



Legislation Text

File #: 21-0943, Version: 1

CITY COUNCIL AGENDA ITEM

ACTION REQUESTED:

Waive the first reading and pass an ordinance repealing the mandatory retirement provision located in Section 1-7-12 of the Naperville Municipal Code (six positive votes required)

DEPARTMENT: Legal Department

SUBMITTED BY: Dwight Pancottine, Labor and Employment Attorney

BOARD/COMMISSION REVIEW:

N/A

BACKGROUND:

In 1980, the City passed an ordinance requiring that all City employees retire at the age of 70 (City Code Section 1-7-12). Congress subsequently amended the Age Discrimination in Employment Act ("ADEA") to prohibit mandatory retirement at any age with limited exceptions. One exception is for sworn police and fire employees.

DISCUSSION:

As a result of the ADEA amendment (and the resultant state age discrimination statute) the retirement ordinance is unenforceable with respect to all City employees except sworn police and fire employees. Because the ordinance is no longer enforceable with respect to most City employees, it should be repealed.

Upon repeal of the ordinance, the City will adopt a retirement age of 65 years for sworn employees.

This age is consistent under state law for sworn police department and fire department employees who are under the jurisdiction of the Naperville Board of Fire and Police Commission.

FISCAL IMPACT:

N/A