

Coping with the Challenges of Forced Retirement

BY PAUL J. ANTONELLIS JR.

MANY FIREFIGHTERS ENTER THE FIRE SERVICE with a majestic plan of working hard, doing their job, and training to be the very best with the end result of a solid retirement. Normally, the retirement comes after a long career path when the firefighter decides to retire. A forced retirement is when the choice to retire is made by someone other than the firefighter. This is sometimes called an involuntary retirement: The fire department submits the employee to the retirement system based on an injury or illness. It has been reported that more than 1,500 firefighters and police officers are forced into retirement annually as a result of a line-of-duty injury or illness. What makes a normal retirement different from a forced retirement is who decides to terminate the employment relationship. This action most often is a career-ending decision, and the effects can be devastating to the firefighter and the firefighter's family. When faced with a forced retirement, firefighters encounter many new and unforeseen challenges with which they and their families must deal.

With an injury or illness that will no longer allow the firefighter to perform his given vocation, the firefighter is forced into retirement by the fire department—the same department he has been so dedicated to and has risked his life for each day. Now, the fire department can quickly become the “bad guy” for forcing the employee into retirement. From the fire department side of the table, the department needs to remove the incapacitated employee from the payroll and replace him with a fully functioning employee. In most cases, this is a sound business practice needed to maintain safety and the department's proper fiscal administration.

This article focuses on the physical and emotional impact a forced retirement has on the firefighter, the family, and the organization. Because of the variations in disability systems, retirement systems, and other requirements, the discussion is general. Systems vary from state to state. Some of the information in this article may not apply to your system. It would be next to impossible to outline every system and process used across the country.

Most people plan for retirement but do not plan for a career that will end with an injury or an illness—sometimes with devastating results. As an example, a Chicago (IL) Fire Department paramedic who had worked for the department for more than 20 years suffered a significant back injury, which prevented him from performing his duties for more than a year.

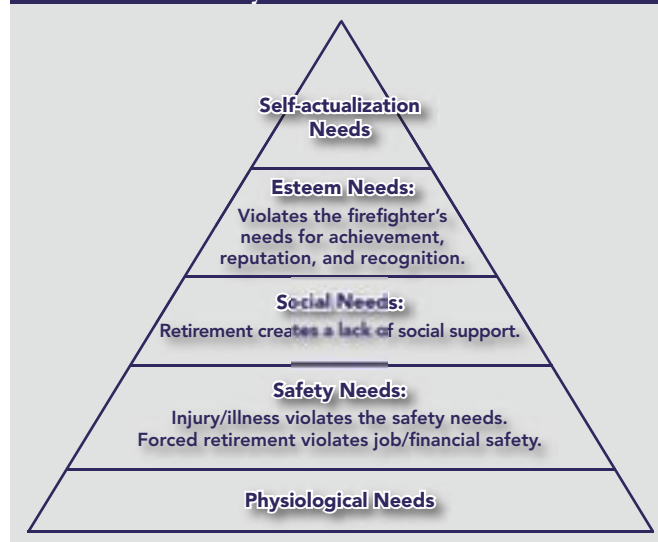
The department covered the injury. After about a year, the paramedic never regained the strength to pass the department lifting capacity test and applied for a disability retirement.

He was examined by the Retirement Board for the Firemen's Annuity and Benefit Fund, not the fire department. The Retirement Board found that the paramedic did not have anything wrong with his back. After receiving the denial notice from the board, the paramedic asked to be retested by the fire department. Once again, the paramedic failed the lifting capacity test, indicating he could not perform the assigned duties of the position. This action left the paramedic in “legal limbo.” He was caught between the fire department, which said he could not perform his job because of the injury, and the Retirement Board, which maintained that he was not disabled. Eventually, the paramedic was removed from the city payroll. The case has been tied up in the courts for more than two years, with the paramedic's receiving no pay from the city.¹ The next legal limbo retirement case could be yours.

