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LEGAL PROVISIONS ON AGE
IN EMPLOYMENT

Age discrimination in state, county, and municipal employment is in general prohibited by the State Government Code with a few exceptions, mainly, for peace officers, firemen, trainee and safety positions. The Federal Government imposes no upper age limits on regular civil service employment, other than the retirement age of 70.

The policy of the State of California on age discrimination in employment is stated in the Unemployment Insurance Code, Section 2070-2078. The following quotations from the Code summarizes the state's official policy:

"2070. It is the public policy of the State of California that manpower should be used to its fullest extent. This statement of policy compels the further conclusion that human beings seeking employment, or retention thereof, should be judged fairly and without resort to rigid and unsound rules that operate to disqualify significant portions of the population from gainful and useful employment. Accordingly, use by employers, employment agencies, and labor organizations of arbitrary and unreasonable rules which bar or terminate employment on the ground of age offend the public policy of this State.

"2072. It is unlawful for an employer to *refuse to hire or employ*; or to discharge, dismiss, reduce, suspend, or demote any individual between the ages of 40 and 64 *solely on the ground of age*, except in cases where the law compels or provides for such action. This section shall not be construed to make unlawful the rejection or termination of employment where the individual applicant or employee failed to meet bona fide requirements for the job or position sought or held, or to affect bona fide retirement or pension programs; nor shall this section preclude such physical and medical examinations of applicants and employees as an employer may make or have made to determine fitness for the job or position sought or held. . . .

"This section shall not limit the right of an employer, employment agency, or labor union to select or refer the better qualified person from among all applicants for a job. . . ." (Emphasis added)

Other provisions in the Government Code and statutes relating to age in employment are briefed in the following paragraphs: