

things have been worked out, then later somebody said, why did you vote for it? And I said, I understood everything was fine, and it wasn't.

SPEAKER NICHOL: Thank you. Senator Wesely.

SENATOR WESELY: Okay, in closing I'm going to give the statement of intent on the amendment which you will move to return to consider. The amendment...yes, this is closing. The amendment would amend the Final Reading copy of LB 213 that was previously printed in the Legislative Journal on page 1677 as the Landis-Barrett amendment. This amendment would accomplish two basic objectives. First, it rewrites the Final Reading version of LB 213 into a more appropriate style. Second, it codifies a principle of CIR law, until now explicitly established only in case law. LB 213 proposes to enact a definition of the term "supervisor" for purposes of determining appropriate bargaining units of public employees. The Wesely amendment would not insert this definition in Section 48-838 as the bill now provides, but rather it would insert the definition in Section 48-801 which already contains a series of enumerated defined terms. The Wesely amendment would simply add a ninth defined term, that is "supervisor", to this list. This change is no more than adoption of preferable bill drafting style. The definition is borrowed from the definition of supervisors found in the National Labor Relations Act. First, the Wesely amendment, on page 3, line 10, uses the word "responsibly" and not "responsibility" as the Final Reading version now provides. This change would correct an inadvertent deviation from the federal wording. Second, the Wesely amendment would define supervisor as an employee and not as an individual. This variation from both the Final Reading version and the federal wording is intended to reaffirm present Nebraska holdings under which supervisors may form and join their own bargaining units. Under federal law supervisors are specifically excluded, by statute, from the definition of the term "employee", and are denied the right to form and join their own bargaining units. In its present form LB 213 would enact a definition of the term supervisor, and then would provide the supervisor status would be determined according to this definition. The significance of supervisor versus nonsupervisor status is not discernible from an examination of the CIR statutes, but rather only from an examination of pertinent case law. Therefore, on page 5, lines 15 to 18, the Wesely amendment