

HOUSE BILL NO. 525

Introduced: 01/27/83

Referred to Committee on Labor & Employment Relations:
01/27/83

Hearing: 2/8/83

Report: 02/10/83, Do Pass, As Amended

2nd Reading: 02/12/83, Do Pass

3rd Reading: 02/15/83, Do Pass

Transmitted to Senate: 2/15/83

Referred to Committee on Labor & Employment Relations:
02/16/83

Hearing: 3/8/83

Report: 3/15/83, Be Concurred In, As Amended

2nd Reading: 03/17/83

On Motion, 3/17/83, That The Bill Be Segregated From
The Committee of the Whole

Report: Motion Passed Unanimously

2nd Reading: 3/19/83, Be Not Concurred In
Bill Killed

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House BILL NO. 525

2

INTRODUCED BY

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BY REQUEST OF THE HUMAN RIGHTS COMMISSION

4

5

A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A DEFENSE

6

TO A COMPLAINT OF EMPLOYMENT DISCRIMINATION WHEN AN EMPLOYER

7

IS OBSERVING THE TERMS OF A BONA FIDE SENIORITY SYSTEM OR

8

EMPLOYEE BENEFIT PLAN."

9

10

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

11

Section 1. Validity of bona fide seniority system or

12

employee benefit plan. Nothing in this chapter prohibits an

13

employer from applying different standards of compensation

14

or different terms, conditions, or privileges of employment

15

in accordance with the terms of a bona fide seniority system

16

or a bona fide employee benefit plan, such as a retirement,

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pension, or insurance plan, if the system or plan is not a

18

subterfuge to evade the purposes of this chapter. However,

19

no seniority system or employee benefit plan may require the

20

retirement of an employee because of his age.

21

Section 2. Codification instruction. Section 1 is

22

intended to be codified as an integral part of Title 49,

23

chapter 2, part 4.

-End-

INTRODUCED BILL

HB 525

Approved by Committee
on Labor & Employment
Relations

1 HOUSE BILL NO. 525
2 INTRODUCED BY DARKO, CHRISTIAENS, BERG, HALLIGAN,
3 R. MANNING, DOZIER, BERGENE, CONNELLY, BACHINI,
4 O'CONNELL, J. BROWN
5 BY REQUEST OF THE HUMAN RIGHTS COMMISSION
6
7 A BILL FOR AN ACT ENTITLED: "AN ACT TO ESTABLISH A DEFENSE
8 TO A COMPLAINT OF EMPLOYMENT DISCRIMINATION WHEN AN EMPLOYER
9 IS OBSERVING THE TERMS OF A BONA FIDE COLLECTIVE BARGAINING
10 AGREEMENT, SENIORITY SYSTEM, OR EMPLOYEE BENEFIT PLAN."
11
12 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:
13 Section 1. Validity of bona fide COLLECTIVE BARGAINING
14 AGREEMENT, seniority system, or employee benefit plan.
15 Nothing in this chapter prohibits an employer from applying
16 different standards of compensation or different terms,
17 conditions, or privileges of employment in accordance with
18 the terms of a bona fide COLLECTIVE BARGAINING AGREEMENT,
19 seniority system, or a bona fide employee benefit plan, such
20 as a retirement, pension, or insurance plan, if the system
21 or plan is not a subterfuge to evade the purposes of this
22 chapter. However, no seniority system or employee benefit
23 plan may require the retirement of an employee because of
24 his age.
25 Section 2. Codification instruction. Section 1 is

1 intended to be codified as an integral part of Title 49,
2 chapter 2, part 4.

-End-

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8 TO A COMPLAINT OF EMPLOYMENT DISCRIMINATION WHEN AN EMPLOYER
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21 or plan is not a subterfuge to evade the purposes of this
22 chapter. However, no seniority system or employee benefit
23 plan may require the retirement of an employee because of
24 his age.

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2 chapter 2, part 4.

-End-

March 15, 1983

SENATE STANDING COMMITTEE REPORT
(Labor & Employment Relations)

That House Bill No. 525 be amended as follows:

1. Page 1, line 19.

Following: "or"

Strike: "a bona fide"

2. Page 1, line 20.

Following: "if the"

Insert: "agreement,"

3. Page 1, line 22.

Following: "However, no"

Insert: "collective bargaining agreement,"

4. Page 1, line 24.

Following: "age"

Strike: "."

Insert: ", unless the employee has either attained 70 years of age, or has attained 65 years of age and has for the 2 year period immediately prior to retirement been employed in an executive or high policy making position and is entitled to an immediate and nonforfeitable annual retirement benefit from a pension, profit sharing, savings, or deferred compensation plan of an employer, or any combination of such benefits, of at least \$27,000 a year."