No. 06-1037

Petitioners

v.

Respondent

ON WRIT OF CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE SIXTH CIRCUIT

BRIEF OF AMICUS CURIAE NATIONAL SCHOOL BOARDS ASSOCIATION IN SUPPORT OF PETITIONERS

General Counsel
Counsel of Record

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2004 Comparative Study of Major Public Employee Retirement Systems *passim*

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et seq.

en banc

SUMMARY OF ARGUMENT

See Diane M. Juffras, Early Retirement Incentive Programs: Are they Legal for North Carolina Public Employers, Public Employment Law (June 2006) (http://ncinfo.iog.unc.edu/pubs/electronicversions/pdfs/pelb33.pdf)

bargain

en banc

Id

en banc

ARGUMENT

A. EARLY RETIREMENT INCENTIVE PLANS ARE VOLUNTARY, FISCALLY SOUND, AND DESIRED BY EMPLOYEES.

See, e.g.,

State by

Beaulieu v. Independent Sch. Dist. No. 624

Lyon v. Ohio Educ. Ass'n and Professional Staff Union *overruled by*

agreement
not

See
United Steelworkers of Am. v. American Mfg. Co.

Cline v. General Dynamics Land Systems,

rev'd

Id

en banc

See, e.g., Overlie

citing Trans World Airlines v. Thurston *Northwest Airlines v. Transportation Workers Union of Am.*

and public employees

Jefferson County Sheriff's Dep't

B. THE ADEA PROHIBITS ONLY ARBITRARY AGE BASED EMPLOYMENT DECISIONS.

to prohibit arbitrary age discrimination in employment

Hazen Paper Co.

Id

Id

Id

per se