

HOUSE BILL REPORT

HB 1409

*As Passed House
March 12, 1991*

Title: An act relating to higher education retirement plans.

Brief Description: Eliminating mandatory retirement for employees of public institutions of higher education.

Sponsor(s): Representatives Jacobsen, H. Sommers, Wood, Wineberry, Nelson, May, Ogden, Miller, Sheldon, Basich, Paris, Spanel, Phillips, Rasmussen and Anderson.

Brief History:

Reported by House Committee on:
Higher Education, February 14, 1991, DP;
Passed House, March 12, 1991, 94-2.

**HOUSE COMMITTEE ON
HIGHER EDUCATION**

Majority Report: *Do pass.* Signed by 11 members: Representatives Jacobsen, Chair; Ogden, Vice Chair; Wood, Ranking Minority Member; May, Assistant Ranking Minority Member; Dellwo; Fraser; Ludwig; Prince; Sheldon; Spanel; and Van Luven.

Staff: Marilee Scarbrough (786-7196).

Background: Currently, faculty members and other designated employees of colleges and universities must retire from employment with their institutions of higher education at the end of the academic year following their 70th birthday.

In 1967, Congress passed the Age Discrimination in Employment Act. The act was amended in 1986 to provide that age-based mandatory retirement policies in institutions of higher education must be eliminated by December 31, 1993. Twenty-six colleges and universities in the country have already removed the age-based mandatory retirement programs in response to the federal legislation.

Summary of Bill: The mandatory retirement age for professors and designated employees at state universities, regional universities, The Evergreen State College, and the State Board for Community College Education is eliminated beginning July 1, 1991.

Fiscal Note: Available.

Effective Date: The bill contains an emergency clause and takes effect July 1, 1991.

Testimony For: A change in the mandatory retirement provision is required by federal law. This legislation was reviewed by six faculty committees at the University of Washington. The legislation had a thorough review. The cutoff line must be drawn somewhere. The correct way to implement the legislation is in a prospective manner. The bill, as drafted, has no fiscal impact, and a change in the date could create a major fiscal impact for the university.

Testimony Against: Establishing the end of mandatory retirement on July 30, 1991 discriminates against professors who are currently teaching and will reach their 70th birthday before June 30, 1991. The 1991 date should be changed to June 30, 1990. Many great professors teach beyond their 70th birthdays. Mandatory retirement in 1990, instead of 1991, will not create an administrative or fiscal burden for the University of Washington. Only two professors who will reach their 70th birthday before the end of the year wish to continue teaching at the University of Washington.

Witnesses: Steven Olswang, Vice Provost, University of Washington (pro); Ron Deer, University of Washington faculty representative (pro); Sue Durrant, Council of Faculty Representatives (pro); Philip Thiel, University of Washington Chapter, American Association of University Professors (pro, if amended); Paul Dietrichson, University of Washington philosophy professor (pro, if amended); Glover Barnes, University of Washington Chapter, American Association of University Professors (pro, if amended); and Jeff Douthwaite, University of Washington Chapter, American Association of University Professors (pro, if amended).