

## ● AGE DISCRIMINATION IN EMPLOYMENT ACT

*STATUTORY CITATION:* Neb. Rev. Stat. §§ 48-1001 – 48-1010

*GENERAL SUMMARY:* The Age Discrimination in Employment Act generally outlaws employment discrimination on the basis of age, when committed by employers who have 20 or more employees for each working day in each of 20 different calendar weeks in the current or preceding calendar year. The law applies to agricultural and non-agricultural employment without distinction.

*SPECIFIC TERMS AND CONDITIONS:* It is unlawful for an employer subject to the Act to refuse to hire a job applicant, to discharge an employee, or to otherwise discriminate against an individual with respect to employment conditions because of the individual's age, when the reasonable demands of the position do not require such an age distinction. It is likewise illegal for an employer to willfully utilize an employment agency, labor organization or any other source of job applicants in the hiring or recruitment of individuals for employment when the employer is aware that the agency or organization discriminates against job-seekers on the basis of age.

The Act bans age discrimination only against persons who are at least 40 years of age, and permits certain age distinctions when age is a bona fide occupational qualification reasonably necessary to the normal operations of the business involved, or when the differentiation is based on reasonable factors other than age, such as physical conditions.

### *SPECIAL NOTES OR ADVISORIES*

**RETALIATION** — A person may not discharge, discipline or discriminate in any manner against an employee because the employee has filed a complaint, participated in a proceeding, or exercised any other right afforded by these provisions.

### *ADMINISTRATION AND ENFORCEMENT*

**PRIMARY ENFORCEMENT AGENCY** — *Nebraska Equal Opportunity Commission, Lincoln, Nebraska 68509 (402-471-2024; toll-free 800-642-6112).* Anyone aggrieved by a suspected violation of the Act may file a complaint with the Commission, which must investigate the charges. When the evidence indicates that unlawful age discrimination has occurred, the Commission is authorized to bring civil action to compel compliance and enforce the rights of the complainant. A charge must be filed no later than 300 days after the alleged discriminatory act occurred.

**SECONDARY OR ASSOCIATED ENFORCEMENT AGENCY** — *None.*

**PRIVATE CIVIL ACTION** — If the Equal Opportunity Commission does not file suit within 60 days after receipt of a complaint, the person aggrieved may take private legal action for relief on his or her own, through a private attorney or a public legal service provider. Filing of a civil suit by either the Commission or the complainant bars the filing of such an action by the other.