

HR Weekly Podcast
May 6, 2015

Today is May 6, 2015, and welcome to the HR Weekly Podcast from the State Human Resources Division. This week's podcast discusses a recent lawsuit filed by the Equal Employment Opportunity Commission, or EEOC, against the Blinded Veterans Association, or BVA, concerning age discrimination.

The lawsuit alleges that the BVA violated federal law when it terminated two tenured employees because of their age. The first employee, Lazaro Martinez who was then 76 years old, had worked for the BVA for 34 years. The EEOC said that the BVA officials repeatedly asked Mr. Martinez when he would retire from his position. He replied that he was not considering retirement. About two months later, the BVA announced that it was "reclassifying" certain jobs, which included Martinez's position and that the impacted employees would need to compete for the newly created role. When the BVA selected a younger candidate for the position, the EEOC said he was terminated for age discrimination. The second employee named in the lawsuit is Suzanne Matthews, a 70 year old employee who had worked for the BVA for 15 years. According to the EEOC, her supervisor repeatedly asked her "When are you going to retire?" and "When are you moving to Florida"? The BVA abruptly terminated Ms. Matthews, despite her good performance. Once notified of the termination, she applied for a newly created position, for which she was qualified. The EEOC charged the BVA with firing Ms. Matthews because of her age when they selected an employee who was 20 years younger with only 3 years of service.

The EEOC filed suit against the BVA for violating the Age Discrimination in Employment Act, or ADEA. The EEOC is seeking an injunction prohibiting the BVA from engaging in future age discrimination, lost wages, damages, as well as other affirmative relief.

The ADEA forbids age discrimination and harassment against people who are age 40 and over. The law covers all aspects of employment, including hiring, firing, pay, job assignments, promotions, layoffs, training, fringe benefits, and any other term or condition of employment. Additional information on the ADEA can be found on the EEOC's website: www.eeoc.gov/laws/types/age.cfm. Thank you.