

action they're not going to be part of the bargaining unit. That's absolutely false. They are going to be separated out and not included in that bargaining unit and they said at the hearing that in the private sector where private nurses have gone through and litigated this question, under the definition we have in this bill, that is exactly what happened. They found exactly what I say will happen under this bill, that those nurses that have that supervisory capacity were separated out and not included in the bargaining unit and that's been the NLRB ruling and that's what the ruling will be under the CIR in my estimation under the language of this bill. Because, number one, they don't have a problem. They're raising a red herring, they're raising a straw man argument and I feel that they're misleading you in terms of what the impacts will be on this bill. I also suggest that as you look at it, they're suggesting that under that last sentence they shall be a member of the bargaining unit, but they are making it sound like if you pass this thing all these nurses will have to be in the bargaining unit and again I emphasize, that's not true. What we're trying to do is define it in total under this definition. These are the people included that could be in a bargaining unit, that would be covered by a bargaining unit. Then under that parameter everybody has individual freedom of choice. They can be in it or not in it, but if they are going to choose to be in a bargaining unit they should be in the one that they obviously have a common interest in. They don't want a bargaining unit here and a bargaining unit there and have virtually the same interest so that the employer has to deal with several bargaining units when really one would suffice. So it makes sense to say, if you have a commonality of interest you are then, should be in the same bargaining unit and then if you choose to be in a unit, that would be the one you're in because that makes the most sense. That's really what that "shall" is all about and again, I refer to the handout from the nursing homes, that that is not correct if you are inferring from that, that shall have to be a member of the bargaining unit.

SPEAKER NICHOL: One minute.

SENATOR WESELY: They don't have to be at all. This is extremely complicated. Its after eleven-thirty and I know we have a lunch coming up and I know you're going to have a lot of discussion on it, but I can tell you that this is the