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Nebraska Association of Public Employees Local 61 of the American Federation of State, County, and Municipal Employees v. State

Supreme Court of Nebraska - April 17, 2026 - N.W.3d - 321 Neb. 208 - 2026 WL 1041509

Labor union representing state employees filed prohibited practices petition with Commission of Industrial Relations (CIR), alleging that State had engaged in prohibited labor practice by refusing to negotiate over executive order that generally prohibited remote work.

The Commission dismissed union's petition with prejudice and awarded State over $40,000 in attorney fees. Union appealed.

The Supreme Court held that:

- Contract coverage rule applied, and thus, State was not obligated to bargain over executive order;
- State was not obligated to bargain with union over procedures it would follow in implementing executive order; disapproving *Public Assn. of Govt. Empl. v. City of Lincoln*, 24 Neb. App. 703, 896 N.W.2d 630;
- CIR rule, permitting the CIR to award attorney fees in a prohibited practices case as remedy for repetitive, egregious, or willful prohibited conduct by opposing party, did not authorize award of attorney fees to the State; and
- Union's prohibited practices petition was not frivolous, and thus, State was not entitled to attorney fees.

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