

Transcript Prepared by Clerk of the Legislature Transcribers Office
Business and Labor Committee January 24, 2022
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B. HANSEN: Good afternoon and welcome to the Business and Labor Committee. My name is Senator Ben Hansen. I represent the 16th Legislative District in Washington, Burt, Cuming, and, and parts of Stanton Counties. I serve as Chair of the Business and Labor Committee. I would like to invite the members of the committee to introduce themselves, starting on my right with Senator Hunt.

HUNT: Hi everybody, I'm Senator Hunt and I represent District 8 in midtown Omaha.

M. HANSEN: Matt Hansen from District 26 in northeast Lincoln.

LATHROP: Steve Lathrop, District 12, which is Ralston and parts of southwest Omaha.

HALLORAN: Good afternoon. Steve Halloran, District 33, which is Adams, Kearney, and Phelps.

GRAGERT: Good afternoon. Tim Gragert, District 40, northeast Nebraska.

B. HANSEN: Also assisting the committee is our legal counsel, Benson Wallace; our committee clerk, Christina Campbell; and our committee pages, Kate Kissane, yep; and Kennedy Rittscher. A few notes about our policy and procedures. Please turn off or silence your cell phones. This afternoon we'll be hearing four bills and we'll be taking them in the order listed on the agenda outside of the room. On each of the tables near the doors to the hearing room, you will find green testifier sheets. If you're planning to testify today, please fill out-- please fill one of them out and hand it to Christina when you come up to testify. This will help us keep an accurate record of the hearing. If you are not testifying at the microphone but want to go on record as having a position on a bill being heard today, there are white sign-in sheets at each entrance where you may leave your name and other pertinent information. Also, I would note if you are not testifying but have a position letter to submit, the legislators policy-- the Legislature's policy is that all letters for the record must be received by the committee by noon the day prior to the hearing. Any handout submitted by testifiers will also be included as part of the record as exhibits. We would ask if you do have any handouts that you please bring ten copies and give them to the page. We use a light system for testifying. Each testifier will have five minutes to testify. When you begin, the light will turn green. When the light turns yellow, that means you have one minute left. And when

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the light turns red, it is time to end your testimony, and we will ask that you wrap up your final thoughts. When you come up to testify, please begin by stating your name clearly into the microphone and then please spell both your first and last names. The hearing on each bill will begin with the introducer's opening statement. After the opening statement, we will hear from supporters and then from those in opposition, followed by those speaking in a neutral capacity. The introducer of the bill will then be given the opportunity to make closing statements if they wish to do so. We have a strict no-prop policy in this committee. And so with that we will be hearing LB717 and we welcome Senator Morfeld. Thank you.

MORFELD: Thank you, Chairman Hansen, members of the Business and Labor Committee. For the record, my name is Adam Morfeld, that's A-d-a-m M-o-r-f as in Frank e-l-d, representing the Fighting 46th Legislative District here today to introduce LB717. LB717 amends the, quote, In the line of Duty Compensation Act and raises the compensation for public safety officers who died in the line of duty from \$50,000 to \$250,000. LB255, introduced and passed last year by our colleague Senator Matt Hansen, created the act which follows the compensation of \$50,000 to a beneficiary of a first responder who dies in the line of duty. I fully supported that legislation last year and I want to commend Senator Hansen for bringing that and passing it. I introduced LB717 because I truly believe that \$50,000 is not nearly enough for the death of a public safety officer whose duty it is to protect all of us. In many cases, this does not come close to even covering the medical bills and funeral costs, let alone ensuring the family and spouses in some cases are compensated for the loss of income and the pain and suffering. Especially during the last three years, almost three years, of the COVID-19 pandemic, these people put their lives on the line on a daily basis for all of us to keep us safe, save our lives, to do their jobs. Last year's enactment of LB255 put Nebraska in the line-- in line with many other states that compensate families in the loss of a loved one, and it was long overdue here. Like LB255, LB717 includes paid and volunteer firefighters, emergency medical services, and law enforcement personnel. LB717 would allow for a one-time payment of \$250,000 indexed for inflation for each of the following years to the designated beneficiary of the person who has died in the line of duty. I urge your favorable consideration of this bill. I'd be happy to answer any questions that you may have. Thank you, Mr. Chairman.

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B. HANSEN: Thank you, Senator Morfeld. Are-- is there any questions from the committee? All right. Well, with that, we'll wait for you to close.

MORFELD: Yep, I'll, I'll plan on staying for closing and I forgot I'd like to pass around a letter from the page here from the State Troopers Association. They were unable to make it today but letter of support. Thank you.

B. HANSEN: Thank you. All right. So with that, we will take our first testifier in support of LB717.

DARREN GARREAN: Good afternoon, members of the committee. My name is Darren Garrean, first name D-a-r-r-e-n, last name Garrean, G-a-r-r-e-a-n. I'm with the Nebraska Professional Fire Fighters Association, representing approximately 1,400 career firefighters and paramedics in the state of Nebraska. I work full time on the streets as a firefighter paramedic myself and I, I appreciate the time and Senator Morfeld for bringing this bill. Everybody knows that doing the work of a firefighter or a paramedic is inherently dangerous, and we do what we can through training, through trying to do what we can to reduce the possibility of some tragedy. Unfortunately, there's always going to be a tragedy. We hope that never happens. But I think the trying to say that it's not going to happen just doesn't work. So the introduction of this bill and the support that has historically happened for this has been tremendous. And the benefit of, of something like this does not go to the individual, it goes to those that are left behind, the family, whoever that may be. So something like this is, is a-- is important to those that are impacted by a tragedy. With that, will give any information that would be requested, help on this bill, and thank you for your time.

B. HANSEN: Thank you. Is there any questions for the testifier? All right. Seeing none, thank you very much. All right, we'll take our next testifier. Welcome.

JOHN CORRIGAN: Good afternoon, members of the Business and Labor Committee. My name is John Corrigan, that's J-o-h-n C-o-r-r-i-g-a-n. I'm here on behalf of the Nebraska Professional Fire Fighters, as well as the Nebraska Association of Trial Attorneys. John Rehm asked me to appear on their behalf and if I was going to be here just to mention that they support this measure as well. The reality of a lot of professional public safety officers is that, you know, there is-- if somebody dies in the line of duty, there's going to be a work comp

payment that's going to be made to certain people if they leave a spouse or if they have children that are below the age of majority. But that's going to be tied to their average weekly wage, which there's a maximum as you all are aware of average weekly wage benefits. And so those benefits are, are sometimes inexplicably to the beneficiary, unrelated to the actual wages that their loved one earned. And so there's a, there's a hole in what can be recovered in this bill, I think goes a long way to filling that hole. There's also the fact that-- and, and I was talking to Jim Maguire from FOP about this earlier today. We've see it in the fire service, we see it in the police agencies as well. In Omaha, we used to have between 2,000 and 2,200 people sign up to take the firefighters' test, and we have about 1,200 or 1,300 people sign up to take the police test entry level exam every two years. We're about 400 for the firefighters right now and about 200 for the police. By the time you get through the background checks and physicals, there's very few people in that group that are going to be even eligible for hire. People don't want to do these jobs because they're hard. And we have to show as a community that we respect the risk that they are taking on our behalf. And this is an important way to do that. If you have any questions, I'd be happy to answer them if I could.

