

FISCAL NOTE
LEGISLATIVE FISCAL ANALYST ESTIMATE

| ESTIMATE OF FISCAL IMPACT – STATE AGENCIES (See narrative for political subdivision estimates) | | | | |
|---|---------------------|----------------|---------------------|----------------|
| | FY 2020-21 | | FY 2021-22 | |
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | See below | | See below | |
| CASH FUNDS | See below | See below | See below | See below |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | See below | | See below | |

Any Fiscal Notes received from state agencies and political subdivisions are attached following the Legislative Fiscal Analyst Estimate.

This bill would rename Columbus Day as Indigenous Peoples' Day to recognize the people indigenous to the Americas. The bill, as written, stipulates that no business be transacted on that day at any department of the state. Passage of the proposed bill creates additional overtime and holiday personnel expenses for those employees covered by a labor contract who are not granted Columbus Day as a holiday and result in a potential loss of revenues.

Currently, employees under the NAPE contract E bargaining unit (engineers and architects) as well as employees covered by the State Law Enforcement Bargaining Council (SLEBC) contract L bargaining unit (sergeants and troopers) are not eligible for holiday pay as defined by this legislation. The Department of Administrative Services (DAS) reports that as of January 13, 2020, there are 437 employees under the NAPE contract E bargaining unit and 467 employees under the L bargaining unit in the SLEBC contract that would be eligible for holiday pay if the bill was enacted as proposed.

The variances between how state agencies would address the proposal is dependent on internal policy and determination whether continuation of services is needed on the proposed holiday. There are 14 agencies that have personnel within the respective bargaining units. Some of these costs may be reduced if the agency can cease operations on the holiday; however, some agencies may also experience a decrease in revenue in addition to the increased personnel costs.

Within the Department of Administrative Services (DAS) there are 7 employees that are covered by the NAPE bargaining unit who work on that day. There is a potential fiscal impact to DAS as 4 of the 7 are non-exempt and would be eligible for time and a half pay. There would also be an added holiday expense as this would be an additional benefit in the bill was adopted.

The Department of Transportation does not expect a fiscal impact since they can close their buildings and the 95 employees covered in the E bargaining unit would not be required to come to work that day.

The Department of Environment and Energy, also have employees in the E bargaining unit, and do not anticipate a fiscal impact.

For the Nebraska Game and Parks Commission bargaining unit E staff, it is estimated a revenue loss of \$98,656 annually for the point of sale system and online revenues for permit sales and reservations. Bargaining unit E staff, who are essential to health and safety, would still be required to work at overtime pay which is estimated to be an expenditure of \$31,635 annually.

The Nebraska State Patrol sergeants and troopers (bargaining unit L) are also not currently granted Columbus Day as a holiday but would be eligible for Indigenous People's Day as this bill as written. The cost for overtime, in addition to the increased added retirement contributions, is estimated to have additional expenditures of \$28,751 annually.

The total fiscal impact cannot be determined due to the variances in the 14 agency's policies regarding the need for continued staffing for employees covered under the E and L bargaining units who would be eligible for overtime/compensatory pay on the proposed holiday. Additionally, the bill is not specific in the language regarding the fiscal impact on the potential loss of revenues.

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|-----------------|---|
| LB: 848 | AM: | AGENCY/POLT. SUB: Nebraska Department of Administrative Services – State Personnel and Employee Relations |
| REVIEWED BY: Lucas Martin | DATE: 1/23/2020 | PHONE: (402) 471-4181 |
| COMMENTS: No basis to disagree with the DAS – State Personnel and Employee Relations' assessment. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|--|-----------------|---|
| LB: 848 | AM: | AGENCY/POLT. SUB: Nebraska Department of Transportation |
| REVIEWED BY: Lucas Martin | DATE: 1/30/2020 | PHONE: (402) 471-4181 |
| COMMENTS: No basis to disagree with the Department of Transportation's assessment of no fiscal note. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|----------------|--|
| LB: 848 | AM: | AGENCY/POLT. SUB: Department of Environment and Energy |
| REVIEWED BY: Lucas Martin | DATE: 2/3/2020 | PHONE: (402) 471-4181 |
| COMMENTS: No basis to disagree with DEE's assessment of no fiscal impact. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|-----------------|--|
| LB: 848 | AM: | AGENCY/POLT. SUB: Nebraska Game and Parks Commission |
| REVIEWED BY: Lucas Martin | DATE: 1/30/2020 | PHONE: (402) 471-4181 |
| COMMENTS: Given the assumptions used by the Game and Parks Commission, there is no basis to disagree with the Commission's assessment of fiscal impact. | | |

| ADMINISTRATIVE SERVICES STATE BUDGET DIVISION: REVIEW OF AGENCY & POLT. SUB. RESPONSE | | |
|---|----------------|---|
| LB: 848 | AM: | AGENCY/POLT. SUB: Nebraska State Patrol |
| REVIEWED BY: Lucas Martin | DATE: 2/3/2020 | PHONE: (402) 471-4181 |
| COMMENTS: Given the explanation provided by State Patrol, there is no basis to disagree with the assessment of fiscal impact. | | |

Please complete ALL (5) blanks in the first three lines.

