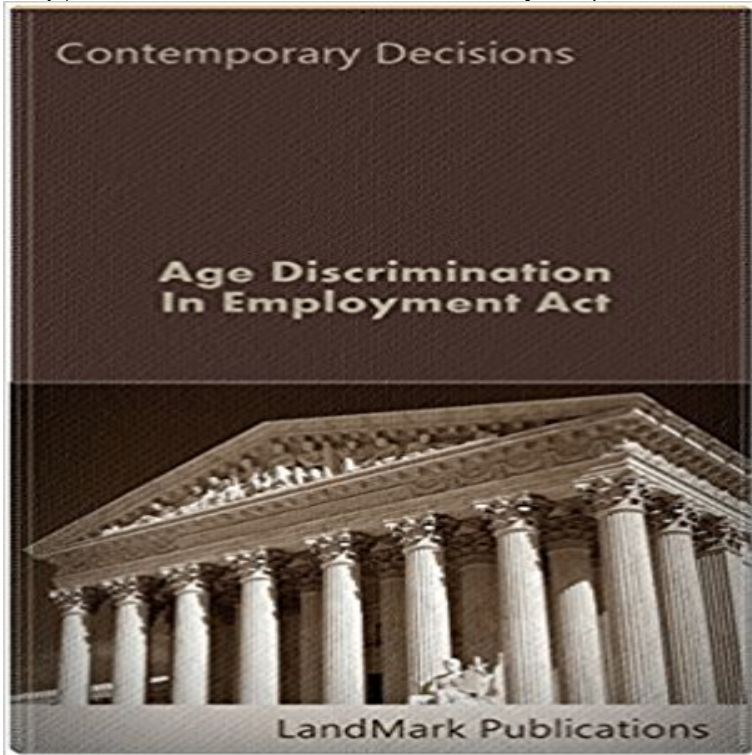


Age Discrimination In Employment Act (Employment Law Series)



THIS CASEBOOK contains a selection of 22 U. S. Court of Appeals decisions that analyze and interpret provisions of the ADEA (Age Discrimination in Employment Act). The selection of decisions spans from 2012 to the date of publication. The broad purpose of the ADEA is to insure that older individuals who desire work will not be denied employment. *Bruno v. Western Elec. Co.*, 829 F.2d 957, 967 (10th Cir. 1987). To this end, the ADEA provides for legal and equitable relief, including reinstatement, back-pay, and other pecuniary benefits associated with the job, but it does not permit the recovery of compensatory damages. See 29 U.S.C. 633a(c) (authorizing civil actions for legal or equitable relief); *Villescas v. Abraham*, 311 F.3d 1253, 1260 (10th Cir. 2002) (Congress had another opportunity to enlarge the remedies available under the federal employee ADEA when it amended Title VII and other Acts in the Civil Rights Act of 1991 to permit compensatory damages, subject to caps, and it conspicuously chose not to do so for ADEA claims.); *Collazo v. Nicholson*, 535 F.3d 41, 44-45 (1st Cir. 2008) ([T]he [ADEA] does not allow compensatory damages for pain and suffering . . . [but permits recovery] for only those pecuniary benefits connected to the job relation, including unpaid wages or overtime compensation. (citations and internal quotation marks omitted)). *Ridgell-Boltz v. Colvin*, (10th Cir. 2014) The ADEA prohibits employers from discharging an employee who is at least 40 years of age because of that employees age. 29 U.S.C. 623(a)(1), 631(a). The ADEA provides, in relevant part, that [i]t shall be unlawful for an employer ... to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment,

because of such individuals age. *Id.* 623(a)(1). In *Gross v. FBL Financial Services, Inc.*, 557 U.S. 167, 176, 129 S.Ct. 2343, 2350, 174 L.Ed.2d 119 (2009), the Supreme Court held that the language because of in the ADEA statute means that a plaintiff must prove that discrimination was the but-for cause of the adverse employment action. See *id.* (To establish a disparate-treatment claim under the plain language of the ADEA, therefore, a plaintiff must prove that age was the but-for cause of the employers adverse decision.); see also *id.* (explaining that the claim cannot succeed unless the employees protected trait actually played a role in [the employers decision-making] process and had a determinative influence on the outcome) (citing *Hazen Paper Co. v. Biggins*, 507 U.S. 604, 610, 113 S.Ct. 1701, 1706, 123 L.Ed.2d 338 (1993)); W. Keeton, D. Dobbs, R. Keeton & D. Owen, *Prosser and Keeton on Law of Torts* 265 (5th ed. 1984) (An act or omission is not regarded as a cause of an event if the particular event would have occurred without it.). *Sims v. MVM, Inc.*, 704 F. 3d 1327 (11th Cir. 2013) A plaintiff can establish age discrimination through either direct or circumstantial evidence. *Mora v. Jackson Meml Found., Inc.*, 597 F.3d 1201, 1204 (11th Cir.2010). [. . .] The burden of persuasion always remains on the plaintiff in an ADEA case to proffer evidence sufficient to permit a reasonable fact finder to conclude that the discriminatory animus was the but-for cause of the adverse employment action. See *Gross*, 557 U.S. at 176, 129 S.Ct. at 2350. *Sims v. MVM, Inc.*, *ibid.*

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First the employer may show that it had a factual basis for believing that. **Age Discrimination in Employment Act (ADEA) HR Topics for** THIS CASEBOOK contains a selection of 22 U. S. 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The ADEA was passed by Congress in December 1967 and signed into law by In the EEOCs view, the viability of the RFOA defense depends on the employers ability to show **HOW DO AGE DISCRIMINATION LAWS AFFECT OLDER WORKERS?** Federal and state laws prevent an employer from discriminating against job applicants of these laws, the federal Age Discrimination in Employment Act (ADEA), was discriminated against on the basis of age, the employee must show that **Age Discrimination in Employment Act (ADEA) - Employment Law** The Age Discrimination in Employment Act (ADEA) is a federal law that forbids Employers must not discriminate on the basis of age at any stage of the After you

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