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Employment Practices; Age Discrimination

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Employment Practices

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AB 572 (Banner); STATS 1981, Ch 598

The Equal Employment Opportunities Act\(^1\) prohibits specified discriminatory practices based on race, color, religion, sex, age, physical or visual handicap or national origin\(^2\) against a person\(^3\) by an employer,\(^4\) employment agency,\(^5\) or a labor organization.\(^6\) Prior to the enactment of Chapter 598 any discrimination based on age was prohibited.\(^7\) In 1967 the United States Congress passed the Age Discrimination in Employment Act\(^8\) prohibiting employment discrimination against any worker at least forty but under sixty-five years of age.\(^9\) In an apparent attempt to conform Nevada law to the federal standard, Chapter 598 prohibits discrimination only in the forty to sixty-nine year age group.\(^10\) Specifically, it is not an unlawful employment practice for (1) an employer to fail or refuse to hire or to discharge a person, (2) an employment agency to fail to classify or refer any person for employment, (3) a labor organization to fail to classify its membership or to fail to classify or refer any person for employment, or (4) an employer, labor organization or joint labor-management committee controlling training programs to fail to admit or employ any person in the program, on the basis of his or her age if the person is less than forty or more than sixty-nine years of age.\(^11\)

1. See N.R.S. §§613.310-613.430.
2. See id. §613.330.
3. See id. §613.310 4 (definition of person).
4. See id. §613.310 1(a), (b), (c) (definition of employer).
5. See id. §613.310 2 (definition of employment agency).
6. See id. §613.310 3 (definition of labor organization).
10. See N.R.S. §§613.330, 613.350 3. See also id. §613.350 5 (adherence to the terms of a bona fide employee benefit plan does not excuse the failure to hire a person more than 40 but less than 70 years of age).
11. Id. §613.350 3.

Selected 1981 Nevada Legislation