



# Facts About Age Discrimination

Nevada state law and the Age Discrimination in Employment Act of 1967 (ADEA) protect individuals who are 40 years of age or older from employment discrimination based on age. The laws' protections apply to both employees and job applicants. It is unlawful to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment -- including, but not limited to, hiring, firing, promotion, layoff, compensation, benefits, job assignments, and training.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination charge, testifying, or participating in any way in an investigation, proceeding, or litigation regarding age discrimination.

## Apprenticeship Programs

It is generally unlawful for apprenticeship programs, including joint labor-management apprenticeship programs, to discriminate on the basis of an individual's age. Age limitations in apprenticeship programs are valid only if they fall within certain specific exceptions under the law or if the federal government grants a specific exemption.

## Job Notices and Advertisements

It is unlawful to include age preferences, limitations, or specifications in job notices or advertisements. As a narrow exception to that general rule, a job notice or advertisement may specify an age limit in the rare circumstances where age is shown to be a "bona fide occupational qualification" (BFOQ) reasonably necessary to the essence of the business.

## Pre-Employment Inquiries

The law does not specifically prohibit an employer from asking an applicant's age or date of birth. However, because such inquiries may deter older workers from applying for employment or may otherwise indicate possible intent to discriminate based on age, the Nevada Equal Rights Commission will closely scrutinize requests for age information to make sure that the inquiry was made for a lawful purpose, rather than for a discriminatory one.

## Benefits

Employers can not deny 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.

## Waivers of Age Discrimination Claim Rights

At an employer's request, an individual may agree to waive his/her age discrimination rights or claims under state and federal law. However, federal law sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid waiver: (1) must be in writing and be understandable; (2) must specifically refer to ADEA rights or claims; (3) may not waive rights or claims that may arise in the future; (4) must be in exchange for valuable consideration; (5) must advise the individual in writing to consult an attorney before signing the waiver; and (6) must provide the individual at least 21 days to consider the agreement and at least 7 days to revoke the agreement after signing it. In addition, if an employer requests a waiver of age discrimination claims in connection with an exit incentive program or other employment termination program, the minimum requirements for a valid waiver are more extensive.

You should consult an attorney if you are asked to sign a waiver of any of your rights under state or federal discrimination laws.

## If You Think You Have Been Discriminated Against Because Of Age, Contact The Nevada Equal Rights Commission

Nevada Equal Rights Commission  
1820 East Sahara Avenue, Suite 314  
Las Vegas, NV 89104

PH: 702-486-7161  
Fax: 702-486-7054

Nevada Equal Rights Commission  
1675 E. Prater Way, Suite 103  
Sparks, NV 89434

PH: 775-823-6690  
Fax: 775-688-1292

Or visit us on the Internet

[www.detr.state.nv.us](http://www.detr.state.nv.us)

A complaint must be filed within 300 days of the date of the alleged discriminatory conduct.

You may also contact the federal Equal Employment Opportunity Commission (EEOC)  
at 1-800-669-4000 or on the Internet at <http://www.eeoc.gov/>