

**Summary of Changes in
2021-2023 NDE-NAPE/AFSCME Bargaining Tentative Agreement
1/4/21**

Throughout the Agreement

- Updated references to “Human Resources” to read “Human Resources Office”
- Use of immediate/direct supervisor vs. supervisor
- Use of his/her vs. his or her
- Use of bargaining unit or unit vs. NAPE/AFSCME

Article 1 – Preamble

- Revised effective dates of the agreement (§1.1, p. 1)
- Technical revision (§1.9, p. 2)

Article 2 – Management Rights

- No changes proposed

Article 3 – NAPE/AFSCME

- “Employee Representative” replaced with “steward” (throughout Article 3)
- NDE will notify NAPE/AFSCME of all newly hired employees within seven (7) calendar days of the employee start date (§3.9, p. 6)
- Added notice of union meetings to authorized materials to post (§3.13, p. 7)
- Updated verbiage regarding communications (§3.14, p. 7)
- Provide monthly list of employees through DAS Employee Relations Office (§3.17, p. 7)

Article 4 – Personnel File Information

- Clarified intent for employees to maintain on file a current home address (§4.1, p. 9)
- Aligned language regarding job applications as public records with state statute (§4.2A, p. 9)

Article 5 – Performance Appraisals

- No changes

Article 6 – Probationary Periods

- Deleted language about extensions of probationary periods (§6.1, p. 13)
- Changed “Title” to “Agreement” to align with other references (§6.2, p. 13)
- Added new job classifications (§6.2B, p. 13)
- Added that original probationary periods may be extended for cumulative absences of at least 40 hours during a six-month original probationary period or at least 80 hours during a twelve-month original probationary period. (§6.2C, p. 14)
- Replaced “secondary” probation with “promotional/lateral” probation and streamlined language (§6.7, pp. 14-15)

Article 7 – Scheduled Workweek and Hours

- Clarified circumstances under which the agency may temporarily change an employee's work schedule (§7.2E1, p. 16)

Article 8 – Overtime

- Clarified that compensatory time cannot be used until the pay period after it is earned, which is current practice. Removed requirement to use the compensatory time within sixty calendar days of the overtime hours being worked. Updated deadlines for use or payment of compensatory time. (§8.2B, p. 18)

Article 9 – Travel

- Deleted requirement to complete Defensive Driving training within six months of hire date; deleted "for State business" as it is redundant to "for business" (§9.2, p. 19)

Article 10 – Job Classification Plan

- Only scrivener's and consistency changes

Article 11 – Vacancies, Reclassifications and Demotions

- Replaced "emailed" with "communicated" (§11.1 p. 22)
- Added the word "calendar" to "60 days" (§11.6 p. 24)

Article 12 – Employee Education Opportunities

- No changes

Article 13 - Salary

- Updated pay structure effective dates (§13.4, p. 27)
- Revised salary increase amounts and dates (§13.5, p. 27)
- Updated dates (§13.5A, p. 27)
- Added new section on salary overpayments (§13.13, p. 29)
- Added new section on wage deductions (§13.14, p. 29)

Article 14 – Insurance and Benefits

- Updated dates of the agreement period (§14.1, p. 31)

Article 15 – Leave and Holidays

- Advanced sick leave is not considered earned sick leave until such time as the employee's longevity in employment provides for such sick leave (15.2G2, p. 34)
- Updated language to align with state statute 48-11 R.R.S. (15.3B, p. 35)
- Deleted "monthly" on line 5 to align with biweekly pay periods (§15.5, p. 36)
- Updated language to align with biweekly pay periods; clarified that advanced vacation leave is not considered earned vacation leave until the employee actually earns it through time on the job (§15.5C, p. 37)
- Added a new section to clarify "work-related" subpoenas (§15.7C1, p. 39)
- Specified telecommuting as a potential alternative work arrangement during inclement weather (§15.8B, p. 40)
- Deleted obsolete section on special vacation payout due to conversion from monthly to biweekly pay periods (§15.20, p. 44)

- Deleted maternity leave eligibility requirement to have an agency-approved Family Medical Leave request for employees with under one year of employment at the agency to be eligible (§15.23A2, p. 45)

Article 16 – Layoff, Recall, and Resignation

- Updated “team” to “office” (§16.3A3, p. 47)

Article 17 – Grievance Procedure

- Updated language to align with current procedures (§17.3H, p. 51)
- Moved “placement on, or extension of, promotional/lateral probation” from §6.7 to nongrievable list (§17.3N, p. 51)
- Updated “secondary probation” to “promotional/lateral probation” (§17.5, p. 52)
- Removed step one of the grievance process; made response times consistent at 15 workdays (§§17.10A, 17.10A1-A2, 17.10B, 17.10C, 17.10C1-C5, 17.11, pp. 54-56)
- Added the Deputy Commissioner may hold a meeting with the grievant in to better understand the facts and circumstances before rendering a decision (§17.10B, p. 55)
- Specified the hearing officer selection process (§17.10C2, p. 55)
- Added email as a delivery option (§17.11D, p. 56)

Article 18 – Corrective and Disciplinary Actions

- Added “just cause” to reasons for corrective and disciplinary action; oral counseling generally precedes written warnings (§18.2 p. 58)
- Replaced “incompetence” with “failure to meet performance expectations despite appropriate intervention” (§18.4C p. 60)
- Added use of an employee’s personal email address “with agreement of the employee” (§18.7C p. 61)
- Removed placement of an employee on probation following a disciplinary demotion (§18.8A, p. 62)
- Deleted obsolete reference (§18.10A1, p. 62)
- Expanded timeframe from 10 to 15 workdays for an employee to request a hearing or binding arbitration following the Commissioner’s decision of dismissal; added option to appeal termination by mutual agreement to use binding arbitration (§18.10B, p. 63)
- Added clarifications regarding hearing process steps and employment status (§18.10B2, p. 63)
- Added cross reference regarding hearing officer selection (§18.10B3, pp. 63-64)

Article 19 – Definitions

- Only consistency changes

Appendices

- Added new classifications, Appendix A, p. 71
- Correct pay structure, Appendix B, pp. 72-73