

Rocky Mountain Conference on Aging Aging in the Workplace

Legal Aspects of the Aging Workforce

Presented by Michelle Jacobsen, Mountain States Employers Council
Date and Time: Wednesday, 26 October 2007 from 3:36-4:20pm

Key Points:

- Age Discrimination in Employment Act (ADEA) of 1967 which prohibits discrimination in any aspect of employment against those age 40 or older applies to employers who have 20 or more employees and is Enforced by the Equal Employment Opportunity Commission (EEOC)
- An employer may institute a mandatory retirement age only if the position meets strict criteria, such as proven issues of public safety, or in some top executive (such as CEO) positions after age 65
- Older Workers Benefit Protection Act (OWBPA) of 1990 prevents employers from offering less benefits to older workers than younger workers. It also provides older employees with protections if their company offers to pay them to quit work in exchange for some kind of signed waiver of their potential rights and claims under ADEA.
- Family Medical Leave Act applies to employers who have 50 or more employees. Employers must provide up to 12 weeks of unpaid leave for an employee (male or female) to care for a newborn or newly adopted child, or a sick child, parent or spouse.

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Of Note:

- Google is being sued for age discrimination. The employee in question is 53 and had been a valued worker. Internal emails appear to show a case of age discrimination.
- In fiscal year 2006, 16,548 age discrimination cases were filed with the EEOC. \$51.5 million in damages recovered (which does not include any money recovered in litigation).

Submitted by: Lisa Nelson, University of Northern Colorado, October 31, 2007