

U.S.

■ AGE DISCRIMINATION IN EMPLOYMENT ACT OF 1967

TERMS: In general, farm operators and other agricultural establishments that employ at least 20 workers on each workday in 20 or more weeks this year or last are prohibited from refusing to hire a job applicant, harassing or firing a worker, or discriminating against a person with respect to pay or other terms or conditions of employment, because the person is 40 years of age or older.

Further, such employers may not segregate or classify their workers in any way which would limit an individual's job opportunities, or otherwise negatively affect the individual's status as an employee, for reasons of age.

This law does not prohibit employment practices based on age where age is a bona fide occupational qualification, nor does it forbid an employer from using a bona fide seniority system or benefit plan based on reasonable factors other than age.

ENFORCEMENT: *Equal Employment Opportunity Commission, Washington, D.C. 20507 (202-663-4900; toll-free 800-669-4000).*

Anyone claiming to have been subjected to job-related age discrimination may file a complaint with any district, area or local office of the Commission, generally within 180 days after the discrimination took place.

Workers have the option of filing a civil suit on their own for damages related to a violation, using a private attorney or public legal services program. However, a worker may not take legal action until 60 days after first filing the complaint with the Commission, and the right to sue ends once the Commission initiates court action to enforce the worker's rights under the Act.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker or job applicant because the worker or applicant has filed a complaint, participated in a proceeding, or opposed an illegal practice under the Act.

Alabama

■ ALABAMA AGE DISCRIMINATION IN EMPLOYMENT ACT

TERMS: It is unlawful for an employer who has 20 or more employees for each working day in each of 20 or more weeks this year or last to discriminate against a worker 40 years of age or older in hiring, pay or other terms or conditions of employment. This law also prohibits age discrimination against persons age 40 and over by employment agencies and labor organizations.

ENFORCEMENT: A person who has suffered age discrimination by an employer who is covered by this law may file a lawsuit in state court against the person or company responsible for the violation, using a private attorney or public legal service provider.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Georgia

■ **GENERAL LABOR LAWS (*AGE DISCRIMINATION*)**

TERMS: With few exceptions, it is illegal for any person, company or association conducting business in Georgia to fire, or to refuse to hire, any worker between the ages of 40 and 70 solely because of the worker's age, when the reasonable duties of the job do not require such an age distinction and the worker is qualified to satisfactorily perform the job.

ENFORCEMENT: The right under this law to employment free from age discrimination may be enforced only in civil court, through a private attorney or public legal services program.

Kansas

■ KANSAS AGE DISCRIMINATION IN EMPLOYMENT ACT

TERMS: In general, employers with 4 or more employees are prohibited from discriminating against a worker 40 years of age or older, by firing, segregating, refusing to hire, or otherwise discriminating against the worker because of age. Similar acts of age discrimination committed by employment agencies and labor organizations are also illegal.

It is not unlawful, however, to make employment decisions based on age where age is a bona fide occupational qualification necessary to the normal operation of the employer's business, or to observe the terms of a bona fide seniority system or employee benefit plan which is not simply a means of getting around the state civil rights laws.

ENFORCEMENT: *Kansas Human Rights Commission, Topeka, Kansas 66612 (785-296-3206).*

SPECIAL NOTE: Without the worker's consent, an employer is not permitted to reduce a worker's wage rate or change other terms or conditions his or her employment in order to comply with this law.

SPECIAL NOTE: An employer may not fire, discipline or discriminate against a worker because the worker has filed a complaint or made use of any other right granted by this law.

Minnesota

■ STATE LABOR LAWS (*AGE DISCRIMINATION*)

TERMS: It is generally illegal for any employer in Minnesota to refuse to hire a person who is under 70 years of age, or to fire or demote a person under 70, because of the person's age.

ENFORCEMENT: *Labor Standards Division, Minnesota Department of Labor and Industry, St. Paul, Minnesota 55155 (651-284-5070).*

As an alternative to filing a complaint with the Department, the law gives workers the right to sue the employer in civil court to enforce these provisions, using a private attorney or a public legal services program.

Nebraska

■ AGE DISCRIMINATION IN EMPLOYMENT ACT

TERMS: It is generally unlawful for an employer who had 20 or more workers on each working day in 20 different calendar weeks this year or last, to refuse to hire a job applicant, to fire a worker, or to discriminate against a person in any other way with respect to employment conditions, because of the person's age, when the demands of the job do not require a distinction by age.

It is also illegal for such an employer to utilize an employment agency, labor organization or any other source of job applicants in the hiring or recruitment of workers when the employer knows that the agency or organization discriminates against job-seekers on the basis of age.

These protections apply only to workers who are at least 40 years old.

ENFORCEMENT: *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112).*

If the Commission does not take legal action against the employer named in a worker's complaint within 60 days after a complaint is filed, the worker may sue the employer directly, using a private attorney or public legal services program.

Court action, either by the Commission or by the worker, must commence no later than 4 years after the violation occurred.

SPECIAL NOTE: An employer may not fire, discipline or discriminate in any way against a worker because the worker has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

North Dakota

■ **GENERAL LABOR LAWS (*AGE DISCRIMINATION*)**

TERMS: In general, no one carrying on any business in North Dakota may fire a worker or refuse to hire a job applicant solely on the basis of age, when the job does not reasonably require an age distinction and the worker or applicant is otherwise qualified for the job.

ENFORCEMENT: This provision may be enforced only by legal action in civil court, through a private attorney or a public legal services program.

Ohio

■ **AGE DISCRIMINATION IN EMPLOYMENT LAW**

TERMS: It is unlawful for an employer to discriminate against a job applicant, or to fire a worker without just cause, when the applicant or worker is 40 years of age or older, is physically able to perform the duties of the job, and otherwise meets the established requirements of the position.

ENFORCEMENT: Anyone 40 years of age or older who has been subjected to age discrimination in violation of this provision may file a civil suit against the employer involved, using a private attorney or a public legal services program. However, a worker who takes court action directly is not allowed to take the same complaint to the state Civil Rights Commission under the civil rights law, described in a previous entry.

Washington

■ AGE DISCRIMINATION IN EMPLOYMENT LAW

TERMS: In general, it is illegal for an employer to refuse to hire a job applicant, to fire an employee, or to discriminate against an applicant or employee in relation to pay, promotion or terms of employment, because the applicant or employee is 40 years of age or older.

With state approval, an employer may establish reasonable minimum and maximum age limits for job applicants when the work involved requires unusual physical effort, endurance or training.

ENFORCEMENT: *Employment Standards, Apprenticeship and Crime Victims Division, Washington State Department of Labor and Industries, Olympia, Washington 98504 (toll-free 866-219-7321).*