

Pa. police officer brings federal age discrimination claim

Written by Australian Business

October 12, 2013 /**24-7PressRelease**/ -- Pa. police officer brings federal age discrimination claim

Article provided by Logan & Logan Visit us at <http://www.loganlawfirm.net>

In late August 2013, a part-time, 57-year-old Pennsylvania police officer filed a federal age discrimination lawsuit alleging that he was repeatedly passed over for promotion to full-time work in favor of younger colleagues, according to the Tribune-Review. James Davis Jr. is an officer in Adams Township, a northern Pittsburgh suburb.

Age discrimination

Discriminating against an employee or job applicant aged 40 or older on the basis of age is illegal under both federal and Pennsylvania law. Employment discrimination reaches all aspects of employment and takes many forms beyond the obviously negative actions of laying off, wrongfully discharging, demoting or refusing to hire because of age.

Other types of employment discrimination include:-Failure to promote, as Davis alleges.-Failure to provide equal compensation, benefits, training, assignments or perks.-Institution of a policy that negatively impacts older workers.-And more.

Federal age discrimination

The Age Discrimination in Employment Act of 1967, known as the ADEA, is the main federal law protecting workers and job applicants age 40 or older. The ADEA prohibits age discrimination by federal, state and local governments and private employers with at least 20 employees. Employment agencies may not fail to refer otherwise qualified job candidates age 40 or older. Certain provisions also apply to labor unions.

An employer may defend an ADEA claim with a legitimate, nondiscriminatory reason for the adverse employment action like insubordination or poor work quality. In narrow situations, age preference may be valid, such as in an acting job portraying a younger character. In certain

Pa. police officer brings federal age discrimination claim

Written by Australian Business

situations, mandatory retirement is also allowed.

Federal law also prohibits verbal or other harassment based on age that creates a hostile work environment that unreasonably interferes with the targeted employee's performance or results in a negative employment action like discharge.

Finally, an employer may not retaliate against an employee for complaining about or suing for age discrimination, or for acting as a witness or cooperating in an investigation of such a claim.

The Equal Employment Opportunity Commission or EEOC is the federal agency that enforces the ADEA and other anti-discrimination laws. An age discrimination charge must first be filed with the EEOC for investigation and resolution outside of court, if possible. If the agency finds the claim to be valid, the matter may be resolved through conciliation or mediation, or later brought to court.

Pennsylvania age discrimination

Pennsylvania has a comparable state law forbidding age discrimination in employment for those 40 or older, with a similar legal path involving the Pennsylvania Human Relations Commission and state courts. Age discrimination at the state level, however, applies to much smaller employers than the federal law does -- those with four or more employees. Pennsylvania and federal age discrimination laws also apply to some different types of employers.

Some local ordinances in Pennsylvania communities provide additional protections.

Seek legal counsel

Any Pennsylvanian who believes that he or she was subjected to illegal age discrimination at work should discuss it with an experienced Pennsylvania employment law attorney who handles such claims, both federal and state. A knowledgeable lawyer can advise the victim of potential

legal remedies like an age discrimination claim or lawsuit.

Skilled legal counsel can be crucial because employment discrimination claims have many deadlines and complexities that can be difficult for a lay person. In addition, different types of damages may be available depending whether federal or state claims are filed, a sometimes complicated legal question.

Depending on the situation, damages may be available for back pay, front pay, reinstatement, future wages and benefits lost, legal fees, and more.