

Transcript Prepared By the Clerk of the Legislature
Transcriber's Office

Business and Labor Committee
February 20, 2018

[CONFIRMATION]

The Committee on Business and Labor met at 12:30 p.m. on Tuesday, February 20, 2018, in Room 2102 of the State Capitol, Lincoln, Nebraska, for the purpose of conducting a public hearing on gubernatorial appointments. Senators present: Joni Albrecht, Chairperson; Steve Halloran; Matt Hansen; Sara Howard; and John Lowe. Senators absent: Sue Crawford and Ernie Chambers.

SENATOR ALBRECHT: (Recorder malfunction--testimony lost.) [CONFIRMATION]

JOHNIE GIRMUS: (Recorder malfunction--testimony lost.)...to help out if I can.
[CONFIRMATION]

SENATOR ALBRECHT: Very good. Does anyone have any questions for Jason? Go ahead. Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Thank you for visiting with us today. What made you decide to go into the boiler/burner service? [CONFIRMATION]

JOHNIE GIRMUS: What made me decide to? [CONFIRMATION]

SENATOR HOWARD: Yeah. [CONFIRMATION]

JOHNIE GIRMUS: Mostly my father. It's something I always liked. A lot of it's mechanical, electrical. You know what I do now is mostly control and combustion work, it's not so much labor anymore, but it's something I really like to do. The only thing I really don't like about it is the traveling, I tend to be gone quite a bit. It's just I like figuring out how things work and making them work or work better, I guess. [CONFIRMATION]

SENATOR HOWARD: That's great. Thank you for visiting with us today. [CONFIRMATION]

SENATOR ALBRECHT: Any other questions? I just know how important those boilers are to the public and to the employees who work in those plants, so I appreciate the work you do and thanks for considering this. [CONFIRMATION]

JOHNIE GIRMUS: Thank you. [CONFIRMATION]

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SENATOR ALBRECHT: And go ahead and have a seat. And, of course, I'm going to have to ask if there's any proponents that would like to speak to the Boiler Safety Code Advisory Board position. Anyone want to speak in opposition? Seeing none, how about any letters. Do we have any letters? Anyone in a neutral position? Seeing none, we'll close this particular hearing and move on to Patricia L. Vannoy, Commissioner of Industrial Relations. Hi there.
[CONFIRMATION]

PATRICIA VANNOY: Hi. [CONFIRMATION]

SENATOR ALBRECHT: You can tell us just a little bit about yourself and...
[CONFIRMATION]

PATRICIA VANNOY: You bet. You have my resume, so I'll try to just highlight some things that maybe don't appear on there. I grew up in northeast Lincoln, attended the University of Nebraska here in Lincoln for undergrad and law school. I've been practicing with Mattson Ricketts for...since 2009. Through that, I've represented employers, employees in a variety of different disputes. I serve as a FINRA arbitrator. I've worked with a lot of different attorneys, actually both locally and nationwide, a lot of different mediators, a lot of different judges, arbitrators, so at this point I feel like I have the experience to contribute to the commission. And I'd be happy to answer any questions. [CONFIRMATION]

SENATOR ALBRECHT: Great. Do we have any questions for Ms. Vannoy? Senator Halloran.
[CONFIRMATION]

SENATOR HALLORAN: Thank you, Chair Albrecht. I see one of the references is J.L. Spray. How do you know J.L.? [CONFIRMATION]

PATRICIA VANNOY: He's my law partner. I practice at Mattson Ricketts. [CONFIRMATION]

SENATOR HALLORAN: Oh. That's good. [CONFIRMATION]

SENATOR ALBRECHT: Any other questions? [CONFIRMATION]

SENATOR HOWARD: Well, I just want to thank you for putting your name out and for sort of getting out there on this. What's the makeup of the Commission on Industrial Relations?
[CONFIRMATION]

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PATRICIA VANNOY: Oh, that's a good question. I know they sit in panels of three, I believe. I think there are five or six total and that may vary based on the type of case also. This is a creature of statute, so it's all spelled out in the statutes how it works. [CONFIRMATION]

