

position right away. If you discipline us in a way we don't like, we don't bargain for you a better situation. So when the two have disparate interests, they cannot belong to the same unit. I think everybody would tend to agree with that. Now if we come down to this sentence that Senator DeCamp and those that he speaks for find so objectionable, we should read what the sentence 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." It is saying that whatever the person is most of the time that is the unit to which he or she will belong. So I will ask Senator DeCamp a question, and, John, don't take all my time. I just want your feeling about this. If it is clear that the person does bargaining unit work most of the time, which unit should the person belong to if not the bargaining unit? He or she is not a supervisor, so which unit would the person belong to?

SENATOR DECAMP: Senator Chambers, I don't have the answer to that. What I have is either stick with Nebraska law now or go with the federal law, don't create a whole new hybrid, and that is what the bill does. And I don't know exactly how you would ever interpret the new Nebraska law that is being proposed.

SENATOR CHAMBERS: Thank you.

SENATOR DECAMP: And so I don't know which unit they should be in.

SENATOR CHAMBERS: Thank you. What we would create is a hybrid, something which is neither fish nor fowl. The majority of the work done by this person is with the bargaining unit. So if the person cannot be in the bargaining unit but it is obvious he or she is not a supervisor, that person is nothing. The person does not have interest with those of the supervisory class, otherwise he or she is a supervisor and there is no problem. This is simply a refinement because you have certain situations, even when I was at the post office a long time ago where individuals who were clerks would fill in for a supervisor and do some of the routine stuff that supervisors did, but they couldn't lay off, determine hours of work or anything like that, so in a sense they functioned for that period of time in the position of the supervisor but the person really