

**48-811. Commission; filing of petition; effect; change in employment status, wages, or terms and conditions of employment; motion; hearing; order authorized; exception.**

(1) Except as provided in the State Employees Collective Bargaining Act, any public employer, public employee, or labor organization, or the Attorney General of Nebraska on his or her own initiative or by order of the Governor, when any industrial dispute exists between parties as set forth in section 48-810, may file a petition with the commission invoking its jurisdiction. No adverse action by threat or harassment shall be taken against any public employee because of any petition filing by such employee, and the employment status of such employee shall not be altered in any way pending disposition of the petition by the commission except as provided in subsection (2) of this section.

(2) If a change in the employment status or in wages or terms and conditions of employment is necessary, a motion by either party or by the parties jointly may be presented to the commission at that time and if the commission finds, based on a showing of evidence at a hearing thereon, that the requested change is both reasonable and necessary to serve an important public interest and that the employer has not considered a change in the employment status, wages, or terms and conditions of employment as a policy alternative on an equal basis with other policy alternatives to achieve budgetary savings, the commission may order that the requested change be allowed pending final resolution of the pending industrial dispute.

(3) Subsection (2) of this section does not apply to public employers subject to the State Employees Collective Bargaining Act.

**Source:** Laws 1947, c. 178, § 11, p. 590; Laws 1969, c. 407, § 4, p. 1408; Laws 1987, LB 661, § 24; Laws 2011, LB397, § 6.

**Operative Date: October 1, 2011**

**Cross References**

**State Employees Collective Bargaining Act**, see section 81-1369.

**Annotations**

The statutory words employment status mean that no employer may without cause change an employee's status as an employee under this section, pending disposition of the petition. *Transport Workers v. Transit Auth. of Omaha*, 216 Neb. 455, 344 N.W.2d 459 (1984).

Prior to its amendment, this section did not give the Commission of Industrial Relations jurisdiction to generally find and declare what is known elsewhere in labor law as "unfair labor practices". *University Police Officers Union v. University of Nebraska*, 203 Neb. 4, 277 N.W.2d 529 (1979).

Labor organization organized under provisions of the act may file a petition with the Court of Industrial Relations when industrial dispute exists between the parties as set forth in section 48-810, R.S.Supp.,1969. *Mid-Plains Education Assn. v. Mid-Plains*

Nebraska Tech. College, 189 Neb. 37, 199 N.W.2d 747 (1972).