

Whereas, in the colossal struggle with communism, American cannot afford to arbitrarily diminish its reservoir of skills and knowledge, and to waste it may be fatal to freedom: Now, therefore, be it

Resolved, That the thirty-seventh legislative assembly of the State of Montana hereby declares it to be against the public policy of the State of Montana, and an unfair employment practice, for an employer, by himself or his agent, except in the case of a bona fide occupational qualification or need, because an individual is between the ages of forty (40) and sixty-five (65) years, to arbitrarily refuse to hire or employ, or to bar or to discharge from employment such individual or to discriminate against him in compensation or in terms, conditions or privileges of employment, or to fail or refuse to classify him properly or to refer him for employment, or to advertise employment opportunities in such a manner as to restrict such employment so as to discriminate against such individual; however, be it further

Resolved, That nothing herein shall be construed to apply to employees or prospective employees who are physically or mentally unable, or otherwise incapacitated, to perform the duties of such employment, 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 this resolution, nor shall anything in this resolution to be deemed to preclude the varying of insurance coverages according to an employee's age.

NEBRASKA REVISED STATUTES, §§ 48-1002—48-1006

48-1002. Unjust discrimination in employment; act; definitions. As used in sections 48-1001 to 48-1006, unless the context otherwise requires:

(1) Person shall include one or more individuals, partnerships, associations or corporations;

(2) Employer shall mean a person in this state having in his employ one or more individuals, and any person acting in the interest of an employer, directly or indirectly; and

(3) Labor organization shall mean any organization of employees which exists for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms, or conditions of employment, or for other mutual aid or protection in connection with employment.

48-1003. Unjust discrimination in employment; construction of act; practices not prevented or precluded. The provisions of sections 48-1001 to 48-1006 shall not 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 sections 48-1001 to 48-1006; nor shall the provisions of sections 48-1001 to 48-1006 be deemed to preclude the varying of insurance coverages according to an employee's age.

48-1004. Unjust discrimination in employment; unlawful employment practices; enumerated. (1) It shall be an unlawful employment practice for an employer:

(a) To refuse to hire, to discharge, or otherwise to discriminate against any individual with respect to his terms, conditions, or privileges of employment, otherwise lawful, because of such individual's age, when the reasonable demands of the position do not require such an age distinction; or

(b) To utilize in the hiring or recruitment of individuals for employment otherwise lawful, any employment agency, placement service, training school or center, labor organization, or any other source which so discriminates against such individuals, because of their age.

(2) It shall be an unlawful employment practice for any labor organization to so discriminate against any individual or to limit, segregate, or classify its membership in any way which would deprive or tend to deprive such individual of otherwise lawful employment opportunities, or would limit such employment opportunities or otherwise adversely affect his status as an employee or as an applicant for employment, or would affect adversely his wages, hours, or employment.

(3) It shall be an unlawful employment practice for any employer or labor organization to discharge, expel or otherwise discriminate against any person, because he opposed any unlawful employment practice specified in this act or