

ONE HUNDRED SECOND LEGISLATURE - FIRST SESSION - 2011
COMMITTEE STATEMENT
LB564

Hearing Date: Monday February 07, 2011
Committee On: Business and Labor
Introducer: Fulton
One Liner: Change and eliminate provisions of the Industrial Relations Act and the State Employees Collective Bargaining Act

Roll Call Vote - Final Committee Action:
Indefinitely postponed

Vote Results:

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

Proponents:

Tony Fulton
John Spatz
Mark Schorr
Coby Mach
Nick Cusick
Adam Hornung
Chip Maxwell
Jon Camp
Jane Kinsey
Pamela Lancaster

Representing:

Introducer
NASB
Lincoln Chamber of Commerce
LIBA
Private sector employees
Lincoln City Council
Omaha Alliance for the Private Sector
self
citizen, private business owner
NACO-Hall County

Opponents:

Dalton Tietjen

Gene Hanlon
John Corrigan
Walt Radcliffe
Lynn Rex
Mark McGuire

Representing:

NAPE/AFSCME Local 61, LCEA, IBEW 1536, Neb.
Utility Workers: UNO AAUP
Lincoln City Employees Association
NE AFL-CIO
State Troopers Association of Nebraska
League of Nebraska Municipalities
NSEA

Neutral:

Representing:

Summary of purpose and/or changes:

LB 564 replaces the current CIR decision making process used by the Industrial Relations Act, with a mediation process where the CIR ultimately serves as a non-binding fact-finder. Should mediation and fact-finding not result in an agreement, the existing contract will continue in full force and effect. LB 564 additionally removes the CIR from the process employed by the State Employees Collective Bargaining Act. Currently, the CIR sits as an appellate body to special master decisions. LB 564 provides that appeals be taken to the Court of Appeals.

Details:

Section 1: defines fact-finding, mediation, and governing body.

Section 2: removes appeal transcript language relating to CIR hearings and replaces with language that the CIR shall make public its fact-findings and recommendations.

Section 3: clarifies that the CIR may petition the district court to enforce witness subpoenas.

Section 4: sets timelines associated with a governing body's budget cycle to negotiate and settle disputes. At least 180 days before budget submission, the employer and labor organization must attempt to agree upon a procedure for settling a potential industrial dispute. If an agreement is not reached: 1) 150 days prior to budget submission the dispute shall be submitted to a mediator; 2) if impasse continues 120 days prior to budget submission, a party may petition the CIR for fact-finding and recommended decisions; 3) the CIR must provide its findings to the parties any time prior to 45 days before budget submission; 4) if dispute continues, the CIR shall make its findings public; and 5) within 30 days after the governing body's receipt of the findings, the governing body shall accept or reject the findings. If impasse continues after expiration of the existing collective bargaining agreement, the existing agreement shall continue in full force and effect.

Section 5-9: makes changes to comport with the proposed fact-finding procedures.

Section 10: requires the CIR to make public its findings within 15 days after the conclusion of any hearing.

Section 11-12: makes changes to comport with the proposed fact-finding procedures.

Section 13: removes language referring to a statute that is outright repealed in section 23.

Section 14: makes changes to comport with the proposed fact-finding procedures.

Section 15: removes obsolete language.

Section 16: makes changes to comport with the proposed fact-finding procedures. Clarifies that the special master must choose the final offer of either party rather than the most reasonable final offer as is currently stated in statute.

Section 17: removes current appeal language that requires appeals of special master rulings to the CIR. Instead, appeals will be taken to the Court of Appeals.

Section 18: removes commission language as it relates to appeals.

Section 19: removes commission language as it relates to appeals.

Section 20: sets an operative date of January 1, 2012.

Section 21: clarifies that if any portion is declared unconstitutional, the other sections shall remain valid.

Section 22: repealer.

Section 23: outright repeals sections of the Industrial Relations Act pertaining to the current process of the CIR deciding industrial disputes and an obsolete section of the State Employees Collective Bargaining Act that is obsolete.

Steve Lathrop, Chairperson