B. HANSEN: All right. Thank you. Is-- are there any questions?

JOHN CORRIGAN: Thank you.

B. HANSEN: Seeing none, thank you very much. We'll take our next testifier in support. Welcome.

KARLA HOUFEK: Good afternoon, Senators. My name is Karla Houfek, K-a-r-l-a H-o-u-f-e-k. I'm a volunteer firefighter/EMT, starting my 44th year in my community of Firth. I am testifying on behalf of the Nebraska State Volunteer Firefighters Association, and I've also been on the Executive Board of the Nebraska Serious Injury and Line of Duty Death Response Team since its inception in 2006. Our team is comprised of volunteers, both career and volunteer first responders. We have firefighters, EMS, chaplains, morticians, and law enforcement. The mission of our team is to respond to a community which has lost a member in the line of duty. To my knowledge in 2018, Nebraska had one line of duty death. In 2019, three line of duty deaths; 2020, three line of duty deaths; 2021, six line of duty deaths; and in 2022, one line of duty death so far. We meet these departments and these families on their worst possible day. Many of the families we assist have-- are young and have children still at home. Most of our

deployments are in the communities served by volunteer first responders, but we also assist on the career side as well. My specific task as a member of this team is usually to meet with the families of the fallen of the responder. I try to find out did their loved one have a will and what are their final wishes. We continue throughout the days ahead to establish a trust and a bond, as we will be together for many years. We work through very personal issues such as the grieving process, life insurance, retirement, investments, property mortgage, only to find out that most of them have lived like us. And when you're raising a family, there just is not much left for savings. Many times the families do not have a will. So I start there. Losing one's spouse is devastating. How do we explain to the little children that mommy and daddy are never coming back home? The stress and the weight on the surviving spouse is huge. So we first set out to protect him or her and the children with a small peace of mind. Secondly, we address finances. As I already stated, most families I have worked with have young children still at home. Let's take a volunteer firefighter for example. This is a true case I worked a couple of years ago, a young mom, two small children. Her husband died in a structure fire trying to save an occupant only to hear her husband and the occupant perished in the fire. The facts are we assisted the surviving spouse in collecting death benefits of \$100,000 of life insurance policies that was paid fairly soon after we were given the death certificate and we completed a death claim form. If an autopsy is requested, it usually takes anywhere between eight to ten weeks before that certificate is available. But out of the money she paid for the funeral, there were behind three months on their mortgage, two months on utilities and work comp paid 66 and two-thirds of their wage. Let's say you make \$50,000 annually, which is a real figure in the rural communities today. You take home 66 percent is \$33,000, divide that by 12 months, \$2,750 per month or \$687.50 a week. There's no cost of living increase on work comp. This is your income for life. Your loved one will never get a raise. There's no money added to retirement. Oh, and you just found out you lost your family healthcare insurance that your spouse covered through work. You were barely making it on \$50,000 and now you try to refigure it at \$33,000. In 2021, I had the opportunity to work with nine families that all have the same story I just shared with you. In 2022, three days into January, I was contacted by Lincoln Fire and Rescue. They lost their brother, Donald Gross, of a cardiac event in the line of duty. I want to personally thank each of you for passing LB255, the Nebraska \$50,000 death benefit to the first responders who died in the line of duty. LB255 went into effect on 1/1/22. Right here in Lincoln where

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we're sitting, the first claim will be filed. Last week, I work with Don's widow, age 43, stay-at-home mom of four boys trying to figure out how to replace the income. We met with a financial adviser to calculate a new budget. Tomorrow, I will go with her and we will meet with an attorney starting to take steps transferring assets to her to begin the preparation of estate planning. We start with taking baby steps to figure out this new normal life they're about to live. Part of my responsibility being the family liaison is applying for federal benefits, the Public Safety Officers' Benefits, PSOB, with the Department of Justice. This benefit is currently a one-time payment of \$389,825. This benefit is available to all first responders who serve in a government nonprofit entity, i.e. career volunteer firefighters/EMS, career law enforcement not covered are federal wild land firefighters, nonprofit ambulance and nonprofit air transport, only to mention a few. While this benefit is huge to families, it can take over a year or longer. I have one claim that will soon be two years old. When I first started filing for PSOB and others, I could see the claims would be paid in eight months or less. Since COVID like everywhere else, there are less employees and a larger workload. I currently have 11 open PSOB claims that I'm working on. Again, I'm a volunteer that does this for the families as the paperwork load is overwhelming. I have a young family in western Nebraska, two boys being raised by their father. Their father passed of a line of duty cardiac event. The oldest son, 23 away at college, the youngest 20, living at home with dad trying to figure out life. Dad had \$20,000 of life insurance and work comp did not pay. There was no benefit available. The youngest quit college and moved back home to help his brother get through life. They both have jobs but struggle to keep the lights paid. Luis Mario Herrera, I met five years ago. He had the best left, biggest smile. Mario was shot in the line of duty right here in Lincoln. I'm sure you all, all remember that day. A few weeks ago, I sat at the kitchen table of his home helping his daughter complete paperwork for college. Let's not forget who we're thanking for their service. Let's never forget the ultimate sacrifice these men and women have given for the communities. I ask you on behalf of these families that I've spoken about today, please do it for them. Please make a difference in the lives of the frontline responders. When we lose a brother or a sister in the line of duty, who's left to pay for braces, prom, car, wedding? If every wife knew what every husband is going through, every spouse would be here today. This room would be packed. Thank you.

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B. HANSEN: Thank you. Is there any questions for the testifier? All right, seeing none, thank you very much.

KARLA HOUFEK: Thank you.

