

SPEAKER MARVEL: And now the committee amendment.

SENATOR FOWLER: (Mike not on.) ...adoption of the committee amendment which changes Senator Rumery's bill from the concept of eliminating mandatory retirement to reinstating a retirement age of seventy but allowing a process of essentially negotiation between the employee and employer as to the possibility of continuing employment, perhaps on a part-time basis, whatever. But basically it is a renegotiation on a year by year basis if the employer feels that the employee has special value, can handle the job and so on, wishes to retain him and the employee wishes to continue to work, would be negotiated on a year by year basis and I think it is an acceptable compromise that allows people to work past age seventy if they are able and if the demand for their skills is there. So I would move for the adoption of the committee amendment.

SPEAKER MARVEL: The Chair recognizes Senator Stoney.

SENATOR STONEY: Mr. Speaker, a question of Senator Fowler if he would respond, please. Senator Fowler, I have not had an opportunity to look at this closely but thought perhaps you could answer a question with me relative to the negotiation process subsequent to age seventy. Now through this process if the school district decides that they do not wish to renew the contract of this individual, what recourse is there on the part of that individual in challenging that decision that is made by a school district or a school board?

SENATOR FOWLER: None. Essentially the bill says you are retired at age seventy unless you can persuade them or work out something that you can continue to work beyond that and then you could get a one year extension. So the recourse would be, I mean, none. You are essentially retired at age seventy and then it is up to...you've got to persuade the school district if they will keep you on and then if they decide not to and they don't even have to justify that decision, you would hope that they would work with the employee and provide a rationale but if they decide as a policy or whatever, this bill would let them retire that person.

SENATOR STONEY: Thank you, Senator Fowler. I think that answers my concern. I felt if the board made the determination or the judgment that they did not wish to continue that individual for an additional year then I was concerned if there would be a process where it could be long and involved or drawn out and quite costly to the district in making that determination. So that certainly answers the question. Thank you.