

104TH CONGRESS
1ST SESSION

H. R. 849

To amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 7, 1995

Mr. FAWELL (for himself, Mr. OWENS, Mr. GOODLING, Mr. CLAY, Mr. BALLENGER, Mr. PETRI, Mrs. ROUKEMA, Mr. HOEKSTRA, Mr. SAWYER, Mr. MARTINEZ, Mr. KILDEE, Mr. TALENT, Mrs. MEYERS of Kansas, Mr. KNOLLENBERG, Mr. PAYNE of New Jersey, Mr. WELDON of Florida, Mr. GRAHAM, Mr. GENE GREEN of Texas, Mr. MCDERMOTT, Mr. ENGEL, Ms. SLAUGHTER, Mr. ANDREWS, and Ms. EDDIE BERNICE JOHNSON of Texas) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To amend the Age Discrimination in Employment Act of 1967 to reinstate an exemption for certain bona fide hiring and retirement plans applicable to State and local firefighters and law enforcement officers, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Age Discrimination
3 in Employment Amendments of 1995”.

4 **SEC. 2. REINSTATEMENT OF EXEMPTION.**

5 (a) REPEAL OF REPEALER.—Section 3(b) of the Age
6 Discrimination in Employment Amendments of 1986 (29
7 U.S.C. 623 note; Public Law 99–592) is repealed.

8 (b) EXEMPTION.—Section 4(j) of the Age Discrimi-
9 nation in Employment Act of 1967 (29 U.S.C. 623), as
10 in effect immediately before December 31, 1993—

11 (1) is hereby reenacted as such, and

12 (2) as so reenacted, is amended by striking “at-
13 tained the age” and all that follows through “1983,
14 and”, and inserting the following:

15 “attained—

16 “(A) the age of hiring or retirement in ef-
17 fect under applicable State or local law on
18 March 3, 1983; or

19 “(B) if the age of retirement was not in ef-
20 fect under applicable State or local law on
21 March 3, 1983, 55 years of age; and”.

22 **SEC. 3. STUDY AND GUIDELINES FOR PERFORMANCE**
23 **TESTS.**

24 (a) STUDY.—Not later than 3 years after the date
25 of enactment of this Act, the Chairman of the Equal Em-
26 ployment Opportunity Commission (in this section re-

1 ferred to as “the Chairman”) shall conduct, directly or
2 by contract, a study that will include—

3 (1) a list and description of all tests available
4 for the assessment of abilities important for comple-
5 tion of public safety tasks performed by law enforce-
6 ment officers and firefighters,

7 (2) a list of such public safety tasks for which
8 adequate tests do not exist,

9 (3) a description of the technical characteristics
10 that performance tests must meet to be compatible
11 with applicable Federal civil rights Acts and policies,

12 (4) a description of the alternative methods
13 available for determining minimally acceptable per-
14 formance standards on the tests described in para-
15 graph (1),

16 (5) a description of the administrative stand-
17 ards that should be met in the administration, scor-
18 ing, and score interpretation of the tests described
19 in paragraph (1), and

20 (6) an examination of the extent to which the
21 tests described in paragraph (1) are cost effective,
22 safe, and comply with Federal civil rights Acts and
23 regulations.

24 (b) ADVISORY GUIDELINES.—Not later than 4 years
25 after the date of enactment of this Act, the Chairman shall

1 develop and issue, based on the results of the study re-
2 quired by subsection (a), advisory guidelines for the ad-
3 ministration and use of physical and mental fitness tests
4 to measure the ability and competency of law enforcement
5 officers and firefighters to perform the requirements of
6 their jobs.

7 (c) CONSULTATION REQUIREMENT; OPPORTUNITY
8 FOR PUBLIC COMMENT.—(1) The Chairman shall, during
9 the conduct of the study required by subsection (a), con-
10 sult with—

11 (A) the United States Fire Administration,

12 (B) the Federal Emergency Management
13 Agency,

14 (C) organizations that represent law enforce-
15 ment officers, firefighters, and their employers, and

16 (D) organizations that represent older individ-
17 uals.

18 (2) Before issuing the advisory guidelines required in
19 subsection (b), the Chairman shall allow for public com-
20 ment on the proposed guidelines.

21 (d) DEVELOPMENT OF STANDARDS FOR WELLNESS
22 PROGRAMS.—Not later than 2 years after the date of the
23 enactment of this Act, the Chairman shall propose advi-
24 sory standards for wellness programs for law enforcement
25 officers and firefighters.

1 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
2 authorized to be appropriated to carry out this section
3 \$5,000,000.

4 **SEC. 4. EFFECTIVE DATES.**

5 (a) GENERAL EFFECTIVE DATE.—Except as pro-
6 vided in subsection (b), this Act shall take effect on the
7 date of the enactment of this Act.

8 (b) SPECIAL EFFECTIVE DATE.—Section 2(b)(1)
9 shall take effect on December 31, 1993.

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