

Too Old, Bar None

By Reg P. Wydeven
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One of the cheesiest movies of all time is 'Road House,' the 1989 action flick starring Patrick Swayze. Swayze stars as Dalton, an expert "cooler," or head bouncer who trains a bar's tough guys to break up fights and handle unruly customers.

Dalton is hired away from his cushy New York City gig to clean up the Double Deuce saloon in Jasper, Missouri. Not only does he have his hands full with the Deuce's rowdy clientele, he also has to deal with hired thugs sent by Jasper's crime boss who wants the bar shut down. Of course, Dalton not only ends up straightening out the Double Deuce, but he cleans up the whole town and takes down the crime boss in the process.

The movie was the epitome of a 1980s action film: lots of violence, scantily clad girls and a dashing, dramatic protagonist mentored by a surly yet sage guru. Dalton's mentor was Wade Garrett, brilliantly portrayed by Sam Elliott, who handed out nuggets of wisdom while kicking disorderly bar patrons' butts.

While the movie was entertaining, it's not very realistic. I can buy Swayze's character who is well-dressed, drives a Mercedes, has a bachelor of arts in philosophy from NYU yet chooses to be a bouncer. The truly fictional aspect of the flick is Sam Elliott's character, since the Road House allegedly doesn't employ anyone over the age of 40.

The U.S. Equal Employment Opportunity Commission has filed a lawsuit against the Texas Roadhouse chain of restaurants for purportedly rejecting job applicants for being too old. The EEOC's complaint contained quotes from Texas Roadhouse management to hopeful waiters and bartenders like, "We think you are a little too old to work here." They didn't hire older greeters because they were looking for "young, hot ones who are 'chipper'."

According to EEOC senior trial attorney Markus Penzel, Texas Roadhouse is perpetuating "a nationwide pattern of age discrimination." Penzel explained that the EEOC's case consists of "anecdotal evidence—people who said and heard things," the restaurant's own documents, including in-house training videos, and statistical analysis.

Of course, Texas Roadhouse claims their restaurants do not discriminate based on age. Spokesman Travis Doster responded to the suit by saying, "Texas Roadhouse is an equal opportunity employer. We deny the allegations and will defend against these claims in court."

Under federal age discrimination law, anyone over the age of 40 is part of a protected class. The EEOC claims, however, that only 1.9 percent of Texas Roadhouse greeters, waiters, and bartenders, otherwise known as 'front of the house' employees, fall under this category. This percentage is "well below" the percentage of potential job applicants over 40.

Unfortunately, Texas Roadhouse is not alone in its practices. The EEOC has reported an increase in age discrimination complaints during this recession. Last year, the EEOC held hearings on the impact of the economy on older workers that revealed that workers 55-and-up spend far more time trying to get hired than younger workers and are unemployed far longer. Older workers have suffered "the longest spell of high unemployment" seen in the past 60 years.

In Road House, Dalton instructs his crew of bouncers to "be nice until it's time not to be nice." Because of this recent trend of age discrimination, the EEOC has decided it's no longer time to be nice.

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