

LEGISLATURE OF NEBRASKA  
 ONE HUNDRED SECOND LEGISLATURE  
 FIRST SESSION  
**LEGISLATIVE BILL 555**

Introduced by Harms, 48.

Read first time January 19, 2011

Committee: Business and Labor

A BILL

1 FOR AN ACT relating to the State Employees Collective Bargaining Act;  
 2 to amend sections 81-1369, 81-1371, 81-1372, 81-1373,  
 3 81-1375, 81-1378, 81-1379, 81-1381, 81-1382, 81-1383,  
 4 81-1384, 81-1385, 81-1386, and 81-1387, Reissue Revised  
 5 Statutes of Nebraska; to eliminate Special Masters and  
 6 obsolete provisions; to change procedure and appeal  
 7 provisions; to harmonize provisions; to provide an  
 8 operative date; to repeal the original sections; and to  
 9 outright repeal sections 81-1374, 81-1380, 81-1389, and  
 10 81-1390, Reissue Revised Statutes of Nebraska.

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

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

3                   81-1369 Sections 81-1369 to ~~81-1390~~81-1388 shall be  
4 known and may be cited as the State Employees Collective Bargaining  
5 Act.

6                   Sec. 2. Section 81-1371, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8                   81-1371 For purposes of the State Employees Collective  
9 Bargaining Act, unless the context otherwise requires:

10                   (1) Chief Negotiator shall mean the Chief Negotiator of  
11 the Division of Employee Relations of the Department of  
12 Administrative Services;

13                   (2) Commission shall mean the Commission of Industrial  
14 Relations;

15                   (3) Division shall mean the Division of Employee  
16 Relations of the Department of Administrative Services;

17                   (4) Employee or state employee shall mean any employee of  
18 the State of Nebraska;

19                   (5) Employer or state employer shall mean the State of  
20 Nebraska and shall not include any political subdivision thereof;

21                   (6) Employer-representative shall mean (a) for  
22 negotiations involving employees of the University of Nebraska, the  
23 Board of Regents, (b) for negotiations involving employees of the  
24 Nebraska state colleges, the Board of Trustees of the Nebraska State  
25 Colleges, (c) for negotiations involving employees of other

1 constitutional agencies, the governing officer or body for each such  
2 agency, and (d) for negotiations involving other state employees, the  
3 Governor;

4 (7) Grievance shall mean a management action resulting in  
5 an injury, injustice, or wrong involving a misinterpretation or  
6 misapplication of applicable labor contracts if so agreed to by the  
7 appropriate parties;

8 (8) Issue shall mean broad subjects of negotiation which  
9 are presented to the ~~Special Master~~ commission pursuant to section  
10 81-1382. All aspects of wages shall be a single issue, all aspects of  
11 insurance shall be a single issue, and all other subjects of  
12 negotiations classified in broad categories shall be single issues;

13 (9) Mandatory topic or topics of bargaining shall mean  
14 those subjects of negotiation on which employers must negotiate  
15 pursuant to the Industrial Relations Act, including terms and  
16 conditions of employment which may otherwise be provided by law for  
17 state employees, except when specifically prohibited by law from  
18 being a subject of bargaining; and

19 (10) Meet-and-confer rights shall mean the rights of  
20 employees to discuss wages, hours, and other terms and conditions of  
21 employment with the appropriate employer-representative but shall not  
22 require either party to enter into a written agreement. Employees  
23 afforded meet-and-confer rights shall not be entitled to utilize the  
24 impasse resolution procedures provided in the State Employees  
25 Collective Bargaining Act or to file a petition with the commission

1 invoking its jurisdiction as provided in the Industrial Relations Act  
2 for the purpose of obtaining an order or orders under section 48-818.  
3 Meet-and-confer rights shall not apply to any bargaining unit other  
4 than a supervisory unit. ~~;~~ and

5 ~~(11) Special Master shall mean a factfinder chosen~~  
6 ~~pursuant to section 81-1380.~~

7 Sec. 3. Section 81-1372, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9 81-1372 The State Employees Collective Bargaining Act  
10 shall be deemed ~~cumulative~~ controlling for employees and employers  
11 covered by such act and is supplementary to the Industrial Relations  
12 Act except when otherwise specifically provided or when inconsistent  
13 with the Industrial Relations Act, in which case the State Employees  
14 Collective Bargaining Act shall prevail.

