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News & Views

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The monthly LIBA LUNCHEON is open to all LIBA Members and their guests with advanced reservation required if you eat lunch. Lunch will be served beginning at 11:30 am, the meeting begins at noon and ends promptly at 1:00 pm.

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Message from the President, CEO

By Travis Filing

At just over two months “at the helm” of LIBA and I’m delighted to inform you that we are making some exciting strides here at LIBA! At the end of January, we sent out member surveys and the #1 reason our members joined LIBA and expect the most from our organization, was you wanted representation in State, County and City Government as well as representation in our schools. I want you to know we heard you! I’m excited to announce that during this legislative session, LIBA has monitored 76 bills that were being introduced. We met with Senators that were working on those bills and most importantly, we testified on 49 bills that would affect small business! This is the most bills in one legislative session LIBA has ever testified on in our organization’s 44-year history!

And while the Legislature appears to have the most important policy issues being discussed, LIBA is still monitoring the city council, county board and LPS meetings. We will provide updates on those issues next month.

As I said in last month’s newsletter, your feedback, ideas, and concerns are crucial to the success of our organization, and I want to assure you that your voices have been heard loud and clear.

We are preparing for LIBA’s Free Enterprise Celebration which is coming up on April 11th. This year we have had more corporate tables reserved for this celebration since before the pandemic. For those of you who have attended the “FEC” previously, you know we recognize several outstanding businesses and recognize professionals in the industry, including a young professional of the year, and this year, we decided to recognize two young professionals and one of them is LIBA’s Policy and Research Coordinator Carter Thiele. Carter has done an amazing job in a short

amount of time. Carter started with LIBA in September and for the month of January, he was our only office staffer!

If you happened to miss the LIBA update email last week, there’s a familiar face back in our organization, I’m excited that Laurie Dunn has returned to us as a membership recruiter. Laurie was Coby Mach’s Development Director for about five years and has returned to us in the same role. We are very excited to have her using her skills to help grow our membership.

If you have any ideas, thoughts or concerns about our organization, please don’t hesitate to call, text or email your thoughts on how I can improve any facet of LIBA. Your feedback is very much appreciated and will play an important part in the direction of our community. Your dedication to our organization is truly appreciated, and I look forward to continuing to work together.





||| Free Enterprise Celebration || 2024 ||| | Date: Thursday, April 11, 2024
|| Location: Pinnacle Bank Arena || 400 Arena Drive, Lincoln, NE |||
Schedule: || 4:30 p.m. - Doors Open || 5:15 p.m. - Dinner Served || 6:00
p.m. - LIBA Awards || 7:00 p.m. - Business Reception || 7:30 p.m. - Live
Auction ||| | Tickets: \$90 Each ||| | Contact: 402-466-3419 ||
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LIBA Luncheon Host



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From the Top

By Bob Panzer, Chairman of the Lincoln Independent Business Association

First of all, it is an honor to be Chairman of the Lincoln Independent Business Association. I have been a member of LIBA since 2006 and on the Board of Directors since 2013. LIBA has been a champion for small businesses since its inception in 1979. Secondly, I would like to thank Mark Whitehead for his leadership as Chairman of LIBA for the past year. Mark has been the right person to lead us as we transitioned through a major change at the helm of LIBA. Hopefully, Mark will have more time to go to his favorite place in the desert!

I want to thank Wanda Caffery in leading the Search Committee and with everything else she has helped with in the past. Between her full-time job and helping out during the past year, I do not know how she does it all. Wanda is truly a "Rock Star" when it comes to helping out with LIBA!

Speaking of the leadership change at LIBA, Travis Filing is the new CEO-President. Travis is the right choice to lead LIBA into the future and I am looking forward to working with him for the next year. He is intelligent, passionate and energetic! He will be making the rounds to call on LIBA members to get an idea of what they need for support from our organization. Once you meet Travis, I am sure you

will see what I see: that LIBA has a bright future ahead with Travis at the helm.

