

# Municipalities Subject to Age Discrimination Act Regardless of Size

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State and local government entities - regardless of the number of workers they employ - must follow the regulations of the Age Discrimination Employment Act after a U.S. Supreme Court decision Tuesday.

Arizona's Mount Lemmon Fire District, a political subdivision, laid off two of its oldest full-time firefighters in 2009 and the two firefighters sued claiming discrimination under the ADEA. The fire district asserted that the law was not applicable because it was too small to qualify as an "employer" under a provision of the statute.

The law applies to private employers of 20 or more employees. There was a split in the federal courts as to whether this threshold also applied to state and local government entities. The Supreme Court [settled the issue](#) in ruling that the 20 or more employee threshold did not apply to public employers but instead applied to all state and local government entities regardless of size.

Our employment law attorneys routinely represent municipalities in discrimination matters, including age discrimination cases. We also provide counseling to employers on workforce reduction plans and assist clients in mitigating age discrimination risks attendant to such plans.

If you have any questions on Tuesday's ruling and how it can apply to your public entity, please [contact me](#) or any member of the [Barley Snyder Employment Law Practice Group](#) for assistance.

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