15 The State of Nebraska, its employees, employee  
16 organizations, and exclusive collective-bargaining agents shall have  
17 all the rights and responsibilities afforded employers, employees,  
18 employee organizations, and exclusive collective-bargaining agents  
19 pursuant to the Industrial Relations Act to the extent that such act  
20 is not inconsistent with the State Employees Collective Bargaining  
21 Act.

22 Sec. 4. Section 81-1373, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24 81-1373 (1) For the purpose of implementing the state  
25 employees' right to organize for the purpose of collective

1 bargaining, there are hereby created twelve bargaining units for all  
2 state agencies except the University of Nebraska, the Nebraska state  
3 colleges, and other constitutional offices. The units shall consist  
4 of state employees whose job classifications are occupationally and  
5 functionally related and who share a community of interest. The  
6 bargaining units shall be:

7           (a) Maintenance, Trades, and Technical, which unit is  
8 composed of generally recognized blue collar and technical classes,  
9 including highway maintenance workers, carpenters, plumbers,  
10 electricians, print shop workers, auto mechanics, engineering aides  
11 and associates, and similar classes;

12           (b) Administrative Support, which unit is composed of  
13 clerical and administrative nonprofessional classes, including  
14 typists, secretaries, accounting clerks, computer operators, office  
15 service personnel, and similar classes;

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

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

24           (e) Administrative Professional, which unit is composed  
25 of professional employees with general business responsibilities,

1 including accountants, buyers, personnel specialists, data processing  
2 personnel, and similar classes;

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

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

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

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

24 (j) Engineering, Science, and Resources, which unit is  
25 composed of specialized professional scientific occupations,

1 including civil and other engineers, architects, chemists, geologists  
2 and surveyors, and similar classes;

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

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

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

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

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

1 Nebraska state colleges shall be afforded only meet-and-confer  
2 rights. ~~Except as provided in subsection (4) of this section, the~~ The  
3 bargaining units for academic, faculty, and teaching employees of the  
4 University of Nebraska and the Nebraska state colleges shall continue  
5 as they ~~exist~~ existed on April 9, 1987, plus the addition of Kearney  
6 State College, and any adjustments thereto or new units therefor  
7 shall continue to be determined pursuant to the Industrial Relations  
8 Act.

9 ~~(4) Except as provided in subdivision (2)(c) of section~~  
10 ~~85-1,119, when the institution now known as Kearney State College is~~  
11 ~~transferred to the control and management of the Board of Regents of~~  
12 ~~the University of Nebraska, any academic, faculty, and teaching~~  
13 ~~employees of Kearney State College who are included in a bargaining~~  
14 ~~unit and represented by a certified or recognized collective-~~  
15 ~~bargaining agent as of June 30, 1991, shall, on and after July 1,~~  
16 ~~1991, compose a separate bargaining unit of University of Nebraska~~  
17 ~~employees, and such agent shall be entitled to certification by the~~  
18 ~~commission for the new bargaining unit without the necessity of a~~  
19 ~~representation election. Any adjustments to the unit or the~~  
20 ~~representation thereof shall be determined pursuant to the Industrial~~  
21 ~~Relations Act.~~

22 ~~(5)-(4)~~ (4) Other constitutional offices shall continue to  
23 subscribe to the procedures for unit determination in the Industrial  
24 Relations Act, except that the commission is further directed to  
25 determine the bargaining units in such manner as to (a) reduce the



1 effect of overfragmentation of bargaining units on the efficiency of  
2 administration and operations of the constitutional office and (b) be  
3 consistent with the administrative structure of the constitutional  
4 office. Any unit entirely composed of supervisory employees of a  
5 constitutional office shall be afforded only meet-and-confer rights.

