

**AB1599**  
**Age Discrimination in Employment Benefits**  
**Amendment to the Fair Employment and Housing Act (FEHA)**  
**Effective: 1/1/03**

This bill amends current FEHA law and makes it an unlawful employment practice to discriminate on the basis of age (age discrimination was previously addressed in another section of the Labor Code). How this affects employers is that (subject to certain exceptions), an employer may not refuse to select a person for a training program leading to employment, to bar or discharge the person from employment or from a training program leading to employment, or to discriminate against the person in compensation or in the terms, conditions, or privileges of employment on the basis of age (40+).

The bill does not preclude promotions within existing staff, hiring or promotion on the basis of experience and training, or hiring under specified established recruiting programs.

This bill was signed specifically to counteract and reject the recent judicial interpretation of FEHA law in the case of *Esberg v. Union Oil Company of California*. In this case, the employer refused to permit an employee to participate in an educational reimbursement plan due to his age. The court had determined that FEHA did not extend to employment benefits. This law corrects and adds this language to FEHA.