

LEGISLATIVE BILL 1250

Approved by the Governor April 10, 1986

Introduced by Appropriations Committee, Warner, 25,
Chairperson; L. Johnson, 15; Carsten, 2;
Goll, 16; Goodrich, 20; Hannibal, 4;
Lundy, 36; Marsh, 29; Scofield, 49

AN ACT relating to public employees; to amend section 48-837, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 258, Eighty-ninth Legislature, Second Session, 1986; to state intent; to provide for salary increases for state employees; to limit the jurisdiction of the Commission of Industrial Relations as prescribed; to change provisions relating to certain agreements; to provide duties; and to repeal the original section.

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

Section 1. A recent Supreme Court decision established that the Commission of Industrial Relations has jurisdiction to determine wages and other terms and conditions of employment for state employees. In order to implement and provide for meaningful collective bargaining by state employees and for funding of any orders by the Commission of Industrial Relations regarding state employees, changes in state policy and law may be desirable. It is the intent of the Legislature that such changes, if any, will be evaluated and implemented by July 1, 1987, and until such changes can be so evaluated and implemented, increases in salaries and the levels of compensation for state employees shall be determined on a statewide basis as provided in this act.

Sec. 2. (1)(a) For fiscal year 1986-87, salary increases for state employees shall be made pursuant to this act. The salary levels established for such year as a result of the implementation of this act shall not be subject to the findings and orders of the Commission of Industrial Relations.

(b) No appropriation, except any which specifically so provides in Legislative Bill 1250A, Eighty-ninth Legislature, Second Session, 1986, shall be used for purposes of payment of any salary, salary rate, or salary base increase for any state employee for

fiscal year 1986-87 resulting from any order of the Commission of Industrial Relations.

(2) For fiscal year 1986-87, the scale of wages or salaries for employees of the Board of Regents of the University of Nebraska and the Board of Trustees of the Nebraska State Colleges shall not be subject to the findings and orders of the Commission of Industrial Relations.

(3) This section shall apply to and include all cases filed with the Commission of Industrial Relations for fiscal year 1986-87 covering state employees.

Sec. 3. The jurisdiction of the Commission of Industrial Relations to establish salary or base salary levels or other terms of compensation for state employees shall not be invoked before the end of the 1987 regular session of the Legislature and if so invoked shall only be effective beginning with fiscal year 1987-88 and each fiscal year thereafter. The Legislature may, during the 1987 regular session, prohibit by law any order of the Commission of Industrial Relations relating to state employees for fiscal year 1987-88 if it finds such order will be inconsistent with any legislation passed during the 1987 regular session dealing with collective bargaining by state employees.

Sec. 4. That section 48-837, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 258, Eighty-ninth Legislature, Second Session, 1986, be amended to read as follows:

48-837. Public employees shall have the right to form, join, and participate in or to refrain from forming, joining, or participating in any employee organization of their own choosing. Public employees shall have the right to be represented by employee organizations to negotiate collectively with their public employers in the determination of their terms and conditions of employment and the administration of grievances arising thereunder. Any such agreements with the State of Nebraska or any agency thereof shall cover a biennial period coinciding with the biennial budgeting period of the state and shall be subject to approval by the Legislature. Any agreement with the State of Nebraska or any agency thereof for fiscal year 1986-87 on nonsalary or nonclassification issues need not be approved by the Legislature and may be for a period shorter than the budgeting period, except that if there is no agreement by June 30, 1986, the existing agreement or contract shall be continued until such time as an

agreement or contract for the remainder of the 1986-87 fiscal year has been reached. Any agreements or contracts for the 1987-89 biennium shall be on an annual fiscal-year basis.

Sec. 5. (1) The Director of Personnel shall, on July 1, 1986, revise the State of Nebraska Classification and Pay Plan by increasing all annual rates of each salary grade, except the lowest salary grade, by three per cent to the nearest dollar. The monthly, biweekly, and hourly rates shall be computed from the increased annual rate.

(2) On July 1, 1986, all permanent employees with a minimum of six months continuous service with the state and all intermittent employees as defined by the State Personnel System's rules and regulations shall be granted an increase of three per cent to the nearest dollar over their June 30, 1986, annual salary rate except as provided in subsections (3) to (6) of this section.

(3) A permanent employee who on July 1, 1986, is serving a probationary period as a result of disciplinary action shall not be granted the salary increase provided in subsection (2) of this section until the employee has satisfactorily completed probation and the agency director approves the salary adjustment, except that no permanent employee serving a probationary period because of disciplinary reasons shall be paid less than the hiring rate established for his or her salary grade in effect on July 1, 1986.

(4) On July 1, 1986, an employee serving an original probationary period shall not be granted a salary increase, except that no employee serving an original probationary period shall be paid less than the hiring rate of pay established for his or her salary grade in effect on July 1, 1986.

(5) An employee shall not receive a pay increase pursuant to this section which takes him or her over the maximum rate for his or her salary grade in effect on July 1, 1986.

(6) A temporary employee shall not receive a pay increase except as necessary to raise his or her pay rate to the hiring rate of his or her salary grade in effect on July 1, 1986.

(7) Salary increases granted under subsection (2) of this section shall be distributed on July 1, 1986, or as soon as practicable thereafter, in such a manner that expenditures for permanent and temporary salaries and per diems shall not exceed the limitations enumerated by law.

(8) In addition to the salary increases granted under subsection (2) of this section, salary increases may be granted only for promotions, merit, salary grade adjustments, salary adjustments, and reclassifications and shall be allowed only if such salary increases do not increase expenditures for permanent and temporary salaries and per diems above the limitations enumerated by law. Any request for adjustments to the 1986-87 continuation base for temporary and permanent salaries and per diems shall be submitted on or before January 1, 1987, to the Legislative Fiscal Analyst who shall present such requests to the Appropriations Committee. Such requests shall include copies of the written documentation provided by the Department of Personnel for approval of classification changes and salary grade adjustments.

Sec. 6. That original section 48-837, Reissue Revised Statutes of Nebraska, 1943, as amended by section 7, Legislative Bill 258, Eighty-ninth Legislature, Second Session, 1986, is repealed.