B. HANSEN: All right, we'll take our next testifier in support. Hello. Welcome

BRADEN STORER: Good afternoon, Senators. Good afternoon, Business and Labor Committee. Thank you so much for taking the time today to, to hear from these testifiers. I want to thank you for-- well, I first want to thank Senator Morfeld for introducing LB717, and I also want to thank this body for passing LB255 last year. My name is-- I should start there, I suppose. My name is Braden Storer. It's B-r-a-d-e-n S-t-o-r-e-r. I'm an attorney at Keating O'Gara Law. I'm here on behalf of FOP 88, as their representative, which is the public employee union for state Corrections officers. We represent Corrections officers for the facility throughout the state. I'm speaking today on their behalf. Again, I want to thank this body for passing LB255. Our members take a lot of comfort in knowing that in the event that there is a tragedy at their workplace in the line of duty, that their families will have some sort of a recourse. We are asking this body today to move forth LB717 to increase the benefit for loved ones of our members. I don't really need to belabor the point. I think that a lot of the testifiers up to this point have made the point abundantly clear but just to offer the Corrections' perspective here. Obviously, just like any of the other professions that are listed in this bill, Corrections is a dangerous work environment. The last number that I have is from 2018, in which there were over 150 recorded staff assaults. I don't have any reason to believe that that number has gone down in the last three years or four years, I suppose. And obviously, that is far too many, and thankfully none of those up to this point have resulted in the death of a Corrections officer. But given the fact that assault is a, is a regular occurrence in many of our facilities, as well as the fact that inmates are regularly found with dangerous homemade weapons, I don't need to bend over backwards to, to portray how dangerous the environment can be for a lot of our members. Obviously, the benefit that is currently in place is certainly-- we're certainly grateful for that, and we're certainly thankful that there's some sort of a benefit for loved ones in the event that something like this happens. But as a lot of the testifiers have made-- have stated up to this point, there are a lot of expenses associated with the death of a loved one, not taking away the fact that there's the, the burden of lost income immediately after that. We believe that this bill would go a long way

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to ensuring that family members of, of Corrections officers in this state have the, the freedom and the space to be able to grieve for their loved one without having to worry about where their next paycheck is going to come from or how they're going to make their mortgage payments or how they're going to, you know, take care of their, take care of their children going forward. So I don't really have a lot else to add at this point. I want to thank you again and just, you know, reiterate our support for this bill.

B. HANSEN: Thank you for testifying. Are there any questions? Yes, Senator Halloran.

HALLORAN: Yeah, thank you, Chairman Hansen. I should have asked the last testifier, and I apologize for that, we can talk afterwards. And if you're possibly not able to answer this question, I think Senator Morfeld can, but you may be able to answer this. It was mentioned before the federal Public Safety Officers' Benefits through the Department of Justice, which amounts to \$389,825, Corrections officers would be eligible for that, I would assume?

BRADEN STORER: I honestly, I, I do not know.

HALLORAN: OK, I can ask Senator Morfeld,--

BRADEN STORER: Yeah.

HALLORAN: --and we can get together with the previous testifier and ask her.

BRADEN STORER: Yeah.

HALLORAN: Thank you.

BRADEN STORER: Thank you.

B. HANSEN: Are there any other questions? All right, seeing none, thank you very much.

BRADEN STORER: Thank you.

B. HANSEN: Is there anybody else wishing to testify in favor? Is there anyone wishing to testify in opposition to LB717? Is there anybody wishing to testify in a neutral capacity? All right, seeing none, Senator Morfeld if you'd like to close.

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MORFELD: Thank you, members of the committee. I appreciate your time and attention to this. To answer your question, Senator Halloran, I don't know the answer. So I'll, I'll look into that and see if Corrections officers are included. My gut would be that they likely are, but I'll look into that and make sure that we get that information.

HALLORAN: OK, thank you.

B. HANSEN: Are there any questions? Yes, Senator Gragert.

GRAGERT: Just a quick question. Thank you, Chairman. In the line of duty, could you define that a little further for me? With the, with the one testimony, I'm familiar with the individual mentioned it. What, what exactly is in the line of duty then when an individual dies, can he go home and die after fighting a fire?

MORFELD: Yeah, and we don't have the definitions in this area of statute. I, I believe the definitions are probably somewhere else. So I'll get back to you on that. I would imagine it'd be any injury that is arising out of something that was in the course of the line of duty at the time that that occurred. And then obviously, if there's a subsequent event that happens after that, due to that injury and they die, then I think that that would qualify. But let me look at the definitions. I'll get back to you on that, Senator Gragert,--

GRAGERT: Thank you.

MORFELD: --and then I'll get back to Senator Halloran on his question on the federal benefits as well.

B. HANSEN: Are there any other questions? All right. Thank you, Senator Morfeld.

MORFELD: Thank you, Chairman.

B. HANSEN: With that, that'll close our hearing for LB717. And then we will now open it up for LB780 and welcome Senator Gragert. Welcome.

GRAGERT: Morning. Thank you.

B. HANSEN: It's all yours.

GRAGERT: All right, Chairman Hansen and members of the Business and Labor Committee, I'm Senator Tim Gragert, spelled T-i-m G-r-a-g-e-r-t,

representing District 40 in northeast Nebraska and here today to introduce LB780. LB780 would make changes to two programs administered by the Nebraska Department of Labor, child labor and Nebraska's short-time compensation program. First, LB780 would eliminate the requirement that employers publicly display the names of all minors under the age of 16 working at their place of business. Instead, employers would only maintain the information on file where the minor is employed. Secondly, LB780 would explain the ability for schools to approve labor certificates for children under the age of 16. Under current law, only the superintendent of the public school the child resides in can approve employment of the minor. LB780 would allow the principal of the school the child attends to approve the certificate. The principal is more likely to know the student and the superintendent-- than the superintendent, therefore in better position to determine if the student can, can appropriately balance the responsibility of school and a job. Finally, LB780 would amend Nebraska's short-time compensation, STC, program under current law to be eligible for the STC. Contributory employers must be eligible for experience rating, have a positive experience account, and be current in all reports and obligations to the Nebraska Department of Labor. The pandemic highlighted the flexibility within these requirements-- the need for the flexibility within these requirements. An executive order issued by the Governor allowed some new employers that were not eligible for an experience rating to participate in the STC program. This program proved popular during the pandemic, allowing employers to reduce the hours workers-- reduce the hours worked by the employees by a certain percentage, rather than reduce the workforce by that percentage. Such employees would then be eligible for unemployment benefits based on the percentage of hours reduced. LB780 would provide a good cause exception that gives the commissioner authority to approve an STC plan for employers that do not meet the requirements of the Nebraska Revised Statute Section 48-675. Furthermore, LB780 provides a good cause exception allowing employers to resubmit a denied, a denied plan within 45 days of the original denial. Employers who were initially denied STC would get a second chance to apply for the program if they can establish good cause for resubmitting. There is a need for a technical amendment, which should-- you should have a copy of, AM1645. This is the portion addressing students that are homeschooled, but need someone to approve their employment certificate. It has come to my attention that the county superintendents are no longer used. Therefore, the amendment reinstates the superintendent of a district where the child lives as the person to approve the certificate. I encourage your favorable vote

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to advance LB780 to the floor of the Legislature. If you have any questions, I'd be happy to try and answer them. However, the commissioner will testify after me. He is far more knowledgeable about the program than I am. Thank you.

