

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003

A Bill

HOUSE BILL 2542

4
5 By: Representative Ledbetter
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For An Act To Be Entitled

8
9 AN ACT TO WAIVE SOVEREIGN IMMUNITY IN AGE
10 DISCRIMINATION CASES; AND FOR OTHER PURPOSES.
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Subtitle

12
13 AN ACT TO WAIVE SOVEREIGN IMMUNITY IN
14 AGE DISCRIMINATION CASES.
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17 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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19 SECTION 1. Arkansas Code § 21-3-203 is amended to read as follows:
20 21-3-203. Age discrimination prohibited - Exceptions.

21 (a) It shall be unlawful for a public employer:

22 (1) To fail or refuse to hire or to discharge any individual or
23 otherwise discriminate against any individual with respect to his
24 compensation, terms, conditions, or privileges of employment because of the
25 individual's age;

26 (2) To limit, segregate, or classify employees in any way which
27 would deprive or tend to deprive any individual of employment opportunities
28 or otherwise adversely affect his status as an employee because of the
29 individual's age; or

30 (3) To reduce the wage rate of any employee in order to comply
31 with this subchapter.

32 (b) It shall not be unlawful for a public employer:

33 (1) To take any action otherwise prohibited by this subchapter
34 where age is a bona fide occupational qualification, reasonably necessary to
35 the normal operation of the particular business, or where the differentiation
36 is based on reasonable factors other than age; or



1 (2) To discharge or otherwise discipline an individual for good
2 cause.

3 (c) The immunity granted the state and its political subdivisions
4 under Article 5 § 20, Constitution of Arkansas, is waived and shall not be
5 plead as a defense by the state or any of its subdivisions in causes of
6 actions brought by employees, former employees, or prospective employees
7 under this section.

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