

was attempted. It was legitimate and I am sorry that we weren't able to reach it but that happens from time to time, Senator DeCamp. And so now we are before you with the bill, LB 213, that in the estimation of the public employees who are presenting this bill to you is a piece of legislation that they feel is a good piece of legislation and would be opposed by the public employers across the board no matter what form it actually ended up taking because they did not want to see the change that is embodied in this legislation. What is that change? The basic change that we are talking about is that working foremen would be included in the bargaining units that they have recently been precluded from being part of by a recent Supreme Court action. These are particularly...we are talking about LES, a situation where the lead person in a three member unit goes out and basically works with the gang, works on the projects and kind of tells them basically this is where you go and this is what you do. But they don't necessarily have disciplinary action. They don't really have a great deal of authority. They have a minimal amount of authority, but under the present definition a minimal amount of authority no matter how substantial is enough to take them out of the bargaining unit. If you look at the letter I have passed around from John Gradwohl, you will see that is exactly what he is raising in terms of an issue. Why should you take out of a bargaining unit somebody that is basically the same type of an employee as everybody else in there but they have just a little bit more responsibility, a little bit more authority but it is not substantial. It is essentially nonconsequential. It is authority slightly more than the everyday employee but not tremendously such that you could say that it was substantial. And that is the language Senator Chambers was talking about. I think it is clear. You say if this individual primarily performs bargaining unit work, that is goes out on the line, takes care of the job out there just like everybody else and does not have substantial supervisory authority then that person is part of the bargaining unit just like they have been in the past and I am talking here about LES. And that is the key. If they had substantial authority, if they truly were a supervisor with disciplinary authority, they are not going to be part of the bargaining unit. We are not going to throw in the charge nurse, as some people have alleged, in with the bargaining unit that they are disciplining because that is substantial authority and that means they won't be in there. A disciplinary action, authority, the ability to