6 Sec. 5. Section 81-1375, Reissue Revised Statutes of  
7 Nebraska, is amended to read:

8 81-1375 Certified collective-bargaining agents  
9 representing bargaining units other than those prescribed in section  
10 81-1373 shall not utilize the impasse procedures provided for in  
11 sections ~~81-1380~~ 81-1381 to 81-1385 nor file a petition with the  
12 commission invoking its jurisdiction as provided in the Industrial  
13 Relations Act. ~~but may, for two years from April 9, 1987, continue to~~  
14 ~~meet and confer with employer representatives regarding those~~  
15 ~~employees in such units as long as no other employee organization has~~  
16 ~~been certified as the exclusive collective bargaining agent for such~~  
17 ~~employees pursuant to section 81-1374 and may represent individual~~  
18 ~~employees on grievance matters. Parties engaged in the meet and~~  
19 ~~confer process shall not be entitled to file any case with the~~  
20 ~~commission to establish any rate of pay or condition of employment,~~  
21 ~~except that if those parties which meet and confer during this two-~~  
22 ~~year period do not reach an agreement by June 30 preceding the~~  
23 ~~beginning of the fiscal year, the existing agreement or contract~~  
24 ~~shall be continued until such time as an agreement or contract for~~  
25 ~~the remainder of the fiscal year has been reached.~~

1           Sec. 6. Section 81-1378, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-1378 (1) The dates indicated in sections 81-1379 to  
4 81-1384 shall refer to those dates immediately preceding the  
5 beginning of the contract period for which negotiations are being  
6 conducted.

7           (2) When any date provided in sections 81-1379 to 81-1384  
8 falls on a Saturday, a Sunday, or any day declared by statutory  
9 enactment or proclamations of the Governor to be a holiday, the next  
10 following day which is not a Saturday, a Sunday, or a day declared by  
11 the enactment or proclamation to be a holiday shall be deemed to be  
12 the day indicated by such date.

13           (3) The dates indicated in sections 81-1382 and 81-1383  
14 are jurisdictional. Failure of either party to act in a timely manner  
15 shall result in a jurisdictional bar for either the commission or  
16 Supreme Court.

17           Sec. 7. Section 81-1379, Reissue Revised Statutes of  
18 Nebraska, is amended to read:

19           81-1379 The Chief Negotiator and any other employer-  
20 representative and the exclusive collective-bargaining agent shall  
21 commence negotiations on or prior to the second Wednesday in  
22 September of the year preceding the beginning of the contract period,  
23 except that the first negotiations commenced by any bargaining unit  
24 may commence after such September date in order to accommodate any  
25 unresolved representation proceedings. All negotiations shall be

1 completed on or before March 15 of the following year.

2 All negotiated agreements shall be in writing and signed  
3 by the parties. The authority to enter into the agreed-upon contract  
4 shall be vested in the following:

5 (1) For the University of Nebraska, the Board of Regents;

6 (2) For the Nebraska state colleges, the Board of  
7 Trustees of the Nebraska State Colleges;

8 (3) For other constitutional offices, the head of such  
9 office;

10 (4) For all other agencies, the Governor; and

11 (5) For the bargaining unit, a majority of those voting  
12 on ratification after notice of the contract terms is given and a  
13 secret ballot vote has been taken.

14 Nothing in the State Employees Collective Bargaining Act  
15 shall be construed to prohibit supplementary bargaining on behalf of  
16 employees in part of a bargaining unit concerning matters uniquely  
17 affecting such employees or cooperation and coordination of  
18 bargaining between two or more bargaining units. Supplementary  
19 bargaining in regard to employees for whom the Governor is the  
20 employer-representative shall be the responsibility of the Chief  
21 Negotiator and may be assigned to his or her designated  
22 representative.

