

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 964

FINAL READING

Introduced by Bostar, 29; Brewer, 43; Flood, 19; Blood, 3.

Read first time January 11, 2022

Committee: Government, Military and Veterans Affairs

- 1 A BILL FOR AN ACT relating to state employees; to amend section 81-1373,
- 2 Reissue Revised Statutes of Nebraska, and section 81-1174, Revised
- 3 Statutes Cumulative Supplement, 2020; to change provisions relating
- 4 to reimbursement for expenses as prescribed; to authorize collective
- 5 bargaining on an administrative unit-wide basis as prescribed; and
- 6 to repeal the original sections.
- 7 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1174, Revised Statutes Cumulative Supplement,
2 2020, is amended to read:

3 81-1174 (1) Whenever any state officer, state employee, or member of
4 any commission, council, committee, or board of the state is seeking
5 reimbursement for expenses incurred by him or her in the line of duty, he
6 or she shall be required to present a request for payment or
7 reimbursement to the Director of Administrative Services not later than
8 sixty days after the final day on which expenses were incurred for which
9 reimbursement is sought.

10 (2)(a) Each request for reimbursement of travel and lodging expenses
11 shall be fully itemized, including the amount, date, place, and essential
12 character of the expense incurred.

13 (b) Except as otherwise provided by subdivision (c) of this
14 subsection, section 50-415, or Supreme Court rule, each request for any
15 meal expense incurred during travel status shall be paid or reimbursed
16 pursuant to a percentage of the per diem rates of the federal General
17 Services Administration for travel within the contiguous United States,
18 the United States Department of Defense for travel within Alaska, Hawaii,
19 or a United States territory or possession, and the United States
20 Department of State for foreign travel, as determined by and in
21 accordance with policies established by the Director of Administrative
22 Services. Such percentage shall not exceed one hundred percent nor be
23 less than sixty percent of the federal per diem rate. Any meal expense
24 charged directly to and paid for by the state shall be identified on the
25 request for reimbursement and deducted from the per diem based on the
26 percentage established for the meal provided.

27 (c) A member of the Nebraska State Patrol shall be reimbursed one
28 hundred percent of the per diem rate established in subdivision (b) of
29 this subsection, except that a member serving on a detail in executive
30 protection shall be reimbursed in full for actual meal expenses incurred
31 by the member if the expenses exceed one hundred percent of the

1 established per diem rate.

2 (3) When reimbursement is requested for mileage by automobile, air
3 travel by commercial carrier, air travel in airplanes chartered by the
4 department or agency, or air travel by personally rented airplane, the
5 points between which such travel occurred, the times of arrival and
6 departure, and the necessity and purpose of such travel shall be stated
7 on such request. When reimbursement is requested for mileage by
8 automobile, the motor vehicle license plate number, the total miles
9 traveled, and the rate per mile being requested shall also be shown on
10 each request.

11 (4) The Accounting Administrator may require less supporting detail
12 for requests covered in this section but shall not impose reporting
13 requirements which exceed those listed unless specifically authorized by
14 other provisions of law. No request shall be submitted by an individual
15 for an expense when such expense has been paid by the agency or
16 department concerned.

17 (5) When reimbursement for expenses incurred in air travel by
18 privately owned airplane is requested, the cost of operating the airplane
19 at rates per mile as established by the Department of Administrative
20 Services shall be shown on such request. Travel by privately owned
21 airplane or personally rented airplane shall only be authorized when it
22 is more economical than surface transportation or will result in a
23 substantial savings of expense or productive time.

24 (6) The statement of expenses shall be duly verified and supported
25 by receipts for all of such expenditures for which reimbursement is
26 requested except for (a) items reimbursed through a per diem payment and
27 (b) immaterial items identified by the director.

28 (7) No charge for mileage shall be allowed when such mileage accrues
29 while using an automobile owned by the State of Nebraska.

30 (8) No personal maintenance expenses shall be allowed to any state
31 officer, state employee, or member of any commission, council, committee,

1 or board of the state when such expenses are incurred in the city or
2 village in which the residence or primary work location of such
3 individual is located, except that individuals required to attend
4 official functions, conferences, or hearings within such location, not to
5 include normal day-to-day operations of the department, agency,
6 commission, council, committee, or board, may be paid or reimbursed in
7 accordance with policies established by the Director of Administrative
8 Services. The approval to attend a function, conference, or hearing shall
9 be obtained from the director of the department, agency, commission,
10 council, committee, or board prior to an individual's attendance at such
11 function, conference, or hearing.

12 (9) Nothing in this section shall be construed to prohibit the
13 furnishing of coffee, tea, and any similar beverage by the Legislature or
14 the Legislative Council to its employees or guests.

