

May 2, 1979

LB 489

SENATOR JOHNSON: Mr. President and members of the body, I would not support the kill motion on LB 489. I can think of some good reasons, Senator Hefner, why LB 489 should be advanced rather than killed. I have had a number of cases over the years in the unemployment compensation context, and one of the things that I have felt was really wrong with the unemployment compensation law was the fact that we had a variable time period for penalties, that is, that we had a 7 to 10 week penalty sanction and there were no rules for determining whether 7 weeks should be applied, 8 weeks penalty should be applied, 9 weeks penalty should be applied, or 10 weeks penalty should be applied. When you have no rules whatsoever for ascertaining the number of weeks penalty to be applied, that basically contemplates and allows arbitrary capricious and discriminatory behavior by the Department of Labor, by the employment service of this state, and by the ultimate Appeal Tribunal. Can you argue the difference between a 7 week penalty and a 10 week penalty in terms of a voluntary quit? Can you argue the difference between a 7 week penalty and a 10 week penalty in terms of being fired for good cause? Extremely difficult to determine which sanction should be applied. It makes very sound legislative and administrative sense for us to put in a flat penalty period, 7 weeks, that's it. I don't care why you quit. I don't care why you got fired, you've got a 7 week penalty. Take the arbitrariness out of the administrative process. That's the way good law is written. That's the way good law ought to be. Secondly, in terms of the whole business of being, of the previous voluntary quit interestingly enough I got a phone call from a constituent, from a laboring man, before the session even started. He said, you know Johnson, he said, I just lost my job, and I went down to the employment service to talk about getting unemployment compensation and I discovered to my horror that when I quit my job nine months ago to take a better job, which I thought was the American way to improve my own condition, I'm going to be penalized by 7 weeks because I took the time to try to improve myself. I lost my job, you know, fairly recently I got laid off because my employer had an actual work shortage, and I could get the benefits to which I was entitled, but for the fact that nine months earlier I had actually quit my job to take this second job with this new employer because it was a better job for me. He said, I don't think that's right. Now interestingly enough the man went out and got another job so he never did draw unemployment compensation, but he was very angry that the law should be as it