

April 12, 1983

LB 319

before the courts are the place that these items and these problems should be resolved not on the floor of the Legislature. Let's let the Appeals Tribunal do their thing, make a decision. If it is unfavorable to Donnelley, then let them appeal to the next level. If employers are allowed to exclude themselves from liability through special statutory exemptions, an increasing number of individuals will be denied the security that unemployment insurance provides. This insurance program will fail if employers continue to be allowed to exempt themselves from this coverage. I suggest to you that the Donnelley amendment is bad medicine. LB 319 as amended by the Donnelley amendment is now at least in my opinion a bill which has been badly damaged. I would urge the body to support this motion and delete the Donnelley amendment from LB 319. Thank you, Mr. Speaker.

SPEAKER NICHOL: Senator Vard Johnson.

SENATOR V. JOHNSON: Mr. Speaker, members of the body, I rise to support Senator William Barrett's amendment which would strike from LB 319 the amendment that was first added in the Public Works Committee, was removed on General File and was reinserted on Select File, that amendment being simply to exclude from unemployment compensation coverage certain workers. We have debated this issue at great lengths. But the thing that continues to disturb me the most about the issue is why it is we have such a rush to judgment, why it is we simply are unable to allow our regular processes to work to determine whether or not the individuals who are employed by the Donnelley Corporation are, in fact, employees covered by the unemployment compensation law or in the alternative not so covered by the unemployment compensation law. Would it not be better for there to be a court test of this question so that this body, so that the Business and Labor Committee, so that individual members know exactly what is meant by independent contractor and what is meant by employee, in terms of the issue of homemaker. Why is it we have to rush to judgment on the question? There is no reason. There literally is no reason. We have been told, we were told a couple of weeks ago that this corporation somehow felt threatened by what the Department of Labor was doing in terms of its interpretation of its unemployment compensation program and that this corporation could conceivably leave the State of Nebraska. We do not know that that is going to occur. But what we do know is going to happen is if we go ahead with this particular amendment, if we accept it, we will not have a court interpretation. We will not have a court test. We will simply not know to what extent homeworkers are or are not covered by the current law. Now you and I ought to know that. We ought to know that so