

LEGISLATURE OF NEBRASKA
ONE HUNDRED SEVENTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 660

Introduced by McDonnell, 5.

Read first time January 20, 2021

Committee: Business and Labor

- 1 A BILL FOR AN ACT relating to the State Employees Collective Bargaining
- 2 Act; to amend section 81-1373, Reissue Revised Statutes of Nebraska;
- 3 to authorize collective bargaining on an administrative unit-wide
- 4 basis as prescribed; to eliminate obsolete provisions; to repeal the
- 5 original section; and to declare an emergency.
- 6 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1373, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 81-1373 (1) For the purpose of implementing the state employees'
4 right to organize for the purpose of collective bargaining, there are
5 hereby created twelve bargaining units for all state agencies except the
6 University of Nebraska, the Nebraska state colleges, and other
7 constitutional offices. The units shall consist of state employees whose
8 job classifications are occupationally and functionally related and who
9 share a community of interest. The bargaining units shall be:

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

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

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

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

26 (e) Administrative Professional, which unit is composed of
27 professional employees with general business responsibilities, including
28 accountants, buyers, personnel specialists, data processing personnel,
29 and similar classes;

30 (f) Protective Service, which unit is composed of institutional
31 security personnel, including correctional officers, building security

1 guards, and similar classes;

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

10 (h) Health and Human Care Professional, which unit is composed of
11 community health, nutrition, and health service professional employees,
12 including nurses, doctors, psychologists, pharmacists, dietitians,
13 licensed therapists, and similar classes;

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

20 (j) Engineering, Science, and Resources, which unit is composed of
21 specialized professional scientific occupations, including civil and
22 other engineers, architects, chemists, geologists and surveyors, and
23 similar classes;

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

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

28 All employees who are excluded from bargaining units pursuant to the
29 Industrial Relations Act, all employees of the personnel division of the
30 Department of Administrative Services, and all employees of the Division
31 of Employee Relations of the Department of Administrative Services shall

1 be excluded from any bargaining unit of state employees.

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

7 ~~(3)(a) (3)~~ It is the intent of the Legislature that the professional
8 staff employee classifications, including the managerial-professional and
9 managerial employee classification, classifications and the office and
10 service staff employee classification, classifications be grouped in
11 broad occupational units for the University of Nebraska and the Nebraska
12 state colleges established on a university-wide or college-system-wide
13 basis, including all campuses within the system.

14 (b) Beginning August 1, 2021:

15 (i) Any bargaining unit seeking to represent an academic-
16 administrative staff employee classification consisting of faculty,
17 including adjunct faculty, of the University of Nebraska or of any
18 administrative unit of the university may organize and seek recognition
19 or certification by the commission on an administrative unit-wide basis
20 as otherwise determined pursuant to the Industrial Relations Act; and

21 (ii) Any bargaining unit for academic faculty and teaching employees
22 of any campus in the state college system may seek recognition or
23 certification by the commission as an exclusive bargaining agent based on
24 bargaining units by campus where those employees are employed pursuant to
25 the Industrial Relations Act.

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

29 ~~The bargaining units for academic, faculty, and teaching employees~~
30 ~~of the University of Nebraska and the Nebraska state colleges shall~~
31 ~~continue as they existed on April 9, 1987, plus the addition of Kearney~~

1 ~~State College, and any adjustments thereto or new units therefor shall~~
2 ~~continue to be determined pursuant to the Industrial Relations Act.~~

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

12 Sec. 2. Original section 81-1373, Reissue Revised Statutes of
13 Nebraska, is repealed.

14 Sec. 3. Since an emergency exists, this act takes effect when
15 passed and approved according to law.