

Court Rules ADEA Applies To All Governmental Entities Regardless Of Size

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When two firefighters were terminated to cut costs, they sued under the [Age Discrimination Employment Act](#), alleging they were discriminated against based on their ages. The fire department argued that it did not have enough employees to qualify as an employer under the Act. The Act provides: The term employer means a person engaged in an industry affecting commerce who has twenty 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). The Ninth Circuit held that the statute created two separate groups of employers, the first with a numerosity limitation, and the other (political subdivisions) without one. In [Mount Lemmon Fire District v. Guido](#), the Court, in a unanimous opinion by Justice Ginsburg (with Justice Kavanaugh not participating), affirmed, holding that the words also means created a separate and distinct group from the one before. The Court likened the language in the Act to language in the Fair Labor Standards Act that had the same effect.

TAGGED: Fair Labor Standards Act, ADEA, Age Discrimination Employment Act, Mount Lemmon Fire District v. Guido, 29 U. S. C. §630(b)