

Have any of these things ever happened to you?

- › You didn't get hired because the employer wanted a younger-looking person to do the job.
- › You were passed over for training courses and then got a negative job evaluation because you were not "flexible" in taking on new assignments.
- › You got fired or laid off because your boss wanted to keep younger workers who are paid less.
- › You received undeserved negative performance evaluations and then your employer used your "record" of poor performance to justify a demotion or termination.
- › You were well-qualified, yet got turned down for a promotion to a mid-management job, which went to someone younger, who was hired from the outside because the company says it "needs new blood."

If you answered "yes" to any of these, you may be a victim of age discrimination.

If you believe  
that you  
have been  
discriminated  
against...

Call or visit:

**City of Lawrence, Kansas  
Legal Department,  
Human Relations Commission,  
and  
Human Relations Division**

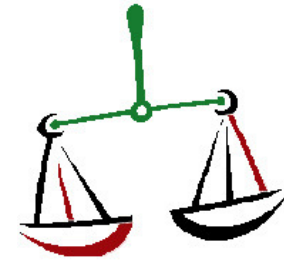
1006 New Hampshire  
Municipal Court Bldg.  
Office of the City Prosecutor  
Lawrence, Kansas 66044

Phone: 785-832-3310  
Fax: 785-832-3315  
humanrelations@ci.lawrence.ks.us

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# Age Discrimination in Employment

Information for Employees and Job  
Applicants



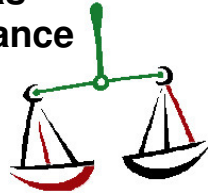
**City of Lawrence, Kansas  
Legal Department  
Human Relations Division  
and  
Human Relations Commission**

1006 New Hampshire  
Lawrence, KS 66044  
785-832-3310  
785-832-3315 FAX  
Office Hours:  
8:00 a.m. to 5:00 p.m.  
Monday—Friday



**City of Lawrence**

# City of Lawrence, Kansas Human Relations Ordinance Prohibits Age Discrimination in Employment



**Age discrimination can be obvious,** such as a bank hiring a pretty, inexperienced young woman as a teller instead of an older woman with a strong background in similar jobs. But it's the subtler forms of age discrimination that may have the most powerful effect on cutting short the productive years of Americans--the law partner who is moved to a smaller office when he passes 60, the 50-year-old professional who knows hard work won't bring any more promotions, the vacancy filled by a younger staff member before older workers even know about it, and the new boss who makes life so miserable for the 60-year-old secretary he inherits, that she quits.

In accordance with the Federal Age Discrimination in Employment Act of 1967 and Kansas State laws, as well as **Chapter X, Article I of the Code of the City of Lawrence, Kansas**, it is unlawful for an employer to discriminate against a person because of his/her age with respect to any term, condition, or privilege of employment -- including, but not limited to: hiring, firing, promotion, layoff, compensation, benefits, job assignments or training.

The law applies to both employees and job applicants.

It is also unlawful to retaliate against an individual for opposing employment practices that discriminate based on age or for filing an age discrimination complaint, testifying, or participating in any way in an investigation, proceeding, or litigation.

Age discrimination is sometimes allowed to continue with surprisingly little protest because of long-held assumptions that it is right and proper for older workers to move aside to make room for younger workers who need to support families, that older workers are less competent, and that there's no mileage in training them for new jobs.

People under forty years old are not protected by age discrimination in the workplace laws. If an employer refuses to hire somebody because he or she is thirty-nine, and therefore "too young", that is not illegal. But if it's because he or she is forty and "too old", that is illegal.

**Age discrimination has some special aspects that make it different from other types of employment discrimination.**

## Golden Handshakes

"Golden handshakes", are special packages to employees who agree to take early retirement. This is not age discrimination. However, if it is being done for the purpose of getting rid of older workers just because of their age, and if it can be shown that there is a real discriminatory motive, that is illegal.

## Replacing Higher Earners and Age Discrimination in the Workplace

It is not illegal to replace people who are making high wages with people who will make less because they have less seniority. However, this usually means replacing older workers with younger ones. If the wage considerations are not the real motivator, and the employer is actually trying to replace older workers with younger ones, that is illegal. Here, the employee must prove that it is the age, not the wages, which is motivating the employer to fire the older workers.

The Human Relations Division accepts both informal and formal complaints.

For informal complaints, the staff will aid you in resolving the matter and will offer advice and/or appropriate referrals.

For formal complaints, an investigator thoroughly investigates the matter and makes recommendations to the Executive Director of the Commission. A Human Relations Commissioner reviews the investigation and also makes recommendations to the Executive Director who decides whether probable cause exists. If so, the matter may go before the Human Relations Commission for a public hearing, or to court.

A complaint must be filed with the Human Relations Division within 90 days of the incident.

Whether you want to just talk, obtain more information, or take action to remedy the situation, you may contact the Human Relations Division. Our office can answer your questions, accept complaints, give you information on mediation, informal resolution and formal grievance procedures, help you decide what action to take, and explain how you are protected from retaliation.

**Ability, not age, should determine an individual's qualifications for getting and keeping a job.**



City of Lawrence