

# Law enforcement and the aging process

Life



**ASSIGN  
BUSTER**

The mandatory separation clause, or forced retirement at a certain age for police officers was officially upheld in 1996, as the lobbying efforts of the Fraternal Order of Police were successful in pleading their case. The group argued that mandatory separation should be enforced because of the physical requirements of the position.

They believe that an officer's ability to physically meet the demands placed his or her body at a certain age naturally diminish, which places the officer in imminent danger. Jim Pasco, the FOP director, stated that " It's not only harder to defend yourself, but think of the very strenuous nature of, for example, the foot chase." (Kennedy, 2007)

The director did admit, however that not all police departments choose to enforce mandatory separation based upon officers reaching a certain age, as many departments believe it's " harder to recruit new officers and expensive to train them." (Kennedy, 2007)

Pasco's comments were in response to the November 2007 fatal shooting and death of Broward, Florida's Deputy Paul Rein, age 76. Many believe that the deputy's death could have been prevented had the department enforced the mandatory separation policy state and local law enforcement agencies are allowed when an officer reaches a certain age. While transporting a convicted armed robber to stand trial in another location the inmate gained control of the deputy's fire arm and fatally shot the officer.

Deputy Rein's daily duty was to transport inmates between secure locations and according to the department this was a duty older officers could handle. Rein was considered safe, as he transported the prisoners while riding in a

secure vehicle that contained a locked cage. Fellow officers however reported that they viewed Rein let the accused inmate out of a medical vehicle prior to his death, which put the officer in danger and violated department policy. (Kennedy, 2007)

Though most workers are protected by strict federal laws prohibiting discrimination based on age, there are some exceptions to the rule. The Age Discrimination Act of 1967 (ADEA) is the federal government's protection to employees over the age of 40 that work for a "regulated employer." (Pellicciotti, 1991)

The ADEA's laws are not limited to those who hold a current position; these laws also provide protection during the hiring process, salary increases, promotions and more. State and local government employees are excluded from much of the ADEA's protection, as the government is not considered a regulated employer.

Those workers are protected by the EEOC, which enforces the same discrimination laws. Extreme limitations are placed on the civil servant - the state and local law enforcement officers and fire fighters, due to the demands of the position and taking into consideration the fact that age may limit an officer's ability to perform. (Pellicciotti, 1991)

Law enforcement officers have limited protection under the ADEA, as the Act allows the government employer to "fail to hire or discharge the ...law enforcement officers because of age" if specific stipulations are met. (Pellicciotti, 1991)

The ADEA allows the government employer to discriminate against law enforcement officers because of age if the action is taken “(1) with respect to the employment of an individual as a firefighter or as a law enforcement officer and the individual has attained the age of hiring or retirement” and “(2) pursuant to a bona fide hiring or retirement plan.” (Pellicciotti, 1991) The ADEA will protect officers if the retirement option presented to the civil servant is not legitimate.

The ADEA’s definition of “ employer” also excludes the federal government and, like the state and local government workers, these workers are covered under the EEOC. The federal government established a mandatory separation clause specific to federal law enforcement officers, fire fighters and air traffic controllers. Under 4 U. S. C Sec. 8335 (a), (b), & (c) federal workers holding these three positions are required to comply with the mandatory separation policy established by the federal government and this clause is heavily enforced. (Pellicciotti, 1991)

Experts on both sides of the argument agree that the bottom line is employing the best possible law enforcement officers and fire fighters. Many believe that the age limitation is non-existent, as Broward Sheriff’s Department spokesman Elliot Cohen stated “ there are different roles that can be filled by individuals of all ages.” (Kennedy, 2007) Still, the ADEA allows state and local law enforcement officers to be the exception to the rule; however in the case of officer Rein many have once again posed the question “ is age the best proxy for reaching that goal?” (Kennedy, 2007)

## References

<https://assignbuster.com/law-enforcement-and-the-aging-process/>

Kennedy, K. (2007). Death of Deputy, 76, Raises Age Question. Gefunden am November 9,

2007 unter <http://www.highbeam.com/doc/1A1-D8SQF3900.html>

Pellicciotti, J. M. (1991). Exemptions and employer defenses under the ADEA.

Public Personnel

Management , 20