B. HANSEN: Are there any questions from the committee? All right. Thank you.

GRAGERT: I'll be around.

B. HANSEN: All right. With that, we'll take our first testifier in favor. Welcome, Commissioner.

JOHN ALBIN: Thank you. Chairman Hansen, members of the Business and Labor Committee, good afternoon. For the record, my name is John Albin, Commissioner of Labor. I appear before you today as the commissioner in support of LB780. And I would like to thank Senator Gragert for introducing this legislation on behalf of the department. As proposed, LB780 has three changes to existing programs under the Nebraska Department of Labor. The first two changes are both to Nebraska's child labor law. Under current child labor law, Nebraska Revised Statute Section 48-302 requires businesses to keep two lists children employed by them that are under the age of 16. One list on file and one conspicuously posted near the principal entrance of the building in which the children are employed. LB780 removes the requirement to publicly post children's names. The employer would still be required to keep the list on file in the office where the child works. Publicly posting the names of the children working has not prevented child labor law violations, and if anything, exposes children to privacy risks. LB780 would still require sufficient record keeping by the employer that would allow the chil-- that would allow the Nebraska Department of Labor to investigate and enforce a potential child labor violation. And I think I forgot to spell my last, first and last names as required. J-o-h-n A-l-b-i-n. I'm sorry. With limited exceptions, all children under the age of 16 are required to get an employment certificate in order to work in Nebraska. Section 48-303 of the Nebraska child labor law currently allows only the superintendent of schools of the public school or the district where the children reside to approve employment certificates. LB780 amends this requirement to allow the principal of the school the child attends to approve their certificate. Under state law, children may need approval from the superintendent of the school district where they do not attend. LB780 shifts the approval to the principal of the school the child actually attends. The principal of a school the child

is attending should be in a better position to determine if a child can handle both work and school and will better ensure the overall well-being of the child is considered. There is a technical amendment to this bill, which Senator Gragert's already referred and passed out, AM645 [SIC--AM1645], that, that is also-- that's been handed out, so I won't go over it. As originally drafted, LB780 used the county superintendent as the default approval if a student did not attend a school with a principal or chief administrative officer. However, this position-- county superintendent position is no longer in use and this amendment clarifies that the default if there is no school administrator available where the child attends, then that is the superintendent of the school district where the child resides. While this is the same as current law, it is necessary to leave this as a catchall to make sure all students have the same opportunities to work. The final changes are to Nebraska's short-time compensation program. The STC program is a layoff aversion program. Under the program, instead of laying off part of a workforce, the employer reduces hours of all employees or employees in a particular unit. Employees are then eligible for unemployment based on the percentage of hours they are reduced instead of being disqualified for earning more than a weekly benefit amount. Under current law, contributory employers must be eligible for experience rating under Section 48-649.03, have a positive experience account balance, and be current on all reports and obligations to NDOL. The pandemic highlighted the need for flexibility within those-- these requirements. Several new employers not eligible for experience rating participated in the STC program in 2020. This was only made possible through Executive Order 20-19. LB780 provides a good cause exception that gives the commissioner authority to approve a STC plan for employers that do not meet all the requirements of Section 48-675. Under current law, if an employer's application for participation in the STC program is denied, they cannot apply again for at least 45 days. LB780 additionally provides a good cause exception that gives the commissioner authority to allow an employer to submit a new STC application within this 45-day window. This change is necessary to allow the employer to reapply for STC if a plan is denied because the employer does not meet the existing requirements under Section 48-675. And that concludes my testimony. I'd be happy to answer any questions you might have.

B. HANSEN: All right. Thank you, Commissioner. Are there any questions from the committee? All right. I got a, I got a quick question, though.

JOHN ALBIN: OK.

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B. HANSEN: The county superintendent, was that the county superintendent of the schools or was it the superintendent of the county that says no longer in use?

JOHN ALBIN: I got to believe that I made a mistake on this one. Back in my day when I was growing up, there was a county superintendent. His primary responsibility was all the Class 6 dist-- or I think they were Class, Class 1s. I'm sorry the K-8s. And somewhere along the line that got abolished and I apparently wasn't paying good enough attention and did not notice that. So I just put it in the language and we were talking about it. The school administrators pointed out to me that that position doesn't exist anymore, and so we put in a default basically to handle the homeschooled kids because they need some educational figure to sign off on it. And if they're a homeschooled kid, they don't have anybody other than the princi-- or the superintendent of a local district. So that's why we added that back.

B. HANSEN: Just curious. All right. Well, thank you. All right, we'll take our next testifier in support.

KRISTEN HASSEBROOK: Good afternoon,--

B. HANSEN: Welcome.

KRISTEN HASSEBROOK: --my name is Kristen Hassebrook, K-r-i-s-t-e-n H-a-s-s-e-b-r-o-o-k. I'm here today on behalf of the Nebraska Chamber of Commerce and Industry in support of LB780. I'll be very brief. The business community is supportive of the changes in LB780. The child labor provisions provide kind of an ease of programming and streamlining improvements and the pieces of the STC program that they're making modifications to. We really learned during the pandemic that the STC program was really critical for allowing our employers to kind of navigate through that time. And so some of these process improvements that we learned through this pandemic, we're excited to see continued through this bill. So I'd be-- we're supportive of LB780 and would encourage your support as the committee.

B. HANSEN: Thank you. Are there any questions from the committee? All right, seeing none, thank you very much. Welcome.

JERRY STILMOCK: Mr. Chair, members of the committee, my name is Jerry Stilmock, J-e-r-r-y S-t-i-l-m-o-c-k, testifying on behalf of the National Federation of Independent Businesses as part of the

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legislation. Three components. Understood. You know, in the private practice side, small businesses look at grocery stores. What do we do with the list? Where do we get the list? Who do we get the student approved by superintendent, superintendent? It just makes sense to put it in the hands of the principal, it appears. It looks like a good change. Posting the list. Think of a village or municipality has a swimming pool. It's a lot of public going in and out, should that name actually be up on the swimming pool wall where right now, one would say, you know, it needs to be. I think it just makes more sense to have it posted or have it included in a list at the, as the place of business for the, for the employer. And you know, on the short-time compensation just support that flexibility that would be provided to the department and commissioner. Those are my comments. We'd ask your support in the legislation.

