

II

SUMMARY OF FINDINGS AND
RECOMMENDATIONS

A. Findings

1. From the sample group of 211, there were 163 responses (about three-fourths of the group). Out of the responses, 86 cities, 29 counties, and three in the "miscellaneous" group, reported some jobs with entry age limits below the compulsory retirement age. Most jobs were in law enforcement or firefighting, but some jurisdictions listed jobs in clerical, professional, technical, skilled, and laboring classifications.
2. Although the California Government Code prohibits age discrimination by the state, cities, and counties, exceptions are permitted for peace officers and in public health, safety, and firefighting positions. (References and more detailed discussion appear in Part III of this report.) The Business and Professions Code contains no references to maximum age qualifications.
3. Although the State Personnel Board has established age limits for only six jobs, all in the general category of law enforcement or safety, it has no control over age limitations which may be established by the cities and counties who contract with the Board for testing or other personnel services.
4. Reasons most commonly given for age limits were the physical demands of the jobs, and the provisions of the applicable retirement system. Retirement ages varied from 55 to 70, depending on the plan covering the job. Under the 1937 County Retirement Act, entrants to the "safety" plan covering peace officers and firefighting jobs must be under age 35.
5. The Federal Government has no upper age limits on employment other than the compulsory retirement age of 70. Even so, individuals may under some circumstances work past that age. Some Federal agencies, however, recruit outside the regular civil service system and have upper age limits for some jobs.
6. Upper age limits for similar jobs varied, especially in law enforcement.
7. Workmen's compensation provisions in the Labor Code, Section 3212-3212.7, stipulate that hernia, heart trouble, pneumonia, and tuberculosis are presumed to be job-connected (with some reservations) for policemen and firemen in public employment, and for some custodial or "safety" positions with the state. Some hiring officials feel that such conditions are more apt to occur among older workers.
8. Doubts about the physical and mental capacities of "older" persons were expressed by some hiring authorities.