



NEBRASKA ASSOCIATION OF PUBLIC EMPLOYEES

VIA E-MAIL

December 6, 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,

I appreciate your team taking the time to meet with us on Friday afternoon to discuss Executive Order 23-17 and our demand to bargain. We understand that it is your perspective that the Executive Order (EO) simply directs agencies to assign worksites and schedules. It is our perspective that the EO requires wholesale changes to both the status quo and the terms and conditions of employment that have not been negotiated in our existing contract language. These changes require bargaining under Article 1.4 of the labor contract, the State Employees Collective Bargaining Act, and the Industrial Relations Act.

In your response to our demand to bargain, you stated that remote work falls under "site of the workforce" in the labor contract. During our meeting, however, you said that all state employees have one worksite that they are assigned to, and remote work assignments were allowed for the convenience of the employee. This simply isn't the case. We are aware of hundreds of employees who were hired with a promise and advertisement of remote work opportunities, and who have never been assigned to a state office. This lack of a clear definition of worksite is just one reason why we must bargain.

We have identified some other items that must be bargained as a result of the EO. These include, but are not limited to:

- The definition of remote work and remote location
- The assignment procedures, criteria, and expenses if an in office arrangement is not possible
- The assignment procedures, criteria, and expenses if an office is at full capacity
- The definition, criteria, and duration for exceptions to sustain critical operations
- The definition and requirements to declare a workforce shortfall to allow remote work
- Remote work options in lieu of using leave during severe weather or other emergencies
- The criteria for an agency head to make exceptions on an individual basis
- The procedures for measuring and confirming productivity in remote assignments
- Parking availability and assignments

The list above is not exhaustive, and I am sure more items will come up with further discussions. This is meant to highlight why we must negotiate and have further discussions regarding the broader topic of remote work. The EO does more than just direct agencies regarding worksites and schedules. We have always appreciated your approach in collaboratively working to reach agreements that benefit everyone, and we believe we can do so again.

As I mentioned on Friday, we conducted a week-long survey regarding remote work. More than 1,700 responses were collected. The issue of remote work is widely and deeply felt by our members. I have attached the data we collected with you so that you have a better idea of the potential effects of refusing to bargain.

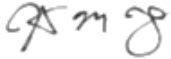
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Our union's primary goal through these negotiations is to ensure that the State of Nebraska is able to retain its employees and attract a new generation of public servants. This is the only way we can serve our fellow Nebraskans effectively and efficiently. It is clear from the data that a critical mass of state employees may leave state employment if we are unable to bargain mutually beneficial terms and conditions of employment regarding remote work. This will hurt us all, especially the most vulnerable Nebraskans who rely on critical state services.

I appreciate your willingness to have open communication and your prompt response to our initial demand to bargain. Based on the information above, I am asking you to reconsider our demand to bargain. Please let me know your decision by December 12, 2023.

Sincerely,

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

Justin Hubly
Executive Director