B. HANSEN: Thank you. Are there any questions from the committee? All right, thank you.

JERRY STILMOCK: Very good. Thank you, Senators.

B. HANSEN: Is there anybody else wishing to testify in support? All right, with that, we'll see if there's, if there's anybody that wishes to testify in opposition? Anybody wishing to testify in the neutral capacity? All right, seeing none, Senator Gragert, do you wish to close?

GRAGERT: If there are any questions-- unless there's any questions, I'll just waive closing.

B. HANSEN: Yeah, thank you very much.

GRAGERT: Thank you.

B. HANSEN: All right. Well, with that, that will close our hearing for LB780.

BLOOD: Sorry, I feel like in high school.

B. HANSEN: Sorry, I thought somebody [INAUDIBLE]. All right, and with that, we'll move onto LB869 and welcome Senator Matt Hansen.

M. HANSEN: Perfect.

B. HANSEN: All right.

M. HANSEN: Good afternoon, Chairman Hansen and fellow members of the Business and Labor Committee. For the record, my name is Matt Hansen, M-a-t-t H-a-n-s-e-n, and I represent District 26 in northeast Lincoln. I'm here today to introduce LB869, which would change the provision relating to the rights of parental leave for adoptive parents. Under FMLA guidelines, all employees that provide parental leave following or in preparation of the birth of a child must provide the same leave for parents who choose to adopt. However, under Nebraska law, this leave is only available to a portion of all adoptive parents. Under the current Nebraska statute, parents who choose to grow their family through adoption are not guaranteed parental leave if they're adopting their foster child, a stepchild, or a child over the age of eight. This is what LB869 seeks to address by removing this age limit. In 2019 alone, there were approximately 16,000 children adopted in the United States that were over the age of nine. In all but five states, including Nebraska, those children were given a chance to connect with new family, and their parents were given the appropriate time to address their own family's needs. Nobody can say with certainty how a child will adjust to adoption, and that is the same in older children. The adjustment process looks different for every child and can often fluctuate between highs and lows. These are not experiences, feelings that can be remedied overnight. It takes patience, guidance, and time. Something that is not currently available to all adoptive parents here. Colleagues, this policy needs to be updated to include adopted children of all ages. Kids do not stop needing their parents, needing their family, and needing that safety and stability once they turn nine. Adoption is not a simple process, and it is not made any simpler with our current statute. Thank you for your time and I'd be happy to take any questions.

B. HANSEN: All right, thank you, Senator Hansen. Are there any questions from the committee? Seeing none,--

M. HANSEN: Thank you,

B. HANSEN: --thank you. All right, well, we'll take our first testifier in support of LB869. Welcome.

CORINNE O'BRIEN: Hello, thank you for having me here to testify. My name is Corinne, C-o-r-i-n-n-e, O'Brien, O-'-B-r-i-e-n. And I will apologize. I have a breathing issue. It's not due to COVID. But anyway, I have one. And I am an adoptive working mother of six children. My husband, Patrick, and I adopted our first child 24 years ago. At that time, I worked for a company that was very parent

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friendly, but found out that most companies did not allow you the same leave time for parents that are adopting as they do for parents that give birth. We adopted our second child almost 18 years ago, and I was still working for that same parent, family friendly company. They always told me to take whatever time I needed to take. Sixteen years ago, we took two older children and I did not request any time off for that. We became foster parents, and over a period of three years we took two sisters. After three years of living with us, they went back to their bio family. By this time, I was working for the state of Nebraska, excuse me, state of Nebraska, and found out the state allows no time off for foster child placement. The first child we had as a foster care was a preemie that had been in the NICU for surgery at Children's in Omaha. We brought her home from the hospital and she was in a very fragile medical state. Her bio mother was a meth addict that had used drugs during her pregnancy. I was working full time and was allowed no time off for this baby, for this baby. Fortunately for our family, my mother, a retired nurse, was willing and able to help. Eleven years ago, we found out that twin girls who were related to us were in foster care. I was a cousin to the birth father, and he and his wife were not able to care for these girls. After talking to them, they were willing to let us adopt them, and we were happy that they would remain with family. We were thrilled. At that point in time, we had four boys and thought this would round out our family perfectly. I was still working for the state of Nebraska and found out that I could not take the same leave as the biological mom because it was a foster adoptive situation and not a birth. The girls were six months of age at the time when they came to us. I support LB869 because this bill recognizes that a child or children and their parents whether they are biological or adopted need time to bond as a family. The hospital releases a biological mother usually at two to three days after birth unless there are medical complications from the birth. We need employers whether they be private businesses or government to recognize the importance of the time following an adoption or foster care and extend to them the same benefits that birth parents receive, especially with regard to younger children. Please give, give LB869 your utmost consideration to encourage people to become foster or adoptive parents and to help Nebraska become a better state taking care of our young and vulnerable children.

B. HANSEN: All right, thank you for that.

CORINNE O'BRIEN: Yes.

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B. HANSEN: Are there any questions from the committee at all? All right, seeing none, thank you for testifying.

CORINNE O'BRIEN: Thank you.

B. HANSEN: Is there anybody else wishing to testify in support? Welcome.

SCOUT RICHTERS: Good afternoon, my name is Scott Richters, S-c-o-u-t R-i-c-h-t-e-r-s, with the ACLU of Nebraska here in support of LB869. We first wanted to thank Senator Hansen for bringing this bill. Deciding to become a parent, including the-- including making the choice to adopt a child is one of the biggest decisions one can ever make. The ACLU of Nebraska works to ensure that Nebraskans can make these important decisions with autonomy and dignity and have the resources they need to ensure that their families and communities thrive. Like most of our laws involving children in Nebraska, the best interests of the child standard is always at the forefront. This is especially true when it comes to adoptions. LB869 broadens the availability for an employee to take a leave of absence upon the adoption of a child, recognizes the importance of the best interests of the child standard at all stages in the adoption process, and aligns with the reality that families in Nebraska come to be in this in a large variety of ways, including for LGBTQ Nebraskans, and that includes adoption, foster parenting, assisted reproductive technologies such as IVF, and from previous relationships. For these reasons, the ACLU supports, supports LB869 and urges its advancement.

B. HANSEN: Thank you.

SCOUT RICHTERS: Thank you.

B. HANSEN: Any questions from the committee at all? Seeing none, thank you very much.

SCOUT RICHTERS: Thank you.

B. HANSEN: All right, anybody wishing to testify in support? Is there anybody else or is anybody wishing to testify in opposition? Is there anybody wishing to testify in a neutral capacity? All right, with that, we'll welcome Senator Hansen back up to close.

