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Employment Practices

Employment Practices; age discrimination

N.R.S. §§613.330, 613.350 (amended).
AB 572 (Banner); STATS 1981, Ch 598

The Equal Employment Opportunities Act¹ prohibits specified discriminatory practices based on race, color, religion, sex, age, physical or visual handicap or national origin² against a person³ 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 Act⁸ 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).

7. See *id.* §§613.330, 613.350. Cf. N.R.S. §281.370 (discrimination against public employees), *Clark County School Dist. v. Beebe*, 91 Nev. 165, 533 P.2d 161 (1975) (age discrimination against a public employee).

8. See 29 U.S.C. §§621-634 (1976).

9. See 29 U.S.C. §631 (1976).

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.