



STATE OF TENNESSEE  
TENNESSEE CONSOLIDATED RETIREMENT SYSTEM  
10<sup>th</sup> FLOOR ANDREW JACKSON BUILDING  
502 DEADERICK STREET  
NASHVILLE, TENNESSEE 37243-0201

DAVID H. LILLARD, JR.  
STATE TREASURER

JILL BACHUS  
DIRECTOR

## Memo

To: Jill Bachus  
From: Douglas Connell  
CC:  
Date: February 12, 2009  
Re: The "public safety officer exception" to the Age Discrimination in Employment Act

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What is commonly referred to as the "public safety officer exception" is found in 29 U.S.C.A. § 623(j). However, that section is actually titled "Employment as a firefighter law enforcement officer". This exception applies only to firefighters and law enforcement officers as defined under 29 U.S.C.A. § 630 (j) and (k) respectively. The code defines a "firefighter" as:

"(A)n employee, the duties of whose position are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment, including an employee engaged in this activity who is transferred to a supervisory or administrative position."

A "law enforcement officer" is defined as:

"(A)n employee, the duties of whose position are primarily the investigation, apprehension, or detention of individuals suspected or convicted of offenses against the criminal laws of a State, including an employee engaged in this activity who is transferred to a supervisory or administrative position. For the purpose of this subsection, "detention" includes the duties of employees assigned to guard individuals incarcerated in any penal institution."

Douglas P. Connell  
Assistant General Counsel



**Tennessee Park Rangers Association**  
**570 Tims Ford Drive, Winchester TN. 37398**  
**tpra.net**

**AN ACT to amend Tennessee Code Annotated, Section 8-36-205(a)(1) relative to group 1 members of the Tennessee Consolidated Retirement System who serve in a position covered by mandatory retirement.**

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:**

SECTION 1. Tennessee Code Annotated, Section 8-36-205 (a)(1), is amended by inserting the following between the words "wildlife officers" and the words "or commissioned members":

,commissioned members of the department of environment and conservation.

SECTION 2. The provisions of this act shall be subject to the funding being provided in the general appropriations act.

SECTION 3. This act shall take effect July 1, 2009, the public welfare requiring it.