M. HANSEN: Thank you, Chairman Hansen. So real simply, the current standard tries to do a comparison between an adoptive parent and a biological birth parent, but it carves out a couple odd exceptions,

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one of which is this eight-year cutoff. Just trying to eliminate that. And if people want to grow their families through adoption, know that they're going to need that same bonding time and make sure that it's provided for if it's an already employer who provides it in some instances. With that, happy to take any questions.

B. HANSEN: Are there any questions? Thank you, Senator Hansen.

M. HANSEN: Thank you.

B. HANSEN: All right, with that, we'll close the hearing for LB869 and we'll open it up for LB931 and welcome Senator Hunt.

HUNT: Hi, good afternoon, colleagues. I'm Senator Megan Hunt, M-e-g-a-n H-u-n-t, and I'm introducing a bill today to make a change to our unemployment law that I believe is unfairly disqualifying some workers who have done everything right and preparing for a period of unemployment. The need for this bill was brought to my attention by a constituent of mine, Daniel, who was asked to pay back his legitimately earned unemployment benefits due to this piece of unemployment law. And the part that would be impacted is in the bill on page 5, section (23), if you want to take a look at that as I speak. Current law says that any vacation pay paid out in a lump sum at the conclusion of employment disqualifies the claimant to the period of time over which the vacation pay was earned. In other words, that vacation pay is considered wages for the number of days or weeks across which it was accrued after the final paycheck, even though the employee is no longer working. This law is penalizing some employees, primarily contract-based or seasonal employees, who face regular periods of unemployment between jobs. This bill would strike the part of the law that makes that happen and tweak the definition of vacation paid to exclude the situation where an employee gets a lump sum when they leave a job. I'll give you an example of how this could happen. So say I, Megan, get a job consulting on the design for a new store. My employer, who, you know, I've signed a contract with as a contract worker, offers me two weeks vacation pay as part of our contract. I know that the contract is only going to last six months or nine months or something, and at the end of it, I'll be out of a paycheck until I can find contract work again. That's something probably a lot of us relate to. So anticipating that I'm going to have an unknown period of time when I won't have any other income other than perhaps unemployment insurance benefits, which are a fraction of someone's regular rate of pay. I save those vacation days, which we negotiated in the contract, not taking any time off in order to get that vacation

pay paid out in a lump sum with my last paycheck at the end of the contract. Under current law, that vacation pay that I would get at the termination of my employment would disqualify me for unemployment eligibility even though I'm not employed during that time and I'm not earning wages. This vacation pay would be not really a wage, but a benefit that I earned during the course of the contract and not during the period that I'm filing for the unemployment claim, hypothetically. The constituent who brought this issue to me makes a living via contract employment. Contract employees often reserve vacation earnings to be paid out at the end of their contract as a form of savings to stay solvent through their unemployment period until they're able to secure a new contract and work again. This worker knew that his contract would end without a guarantee of new employment. In anticipation of his unemployment period, he chose not to take any vacation pay and get it all paid out in a lump sum at the end in order to supplement his unemployment benefits, which are a fraction of regular pay. He was unaware that due to current statute, he wouldn't be eligible for unemployment insurance because of this vacation pay, which you can imagine would cause a lot of stress for someone's family. Upon the Department of Labor determining my constituent's vacation lump sum payout from his employer must be counted as a wage basically, he was asked to repay three weeks work of vacation-- three weeks worth of unemployment benefits. The current statute dictates that rather than counting the worker's lump sum vacation paid out at the end of employment as what it is, which is a one-time payment that is part of a benefit that's negotiated in a contract, it had to be divided among the hours and weeks that he was unemployed, even though he wasn't employed. So the frustration here is that we're counting a benefit that's basically built into the contract as a wage when it's really not a wage. If an employee chooses to save up vacation days rather than take time off, that's, you know, a pretty responsible thing to do if you know that you're going to be in a precarious financial situation as a contract worker. And all this bill does is remove the part of our statute, like I said, which was on page 5 of the bill that requires lump sum vacation pay that's paid out to be treated as a wage for purposes of unemployment. LB931 will protect contract workers like Daniel from being penalized for making a responsible choice and saving their vacation time. It's probably not going to impact a broad swath of the population. But the limited people this would apply to, it'll be a really big deal to them. I wanted to also briefly address the fiscal note. The fiscal note says-- well, the explanation of the estimate, which is \$4,981,660 in fiscal year '22-23 and fiscal year '23-24. That's based on the 12 months

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before September 2021. So September 2020, which was like a huge outlier in terms of what was going on unemployment across the world and, you know, September 2021. And it says 4,528 claimants were initially denied benefits stating they had received vacation pay at the time of separation. So this fiscal note is assuming this is going to impact something like 4,528 claimants. We know that it's probably not going to be like that going forward. You know, Nebraska has super low unemployment, and there isn't really a reason to think that the number of people impacted is going to be that high. And I have to assume that this fiscal note is extra inflated due to the, you know, the unprecedented layoffs and illnesses and everything that we saw during COVID-19. So I don't think that this is an accurate estimate in terms of what we're actually going to see going forward. That's the gist of it. I'll listen to testimony and be here to answer any questions. Do you have any questions for me?

B. HANSEN: All right, thank you. Are there any questions from the committee at all?

HUNT: Thank you.

B. HANSEN: Seeing none, thank you. See you in a little bit. All right, so we will take our first testifier in support.

DANIEL M. PALENSKY: First of all, thank the committee for allowing me to address the committee with this proposed LB931 bill. My name is Daniel, D-a-n-i-e-l, middle initial M., Palensky, P-a-l-e-n-s-k-y, and I'm a proponent of this bill. Thank you, Senator Hunt for fantastic work on this. When I contacted Senator Hunt, I was-- I didn't think that anybody would pay any attention. And Senator Hunt read through what I had sent her in emails and in that way and she seemed what was, you know, just somewhat unfair as far as employees in my particular situation. So first of all, to talk about employees in my particular situation, which you stated is not probably that many people that take advantage of this particular thing, maybe they don't know it's possible. But in my situation, I'm, I'm a retired mason, union mason. That's very seasonal work. So when it comes wintertime, if you don't have enclosure, you're at home. So I know what it's like to save up as much as you can that when it comes time that you're on the bench that you can sustain your family. So as a single wage earner with three kids, raising three kids and a somewhat disabled wife I, I did that. So contract labor-- and I should probably just-- I did file online a submittal, was that-- I don't know if that was--

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B. HANSEN: Yes, we have it. Yeah.

