

SENATE LABOR COMMITTEE

STATEMENT TO

**SENATE, No. 397**

**STATE OF NEW JERSEY**

DATED: MAY 6, 2021

The Senate Labor Committee reports favorably Senate Bill No. 397.

This bill amends current law to extend protections against age discrimination by:

1. Deleting the provision of section 1 of P.L.1938, c.295 (C.10:3-1) that permits a governmental employer to require retirement when an employee attains a particular age if the employer can show “that the retirement age bears a manifest relationship to the employment in question”;
2. Deleting the provision of section 11 of the "Law Against Discrimination," P.L.1945, c.169 (C.10:5-12) that states: “nothing herein contained shall be construed to bar an employer from refusing to accept for employment or to promote any person over 70 years,” having the effect of no longer permitting employers to refuse to hire persons for the sole reason of being more than 70 years old;
3. Amending section 5 of P.L.1985, c.73 (C.10:5-12.1) to provide that, in a claim of unlawfully being required to retire because of age, an employee has available all of the remedies provided by any applicable law, instead of, as that section currently provides, being limited to filing a complaint with the Attorney General and having relief limited to reinstatement with back pay and interest; and
4. Repealing section 4 of P.L.1985, c.73 (C.10:5-2.2), which permits institutions of higher education to require tenured employees to retire at the age of 70 years.

This bill was pre-filed for introduction in the 2020-2021 session pending technical review. As reported, the bill includes the changes required by technical review, which has been performed.