

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

K-PERB 006 (Rev. 6-12)

FILED BY:  Employer  
 Employee organization  
 Employee(s)

<b>Do Not Write In This Space</b>
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), (2), (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. Petitioner, GTAC AFT Local 6403, recognized that the novel coronavirus referred to as Covid-19 did represent an emergency impact which might affect unit workers.
3. Petitioner, GTAC AFT Local 6403, did attempt to meet with the employer regarding emergency impact-based changes to the working conditions of unit workers.
4. In response, the employer:
  - a. excluded duly appointed representatives of the employee organization from all advisory, planning, and other meetings in which emergency impact-related changes to the working conditions of unit workers were negotiated
  - b. told employee organization President Neill Kennedy that if unit workers felt they needed representation, they should seek representation through Student Senate, an internal organization of the employer with no authority regarding unit workers or their scope of duties
  - c. told the Lawrence Journal-World that any unit worker taking union-negotiated or CARES Act paid leave due to illness would be engaging in an “illegal strike” or a “sick-out”, threatening retaliation against these unit workers, and disparaging the employee organization
  - d. imposed a new Covid-19 specific leave reporting/request system in violation of the Memorandum of Agreement between the employer and the employee organization which discouraged and intimidated unit workers from exercising their rights,
  - e. implemented unilateral emergency-impact based changes to the working conditions of unit workers without seeking to meet-and-confer with the employee organization,

- f. threatened unit workers with non-renewal, discipline, and/or termination for attempting to discuss with supervisors their conditions of work,
- g. told unit workers that they do not have the right to file grievances related to their conditions of work,
- h. threatened unit workers with non-renewal, discipline, and/or termination for filing grievances related to their conditions of work,
- i. 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,
- j. 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,
- k. interfered with cooperative and harmonious labor relations by repeatedly sending misinformation and threatening communications to supervisors in relation to the employee organization,
- l. engaged in direct-dealing by inviting and entertaining direct-dealing and by instructing unit workers to communicate only with KU administrators regarding work concerns, issues, and/or mandatory topics of negotiation related to emergency impact-related changes.
- m. held one or more captive audience meetings in which the KU administrators disparaged the employee organization, accused the employee organization of operating in bad faith with relation to its members and emergency impact-related issues, and discouraged unit workers from participation or membership in the employee organization,
- n. sent numerous communications to officers of the employee organization, unit workers, and faculty supervisors disparaging and discouraging same from engaging with the employee organization as required by the Memorandum of Agreement between the employer and the employee organization and Kansas State Statutes, and

- o. enacted discipline and/or termination against unit workers who were unable to complete unilaterally imposed work duties due to the failure of the employer to supply materials necessary to complete work duties which the employer agreed to supply in the Memorandum of Agreement between the employer and the employee organization, including access to computers and an Internet connection.
5. The employer's actions did interfere with and restrain unit workers from exercising their rights as public employees.
6. The employer's actions did interfere with the administration of the employee organization by coercing and intimidating unit workers into communicating only and negotiating directly with KU administrators.
7. The employer's actions did constitute a refusal to meet-and-confer in good faith with the employee organization regarding emergency impact-related changes to the working conditions of unit workers.
8. The employer's actions do constitute a denial of the rights of the employee organization.

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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 the employer to engage with affirmative willingness with the employee organization to establish a harmonious and cooperative relationship,
- 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,
- immediate reversal of all threats of termination or completed terminations for reasons relevant to this charge,
- 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, coercion, and/or misinformation regarding or related to the employee organization,
- an order requiring employer to restrain administrators not referenced within the Memorandum of Agreement between the employer and the employee organization from interfering in labor relations, and
- 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.