



NEBRASKA ASSOCIATION OF PUBLIC EMPLOYEES

VIA E-MAIL

November 27, 2023

Dan Birdsall - Employee Relations Administrator/Chief Negotiator
State of Nebraska - Department of Administrative Services
1526 K Street, Suite 100
Lincoln, NE 68508

Dear Dan,

Thank you for meeting with me prior to Thanksgiving and for talking on the phone today regarding our concerns about the Governor's Executive Order 23-17. As I mentioned, our foremost concern is ensuring that all of us can continue to provide effective and efficient services to our fellow Nebraskans, while also respecting the rights of our members, our contract, and the law.

While the vast majority of state employees are working at offices throughout the state, a critical number of state employees are working partially and fully remotely. These workers provide vital services to our State, and they work tirelessly to deliver those services. Remote work assignments, where appropriate, are beneficial to both the taxpayer and the employees. We share the Governor's goal to have an efficient and effective workforce.

It is clear from the Executive Order that the Governor has a preference for all state employees to work in an office or at a worksite in person. While we respect the Governor's right to have a preference, the terms and conditions of employment are mandatory subjects of bargaining under the State Employees Collective Bargaining Act and the Industrial Relations Act.

Further, Article 1.4 of our labor contract states that prior to making any change in the terms and conditions of employment which are mandatory subjects of bargaining and not otherwise covered by the contract, the State agrees to meet and bargain with our union. Remote work is not currently covered by the agreement, and, therefore, must be bargained.

Please consider this letter a formal demand to bargain under Article 1.4. We are prepared to bargain at your earliest convenience. Time is of the essence. Please respond no later than December 12, 2023. Some of our members have already begun applying for new jobs with outside employers because of their preference to work remotely. We are already critically short staffed in many areas, and we cannot afford to lose a single one of our public servants right now. If we do, all Nebraskans pay the price.

We have always appreciated the collaborative relationship we have with you and your team in solving problems. In the end, we are all here to serve our fellow Nebraskans. Let's meet as soon as possible to bargain contract language that benefits all Nebraskans.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. Hubly'.

Justin Hubly
Executive Director

1230 O Street, Suite 120, Lincoln, NE 68508

Phone: 402-486-3911 • Fax: 402-486-3924 • www.napeafscme.org