

48-812. Commission; proceedings; appeal.

Except as modified by the commission under section 48-809 or the other provisions of the Industrial Relations Act, proceedings before the commission shall conform to the code of civil procedure applicable to the district courts of the state and appeals from its final orders shall be taken in the same manner and time as appeals from the district court, except that an order determining a bargaining unit or units shall not be appealable until after the results of the election have been certified by the commission. Appeals shall be heard and disposed of in the appellate court in the manner provided by law.

Source: Laws 1947, c. 178, § 12, p. 590; Laws 1979, LB 444, § 4; Laws 1986, LB 809, § 4; Laws 1991, LB 732, § 116; Laws 1992, LB 360, §28.

Effective date July 15, 1992.

1. Right to appeal

2. Manner of consideration

3. Miscellaneous

1. Right to appeal

A party appealing from an order of the Commission of Industrial Relations is not required to file a motion for new trial before the commission as a prerequisite to an appeal to the Nebraska Supreme Court. *Fraternal Order of Police v. County of Adams*, 205 Neb. 682, 289 N.W.2d 535; *Plattsmouth Police Dept. Collective Bargaining Committee v. City of Plattsmouth*, 205 Neb. 567, 288 N.W.2d 729.

In the absence of a specific statute requiring it, the filing of a motion for new trial is not a prerequisite to the appeal of a decision of an administrative body. This section creates no such requirement for appeals from the Commission of Industrial Relations. *Plattsmouth Pol. Dept. Collective Bargaining Committee v. City of Plattsmouth*, 205 Neb. 567, 288 N.W.2d 729.

An order of the Court of Industrial Relations establishing bargaining units is a final order under this section, and becomes immediately appealable. *American Assn. of University Professors v. Board of Regents*, 198 Neb. 243, 253 N.W.2d 1.

2. Manner of consideration

In reviewing the findings and order of the Commission of Industrial Relations, the Supreme Court will only consider whether the order of the commission is supported by substantial evidence, whether the commission acted within the scope of its authority, and whether its action was arbitrary, capricious, or unreasonable. *Fraternal Order of Police v. County of Adams*, 205 Neb. 682, 289 N.W.2d 535.

Review of collective bargaining decision by Court of Industrial Relations is in manner provided for disposition of equity cases. *American Fed. S., C., & M. Emp., AFL-*

CIO v. County of Lancaster, 196 Neb. 89, 241 N.W.2d 523.

Appeals from the Court of Industrial Relations are to be heard and disposed of de novo, but the superior position of the original trier of fact is to be respected and accorded great weight. Crete Education Assn. v. School Dist. of Crete, 193 Neb. 245, 226 N.W.2d 752; Mid-Plains Education Assn. v. Mid-Plains Nebraska Tech. College, 189 Neb. 37, 199 N.W.2d 747.

3. Miscellaneous

Adversary proceedings before the Commission of Industrial Relations must conform to the code of civil procedure applicable to district courts. IAFF Local 831 v. City of No. Platte, 215 Neb. 89, 337 N.W.2d 716 (1983).

An intervenor in a proceeding before the Commission of Industrial Relations may be required to make a reasonable showing of interest in support of the intervention. American Assn. of University Professors v. Board of Regents, 203 Neb. 628, 279 N.W.2d 621.