

FOP 88 Letter of Agreement October 2021 FAQ

The questions and answers posed herein are intended to provide clarity for state teammates in understanding the adjustments made under the FOP 88 and State of Nebraska Letter of Agreement (impacting the 2021-2023 Labor Contract) signed in November of 2021. It is not an all inclusive list, and teammates are encouraged to consult with their agency leaders and HR partners, as well as the State Personnel and Employee Relations webpages, to obtain further clarification and guidance.

1. *Is the \$3/Hour differential in Article 11.3.1 available to any teammate? How does it operate?*

Answer: The \$3/Hour Pay Differential is applicable to any teammate in the classifications listed: Corrections Corporal, Corrections Sergeant, Corrections Unit Caseworker, Behavior Technician, Mental Health Security Specialist II, Developmental Disabilities Safety & Habilitation Specialist, and Youth Security Specialist II. No other FOP covered teammate is eligible for the Pay Differential outside of those classifications.

The \$3/Hour Pay Differential is in addition to base wages as outlined in Appendix A. The Pay Differential is unique in that it is to be applied to all hours, whether worked or leave, to ensure the teammate is receiving the total hourly rate.

The Pay Differential has the potential to become part of the base wage (Appendix A) based on certain vacancy rate criteria outlined in Article 11.3.1. \$1.50 of it would become part of base wages effective July 4, 2022 should certain vacancy reduction goals be met on June 30, 2022. The remaining \$1.50 would continue as a Pay Differential. Depending on whether this June 30, 2022 vacancy reduction goal is met, between \$1.50 and \$3.00 (full) of the Pay Differential would become part of base wages effective January 2, 2023 should certain vacancy reduction goals be met on January 1, 2023. Should the amount becoming part of base wages be less than the full Pay Differential (\$3.00) then the remaining amount would continue as a Pay Differential through the end of the Labor Contract – June 30, 2023. Please reference the November 2021 FOP 88 Letter of Agreement Guidance Document for more explanation and examples related to the Pay Differential and the potential to become part of the pay line (base wages).

2. *For the change to sick leave usage in Article 14.11, when is that effective? Can it be applied retroactively to FMLA already taken this year?*

Answer: The ability to request and apply sick leave for approved FMLA as outlined in Article 14.11.d. shall become effective for any and all requests and qualifying circumstances on or after December 6, 2021. It is not the intention of this new provision that it is to be applied retroactively to requests or circumstances prior to that date as they operated under the previous sick leave guidance and were therefore in line with the contract provisions, standard guidance and past practice at the time. As an example,

if a teammate is currently on an approved FMLA for two weeks (10 days) starting December 1, 2021, they would be able to apply sick leave starting December 6, 2021, in this case for the remaining 7 days of the approved FMLA. It is important to note that sick leave has been allowed and utilized in the past for many, if not most, FMLA time periods. This new language is meant to address those circumstances that were formerly not allowed, most notably for fathers upon the birth of a new child.

3. *For the increase to military leave can a teammate who has already exhausted part or all of their 120 hours receive up to 440 hours for the remainder of the year?*

Answer: The ability to request and apply the additional military leave hours as provided for and outlined in Article 14.19 shall become effective for any and all requests and qualifying circumstances on or after December 6, 2021. If a teammate, operating under the 120 hour limit prior to December 6, 2021 used some or all of that 120 hour bank, they can request and have applied military leave under the new provisions of 440 hours for the remainder of the calendar year, minus any hours already utilized for the calendar year. As an example, if a teammate has already utilized 60 hours between January 1, 2021 and December 5, 2021, the teammate would have available 380 hours for the remainder of the calendar year.

4. *How can I tell whether I will be impacted by a pay line adjustment? How much of an increase will I receive?*

Answer: All FOP covered teammates will be impacted by a pay line adjustment effective December 6, 2021. The intention is for you to at least match the dollar amount increase that your classification's pay line received.

Teammates in the classifications of Corrections Corporal, Corrections Sergeant, Corrections Unit Caseworker, Behavior Technician, Mental Health Security Specialist II, Developmental Disabilities Safety & Habilitation Specialist, and Youth Security Specialist II will receive a \$5.00/hour increase to their base hourly rate of pay, with potential variations as teammates are placed directly on steps if they are not currently or if they are above Step 7. Teammates in the classifications of Military Security Officer Trainee, Military Security Officer, Security Guard, and Security Communications Specialist will receive a \$4.00/hour increase to their base hourly rate of pay.

On July 1, 2022, all teammates shall be eligible for one step movement on their classification's pay line if they are in the classifications of Corrections Corporal, Corrections Sergeant, Corrections Unit Caseworker, Behavior Technician, Mental Health Security Specialist II, Developmental Disabilities Safety & Habilitation Specialist, and Youth Security Specialist II, subject to satisfactory performance for the past calendar year as determined by their agency as well as disciplinary considerations as outlined in Article 11.2.4 and 11.3.2. Thus, for teammates in these classifications they shall receive a \$5.00/hour increase on December 6, 2021 and have the potential to receive a one-

step increase on July 1, 2022 with satisfactory performance for the past calendar year and disciplinary considerations.

Teammates in the classifications of Military Security Officer Trainee, Military Security Officer, Security Guard, and Security Communications Specialist shall be eligible for a 2% increase to their base hourly rate of pay on July 1, 2022 with satisfactory performance for the past calendar year as determined by their agency. Thus, for teammates in these classifications they shall receive a \$4.00/hour increase on December 6, 2021 and have the potential to receive a 2% increase on July 1, 2022 with satisfactory performance for the past calendar year.

1. *I have received discipline in the past calendar year? Will it impact by potential increase on July 1, 2022?*

Answer: Teammates in the classifications of Corrections Corporal, Corrections Sergeant, Corrections Unit Caseworker, Behavior Technician, Mental Health Security Specialist II, Developmental Disabilities Safety & Habilitation Specialist, and Youth Security Specialist II are subject to disciplinary considerations related to July 1 increases. The language in Article 11.2.4, and repeated in Article 11.3.2, states that only discipline of the level of disciplinary probation or greater will potentially factor into July 1 increases. If a teammate receives disciplinary probation they will not automatically be barred from receiving the July 1 increase. However, the Director of their agency has the right to determine that their disciplinary probation was at a level of severity that would prevent the teammate from receiving the July 1 increase, thus excluding that teammate from step movement on July 1, 2022. A teammate who has received discipline higher than disciplinary probation would automatically be prevented from receiving the increase on July 1, 2022, unless the Director exercises his/her authority to allow them to receive the increase. Any July 1 increases is still contingent on satisfactory performance for the past calendar year.

2. *What, if any, impact does this agreement have on teammates covered by the Personnel Rules and Regulations?*

Answer: It is the intention of State Personnel and the State Personnel Director that all Rules teammates will have equitable adjustments made in response to the new FOP 88 Letter of Agreement. That will be addressed in a State Personnel Director's Memo to be released shortly.

3. *What is the budget impact to my agency?*

Answer: The State Budget Office will be making enterprise-wide adjustments, in coordination with agencies, to provide the necessary PSL and Operating Budget to accommodate the compensation related adjustments arising out of this agreement.