

#### **48-825. Labor negotiations; prohibited practices; complaints; procedure.**

1. A proceeding against a party alleging a violation of section 48-824 is commenced by filing a complaint with the commission within one hundred eighty days after the alleged violation thereby causing a copy of the complaint to be served upon the accused party. The accused party has ten days within which to file a written answer to the complaint. If the commission determines that the complaint has no basis in fact, the commission may dismiss the complaint. If the complaint has a basis in fact, the commission shall set a time for hearing. The parties may be represented by counsel, summon witnesses, and request the commission to subpoena witnesses on the requester's behalf.
2. The commission shall file its findings of fact and conclusions of law. If the commission finds that the party accused has committed a prohibited practice, the commission, within thirty days after its decision, shall order an appropriate remedy. Any party may petition the district court for injunctive relief pursuant to the rules of civil procedure.
3. Any party aggrieved by any decision or order of the commission may, within thirty days after the date such decision or order is filed, appeal to the Court of Appeals.
4. Any order or decision of the commission may be modified, reversed, or set aside by the appellate court on one or more of the following grounds and no other:
  - a. If the commission acts without or in excess of its powers;
  - b. If the order was procured by fraud or is contrary to law;
  - c. If the facts found by the commission do not support the order; and
  - d. If the order is not supported by a preponderance of the competent evidence on the record considered as a whole.

**Source:** Laws 1995, LB 382, § 2.

Effective date September 9, 1995.