LIBA has an amazing staff too! Carter Thiele, LIBA's Policy & Research Coordinator, has testified on forty-nine bills which is the most bills ever that LIBA has testified on in the state legislature during a session. Carter is a young man whose energy and enthusiasm is infectious!

Anne, LIBA's Office Manager/Events Coordinator, just started in late January. Anne has been amazing in taking over and organizing the office especially with the LIBA Convention and Auction coming up on Thursday, April 11th, 2024, at 5:30 pm. I am excited to Chair the event as we have sold more corporate tables than last year and there are many new and different items to bid on!

This is an exciting time for LIBA, I hope you will take the time to attend the monthly luncheon, Coffee & Contacts or Biznet Afterhours networking events. Our committees are open to all members and are a great way to get involved and have a voice in the organization. And, most importantly, I hope to see you at the Free Enterprise Celebration.

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LIBA Luncheon

Tuesday, April 16th
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Get to know us over lunch at the Jasmine Room, Grand Manse
(129 N 10th St., Lincoln, NE 68508)

Special Guest Speaker: Ryan Wieber, Director of Lincoln City
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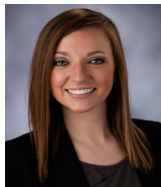


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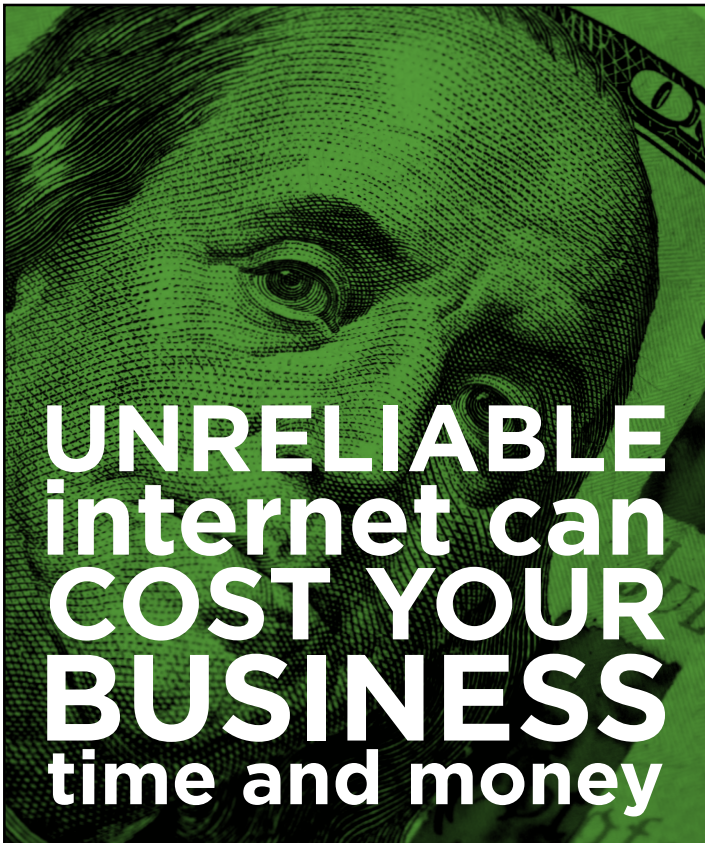


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The LIBA Free Enterprise Celebration

By Wanda Caffrey

Are you ready to attend one of Lincoln's top events? The LIBA Free Enterprise Celebration (FEC) is just around the corner. This event is LIBA's biggest fundraiser of the year and provides a great deal of revenue which helps to meet LIBA's everyday expenses. Please plan to join us Thursday, April 11 at Pinnacle Bank Arena at 5:30 pm with free parking in the attached Arena Garage.

The FEC committee has worked hard this year to gather not only many of the yearly favorite auction items but also many new items as well.

We are excited to have two new Live Auction items - 1 week at Villa un Montone, Italy: October 26 - November 2, 2024, or perhaps you prefer to stay stateside with a week stay at a house by the beach in Fort Morgan, Alabama.