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

17 81-1373 (1) For the purpose of implementing the state employees'
18 right to organize for the purpose of collective bargaining, there are
19 hereby created twelve bargaining units for all state agencies except the
20 University of Nebraska, the Nebraska state colleges, and other
21 constitutional offices. The units shall consist of state employees whose
22 job classifications are occupationally and functionally related and who
23 share a community of interest. The bargaining units shall be:

24 (a) Maintenance, Trades, and Technical, which unit is composed of
25 generally recognized blue collar and technical classes, including highway
26 maintenance workers, carpenters, plumbers, electricians, print shop
27 workers, auto mechanics, engineering aides and associates, and similar
28 classes;

29 (b) Administrative Support, which unit is composed of clerical and
30 administrative nonprofessional classes, including typists, secretaries,
31 accounting clerks, computer operators, office service personnel, and

1 similar classes;

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

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

9 (e) Administrative Professional, which unit is composed of
10 professional employees with general business responsibilities, including
11 accountants, buyers, personnel specialists, data processing personnel,
12 and similar classes;

13 (f) Protective Service, which unit is composed of institutional
14 security personnel, including correctional officers, building security
15 guards, and similar classes;

16 (g) Law Enforcement, which unit is composed of employees holding
17 powers of arrest, including Nebraska State Patrol officers and sergeants,
18 conservation officers, fire marshal personnel, and similar classes.
19 Sergeants, investigators, and patrol officers employed by the Nebraska
20 State Patrol as authorized in section 81-2004 shall be presumed to have a
21 community of interest with each other and shall be included in this
22 bargaining unit notwithstanding any other provision of law which may
23 allow for the contrary;

24 (h) Health and Human Care Professional, which unit is composed of
25 community health, nutrition, and health service professional employees,
26 including nurses, doctors, psychologists, pharmacists, dietitians,
27 licensed therapists, and similar classes;

28 (i) Examining, Inspection, and Licensing, which unit is composed of
29 employees empowered to review certain public and business activities,
30 including driver-licensing personnel, revenue agents, bank and insurance
31 examiners who remain in the State Personnel System under sections 8-105

1 and 44-119, various public health and protection inspectors, and similar
2 classes;

3 (j) Engineering, Science, and Resources, which unit is composed of
4 specialized professional scientific occupations, including civil and
5 other engineers, architects, chemists, geologists and surveyors, and
6 similar classes;

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

9 (l) Supervisory, which unit is composed of employees who are
10 supervisors as defined in section 48-801.

11 All employees who are excluded from bargaining units pursuant to the
12 Industrial Relations Act, all employees of the personnel division of the
13 Department of Administrative Services, and all employees of the Division
14 of Employee Relations of the Department of Administrative Services shall
15 be excluded from any bargaining unit of state employees.

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

21 (3)(a) (3) It is the intent of the Legislature that the professional
22 staff employee classifications, including the managerial-professional and
23 managerial employee classification, classifications and the office and
24 service staff employee classification, classifications be grouped in
25 broad occupational units for the University of Nebraska and the Nebraska
26 state colleges established on a university-wide or college-system-wide
27 basis, including all campuses within the system.

28 (b) Any unit entirely composed of supervisory employees of the
29 University of Nebraska or the Nebraska state colleges shall be afforded
30 only meet-and-confer rights.

31 (c) Any bargaining unit seeking to represent an academic-

1 administrative staff employee classification consisting of faculty,
2 including adjunct faculty, of the University of Nebraska or of any
3 administrative unit of the university may organize and seek recognition
4 or certification by the commission on an administrative unit-wide basis
5 as otherwise determined pursuant to the Industrial Relations Act.

6 (d) The bargaining units for academic, faculty, and teaching
7 employees of the ~~University of Nebraska and the~~ Nebraska state colleges
8 shall continue as they existed on April 9, 1987, ~~plus the addition of~~
9 ~~Kearney State College,~~ and any adjustments thereto or new units therefor
10 shall continue to be determined pursuant to the Industrial Relations Act.

11 (4) Other constitutional offices shall continue to subscribe to the
12 procedures for unit determination in the Industrial Relations Act, except
13 that the commission is further directed to determine the bargaining units
14 in such manner as to (a) reduce the effect of overfragmentation of
15 bargaining units on the efficiency of administration and operations of
16 the constitutional office and (b) be consistent with the administrative
17 structure of the constitutional office. Any unit entirely composed of
18 supervisory employees of a constitutional office shall be afforded only
19 meet-and-confer rights.

20 Sec. 3. Original section 81-1373, Reissue Revised Statutes of
21 Nebraska, and section 81-1174, Revised Statutes Cumulative Supplement,
22 2020, are repealed.