

TRANSCRIPT PREPARED BY THE CLERK OF THE LEGISLATURE
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LB 608

CLERK: (Microphone malfunction. 22 ayes, 0 nays to go under call, Legislative Journal page 1363.)

SENATOR CUDABACK: The house is under call. All unexcused senators please check in. All unauthorized personnel please leave the floor. The house is under call. Senator Matzke, your time is running, if you wish to close.

SENATOR MATZKE: Mr. President, members of the Legislature, am I on or off? (Laughter) Senator Chambers probably thinks I'm off. I appreciate everybody's patience on this bill. I did not think at the beginning that it was this complicated, because I thought it's a rather simple matter that, if you're on vacation and if you are being paid your base pay on that vacation, and you've got a job to go back to, you're employed, you are not unemployed. The courts got hung up on some technicalities. This case originated in the Pinzon case, involving a professor with the university. That case, decided by the Nebraska Supreme Court, was not a vacation case, nor was it a case where the employment continued. Nevertheless, it was reinterpreted in the appeals process of the Department of Labor, raising an issue as to whether an employee can lawfully collect a full vacation pay and be unemployed at the same time. And this concept resulting from that case disturbed a lot of people. Even in some of the plants where this idea was advanced, employees argued with one another because many of them felt it wasn't fair. The end result of that decision probably would have been very detrimental to working people in this state because employers would have stopped giving people paid vacations. They would have simply said, well, if you can claim unemployment compensation during your two-week vacation, I'm just not going to pay you for your vacation; go get your unemployment compensation. And what we would have done, we would have created a very artificial situation that would have been detrimental to the people that work on regular wages, because they would have ended up not getting paid vacations. And I see this as very contrary to the best interests of Nebraska and the people that live in this state and to our quality of life and to employment, and particularly to people that have to work for a living. So my personal interest in this bill is, first of all, to protect the rights of the working person and protect the