BASIC NEEDS

A forced retirement challenges several of Maslow's Hierarchy of Needs.² Maslow's theory was that people will seek the next level of needs after acquiring the basic needs. Figure 1 shows how some of the basic needs are violated by a forced retirement.

Figure 1. Hierarchy of Needs Violated by Forced Retirement



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Safety Needs

People have a need for safety. Forced retirement challenges an employee's safety needs. The employee is removed from his job; the injury/illness violates the employee's safe work environment; and there is a change in retirement savings. The injury/illness may also violate the firefighter's need for the security of health.

Social Needs

The employee forced into retirement often feels that he no longer is part of the fire department. Over time, he begins to feel that he has less and less in common with the current workforce. The firefighter feels the lack of the team-based operation. The injury/illness may prevent the firefighter from attending social events. The employee may choose not to attend social events with fellow firefighters out of the fear that the firefighters will not accept him because of the injury/illness. Fellow firefighters may not be understanding of the illness/injury that forced the firefighter into retirement. Fellow firefighters may view the retired firefighter as "damaged goods" or believe that he is faking the injury. Fellow firefighters may not have a clear understanding of the injury/illness that led to the forced retirement. For example, in some cases, people do not understand a psychological injury as opposed to a physical injury. For the psychological injury, there are no X-rays to read or physical wounds to see, making it hard for fellow firefighters and administrators to believe there is an injury. The misunderstanding or lack of understanding of the injury may lead

to resentments among firefighters. The underlying resentment can push the injured firefighter farther away from the department and the support system he desperately needs.

For most firefighters, the job is who they are. When this is taken away, they lose their identity. Look around the firefighter's life; you will notice a strong identity with the fire service in the form of off-duty clothing, homes, and vehicles identifying him as a firefighter. A firefighter struggling to find a new identity may become frustrated and angered over having to choose a new identity because of the injury/illness. The frustration and anger, if not properly addressed, can result in the firefighter's becoming depressed. Add the diagnosis of depression to the injury/illness, and the recovery process may be complicated and prolonged.³

Esteem Needs

The firefighter forced into retirement may feel he is not appreciated and valued. Resentment and bitterness may affect him and his recovery. Generally, people want to feel that they are appreciated and valued by the department.

Self-Actualization

A natural feeling demonstrated by firefighters forced into retirement may be that they have been robbed of their ability to reach their full career potential. In time, some people will overcome this feeling by finding a new way to contribute to the fire service. They may consider teaching part-time at the

state fire academy or the local college or writing for trade journals. They may even develop a totally new career path. (2)

Maslow's Hierarchy of Needs involves basic needs most people value. However, not all people have the same needs at the same time and may have other driving forces for their needs. A secure living area (a place to call home) and money (a paycheck) are very basic needs. Challenge any of these needs (home and money), and you will have a fight on your hands. The chances are that the firefighter will fight you to the very end.

DEATH OF A CAREER

A person forced into retirement is grieving the loss of a career. For some people, the loss of their career can result in a grieving process much like that following the death of a friend or loved one. Elisabeth Kubler-Ross has written extensively on death and dying.⁴ She outlines five steps in the process of grieving a loss. The loss may be in the form of a loved pet, a job, a marriage, or any other thing a person cares for very strongly.

The first stage is Denial and Isolation: The firefighter may resort to denial because of the inability to accept the reality of the injury/illness.

In the second stage, Anger, some firefighters experience feelings of anger related to the job, the department, and the people around them. It is natural to experience some degree of anger; however, if the anger is left unchecked, it can quickly consume the firefighter's life.

The third stage, Bargaining, may have the firefighter believing that he can bargain his way back into the job. The firefighter thinks that maybe sometime down the road he will be able to go back and do the job one more time—that maybe someday the department will create a new position for him.

The fourth stage, Depression, comes when the firefighter no longer denies his forced retirement, is faced with fewer fiscal resources and increased expenses, and has less social support and a diminished social activity calendar. Many times, we do not associate the signs of depression with a person who has been forced into retirement. We tend to think of retirement in a positive way. Nothing

could be further from the truth when it comes to a forced retirement.

