

SUPREME COURT CLARIFIES AGE DISCRIMINATION LAW

By Karen Sutherland

LEGAL BACKGROUND

The United States Supreme Court clarified the Age Discrimination in Employment Act (“ADEA”) in a case called *General Dynamics Land Systems, Inc. v. Cline*. While the Court’s ruling focuses on one aspect of the law, “reverse discrimination,” the issuance of this decision is a good opportunity to review some of the other aspects of the ADEA as well.

In the *General Dynamics* case, the employer had negotiated a change in benefits with a union that eliminated post-retirement health benefits for employees who were under the age of 50 at the time the contract was signed. Since the ADEA protects workers over the age of 40 from age discrimination in employment, employees who were between the ages of 40 and 49 filed suit, claiming that they were being discriminated against because of their age.

The gist of the Court’s ruling was that the ADEA uses age 40 as the age where its protection starts, but that its intent was to protect older workers from being discriminated against in favor of younger workers. In the *General Dynamics* situation, it was the relatively younger workers (aged 40-49) who complained that the older workers were being treated favorably. The Court’s ruling rejected the EEOC’s interpretation of the statute, which would have allowed “reverse discrimination” claims by workers who were over 40 when workers who were older than them received favorable treatment. The Court also noted that there were many programs under various federal laws that provided benefits only to people over a certain age, such as 55, and that the EEOC’s interpretation would mean that those benefits plans could be in conflict with the ADEA, which was not what Congress seems to have intended.

As a result, employees who are over 40 cannot be discriminated against in favor of employees under 40, but having policies or benefits that favor older employees (such as employees over 50 or over 55) over younger employees (who are over 40 but less than 50 or 55) is not discriminatory under the ADEA.

This brief article is a broad summary only. It lacks specificity about the law and about the effects of different fact patterns, and thus shall not be applied without consulting an attorney. It also focuses on Washington State law and federal law, and the laws of other jurisdictions may vary materially. The information set forth in this article is a broad and general overview of complex topics, and is not legal advice. It also does not take into account any changes to the law or in interpretations of the law that may have occurred since it was written. For more information, contact Karen Sutherland at ksutherland@omwlaw.com