Perhaps 2 tickets to the Pink concert in the Hampton Suite or tickets to the NE vs Illinois Husker Football tickets in the Brehm Family Suite are more your style.

Also new this year is a wine pull and a whiskey pull. LIBA's FEC committee could really use your help with donations of wine or whiskey. Donations can be dropped off at the LIBA office located at 3601 Calvert St. Don't want to part with any of your personal stash? Stop

by The Still located at 6820 S 70th to donate towards the wine or whiskey pull and The Still will even deliver it to Pinnacle Bank Arena for you.

When was the last time you went home from a fundraising event with more money in your pocket than when you arrived? Be sure to buy a glo in the dark necklace (or two or three or more) to play the heads or tails game. Another new opportunity at this year's Free Enterprise Celebration.

There are so many wonderful donors to this amazing event and there just isn't enough room for me to list them all here.

Can't attend this year's event but want to bid? As we get closer to the event, you will have the opportunity to download the QTEGA app so you can bid on items from wherever you may be that evening. Be sure to watch your emails for instructions on how to access the app.

I look forward to seeing all of you at this fun event. Contact Anne in the LIBA office at 402-466-3419 for information about tickets or to make a donation to the auction.

GenLNK Spring 2024 Fundraiser
Mini-Golf Tournament
Saturday, May 11, 10 a.m. - noon

Benefitting Baby & Me

IBHS Bryan Health

GenLNK's Spring 2024 Fundraiser - Mini-Golf Tournament

When: Saturday, May 11, 10 a.m. – Noon

Where: Adventure Golf Center, 5901 S 56th St. Lincoln

Registration: <https://events.golfstatus.com/event/genlnk-s-spring-2024-fundraiser-mini-golf-tournament>

ABOUT THE EVENT

LIBA's young professionals group, GenLNK, is planning the **3rd Annual Mini-Golf Tournament Spring**

Fundraiser on Saturday, May 11, 2024 from 10-noon at Adventure Golf Center to raise money for Baby & Me. Title Sponsors for this event are **Bryan Health** and **Integrated Behavioral Health Services**.



As a nod to the annual LIBA Golf Tournament, GenLNK organizes a mini-golf tournament to raise money for this round's nonprofit recipient, Baby & Me. There will be raffle items, lunch provided afterward, and beverages/snacks are available for

purchase throughout the event. Teams are made up of 4 players, best ball format. Golfers can expect fun mini games put on by hole sponsors throughout the course. Mulligans can be purchased for a competitive advantage. There will be medals and prizes for the top 3 winning teams.

ABOUT THE NONPROFIT

Baby & Me is new local nonprofit — and a new LIBA member! — that has set out to fill the gap between working moms trying to get by despite the economic grey area they are in—they don't make enough to afford everything they need but, on paper, they make too much to qualify for programs that would offer the financial help they need. They intend to use the money raised at this event to help multiple full-time working mothers in Lincoln with diapers, wipes, grocery gift cards, and self-care packages, especially mothers who are at home on maternity leave and need extra support.

How to Support

- 1. Be a Sponsor** – There are 3 Title Sponsor slots (\$750) and 16 Hole Sponsor slots (\$275). *****ONLY ONE TITLE SPONSOR SLOT LEFT***** This year, there is a discount for hole sponsors who attend the event and interact with golfers. There is also an opportunity for a LUNCH SPONSOR (\$300).
- 2. Sign Up a Team** – This is a fun team bonding opportunity or for friends just wanting to have a good time! The cost is \$100 for a team of 4 (\$25/person). This event has sold out every year.
- 3. Donate a Raffle Item** – If a team and/or sponsorship is not a good fit for you right now, the final way to help us would be to donate a raffle item. We're looking for items over a \$20 value. It can be anything and your business will get a shoutout during the drawing.
- 4. Share on Facebook** – Support can simply come in the form of sharing this event on Facebook to generate more interest and awareness for Baby & Me! Here is the Facebook event page link: <https://www.facebook.com/events/1539336049943484>

Questions and participation interest can be directed to Hannah Hundley, GenLNK Vice Chair, by calling/texting 402-219-3792 or emailing hhundley@flickerpromotions.com.

