

**ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011**  
**COMMITTEE STATEMENT**  
**LB555**

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**Hearing Date:** Monday February 07, 2011  
**Committee On:** Business and Labor  
**Introducer:** Harms  
**One Liner:** Eliminate Special Masters and other provisions of the State Employees Collective Bargaining Act

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**Roll Call Vote - Final Committee Action:**  
Indefinitely postponed

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**Vote Results:**

<b>Aye:</b>	5	Senators Ashford, Cook, Harr, Lathrop, Wallman
<b>Nay:</b>	1	Senator Smith
<b>Absent:</b>	1	Senator Carlson
<b>Present Not Voting:</b>		

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**Proponents:**

John Harms  
William J. Wood  
Stan Carpenter

**Representing:**

Introducer  
NE Admin. Services Dept.  
Nebraska State College System

**Opponents:**

John Corrigan  
Bill Pratt  
  
Jerry Hoffman  
Dalton Tietjen

**Representing:**

NE AFL-CIO  
UNO AAUP (American Association of University Professors)  
NSEA  
NAPE/AFSCME Local 61, LCEA, IBEW 1536, Neb. Utility Workers: UNO AAUP

**Neutral:**

**Representing:**

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**Summary of purpose and/or changes:**

Amends the State Employees Collective Bargaining Act ("SECBA") by removing the special master process and replacing it with a procedure where the CIR would decide industrial wage disputes based on statutory standards including those found in Neb. Rev. Stat. 48-818.

Details:

Section 1: makes technical changes to comport with LB 555.

Section 2: removes references to the special master.

Section 3: clarifies that SECBA is controlling and supplementary to the Industrial Relations Act.

Section 4: makes technical changes concerning Kearney State College.

Section 5: removes dated language.

Section 6: clarifies that failure of the parties to follow statutory dates for negotiation impasse results in a jurisdictional bar to file a dispute with the CIR.

Section 7: removes reference to the Court of Appeals.

Section 8: removes reference to the special master.

Section 9: removes references to the special master and replaces with the CIR. Clarifies that only negotiated issues may be submitted to the CIR.

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Section 10: removes reference to the special master process. Replaces this process with one that is decided by the CIR. States the CIR must issue its order by March 1st. Provides the standards which the CIR must utilize in wage cases: The CIR shall "establish rates of pay and conditions of employment which are comparable to the prevalent wage rates paid and conditions of employment maintained by peer employers for the same or similar work of workers exhibiting like or similar skills under the same or similar working conditions." (This language is similar to Neb. Rev. Stat. 48-818). When establishing wage rates, the CIR must give regard to: (1) wages for time actually worked; (2) wages for time not worked which include benefits such as vacation, holidays, insurance and pensions; and (3) continuity and stability of employment enjoyed by the employees.

In determining comparability, the CIR must consider the following factors: (1) geographic proximity; (2) size of the employer which shall not exceed a variance of more than 50% in either direction; and (3) the employer's budget for operations and personnel.

For employees of the University of Nebraska or the Nebraska State Colleges, the CIR must look to institutions with similar enrollments and similar educational missions and program offerings.

Appeals must be filed with the Nebraska Supreme Court.

Section 11: removes language referring to the special master.

Section 12: removes references to the special master.

Section 13: removes reference to section 81-1380 pertaining to the special master procedure.

Section 14: removes reference to the Court of Appeals and replaces with the Supreme Court.

Section 15: provides an operative date of January 1, 2012.

Section 16: repealer.

Section 17: outright repeals sections pertaining to the special master process.

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Steve Lathrop, Chairperson