



AGENDA ITEM SUMMARY

Agenda Date	July 23, 2024
Requested Action	APPROVE RESOLUTION NO. 2024-R55; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BOERNE, TEXAS, RESCINDING RESOLUTION NO. 81-R04; ESTABLISHING A RETIREMENT AGE OF 70 YEARS OF AGE FOR ALL CITY EMPLOYEES.
Contact Person	Susan Finch, Human Resource Director
Background Information	<p><u>BACKGROUND</u></p> <p>Recently, it was discovered that the City of Boerne established a mandatory retirement age of 70 for all city employees through a resolution established over 40 years ago. While this practice may have been the norm at that time, it does not align with current state and federal laws and does not reflect the City's values and beliefs regarding employment practices.</p> <p><u>SUMMARY</u></p> <p>The purpose of this agenda item is to propose the rescission of the City's mandatory retirement age of 70 for all city employees. This action is necessary for several reasons:</p> <ol style="list-style-type: none">1. Legal Compliance: The Age Discrimination in Employment Act (ADEA) safeguards employees aged 40 and older against discrimination based on age. Generally, the ADEA prohibits mandatory retirement ages for most employees. However, exceptions exist for certain roles such as high-level executives and safety positions like police officers and firefighters, where mandatory retirement ages may be allowed under the law.<p>Texas law follows federal regulations and aligns with the provisions of the ADEA to ensure compliance.</p>2. Alignment with City Values: The City of Boerne values fairness, equality, and inclusivity in its employment practices. Rescinding the mandatory retirement age aligns with these principles and ensures that all employees are treated fairly regardless of age.3. Awareness and Review: The existence of this resolution was not

	<p>widely known within the City administration until recently, brought to our attention by the city secretary's office during a recent discussion on city policies.</p> <p><u>RECOMMENDATION</u> It is recommended that the City Council approve the resolution to rescind the mandatory retirement age of 70 for City of Boerne employees. This action will better align with state and federal law, uphold our commitment to fairness and equality in employment practices, and ensure transparency and clarity in our policies.</p> <p><u>NEXT STEPS</u> Upon approval by the City Council, we will ensure that any relevant policy documents will be updated, if needed.</p>
Item Justification	<input checked="" type="checkbox"/> Legal/Regulatory Obligation <input type="checkbox"/> Infrastructure Investment <input type="checkbox"/> Reduce Costs <input type="checkbox"/> Customer Pull <input type="checkbox"/> Increase Revenue <input checked="" type="checkbox"/> Service Enhancement <input type="checkbox"/> Mitigate Risk <input type="checkbox"/> Process Efficiency <input type="checkbox"/> Master Plan Recommendation <input type="checkbox"/> Other:
Strategic Alignment	We aspire to be an employer of choice; fostering a strong culture of employee engagement; emphasizing a value centric work culture.
Financial Considerations	There is no anticipated financial impact associated with this resolution.
Citizen Input/Board Review	
Legal Review	The City Attorney has reviewed the Resolution to ensure legal compliance.
Alternative Options	
Supporting Documents	Resolution No. 2024-R55 Resolution No. 81-R04