

In Massachusetts, the occupational qualification must have been previously established by the Commission, or no inquiry may be made as to age unless required by other laws. In New York and Rhode Island, inquiries are prohibited unless required for a specified valid purpose, and if age is asked, the forms must contain the statement, "The [State law against discrimination] prohibits discrimination because of age."

These 11 States, plus Connecticut, Michigan, and Puerto Rico, prohibit employers and employment agencies from printing or circulating any statement, advertisement, or publication which expresses, directly or indirectly, any limitation, specification, or discrimination. In Pennsylvania, this prohibition applies also to applicants and newspapers. In Delaware and Michigan, these prohibitions apply also to labor organizations, in Connecticut to labor organizations and "persons," and in New York, Washington, and Wisconsin to licensing agencies.

Other prohibitions.—Three of the laws (New York, Washington, and Wisconsin) prohibit licensing agencies from refusing to license persons because of their age, and the Indiana and Rhode Island laws void discriminatory contracts which prevent employment of older workers.

The Oregon law applies to apprenticeship, provided the prospective apprentice is able to complete the training, and the industry average period of employment thereafter, before age 65. The Michigan law applies to apprentice or on-the-job training programs under 4 months' duration.

To prevent retaliation against employees, 15 laws forbid employers, unions, and employment agencies to discharge, expel, or otherwise discriminate against an employee because he has opposed their unlawful actions or because he has filed a complaint, testified, or assisted in any proceeding under the law.

Alaska	Massachusetts	Oregon
Connecticut	Michigan	Pennsylvania
Delaware	Nebraska	Rhode Island
Hawaii	New Jersey	Washington
Indiana	New York	Wisconsin

Eleven of these (all but Indiana, Nebraska, Rhode Island, and Wisconsin) also forbid any person to aid, abet, incite, compel, or coerce another to violate this law.

When law does not apply

All of the laws except those of Indiana, Louisiana, Ohio, and Wisconsin provide that the law does not apply when the apparent discrimination is based on a bona fide occupational qualification. In addition, many of the laws specify that they do not apply if the person is physically or mentally unable to perform the duties of the job.

Sixteen States specifically provide that the laws do not apply to the operation of a bona fide retirement or pension plan:

California	Nebraska
Connecticut	New Jersey
Delaware	New York
Hawaii	North Dakota
Idaho	Pennsylvania
Indiana	Rhode Island
Maine	Washington
Michigan	Wisconsin

The Michigan law specifies, however, that this exception does not apply to retirement policies or systems established after July 1, 1965 which set a mandatory retirement age of less than 65.

Seven of the laws (those of Connecticut, Delaware, Hawaii, Maine, Michigan, New Jersey, and Pennsylvania) are also specifically inapplicable to the operation of any bona fide employee insurance plan.

The laws of California, Connecticut, New Jersey, and Washington specify that the prohibitions do not apply to age restrictions under apprenticeship systems and the Michigan law to requirements of Federal or State training or employment programs. The Oregon law does not apply to positions requiring extensive training programs, nor does the Wisconsin law apply where the knowledge and experience to be gained might be expected to aid in development of capabilities for future advancement to supervisory, managerial, professional, or executive positions.