

Can somebody just answer that? For example, I'll tell you why I ask the question so maybe you'll know how to answer it, a foreman generally is somebody...

SPEAKER NICHOL: Excuse me, Senator Lynch, would you talk into your microphone so we can all hear.

SENATOR LYNCH: I'm sorry, Mr. Chairman. A foreman is generally somebody on a construction job who comes out of the ranks, and is still a member of the union, but was appointed by his boss to help supervise the work and construction. Is this what we are talking about, or not?

SENATOR LANDIS: I'll be happy to reply to that. The situation is usually no. Particularly they draw them out of the union. A supervisor usually has considered a management point of view and a management responsibility. And while there are variations in the chain of command, like a foreman, those are not always supervisors. The way you will be able to tell what a supervisor is is the definition that is being used there in the bill, Senator Lynch. That language comes from the National Labor Relations Act for the most part. Just as in private enterprise if you have a foreman that is there and not part of the management, they are not a supervisor. The same definition that would determine whether the foreman was or was not a supervisor for a private contractor will now be the same rule that will be applied to determine in the public employment sector what is and is not a supervisor. My normal reaction is that foremen drawn from the same union, as you described them, are not supervisors for this purpose.

SPEAKER NICHOL: Senator Higgins, did you wish to speak?

SENATOR HIGGINS: Yes. Thank you, Mr. President. If I ever get over this allergy...I'm not concerned about the new section. I'm not a lawyer, so I'd like to ask Senator Landis to answer this question, if he would please, or is he gone? Is Senator DeCamp here? Somebody with...Senator Hoagland, could you answer a question for me on this? We have before us the Final Reading copy. It says that Section 48-838, reissue revised statutes of Nebraska, be amended to read as follows, then 48-838, the commission shall determine, et cetera. Now I'm looking at 2230...on page 2230 of the Journal, Senator, the amendment. Now is this the right amendment, Senator Wesely, AM1115? Senator