23 Any agreements entered into pursuant to this section may  
24 be adjusted after March 15 only to reflect any order issued by the  
25 commission, ~~the Court of Appeals,~~ or the Supreme Court.

1                   Sec. 8. Section 81-1381, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3                   81-1381 If the parties in labor contract negotiations do  
4 not reach a voluntary agreement by January 1, the dispute shall be  
5 submitted to a mediator mutually selected by the parties or appointed  
6 by the Federal Mediation and Conciliation Service. Mediation may  
7 continue indefinitely at the request of either party or when  
8 appropriate in the judgment of the mediator. ~~or Special Master.~~ If  
9 necessary, mediation may continue after the exchange of final offers.

10                  Sec. 9. Section 81-1382, Reissue Revised Statutes of  
11 Nebraska, is amended to read:

12                  81-1382 (1) No later than January 10, the parties in  
13 labor contract negotiations shall reduce to writing and sign all  
14 agreed-upon issues and exchange final offers on each unresolved  
15 issue. Final offers may not be amended or modified without the  
16 concurrence of the other party.

17                  (2) No later than January 15, the parties in labor  
18 contract negotiations shall submit all unresolved issues that  
19 resulted in impasse to the ~~Special Master. commission.~~ No party shall  
20 submit an issue to the commission that was not subject to  
21 negotiations. ~~The Special Master commission~~ shall conduct a  
22 prehearing conference. ~~He or she~~ and shall have the authority to:

23                  (a) Determine whether the issues are ready for  
24 adjudication;

25                  (b) Accept stipulations;

- 1 (c) Schedule hearings;
- 2 (d) Prescribe rules of conduct for the hearings;
- 3 (e) Order additional mediation if necessary; and
- 4 (f) Take any other actions which may aid in the disposal
- 5 of the action.

6 The ~~Special Master~~ commission may consult with the

7 parties ex parte only with the concurrence of both parties.

8 ~~(3) The Special Master shall choose the most reasonable~~

9 ~~final offer on each issue in dispute. In making such choice, he or~~

10 ~~she shall consider factors relevant to collective bargaining between~~

11 ~~public employers and public employees, including comparable rates of~~

12 ~~pay and conditions of employment as described in section 48-818. The~~

13 ~~Special Master shall not apply strict rules of evidence. Persons who~~

14 ~~are not attorneys may present cases to the Special Master. The~~

15 ~~Special Master shall issue his or her ruling on or before February~~

16 ~~15.~~

17 Sec. 10. Section 81-1383, Reissue Revised Statutes of

18 Nebraska, is amended to read:

19 81-1383 (1) ~~The Special Master's ruling shall be binding,~~

20 ~~except that the Chief Negotiator or any other employer representative~~

21 ~~or the certified collective bargaining agent may appeal an adverse~~

22 ~~ruling on an issue to the commission on or before March 15. No party~~

23 ~~shall file an appeal after March 15. No party shall present an issue~~

24 ~~to the commission that was not subject to negotiations and ruled upon~~

25 ~~by the Special Master. There shall be no change in the unresolved~~

1 ~~issues while the appeal is pending.~~

2 ~~(2) The commission shall show significant deference to~~  
3 ~~the Special Master's ruling and shall only set the ruling aside upon~~  
4 ~~a finding that the ruling is significantly disparate from prevalent~~  
5 ~~rates of pay or conditions of employment as determined by the~~  
6 ~~commission pursuant to section 48-818. The commission shall not find~~  
7 ~~the Special Master's ruling to be significantly disparate from~~  
8 ~~prevalent rates of pay or conditions of employment in any instance~~  
9 ~~when the prevalent rates of pay or conditions of employment, as~~  
10 ~~determined by the commission pursuant to section 48-818, fall between~~  
11 ~~the final offers of the parties.~~