SENATOR HOWARD: So there are five or six people in a rotation and then when an issue comes up they pick three of them? [CONFIRMATION]

PATRICIA VANNOY: I believe so. [CONFIRMATION]

SENATOR HOWARD: Okay, perfect. Thank you. [CONFIRMATION]

PATRICIA VANNOY: Mr. Carlson could actually probably answer that question. [CONFIRMATION]

SENATOR HOWARD: I know. I was actually hoping he would go first, but you're here now. So thank you so much for putting your name out for this. We appreciate it. [CONFIRMATION]

PATRICIA VANNOY: Of course. Thank you. [CONFIRMATION]

SENATOR ALBRECHT: Any other questions? Seeing none, thank you for coming. [CONFIRMATION]

PATRICIA VANNOY: Thank you. [CONFIRMATION]

SENATOR ALBRECHT: Do we have any proponents wishing to speak to this Commission on Industrial Relations? Any proponents? Seeing none, any opponents wishing to speak? Anyone in neutral? No. And no letters, correct? So we'll close that particular hearing and we'll move on to Joel Carlson. Thank you for being here. And you're going to be able to educate us all on the commission. [CONFIRMATION]

JOEL CARLSON: I'll do my best. Good afternoon, Senators. My name is Joel Carlson, I'm from Norfolk. I've practiced law in the Norfolk area, have been in private practice, but also worked for the Madison County Attorney's Office for a good number of years as well, have been on the commission for four years. And that first year or two, kind of getting your feet a little bit, but I feel like I know what I'm doing now I guess, and would like to serve another term if confirmed. [CONFIRMATION]

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SENATOR ALBRECHT: Great. Questions? Senator Howard. [CONFIRMATION]

SENATOR HOWARD: Sure. So how often have you been sort of empaneled for the three-person panel? How often have you been called to service from that way? [CONFIRMATION]

JOEL CARLSON: Well, it's interesting. You know, we have...it's hard to know how many cases we have at a time. I think in a given year we might average about 30. Some of those are what I call easy cases where they're called representation cases where a particular set of employees want to be certified and that's just a voting ballot issue, so we don't really need to have a hearing on that. The ones that probably get the most notoriety would be the prohibitive practices cases where if an employee bargaining unit believes that the public employee institution has not properly bargained certain issues, some type of maybe management-type issues and then public bargaining unit says, that's not in our collective bargaining agreement so we think you violated that and so then we have a hearing. And those are the ones we'll often have trials on. And so I might have one trial per year. And usually we are in a three-judge panel. But for that type of hearing, there's only one hearing commissioner at a time. And then after that decision or trial is done and they start to formulate the proposed decision, it will be circulated to the other members of the panel and then so all have to sign off on it. The one that is the most intensive would be the wage case. And that would be if a employee unit believes that their wages aren't in line with the array of different other cities or counties they can file a wage case. And those are not as often, maybe one per year, and they had a trial in one last year that went to trial. They have one this year, but it looks like it's going to settle, so. But those, you definitely have to have all three commissioners hear those matters. [CONFIRMATION]

SENATOR HOWARD: Great, thank you. [CONFIRMATION]

JOEL CARLSON: Yeah, so. Sorry, it was long-winded, but ... [CONFIRMATION]

SENATOR HOWARD: No, it was a great answer. [CONFIRMATION]

SENATOR ALBRECHT: Great answer. It tells us a little bit more about it. Any other questions? Seeing none. Thank you for being here. we appreciate it. And I'll just have to ask for proponents and opponents, if you wouldn't mind. [CONFIRMATION]

JOEL CARLSON: Thank you. Sure. Again, thank you. Appreciate your consideration.
[CONFIRMATION]

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SENATOR ALBRECHT: Thank you very much. Okay, do we have any proponents wishing to speak? Any opponents? Anyone in a neutral capacity? Seeing none, there were no letters, so we'll close the public hearing. And if you don't mind, we're going to try to Exec on this because there's another meeting coming in here, so we can move right through this. So I'll just ask you all to leave the room and our Red Jacket will shut the door and we'll get started.
[CONFIRMATION]