Is Tax Relief a Fantasy?

By Carter Thiele, LIBA Policy and Research Coordinator

For years, LIBA has fought for meaningful property tax relief in Nebraska. We've advocated for fiscal responsibility, spending restraints, and an eased property tax burden on businesses and hardworking families. However, as the Nebraska Legislature's latest "Transformational Property Tax Relief" proposal takes shape, I wonder whether true tax relief is nothing more than a fantasy.

A Proposal With Two Sides

The Revenue Committee's plan, which has now passed to select file, is hailed by some as a significant step forward, promising a 45% reduction in local school district property taxes. This move is undeniably significant, but it's the proposal's mechanism to achieve this—an increase in the state sales tax by "up to" 1 cent and removing sales tax exemptions on certain items and services—that has produced diverse opinions within LIBA's membership. For some business owners, this shift from property to sales tax seems a necessary compromise to alleviate the immediate property tax burden. For others, it's a departure from our core principles of pursuing a genuine tax reduction and acquiescing a tax shift.

The Hard Truth About Hard Caps

As LIBA has repeatedly stated, property tax relief should come through disciplined spending controls, not by transferring the burden from property taxes to other tax sources. But do we really believe that? "Hard caps" on local property taxing entities aren't going to lower property tax bills. They'd only control how quickly they continue to rise. And with how much they've already risen, we need more than just "controlled spending." Because controlling property tax requests now won't create any property tax relief. And to add to that, the Revenue Committee's tax proposal falls short of putting in place the long-desired, nearly unconditional hard caps on property taxing entities. "Soft caps" and loopholes often undermine the intended relief. LIBA has been clear in its preference for hard caps that truly constrain the growth of government spending at all levels.

The Tax Shift Debate

As for the property tax relief, advocates for the bill have argued that Nebraska's tax system fundamentally leans too heavily on property taxes, which contribute \$5 billion to the state's coffers, compared to \$3 billion from income taxes and \$2.3 billion from sales taxes. This disparity lends some weight to their argument. However, consider that Nebraska is the 16th largest state but has a relatively small population of just 2 million

people. Why wouldn't most of the government revenue come from property taxes? More impactful are some supporters' claim that removing a laundry list of sales tax exemptions is the equitable way to balance the tax burden. That's certainly worth consideration, as it falls within LIBA's longstanding philosophy against picking winners and losers in taxation. And if this proposal were part of a broader strategy to remove a wide range of sales tax exemptions and to reduce the overall sales tax rate, then it would present a compelling case for a tax shift that lessens the burden on property taxes. But that isn't the proposal being considered on the floor, which alludes the "ideal" tax shift.

But maybe we're asking for too much. Maybe we have to take the effort to curb the state's biggest problem and fix it as we go along. Maybe we have to appreciate this bill as a deterrent from the outrage we saw this past September, when thousands of Nebraskans lashed out at various local property taxing entities after receiving their pink postcards. Maybe this bill can offer momentary property tax relief and serve as a precursor to comprehensive tax reform next year. In some ways, maybe this tax proposal could be a win. Regardless, the acknowledgment that this proposal will provide only \$650 million in property tax relief, rather than the \$1 billion sought by Governor Pillen, is a sobering reminder that the challenges facing Nebraska's taxpayers are a never-ending battle.

Rethinking Our Tax Reform Strategy

As LIBA members, we understand both sides of the coin. Which is why perhaps it is time to rethink our objective altogether. Instead of solely focusing on tax relief, we should explore ways to fundamentally address the underlying drivers of rising government costs through comprehensive tax reform. This may require a shift to prioritize sustainable, long-term solutions over short-term fixes.

