

are in front of you in that handout.

SPEAKER BARRETT: Thank you. Discussion? Senator McFarland.

SENATOR MCFARLAND: Thank you, Mr. President and follow senators. I would like to support the committee amendments, particularly with respect to the claim of sex discrimination and what the committee amendments would do on that. The case that is in front of you, I passed out a handout, it is Barbara Shaw v. State of Nebraska Department of Corrections. This was a sex discrimination suit brought by Barbara Shaw against the Department of Corrections for failing to promote her, even though she was the best qualified and the most experienced person for the job. She applied for an assistant manager position at the Department of Corrections. The two administrators, who were her supervisors, instead appointed a man who was one of their friends, personal friends, to get the assistant manager position. And she, in turn, sued for sex discrimination. A part of that was some allegations of sexual harassment. A judgment was entered in the federal district court by Judge Warren Urbom finding that the state was liable in the amount of \$22,500, and he held the two individuals defendant administrators liable in the amount of \$2,500 jointly and severally. With regard to the sexual harassment charges, I had appeared at the hearing and urged that the total claim for \$25,000 not be approved by the state, that we only approve the \$22,500 for which the state was liable and let the individual defendants pay their own amount on the \$2,500 judgment. I'd like to read you some of the quotes from Judge Urbom's opinions to give you a reason for having these individuals pay their own for their own liability. Judge Urbom says that although the evidence of the administrators sexist statements and behavior by itself does not conclusively prove that they considered the top candidate's gender in reaching their promotion decision, it makes it difficult to believe that their testimony that they lifted themselves from the insensitivity of their usual attitudes as they made their promotion decision. It is a twist of reason to believe that persons committed to equal opportunity would subject one group of workers, here women, to demeaning and unprofessional remarks and behavior. What kind of remarks did they make? Well one defendant made comments to a correctional counselor to the effect that after she had her baby she probably would not return to work due to maternal instinct. Concerning a tour of the facility that she gave to outside visitors, the correctional counselor said that the defendant made the comment