

disabled and retired employees and their dependents and survivors. We urge you to consider the possible undesirable effects that could flow from taking such a step.

As always, our Associations stand ready to assist the Committee or its staff with further information or such other assistance as may be needed.

TWENTY-FIVE JURISDICTIONS HAVE STATUTES PROHIBITING DISCRIMINATION IN EMPLOYMENT BECAUSE OF AGE

A

The New York law (§ 296, Executive Law) contains language specifically exempting bona fide pension policies or systems and the varying of insurance coverage as follows:

"But nothing contained in this subdivision or in subdivision one of this section shall be construed to prevent the termination of the employment of any person who is physically unable to perform his duties or to affect the retirement policy or system of any employer where such policy or system is not merely a subterfuge to evade the purposes of said subdivisions; nor shall anything in said subdivisions be deemed to preclude the varying of insurance coverages according to an employee's age."

The statutes of the following fourteen (14) states contain exemption language similar to that of the New York statute:

California	§ 2072, Unemployment Ins. Code
Connecticut	§ 31-126
Delaware	Title 19, § 712
Hawaii	§ 90A-8
Idaho	§ 44-1602
Maine	Title 26, § 852
Maryland	Art. 100, § 79
Montana	HJR 12, Laws 1961
Nebraska	§ 48-1003
New Jersey	§ 18:25-2.1
North Dakota	§ 34-01-17
Pennsylvania	Title 43, § 955, Purdon's Stats.
Washington	§ 49.44.090
Wisconsin	§ 111.32(5) (c)

B

The statutes of the following three (3) states contain a provision exempting pension or retirement plans:

Indiana	§ 40-2327, Burns' Stats.
Louisiana	§ 23:893
Rhode Island	§ 23-6-5

C

The following six (6) jurisdictions have enacted age discrimination statutes with no exemption for pensions or insurance:

Alaska	§ 18.80.220
Colorado	§ 80-11-16
Massachusetts	Chapter 151, B, § 4
Ohio	§ 4101.17
Oregon	§ 659.024
Puerto Rico	§§ 146-152, Ch. 7, Part I, Title 29

D

Texas has enacted such a statute applicable to public employees only.
(See attachment for texts of pertinent provisions.)