2020

LB⁽¹⁾ 848

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Department of Administrative Services (DAS) – State Personnel and Employee Relations

Prepared by: ⁽³⁾ RJ Borer Date Prepared: ⁽⁴⁾ 01/13/2020 Phone: ⁽⁵⁾ 402-471-4460

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2020-21</u> | | <u>FY 2021-22</u> | |
|-----------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| REVOLVING FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | <u>See below</u> | <u>_____</u> | <u>See below</u> | <u>_____</u> |

Explanation of Estimate:

LB 848 provides modifying Columbus Day to Indigenous Peoples' Day.

Existing policy, labor contracts, websites, and marketing materiel will need to be updated to comply with the bill, and can be completed with existing staff.

Passage of the bill may create an additional holiday expense for those employees covered by a labor contract that do not receive the Columbus Day holiday, as bargained in the applicable labor contracts, as they would now be eligible for Indigenous Peoples' Day. Currently those employees covered by the E bargaining unit of the NAPE labor contract (engineers and architects) as well as employees covered by the SLEBC labor contract do not receive the Columbus Day holiday, and would be eligible for holiday pay for Indigenous Peoples' Day under this legislation.

| Bargaining Unit | Count of Employees |
|-----------------|--------------------|
| L | 467 |
| E | 437 |

Within the Department of Administrative Services (DAS) there are 7 employees that are covered by the mentioned bargaining units who would work on that day. There is a potential fiscal impact to DAS as 4 of the 7 are non-exempt and would be eligible for time and half pay. There would also be an added Holiday expense as there would now be a benefit that was not previously given.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2020-21 EXPENDITURES</u> | <u>2021-22 EXPENDITURES</u> |
|-----------------------|----------------------------|--------------|-----------------------------|-----------------------------|
| | <u>20-21</u> | <u>21-22</u> | | |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

Please complete ALL (5) blanks in the first three lines.

2020

LB⁽¹⁾ 848

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Department of Transportation

Prepared by: ⁽³⁾ Jenessa Boynton Date Prepared: ⁽⁴⁾ 1/21/2020 Phone: ⁽⁵⁾ 402-479-4691

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2020-21</u> | | <u>FY 2021-22</u> | |
|--------------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:

LB 848 changes Columbus Day to Indigenous Peoples' Day. The bill applies to NDOT in regards to the current collective bargaining agreement which provides that Columbus Day is not a paid holiday for employees of the "Engineering" bargaining unit. The bill states no business shall be transacted by any department of state on Indigenous Peoples' day. Therefore, it would no longer be necessary for NDOT buildings to remain open for "E" bargaining unit employees and their supervisors to conduct business.

No fiscal impact.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2020-21</u> | <u>2021-22</u> |
|---------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>20-21</u> | <u>21-22</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

Please complete ALL (5) blanks in the first three lines.

2020

LB⁽¹⁾ 848

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Environment and Energy (084)

Prepared by: ⁽³⁾ Dennis Burling Date Prepared: ⁽⁴⁾ 01/30/2020 Phone: ⁽⁵⁾ 402-471-4214

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2020-21</u> | | <u>FY 2021-22</u> | |
|--------------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | _____ | _____ | _____ | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | ===== | ===== | ===== | ===== |

Explanation of Estimate:
No Fiscal Impact

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2020-21 EXPENDITURES</u> | <u>2021-22 EXPENDITURES</u> |
|---------------------------|----------------------------|--------------|---------------------------------|---------------------------------|
| | <u>20-21</u> | <u>21-22</u> | | |
| _____ | _____ | _____ | _____ | _____ |
| _____ | _____ | _____ | _____ | _____ |
| Benefits..... | _____ | _____ | _____ | _____ |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | _____ | _____ |

Please complete ALL (5) blanks in the first three lines.

2020

LB⁽¹⁾ 848 rename Columbus day Indigenous Peoples' Day

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska Game and Parks Commission

Prepared by: ⁽³⁾ Christina Peters Date Prepared: ⁽⁴⁾ January 27, 2020 Phone: ⁽⁵⁾ (402)-471-5403

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | FY 2020-21 | | FY 2021-22 | |
|--------------------|-----------------|-----------------|-----------------|-----------------|
| | EXPENDITURES | REVENUE | EXPENDITURES | REVENUE |
| GENERAL FUNDS | | | | |
| CASH FUNDS | (31,635) | (98,656) | (31,635) | (98,656) |
| FEDERAL FUNDS | | | | |
| OTHER FUNDS | | | | |
| TOTAL FUNDS | (31,635) | (98,656) | (31,635) | (98,656) |

Explanation of Estimate:

The proposed language of the bill would rename the second Monday in October as Indigenous Peoples' Day (currently referred to as Columbus Day) and would direct that no business shall be transacted on that day at any department of state. That day is currently observed as a holiday within the state and thus most state offices are closed. Due to the nature of the Commission's business, several park locations currently remain open on that day. The "no business transaction" language would appear to eliminate current practice and thus limit revenue opportunities. It is uncertain whether the language only relates to physical sites or whether it would also include online commerce of permit sales, etc. on the agency's website.

While late in the park season, the inability to do business on that day could affect revenues and also reduce some expenditures related to staffing. The need to maintain some staff for health and safety issues would presumably allow for some exceptions to the 'business' elimination. Currently Bargaining Unit E Staff are not given Columbus Day as a holiday, and it is expected that would continue. Staff in this group include several positions at park locations for such necessary work.

Taking onsite revenue transactions from those Parks that use the agency's point of sale system only, the average amount reported on Columbus Day over the past 4 years at Park has been \$19,987. Online revenues for permit sales and reservations averages another \$78,669.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| POSITION TITLE | NUMBER OF POSITIONS | | 2020-21 | 2021-22 |
|---------------------------|---------------------|-------|--------------|--------------|
| | 20-21 | 21-22 | EXPENDITURES | EXPENDITURES |
| Benefits..... | | | | |
| Operating..... | | | | |
| Travel..... | | | | |
| Capital outlay..... | | | | |
| Aid..... | | | | |
| Capital improvements..... | | | | |
| TOTAL..... | | | | |

LB⁽¹⁾ 848 rename Columbus day Indigenous Peoples' Day

Permanent employees in the E bargaining group would still be required to work, per provisions of their contract. Other Permanent employees would not work, would receive the holiday pay, but would no longer earn either Overtime Pay or Compensatory Time at 1.5 times their regular rate of pay. Temporary employees would not work, and do not receive holiday pay.

In 2019, Permanent employees earned the equivalent of \$11,067 in Overtime payments, but was all taken in Compensatory Time. Temporary employees earned \$20,568 in regular pay. No adjustment was made to benefits of either group.

Please complete ALL (5) blanks in the first three lines.

2020

LB⁽¹⁾ 848

FISCAL NOTE

State Agency OR Political Subdivision Name: ⁽²⁾ Nebraska State Patrol

Prepared by: ⁽³⁾ Carol Aversman Date Prepared: ⁽⁴⁾ 1/29/2020 Phone: ⁽⁵⁾ _____

ESTIMATE PROVIDED BY STATE AGENCY OR POLITICAL SUBDIVISION

| | <u>FY 2020-21</u> | | <u>FY 2021-22</u> | |
|--------------------|---------------------|----------------|---------------------|----------------|
| | <u>EXPENDITURES</u> | <u>REVENUE</u> | <u>EXPENDITURES</u> | <u>REVENUE</u> |
| GENERAL FUNDS | \$28,751 | _____ | \$28,751 | _____ |
| CASH FUNDS | _____ | _____ | _____ | _____ |
| FEDERAL FUNDS | _____ | _____ | _____ | _____ |
| OTHER FUNDS | _____ | _____ | _____ | _____ |
| TOTAL FUNDS | <u>\$28,751</u> | _____ | <u>\$28,751</u> | _____ |

Explanation of Estimate:

LB 848 provides for the renaming of the Columbus Day holiday to Indigenous Peoples' Day. Currently the E-bargaining unit of the NAPE labor contract (Nebraska State Patrol Crime Lab employees) and the SLEBC labor contract (Nebraska State Patrol Sergeants and Troopers) do not grant the Columbus Day holiday to these employees. Passage of this bill may result in their receiving an additional holiday, as these employees would now be eligible for Indigenous Peoples' Day. If this additional holiday is provided to these employees, the Nebraska State Patrol would have an added expense for hours worked on the holiday. Hours worked on a holiday qualify to be paid at 1.5 times the employee's normal rate of pay for their regular shift, and at 2.0 times the employee's normal rate of pay for overtime hours worked in excess of their regular shift. The Agency estimates that on average the difference in pay at the regular rate of pay as compared to hours worked on a holiday and required to be paid at 1.5 times and 2.0 times for overtime totals \$24,785. Additionally, the added retirement contribution expense for this additional pay that the State Patrol would incur totals \$3,966. This results in total additional expenditures of \$28,751.

BREAKDOWN BY MAJOR OBJECTS OF EXPENDITURE

Personal Services:

| <u>POSITION TITLE</u> | <u>NUMBER OF POSITIONS</u> | | <u>2020-21</u> | <u>2021-22</u> |
|-------------------------------------|----------------------------|--------------|---------------------|---------------------|
| | <u>20-21</u> | <u>21-22</u> | <u>EXPENDITURES</u> | <u>EXPENDITURES</u> |
| State Patrol Troopers and Sergeants | _____ | _____ | \$24,785 | \$24,785 |
| Benefits..... | _____ | _____ | \$3,966 | \$3,966 |
| Operating..... | _____ | _____ | _____ | _____ |
| Travel..... | _____ | _____ | _____ | _____ |
| Capital outlay..... | _____ | _____ | _____ | _____ |
| Aid..... | _____ | _____ | _____ | _____ |
| Capital improvements..... | _____ | _____ | _____ | _____ |
| TOTAL..... | _____ | _____ | <u>\$28,751</u> | <u>\$28,751</u> |