

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 15, 1999 LB 608

when the school year had ended. He applied for unemployment compensation; and, after the appeal to the Nebraska Supreme Court, they held that he was, in fact, unemployed and entitled to unemployment compensation during the summer even though he continued to get his paycheck from the university. Now that probably is a sensible decision in that case, but it was not a case that involved vacation. Later, similar cases were brought involving situations involving a number of employees, in one case over 200 employees, and following the Nebraska Supreme Court decision in the Pinzon case, Mr. Pinzon was the professor involved, the Appeals Tribunal of the Labor Department felt that they were required by the Supreme Court decision to grant to employees in plants who receive paid vacations also the right to claim unemployment compensation. This is a result that has astonished and shocked a lot of people. I've handed out a copy of the editorial in January from the World Herald that expresses some astonishment at this result. Now all that this bill, 608, does is say that if you are on a paid vacation and you still have a job and you're going to have the right to go back to work when your vacation is over, and you're being paid full vacation pay, you're not unemployed. Now the purpose of the Nebraska Employment Security Law, which is the fancy name for the unemployment compensation law, is to provide unemployment compensation benefits to individuals who find themselves without employment. They're available for work but cannot find employment through their own...on their own. If they can't find employment, then they're entitled to unemployment compensation. Last year, Senator Hilgert handled a bill that really put unemployment compensation on a very strong basis. It raised the unemployment compensation rate to \$184 a week and set up a formula to take...to take into account inflation in the future. And unemployment compensation, of course, is extremely important. If an employee loses a job through no fault of their own and needs time to seek other employment, the Unemployment Compensation Fund, which is solely paid for by employers, will pay these benefits for six months. This is...this is a program that's been with us for three or four decades. It's a very strong program, a very necessary program in our society for the benefit of employees and their families. Now, the Pinzon case, which was decided by the Nebraska Supreme Court, did not involve anybody on vacation. It was a contractual arrangement. So a real legal question has evolved out of this case and when the