

February 10, 1995 LB 216

SENATOR HALL: No, the employee who drove the Chevy.

SENATOR BROMM: Honda, Honda.

SENATOR HALL: The Honda, okay.

SENATOR BROMM: Okay. Anyway,...

SENATOR HALL: I thought he had a Chevy (inaudible) Honda.

SENATOR BROMM: That's not important. The question is you indicated that that situation would be covered under proprietary interest.

SENATOR HALL: Sure.

SENATOR BROMM: Let me ask you the question, under subparagraph (4) of Section 4, which is the section which you were referring to, under (c) you talk about a legitimate conflict of interest policy designed to, and as I read this, if I understand the structure of the language, designed to (1) protect the employer's trade secrets; (2) proprietary information; (3) or other proprietary interests. Now, to me a conflict of interest policy deals with not releasing information, under this language it deals with not going to work for somebody that is in competition that might result in him pulling away your customers over to that Honda dealership. To me, I have...it's a stretch for me to say that the Honda...driving the Honda represents a proprietary interest. Could you respond to that, please.

SENATOR HALL: Mr. President, members, Senator Bromm, I'd be happy to. The way I read Section (c) is that you're right, when you get to the or.

SENATOR BROMM: Yeah.

SENATOR HALL: Soon as you hit the or, the...it's a whole 'nother ball game because then you talk about other proprietary interests. That's a whole new...that's a whole new section. That could just as easily have been a (d), the way I read that. It does not relate back to the conflict of interest policy. It says, or other proprietary interests. Proprietary interest, to me, means anything that impacts the employer's business, if it would have a direct effect on that employer's business, that's a proprietary interest. If it's not...if it's not in my interest