

Age Discrimination

Age discrimination claims, which involve treating an applicant or employee who is over 40 less favorably because of his or her age, have risen dramatically in the past few years as baby boomers have chosen to work for longer than the generation before them. The Age Discrimination in Employment Act (ADEA) forbids discrimination when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, training, and any other term or condition of employment. It is also unlawful to harass or create a hostile work environment for a person because of his or her age, or to retaliate an employee for opposing or complaining about age discrimination. If your agency asks you to waive your rights or claims under the ADEA, the attorneys at Tully Rinckey PLLC can give you advice on how to proceed under the Older Workers Benefit Protection Act. It is important to understand your rights before agreeing to an ADEA waiver. Such waivers are commonly sought in settling ADEA discrimination claims or in connection with exit incentive programs, but the ADEA sets out specific minimum standards that must be met in order for a waiver to be considered knowing and voluntary and, therefore, valid. Among other requirements, a valid ADEA waiver must: be in writing and be understandable; specifically refer to ADEA rights or claims; not waive rights or claims that may arise in the future; be in exchange for valuable consideration in addition to anything of value to which the individual already is entitled; advise the individual in writing to consult an attorney before signing the waiver; and provide the individual at least 21 days to consider the agreement and at least seven days to revoke the agreement after signing it. Tully Rinckey, PLLC can represent clients at every stage of the federal government's EEO process, from initial EEO counselor contact all the way through appeals in federal court. Call 202-787-1900 today for a consultation on your issue.