

SENATOR CHAMBERS: I know what it says. What does it mean?

SENATOR HEFNER: Okay. I think we need to read the whole sentence here.

SENATOR CHAMBERS: Okay.

SENATOR HEFNER: Okay, for the purpose...and I'm going to read the whole amendment.

SENATOR CHAMBERS: Fine.

SENATOR HEFNER: "For purposes of this subdivision, gross, flagrant and willful misconduct connected with the individual's work shall include (1) refusal of the lawful directive of an employer to provide a body fluid sample or breath sample as provided in Section 48-1903, or, (2) use or possession of a controlled substance as defined in Section 28-405, which substance was not prescribed by a licensed physician or surgeon, when such use or possession is either upon the work site or affects the employment relationship;". I would say that means to me that if it's a truck driver, he wouldn't be able to drive that truck as well as he did before.

SENATOR CHAMBERS: Then let me...oh.

SENATOR HEFNER: Also if he was another, say a clerical employee, he probably wouldn't...he or she probably wouldn't be able to do his duties as well.

SENATOR CHAMBERS: Then let me see if you would accept an amendment like this. After the word "relationship" we would add the words "in connection with performing his or her duties.". So it would read, "affects the employment relationship in connection with performing his or her duties.". It doesn't talk about substantial impairment or any new language like that. It indicates that what you are dealing with is how the person performs his or her duties when you use those words. How would you feel about an amendment like that? Because that's one that I have drafted, so would you think about it?

SENATOR HEFNER: Let me think about it.

SENATOR CHAMBERS: Okay.