

Transcript Prepared by Clerk of the Legislature Transcribers Office
Business and Labor Committee May 23, 2019

M. HANSEN: All right. We are on and we are ready to start the hearing. My name is Matt Hansen. I am Chair of the Business and Labor Committee. We're going to start our committee hearing today as we usually do by having senators do-- senators and committee staff doing self-introductions starting with Senator Crawford.

CRAWFORD: Thank you. Sue Crawford from District 45 which is Eastern Sarpy County, Bellevue, and Offutt.

TOM GREEN: Tom Green, legal counsel.

LATHROP: Steve Lathrop, District 12.

HALLORAN: Steve Halloran, District 33 which is Adams and the better part of Hall County.

SLAMA: Julie Slama, District 1 which is extreme southeast Nebraska.

KEENAN ROBERSON: Keenan Roberson, committee clerk.

M. HANSEN: All right. Thank you. And so today we just have one hearing which is Gregg Neuhaus to the CIR and that's our one thing for the agenda. On the-- if there's testifiers, on the tables in the back of the room you'll find testifier sheets. If you're planning to testify, please fill it out and hand it in and we'll have a page go up and please turn it into Keenan when you come up. This will help us keep an accurate record of the hearing. Please note that if you wish to have your position listed on the committee statement for a particular bill you must testify in that position during that bill's hearing or that appointment's hearing. If you do not wish to testify but would like to record your position on the bill, please fill out the sheet in the back of the room. Also I'd like to note the Legislature's policies that all letters for the record must be received by the committee by 5:00 p.m. the business day prior to the hearing. Any handouts submitted by testifiers will be included as part of the record as exhibits. We would ask if you do have any handouts that you please bring nine copies and give them to us when you come up. If you don't have nine copies, however, we can help you make more. Testimony for the-- for this appointment hearing will begin with the appointee's opening statement. Followed by that we will ask for proponents, opponents, and neutral in that order. We'll ask that everybody testifying today can give your testimony-- begin your testimony by stating your name for the record and then spelling it for our

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transcribers. We'll have the five-minute light system today for anybody outside of the appointee. When you begin your testimony, the light on the table will turn green. The yellow light will be your one-minute warning. And the red light comes up, we'll ask you to wrap up your final thoughts. And with that I think we are ready to start with the opening. Mr. Neuhaus is joining us via conference call because he is out of the country at the moment. And so, Mr. Neuhaus, if you'd like to open and give us your introductory statement for your appointment hearing.

GREGG NEUHAUS: Thank you, Senator. Senator Hansen and other members of the committee, my name is Gregg Neuhaus, N-e-u-h-a-u-s, and thank you for hearing this by phone. Yes, I am out of the country for another day and then I'll be back in Nebraska. I've practiced law in Nebraska for 39 years, first becoming an attorney in 1980. I have a general civil practice. I used to do a lot of criminal law. And when I moved to Grand Island in 1997, curtailed that and do mostly civil work and do a lot of transactional work as well as a good amount of-- of trial work. I have a-- I have one partner in Grand Island who is my wife Leslie Neuhaus-- her practice is Social Security disability-- and a junior partner in our office in Lincoln who is Joe Neuhaus who is our son. I look forward to serving on the CIR. I think I can do a good job on that-- on that commission. With that, I have no further opening.

M. HANSEN: All right. Thank you, Mr. Neuhaus. Let's see if there's questions from committee members. Senator Lathrop.

LATHROP: Can I ask a few? Mr. Neuhaus, this is Steve Lathrop. Can you tell us what experience you have in labor law, if any?

GREGG NEUHAUS: Really not a lot in labor law. I follow it. I read the decisions of the CIR and, of course, the appeals. I think that by not having a great deal of experience in labor law it maybe gives me a little more of a unbiased view going on to the commission. The-- you know, had I represented governmental units or-- or labor unions, I think that would maybe bias my opinion somewhat. But I-- very little labor law other than as it deals with individual employees and their employers with regard to benefits and with regard to insurance and disability and that sort of thing.

LATHROP: OK. So you've never, either for the employer or the employee side, done any employment law or negotiated any kind of labor contracts, anything like that.

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GREGG NEUHAUS: I have not.

LATHROP: OK. That's the question I had. Thank you.

GREGG NEUHAUS: You're welcome.

