

U.S. Supreme Court Rules on Age Discrimination in Employment Act

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U.S. Supreme Court Rules That All States and Political Subdivisions Must Comply With the Age Discrimination in Employment Act, Regardless of Size

Due to a recent decision by the United States Supreme Court in *Mount Lemmon Fire District v. Guido*, No. 17–587, 2018 WL 5794639 (Nov. 6, 2018), all states and their political subdivisions must comply with the Age Discrimination in Employment Act (“ADEA”), the federal law that prohibits employers from discriminating against certain individuals based on age.

In *Mount Lemmon*, a political subdivision in Arizona (a fire department) laid off its two oldest firefighters. They sued the fire department for age discrimination under the ADEA. The fire department argued that the ADEA did not apply because the department had fewer than twenty employees. The case made its way to the Supreme Court, which agreed to address the following question: does the ADEA apply to all states and their political subdivisions, or only those that have twenty or more employees?

In a unanimous decision, the Supreme Court ruled that the ADEA applies to all states and their political subdivisions, regardless of size. The Supreme Court held that the ADEA’s plain text distinguishes between private employers and states and their political subdivisions. Specifically, the ADEA expressly imposes a twenty employee requirement for private employers; if the private employer does not have twenty or more employees, the ADEA does not apply. But for states and their political subdivisions, the Supreme Court ruled that no such numerical requirement applies. The ADEA thus applies to all states and their political subdivisions, regardless of size.

In light of this decision, states and their political subdivisions (such as counties, cities, townships, and boroughs) must ensure that they understand their obligations under the ADEA. Among other things, they must refrain from terminating or refusing to hire individuals based on age, or discriminating based on age in other ways against employees regarding their compensation, terms, conditions, or privileges of employment. Otherwise, states and their political subdivisions may have a federal lawsuit on their hands.

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