

February 10, 1995 LB 216

SENATOR CROSBY: Senator Hall, you have about two minutes and a half.

SENATOR HALL: Thank you, Madam President, members. Thank you, Senator Janssen. The answer to your question is that, Senator Janssen, you could establish a policy that says that you can't have any alcohol in your system when you come to work. There's nothing in this bill that says you can't establish that type of a policy. It says, under Section 4, sub (3), establishing permissible blood content levels for alcohol, prescription drugs and other medications while the employee is on duty in the workplace, or is using or occupying any property of the employer. So you would have the ability to say to that individual, look, I told you, now I'm telling you, you can't come to work without any alcohol in your system because my customers don't like it; you're offending my customers, I don't want to lose those customers, that's part of your condition of employment. You do it again, you're fired. There is nothing...this bill would not prevent you from doing that. And the other argument, if I can go on, that relates back to one of the things that Senator Bromm raised, the whole issue of whose interests are we trying to protect. He rightly pointed out that this is an at will state, at will employment. If I don't like the color of your eyes, you're gone. If I don't like the shoes you wear, you're gone. If I don't like the car you drive, you're gone. The question is, whose interests are we looking out for...

SENATOR CROSBY: One minute.

SENATOR HALL: ...by opposing this type of legislation? We're somehow thinking or turning this into a proemployer type of ploy in order to keep these terrible employees from doing things that they shouldn't do that their employers don't like. This is a very modest proposal at best, it does not expand the scope of any kind of potential lawsuit that's out there now. There is nothing to keep anybody from filing a lawsuit when they get fired because their employer told them they didn't like the color of their eyes, that can happen today. There's all kinds of things that can happen in terms of a...even in an at will state. All this says is that you can't foreclose people from applying for jobs, for holding jobs, for use of products off the job.