

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE  
Transcriber's Office

March 15, 1999 LB 608

let me try to use an example. I'm hired at a company in January. The plant is scheduled for a shutdown in February for two weeks. I have only worked at the plant for a month. I have not accrued enough time to get vacation time to use during that two-week shutdown or that shutdown period, let's say, because I just started working. Since I don't have vacation time saved up, I should be able to basically, instead of being asked to not have any wages whatsoever, I can't have vacation time because I haven't saved it up because I just started working, I should at that point be able to get unemployment compensation benefits. Therefore, the language, notwithstanding any other provision of Security Law, we can eliminate that...not eliminate that line but that line's basically not going to exactly the example that I'm talking about, but "an employee who is not employed during a plant shutdown for vacation purposes," meaning they're not going to be on vacation, not getting vacation time, you should not be deemed to be on a leave of absence or unavailable to work simply by the reason of the fact that your collective bargaining agreement agent, meaning your union, agreed that we're going to use this time for shutdown and vacation. You should not be penalized because you have negotiated something in your collective bargaining agreement, penalized meaning I should be getting a support from somewhere. I can't get it from the company because I haven't been there long enough to get my vacation pay, so I should be able to get unemployment compensation. If you're on a leave of absence, I believe you can't get unemployment compensation. So what the department is asking for is saying, hey, this person, don't consider them to be on leave of absence, don't be...consider them to be an employee; for this situation let's consider them to be unemployed and available or eligible for unemployment compensation benefits. So that's what the last five lines attempt to do. The general counsel for the Department of Labor believe it fulfills that. I am in agreement with that. It has been taken almost word for word from another state's statute, we did some research on this, and it...

PRESIDENT MAURSTAD: One minute.

SENATOR HILGERT: ...basically codifies something that the department is doing now. Now, if Senator Matzke wants to take this apart word for word and ask me to explain every nuance, he