

LEGISLATURE OF NEBRASKA
ONE HUNDRED FIFTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 791

Introduced by Ebke, 32; at the request of the Governor.

Read first time January 04, 2018

Committee: Business and Labor

1 A BILL FOR AN ACT relating to the State Employees Collective Bargaining
2 Act; to amend sections 81-1369, 81-1373, and 81-1377, Reissue
3 Revised Statutes of Nebraska; to change Nebraska State Patrol
4 employees' bargaining rights; to provide applicability for portions
5 of the act; to harmonize provisions; and to repeal the original
6 sections.

7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1369, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1369 Sections 81-1369 to 81-1388 and section 4 of this act shall
4 be known and may be cited as the State Employees Collective Bargaining
5 Act.

6 Sec. 2. Section 81-1373, Reissue Revised Statutes of Nebraska, is
7 amended to read:

8 81-1373 (1) For the purpose of implementing the state employees'
9 right to organize for the purpose of collective bargaining, there are
10 hereby created twelve bargaining units for all state agencies except the
11 University of Nebraska, the Nebraska state colleges, and other
12 constitutional offices. The units shall consist of state employees whose
13 job classifications are occupationally and functionally related and who
14 share a community of interest. The bargaining units shall be:

15 (a) Maintenance, Trades, and Technical, which unit is composed of
16 generally recognized blue collar and technical classes, including highway
17 maintenance workers, carpenters, plumbers, electricians, print shop
18 workers, auto mechanics, engineering aides and associates, and similar
19 classes;

20 (b) Administrative Support, which unit is composed of clerical and
21 administrative nonprofessional classes, including typists, secretaries,
22 accounting clerks, computer operators, office service personnel, and
23 similar classes;

24 (c) Health and Human Care Nonprofessional, which unit is composed of
25 institutional care classes, including nursing aides, psychiatric aides,
26 therapy aides, and similar classes;

27 (d) Social Services and Counseling, which unit is composed of
28 generally professional-level workers providing services and benefits to
29 eligible persons. Classes shall include job service personnel, income
30 maintenance personnel, social workers, counselors, and similar classes;

31 (e) Administrative Professional, which unit is composed of

1 professional employees with general business responsibilities, including
2 accountants, buyers, personnel specialists, data processing personnel,
3 and similar classes;

4 (f) Protective Service, which unit is composed of institutional
5 security personnel, including correctional officers, building security
6 guards, and similar classes;

7 (g) Law Enforcement, which unit is composed of employees holding
8 powers of arrest, including Nebraska State Patrol officers below the rank
9 of sergeant and sergeants, conservation officers, fire marshal personnel,
10 and similar classes. ~~Sergeants, investigators, and patrol officers~~
11 ~~employed by the Nebraska State Patrol as authorized in section 81-2004~~
12 ~~shall be presumed to have a community of interest with each other and~~
13 ~~shall be included in this bargaining unit notwithstanding any other~~
14 ~~provision of law which may allow for the contrary;~~

15 (h) Health and Human Care Professional, which unit is composed of
16 community health, nutrition, and health service professional employees,
17 including nurses, doctors, psychologists, pharmacists, dietitians,
18 licensed therapists, and similar classes;

19 (i) Examining, Inspection, and Licensing, which unit is composed of
20 employees empowered to review certain public and business activities,
21 including driver-licensing personnel, revenue agents, bank and insurance
22 examiners who remain in the State Personnel System under sections 8-105
23 and 44-119, various public health and protection inspectors, and similar
24 classes;

25 (j) Engineering, Science, and Resources, which unit is composed of
26 specialized professional scientific occupations, including civil and
27 other engineers, architects, chemists, geologists, and surveyors, and
28 similar classes;

29 (k) Teachers, which unit is composed of employees required to be
30 licensed or certified as a teacher; and

31 (l) Supervisory, which unit is composed of employees who are

1 supervisors as that term is defined in section 48-801. The term
2 supervisors shall also include Nebraska State Patrol sergeants.

3 All employees who are excluded from bargaining units pursuant to the
4 Industrial Relations Act, all employees of the personnel division of the
5 Department of Administrative Services, and all employees of the Division
6 of Employee Relations of the Department of Administrative Services shall
7 be excluded from any bargaining unit of state employees.

8 (2) Any employee organization, including one which represents other
9 state employees, may be certified or recognized as provided in the
10 Industrial Relations Act as the exclusive collective-bargaining agent for
11 a supervisory unit, except that such unit shall not have full collective-
12 bargaining rights but shall be afforded only meet-and-confer rights.

13 (3) It is the intent of the Legislature that professional and
14 managerial employee classifications and office and service employee
15 classifications be grouped in broad occupational units for the University
16 of Nebraska and the Nebraska state colleges established on a university-
17 wide or college-system-wide basis, including all campuses within the
18 system. Any unit entirely composed of supervisory employees of the
19 University of Nebraska or the Nebraska state colleges shall be afforded
20 only meet-and-confer rights. The bargaining units for academic, faculty,
21 and teaching employees of the University of Nebraska and the Nebraska
22 state colleges shall continue as they existed on April 9, 1987, plus the
23 addition of Kearney State College, and any adjustments thereto or new
24 units therefor shall continue to be determined pursuant to the Industrial
25 Relations Act.

26 (4) Other constitutional offices shall continue to subscribe to the
27 procedures for unit determination in the Industrial Relations Act, except
28 that the commission is further directed to determine the bargaining units
29 in such manner as to (a) reduce the effect of overfragmentation of
30 bargaining units on the efficiency of administration and operations of
31 the constitutional office and (b) be consistent with the administrative

1 structure of the constitutional office. Any unit entirely composed of
2 supervisory employees of a constitutional office shall be afforded only
3 meet-and-confer rights.

4 Sec. 3. Section 81-1377, Reissue Revised Statutes of Nebraska, is
5 amended to read:

6 81-1377 (1) The Chief Negotiator or any other employer-
7 representative and the exclusive collective-bargaining agent for
8 employees under the Chief Negotiator's or employer-representative's
9 jurisdiction shall bargain and negotiate labor contracts in good faith
10 and reasonably in advance of the budget-making process.

11 (2) Retirement programs shall not be bargainable by or on behalf of
12 any state employee.

13 (3) Disciplinary and investigatory procedures of the Nebraska State
14 Patrol shall not be bargainable.

15 (4) (3) The obligation to negotiate in good faith shall not compel
16 the Chief Negotiator or any other employer-representative or the
17 exclusive collective-bargaining agent to agree to a proposal or make a
18 concession.

19 (5) (4) All contracts involving state employees and negotiated
20 pursuant to the Industrial Relations Act or the State Employees
21 Collective Bargaining Act shall cover a two-year period coinciding with
22 the biennial state budget, except that the first contract entered into by
23 a bargaining unit may cover only the second fiscal year of the biennium.

24 Sec. 4. The changes made by this legislative bill shall not
25 abrogate any labor contracts that are in effect through June 30, 2019.

26 Sec. 5. Original sections 81-1369, 81-1373, and 81-1377, Reissue
27 Revised Statutes of Nebraska, are repealed.