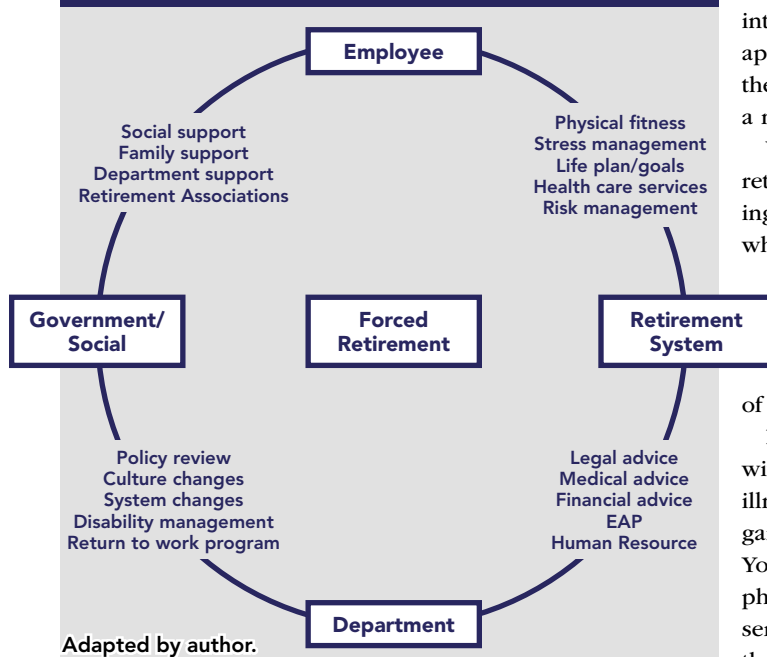
In the fifth stage, Acceptance, the firefighter has processed the forced retirement and is no longer consumed with anger or depression. He is able to talk about his feelings and experience relating to the forced retirement. Each individual passes through these stages at his own rate; there is no general timeframe. There should be concern when the individual seems to be "stuck"

in a certain stage and it is interfering with daily living and socialization skills. If this happens, the firefighter should be referred to a mental health professional for assistance. The Employee Assistance Program (EAP) can assist in finding a trained professional. (4)

AGE CONSIDERATION AND INDIVIDUAL RIGHTS

In some systems, firefighters have a mandatory retirement age. Psycholo-

Figure 2. Forced Retirement Dimensions of Wellness



gist Frank J. Landy of Penn State University, University Park, conducted a study that found age is not a good indicator of how firefighters perform their job. He reports: "It may be that public safety is enhanced by allowing experience to build in these occupations."⁵

Departments dealing with a forced retirement involving age are recommended to seek solid legal advice to avoid any conflicts with state and federal regulations/laws. To reduce costs and injury rates, fire departments may attempt to force older workers into retirement. Some cities and towns are now offering early retirement incentives; however, these incentives are not without risks, such as the loss of experienced personnel, the violation of legal regulations, and the employees' feeling that they are being coaxed into retiring.

This is probably the only job the firefighter has held for some 30 or 40 years. Now comes the day that the chief has to tell the employee with 40 years of service that he must retire. Think about how the employee will feel: The only job this firefighter has known for the past 40 years is now being forcefully taken away.

In this country, the demographic projections have shown that older workers are being retained in a higher proportion than in years past. Look around you: The automatic retirement age of 65 or 70 is no longer the case. You are starting to see more and more employees working well beyond age 70. This trend does not appear to be changing any time soon. Despite your age, your life is not over just because you have retired.

PROCESS AND RECOMMENDATIONS

Managing the employee's forced retirement is vital to his health and well-being. Following are some recommendations and considerations associated with forced retirements. Remember, this is not something most people have planned

on. One day the firefighter has a very structured, detailed, constantly on-the-go lifestyle, and in a moment this all changes without notice. It is difficult at best to change gears and move into a much slower mundane lifestyle that consists of medical appointments, pain, and suffering. The true challenge is how the firefighters let go of this strongly held lifestyle, settle into a new way of life, and accept who they are now.