LIBA will remain vigilant, engaging with our lawmakers to ensure that the solutions put forth are aligned with our principles and truly benefit the businesses and communities we serve. As the fight for reduced property taxes comes to a head, the fight for comprehensive tax reform is now beginning, and LIBA will contribute to the dialogue of how it is reached. Because I find myself tempted to believe the pursuit of "tax relief" – the utopian proposal where the governments cut their spending and we all pay lower taxes across the board – is nothing more than an illusion.

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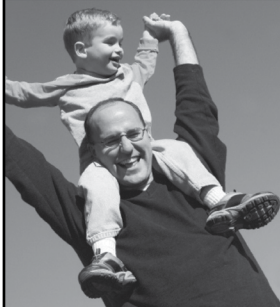
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A Part of LIBA!

By Anne Dorsheimer

Hello, my name is Anne Dorsheimer and I'm excited to join the LIBA team. Let me tell you a bit about myself and my background.

I started my career in the Nebraska legislature back in 2008, working as a Legislative Aide for various Senators, primarily in rural areas like Scottsbluff, Hastings, Omaha, and northeast Nebraska. During that time, I developed expertise in a wide range of policy areas, from prison reform and judicial legislation to rural economic development and incentives.

One of the highlights of my legislative experience was working closely with the State Planning Committee. In that role, I helped establish timelines and agendas for committee meetings, facilitated dialogue and presentations on key policy issues, and ensured effective communication between Senators, researchers, and other stakeholders. This allowed us to produce comprehensive reports outlining a 10-year vision for Nebraska in areas like education, crime, safety, and economic development.

I also spent a significant amount of time working on revenue and judiciary policy, tracking tax proposals and communicating with businesses and Senators about the impacts of tax policy. In fact, I even served as the Executive Director of the Nebraska Tax Research Council for a time, representing accounting and small business firms in Lincoln and Omaha.

Over the course of my 12 years working in the State Capitol, I developed a deep understanding of Nebraska's

policy landscape, as well as strong relationships with Senators, lobbyists, advocates, and other key stakeholders. I'm proud to say that during my time as a Legislative Aide, I was able to assist in the enactment of numerous legislative bills, demonstrating a track record of success.

Ultimately, my goal was to help Senators build a lasting legacy by crafting carefully researched and cohesive legislative packages that served the interests of their constituents. I believe this long-term, strategic approach is crucial, especially in the face of term limits and a constantly evolving political landscape.

After my time in the legislature, I went on to work with law firms like Cline Williams and Kutak Rock, as well as advising the Nebraska State Historical Society Board of Trustees. I'm thrilled to now be a part of the LIBA team, where I can continue to leverage my deep knowledge and expertise to advocate for Nebraska's businesses and communities.

I look forward to working with all of you and contributing to LIBA's important mission. Please let me know if you have any other questions - I'm excited to get started!

WELCOME OUR NEW MEMBERS TO LIBA!

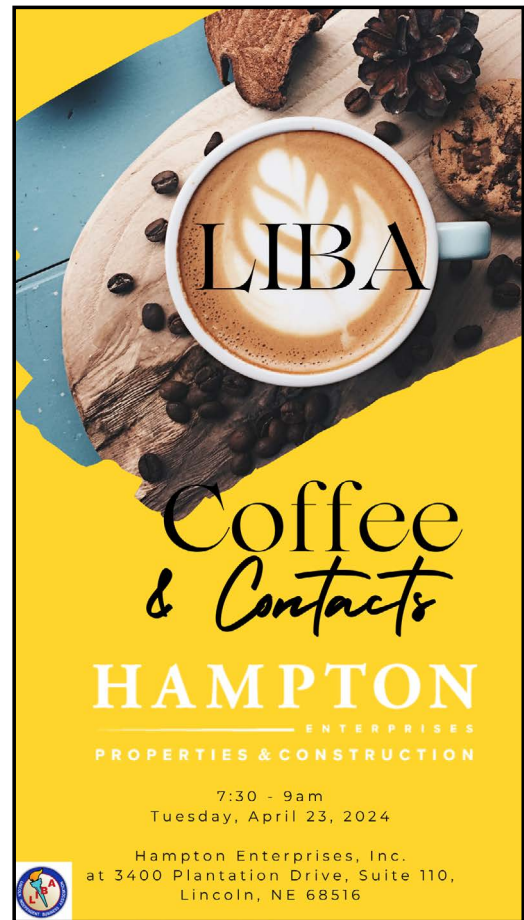
Jen Potters, *ArcLight Solutions*
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7:30 - 9am
Tuesday, April 23, 2024

