

Transcript Prepared by Clerk of the Legislature Transcribers Office
Business and Labor Committee July 31, 2024

RIEPE: I'm required to for the purposes of putting it into the-- I appreciate all of you being here for this hearing for the appointment of Joel Carlson. We're going to get him on the phone. We told him it wasn't necessary for him to come all the way in from Norfolk today. So, how we're going to do this, a little bit of a configuration with-- through a cell phone up to a mic. Because as Steve pointed out to me this morning, we don't have phone accommodations in this particular room. So, today is July 31st, 2024. I'm Merv Riepe, the Chairman of the Business and Labor Committee. My district is 12, which is the Omaha, Ralston area. I would ask my committee members, if you would please, to introduce yourselves, starting off to my right, if you would.

HALLORAN: Thank you, Mr. Chairman. Steve Halloran, representing District 33, which is Adams, Kearney, and Phelps County.

IBACH: Teresa Ibach, District 44, eight counties in southwest Nebraska.

HUNT: Megan Hunt, representing the northern part of midtown Omaha.

HANSEN: Ben Hansen, District 16, which is Washington, Burt, Cuming, and parts of Stanton County.

RIEPE: Thank you all very much. The committee research analyst is Gerald Fraas to my right, and Cameron Lewis is the committee clerk. Please sign out all phones and beepers as, as we go into this process. And today, before each of these hearings, all bills will be heard as posted outside. This happens to be a hearing, so there won't be bills posted there. Should anyone be here who does not want to testify, but wants to have some input, there will be forms near the entrance to this particular room. Also, I would note that if you are not testifying, but have a position on the candidate, the position of all those records must be received by the committee by 8 a.m. the day of the hearing. For purposes of the record, we ask each individual at the mic to state his or her name, spell it, and who you represent. Going through what I'm going to [INAUDIBLE]. As a committee, we will work diligently to provide a fair and full hearing. We will make every effort to accommodate special needs, and short of and-- this committee may not take action on the bill of the actual hearing. We may stay around, and if we feel comfortable on Mr. Carlson, take the action so we don't have to come back at a different time. At this hearing, we ask you to be respectful of the process and to one another. With that,

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we'll begin today's hearing, and we welcome Mr. Joel Carlson. And is Mr. Carlson on the phone with us?

CAMERON LEWIS: He is.

RIEPE: This is a reappointment, as opposed to a new appointment for Mr. Carlson. Mr. Carlson, are you there?

JOEL CARLSON: I am, thank you.

RIEPE: Great. Can you hear us?

JOEL CARLSON: I can hear you. Hope you can hear me.

RIEPE: OK, well, we appreciate you giving us some time today. And we understand this is a reappointment for you? Maybe a third time?

JOEL CARLSON: Yes, it is, I-- yeah, this would be my third six year term if you guys-- if the committee would approve.

RIEPE: OK. Well, you must love us.

JOEL CARLSON: Well, I don't know. Well, first of all, I'd tell you, I'm so sorry I couldn't be there in person. But I know from my end and your end, everything's been on short notice lately.

RIEPE: Yes. Yes.

JOEL CARLSON: Yeah.

RIEPE: Would you just give us a little bit of your background, who you are, and if you would be kind enough to spell it, for the purposes of getting it into the record properly.

JOEL CARLSON: Sure. Sure. I'll go ahead, now. I'll restate. My name is Joel Carlson, J-o-e-l C-a-r-l-s-o-n. I'm an attorney in Norfolk, Nebraska, and I've been in Norfolk here for, oh, roughly about 25, 30 years practicing up here. I've been on this commission, as you said, for about the last 12 years, and in terms of just experience, my, my practice is a, a, just a general practice for people in the northeast Nebraska area. As far as our-- the commission, we've had several cases come through, some trials, but overall I feel like the commission has done good work, and I would like to continue on for a third term.

RIEPE: And this appointment is to the Commission on Industrial Relations. We'll get that in the record.

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JOEL CARLSON: That would be correct.

RIEPE: I'm going to ask the committee members if they have questions that they would like to direct to you. So are there any questions? OK. Senator Halloran.

HALLORAN: Thank you, Mr. Chairman. Welcome, Joel. Thanks for joining us, and thanks for re-upping. Quick question. Over the last four years that you've been on the Court of Industrial Relations, can you give me a rough percentage of the, the results in favor of the employer versus the employee?

JOEL CARLSON: Oh, that would be a very good question. I'm not sure I have good data on that. And I would divide out the kind of cases as follows. We get a lot of what we call representation cases, which is just we certifying or decertifying bargaining units. That ends up being a lot of what comes through. That is not too controversial, though I had one trial with regard to that, and I believe-- I can't even remember how that was resolved. And then probably, the one that gets contested often, or a little more trial oriented, would be a prohibited practice case, where perhaps an employer-- the bargaining unit is-- has alleged that the employer has misstepped on their bargaining agreement in terms of, of something that's not contained in it. So that can go to trial. That can often be-- oh, it can gate, I'm not sure, but it could swing each way. I've, I've seen results each way. Then the final one would be wage cases. Those are very-- less litigated anymore, compared to what I understood from the 20, 30, 40 year history of the-- of the commission. But yeah, I know we did have one here, you know, I can't remember, the last five years, it might have been, that I, I don't even think I was a participant on that panel, but I was aware of that wage case, so.

HALLORAN: OK. Thank you very much, Joel.

RIEPE: Are there other questions? Mr. Carlson, do you have questions of us? We'll give you an opportunity.

JOEL CARLSON: Are you saying if I have questions? I don't believe so, other than I've appreciated coming before the committee here. I know it's 12 years of experience, and some of you weren't there the first couple rounds, but, but it's been a good experience for me. And I just appreciate your, your approval.

RIEPE: Do you feel that there are any incidents or situations that could be improved on the commission?

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JOEL CARLSON: You know, that is a very good question. I, I feel like it's a fairly good-- I don't want to use the word well-oiled machine, I guess, to the extent that most of the commissioners have good experience. I think we picked up a real new one recently in the last year. But otherwise, we, we work together well. The staff is-- we've had good, consistent staff, which is always good. As you know, sometimes you get turnover. So I feel like, and I-- you could probably ask members of the, the bar, the lawyers that practice regularly in front of us. I believe they think that our commission works well. As far as improvements, I really couldn't tell you in terms of, you know, what, if there's any substantive improvements that need to occur. That-- I, I, I would just defer that to your committee, so.

RIEPE: Very good. I can tell you're a lawyer. Any other questions from the committee? Hearing none, I believe that concludes our hearing. Thank you very much for joining us. And--

JOEL CARLSON: Yeah.

RIEPE: --have a great day. I will get back to you, with our decisions posthaste.

JOEL CARLSON: Yep, that's very fair. And thank you. And obviously, you Senators, you're, you're doing a good job hanging out in Lincoln in the middle of Jul-- I guess it's the end of July. So, it's not your normal time, so appreciate the hard work you all do you know, in this un-- undetermined session, so. OK, thank you.

RIEPE: Thank you. OK. Are there any comments? And do we need to and want to go into Executive Session? Are you comfortable going into Executive Session?

HALLORAN: I move we go into Executive Session.

RIEPE: Thank you. A second?