DANIEL M. PALENSKY: --oh, everybody's got a copy? Fantastic. So starting off, I think it's, it's very important to look at how vacation pay is, is classified. So within the NEworks, which is the site where any unemployed person goes to file and take care of their whole unemployment claim, they go back and forth saying it's wages or it's maybe a bonus or, you know, some sort of lump sum pay--payment at the end of the contract or at the end of your hire. So basically, I did some research to find out what actually Nebraska deems as wages. And according to Thomson Reuters practice point Vacation Pay State Laws Chart, paid vacation is a type of fringe benefit, which is considered wages-- very important, wages subject to the Nebraska Wage Payment and Collection Act. So once again, in my situation, employees working with contractors that are private corporation, public corporations. In my case, I was an IT, infrastructure installation technician, and our contract-- I worked, I worked at one particular company. It was a year and a half, and that's when I went through this particular situation at the end of that contract. Then all of a sudden they took my vacation pay that I saved and spread it out. And as Senator Hunt said, I had to pay that money back. Well, not only did I pay that money back, but the lump sum that I had saved up in the tune of about, I don't know, \$2,800, went to putting a transmission in my old Subaru so I could keep on driving. So this is what happens to people in my situation, and I don't want to get off track there too much and waste time on that. But getting back to wages, if you go down a little bit farther, third paragraph or so, page 12 in the Handbook for Unemployed Workers for Nebraska states, "You must report your wages in the week you perform the work, not when you are paid." So in my case, at that particular juncture when I-- when my contract was about to end, somebody told me file for unemployment the week before your contract and you're terminated. So which I did. And so what that did was it opened my claim right then. So at that last final week when I got my paycheck plus the lump sum, that was recorded in NEworks, right, within unemployment, Nebraska state unemployment, and that's where I went this-- through the whole thing with Senator Hunt going, this just doesn't seem right. You know, I saved that money up so I can keep my family going. So then it happened this year again, only this last year my contract ended August 29, 2021. I waited until I got the lump sum payment and my wages deposited in my bank. The next week I filed when I had no earnings. I didn't have any wages. So in here it says, "You must report your wages in the week you perform the work, not when you are paid." So I performed that work and I've got pay

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stubs here that'll show that vacation pay is accrued hourly. In my situation, it was about 3.08 hours per 40-hour-work week or 40 hour work-- 40-hour week worked. So over those periods of 8 months times the 3.08 per week, you know, that adds up to about 60-some hours. So that's just a nice little benefit that at the end of that time with unemployment insurance I can stay solvent. Now my next contract is supposed to start next week, so I'm dependent on that through this time period. So there's hundreds, if not thousands, in just where I worked at STRATCOM, most every employee there is contract. They're, they're an employee with a contract company and they all go, oh, yeah, my contract is up, you know, September and the governments get money in October, so we'll see if I get another contract. So there's a lot of people, and this is all over the nation, even the world. I worked for a company called Serco, and they've got people working on bases in Denver, the East Coast, West Coast, north, south, overseas, and all these people, all these employees are working on these kind of contracts that they don't know if they're going to go on to their next job or when. So that's my piece in, in a nutshell. I don't think-- well--

B. HANSEN: Mr. Palensky, the red light is on. I'll just have you wrap up your thoughts if you can. Sorry.

DANIEL M. PALENSKY: Oh, sorry. I was too verbose.

B. HANSEN: That's all right. Enjoyed listening to you so it's good. Is there any questions from the committee at all? All right, seeing none, thank you very much for coming here and testifying. Appreciate it.

DANIEL M. PALENSKY: You're welcome. Thank you for allowing me to testify. And thank you, Senator Hunt. I'm not very good in these situations.

B. HANSEN: You did good. We'll take our next testifier in support. OK. Is there anybody else-- is there anybody wishing to testify in opposition?

JOHN ALBIN: Chairman Hansen and members of the Business Labor Committee, for the record, my name is John Albin, J-o-h-n A-l-b-i-n, Commissioner of Labor. I'm here, here before you today as commissioner in opposition to LB931. As proposed, LB931 amends the definition of paid vacation leave under the Nebraska Employment Security Law to remove the deferral of initial eligibility of unemployment benefits resulting from the receipt of lump sum vacation payments at the time

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of separation. Nebraska Department of Labor opposes this change because it goes against the foundational purpose of the unemployment insurance benefit program. The current statutory framework is designed to prevent double payments from the employer attributable to the same week. Unemployment insurance benefit payments are fully funded by employers. An employee should not receive both unemployment benefits funded by the employer and vacation pay from the employer for that same week. In *Sorenson v. Meyer* at 220 Nebraska 457, Nebraska Supreme Court recognized that in as much as unemployment benefits were intended to aid persons who had lost their jobs and could not find work, such benefits ought not to be paid to persons who received sums of money from their jobs because of severance-- separation pay or vacation pay. The concept of current-- of the current framework is that the individual has already been paid for this time frame is therefore not unemployed. Nebraska Department of Labor supports its current statutory framework and opposes the adoption of LB931. That concludes my testimony. I'd be happy to answer any questions.

B. HANSEN: Thank you, Commissioner. Are there any questions? Yes, Senator Blood.

BLOOD: Thank you, Chairperson Hansen. Mr. Albin, Commissioner Albin, so this court case that you're quoting, was this in reference to an individual that was a contract worker or into-- in reference to an individual that was actually employed by that employer and not contracted?

JOHN ALBIN: In that particular-- first of all, purposes of employment security law, the distinction is there's no distinction for our purposes. It's just, did you-- were you unemployed that week or were you not? And unemployment is gauged by the number of hours you worked and the vacation-- or and the amount of pay that you receive for that week. I was not in the department in 1985. From reading the case, it would appear that this person was a regular employee rather than a contracted employee.

BLOOD: Would you admit that that might make a difference?

JOHN ALBIN: It makes some difference, but it doesn't make a difference in the sense that you still come back to the point of the employer basically ends up paying twice for the same week, once through their taxes that they paid for the unemployment program and then the second time through the vacation pay.

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BLOOD: I'm not sure I agree with that. I'm going to move to the fiscal note. So on the fiscal note, did you utilize information from the last two years or did you go back prior to the pandemic to get those numbers? Because I thought those numbers were awfully inflated.

JOHN ALBIN: OK, we-- if we'd have wanted to goose the numbers, we would have chosen to use two years because that would have included the big influx of the great pandemic for our fiscal year purposes ended on September 30 of '20. We used the fiscal year of October 1 of 2020 through September 30 of 2021. It was much less than the previous year. And-- but in all honesty, probably more than 2019, the fiscal year that would end on 2019. We don't track-- we track the separation certification pay because we have to apply the wages out there and parade them. So that's an issue that we have to always adjudicate. So we track that number. We do not track the number of weeks. We took kind of a good faith guess on the number of weeks it would apply and most employers that provide vacation pay, provide two to four weeks in a year of accrued vacation pay. So we kind of hit a middle ground with three, but we don't have a stop-- we don't have a statistic back there already so it would have taken a heck of a lot of review of 4,528 claims to figure out the actual number of weeks that ended up being-- the benefits ended up being deferred as a result of the application of the current law.

