

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB482**

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**Hearing Date:** Monday February 07, 2011  
**Committee On:** Business and Labor  
**Introducer:** Utter  
**One Liner:** Change provisions governing industrial disputes involving municipal corporations under the Industrial Relations Act

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	5	Senators Ashford, Cook, Harr, Lathrop, Wallman
<b>Nay:</b>	1	Senator Smith
<b>Absent:</b>	1	Senator Carlson
<b>Present Not Voting:</b>		

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**Proponents:**

Dennis Utter  
Bill Harding  
Chris Beutler  
Jay Vavricek  
Steven Oltmans  
Brenda Sutherland

**Representing:**

introducer  
League of Nebraska Municipalities  
City of Lincoln  
City of Grand Island  
City of Omaha  
City of Grand Island

**Opponents:**

Michael Dowd  
Dalton Tietjen  
  
John Corrigan  
Steven Young  
Coby Mach  
Mark Schorr  
Mark McGuire  
Shayna Ray

**Representing:**

AFL-CIO  
NAPE/AFSCME Local 61, LCEA, IBEW 1536, Neb.  
Utility Workers, UNO AAUP  
NE AFL-CIO  
Fraternal Order of Police  
LIBA  
Lincoln Chamber of Commerce  
NSEA  
Omaha Police Officer's Association

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

LB 482 is introduced on behalf of the League of Municipalities and amends the Industrial Relations Act for industrial disputes involving municipal corporations.

**Details:**

Section 1: defines municipal corporation for purposes of the Industrial Relations Act.

Section 2: makes technical changes to comport with LB 482.

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Section 3: creates a new section to the Industrial Relations Act regarding municipal corporations. Defines same or similar work as a composite of the duties and time spent performing those duties resulting in at least an 80% job match. In order to compare jobs, there must be at least 3 job matches within the array. If there are not at least 3 matches, then the commission shall consider the historic relationship of wages paid over the last three fiscal years as compared to wages paid for a position which has at least 3 job matches.

Defines prevalent for economic items as the midpoint between the arithmetic mean and the arithmetic median. In making this calculation, all array members shall be used and, in order to affect wages, a majority must provide the benefit. Defines prevalent for non-economic items as the mode or most frequent practice if a majority of the array members provide the benefit and the compared to benefit is similar. Limits wages and benefits' values to the twelve-month time period in dispute.

If outstate employers are used, economic values must be adjusted based on the median family income of the outstate employer's state as compared to Nebraska's median family income.

Requires an array of seven to thirteen instate public or private employers, but may consist of as few as five. If the minimum of five instate employers is not available, the array may include outstate employers.

Section 4: relaxes rules of evidence for acquiring information from potential array members.

Section 5: clarifies that issues of health insurance and retirement benefits are permissive rather than mandatory bargaining subjects. Requires disclosure of comparability analysis to the other party during negotiations.

Section 6: requires consideration, for the array, of private employers in the same market unless the party not wanting inclusion establishes that substantial differences exists causing the work or working conditions to be dissimilar. Creates a presumption that if same or similar work conditions are met, instate public and private employers are presumed to provide same or similar working conditions unless the party not wanting inclusion establishes that substantial differences exists causing the working conditions to be dissimilar. Requires a 90% job match in order to include an outstate employer in the array.

Creates a presumption of similarity if the compared to employers are not more than double and nor less than half of the municipality in question, unless the party not wanting inclusion establishes that there are substantial differences causing the working conditions to be dissimilar. Creates a presumption of dissimilarity if the municipal corporation in question is located within a metropolitan statistical area and the compared to municipal corporation is not located within a metropolitan statistical area, unless the party wanting inclusion establishes that the working conditions are similar. Creates a presumption of dissimilarity if the compared metropolitan statistical areas are more than double or less than half, unless the party wanting inclusion establishes that the working conditions are similar.

Creates presumption of similarity for private outstate employers if the total full-time employment is not more than double nor less than one-half the full-time employment of the bargaining unit in question unless the party not wanting inclusion establishes substantial differences causing the working conditions to be dissimilar.

Clarifies that the array does not have to have a balanced number of larger or smaller employers or instate/outstate employers, and an array may consist of all or a majority of instate public or private employers.

Requires agreement by both parties in order for the CIR to issue an order regarding health insurance or retirement benefits. If the parties agree, the CIR is prohibited from comparing defined benefit plans to defined contribution benefit plans.

Section 7: makes technical changes to comport with the bill.

Section 8: repealer.

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Steve Lathrop, Chairperson