

LEGISLATURE OF NEBRASKA
ONE HUNDRED EIGHTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 469

Introduced by Kauth, 31.

Read first time January 17, 2023

Committee:

- 1 A BILL FOR AN ACT relating to state personnel; to amend section 81-1373,
- 2 Revised Statutes Cumulative Supplement, 2022; to include parole
- 3 officers and probation officers as part of the protective service
- 4 bargaining unit; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 81-1373, Revised Statutes Cumulative Supplement,
2 2022, is 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, parole officers, probation officers, 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) It is the intent of the Legislature that the professional
8 staff employee classifications, including the managerial-professional
9 employee classification, and the office and service staff employee
10 classification, be grouped in broad occupational units for the University
11 of Nebraska and the Nebraska state colleges established on a university-
12 wide or college-system-wide basis, including all campuses within the
13 system.

14 (b) Any unit entirely composed of supervisory employees of the
15 University of Nebraska or the Nebraska state colleges shall be afforded
16 only meet-and-confer rights.

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

23 (d) The bargaining units for academic, faculty, and teaching
24 employees of the Nebraska state colleges shall continue as they existed
25 on April 9, 1987, and any adjustments thereto or new units therefor shall
26 continue to be determined pursuant to the Industrial Relations Act.

27 (4) Other constitutional offices shall continue to subscribe to the
28 procedures for unit determination in the Industrial Relations Act, except
29 that the commission is further directed to determine the bargaining units
30 in such manner as to (a) reduce the effect of overfragmentation of
31 bargaining units on the efficiency of administration and operations of

1 the constitutional office and (b) be consistent with the administrative
2 structure of the constitutional office. Any unit entirely composed of
3 supervisory employees of a constitutional office shall be afforded only
4 meet-and-confer rights.

5 Sec. 2. Original section 81-1373, Revised Statutes Cumulative
6 Supplement, 2022, is repealed.