

AMENDMENTS TO LB 953

1           1. Insert the following new sections:

2           "Section 1. Sections 1 to 6 of this act shall be known  
3 and may be cited as the Nebraska Municipal Comparability Act.

4           Sec. 2. The Legislature finds and declares that it is  
5 the public policy of the State of Nebraska and the purpose of the  
6 Nebraska Municipal Comparability Act to promote harmonious,  
7 peaceful, and cooperative relationships between municipal  
8 government and its employees and to protect the public by assuring  
9 effective and orderly operations of municipal government. Such  
10 policy is best effectuated by: (1) Recognizing the right of  
11 municipal employers and employees to utilize the protection of the  
12 Industrial Relations Act and (2) providing statutory guidelines to  
13 the Commission of Industrial Relations which recognize the unique  
14 nature of municipal comparability cases.

15           Sec. 3. For purposes of the Nebraska Municipal  
16 Comparability Act, metropolitan area means an area so designated by  
17 the United States Office of Management and Budget.

18           Sec. 4. The Nebraska Municipal Comparability Act is  
19 cumulative to the Industrial Relations Act, except when otherwise  
20 specifically provided or when inconsistent with the Industrial  
21 Relations Act, in which case the Nebraska Municipal Comparability  
22 Act shall prevail.

23           Nebraska municipalities, their employees, employee  
24 organizations, and exclusive collective-bargaining agents shall

1 have all of the rights and responsibilities afforded employers,  
2 employees, employee organizations, and exclusive  
3 collective-bargaining agents pursuant to the Industrial Relations  
4 Act to the extent that such act is not inconsistent with the  
5 Nebraska Municipal Comparability Act.

6           Sec. 5. (1) In industrial disputes involving municipal  
7 employees covered by the Nebraska Municipal Comparability Act, the  
8 Commission of Industrial Relations shall make comparisons in  
9 accordance with the following requirements:

10           (a) For a city of the first or second class or village,  
11 comparisons shall not include an employer located outside the State  
12 of Nebraska, unless:

13           (i) The population of the city in question exceeds  
14 thirty-nine thousand inhabitants;

15           (ii) The industrial dispute involves employees employed  
16 in a municipal power generation facility; or

17           (iii) The city or village is located within a  
18 metropolitan area in which a city of the metropolitan class is  
19 located;

20           (b) A comparison shall not include an employer located in  
21 a metropolitan area if the municipality which is the subject of the  
22 litigation is not included in a metropolitan area; and

23           (c) A comparison shall not include an employer located in  
24 an area with a population of more than double or less than one-half  
25 the city or village population or the metropolitan area population  
26 of the municipality which is the subject of the litigation.

27           (2) The requirements of the Nebraska Municipal

1 Comparability Act shall not apply to cities of the metropolitan  
2 class or cities of the primary class.

3           Sec. 6. If the Commission of Industrial Relations finds  
4 that any city of the first or second class or village does not have  
5 sufficient comparables inside the State of Nebraska under the  
6 population comparability requirements of the Nebraska Municipal  
7 Comparability Act, such cities or villages may be compared with  
8 out-of-state comparables in states contiguous to Nebraska which  
9 meet the population comparability requirements of the Nebraska  
10 Municipal Comparability Act.

11           Sec. 16. Section 48-818, Reissue Revised Statutes of  
12 Nebraska, is amended to read:

13           48-818. Except as provided in the State Employees  
14 Collective Bargaining Act and the Nebraska Municipal Comparability  
15 Act, the findings and order or orders may establish or alter the  
16 scale of wages, hours of labor, or conditions of employment, or any  
17 one or more of the same. In making such findings and order or  
18 orders, the Commission of Industrial Relations shall establish  
19 rates of pay and conditions of employment which are comparable to  
20 the prevalent wage rates paid and conditions of employment  
21 maintained for the same or similar work of workers exhibiting like  
22 or similar skills under the same or similar working conditions. In  
23 establishing wage rates the commission shall take into  
24 consideration the overall compensation presently received by the  
25 employees, having regard not only to wages for time actually worked  
26 but also to wages for time not worked, including vacations,  
27 holidays, and other excused time, and all benefits received,

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1 including insurance and pensions, and the continuity and stability  
2 of employment enjoyed by the employees. Any order or orders  
3 entered may be modified on the commission's own motion or on  
4 application by any of the parties affected, but only upon a showing  
5 of a change in the conditions from those prevailing at the time the  
6 original order was entered.

7 In industrial disputes involving municipal employees  
8 covered by the Nebraska Municipal Comparability Act, such act shall  
9 apply."

10 2. Renumber the remaining sections accordingly.

11 3. Correct internal references and the repealer  
12 accordingly.