

March 23, 1984

LB 829

SENATOR WESELY: Neutrality, Bill, neutrality. Mr. Speaker, members of the Legislature, I do appreciate Senator Warner giving me a chance to explain for you LB 829. I did it whenever the bill was up last time, yesterday or the day before, but perhaps you don't recall what the elements of the bill do. I will then, after Senator Warner gives his presentation, again discuss the bill further. LB 829 is a result of a court case that was decided in 1983. The court case involved IBEW Local #1536 vs. Lincoln Electric System. That court case was carried through and the Supreme Court of Nebraska ruled that the bargaining unit of that local was not as broad in definition as previously had been decided by the Commission on Industrial Relations. They took out some people from the bargaining unit. What this bill tries to do is put those people back in the bargaining unit as they always have been over the years. This is because, obviously, if you lose people from a bargaining unit, it weakens your strength and it is unfair to that bargaining unit to do that. Now the definition we are trying to go back to, again I emphasize, is the definition we have followed for many years in this state. It is also the definition followed federally for private employers across this country. It is the NLRB, National Labor Relations Board definition of who is and who is not a supervisor. If you determine who a supervisor is and that happens to be the case, they are a supervisor, then they are not in the bargaining unit. So the definition of a supervisor is critical as to who is and who is not in the bargaining unit. A broad definition of supervisor as the Supreme Court held takes people out of the bargaining unit. A more narrow interpretation of who supervisor is includes more people in the bargaining unit. That is the basic, fundamental simple fact of the matter. Now I think that is all the bill does. It tries to return us to the past definition. It is not an attempt to broaden who can be included in these bargaining units. All it is attempting to do is stop those bargaining units from being narrowed by a Supreme Court ruling that I believe was in error and that is what the bill does and now I guess we can get back to Senator Warner's motion.

SPEAKER NICHOL: Now, Senator Warner, your kill motion.