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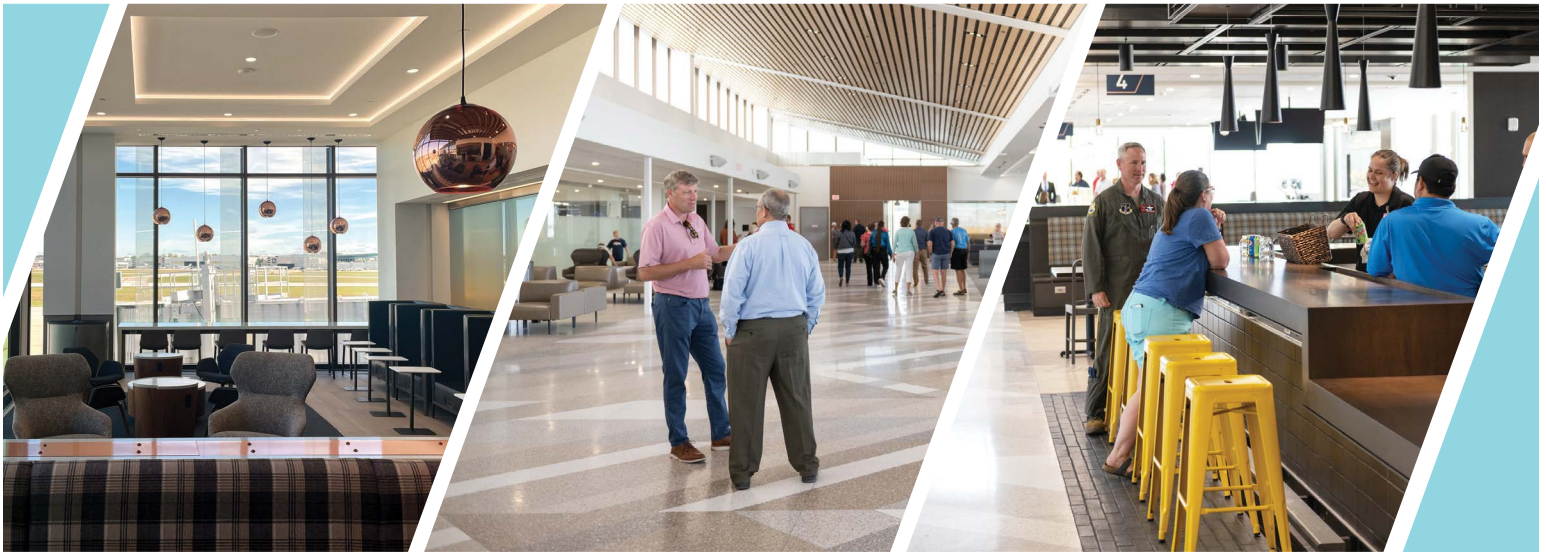
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EMPLOYER NOT REQUIRED TO EXCUSE DANGEROUS MISCONDUCT CAUSED BY EMPLOYEE'S DISABILITY

By Jerry L. Pigsley | WOODS AITKEN LLP | Lincoln, NE | LIBA General Counsel



Can you fire an alcoholic employee for shooting himself while drunk on the job? Yes, even if his disability was the reason for the conduct. *Harrison v. Holmes County, Florida, Case No. 22-14288* (11th Cir. Feb. 6, 2024).

