

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS

NEBRASKA ASSOCIATION OF)
PUBLIC EMPLOYEES LOCAL 61 of)
the AMERICAN FEDERATION OF)
STATE, COUNTY, AND MUNICIPAL)
EMPLOYEES,)

Case No. 1561

ORDER ON MOTION TO CLARIFY

Petitioner,)

NEBRASKA COMMISSION
OF INDUSTRIAL RELATIONS
FILED

v.)

STATE OF NEBRASKA,)
Respondent.)

JAN 10 2024

CLERK

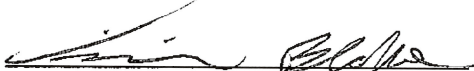
This matter comes before the Commission on Respondent's Motion to Clarify filed on January 3, 2024. Petitioner's Objection to Motion to Clarify was filed on January 5, 2024. A telephonic hearing was held on January 9, 2024, at which time the attachments filed with both the Respondent's Motion and Petitioner's Objection were received into evidence for the purpose of this motion hearing.

The parties both state that the Commission's Order on Motion for Temporary Relief, issued December 29, 2023, is clear and unambiguous. However, Respondent argues that it "seized" upon language in the Order to support its desire to tell employees, including some members of the relevant bargaining unit, to return to in-office workplaces by way of unilaterally terminating their existing remote work assignments. There is no such support for Respondent's position in the Order. The issue specifically before the Commission was the implementation of Executive Order 23-17 with respect to employees represented by the Petitioner during the pendency of this case. No other executive order or policy was argued or considered. There can be no doubt that the December 29 Order dealt with the application of the Respondent's policies just prior to the issuance of Executive Order 23-17 and that the remote work status of the members of the Bargaining unit involved in this case was *not to be altered* during the pendency of this case.

The Respondent's Motion to Clarify is denied.

Entered January 10, 2023.

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS


William G. Blake, Hearing Commissioner