§4573. Not unlawful employment discrimination

It shall not be unlawful employment discrimination: [PL 1971, c. 501, §1 (NEW).]

1. Age.
[PL 1979, c. 350, §2 (RP).]

1-A. Age. To discriminate on account of age to:

A. Comply with the state or federal laws relating to the employment of minors; or [RR 2025, c. 2, Pt. A, §10 (COR).]

B. Observe the terms of any bona fide employee benefit plan such as a retirement, pension or insurance plan that does not evade or circumvent the purposes of this chapter and that complies with the Federal Age Discrimination in Employment Act, 29 United States Code, Section 621, as amended and the federal Americans with Disabilities Act, 42 United States Code, Section 12101, et seq., and federal administrative interpretations as long as:

(1) No employee benefit plan requires or permits any employer to refuse or fail to hire an applicant for employment, including those exempted from the Age Discrimination in Employment Act, 29 United States Code, Section 621, as amended, because of the age of the individual; and

(2) No employee benefit plan requires or permits the denial or termination of employment of any individual including those exempted from the Age Discrimination in Employment Act, 29 United States Code, Section 621, as amended, because of the age of the individual or after completion of a specified number of years of service; [RR 2025, c. 2, Pt. A, §10 (COR).]
[RR 2025, c. 2, Pt. A, §10 (COR).]

2. Records. After employment or admission to membership, to make a record of such features of an individual as are needed in good faith for the purpose of identifying the individual, provided the record is intended and used in good faith solely for identification, and not for the purpose of discrimination in violation of this Act. Records regarding physical or mental disability that are collected must be collected and maintained on separate forms and in separate files and be treated as confidential records;
[PL 2019, c. 667, Pt. A, §9 (AMD).]

3. Required records. To record any data required by law, or by the rules and regulations of any state or federal agency, provided the records are recorded and kept in good faith for the purpose of complying with law, and are not used for the purpose of discrimination in violation of this Act;
[PL 1995, c. 393, §17 (AMD).]

4. Discharge of or refusal to hire employee with physical or mental disability.
[PL 1995, c. 393, §18 (RP).]

5. Federal Indian policy. Nothing in this Act may be construed to prohibit any employment policy or action that is permitted under 42 United States Code, Section 2000e-2(i) (1982) of the federal Equal Employment Opportunity Act governing employment of Indians;
[PL 2013, c. 576, §1 (AMD).]

6. Infectious and communicable diseases. Assignment of individuals with an infectious or communicable disease is governed by the following.

A. In any case in which an individual has an infectious or communicable disease that is transmitted to others through the handling of food, that is included on the list developed by the United States Secretary of Health and Human Services under the federal Americans with Disabilities Act, Title I, Section 103(d)(1), and which can not be eliminated by reasonable accommodation, a covered

entity may refuse to assign or continue to assign the individual a job involving food handling. [PL 1995, c. 393, §20 (NEW).]

B. Nothing in this Act may be construed to preempt, modify or amend any state, county or local law, ordinance, rule or regulation applicable to food handling that is designed to protect the public health from individuals who pose a significant risk to the health or safety of others, which can not be eliminated by reasonable accommodation, pursuant to the list of infectious or communicable diseases and the modes of transmissibility published by the United States Secretary of Health and Human Services; and [PL 2013, c. 576, §2 (AMD).]

[PL 2013, c. 576, §2 (AMD).]

7. Veteran preference. For a private employer to apply a voluntary veteran preference, pursuant to Title 26, chapter 7, subchapter 11, to employment decisions regarding hiring, promotion or retention during a reduction in workforce.

[PL 2013, c. 576, §3 (NEW).]

SECTION HISTORY

PL 1971, c. 501, §1 (NEW). PL 1973, c. 347, §7 (AMD). PL 1975, c. 355, §7 (AMD). PL 1975, c. 770, §34 (AMD). PL 1977, c. 580, §14 (AMD). PL 1979, c. 350, §§2,3 (AMD). PL 1991, c. 99, §§8-11 (AMD). PL 1991, c. 484, §§3,4 (AMD). PL 1995, c. 393, §§15-20 (AMD). PL 2013, c. 576, §§1-3 (AMD). PL 2019, c. 667, Pt. A, §9 (AMD). RR 2025, c. 2, Pt. A, §10 (COR).

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