



Mineral



Question of the Week

April 2, 2025

Question

Can we have a mandatory retirement age?

ANSWER

With a few exceptions, no, you can't have a mandatory retirement age. Forcing an employee age 40 or older to retire at a certain age would likely violate the Age Discrimination in Employment Act. You could, however, offer voluntary retirement plans or various post-retirement benefits for employees over a certain age as long as these programs are *truly* voluntary.

If you're concerned about the impacts of an employee's age on job performance or safety, we recommend addressing those issues as you would for an employee of any age. Focus your conversation on the performance or safety issues themselves and don't bring the employee's age into it. If you feel the issues can't be resolved and the employee's age is a contributing factor, you may want to consult an employment attorney before letting the employee go or nudging them toward retirement.

You can learn more about age discrimination and exceptions on the [platform](#).

This Q&A does not constitute legal advice and does not address state or local law.