

Supreme Court: Age Discrimination in Employment Act Applies to All State, Local Government Employers

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The Age Discrimination in Employment Act (ADEA) applies to state and local government employers, regardless of their size, the U.S. Supreme Court has ruled in a unanimous (8-0) seven-page decision. *Mount Lemmon Fire District v. Guido*, No. 17-587 (Nov. 6, 2018).

The Court's ruling resolves a significant circuit split among the Sixth, Seventh, Eighth, and Tenth Circuits, on the one hand, and the Ninth Circuit, on the other.

The Court rejected an Arizona fire district's argument that it could not be held liable for age discrimination under the ADEA because the Act applies only to state and private employers with at least 20 employees.

The ADEA defines "employer" as a person "engaged in an industry affecting commerce who has 20 or more employees The term also means (1) any agent of such a person, and (2) a State or political subdivision of a State." 29 U.S.C. § 630(b).

Affirming the U.S. Court of Appeals for the Ninth Circuit, the Court held that a natural reading of "also means" indicates a new category of employers that is not subject to the 20-employee threshold set forth in the first part of the definition. Based on this interpretation, the Court ruled that the ADEA applies to state and local employers, regardless of their size.

Justice Ruth Bader Ginsburg wrote the opinion for the Court, and Justice Brett Kavanaugh took no part in the consideration or decision of the case.

In light of this decision, small state and local government entities may need to reevaluate some of their employment practices. Jackson Lewis attorneys are available to assist with this process.

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