12 ~~(3) If the commission does not defer to the Special~~  
13 ~~Master's ruling, it shall enter an order implementing the final offer~~  
14 ~~on each issue appealed which would result in rates of pay and~~  
15 ~~conditions of employment most comparable with the prevalent rates of~~  
16 ~~pay and conditions of employment determined by it pursuant to section~~  
17 ~~48-818. Under no circumstances shall the commission enter an order on~~  
18 ~~an issue which does not implement one of the final offers of the~~  
19 ~~parties. Nothing in this section shall prohibit the commission from~~  
20 ~~deferring to the Special Master's ruling if it finds that the ruling~~  
21 ~~would not result in significant disparity with the prevalent rates of~~  
22 ~~pay and conditions of employment as it has determined pursuant to~~  
23 ~~section 48-818.~~

24 (1) No later than March 1, the commission shall enter an  
25 order on each unresolved issue.

1           (2)(a) The commission's order shall establish rates of  
2 pay and conditions of employment which are comparable to the  
3 prevalent wage rates paid and conditions of employment maintained by  
4 peer employers for the same or similar work of workers exhibiting  
5 like or similar skills under the same or similar working conditions.

6           (b) In establishing wage rates, the commission shall take  
7 into consideration the overall compensation received by the employees  
8 at the time of the negotiations, having regard to:

9           (i) Wages for time actually worked;

10           (ii) Wages for time not worked, including vacations,  
11 holidays, and other excused time, and all benefits received,  
12 including insurance and pensions; and

13           (iii) The continuity and stability of employment enjoyed  
14 by the employees.

15           (c) For purposes of determining peer employer  
16 comparability, the following factors shall be used by the commission:

17           (i) Geographic proximity of the employer;

18           (ii) Size of the employer, which shall not exceed a  
19 variance of more than fifty percent in either direction; and

20           (iii) The employer's budget for operations and personnel.

21           (d) To determine comparability for employees of the Board  
22 of Regents of the University of Nebraska or employees of the Board of  
23 Trustees of the Nebraska State Colleges, the commission shall utilize  
24 peer institutions with similar enrollments and similar educational  
25 missions which may exclude land grant institutions or institutions

1 that have a medical center or hospital. Additionally, the commission  
2 shall refer to peer institutions with similar program offerings  
3 including the level of degrees offered.

4 (e) Any order or orders entered may be modified on the  
5 commission's own motion or on application by any of the parties  
6 affected, but only upon a showing of a change in the conditions from  
7 those prevailing at the time the original order was entered.

8 (3) The commission shall file its findings of fact and  
9 conclusions of law with its order.

10 (4) Either party may, within thirty days after the date  
11 such order is filed, appeal to the Supreme Court. The standard of  
12 review for any appeal to the Supreme Court shall be de novo on the  
13 record of the commission.

14 ~~(4)-(5)~~ The commission, the Court of Appeals, or the  
15 Supreme Court shall not enter an order for any period which is not  
16 the same as or included within the budget period for which the  
17 contract is being negotiated.

18 ~~(5)-(6)~~ All items agreed upon during the course of  
19 negotiations and not ~~subject to appeal~~ submitted as an unresolved  
20 issue to the commission shall, when ratified by the parties, take  
21 effect concurrent with the biennial budget period and shall  
22 constitute the parties' contract. Upon final resolution of appeals of  
23 all unresolved ~~items, issues,~~ the parties shall reduce the orders of  
24 the commission, ~~the Court of Appeals,~~ or the Supreme Court to writing  
25 and incorporate them into the contract without ratification.



