



AGE DISCRIMINATION IN EMPLOYMENT

The Advocacy Center (AC) is a statewide non-profit agency providing free legal services to senior citizens and persons with disabilities.

THE LAW

The federal Age Discrimination in Employment Act (ADEA) was passed by Congress “to promote employment of older persons based on their ability rather than age and to prohibit age discrimination in employment . . .” The ADEA protects people who are forty years of age or older. The law applies to employment practices of employers, employment agencies, and labor organizations. Employment practices include hiring, discharge, promotion, demotion, fringe benefits, training opportunities, working hours, and compensation. Louisiana state law also prohibits age discrimination by employers, employment agencies, and labor organizations.

If you believe you have suffered age discrimination in employment, you may wish to file a complaint with the Equal Employment Opportunity Commission (EEOC) or go to court, or both.

IF YOU DECIDE TO FILE A COMPLAINT:

File a charge of discrimination with the EEOC, 1555 Poydras Street, Suite 1900, New Orleans, LA 70112; 1-800-669-4000 (voice); 1-800-669-6820 (TDD); 504-595-2887 (FAX), and/or with the Louisiana Commission on Human Rights; P.O. Box 94004; Baton Rouge, LA 70804-94004; (225) 342-6969 (voice); 1-888-248-0859 (TDD); (225) 342-2063 (FAX). The charge must include your name, address, telephone number, and Social Security number, the name physical address, and telephone number of the discriminating entity, the approximate date(s) the discriminatory act took place, and the basis of the discrimination - age.

You must file an EEOC complaint within 300 days after the discriminatory act occurred. You must file a complaint with the Louisiana Commission on Human Rights within 180 days after the discriminatory act occurred.

IF YOU DECIDE TO GO TO COURT:

1. You may file suit in state or federal court sixty days after you file your complaint or “charge” with the EEOC.
2. You must file suit under the federal ADEA within 90 days of the EEOC’s termination of the proceedings.
3. You must file suit under the Louisiana state law prohibiting age discrimination within one year from the date of the discrimination. This one-year period is suspended for up to six months pending any review by the EEOC or the Louisiana Commission on Human Rights.
4. You may ask for a jury trial.

IF YOU FILE A COMPLAINT OR GO TO COURT:

1. File for unemployment compensation (if you qualify) and continue to seek other employment.
2. Keep a written record of your recollection of events leading to the unlawful discriminatory act, and, if applicable, keep a written diary of steps you have taken to seek other employment.

REMEDIES UNDER THE ADEA

1. Back pay or lost wages.
2. Reinstatement or equitable relief. Equitable relief is a remedy that would be fair but that does not involve money damages.
3. A court order to stop the discrimination. For example, reinstatement of the employee while the lawsuit is proceeding.
4. Front pay of wages covering the period between the discriminatory act and the time the employee-plaintiff would retire.
5. Other benefits. For example, restoration of seniority rights, lost health insurance and sick leave benefits, etc.
6. Punitive damages are not available under the ADEA but may be available under state law. Other monetary damages may be available in certain limited circumstances.
7. In *Kimel v. Florida Board of Regents*, the Supreme Court held that damages for employment discrimination under the federal ADEA are not available when the employer is a state or state agency.

For Assistance:

Call: TOLL-FREE 1-800-960-7705 (Voice and TDD)
Write: 1010 Common Street, Suite 2600, New Orleans, LA 70112
Visit our website: www.advocacyla.org

AC has offices in New Orleans, Baton Rouge, Lafayette, and Shreveport.

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