

House Bill 311

By: Representatives Schofield of the 63rd, McClain of the 109th, Scott of the 76th, and Davis of the 87th

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 a short title; to provide for related matters; to
4 provide for an effective date; to repeal conflicting laws; and for other purposes.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

6 **SECTION 1.**

7 This Act shall be known and may be cited as the "Advancing Fair Employment for All Ages
8 Act."

9 **SECTION 2.**

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

12 "(a) No person, firm, association, or corporation carrying on or conducting within this state
13 any business requiring the employment of labor shall refuse to hire, employ, or license nor
14 shall such person, firm, association, or corporation bar or discharge from employment any
15 individual ~~between the ages of 40 and 70 years~~ 40 years of age or older, solely upon the

16 ~~ground~~ basis of age, when the reasonable demands of the position do not require such an
17 age distinction, provided that such individual is qualified physically, mentally, and by
18 training and experience to perform satisfactorily the labor assigned to him or her or for
19 which he or she applies. Nothing in this Code section shall affect the retirement policy or
20 system of any employer where such policy or system is not merely a subterfuge to evade
21 the purposes of this Code section. When the retirement or insurance benefit program of
22 any employer shall lawfully prohibit the employment of any person because of excessive
23 age, such person shall have the authority, as a condition of employment, to waive the right
24 to participate in any such program and receive any benefits therefrom. Nothing in this
25 Code section shall be construed to prohibit compulsory retirement of any employee who
26 has attained 65 years of age but not 70 years of age and who, for the two-year period
27 immediately before retirement, is employed in a bona fide executive or a high
28 policy-making position, if such employee is entitled to an immediate nonforfeitable annual
29 retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan,
30 or any combination of such plans, of the employer of such employee, which equals, in the
31 aggregate, at least \$27,000.00."

32 **SECTION 3.**

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

35 **SECTION 4.**

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