

Publications

# Another Reason 40 is the New 30: The ADEA May Not Protect You From Age Discrimination

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**SERVICES**

The Equal Employment Opportunity Commission (EEOC) published proposed rules on August 11, 2006 clarifying that favoring an older individual over a younger individual is not unlawful discrimination under the Age Discrimination in Employment Act (ADEA). *See* 71 Fed. Reg. 155 (Aug. 11, 2006)(to be codified at 29 C.F.R. pt. 1625).

The ADEA prohibits employers from discriminating against employees who are over age 40 on the basis of age. *See* 29 U.S.C. § 631(a). The proposed regulations implement the Supreme Court's ruling in *General Dynamics Land Systems, Inc. v. Cline*, 540 U.S. 581 (2004), in which the Court overturned EEOC guidance permitting reverse age discrimination claims under the ADEA.

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