

May 2, 1979

LB 80

Murphy. Section two I think I understand. Section four I don't at all but section two, is it your intent...Okay, the first part of the sentence says that a charge may be filed within a hundred and eighty days after the occurrence.

SENATOR MURPHY: A written charge.

SENATOR FOWLER: A written charge and notice of the charge, et cetera, shall be served upon the person against whom such charge is made within ten days and then you are saying that has to be served within ten days after the incident?

SENATOR MURPHY: No, Senator Fowler, I am saying that if there is an incident, that I shall be given notice within ten days of the occasion of that incident. Now the written charges that the department may or may not wish to file subsequent to that time is entirely up to them but if I have offended you, which I probably do frequently, but if I have technically offended you I think I have a right to know within ten days of that time that you feel you have been offended and that I may expect to be charged accordingly. Now if you are going to wait six months to tell me that I may have done something that offended you and then expect me to prepare some kind of a defense, it is hopeless. You tell me where you were and what you did exactly six months from today, Senator Fowler.

SENATOR FOWLER: Okay, well I guess, I think that there is a contradiction written in there. Suppose that I thought I had been discriminated against and went to the Equal Opportunity Commission fifteen days after the incident and presented my claim to them. Under your amendment does that mean that that would not be valid?

SENATOR MURPHY: My amendment means that if you are going to hold me accountable you must give me notice within ten days of the time of the incident.

SENATOR FOWLER: Okay.

SENATOR MURPHY: Now that, and again, Senator Fowler, I think you were present in 1973 when we discussed this very issue on the floor and a compromise agreement between Senator Carpenter, Cavanaugh and myself resulted in that ten day situation and that is exactly what this body adopted at this time and it was just called to my attention recently that, in fact, the law did not reflect what we did and we did at that time say that that was a fair and equitable position, that you cannot come back to people six months