

want uniformity in definition of supervisor. Now there will also be an amendment by Senator Sieck, I understand, which will deal with one difference between the definition that the private employers have and the public employers would have under this bill. That's the last sentence in the new language in LB 213. Now there is a difference there. It is not coming from the NLRB, but is in fact language that we have put into the bill to implement the definition. That language says an individual who primarily performs bargaining unit work and who does not perform substantial supervisory activities shall be included as a member of the bargaining unit. Now that's been the bone of contention, as Senator Beutler would say, on this bill. Everybody agrees that the NLRB language is...has been around, has been effective and shouldn't be any problem. I think almost everybody agrees to that. If there is a problem it is with that last sentence. Now my argument is to keep the bill intact as it is because if you don't have that last sentence you can't implement the definition. The definition is there. You find who and who is not a supervisor. Then you go to the next phase which is now what do you do when you define who is and who isn't a supervisor? And what we say is if they fall under the definition of supervisor and they do primarily...well they do substantial supervisory activities, then they are going to be a supervisor and not included in the bargaining unit. But if, under this last sentence, they're mostly doing what the bargaining unit work does and they're not doing any substantial supervisory activities, then they should be in a bargaining unit. That is to say if they are virtually the same as everybody else in the bargaining unit and they're not doing anything that big in terms of supervisory activity, any substantial supervisory activity, then they should be in that bargaining unit. Now I want to emphasize something. It says "shall be included as a member of the bargaining unit". That doesn't mean they have to be a member of the bargaining unit. We have a right to work state. No member has to be a member of any bargaining unit or any union. You have that absolute choice but if you make the choice to be a member of a union and you virtually do everything the same as the other members of that union, that's the union you have to join. That is the "shall" in that last sentence. It doesn't force anybody to participate in a union or to participate in a bargaining unit. It's totally an individual choice. There is so much to talk about and it's hard to understand exactly what level of understanding you might have on this, but let