

48-842. State employees; jurisdiction of commission; restricted.

The jurisdiction of the Commission of Industrial Relations to establish salary or base salary levels or other terms of compensation for state employees shall not be invoked before the end of the 1987 regular session of the Legislature and if so invoked shall only be effective beginning with fiscal year 1987-88 and each fiscal year thereafter. The Legislature may, during the 1987 regular session, prohibit by law any order of the Commission of Industrial Relations relating to state employees for fiscal year 1987-88 if it finds such order will be inconsistent with any legislation passed during the 1987 regular session dealing with collective bargaining by state employees. The Legislature hereby finds and declares that the State Employees Collective Bargaining Act, is inconsistent with an order relating to state employees for fiscal year 1987-88 and therefore such orders shall be prohibited.

Source: Laws 1986, LB 1250, § 3; Laws 1987, LB 661, § 31.

Cross Reference

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

A community of interest is presumed among all police officers holding positions subordinate to the chief of the department and his or her immediate assistants. *City of Omaha v. Omaha Police Union Local 101*, 222 Neb. 197, 382 N.W.2d 613 (1986).

The Commission of Industrial Relations has the statutory authority to enter temporary orders concerning wages, hours, terms and conditions of employment, pending the resolution of an industrial dispute. *Transport Workers v. Transit Auth. of Omaha*, 216 Neb. 455, 344 N.W.2d 459 (1984).

The authority granted to the Commission of Industrial Relations under this section is limited in nature. *University Police Officers Union v. University of Nebraska*, 203 Neb. 4, 277 N.W.2d 529.

Supervisory or managerial personnel may not enter into a bargaining unit with rank and file employees and may not retain the same bargaining agent. *Nebraska Assn. of Pub. Emp. v. Nebraska Game & Parks Commission*, 197 Neb. 178, 247 N.W.2d 449.

This section in classifying officers of municipal police and fire departments differently in regard to membership in bargaining units from officers in other departments is not thereby rendered unconstitutional as special legislation. *Local Union No. 647 v. City of Grand Island*, 196 Neb. 693, 244 N.W.2d 515.

While Court of Industrial Relations may not order a school district to enter into a contract, it has the power to settle a dispute. *School Dist. of Seward Education Assn. v. School Dist. of Seward*, 188 Neb. 772, 199 N.W.2d 752.

The 1969 amendment authorizing public employers to recognize employee organizations and to negotiate collectively cannot be attacked as unconstitutional by city which invokes its provisions. *City of Grand Island v. American Federation of S. C. & M. Employees*, 186 Neb. 711, 185 N.W.2d 860.

Court of Industrial Relations does not have power to order collective bargaining by a public utility

operated by government in a proprietary capacity. *International Brotherhood of Electrical Workers v. City of Hastings*, 179 Neb. 455, 138 N.W.2d 822.