BLOOD: And what percentage of, we'll say, just over the last 12 months. What percentage would you say of the people that you paid unemployment benefits to, have you requested money back from because there has been an error either on your part or their part? Would you say there's a percentage?

JOHN ALBIN: I don't have that percentage. I will look it up to see if I can find that for you because we do have-- it has somewhere I did not pull that one up for this, this morning. Knowing that you're on the committee, I probably should have, so I will get you that statistic and share it with the remainder of the committee.

BLOOD: I'll take that as a compliment. What about the year prior? I mean, surely you know that number of how many, how many people had to pay back unemployment benefits because either the organization, your organization, or they made a mistake?

JOHN ALBIN: I'm hazarding a guess we have a statistic somewhere that I can pull out, but I don't have it on the top of my head. I think it was around 20,000 to 26,000 somewhere in that range would be my guess.

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BLOOD: People or money?

JOHN ALBIN: People.

BLOOD: OK. Fair enough. Thank you.

B. HANSEN: All right, thank you. Are there any other questions from committee? Seeing none, thank you.

JOHN ALBIN: Thank you.

B. HANSEN: Is there anybody else wishing to testify in opposition?

KRISTEN HASSEBROOK: Good afternoon, my name is Kristen Hassebrook, K-r-i-s-t-e-n H-a-s-s-e-b-r-o-o-k. I'm here today on behalf of the Nebraska Chamber of Commerce and Industry in opposition to LB8931 [SIC--LB931]. Unemployment insurance benefits serve to fill the gap for workers separated from employment and in transition to finding a new job. When a person files for unemployment benefits under Nebraska's employment security law, the law requires them to disclose any expected compensation to be received from their employer. While a person is receiving this expected compensation-- this outstanding compensation, it extends the waiting period before they can receive unemployment benefits. Earned but unused vacation time is considered taxable wages under Nebraska law and is therefore properly reported as compensation when filing for unemployment benefits. Nebraska law, along with a handful of other states, has specified that through the Supreme Court that unused vacation time must be paid upon the separation of employment. Nebraska law then pro-- you know, prohibits a use it or lose it policy, vacation policy. The rationale for including paid vacation leave as compensation is to do so otherwise would result in, as the commissioner said, double payment, which goes against the purpose of the unemployment benefits program. The double payment occurs because employers pay both the unemployment taxes, which then turn into unemployment benefits for their former employees, as well as they are required by Nebraska law to pay out the earned but unused vacation time. And while unemployment compensation laws can vary from state to state, the majority of states do consider paid vacation time, severance pay, bonuses, and other fringe benefits as wages that delay in varying degrees someone's ability to qualify for unemployment benefit compensations across the nation. I'd be happy to answer any questions.

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B. HANSEN: Thank you. Are there any questions from the committee? All right, thanks for coming. Take our next testifier.

JERRY STILMOCK: Thank you. Appreciate it. Mr. Chair, members of the committee, my name is Jerry Stilmock, J-e-r-r-y S-t-i-l-m-o-c-k, testifying on behalf of my client, National Federation of Independent Business, in opposition to LB931 for the reasons already stated, that have been stated. I'm not going to restate them. The case that Commissioner Albin referenced is in my handout materials. There's another case that was cited in 2007, Watkins v. Commissioner, that talked about the issue that you are all considering this afternoon. What, what is considered-- what is vacation pay considered by the Nebraska Supreme Court? It's, it's, it's not a bonus. It's not a gratuity. It's earned. And as an earning and as we know that upon cessation of employment that, that vacation has to be paid. We believe it ought to be considered the way it is listed in the law today and that it be used to fill the gap that was referenced by Commissioner Albin. For these reasons and those stated by others, we'd ask you to oppose the legislation. Those are my comments, members of the committee.

B. HANSEN: All right, thank you. Are there any questions from the committee? All right, seeing none, thank you very much.

JERRY STILMOCK: Thank you, Senators. Good day.

B. HANSEN: Is anybody else wishing to testify in opposition? Is there anybody wishing to testify in a neutral capacity? All right, seeing none, Senator Hunt, you're welcome back up.

HUNT: Thanks, everybody. And I want to thank everybody who came to testify, particularly Daniel, my constituent, because, you know, I didn't campaign on, like, I'm going to do something with unemployment, and that's kind of, I think, what we all come down here to do and what's the fun of the job is we have our favorite little issues and the reasons we want to, you know, help the people in our state. And then we're in a position to find out what they actually need to help them. Like, they tell us what they need for help and where the law has fallen short, where it's confusing, where it's unclear, where it's not equally enforced, and this is one of those cases. So I thank, Daniel, especially for bringing this to my office's attention. My office shared the bill draft and asked for feedback from the Department of Labor, and we learned today of the department's opposition, as well as the other opposition that was here. And so we always, you know, thank

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people for engaging, and I'm grateful for them coming out and sharing, and I look forward to continuing to work with them to find a way to make this work. One thing that opponents said was that the employers are paying twice for vacation and unemployment insurance during that period. But it doesn't make sense to me because doesn't that even out if-- because if the employee had taken that vacation time, if they had taken all that time off and the employer loses that employees' productivity for those weeks, they would still leave the job in the end. So would employers all prefer that all of their employees take all of their vacation time? Maybe. But I think intellectually, we all understand that benefits like a vacation pay, which people negotiate, you know, it's not the same for every employee necessarily, but that's not the same as a wage, that that's not the same as employment. That's not really like an hourly thing that you're compensated with. It's definitely-- I mean, I, I can accept the, like, argument that it's a form of compensation, but it's not a wage and that's what unemployment is meant to supplement. In terms of the fiscal note, I think that a better estimate would be a multiyear average of claimants disqualified because of the specific issue, not just during the peak of COVID-19. So I'm dismayed that maybe this bill didn't get the analysis that it really deserved or the attention from the department, but it's a really good idea, and it's, it's one of those ideas that, that we come down here and are revealed to us and we find a responsibility to do something about. So thank you.

B. HANSEN: Thank you. Any questions from the committee at all? OK. And I will mention, yes, there has been a, a letter for the record: one proponent and that would be Mr. Daniel Palensky, representing himself. So I just want to mention that. And also before we close here, I forgot to mention for LB869 that we do also have two letters for the record, two proponents: Aubrey Mancuso, representing Voices for Children Nebraska; and Christine Jones representing Nebraska Children's Home Society. So with that, we will close LB931, and we will close our hearings for today. Thank you.