

FACT SHEET ABOUT

Basic Requirements of the Age Discrimination Act of 1975

The Age Discrimination Act of 1975 prohibits discrimination on the basis of age in program participation and excludes from coverage most employment practices except for programs funded under the public services employment titles of the Job Partnership Training Act.

- Covers recipients of federal financial assistance
- Applies to persons of all ages
- Age distinctions allowed by Federal, State, or local statutes are permissible (i.e. senior discounts)
- Age distinctions are authorized when recipient action reasonably takes into account age as a factor necessary to the normal operation or the achievement of any statutory objective of a program (i.e. age is used to measure other characteristics such as weight, height, and strength for youth sports)
- Special benefits for elderly are presumed to be necessary for normal operations and are not discriminatory
- Burden of proof of age exceptions is on recipients
- Notification must be provided continuously to beneficiaries and participants that recipient programs are open to all on a non-discriminatory basis regardless of one's age. The notification must, also, describe how and to which Federal agency one may complain.
- Complaints must be filed within 180 days of alleged discrimination
- Written assurances not to discriminate based on age must be provided with every application for assistance
- Department of the Interior (DOI) may conduct compliance reviews (Pre and Post award)
- DOI May require recipient to complete a written self-evaluation or assessment of age distinctions as part of a compliance review
- Recipients are required to keep pertinent records and provide DOI with information and reports as requested
- If non-compliance is found, DOI will attempt to secure voluntary compliance by referring complaint for mediation to the Federal Mediation Conciliation Service (FMCS).
- When determined voluntary compliance cannot be achieved, DOI may terminate financial assistance after hearing process and/or refer to the Department of Justice



- Unclear if agencies have authority to withhold grants if pre and post-award noncompliance found-usually funds are not withheld and voluntary resolution efforts continue

