

LETTER OF AGREEMENT

THIS LETTER OF AGREEMENT is made and entered into between the Fraternal Order of Police, Lodge 88 (FOP 88) and the State of Nebraska (State) to amend the 2019-2021 Labor Contract (Labor Contract) between the parties. The Labor Contract language outlined and agreed to below shall amend the current Labor Contract as specified. The parties agree that LB109, introduced in the 106th Nebraska Legislature, 1st session, and any bills related to classification and compensation issues for P Bargaining Unit employees, shall be jointly opposed by FOP 88 and the State. In the event that LB109, or any bills related to classification and compensation issues for P Bargaining Unit employees, are passed by the 106th Legislature, this Letter of Agreement shall be null and void, and all prior, unamended contract language for the respective sections below shall be reinstated.

The parties agree to replace current contract language with the following:

- 11.1.1 Nothing in this Agreement prevents the Employer from providing, in addition to the provisions of this Article, merit increases/bonuses to employees.

The Director of the Department of Corrections may, within available funding, provide an annual lump sum bonus payment to employees in the Corrections Corporal, Corrections Unit Caseworker, or the Corrections Sergeant classifications at the following Department of Corrections facilities: TSCI, NSP, DEC and LCC. In the event that any such bonus is implemented for any employee, the same lump sum bonus payment must be implemented for each employee in the above classifications facility-wide. Lump sum bonus payments shall be limited to no more than 10% of the employee's base wage. The Director of the Department of Corrections may extend these lump sum bonus payments to employees from other facilities that serve as detail staff at TSCI, NSP, DEC and LCC, in direct proportion to their work hours at these specific facilities.

- 11.3 On January 20, 2020, all Corrections Officers, including any vacant positions of the Corrections Officer classification, will be reclassified as Corrections Corporals. These employees will maintain their state seniority upon reclassification, but will not receive a promotional increase. Subsequently, on January 20, 2020 all employees within the following classifications—Corrections Corporal, Corrections Unit Caseworker, and Corrections Sergeant—shall be placed on the pay lines established in Appendix A. All employees will be moved to the new minimum hourly rate of pay, represented as Step 1 for each classification, or will receive an increase to their base rate of pay equal to the dollar amount the minimum hourly rate of pay for their respective classification has increased, whichever is higher. For example, the minimum rate of pay for the Corrections Corporal on January 19, 2020 is \$18.44 per hour. The new minimum rate of pay for that classification on January 20, 2020 is \$20.00 per hour. Accordingly, as of January 20,

2020 each employee in that classification shall receive an increase to the new minimum rate of pay of \$20.00 per hour, or shall receive a raise of \$1.56 per hour, whichever results in a higher rate of pay.

On July 1, 2020, all employees within the following classifications—Corrections Corporal, Corrections Unit Caseworker, and Corrections Sergeant—shall advance to the next highest step on their respective pay line as outlined in Appendix A. Employees within these specified classifications who are on or above Step 7, the maximum rate of pay, on June 30, 2020 shall remain at their current rate of pay and receive no increase.

Employees must be considered by the Department of Corrections to have had at least satisfactory performance for the past calendar year in order for the increases on July 1, 2020 to be implemented. In addition, no employee subject to disciplinary action within the past calendar year, of the level of disciplinary probation or greater, shall be eligible for the July 1, 2020 increases, subject to the Director's discretion.

Employees considered by the Department of Corrections to have had at least satisfactory performance for the past calendar year, in addition to the absence of disciplinary action of the level of disciplinary probation or greater, subject to the Director's discretion, shall advance to the next highest step of their respective pay plan provided in Appendix A. Advancement shall occur on July 1 of each calendar year, subject to the above provisions, and shall end upon attainment of the highest step in the classification's pay plan.

Until such time that the total number of overtime hours paid to unit employees by the Nebraska Department of Corrections is reduced to the number of total overtime hours paid by the Department in 2014, the following restrictions shall apply: for the purposes of determining whether an employee has completed a year of satisfactory performance and whether the employee's disciplinary record qualifies for the increases described herein, the Department shall not include in the employee's evaluation or review of disciplinary record any consideration of whether the employee worked overtime, or the amount thereof. In the event that an employee receives a determination that a year of service shall not be considered of satisfactory performance or that overtime worked, or the amount thereof, was the sole reason for discipline that was disqualifying for the purposes of an enhancement in his or her pay rate as provided in this section, the employee may file a written request for an audit of this determination to D.A.S. Employee Relations, who will undertake a good faith investigation of this determination.

