

April 6, 1979

LB 80

PRESIDENT LUEDTKE: The Chair recognizes Senator Johnson.

SENATOR JOHNSON: Mr. Speaker and members of the body, I rise to support Senator Marsh's amendment to the Committee amendment by striking the word "intentional" from the section that penalizes persons who do engage in unlawful discriminatory conduct. Now I do this for several reasons. The first reason I speak to is an amplification of what Senator Hoagland said. At this time employment practices in this state are governed by at least two different sets of laws, and in some instances three sets of laws, the first set being the federal set, the second set being the state set, and in Omaha, at least, Omaha City Ordinances. What can easily happen to an employer is an employee can file a claim of discrimination, and that claim can be filed in three different places with the United States Equal Employment Opportunity Commission in Kansas City, Missouri; with the State Equal Opportunity Commission in Lincoln; and then again with the Human Relations Department in the city of Omaha. To the extent these different tribunals operate under different standard...different standards, the employer and his or her attorneys are put to a considerable amount of difficulty and expense in having to respond to different standards. Now it's important in the way we govern ourselves in life, particularly when it comes to one subject matter which essentially is the employment practice area, there we operate under one standard, as opposed to two or three different standards. Now you and I can't change what the federal government has done. We can't change federal regulations, but we can at least make certain that the state practices and the state statutes essentially conform to federal practice. I think in the end if we do that, we will effect considerable cost savings to employers. Now the second reason I rise is I know that each of us here is concerned about removing the concept of intentionality from the law. We see that law ought not to penalize persons unless they engage in wrongful conduct intentionally. Well that's particularly true in the criminal law area, but this is not a criminal statute. This is a civil statute and the purpose of the civil statute is basically to insure that all citizens in our state, irrespective of race, creed, national origin, hand'capped, are assured equal employment opportunities. In many instances employers have been careless in their employment practices. They have not intentionally sought to harm any black person, or any disabled person, but they have been careless in their employment practices. At this time...and their carelessness has worked hardship on people who are searching for jobs, on the handi-capped individual, on the black person, on the woman, and