

NLWJC - Kagan

DPC - Box 018 - Folder 005

Education - College Early Retirement



Robert M. Shireman
04/10/98 11:11:00 AM

Record Type: Record

To: Elena Kagan

cc:

Subject: Old Professors

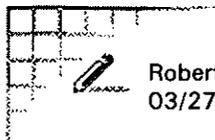
Message Creation Date was at 10-APR-1998 11:11:00

This is my draft for the weekly (part of HEA). Should I add DPC, and/or do you have any other suggestions?

Old Professors: The House bill includes a provision that would allow colleges to offer financial incentives for tenured professors to retire early, to make room for younger (and generally lower-paid) professors. The EEOC -- and the AARP -- have opposed this provision as permitting &age-based, arbitrary distinctions in employee benefit plans which would disadvantage older workers 8 because it would allow the colleges to deny the incentive to older professors. The colleges argue that the tenure system is unique, and that this will allow them to diversify the faculty. My staff is working with Education and the EEOC to determine whether there is any reason to reconsider the Administration ,s position on this issue.

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Elena



Robert M. Shireman
03/27/98 12:54:41 PM

Record Type: Record

To: Sally Katzen/OPD/EOP
cc: Jonathan A. Kaplan/OPD/EOP
Subject: Where should this issue go?

I have been contacted by some colleges who want the Administration to support efforts to amend the Age Discrimination in Employment Act (?) to allow colleges to offer retirement incentives to their elderly tenured professors. (They argue that tenure makes their situation different from other employer-employee situations).

On the other side, Kaplan was approached by the director of the AARP to express the group's opposition.

This issue also came up at a race/higher ed discussion chaired the other day by Maria Echaveste. ("It's hard to hire more minorities when the positions aren't opening up because professors aren't retiring.")

I do not know whether the Administration has any position or history on this issue. It is possible that this would fall into Elena's area. What do you suggest?

Mike -
Could you check in w/
Bob on this, and see
where it stands? Thank.
Elena

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Robert M. Shireman
04/17/98 07:22:00 PM

Record Type: Record

To:

cc: Elena Kagan

Subject: Faculty Diversity vs. Age Discrimination

Message Creation Date was at 17-APR-1998 19:22:00

I want to make sure you are all aware of a diversity-related issue in the Higher Education Act reauthorization. At the meeting that Maria chaired a few weeks ago, one of the higher education representatives argued that in order to increase faculty diversity, colleges need more tools to encourage early retirement by tenured professors. The provision they want -- a change to the Age Discrimination in Employment Act -- is included in the House version of the HEA reauthorization.

The draft SAP that OMB is currently circulating expresses Administration opposition to that proposal (consistent with the EEOC ,s current and past views). I have spoken with the EEOC and the AARP, and they are open to compromise. I have relayed this to the higher education groups, and the House Committee is now convening discussions.

My recommendation is that the SAP, rather than simply opposing, should be changed to express the specific concerns that the EEOC has, to strongly imply that compromise is desired.

If any of you have any suggestions or want to get into this issue more deeply, please let me know.