



# COMPLIANCE@WORK

An educational resource for Legislative Branch employees and employers to help understand workplace rights and legal responsibilities under the Congressional Accountability Act of 1995

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## *The Age Discrimination in Employment Act, as applied by the Congressional Accountability Act*

Employment  
Law Series

Section 201 of the [Congressional Accountability Act](#) (CAA) applies the protections of the [Age Discrimination in Employment Act of 1967](#) (ADEA) to Legislative Branch employees.

The CAA protects [covered employees](#) age 40 or older from discrimination based on age. The law forbids the use of age as a motivating factor in personnel actions. This includes hiring, discharge, promotion, pay, benefits, reassignment, and other personnel actions affecting the terms and conditions of employment.

### UNLAWFUL ACTIONS BASED ON AGE INCLUDE:

- Refusing to hire, or discharging a covered employee.
- Refusing to provide equal compensation, or other terms, conditions, or privileges of employment to a covered employee.
- Limiting, segregating, or classifying a covered employee in any way that would deprive or tend to deprive him or her of an employment opportunity.

### LAWFUL ACTIONS BASED ON AGE MAY INCLUDE:

- Individuals younger than forty are not protected.
- Bona fide seniority or merit systems are lawful, provided they are not instituted to discriminate on the basis of age.
- Advertising or hiring on the basis of age only where age is a “bona fide occupational qualification” and reasonably necessary to the essence of the business.

### TO ESTABLISH A CLAIM OF AGE DISCRIMINATION

An employee must demonstrate that they were treated differently from others in similar circumstances, and that age was a motivating factor in that treatment. Proving motivation depends on the facts of a particular case.

### ENFORCEMENT AND REMEDIES

Covered employees may pursue claims under the CAA through the Office of Compliance for discrimination, harassment, or retaliation on the basis of age. A covered employee may have a right to be hired, reinstated, or promoted. In addition, an employee may be entitled to unpaid wages or overtime compensation and liquidated damages.

For more information contact the Office of Compliance at 202-724-9250 or visit our website [www.compliance.gov](http://www.compliance.gov). Also, remember to follow us on Twitter: @LegBranch\_OOC.

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