While speaking with some fellow firefighters who have retired, one commented, "I believe being active and maintaining your self-worth is basic to retirement survival. I see many who retire only to mope around and feel sorry. I wasn't going there. I have many times thought of what happened and wondered if it really took place. Then, I remember the health consequences if I had stayed. Fortunately, we have a good system that takes care of us if injured in the line of duty."

Depression is common in people entering retirement without any plan, especially when the event is caused by an illness/injury. Some people turn to alcoholism, drug abuse, gambling, or other addictive behaviors to fill in the free time. You have to make a significant effort to stay mentally and physically fit as you progress with your retirement. One fire service administrator who recently retired said, "First of all, there is the feeling of failure and rejection. There is a lot of second guessing in one's mind, and this only beats you up after awhile if you do not get help. Next comes the feeling of disappointment in the fact that you may not be able to complete programs that may have taken months to develop. This, too, leaves you with the question of whether they would have actually worked. More importantly, this creates the opportunity for the organization to drop back to where it was before you started."

If you are the one forced into retirement, get active. Do things you enjoy. Pick up the phone and call someone; plan a lunch meeting with friends; make yourself the meeting/party coordinator. Don't talk about it; make it happen. You could be a mentor to someone facing a forced retirement. Consider developing a disability retirement mentoring/support program in your retirement system. Pass along information about the challenges you faced after being forced to retire. Your family can also play a significant role as a mentor to other family members facing a forced retirement.

Some fire departments have little to no financial incentive to bring injured firefighters back to work quickly. In some cases, once an injured firefighter's claim is accepted by the city, the firefighter is removed from the department's payroll and the employee is shifted over to the disability and retirement board. When a department has a system that does not promote and encourage injured firefighters to return to work, the environment is prime for abuse. Fire departments need an aggressive back-to-work agreement that will support and encourage the injured firefighter. The longer the firefighter remains on injured leave, the greater the chance the firefighter will not return to work. In addition, the firefighter on long-term leave tends to feel isolated from the department and his support network.

Morale and effectiveness come into play when firefighters

see the care and concern their fellow firefighters receive as a result of an injury/illness. If firefighters feel they will be “processed out the door” after reporting an injury/illness, they might be reluctant to report an injury/illness, possibly resulting in further safety considerations for themselves and others. Most firefighters will work a full career without experiencing a career-ending injury/illness. However, they still want to know that if they do suffer an injury/illness, the department will take care of them. Departments should create an environment that supports and encourages injured firefighters and firefighters dealing with illnesses in the recovery process. Never lose sight of the fact that most systems have a process for employees’ recovering from an injury/illness to be reevaluated by a medical panel at some later time should the firefighter recover to the point that he feels he can return to his former job. This is often overlooked by people being processed into a forced retirement. Recovery is still a very possible result.

A partnership needs to be formed between the fire department and the disability/retirement board. Data collection is essential for identifying problems and weaknesses in the system. Once a problem has been identified, corrective actions are needed. Data could look at the number of forced retirement applications processed and the number of approved/denied applications. What is the normal length of time to process a forced retirement? What is the appeal process and length of time for appeals? Again, identifying trends and irregularities is going to be helpful to the system, the fire department, and—most importantly—the employee. The retirement disability process can run smoothly sometimes and, as noted above, at other times can leave a member in legal limbo [*Palmer v. Anchorage Police and Fire Retirement System*, 65 P.3d 832 (Ak. 2003), *Luchesi v. Retirement Board*, 776 N.E.2d 703 (Ill. App. 2002), *Campany v. New York State Retirement System*, 753 N.Y.S.2d 250 (N.Y. App. 2003), *Albano v. Board of Trustees*, 780 N.E.2d 159 (N.Y. 2002)]. Remember, some of the resentment the injured members show is a result of the process, bureaucratic red tape, and poorly written regulations/laws pertaining to disability pensions.

