

Smith v. City of Jackson

S. Ct. (March 30, 2005)

Thirty police officers and dispatchers 40 years or older in Jackson, Mississippi, challenged a performance-pay policy that boosted salaries and ended up favoring younger employees. The plaintiffs claimed this was a violation of the Age Discrimination in Employment Act. The city argued that it needed higher pay for junior officers than for those in higher ranks, where there were more older workers, to make its salaries competitive. Further, the city asserted that the ADEA protected older workers only from intentional discrimination, not from disparities resulting from neutral but disproportionate policies.

In a 5-3 decision, the Supreme Court ruled in favor of the police officers and dispatchers. Justice John Paul Stevens, writing in the lead opinion, stated that when Congress wrote the ADEA, it was concerned with the “effects” an employer’s action had on a worker in addition to the employer’s motivation. At the same time, however, the court limited an employer’s liability for such “disparate impact” claims. The court said employers could defend their practices based on “reasonable factors” beyond age.