

# PROTECTION OF LEGAL RIGHTS

## Age Discrimination

### Introduction

There are federal laws prohibiting discrimination against anyone because of his or her age. The age discrimination laws cover employment, federal programs, and obtaining credit.

### Employment

The **Age Discrimination in Employment Act** prohibits workplace age discrimination against individuals who are at least 40 years old. While there is generally no upper age limit, employers may set mandatory retirement policies for executives 65 and older who are entitled to pensions of \$44,000 or more.

Discrimination in employment can take many forms, e.g., termination, demotion, or denial of employment. If you believe you are being discriminated against because of your age, within 180 days of the alleged discrimination, you should contact the Equal Employment Opportunity Commission (EEOC), 1801 L Street, NW, Washington, DC 20507, (202) 663-4900 (voice) or (202) 663-4494 for TDD. Larger cities within the commonwealth have local offices (in Richmond at 3600 West Broad Street, (804) 771-2200). The matter will be investigated, then discussed and settled or, if necessary, a lawsuit may be filed. Federal employees should file complaints with the Office of Personnel Management.

### Federal Programs

If you believe you are being discriminated against because of your age in any program receiving financial assistance from the United States government, you must contact in person or complain in writing to the federal agency that is financing the program. This is an administrative proceeding, and the agency must reply in 180 days. If the agency does not reply within 180 days, you may bring suit in federal court to stop the prohibited action once you have given 30 days' advance notice to the Secretary of Health and Human Services, the U.S. Attorney General, and the person or party you are taking action against. It probably will be necessary to obtain assistance in making the complaint. These matters can be complicated, and thus, you may wish to consult a person skilled in the field of age discrimination or an attorney who handles this type of case.

### Credit

The **Equal Credit Opportunity Act** forbids discrimination against an applicant for credit, not only on the basis of age, but also on the basis of sex, marital status, receipt of public assistance benefits, race, color, national origin, or religion.

A creditor wants to make sure that you are both willing and able to repay your debt. Normal items of inquiry include your personal income, your expenses, outstanding debts, and credit history. A creditor may also ask your age, but the use of this information is controlled under the Equal Credit Opportunity Act. Your age may not be used as the basis for a decision to deny or decrease credit if you otherwise qualify. A creditor may ask you about your income, but continually denying credit to applicants without good cause or arbitrarily discounting income is forbidden.