M. HANSEN: Thank you, Senator Lathrop. Are there any other questions from committee members? Senator Crawford.

CRAWFORD: Thank you. I always ask why you would like to serve on the CIR.

GREGG NEUHAUS: Well, I've, you know, I've practiced for a long time and I think I know the law quite well although obviously I don't know the labor law as much as I will probably in the next couple of months. But it's-- it's a matter of service to the state. I think it's an important job. It's-- it's something that I think you-- you want to have an attorney who has a well-rounded background in the law, can study the law learn the law quickly, and apply it as it's meant to be applied. Obviously, you know, the CIR follows the-- the statutes that the Legislature passed. You don't-- you don't make law, you follow the law. So I think that I can do a good job and that's why I would like to do it.

CRAWFORD: Thank you.

M. HANSEN: Thank you, Senator Crawford. Any further questions? All right. Seeing none, I don't think we have any more questions for you, Mr. Neuhaus. So at this point if you'll mute your phone but you can still listen in.

GREGG NEUHAUS: OK. I find that this phone does not allow me to mute but I will-- I'll try to-- try to be very quiet.

M. HANSEN: All right. I appreciate it. Just if you cough or anything it will surprise us. All right.

GREGG NEUHAUS: OK.

M. HANSEN: Thank you. So with that, we'll move to any proponents of the appointee. Seeing none, are there any opponents of the appointee?

SUSAN MARTIN: Good afternoon, Senator Hansen and members of the Business and Labor Committee. My name is Susan Martin, S-u-s-a-n M-a-r-t-i-n. I'm the president of the Nebraska State AFL-CIO. And I'm

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here today to express our opposition on behalf of the Nebraska State AFL-CIO, Nebraska State Education Association, the Nebraska Labor Unity Council, and Teamsters Local 554 to the appointment of Gregg Neuhaus to the Commission of Industrial Relations. Our opposition to this appointment is centered on one important factor; namely, that Gregg Neuhaus is not qualified to serve in the capacity of this appointment because of his lack of experience in the area of law pertaining to the types of cases that would come before the CIR. The Commission of Industrial Relations is a state agency designed to resolve public sector labor controversies with jurisdiction over state and local government employees, including public utilities. The CIR hears three types of cases pertaining to public sector labor law: those involving a request for the CIR to establish wages and conditions of employment; those involving certification elections and representation cases as well as other types of cases looking at some prohibitive practices needing mediation. So to our point about why Gregg Neuhaus is not qualified to serve as commissioner on the CIR because of his lack of experience, Nebraska State Statute 48-805 gives qualifications for CIR commissioners and includes that commissioners shall be appointed because of their experience and knowledge in legal, financial, labor, and industrial matters. All current commissioners that have the experience-- all the current commissioners have experience in either business and commercial law, employment law, workers' compensation, and state or federal constitutional law. A quick search of Gregg Neuhaus' record as an attorney shows practice in a number of areas but none that pertain to labor law, wage, or representation cases or other matters that would give him relevant experience to serve on the CIR. In fact, looking at cases where he's listed as the attorney of record in Nebraska, he is listed on 1,408 cases but did not find a single case that fell under a subject matter of the types of cases that would come before the CIR. Although I'm sure Mr. Neuhaus is a fine and accomplished attorney, his areas of practice and experience centers around bankruptcy law, personal injury law, real estate, wills, probate, family law, and civil litigation. It is for this reason that we feel strongly that Gregg Neuhaus is not qualified to serve as commissioner of the CIR. It is on behalf of the hundreds of local labor unions across the state and the thousands of public sector labor union members who are impacted by the decisions and oversight the CIR provides that we ask you to strongly consider our thoughts here today. It is for these reasons that we ask the committee to reject the appointment of Gregg Neuhaus to the CIR. Thank you and I'd be happy to answer any questions.

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M. HANSEN: Thank you, Ms. Martin. Are there questions from committee members? Seeing none, thank you.

SUSAN MARTIN: OK. Thank you.

M. HANSEN: Is there anybody else wishing to testify in opposition to the appointment? Seeing none, is there anybody wishing to testify in a neutral capacity? Seeing none, that will close our hearings on Mr. Neuhaus' appointment to the CIR. Mr. Neuhaus, we will give you an update when the committee has taken action. Thank you.

GREGG NEUHAUS: That sounds good. Thank you.