

## Nebraska High Court Backs Teachers In Central City

BY NELSON LAMPE  
Associated Press Writer

OMAHA, Neb. — The Nebraska Supreme Court backed the Central City teachers union Friday in a dispute with the school district over what happens when negotiations reach an impasse and whether teachers get paid for unused leave time.

The union's lawyer said the ruling, which upheld a decision by the state's Commission of Industrial Relations, evened out the battleground. The district's attorney said the provisions limited the schools' options.

According to the Supreme Court ruling, the dispute over the 2008-09 contract centered on two issues:

- adding a provision that would keep the old contract in force until a new one was negotiated, which the union favored;
- removing contract language providing that the district will pay teachers for unused sick and personal leave. The union wanted to retain the pay for unused leave.

The district had argued that the commission had exceeded its authority in supporting the contract-continuation provision and that it denied the district its lawful right to implement a final offer upon reaching an impasse.

But the court disagreed, citing several of its previous decisions and its interpretation of the language in state law. It also said that allowing the district to implement its final contract offer "could be seen as giving it the upper hand" in negotiations.

One of the district's lawyers, Kelley Baker, said Friday that the contract-continuation language "handcuffs public agencies and can deprive them, as it deprives Central City, of its well-established authority under law" to implement its final offer upon impasse.

But the union's lawyer, Mark McGuire, said the court's ruling "establishes a level playing field."

"It's inherently not level when one side, the district, can impose their terms and conditions of employment when they determine the parties are at impasse," McGuire said.

The teachers union had taken the contract dispute to the commission in December 2008, saying it was unable to agree on terms for the 2008-09 school year. While the commission was considering the case, the teachers worked under terms of the 2007-08 contract, Baker said.

The commission is an administrative agency that hears pay and other disputes between workers and Nebraska state and local governments. Among other powers, it can establish or alter wages, hours of labor or other conditions of employment.

In late spring, the commission ruled in favor of the union. The district appealed to the state Supreme Court.

On the issue of payment for unused personal and sick days, the district said the commission erred in finding that such payments were a prevalent practice among the 14 school districts used for comparison.

Comparisons with similar districts are used as part of the negotiations and by the commission when it sets wages and other employment conditions.

The court reviewed those 14 contracts and found that 10 had such a provision and so ruled that the practice was prevalent. But it also found that terms varied among the 10.

So the court sent that part of the case to the commission on Friday, directing it to "consider the appropriate terms of the pay" for the unused leave.

The two sides' lawyers said their clients will make recommendations to the commission on the leave pay.

## High Water May Affect Algae Blooms

LINCOLN, Neb. (AP) — The drought years of 2004 and 2005 were banner years for blooms of toxic blue-green algae in some Nebraska lakes and ponds. So does that mean fewer blooms this summer with so many water bodies swollen by recent rain and runoff?

Not necessarily. "With the random nature of algae, I hesitate to make any predictions," University of Nebraska-Lincoln scientist Tadd Barrow told the *Lincoln Journal Star*.

Lower water warms faster, which contributes to algae growth, scientists say. But extra water flowing into lakes may bring with it phosphorus, which help algae thrive.

No health alerts have been issued yet this year at the 46 Nebraska lakes monitored by the Department of Environmental Quality, compared with five last year. In 2005, when water levels were low at many Nebraska lakes and ponds, alerts were posted at 12 lakes.

The algae — scientists say they're actually plantlike bacteria — are common in freshwater the

world over. Some produce dangerous toxins.

But so little is known about the toxins' cumulative effects or what triggers the blooms that health and environmental experts don't even agree on when to say: "Don't go in the water."

The algae exist at microscopic, unnoticed levels until something in the environment gets out of whack and causes them to multiply rapidly. The harmful algae blooms sometimes show up blue-green, sometimes red, sometimes brown — fouling the water and forcing warnings at lakes and rivers.

Some toxic blooms are lethal enough to have killed alligators in Florida, cattle in Utah and Oklahoma and dogs in Idaho, Nebraska and elsewhere.

Drinking toxin-tainted water can cause vomiting, diarrhea, headache, muscle pain, paralysis and respiratory failure. Swimming in it can cause rashes, hives, runny nose, irritated eyes and throat irritation.

Experts say people still can camp, fish and boat, but they should not have full-body contact with the algae.

## Tornadoes, Flooding Leave Trail Of Destruction In Dakotas

GRAND FORKS, N.D. (AP) — Residents in the Dakotas are cleaning up after tornadoes, strong winds and heavy rain swept through the states, leaving a trail of destroyed buildings and flooding in their wake.

A storm system that brought deadly tornadoes to Minnesota on Thursday also spawned twisters on the North Dakota side of the Red River. No injuries or deaths were reported.

Nancy Barner said she feels lucky to be alive after a shop was destroyed about 20 feet from where she was standing in a small subdivision west of Grand Forks.

Owen Dahl and his wife, Debbie, lost their welding business, home, three sheds and a car when a tornado ripped through their property outside Northwood.

"We're just glad Debbie and I are safe because we should have been killed," Owen Dahl said.

"It was hard to watch, yet it was fascinating at the same time," he said. "The power was unbelievable and awesome to watch. I was amazed how it tore through everything."

Al Voelker, senior meteorologist with the National Weather Service office in Grand Forks, said tornadoes are not uncommon in the Red River Valley but that the size of Thursday's storm made it stand out.

"There's a couple of us that have got about 30 years in the weather service and the only one we can think of that was somewhat of a similar situation was in 1999," he said, referring to a June 6 outbreak of 10 tornadoes that tore up homes in the town of Mountain and caused damage in several counties on both sides of the Red River.

Recovery continues in the south central South Dakota town of Dupree, where tornadoes or high winds hit the town late Wednesday, damaging or destroying numerous buildings and homes and injuring two men.

"I could see three (tornadoes) coming, so then we could hear this howling and my husband said, 'It's time to get to the basement,'" lifelong resident Judy Stout said. "I came back upstairs, part of the living room roof was gone. The bedroom roof was gone

and the sliding glass door was laying in the living room."

Heavy rain throughout North Dakota and South Dakota led to flash flooding in urban and rural areas, including the North Dakota cities of West Fargo and Minot. State Highway 52 southeast of Minot still had standing water Friday morning, and the state Transportation Department was encouraging drivers to slow down.

In northeastern South Dakota, power was restored late Thursday to several hundred NorthWestern Energy customers who were put in the dark by strong winds that downed electrical lines.

Thousands of homes in southwest North Dakota also lost power for several hours Thursday, and strong winds damaged buildings, trees and a vehicle in Adams County.

McKenzie County Emergency Manager Jerry Samuelson said he received a number of calls from people wondering where they could take shelter.

"We have a lot of oil field workers living in campers and trailer houses," he said.

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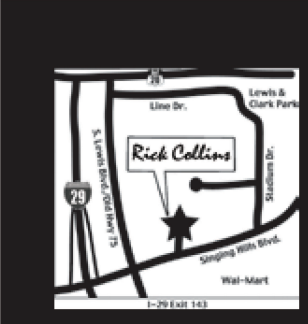
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