

1979 WL 42779 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 25, 1979

*1 John M. Holpe
City Manager
City of Dillon
P. O. Drawer 431
Dillon, South Carolina 29536

Dear Mr. Holpe:

You have requested an opinion as to whether the recent amendments to the Federal Age Discrimination in Employment Act require that cities extend the mandatory retirement age for police officers (now 65 in Dillon) to seventy. 29 U.S.C. § 630, which is part of the aforementioned Act, defines ‘employer’ as including ‘a state or political subdivision of the state and any agency or instrumentality of a state or political subdivision . . .’ 29 U.S.C. § 633(a) extends the mandatory retirement age of seventy to employers within this and practically every other category.

Accordingly, it is the opinion of this Office that the city of Dillon must amend its retirement policy to extend the mandatory retirement age for police officers to seventy.

Sincerely yours,

Kenneth P. Woodington
Assistant Attorney General

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