

THE COMMONWEALTH OF MASSACHUSETTS
Public Employee Retirement Administration Commission
5 Middlesex Avenue, 3rd Floor
Somerville, MA 02145
(617) 666-4446
Fax: (617) 628-4002
www.state.ma.us/PERAC

MEMORANDUM

TO: All Retirement Boards

FROM: Robert F. Stalnaker, Executive Director

RE: Mandatory Retirement at Age 65 for Police Officers, Firefighters and
Other Public Safety Personnel

DATE: July 31, 1998

A Federal Court Judge recently ruled that mandatory retirement at age 55 for State Police Officers violates the Age Discrimination in Employment Act (ADEA). This case, Gately, et al. v. Commonwealth of Massachusetts, et al., United States District Court C.A. No. 92-13018-MA, deals only with State Police Officers and has no impact on the requirement that certain public safety personnel are required to retire at age 65.

As noted in our Memorandum dated December 9, 1993, the provisions of G.L. c. 32, that mandate retirement at age 65 for police officers, firefighters and others mentioned in Chapter 415 of The Acts of 1987 have not been found to violate the provisions of the ADEA. In the absence of a binding judgment dealing with this specific section of the retirement law, the retirement boards must abide by the duly enacted and binding state law that governs their operations.

Police officers, firefighters and the other public safety personnel listed in Chapter 415 of The Acts of 1987 continue to be required to retire upon attaining age 65. If you have questions, please contact this office.