

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS

THE NEBRASKA ASSOCIATION OF) Case No. 1569
PUBLIC EMPLOYEES/AFSCME LOCAL)
61,) OPINION AND ORDER (PHASE I)
Petitioner,)
v.)
COUNTY OF RICHARDSON, a political)
subdivision, and RICHARDSON COUNTY)
BOARD OF COMMISSIONERS, JOHN J.)
CAVERZAGIE, BOB CAMPBELL, RICK)
KARAS)
Respondents.)

NEBRASKA COMMISSION
OF INDUSTRIAL RELATIONS
FILED

AUG 15 2025

CLERK

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Before Commissioners Jones, Blake, and Hartman.

This matter comes before the Commission upon the Petition filed on June 21, 2024, and the Amended Petition filed March 31, 2025 by Petitioner, Nebraska Association of Public Employees/AFSCME Local 61 ("NAPE"). The Petition alleges that an industrial dispute within the meaning of Neb. Rev. Stat. § 48-801(5) exists between NAPE and the Respondents County of Richardson et al. for the contract period of July 1, 2023 through June 30, 2026, involving the classifications of employees in the Richardson County Roads/Highway Department bargaining unit represented by Petitioner.

On January 14, 2025, this case was bifurcated under Commission Rule 15(D), to allow the Commission to first determine the issue of array members prior to and separate from a subsequent hearing determining wages and terms and conditions of employment in this matter. A trial was held on March 24, 2025, to hear arguments and receive evidence. Post trial and reply briefs were filed by Petitioner on April 22, 2025 and April 29, 2025. Post trial and reply briefs were filed by Respondents on April 21, 2025 and April 28, 2025.

At the time of Pretrial on March 20, 2025, the parties mutually agreed on the inclusion of 4 (four) array members. On the morning of trial, prior to going on the record, Respondents and the Commission were first notified that Petitioner was now willing to stipulate to the inclusion of 3 (three) additional array members which were proposed by Respondent (Tr: 17:25-18:13). The mutually agreed upon counties are Saline, Jefferson, Johnson, Nemaha, Butler, Colfax, and York; which are all Nebraska counties.

The criteria and limitations set out by the Legislature in Neb. Rev. Stat. §48-818(2)(b) bind only the Commission in the selection of array members when the parties themselves are unable to mutually agree on a sufficient number of array members. The statute gives complete deference to mutually agreed upon array members. “The preferred size of an array is seven to nine members. As few as five members may be chosen if all array members are Nebraska employers. The commission **shall** include members mutually agreed to by the parties in the array;” Neb. Rev. Stat §48-818(2)(b)(ii) (emphasis added). “Nothing in this subdivision (2)(b) of this section shall prevent parties from stipulating to an array member that does not otherwise meet the criteria in such subdivision, and nothing in such subdivision shall prevent parties from stipulating to less than seven or more than nine array members;” Neb. Rev. Stat §48-818(2)(b)(iv).

The Commission finds that the parties mutually agree to the inclusion of seven (7) Nebraska counties in their array. The Commission is required to include all mutually agreed upon array members in any case. Here, that array also falls within statutory preferences. The mutually agreed upon array already includes 2 (two) more members than required when all members are Nebraska public employers, which brings it within the preferred array size of (7) seven to (9) nine.

IT IS THEREFORE ORDERED that the array in this matter shall be the Nebraska counties of Saline, Jefferson, Johnson, Nemaha, Butler, Colfax, and York.

All Panel Commissioners join in the entry of this Order.

Entered August 15, 2025.

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Dallas D. Jones, Hearing Commissioner