

MONTGOMERY COUNTY

these revisions unless an earlier or later date is specified herein.

Approved February 1, 1974

Chapter 32

Bill No. 62-73

AN ACT to amend Chapter 27, title "Human Relations and Civil Liberties", of the Montgomery County Code 1972, as amended, by adding a new subsection (5) to Section 27-30, title "Unlawful Employment Practices," to provide that it shall not be unlawful for any employer to observe the terms of a bona fide seniority system or any bona fide employee benefit plan, such as a retirement pension or insurance plan, which is not a subterfuge to evade the provisions and purposes of the County Fair Employment Practices Law, and to provide further that no such employee benefit plan shall excuse an employer's failure to hire any qualified person.

BE IT ENACTED BY THE COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND, that

Sec. 1. Section 27-30, title "Unlawful Employment Practices", of Chapter 27, title "Human Relations and Civil Liberties", Montgomery County Code 1972, as amended, is hereby amended by the addition thereto of a new subsection (5) to follow immediately after subsection (4) and to read as follows:

(5) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, IT SHALL NOT BE UNLAWFUL FOR ANY EMPLOYER TO OBSERVE THE TERMS OF A BONA FIDE SENIORITY SYSTEM OR ANY BONA FIDE EMPLOYEE BENEFIT PLAN, SUCH AS A RETIREMENT, PENSION OR INSURANCE PLAN, WHICH IS NOT A SUBTERFUGE TO EVADE THE PROVISIONS AND PURPOSES OF THIS ARTICLE, EXCEPT THAT NO SUCH EMPLOYEE BENEFIT PLAN SHALL EXCUSE AN EMPLOYER'S FAILURE TO HIRE ANY QUALIFIED PERSON.

Sec. 2. Effective date.

The County Council hereby declares that an emergency exists and that this legislation is necessary for the immediate protection of the public health and safety. Therefore, this emergency legislation shall take effect on the date on which it becomes law.

Approved February 1, 1974