The resentment of healthy fellow firefighters is directed at a system that may support false claims and promote disability retirements. I have seen fellow firefighters make false statements about disabled firefighters and act totally different toward the very person they once called “brother.” In a recent case, a firefighter approached a disabled firefighter in a local store, stood in front of him making a hissing sound and shaking his head, and then turned around and walked away. This form of behavior is totally unacceptable and demonstrates the pettiness of some firefighters when it comes to viewing disabled firefighters. In some cases, the disability retirement application must pass the local fire station and be approved by the local firefighters. The firefighters pass judgment on the legitimacy of the case. The sad part is that the fire station “experts” lack the proper medical background to examine and approve the disability claim. They lack the full details surrounding the case. They lack the knowledge of the legal requirements for granting or denying a disability retirement.

Lacking all of this important information and details has never interfered with firefighters passing judgment on a disability claim of a fellow firefighter. I am sure you can walk into a fire station and ask while having coffee if someone at the table knows of a firefighter who is faking a disability injury. Names will fly out of the mouths of the people sitting at the table. Before you pass judgment on someone else, try and walk a few steps in their boots. You may be very surprised at what you find.

Fire service administrators should consider how they handle and process employee injury/illness reports. How these incidents are handled has a significant impact on the organization. Remember, human needs are an important part of human nature. According to Attorney Michael Sacco from the Law Offices of Michael Sacco, “From a retirement board perspective, it is a difficult balance between protecting the integrity of the system and the needs of the department, but the more difficult issue I face is having the employer use the retirement board and the involuntary retirement process to get rid of a personnel problem. Regardless of the profession, and firefighting is one of the most noble, the reality is that there are problem employees who use minor injuries to receive full pay or who are no longer disabled and just don’t want to work. Rather than the employer’s making the tough decision to discipline or terminate, the firefighter becomes the subject of a forced or involuntary retirement, and the end result is usually protracted litigation, with neither the employer nor the employee being satisfied with the outcome.” Sacco, who specializes in retirement cases involving firefighters, represents several retirement boards in Massachusetts.

Fire service administrators should try to understand and respect the firefighter facing a forced retirement. Other firefighters will be watching to see if the case is handled with respect and honor. The retirement process is not a dumping ground for administrative problems within the fire department. If the department has employee problems, they should be addressed at the department level first. In some cases, departments will use the forced retirement process as a means of removing a troubled employee. Many medical review boards and retirement systems are concerned that the retirement process is being used as an administrative clearinghouse for troubled employees. This action also sends the wrong message to all the employees. As Sacco notes, “Being the son of a firefighter and growing up in that world, I feel I have a better perspective than most, and the last thing I want is to grant a benefit to someone who does not deserve it—this is a disservice to all those brave jakes out there—or to deny someone who truly deserves it. I really think the best thing an administrator can do is to set the ground rules from the start and provide the support that is necessary to transition an injured firefighter back to the line or into retirement.”

If administration constantly sends all of its troubled employees to the retirement system, employees who have honest injuries feel they are now lumped into this bunch and are considered the same as the employee being forced out the door because he is a problem for the administration. These types of

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cases are rare, and retirement systems have put in place many steps to prevent this form of abuse.

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The issue of forced retirement should encompass a program that examines integrated data from forced retirement, disease/injury prevention, care management, health/safety, disability management, support systems, and organizational dynamics. You will notice in Figure 2 that the topic of forced retirement should be an all-encompassing process. There is no one fix to the many issues facing individuals who have been forced into retirement. A total wellness program is needed. Some of the driving factors associated with forced retirements may be ties to workplace policies, practices, cultures, management, and state/local disability laws. In some systems, governmental and social issues play a role in the disability system and forced retirements.

Many fire departments work hard to make their employees feel they are a valued asset. Being forced into retirement challenges this model for most departments. EAPs should be actively involved in working with employees who have been forced into retirement. It does not just end with the employee. The firefighter's family members should be involved in the process, because they are impacted by the forced retirement.

The focus on human capital for the department should not end as the employee enters a new life of retirement. Let's not forget the very people who have served next to us in the fire service and are now retired. ●

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