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LB 608

SPEAKER KRISTENSEN: Senator Raikes.

SENATOR RAIKES: Thank you, Mr. Speaker, members. Senator Chambers, please proceed.

SPEAKER KRISTENSEN: Senator Chambers.

SENATOR CHAMBERS: Thank you, Senator Raikes. Mr. Speaker and members of the Legislature, I know what is being attempted by this bill, I know what is intended. And I can understand Senator Matzke disagreeing with the construction I'm putting on the language. But when statute are construed, words are taken in their ordinary meaning. I'm going to read this new language again. On page 10, starting in line 8, "Vacation leave pay including that received in a lump sum or upon separation from employment", I'm dealing with the "separation from employment", "shall be prorated in an amount reasonably attributable to each week claimed and considered payable with respect to such week." "Attributable to each week claimed". There is nothing in here which says that after a number of weeks which, when divided into that lump sum, would provide the employee with an amount equal to his or her base salary. It doesn't say that. It says, prorated an amount reasonably attributable to each week claimed. To me that means we're dealing with a period that would have that unemployed worker still connected, for purposes of the unemployment law, to the former employer. If other employment intervenes, then we're not talking about what I'm dealing with. This person leaves employment, using Senator Matzke's example, receives \$2,500, which would be \$500 for each week, were that person retained in employment. The period for which unemployment is going to be claimed, week by week, is the full period from when that person leaves employment until new employment is obtained, or some kind of disqualification occurs. And I believe that, with the language that exists in this bill now, a person who is unemployed for more than five weeks and is not disqualified for any reason can go back, and after prorating that lump sum over all of the weeks for which he or she was unemployed and entitled to receive unemployment compensation and establish that in not one of those weeks, based on this proration, would he or she have received an amount equal to the weekly base salary. And such being the case, a recovery can be had for all of the weeks from the time of unemployment, save for