

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS

NEBRASKA ASSOCIATION OF PUBLIC	)	Case No. 1592
EMPLOYEES LOCAL 61 of the	)	
AMERICAN FEDERATION OF STATE,	)	
COUNTY, AND MUNICIPAL	)	ORDER ON MOTION FOR
EMPLOYEES,	)	TEMPORARY RELIEF
Petitioner,	)	
v.	)	
	)	
COUNTY OF RICHARDSON, a Political	)	
Subdivision of the State of Nebraska,	)	
RICHARDSON COUNTY BOARD OF	)	
COMMISSIONERS, JOHN J.	)	
CAVERZAGIE, BOB CAMPBELL, RICK	)	
KARAS,	)	
Respondent.	)	

NEBRASKA COMMISSION
OF INDUSTRIAL RELATIONS
FILED

AUG 14 2026

CLERK

This matter comes before the Commission on Petitioner's Motion for Temporary Relief filed July 7, 2026. Respondents' Brief in Opposition to Petitioner's Motion for Temporary Relief was filed July 17, 2026. The 10-day hearing requirement of CIR Rule 17 has been waived by both parties. A hearing on the motion was held on Monday, August 3, 2026. Petitioner was represented by its attorney, Abby Osborn, and Respondent was represented by its attorney, Jerry Pigsley. Post Hearing Briefs were filed on August 10, 2025.

The Commission has jurisdiction to adjudicate alleged violations of the Industrial Relations Act by virtue of Neb. Rev. Stat. §§ 48-824 and 48-825. The Commission finds that the Prohibited Practice Petition sufficiently alleges prohibited practice claims which invoke the jurisdiction of this Commission. The Commission has the power and authority to make such findings and to enter such temporary or permanent orders as the Commission may find necessary to provide adequate remedies, to effectuate the public policy enunciated in § 48-802, and to resolve the dispute. Neb. Rev. Stat. § 48-819.01. Neb. Rev. Stat. § 48-816(1)(a) provides in part:

The commission may, upon its own initiative or upon request of a party to the dispute, make such temporary findings and orders as necessary to preserve and protect the status of the parties, property, and public interest involved pending final determination of the issues.

Neb. Rev. Stat. Section § 48-823 states:

The Industrial Relations Act and all grants of power, authority, and jurisdiction made in such act to the commission shall be liberally construed to effectuate the public policy enunciated in section 48-802. All incidental powers necessary to carry into effect the Industrial Relations Act are hereby granted to and conferred upon the commission.

Neb. Rev. Stat. § 48-819.01 instructs that:

Whenever it is alleged that a party to an industrial dispute has engaged in an act which is in violation of any of the provisions of the Industrial Relations Act, or which interferes with, restrains, or coerces employees in the exercise of the rights provided in such act, the commission shall have the power and authority to make such findings and to enter such temporary or permanent orders as the commission may find necessary to provide adequate remedies to the injured party or parties, to effectuate the public policy enunciated in section 48-802, and to resolve the dispute.

The Nebraska Supreme Court has observed that “it may very well be that it is in the public interest to be assured that public employees, who do not have the right to strike or hinder, delay, limit, or suspend the continuity or efficiency of governmental services, should continue to receive their previous salaries or be afforded the same terms and conditions of employment while the employer, the employee, and the CIR attempt to resolve the differences.” *Int’l Union of Operating Engineers Loc. 571 v. City of Plattsmouth*, 265 Neb. 817, 825, 660 N.W.2d 480, 486 (2003) (citing *Transport Workers v. Transit Authority of Omaha*, 216 Neb. 455, 344 N.W.2d 459 (1984)).

Parties are only required to bargain over mandatory subjects of bargaining. Mandatory subjects are those subjects that relate to “wages, hours, and other terms and conditions of employment, or any question arising thereunder.” Neb. Rev. Stat § 48-816(1)(a). Additional mandatory subjects of bargaining are those which “vitally affect” the terms and conditions of

employment. *Fraternal Order of Police, Lodge No. 8 v. Douglas County*, 16 CIR 401 (2010). Mandatory subjects of bargaining are not just topics for discussion during negotiations. Unless clearly waived, mandatory subjects must be bargained for before, during, and after the expiration of a collective bargaining agreement. *Omaha Police Union Local 101 v. City of Omaha*, 15 CIR 292 (2007). Failure to bargain for any changes to these items is a per se violation of the Act and a prohibited practice.

The Respondent may ultimately prevail on the merits of this case, but the facts alleged in the Petition constitute a viable prohibited practice claim. The Commission finds that a Temporary Order should be granted to preserve the status quo pending final determination of the issues raised by the Prohibited Practices Petition. At the hearing, Petitioner limited its request for temporary relief.

The parties agree that the status quo is to be maintained during the pendency of this dispute. The parties disagree as to what the status quo is. Respondent is incorrect in its assertion that the status quo “is those terms and conditions which were in effect at the time of the filing of the Petition”. Respondent’s Post-Hearing Brief in Opposition to Petitioner’s Motion for Temporary Relief, pg. 5. The Nebraska Supreme Court has defined status quo as the employment status, wages, hours, or terms and conditions of employment which existed *prior to the dispute*. *Transp. Workers Union Local 223 v. Transit Auth. of Omaha*, 216 Neb. 455, 461 (1984). (Emphasis added). Preservation of the status quo is automatic upon the filing of a Petition pursuant to NEB. REV. STAT. §48-811(1). NEB. REV. STAT. §48-811(1) states that “...the employment status of such employee *shall not* be altered in any way pending disposition of the petition by the commission”. Here, prior to this dispute, GPS and/or AI-integrated cameras were not being used to discipline or

surveil bargaining unit employees. Petitioner need not prove that these systems have been used in this way in order to be entitled to the protections of the Industrial Relations Act.

IT IS THEREFORE ORDERED:

1. Respondent may continue to make use of its installed GPS and AI-integrated camera systems for purposes other than bargaining unit employee monitoring.
2. Respondent shall not use GPS and/or AI-integrated camera systems, or the information obtained from those systems, to surveil or discipline bargaining unit employees during the pendency of this proceeding.

Entered August 14, 2026.

NEBRASKA COMMISSION OF INDUSTRIAL RELATIONS



William G. Blake, Hearing Commissioner