

Age discrimination illegal —

Forced retirement out in Alaska

Alaska's law prohibiting age discrimination is broader than Federal law and invalidates mandatory retirement programs, the Federal District Court for Alaska has ruled.

U. S. District Court Judge James A. von der Heydt's opinion issued December 8 involved Jack R. Simpson, a senior claims examiner of the Providence Washington Insur-

ance Group, who was retired after he reached age 65 although he claims he is still capable of performing his duties.

Simpson sued Providence Washington in Alaska Superior Court under the Alaska Human Rights Law but the company took the case into Federal court claiming that Alaska's age discrimination law was preempted by its Federal counterpart.

Federal law prohibits discrimination against workers who are between the ages of 40 and 64. Alaska's law contains no such limitation. The Alaska State Commission for Human Rights, which enforces the state law, intervened in Simpson's case to argue that state law goes beyond Federal law.

Agreeing that the State law was proper, Judge von der Heydt observed that "it is

against precisely the type of retirement policy and frame of mind challenged here-in that much criticism has been leveled."

To reach a different result, Judge von der Heydt reasoned, would also invalidate similarly broad age discrimination laws in Hawaii, Illinois, Montana, New Hampshire, New Jersey, Michigan, New York and Oregon.

"This decision represents a major victory for thousands of Alaska's senior citizens who are summarily thrown out of jobs they can continue to do well only because some policy requires them to stop working," said Carol Smith of Anchorage State Human Rights Commission chairwoman.

An appeal to the Ninth Circuit Court of Appeals at San Francisco has been requested.