

MEMBERS PRESENT: Chairman Banner
 Vice Chairman Thompson
 Mr. Bennett
 Ms. Foley
 Mr. Jeffrey
 Mr. Rhoads
 Mrs. Cafferata
 Mr. Rackley

MEMBERS ABSENT: Mr. Hickey

GUESTS PRESENT: (See attached guest list)

Mr. Banner called the meeting to order at 5:00 p.m.

AB-572: Limits prohibitions against discrimination based on age.

Mr. Robins Cahill, representing the Nevada Resort Association, stated that this bill was requested by this Association. He indicated that it conforms with the federal law in that it is unlawful to discriminate against employees or applicants between the ages of 40 and 70. But Nevada law has no limits, and therefore a person who is 80 years old and unable to do the work could file a discrimination suit.

Mr. Banner stated that the provisions of this bill were taken from the "Age Discrimination in Employment Act of 1967", attached hereto as EXHIBIT A.

Mr. Bill Champion, Personnel Director of MGM Grand, Las Vegas, in speaking for the bill stated that it conforms to the federal law, and that where there is a complaint, it goes to the Nevada statutes instead of through the federal statutes.

Claude Evans, Secretary-Treasurer of State AFL-CIO, added "We join with out fellow management people in support of this bill".

Mr. Ed McGoldrick, Nevada Labor Commissioner, stated that the law now without the restrictions is very favorable to the state apprenticeship program in that Nevada has no age limit.

A discussion followed pertaining to and clarifying various sections of the bill.

Mrs. Cafferata moved DO PASS, seconded by Mr. Thompson and carried unanimously by members present with Mr. Hickey absent. (8-0)

The meeting adjourned at 5:30 p.m.

Respectfully submitted,
Christine Shaw
Lora Day
 Christine Shaw,
 Lora Day, Secretaries

61st NEVADA LEGISLATURE
ASSEMBLY COMMITTEE ON LABOR
LEGISLATION ACTION

DATE 4/28/81

SUBJECT AB-572
Limits prohibitions against discrimination based on age.

MOTION:
 Do Pass X Amend _____ Indefinitely Postpone _____ Reconsider _____
 Moved By: Mrs. Cafferata Seconded By: Mr. Thompson

AMENDMENT:

 Moved By: _____ Seconded By: _____

AMENDMENT:

 Moved By: _____ Seconded By: _____

	<u>MOTION</u>		<u>AMEND</u>		<u>AMEND</u>	
<u>VOTE:</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>	<u>Yes</u>	<u>No</u>
FOLEY	<u>X</u>	_____	_____	_____	_____	_____
RHOADS	<u>X</u>	_____	_____	_____	_____	_____
HICKEY	<u>absent</u>	_____	_____	_____	_____	_____
THOMPSON	<u>X</u>	_____	_____	_____	_____	_____
BANNER	<u>X</u>	_____	_____	_____	_____	_____
BENNETT	<u>X</u>	_____	_____	_____	_____	_____
JEFFREY	<u>X</u>	_____	_____	_____	_____	_____
CAFFERATA	<u>X</u>	_____	_____	_____	_____	_____
RACKLEY	<u>X</u>	_____	_____	_____	_____	_____
<u>TALLY:</u>	<u>8</u>	<u>0</u>				

ORIGINAL MOTION: Passed XX Defeated _____ Withdrawn _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____
 AMENDED & PASSED _____ AMENDED & DEFEATED _____

¶ 211 Age Discrimination in Employment Act of 1967

It is unlawful to discriminate against employees or job applicants on account of age when they are between the ages of 40 and 70 years (40 to 65 until January 1, 1979), the range of protected coverage granted by the federal Age Discrimination in Employment Act of 1967 (.01). Employers employing 20 or more workers for at least 20 weeks a year are subject to the Act, as are labor unions with 25 members, employment agencies, and apprenticeship and training programs which operate to provide referral services to employees in interstate commerce (.011).

Amendments to the Fair Labor Standards Act in 1974, which extended the age bias law to state and local employees, as well as federal workers (.012), have been held invalid as regards the authority of Congress to act under the Commerce Clause of the Constitution to apply the minimum wage and overtime pay standard to traditional functions of state government (.10). Thus, application of the law to local government employees is not precisely clear. Employment at the United Nations has been considered as not covered by the law (.08).

The Act generally bars age bias against the protected age group with respect to hiring, discharge, and classification of employees and job applicants. Because of the degenerative factors, age may be an occupational qualification necessary to the normal operation of a business, however. Job practices based on age may be permitted, if a danger to public safety would otherwise be presented. For example, a bus company's refusal to hire drivers over age 35 was upheld on the ground that age related to the business necessity of having safe and efficient bus drivers (.15).

Prior to the 1978 amendments to the law, early retirement of a worker under an employee benefit plan did not violate the law, even without a showing of a business need for the policy (.20). The changes in the law made the forced retirement of employees under 65 years illegal after April 6, 1978. Mandatory retirement after 65 and before 70 years of age is unlawful after January 1, 1979 (.013).

Administration of the Age Discrimination in Employment Act originally was placed under the Office of the Secretary of Labor. This enforcement authority was transferred to the Equal Employment Opportunity Commission, effective July 1, 1979, by Presidential Order (.02). Thus, the EEOC has the power to investigate charges and to institute court actions of its own for enforcement purposes (.014). Civil suits are provided for under the Act, and criminal penalties may be imposed against individuals forcibly resisting or otherwise interfering with an enforcement agent performing duties under the Act (.015). Employees and job applicants are protected from disciplinary actions or the denial of employment rights for having opposed violations of the age ban (.016).