

who because of a handicap is physically or otherwise unable to efficiently perform, at the standards set by the employer, the duties required in that job. An employer's exclusion of a handicapped employe from life or disability insurance coverage, or reasonable restriction of such coverage, shall not constitute discrimination.

BURNS' INDIANA STATUTES, §§ 40-2318—40-2328

40-2318. Age discrimination—Definitions.—For the purpose of this act [§§ 40-2318—40-2327]: "discrimination" shall mean dismissal from employment of, or refusal to employ or rehire any person because of his age, if such person has attained the age of forty [40] years and has not attained the age of sixty-five [65] years:

"person" shall mean and include an individual, partnership, corporation or association, and

"employer" shall mean and include any person in this state employing one or more individuals, labor organizations, the state and all political subdivisions, boards, departments and commissions thereof, but does not include religious, charitable, fraternal, social, educational or sectarian corporations or associations not organized for private profit, other than labor organizations and nonsectarian corporations or organizations engaged in social service work. [Acts 1965, ch. 368, § 1, p. 1154.]

40-2319. Dismissal—Refusal to employ.—It is declared to be an unfair employment practice and to be against public policy to dismiss from employment, or to refuse to employ or rehire, any person solely because of his age if such person has attained the age of forty [40] years and has not attained the age of sixty-five [65] years. [Acts 1965, ch. 368, § 2, p. 1154.]

40-2320. Discrimination by labor organizations.—It is hereby declared to be an unfair employment practice for any labor organization to deny full and equal membership rights to any applicant for membership or to fail or refuse to classify properly or refer for employment any member solely because of the age of such applicant or member if such person has attained the age of forty [40] years and has not attained the age of sixty-five [65] years. [Acts 1965, ch. 368, § 3, p. 1154.]

40-2321. Discriminatory contracts void.—Any provision in any contract, agreement or understanding entered into on or after October 1, 1965, which shall prevent or tend to prevent the employment of any person solely because of his age, who has attained the age of forty [40] years and has not attained the age of sixty-five [65] years shall be null and void. [Acts 1965, ch. 368, § 4, p. 1154.]

40-2322. Investigative powers of commissioner.—The commissioner of labor shall investigate all complaints of discrimination, and for such purpose the commissioner shall have full power and authority:

(1) to receive, investigate and pass upon charges of discrimination against any person employed within the state; and

(2) to enter any place of business or employment within the state for the purpose of examination and making a transcript of records in any way appertaining to or having a bearing upon the question of the age of any person so employed. [Acts 1965, ch. 368, § 5, p. 1154.]

40-2323. Employees' records—Investigation—Conciliation—Complaint—Hearing.—Every person shall keep true and accurate records of the ages of all persons employed by him as reported by each employee, and shall upon demand furnish to the commissioner of labor, or his authorized representative, a true copy of any such record, verified upon oath. Such record shall be open to investigation by the commissioner at any reasonable time. If on all the testimony taken, the commissioner of labor shall make a preliminary determination that the employer has engaged in or is engaging in unfair employment practices, the commissioner shall endeavor to eliminate such unfair employment practices by informal methods of conference, conciliation and persuasion. If voluntary compliance cannot be obtained, the commissioner of labor shall be empowered to issue a complaint stating the charges and giving not less than ten [10] days' notice of hearing before the commissioner of labor at a place therein fixed. Any complaint issued pursuant to this section must be so issued within four [4] months after the alleged unfair employment practices were committed. The respondent shall have the right to file an answer to such complaint and may appear at such hearing with or without counsel to present evidence and to examine and cross-examine witnesses. Upon the completion of testimony at such hearing, if