

By Mr. Businger of Brookline, petition of John A. Businger for legislation to prohibit discrimination in employment due to age. Commerce and Labor.

**The Commonwealth of Massachusetts**

In the Year One Thousand Nine Hundred and Eighty.

AN ACT TO PROHIBIT AGE DISCRIMINATION IN EMPLOYMENT.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 149 of the General Laws is hereby  
2 amended by striking section 24A and substituting therefor.

3 *Section 24A.* It is hereby declared to be against public policy  
4 to dismiss from employment or to refuse to employ any  
5 individual because of his age.

1 SECTION 2. Section 5 of chapter 32 of the General Laws as  
2 most recently amended by chapter 1183 of the acts of 1973 is  
3 hereby amended by adding the following: —

4 1) Notwithstanding any provisions of this chapter to the  
5 contrary no employee of the commonwealth shall be required  
6 to retire for superannuation upon attaining the maximum age for  
7 his group provided that

8 a) the employee files an application to continue in his current  
9 position with the board more than 90 days prior to such  
10 retirement and

11 b) either in the opinion of the board or that of a licensed  
12 physician the individual is physically and mentally fit to perform  
13 the duties of his position and

14 c) a written recommendation from the employee's direct  
15 supervisor and a written statement from the head of his  
16 department that the continuation of employment is desirable for  
17 the efficient conduct of the state's business.

18 Such continuation shall be permitted for a period of two years.  
19 At the end of a two year period the employee may continue to

20 reapply for two years extensions. The board shall issue rules and  
21 regulations under chapter thirty A necessary to implement  
22 subsections (l) through (m).

23 (m) any employee who continues work beyond superannua-  
24 tion under subsection (l) shall be permitted to change positions of  
25 employment with the commonwealth.

26 (n) any employee who continues work beyond superannuation  
27 under the provisions, of (l), shall upon actual retirement be  
28 treated for the purpose of determining his retirement allowance as  
29 though he had retired for superannuation on the date his  
30 employment actually terminates. As long as he continues to work  
31 for the commonwealth he shall be entitled to all benefits the job  
32 position and his seniority would entitle him notwithstanding his  
33 continued employment beyond superannuation.