

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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Appeals Division of the Department of Labor issued their rulings, they acknowledged that this was a problem, and I'm going to quote from the opinion from the Nebraska Appeals Tribunal of the Department of Labor. The judge, the administrative law judge who decided this case, said, and I quote, employees who are on vacation and who continue to receive pay in the regular course of business, and who fully expect and are expected to return to work at the end of the vacation period, do not fit the commonly understood concept of being unemployed. I think that's very reasonable and logical. The judge goes on to say the payment of benefits to claimants under these circumstances does not seem fair or equitable. The judge goes on, there is currently no statutory provision excepting claimants from eligibility as a result of receipt of vacation pay for periods of paid vacation during which the unemployment...during which...I...correction, during which the employment relationship continues. In other words, the judge of the Department of Labor is saying what we're missing in our statute is a provision that says when you receive full vacation pay you are still employed. Now that's all 608 does. It includes and it adds to the statute a clarification that says, and I'm going to quote, paid vacation leave shall mean a period of time while employed or following separation from employment in which the individual renders no services to the employer but is entitled to receive vacation pay equal to or exceeding his or her base weekly wage. In other words, that defines paid vacation. Then another section of the statute is being amended to say that in the definition of who is unemployed, and I'm going to read the whole section and then the part that is amended. Section 25 says, unemployed shall mean an individual during any week in which the individual performs no service and, with respect to which, no wages are payable to the individual, or any week of less than full-time work if the wages payable with respect to such week are less than the individual's weekly benefit amount, but not include any individual on a leave of absence or on paid vacation leave. Now the only change that this bill makes is it adds five words: "or on paid vacation leave." In other words, it says if you're getting full vacation pay, you have a job to go back to, you are not unemployed. A very simple proposition that will make it...

PRESIDENT MAURSTAD: One minute.