

LEGISLATIVE BILL 1040

Approved by the Governor March 31, 1988

Introduced by Barrett, 39, Speaker, for the Governor

AN ACT relating to public employees; to amend sections 81-1341.01 and 81-1341.03, Reissue Revised Statutes of Nebraska, 1943; to change provisions relating to salary increases as prescribed; to change provisions relating to appropriations for salaries; to provide authority for the adjustment of terms and conditions of employment of certain employees; to eliminate obsolete provisions; to provide an operative date; to repeal the original sections, and also section 81-1341.02, Reissue Revised Statutes of Nebraska, 1943; and to declare an emergency.

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

Section 1. That section 81-1341.01, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1341.01. (1) At Except as provided for by collective-bargaining agreements, at the close of business on June 30, 1987 1988, the Director of Personnel shall revise the State of Nebraska Classification and Pay Plan by increasing all annual rates of each salary grade, except the lowest salary grade, by three four percent to the nearest dollar. All pay-period rates shall be computed from the increased annual rate, including the hourly rate which shall be determined by dividing the increased annual rate by the number of hours in the appropriate work year. The monthly, biweekly, and hourly rates shall be computed from the increased annual rate.

(2) On July 1, 1987, all permanent and temporary employees with a minimum of six months service with the state shall be granted an increase of three percent to the nearest dollar over their June 30, 1987, annual salary rate except as provided in subsections (3) to (5) of this section.

(3) An employee who on July 1, 1987, is serving a probationary period as a result of disciplinary action shall not be granted the salary increase provided in subsection (2) of this section until the employee has satisfactorily completed

probation and the agency director approves the salary adjustment, except that no employee serving a probationary period because of disciplinary reasons shall be paid less than the hiring rate established for his or her salary grade in effect on July 1, 1987.

(4) On July 1, 1987, an employee serving an original probationary period shall not be granted a salary increase, except that no employee serving an original probationary period shall be paid less than the hiring rate of pay established for his or her salary grade in effect on July 1, 1987.

(5) An employee shall not receive a pay increase pursuant to this section which takes him or her over the maximum rate for his or her salary grade in effect on July 1, 1987.

(2) On July 1, 1988, state employees covered under the State Personnel System and not covered under collective-bargaining agreements for certified collective-bargaining units as specified in section 81-1373 shall receive a four percent pay increase except:

(a) As otherwise provided for in the Industrial Relations Act or the State Employees Collective Bargaining Act;

(b) Temporary employees with less than six months of service shall receive a pay increase only if necessary to meet the hiring rate of the salary grade; and

(c) Employees in a disciplinary status shall receive a pay increase only if necessary to meet the hiring rate of the salary grade.

(3) Between July 1, 1988, and June 30, 1989, in addition to the pay increase prescribed in subsection (2) of this section, state employees covered under the State Personnel System and not covered under collective-bargaining agreements for certified collective-bargaining units as specified in section 81-1373, except as otherwise provided for in the Industrial Relations Act or the State Employees Collective Bargaining Act, shall receive the following pay increases:

(a) Each state employee with satisfactory service who is paid (i) less than the midpoint rate of his or her salary grade shall receive a two percent pay increase on the employee's service anniversary date or (ii) at or more than the midpoint but less than the maximum rate of his or her salary grade shall receive a three percent pay increase on the employee's service anniversary date; and

(b) In addition to the pay increase prescribed in subdivision (a) of this subsection, each state employee with documented above-satisfactory service shall receive a one percent pay increase on the employee's service anniversary date, except that such increase shall not take such employee above the maximum rate in the salary grade.

As used in this subsection, the service anniversary date shall mean the date maintained in the Nebraska employees information system used to calculate vacation and sick leave.

~~(6)~~ (4) Salary increases granted under subsection (2) or (3) of this section shall be distributed on July 1, 1987, or as soon as practicable thereafter, in such a manner that expenditures for permanent and temporary salaries and per diems shall not exceed the limitations enumerated by law.

~~(7)~~ (5) In addition to the salary increases granted under subsection (2) or (3) of this section, salary increases may be granted only for promotions, merit, salary grade adjustments, salary adjustments, and reclassifications and shall be allowed only if such salary increases do not increase expenditures for permanent and temporary salaries and per diems above the limitations enumerated by law. Any request for adjustments to the 1987-88 continuation base for temporary and permanent salaries and per diems shall be submitted on or before January 1, 1988, to the Legislative Fiscal Analyst who shall present such requests to the Appropriations Committee. Such requests shall include copies of the written documentation provided by the Department of Personnel for approval of classification changes and salary grade adjustments.

Sec. 2. That section 81-1341.03, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

81-1341.03. For the fiscal year beginning July 1, 1988, it is the intent of the Legislature that the contract provisions agreed to in response to the collective-bargaining agreements in effect on July 1, 1988, shall provide the basis for salary distribution to employees covered under such agreements. Funding provided by Legislative Bill 782A, Ninetieth Legislature, First Session, 1987, together with funding provided by the Ninetieth Legislature, Second Session, 1988, for salary increases shall be utilized to fund the salary increases provided by section 81-1341.01 and in such collective-bargaining agreements, to appropriate by agency program an amount for purposes of state

employee salary adjustments. No provision for distribution of such amounts is provided for in this section and section 81-1341.01, except that the legislature acknowledges that such amounts shall be subject to reallocation by the Legislature among programs in response to collective-bargaining agreements and impasse-resolution determinations provided for in the State Employees Collective Bargaining Act and any enactments of the Ninetieth Legislature, Second Session, providing for distribution methods for employees not subject to collective bargaining.

Sec. 3. Except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act and except for the pay increases provided by section 81-1341.01, the Director of Personnel shall have authority to adjust terms and conditions of employment for fiscal year 1988-89 for employees not covered by collective-bargaining agreements for certified collective-bargaining units specified in section 81-1373, including terms and conditions of employment which may otherwise be provided by law, in order to make such terms and conditions of employment more consistent with those of such covered employees.

Sec. 4. Except for employees of the University of Nebraska and the state colleges and except as may be prohibited by the Industrial Relations Act or the State Employees Collective Bargaining Act, terms and conditions of employment which may otherwise be provided by law for employees not covered under the State Personnel System may be adjusted for fiscal year 1988-89 to make such terms and conditions of employment more consistent with those of employees in the State Personnel System or with those of other employees of the same employer-representative, as such term is defined in section 81-1371, who are covered by a collective-bargaining agreement.

Sec. 5. This act shall become operative on June 30, 1988.

Sec. 6. That original sections 81-1341.01 and 81-1341.03, Reissue Revised Statutes of Nebraska, 1943, and also section 81-1341.02, Reissue Revised Statutes of Nebraska, 1943, are repealed.

Sec. 7. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.