

48-811.02. School district, educational service unit, or community college; appointment of special master; decision; additional proceeding.

1. This section shall apply only if the employer is a school district, an educational service unit, or a community college, and this section shall not apply if the employer is the state or any other political subdivision of the state.
2. After a petition has been filed under section 48-811, if the parties are eligible pursuant to subsection (1) of this section and both parties agree, they may request the appointment of a special master. The commission shall provide the parties with the names of five individuals qualified to serve as the special master. If the parties cannot agree on an individual, each party shall alternately strike names. The remaining individual shall serve as the special master. The special master shall have the authority to:
 - a. Determine whether the issues are ready for adjudication;
 - b. Identify for resolution terms and conditions of employment that are in dispute and which were negotiated in good faith but upon which no agreement was reached;
 - c. Accept stipulations;
 - d. Schedule hearings;
 - e. Prescribe rules of conduct for the hearings;
 - f. Order additional mediation if necessary; and
 - g. Take any other action which may aid in resolution of the industrial dispute.
3. The special master may consult with a party ex parte only with the concurrence of all parties.
4. The special master shall choose the most reasonable final offer on each issue in dispute. In making such choice, he or she shall consider factors relevant to collective bargaining between public employers and public employees, including comparable rates of pay and conditions of employment as described in section 48-818. The special master shall not apply strict rules of evidence. Persons who are not attorneys may present cases to the special master.
5. Should either party to a special master proceeding be dissatisfied with the special master's decision, such party shall have the right to file an action with the commission seeking a determination of terms and conditions of employment pursuant to section 48-818. Such proceeding shall not constitute an appeal of the special master's decision, but rather shall be heard by the commission as an action brought pursuant to section 48-818. The commission shall resolve, pursuant to the mandates of such section, all of the issues identified by either party and which were recognized by the special master as an industrial dispute. Such action shall be filed within thirty days after the filing with the commission of the decision of the special master or the decision of the special master shall be deemed final and binding.
6. For purposes of this section, issue means broad subjects of negotiation which are presented to the special master pursuant to this section. All aspects of wages are a single issue, all aspects of insurance are a single issue, and all other subjects of negotiations classified in broad categories are single issues.

Source: Laws 1995, LB 365, § 3.

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