

May 11, 1981

LB 548

should not have done, should have been aware of, and so on, right?

SENATOR V. JOHNSON: Yes, I would say so.

SENATOR FOWLER: Would you think that those are grounds for firing an employee?

SENATOR V. JOHNSON: Yes, I would think they would be grounds for firing an employee.

SENATOR FOWLER: Would you suggest that perhaps there seems to be both a problem if the employees were not dismissed that we didn't go further and the state picks up all their legal cost, and that is what we are picking up, right, the employees legal cost, is that correct?

SENATOR V. JOHNSON: No, we are going to indemnify the employees against the judgment that was taken against them.

SENATOR FOWLER: Okay, what about their own legal cost, is that...?

SENATOR V. JOHNSON: It may well be that the Attorney General defended them. I would guess that the Attorney General did so we have already picked up their legal costs.

SENATOR FOWLER: Okay, the Attorney General defended them and then we are picking up...okay. I guess I would ask a question of Senator Maresch of the Labor Committee.

SENATOR MARESH: Business and Labor.

SENATOR FOWLER: Business and Labor, sorry. I am still used to the old Labor Committee. For your committee's criteria in deciding when to pick up these types of costs for an employee, what standard of malfeasance do you believe the state is responsible for and at what point do you believe that it becomes the employee's responsibility? What kind of legal standard did you use to decide that this claim (interruption)?

SENATOR MARESH: Senator Fowler, we were advised by Paul Douglas that we should pay it. He personally came to see me and advised that the committee allow it. That is all we had to go on.

SENATOR FOWLER: Okay, do you know if we have ever been asked to pick up the legal cost before for an employee who has been