

PRESIDENT ROBAK: The Witek amendment fails. Is there any further discussion on the committee amendments? Mr. Clerk.

CLERK: Senator Witek would move to amend, FA371, Senator, is what I have in front of me.

PRESIDENT ROBAK: And the Chair recognizes Senator Witek to open on her amendment.

SENATOR WITEK: Madam Chairman and members of the body, I found this very curious language when I first was reading through this bill, and I would ask at some point, Senator Warner, if you would explain it. The language that I refer to starts on page 25 and goes over to page 26. It states, "Nothing in the age discrimination prohibitions of the Nebraska Fair Employment Practices Act shall be construed to prohibit the compulsory retirement", that would be the mandate retirement, "of any employee who has attained sixty-five years of age and who, for the two-year period immediately before retirement, is employed in a bona fide executive or high policymaking position, if the employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred comp plan or any combination of plans of the employer for the employee which equals, in the aggregate, at least forty-four thousand dollars." So that is saying that they cannot or that they can mandate the retirement of a 65-year-old employee or older employee, if they have access to this type of a retirement plan. "In applying the retirement benefit test of this subsection, if any retirement benefit is in a form other than a straight life annuity with no ancillary benefits or if employees contribute to the plan or make rollover contributions, the benefit shall be adjusted in accordance with the rules set forth by the federal EEOC commission, so that the benefit is in the equivalent of a straight life annuity with no ancillary benefits under a plan to which employees do not contribute and under which no rollover contributions are made." In the explanation on the committee amendments, it states that this is to add to the Fair Employment Practices Act a provision from federal law which allows for employers to mandate the retirement of any employee who is sixty-five and who is employed in a bona fide executive or high policy position provided that the employee is entitled to an immediate retirement benefit of at least forty-four thousand dollars. Now if we are talking about the NEOC and the eff...inefficiency or whatever of the NEOC, and