

NORTH CAROLINA GENERAL ASSEMBLY
1979 SESSION

CHAPTER 862
HOUSE BILL 65

AN ACT TO ENSURE COMPLIANCE BY STATE AND LOCAL GOVERNING UNITS WITH THE AGE DISCRIMINATION IN EMPLOYMENT ACT AMENDMENTS OF 1978, SO AS TO IMPLEMENT THE RECOMMENDATIONS OF THE LEGISLATIVE RESEARCH COMMISSION'S COMMITTEE ON AGING.

The General Assembly of North Carolina enacts:

Section 1. G.S. 135-5(a)(2) is rewritten to read:

"(2) A member in service who attains age 70 shall make timely application for retirement, in accordance with (1) above, to be effective no later than the first of July coincident with or next following his 70th birthday: Provided that, upon the approval of his employer, any member may be continued in service on a year-to-year basis."

Sec. 2. G.S. 128-27(a)(2) is rewritten to read:

"(2) A member in service who attains age 70 shall make timely application for retirement, in accordance with (1) above, to be effective no later than the first of July coincident with or next following his 70th birthday: Provided that, upon the approval of his employer, any member may be continued in service on a year-to-year basis."

Sec. 3. The last sentence of G.S. 126-16 is rewritten to read:

"This section with respect to equal opportunity as to age shall be limited to individuals who are at least 40 years of age but less than 70 years of age."

Sec. 4. G.S. 135-5(l)(6) is amended by changing the period to a semicolon and adding the following new subdivision:

"(7) After December 31, 1978, and after he has attained age 70."

Sec. 5. The third paragraph of G.S. 135-5(l), as enacted by Chapter 561, Session Laws of 1977 is amended by deleting the words:

"on or after January 1, 1974" and inserting in lieu thereof "on or after January 1, 1974, but before January 1, 1979".

Sec. 6. G.S. 128-27(l)(6) is amended by changing the period to a semicolon and adding the following new subdivision:

"(7) After December 31, 1978, and after he has attained age 70."

Sec. 7. The fourth paragraph of G.S. 128-27(l), as enacted by Section 7 of Chapter 1240, Session Laws of 1977, (Second Session 1978), is amended by deleting the words "on or after January 1, 1974" and inserting in lieu thereof "on or after January 1, 1974, but before January 1, 1979".

Sec. 8. G.S. 116-11 is amended by adding a new subdivision (5a) to read:

"(5a) Notwithstanding the provisions of G.S. 135(a)(2) and G.S. 126-16, the Board of Governors of The University of North Carolina may by resolution provide that, until July 1, 1982, an employee who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at a constituent institution of The University of North Carolina shall retire on July 1, coincident with or next following his 65th birthday, provided that,

upon approval of the Board of Trustees of the constituent institution, an employee may be continued in service on a year-to-year basis."

Sec. 9. The amendment made by Section 3 of this act, as it may affect seniority systems or employee benefit plans which require or permit the involuntary retirement of any individual because of the age of such individual, shall not apply to employees covered by a collective bargaining agreement, which was in effect on September 1, 1977, and which was entered into by a labor organization (as defined by Section 6(d)(4) of the Fair Labor Standards Act of 1938) until the termination of such agreement or on January 1, 1980, whichever occurs first.

Sec. 10. This act is effective January 1, 1979, and Section 8 of this act shall expire on July 1, 1982.

In the General Assembly read three times and ratified, this the 8th day of June, 1979.