

it be outside the workplace, as long as they were on the clock, if you will. The employer would have the ability, as a condition of employment, to dictate what an individual employee could use that would be a lawful product. The classic example is the smoking issue. In many other cases, it deals with alcohol. There are a number of other things that could raise their head down the road and the purpose behind this piece of legislation is merely to say that once that employee is off the clock they then have the ability to use any lawful product that is available to them, should they so choose. It doesn't mandate that they have to use it, just says that the employer's oversight ends at the end of the day, the end of the work period when they punch the clock, when they no longer are responsible. And it is a provision that I believe is very necessary, looking at how things have come about in terms of what happens to employees in their nonworking hours and how things are dictated by employers more and more. You all know, and I'm sure you all read, as many of the students who are sitting in the front of the Chamber serving as Pages probably have read more recently than us, George Orwell's 1984 with big brother tuned in and watching every move that takes place. LB 216 says, look, you can tune in, you can watch us, you can dictate what our behaviors are when we're on the job, but once we check out, once we've punched the clock, we ought to be free in our own environment at home. We ought to be able to light up a cigarette in the car on the way out of the parking lot, should we so choose. We ought to be able to partake in any activity that is lawful. If I want to go sky dive, I ought to be able to go sky dive. If I'm foolish enough to partake in that activity, that's fine. Because I work for a certain employer, I shouldn't be denied the ability to do that. But, in many cases, in a lot of instances, that's happened. Probably the most classic example was the one that happened a couple years ago, and it was the reason I cosponsored the bill back then, was a case where an individual at an employer in Omaha was fired because she smoked. She smoked off the premises and the rule was at that time for that employer that no one was allowed to smoke. She was discharged from her job under that personnel policy and she fought. She said, look, I don't have any problem. I don't smoke when I'm at work. I don't disobey the rules. I abide by the policies. My job performance is fine, why are you firing me because I had a cigarette after hours? And she fought it. There was a bill introduced and there was a lot of debate and there was a lot of press about it in the Omaha area. This individual testified at the hearing and she was listed as a