

House Bill 356

By: Representatives Schofield of the 60th, Scott of the 76th, Davis of the 87th, Hugley of the 136th, Carter of the 92nd, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 34-1-2 of the Official Code of Georgia Annotated, relating to
2 prohibition of age discrimination in employment, so as to change the age of individuals
3 protected by such prohibition; to provide for an effective date; to repeal conflicting laws; and
4 for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 style="text-align:center">**SECTION 1.**

7 Code Section 34-1-2 of the Official Code of Georgia Annotated, relating to prohibition of
8 age discrimination in employment, is amended by revising subsection (a) as follows:

9 "(a) No person, firm, association, or corporation carrying on or conducting within this state
10 any business requiring the employment of labor shall refuse to hire, employ, or license nor
11 shall such person, firm, association, or corporation bar or discharge from employment any
12 individual ~~between the ages of 40 and 70 years~~ 40 years of age or older, solely upon the
13 ~~ground~~ basis of age, when the reasonable demands of the position do not require such an
14 age distinction, provided that such individual is qualified physically, mentally, and by
15 training and experience to perform satisfactorily the labor assigned to him or her or for
16 which he or she applies. Nothing in this Code section shall affect the retirement policy or

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17 system of any employer where such policy or system is not merely a subterfuge to evade
18 the purposes of this Code section. When the retirement or insurance benefit program of
19 any employer shall lawfully prohibit the employment of any person because of excessive
20 age, such person shall have the authority, as a condition of employment, to waive the right
21 to participate in any such program and receive any benefits therefrom. Nothing in this
22 Code section shall be construed to prohibit compulsory retirement of any employee who
23 has attained 65 years of age but not 70 years of age and who, for the two-year period
24 immediately before retirement, is employed in a bona fide executive or a high
25 policy-making position, if such employee is entitled to an immediate nonforfeitable annual
26 retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan,
27 or any combination of such plans, of the employer of such employee, which equals, in the
28 aggregate, at least \$27,000.00."

29 **SECTION 2.**

30 This Act shall become effective upon its approval by the Governor or upon its becoming law
31 without such approval.

32 **SECTION 3.**

33 All laws and parts of laws in conflict with this Act are repealed.