



NATIONAL CAMPAIGN TO **RESTORE CIVIL RIGHTS**

SENIOR CITIZENS' RIGHTS

Since the 1930s, older Americans have had protections in their later years—from Social Security to Medicare, and, more recently, with the Age Discrimination in Employment Act. Passed in 1967, this law was intended to protect older Americans from discrimination on the job as long as they are qualified and can do the job. Now, however, all these protections are under attack.

For example, in Florida, employees of the state university took their employer to federal court because the university's salary policies discriminated against them and all older workers. The Supreme Court ruled, however, that Congress couldn't make states liable for violating the Age Discrimination in Employment Act, even if the employees can prove the state discriminated against them.

In another recent case, Walter Biggins, a 62-year-old, was fired from his job as a chemist just a few weeks before he would have qualified for a pension, and replaced with a 35-year-old. Mr. Biggins claimed that he was fired so the company would not have to pay him retirement money, and that this had a discriminatory effect on older workers. The Supreme Court took the case and—in another blow to older Americans—decided that firing an employee in order to keep that employee from receiving pension benefits does not violate the Age Discrimination in Employment Act of 1967 (ADEA).

In a March 2005 decision, the Supreme Court ruled that workers could take their employers to court for policies that discriminate against them based on age. However, the court also ruled that employers could, in fact, discriminate if they can prove the policy in question was based on reasonable factors other than age. While the Supreme Court's decision will keep the courthouse doors open for older workers, it makes age-discrimination cases harder and harder to prove.

For more information on senior citizens' rights and the courts, please contact the National Campaign to Restore Civil Rights at: rollback@nylpi.org.

For detailed case information, please see the below:

- [*Kimel v. Florida Board of Regents*](#) (528 U.S. 62, 2000)
- [*Hazen Paper Company v. Biggins*](#) (507 U.S. 604, 1993)
- [*Smith v. City of Jackson*](#) (351 F.3d 183, 2005)