

DFEH News Brief

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For Immediate Release

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CITY OF LOS ANGELES SETTLES AGE DISCRIMINATION CASE; LAPD REMOVES MAXIMUM AGE REQUIREMENT FOR APPLICANTS

Sacramento – The Department of Fair Employment and Housing (DFEH) released details today on a settlement reached with the City of Los Angeles in an age discrimination complaint involving the Los Angeles Police Department (LAPD). As part of the settlement, the City rescinded a policy that sets a maximum age of 40 years for police officer applicants. The City also agreed to pay the complainant \$25,000 in emotional distress damages. DFEH closed its case against the City on May 20, 2003.

The discrimination complaint was filed by DFEH on behalf of a 42-year-old former Marine from Tustin who applied to become an LAPD officer in May of 1999. In July 2001, while the application and background check were being processed, the City of Los Angeles reinstated a hiring policy requiring that police officer applicants be no more than 35 years of age. In March of 2001, the City raised the maximum age requirement to 40 years. The LAPD denied the application in July of 2001, citing the age requirement in the determining factors, and the applicant lodged a complaint with DFEH later that same month.

DFEH alleged that the reinstated maximum age requirement was a motivating factor in denying the employment application and thereby constituted a violation of the state's Fair Employment and Housing Act (FEHA). Although maximum age requirements are exempt from the Age Discrimination in Employment Act in the selection of federal police officers, the same is not true for local police authorities here in California, according to DFEH Director Dennis Hayashi. "Under the FEHA, the employer cannot justify a maximum age as a screening criterion unless the employer can show that the excluded older applicants were unable to safely and efficiently perform the job," Hayashi said. "No such determination has been made, so we're pleased that the LAPD has agreed to withdraw the policy."

DFEH files over 3,000 employment-related age discrimination complaints each year statewide.

The Department enforces laws prohibiting discrimination in employment on the bases of race, color, religion, sex, sexual orientation, marital status, national origin, ancestry, disability, age (40 and above), medical condition, and denial of pregnancy, family, or medical leave. Further information about DFEH and its services may be obtained by calling (800) 884-1684 or by visiting the Department's web site at www.dfeh.ca.gov.

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