Following the completion of the investigation, in the event that Employee Relations determines that the employee's participation in overtime was a cause of a reduction in his or her evaluation score, Employee Relations shall determine the relevant year of service shall be considered of satisfactory performance and that the disciplinary record is not disqualifying for the purposes of the raise in pay rate provided in this section. However, if after a good faith investigation into the determination, Employee Relations determines that the employee's evaluation or disciplinary record did not include consideration of whether the employee worked overtime or the amount thereof, Employee Relations shall

notify the employee of the determination, and the Department shall provide the employee with a list of work improvements that the Department has determined are necessary for the employee to remedy his or her performance. The determination of Employee Relations described herein shall not be grievable.

- 11.8 A former employee may be rehired at a salary that is up to the same percentage into the range as their former classification.

The Department of Corrections may hire new or former employees at a pay rate higher than the minimum rate of pay for the following classifications: Corrections Corporal, Corrections Unit Caseworker and Corrections Sergeant. Such action shall be contingent on the new or former employee's years of experience in a corrections setting, or like setting in a military or law enforcement capacity, and each year of experience shall correspond to one step on the classification pay range outlined in Appendix A.

- M.3.1 Employees scheduled work day shall ordinarily be eight (8) hours. Shifts at TSCI, NSP, DEC and LCC may be 8, 10 or 12 hours at the Director's discretion. No more than seventy percent (70%) of shifts for any classification covered by this Agreement at these facilities will be 12 hours. Employees at these facilities, upon implementation of 12 or 10 hour shifts, shall bid for all available shifts based upon seniority in their classification. If the employee is a Corrections Corporal the employee's time as a Corrections Officer and a Corrections Corporal shall, in total, be counted for the purposes of establishing their classification seniority. Thereafter, all positions shall be bid according to Appendix Section M.11. Employees working 12 hour shifts shall be entitled to at least 3 consecutive days off per week. A meal period shall be considered time worked, as shift employees are considered on duty from the beginning of their shift until they finish their shift. Meals shall be expeditious and only the amount of time reasonable and necessary to eat shall be used.

Appendix A

Job Code	Job Title	07/01/2019 Minimum Hourly Rate	07/01/2019 Maximum Hourly Rate	01/20/2020 Minimum Hourly Rate	01/20/20 Maximu m Hourly Rate	07/01/2020 Minimum Hourly Rate	07/01/2019 Maximum Hourly Rate
Protective Service							
P66112	Corrections Corporal	18.440	25.270	20.00	26.00	20.00	26.00
P66111	Corrections Officer	17.000	24.410	--	--	--	--
P66113	Corrections Sergeant	20.600	28.580	24.00	30.00	24.00	30.00
P66441	Corrections Unit Caseworker	19.233	27.350	20.00	26.00	20.00	26.00
P76251	Developmental Disabilities Safety & Habilitation Specialist	15.354	22.237	15.354	22.237	15.354	22.237
P76141	Mental Health Security Specialist I	13.290	20.370	13.290	20.370	13.290	20.370
P76142	Mental Health Security Specialist II	16.160	24.349	16.160	26.460	16.160	26.460
P61851	Security Communications Specialist	14.505	21.735	15.920	24.510	15.920	24.510
P64831	Security Guard	12.180	18.520	12.180	19.400	12.180	19.400
P76751	Youth Security Specialist I	13.860	20.770	13.860	22.300	13.860	22.300
P76752	Youth Security Specialist II	16.010	24.115	16.010	25.990	16.010	25.990
P64911	Military Security Officer Trainee	15.354	22.237	15.354	22.237	15.354	22.237
P64912	Military Security Officer	16.804	23.746	16.804	23.746	16.804	23.746

Pay Plan Effective 01/20/20								
Job Code	Job Title	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7
P66112	Corrections Corporal	\$20.00	\$21.00	\$22.00	\$23.00	\$24.00	\$25.00	\$26.00
P66441	Corrections Unit Caseworker	\$20.00	\$21.00	\$22.00	\$23.00	\$24.00	\$25.00	\$26.00
P66113	Corrections Sergeant	\$24.00	\$25.00	\$26.00	\$27.00	\$28.00	\$29.00	\$30.00

Dated this 6th day of January, 2020.



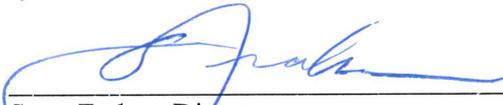
 Gary Young, Chief Negotiator
 Fraternal Order of Police, Lodge 88



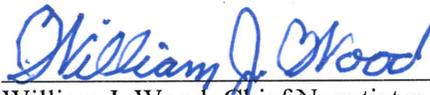
 Jason Jackson, Director
 Department of Administrative Services
 State of Nebraska



 Michael Chipman, President
 Fraternal Order of Police, Lodge 88



 Scott Frakes, Director
 Department of Correctional Services
 State of Nebraska



 William J. Wood, Chief Negotiator
 State of Nebraska



 Sean Davis, Employee Relations Representative
 State of Nebraska