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SENATOR PIKSCHE: Mr. Chairman and members of the Legislature, I am a white woman, and I have felt discrimination upon occasion, but probably not to the extent that many others have done. I regretfully oppose this amendment. I am also a business person, and I think that there... it is opening the doors to a lot of frivolous accusations to the employer and increasing an already burden on the small business man...person. I have understood that the Nebraska Supreme Court has already ruled that the discriminated client does not need to prove that an employer discriminated intentionally if he or she is able to prove that the employer has engaged in or is engaged in discriminative practices. Practically speaking an employee's action...an employer's action may be based on sound business judgment, but in the eyes of the employee it may look like discrimination, and if the Commission is not required to prove intent to discriminate what then becomes of an employer's ability to operate his business in accordance with sound business practices? Who is to determine why the action of the employer took place and what consideration will be given to good business practice? I therefore regretfully am unable to support Senator Marsh's amendment.

PRESIDENT LUEDTKE: The Chair recognizes Senator Hefner.

SENATOR HEFNER: I want to talk to the bill.

PRESIDENT LUEDTKE: Oh, you want to speak to the bill itself and not to the amendment. Alright. Senator Marsh, you may close on your amendment.

SENATOR MARSH: Thank you, Mr. President. As I renew my request for the amendment to the Committee amendment, I would like to remind you that the intent of the State of Nebraska is not to discriminate. I would like to remind you that this section of state law is not in compliance with the federal regulation, and I'd like to read from this section as I would like it to read with the "intentional" removed: If the Commission shall determine that the respondent has engaged in or is engaging in any unlawful employment practice, it shall issue and caused to be served an ordering requiring the respondent to cease and desist from such unlawful employment practice. That is the intent of my amendment. I'm going to read it again, because some of you were not listening. If the Commission shall determine that the respondent...and let's insert "employer", since we have been talking about small business as well as large business...has engaged in or is engaging in any