

May 1, 1979

LB 444

for those who weren't in the room what it is. All I am trying to do is clarify in light of a decision by the Nebraska Supreme Court that occurred three weeks ago. I am trying to clarify that the Court of Industrial Relations has the authority in cases involving "unfair labor practices" to enter remedial orders. Now I used the example, I said the fireman says he has been fired because he refused to join a union, let's say. He said, I don't want no part of your union and I don't have to. Okay, and they said okay, get out of here and he goes to court and they listen to all the evidence and they say, by golly, Mr. Fireman, you don't have to join that union. You are right. There are laws that say you don't have to, and he says, okay, I am glad to hear that. I thought I was right. Now up until this time, up until this time, it has been accepted, the court has ruled, the Supreme Court has upheld, that then the court could take the next step. They said they were wrong and you get your job back, and if you are entitled to some back pay, you get that, too, friend. So what happened? Well, about three weeks ago the court came down in another case, UNL versus Police Officers versus the Board of Regents and in that case they said, well, you know, looking at this statutory language, it isn't clear just what you are allowed to do, this court or commission, whatever you want to call it, after you make your findings, and as I say, in 1972, identical situations where they have ordered something, the Supreme Court upheld it. Now the court said you had better get it clarified as to what the Legislature exactly wants, and as I say, everybody has assumed, everybody has operated on the premise that they have this authority. All I am doing in the amendment is spelling out, yes, indeed, once you have made your finding, you do have the authority to order the remedy. Now am I changing the appeals? No. You still have the same appeals. Am I changing the enforcement procedures through the district court that some were concerned about? Absolutely not. As I say, I think it is a relatively simple amendment. The bill itself Senator Landis is going to address but I think you want this in there.

SPEAKER MARVEL: The motion is the...Senator Kelly, for what purpose do you arise? Do you want the amendment read again?

SENATOR KELLY: No, I would like to ask Senator DeCamp a question and I would ask it to you so that you would know whether it was argumentative or not.

SPEAKER MARVEL: Senator DeCamp closed, Senator Kelly.