

**Adams v. Florida Power**

122 S.Ct. 1290 (April 1, 2002)

The Supreme Court dismissed (without opinion) the appeal of the decision by the Eleventh Circuit Court of Appeals (No. 99-15306, July 5, 2001) that held that disparate impact claims may not be brought under the Age Discrimination in Employment Act. The Court of Appeals noted that Section 623(f)(1) of the ADEA provides that an employer may “take any action otherwise prohibited...where the differentiation is based on reasonable factors other than age.”

The case involved a class action suit brought about by employees of the Florida Power Corporation who were laid off during a series of reorganizations of that company. The FPC argued that such reorganizations were necessary to maintain its competitiveness in the newly deregulated market. Of the 118 individuals laid off, 82 were over the age of 40.

(Note: At the time of the Court of Appeals ruling, the Second, Eighth, and Ninth Circuits allowed disparate impact claims under the ADEA. The First, Third, Sixth, Seventh, and Tenth did not. The Fifth Circuit—including Texas—has not ruled on this issue.)