BACKGROUND

A former employee of the Sheriff's Office in Holmes County, Florida, alleged that the Sheriff constructively discharged him because of his mental health issues. Harrison resigned after taking 12 weeks of FMLA leave because of a self-inflicted gunshot wound that he suffered while on call in his patrol vehicle. Almost four years later, Harrison sued the County Sheriff claiming he was constructively discharged on the basis of his actual or perceived mental health issues in violation of the federal Rehabilitation Act ("RA"). The RA and the Americans with Disabilities Act ("ADA") are analyzed under the same legal framework.

HARRISON'S MENTAL ILLNESS

Harrison's mental health issues came to a head when a co-worker he had sex with received a call from Harrison when he was working and was "crying really, really bad" and was incomprehensible. The co-worker kept him on the phone until she could get to him. When she arrived, Harrison was sitting in the driver's seat of his unmarked police truck with a revolver in his hand. Harrison was drunk and the co-worker saw Harrison point the gun at himself and shoot himself under his chin. The co-worker administered first aid until first responders arrived on the scene. Harrison was hospitalized for a couple of days and put on FMLA leave. On the day Harrison was set to return from FMLA leave, he was given a notice of an internal investigation of his misconduct and resigned that same day.

LEGAL ANALYSIS

The court found even assuming that Harrison is (1) disabled, (2) qualified for the job, and (3) suffered an adverse employment action, the adverse action was not based solely on a disability. The court further found that even if the conduct that Harrison argues was tied to his disability – being drunk and armed while on call in a county vehicle – is a fireable offense irrespective of whether his disability involved depression and alcoholism.

TAKEAWAYS

The federal circuit court affirming this Florida federal court decision is consistent with the EEOC's position that the "ADA does not protect employees from consequences of violating conduct requirements even where the conduct is caused by the disability." LIBA members must provide reasonable accommodations for known disabilities to enable employees to meet the conduct standards, if the employee makes known that they need an accommodation. But the employees can be held accountable to meeting those conduct standards.

Editor's Note: This article is not intended to provide legal advice to our readers. Rather, this article is intended to alert our readers to new and developing issues and to provide some common sense answers to complex legal questions. Readers are urged to consult their own legal counsel or the author of this article if the reader wishes to obtain a specific legal opinion regarding how these legal standards may apply to their particular circumstances. The author of this article, Jerry L. Pigsley, can be contacted at (402) 437-8500, jpigsley@woodsaitken.com, or at Woods Aitken LLP, 301 S. 13th Street, Suite 500, Lincoln, NE 68508-2578.

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LIBA Calendar of Events

April - May

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
1	2	3	4 Government Affairs, The Calvert Venue, Ste 33 11:45 a.m. BizNet - Morrow Collision Center 2801 N 83rd St. 5:00 - 7:00 p.m.	5 GenLNK,Rock 'n' Joe's (5025 Lindberg St), 12:00 p.m.
8 Membership & Events, LIBA office, 11:45 a.m.	9	10	11 LIBA Free Enterprise Celebration, 4:30 - 9 p.m. PBA	12
15	16 LIBA Luncheon, Grand Manse, 11:30 a.m.	17	18 Board of Directors - The Calvert Venue Suite 33, 11:45 a.m.	19
22 Community Access, The Calvert Venue Ste 33 at 11:45 a.m.	23 Coffee & Contacts - 7:30am-9am - at Hampton Enterprises	24 PR & Branding Committee - LIBA Office 11:45 a.m.	25 Advisory, The Calvert Venue Ste 33, 11:45 a.m.	26
29	30	MAY 1	2 Government Affairs - The Calvert Venue Suite 33, 11:45 a.m.	3 GenLNK,Rock 'n' Joe's (5025 Lindberg St), 12:00 p.m.
6 Membership & Events, LIBA office, 11:45 a.m.	7	8	9 BizNet - 4:30-6pm	10
13	14	15 LIBA PAC - LIBA Conference Room, 11:45 a.m.	16 Board of Directors - The Calvert Venue Suite 33, 11:45 a.m.	17



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