

# Effects of measure pushing some workers to retire

SALEM (AP) — Phones seldom stop ringing these days at the Public Employees Retirement System offices.

Prodded by Ballot Measure 8, thousands of public employees must decide by year's end whether to retire sooner than they had planned or lose benefits once they do leave work.

Usually, about 3,000 public employees in Oregon retire each year.

This year, 3,900 had retired through October. Another 1,100 notified PERS in November they

will retire.

One of them is Dan Simmons, 53, director of the State Lottery. Simmons has 30 years' experience in state government and could have retired last summer.

But he said he had no plan to until he received his pension information from PERS and saw he would lose several hundred dollars a month in benefits if he did not quit now.

"That's the only reason I'm doing it," he said.

The measure narrowly passed by voters Nov. 8 requires employees to pay 6 percent of their salary

into the pension system, a benefit employers have been paying.

Another provision of the measure is more critical to immediate retirement decisions for many employees, says David Bailey, PERS deputy director.

The measure ends the practice of using one-half the value of unused sick leave to increase pension benefits, which substantially increases pensions for many workers.

An attorney general's opinion is that employees who continue working will not be able to count past or future sick leave credits

toward their pensions.

Robert Stalick, superintendent of the Greater Albany School District, is among public officials who chose to retire at the end of this month.

Stalick, 57, says he would lose about \$500 a month in pension benefits if he kept working. He has 34 years' experience in public school systems in Oregon and had figured on retiring at the end of the 1995 or 1996 school years. He said he didn't enjoy being forced into it by the voters.

"The part I don't like is it would be nice to be able to

choose. When it's either retire now or lose \$500 a month later, that's not a really good choice."

Bailey's best guess is that 2,000 to 4,000 more public workers than normal will retire by the end of the year.

"This is not rocket science. This is not a normal year," he said.

PERS covers 170,000 working and 61,000 retired state and local government employees, including teachers. About 13,000 employees were eligible to retire this year with full benefits, Bailey said.

## Sunglasses company beats Army in lawsuit

KENT, Wash. (AP) — A sunglasses manufacturer has won a six-year legal battle against the U.S. Army over use of the company's design for protective eyewear.

Gargoyles Inc. said the Army approached it in 1982, looking for wrap-around eye protection for soldiers, but then took Gargoyles' design and bought thousands of similar spectacles from a competitor.

The company's wrap-around glasses have appeared in Clint Eastwood movies and the movie *Terminator*, company chairman Dennis Burns said.

Gargoyles sued the government in 1988, claiming patent infringement. The company says the Army approached it in 1982, looking for wrap-around eye protection for soldiers.

Gargoyles says it developed and field-tested eyewear that can withstand a .22-caliber bullet fired from 10 feet and a 12-gauge shotgun blast from 15 yards.

Its design was presented to the Army in 1985.

In 1986, the Army awarded a contract to American Optical. The Army later bought several hundred thousand pairs of protective spectacles, similar to those designed by Gargoyles, from American Optical.

Gargoyles sued, claiming the glasses were manufactured illegally without a license from Gargoyles.

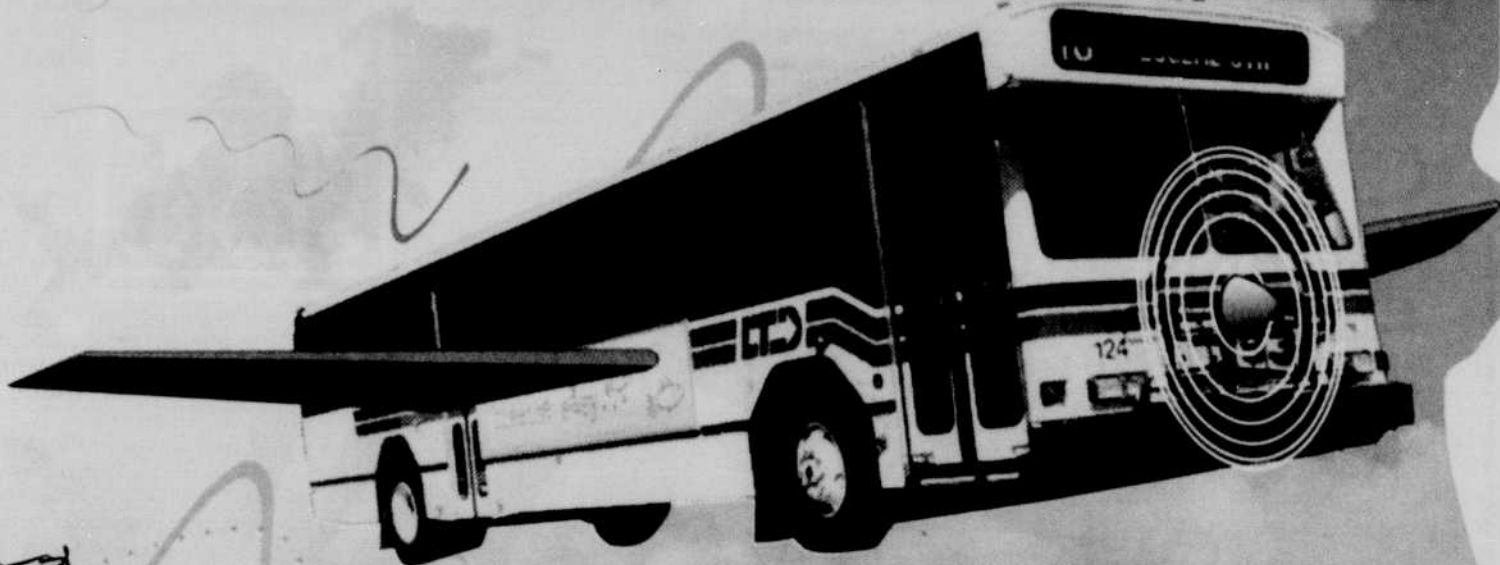
The Army initially won a favorable ruling in the U.S. Court of Federal Claims, but the U.S. Court of Appeals sent the case back and told the lower court to reconsider several claims in the lawsuit.

Judge Lawrence S. Margolis ruled Sept. 30 that the glasses bought by the Army infringed on Gargoyles patents in two areas, and that the Army failed to prove its claim that the patent wasn't valid.

A hearing to set damages is scheduled for February. The sum Gargoyles will seek hasn't been determined, Burns said. Attorneys who handled the case for the government could not be reached for comment Thursday afternoon.

Gargoyles, a privately owned company, sells its glasses for suggested retail prices ranging from \$65 to \$165, Burns said. All contain the same protective technology that would make them useful for the military, he said.

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