meetings, in meetings related to mandatory topics of negotiations, and/or in meetings which are disciplinary or investigatory in nature,
 - f. told agents and officers of the employee organization that they do not have the right to represent or advise unit workers in grievance meetings, in meetings related to mandatory topics of negotiations, and/or in meetings which are disciplinary or investigatory in nature, and
 - g. interfered with cooperative and harmonious labor relations by repeatedly sending misinformation and threatening communications to supervisors in relation to the employee organization.
5. The employer's actions interfered with and restrained unit workers from exercising their rights as public workers.

6. The employer's actions did constitute discrimination against and threats of termination of unit workers invoking their right to file complaints and be represented by and through the employee organization.
7. The employer's actions did constitute a refusal to meet and confer in good faith regarding the settlement of grievances with representatives of the employee organization.
8. The employer's actions do constitute a denial of the rights of the employee organization.

GTAC, AFT Local 6403 vs University of Kansas
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Supplement to Question 4: Relief Sought by the Petitioner

Petitioner seeks a complete remedy for all violations including but not limited to:

- an order requiring mandatory paid training for faculty supervisors, department chairs, directors, deans, and other supervisors or administrators involved in labor relations with unit workers regarding worker's rights and the Memorandum of Agreement between the employer and the employee organization run by the employee organization now and after each ratified contract
- an order requiring mandatory paid joint training for faculty supervisors, department chairs, directors, deans, and other supervisors or administrators involved in labor relations with unit workers regarding best practices for conflict resolution run jointly by the employee organization and the Office of the Ombudsman now and as new faculty supervisors, department chairs, directors, deans, and other supervisors or administrators are assigned,
- an order requiring mandatory paid New Employee Orientation for all unit workers run by the employee organization beginning in Fall 2020,
- an order requiring the employer to meet-and-confer in good faith on all desired changes which affect unit workers and are addressed within the Memorandum of Agreement between the employer and the employee organization,
- an order requiring the employer to meet-and-confer in good faith on all proposed changes which affect unit workers but are not directly addressed within the Memorandum of Agreement between the employer and the employee organization,
- an order requiring the employer to give notice to both GTAC officers and AFT-Kansas of all proposed changes relevant to unit workers at least twenty-one (21) days prior to the intended implementation of such changes
- an order requiring the employer to clearly identify when unit workers are or are not affected within policy and procedure communications,

- an order restraining the employer from referring to unit workers as “students” in relation to their work
- an order requiring the employer to only refer to unit workers as ‘workers’, ‘employees’, ‘unit workers’, ‘graduate teachers’, ‘Graduate Teaching Assistants’, or ‘GTAs’ in all communications relating to unit workers,
- an order prohibiting the employer from restraining the employee organization from use of property which does not interfere with University operations,
- an order prohibiting the employer from restraining the employee organization from engaging in concerted activities for the mutual aid and protection of workers and community; from exercising their freedom of association with other workers, organizations, and community members; and from communications with other workers including but not limited to the posting and dissemination of communication from the employee organization,
- immediate reversal of all threats of termination,
- reassignment of department chairs and/or deans involved in threats of termination and/or discipline of unit workers for exercise of union rights,
- an order requiring the employer to direct all faculty and adjunct workers, faculty supervisors, department chairs, directors, deans, and other supervisors or administrators involved in labor relations with unit workers in writing to refrain from any negative remarks or discouragement related to the employee organization
- an order prohibiting future misinformation, intimidation, retaliation, and/or coercion regarding or related to the employee organization,
- an order requiring employer to restrain administrators not referenced within the Memorandum of Agreement from interfering in labor relations
- an order requiring the employer to post notice of its violations and assurances of future compliance as follows, with a copy to the employee organization:
 - in a press release to the Lawrence-Journal World, the University Daily Kansan, the Topeka Capitol Journal, the Kansas Reflector, the Kansas City Star, the Wichita Eagle, and other relevant media outlets,
 - in an email memo to the entire Jayhawk community,

- on the entrance to each building on Main and West Campus,
- on the home page of the employer website for a period of no less than fourteen (14) days, and
- a permanent notice on the home pages of both the Department of Human Resources Management and the College of Graduate Studies with a prominent link to the employee organization website.