1           ~~(6) The commission shall complete its deliberations and~~  
2 ~~issue appropriate orders by July 1 or as soon thereafter as is~~  
3 ~~practicable.~~

4           ~~(7) The commission shall adopt expedited procedures to~~  
5 ~~assure timely completion of any appeal filed pursuant to the State~~  
6 ~~Employees Collective Bargaining Act.~~

7           Sec. 11. Section 81-1384, Reissue Revised Statutes of  
8 Nebraska, is amended to read:

9           81-1384 ~~(1)~~—On March 16, the Chief Negotiator, any  
10 appointed negotiator for the Board of Regents, any appointed  
11 negotiator for the Board of Trustees of the Nebraska State Colleges,  
12 and any appointed negotiator for other constitutional offices shall  
13 report to the Legislature and the Governor on the status of  
14 negotiations. The Governor may amend his or her budget  
15 recommendations accordingly.

16           ~~(2) If the Chief Negotiator advises the Legislature that~~  
17 ~~the state has appealed a Special Master's ruling, the Legislature may~~  
18 ~~by a resolution approved by a three fifths vote of its members by the~~  
19 ~~conclusion of its regular session direct the Chief Negotiator to~~  
20 ~~withdraw the pending appeal and accept the terms of the Special~~  
21 ~~Master's ruling. This subsection shall not apply to any negotiators~~  
22 ~~appointed by the Board of Regents, Board of Trustees of the Nebraska~~  
23 ~~State Colleges, or other constitutional offices.~~

24           Sec. 12. Section 81-1385, Reissue Revised Statutes of  
25 Nebraska, is amended to read:

1           81-1385 (1) ~~If the exclusive collective bargaining agent~~  
2 ~~appeals an adverse ruling from the Special Master on any or all~~  
3 ~~issues, When an unresolved issue proceeds to the commission, there~~  
4 ~~shall be no change in the term or condition of employment in effect~~  
5 ~~in that issue or issues during the pendency of the appeal. until the~~  
6 ~~commission has ruled and any subsequent appeal to the Supreme Court~~  
7 ~~has been concluded. Orders adjusting the term or condition of~~  
8 ~~employment in an issue or issues shall be effective beginning with~~  
9 ~~final resolution of the appeal. or January 1 of the first fiscal year~~  
10 ~~of the contract period, whichever is earlier.~~

11           (2) ~~If the employer appeals an adverse ruling from the~~  
12 ~~Special Master on any or all issues, there shall be no change in the~~  
13 ~~term or condition of employment in effect in that issue or issues~~  
14 ~~during the pendency of the appeal. Upon final resolution, the~~  
15 ~~commission, Court of Appeals, or Supreme Court shall order increases~~  
16 ~~or other changes in a term or condition of employment to be~~  
17 ~~concurrent with the biennial budget and may include interest to -~~  
18 ~~Interest shall be paid by the state on all withheld wages or~~  
19 ~~insurance premium payments.~~

20           Sec. 13. Section 81-1386, Reissue Revised Statutes of  
21 Nebraska, is amended to read:

22           81-1386 (1) It shall be a prohibited practice for any  
23 employer, employee, employee organization, or exclusive collective-  
24 bargaining agent to refuse to negotiate in good faith with respect to  
25 mandatory topics of bargaining.

1                   (2) It shall be a prohibited practice for any employer or  
2 the employer's negotiator to:

3                   (a) Interfere with, restrain, or coerce state employees  
4 in the exercise of rights granted by the State Employees Collective  
5 Bargaining Act or the Industrial Relations Act;

6                   (b) Dominate or interfere in the administration of any  
7 employee organization;

8                   (c) Encourage or discourage membership in any employee  
9 organization, committee, or association by discrimination in hiring,  
10 tenure, or other terms or conditions of employment;

11                   (d) Discharge or discriminate against a state employee  
12 because the employee has filed an affidavit, petition, or complaint  
13 or given any information or testimony under the Industrial Relations  
14 Act or the State Employees Collective Bargaining Act or because the  
15 employee has formed, joined, or chosen to be represented by any  
16 employee organization;

17                   (e) Refuse to negotiate collectively with representatives  
18 of exclusive collective-bargaining agents as required in the  
19 Industrial Relations Act and the State Employees Collective  
20 Bargaining Act;

21                   (f) Deny the rights accompanying certification or  
22 exclusive recognition granted in the Industrial Relations Act or the  
23 State Employees Collective Bargaining Act; and

24                   (g) Refuse to participate in good faith in any impasse  
25 procedures for state employees as set forth in sections ~~81-1380~~

1 81-1381 to 81-1385.

