

Extension Heads Up – Diversity and Civil Rights Issues

As the labor force in America grays, age bias claims have proliferated. The number of age bias complaints filed with the U.S. Equal Employment Opportunity Commission (EEOC) has jumped 41 percent in the past few years.

Supervisors and managers need to be aware of the rules associated with the Age Discrimination in Employment Act [ADEA] *Get familiar with the law* at this web site.

<http://www.eeoc.gov/policy/adea.html>

Supervisors should exercise good judgment to:

1. apply rules fairly and consistently with all employees
2. keep good records
3. avoid using terms such as “new blood”, “fresh faces”, “young Turks or old hands”, that could be misconstrued.

What Are the Federal Laws Prohibiting Job Discrimination?

Age Discrimination in Employment Act

The Age Discrimination in Employment Act of 1967 (ADEA), protects individuals who are 40 years of age or older;

The ADEA's broad ban against age discrimination also specifically prohibits:

- statements or specifications in job notices or advertisements of age preference and limitations. An age limit may only be specified in the rare circumstance where age has been proven to be a *bona fide* occupational qualification (BFOQ);
- discrimination on the basis of age by apprenticeship programs, including joint labor-management apprenticeship programs; and
- denial of benefits to older employees. An employer may reduce benefits based on age only if the cost of providing the reduced benefits to older workers is the same as the cost of providing benefits to younger workers.

Actions to Apply

- Job ads or recruitment materials cannot mention age or say that a certain age is preferred.
- Programs cannot set age limits for their trainees.
- Age can not be a factor in making any decisions about workers. This includes decisions about hiring, pay, promotions, or layoffs.
- Employers cannot take action against workers who file a charge of age discrimination or who participate in any ADEA process.
- With a few exceptions, employers cannot force employees to retire at a certain age.