

LEGISLATURE OF NEBRASKA

ONE HUNDRED SECOND LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 624**

Introduced by Lautenbaugh, 18.

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 section 81-1373, Reissue Revised Statutes of
- 3 Nebraska; to change bargaining unit provisions; and to
- 4 repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

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

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

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

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

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

23                   (d) Social Services and Counseling, which unit is  
24 composed of generally professional-level workers providing services  
25 and benefits to eligible persons. Classes shall include job service

1 personnel, income maintenance personnel, social workers, counselors,  
2 and similar classes;

3 (e) Administrative Professional, which unit is composed  
4 of professional employees with general business responsibilities,  
5 including accountants, buyers, personnel specialists, data processing  
6 personnel, and similar classes;

7 (f) Protective Service, which unit is composed of  
8 institutional security personnel, including correctional officers,  
9 building security guards, and similar classes;

10 (g) Law Enforcement, which unit is composed of employees  
11 holding powers of arrest, including Nebraska State Patrol officers  
12 and sergeants, conservation officers, fire marshal personnel, and  
13 similar classes. Sergeants, investigators, and patrol officers  
14 employed by the Nebraska State Patrol as authorized in section  
15 81-2004 shall be presumed to have a community of interest with each  
16 other and shall be included in this bargaining unit notwithstanding  
17 any other provision of law which may allow for the contrary. The  
18 member classifications of the State Law Enforcement Bargaining  
19 Council shall be combined into two classifications, the division of  
20 Nebraska State Patrol officers under the purview and control of the  
21 Nebraska State Patrol and the Nebraska State Patrol Human Resources  
22 division;

23 (h) Health and Human Care Professional, which unit is  
24 composed of community health, nutrition, and health service  
25 professional employees, including nurses, doctors, psychologists,

1 pharmacists, dietitians, licensed therapists, and similar classes;

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

8 (j) Engineering, Science, and Resources, which unit is  
9 composed of specialized professional scientific occupations,  
10 including civil and other engineers, architects, chemists, geologists  
11 and surveyors, and similar classes;

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

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

16 All employees who are excluded from bargaining units  
17 pursuant to the Industrial Relations Act, all employees of the  
18 personnel division of the Department of Administrative Services, and  
19 all employees of the Division of Employee Relations of the Department  
20 of Administrative Services shall be excluded from any bargaining unit  
21 of state employees.

22 (2) Any employee organization, including one which  
23 represents other state employees, may be certified or recognized as  
24 provided in the Industrial Relations Act as the exclusive collective-  
25 bargaining agent for a supervisory unit, except that such unit shall

1 not have full collective-bargaining rights but shall be afforded only  
2 meet-and-confer rights.

3 (3) It is the intent of the Legislature that professional  
4 and managerial employee classifications and office and service  
5 employee classifications be grouped in broad occupational units for  
6 the University of Nebraska and the Nebraska state colleges  
7 established on a university-wide or college-system-wide basis,  
8 including all campuses within the system. Any unit entirely composed  
9 of supervisory employees of the University of Nebraska or the  
10 Nebraska state colleges shall be afforded only meet-and-confer  
11 rights. Except as provided in subsection (4) of this section, the  
12 bargaining units for academic, faculty, and teaching employees of the  
13 University of Nebraska and the Nebraska state colleges shall continue  
14 as they exist on April 9, 1987, and any adjustments thereto or new  
15 units therefor shall continue to be determined pursuant to the  
16 Industrial Relations Act.

17 (4) Except as provided in subdivision (2)(c) of section  
18 85-1,119, when the institution now known as Kearney State College is  
19 transferred to the control and management of the Board of Regents of  
20 the University of Nebraska, any academic, faculty, and teaching  
21 employees of Kearney State College who are included in a bargaining  
22 unit and represented by a certified or recognized collective-  
23 bargaining agent as of June 30, 1991, shall, on and after July 1,  
24 1991, compose a separate bargaining unit of University of Nebraska  
25 employees, and such agent shall be entitled to certification by the

1 commission for the new bargaining unit without the necessity of a  
2 representation election. Any adjustments to the unit or the  
3 representation thereof shall be determined pursuant to the Industrial  
4 Relations Act.

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

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