2 (3) It shall be a prohibited practice for any employees,  
3 employee organization, or bargaining unit or for any of their  
4 representatives or exclusive collective-bargaining agents to:

5 (a) Interfere with, restrain, coerce, or harass any state  
6 employee with respect to any of the employee's rights under the  
7 Industrial Relations Act or the State Employees Collective Bargaining  
8 Act;

9 (b) Interfere, restrain, or coerce an employer with  
10 respect to rights granted in the Industrial Relations Act or the  
11 State Employees Collective Bargaining Act or with respect to  
12 selecting a representative for the purposes of negotiating  
13 collectively on the adjustment of grievances;

14 (c) Refuse to bargain collectively with an employer as  
15 required in the Industrial Relations Act or the State Employees  
16 Collective Bargaining Act; and

17 (d) Refuse to participate in good faith in any impasse  
18 procedures for state employees set forth in sections ~~81-1380~~81-1381  
19 to 81-1385.

20 (4) The expressing of any views, argument, or opinion, or  
21 the dissemination thereof, whether in written, printed, graphic, or  
22 visual form, shall not constitute or be evidence of any unfair labor  
23 practice under any of the provisions of the Industrial Relations Act  
24 or the State Employees Collective Bargaining Act if such expression  
25 contains no threat of reprisal or force or promise of benefit.

1           Sec. 14. Section 81-1387, Reissue Revised Statutes of  
2 Nebraska, is amended to read:

3           81-1387 (1) Proceedings against a party alleging a  
4 violation of section 81-1386 shall be commenced by filing a complaint  
5 with the commission within one hundred eighty days of the alleged  
6 violation thereby causing a copy of the complaint to be served upon  
7 the accused party. The accused party shall have ten days within which  
8 to file a written answer to the complaint. If the commission  
9 determines that the complaint has no basis in fact, the commission  
10 may dismiss the complaint. If the complaint has a basis in fact, the  
11 commission shall set a time for hearing. The parties shall be  
12 permitted to be represented by counsel, summon witnesses, and request  
13 the commission to subpoena witnesses on the requester's behalf.

14           (2) The commission shall file its findings of fact and  
15 conclusions of law. If the commission finds that the party accused  
16 has committed a prohibited practice, the commission, within thirty  
17 days of its decision, shall order an appropriate remedy. Any party  
18 may petition the district court for injunctive relief pursuant to  
19 rules of civil procedure.

20           (3) Any party aggrieved by any decision or order of the  
21 commission may, within thirty days from the date such decision or  
22 order is filed, appeal therefrom to the ~~Court of Appeals.~~ Supreme  
23 Court.

24           (4) Any order or decision of the commission may be  
25 modified, reversed, or set aside by the appellate court on one or

1 more of the following grounds and on no other:

2 (a) If the commission acts without or in excess of its  
3 powers;

4 (b) If the order was procured by fraud or is contrary to  
5 law;

6 (c) If the facts found by the commission do not support  
7 the order; and

8 (d) If the order is not supported by a preponderance of  
9 the competent evidence on the record considered as a whole.

10 Sec. 15. This act becomes operative on January 1, 2012.

11 Sec. 16. Original sections 81-1369, 81-1371, 81-1372,  
12 81-1373, 81-1375, 81-1378, 81-1379, 81-1381, 81-1382, 81-1383,  
13 81-1384, 81-1385, 81-1386, and 81-1387, Reissue Revised Statutes of  
14 Nebraska, are repealed.

15 Sec. 17. The following sections are outright repealed:  
16 Sections 81-1374, 81-1380, 81-1389, and 81-1390, Reissue Revised  
17 Statutes of Nebraska.