

August 19, 1975

Your letter of March 19, 1975, with enclosure, was forwarded to this office by the Equal Employment Opportunity Commission. In the last paragraph of your letter you inquire:

Is this signed agreement between the Town of  
and the Police Benevolent Association repre-  
senting thirty-seven (37) police employees which allows  
the Police Commission the right to retire an employee,  
solely because of age at age 52, in compliance with the  
age discrimination law?

The answer is that it is not. Under the Age Discrimination in Employment Act it is unlawful for an employer to discharge (or force into retirement any individual between forty years of age and sixty five years of age because of such individual's age.

Under the 1974 Amendments to the Act, effective May 1, 1974, the Town of \_\_\_\_\_ is an employer subject to the terms of the Act. If the Town of \_\_\_\_\_ terminates the employment of police officers because they have reached the age of 52 or because they have become eligible for retirement, it is in violation of the Act and the labor agreement does not provide a defense or bring the employer within any of the exceptions from the Act. It also violates that the Act if it requires employees age 52 and above to periodically request and re-request continuation of their employment (as provided for in subparagraph 4 of Article XIII) when such is not required of employees generally.

We trust that the above discussion will be of assistance to you.

Sincerely,

/s/ Warren D. Landis

Warren D. Landis  
Acting Administrator