

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
Washington, D.C. 20210

June 4, 1970

ADEA 205.1

[REDACTED]

This is to acknowledge receipt of your letter of May 15, 1970, addressed to the Secretary of Labor, which states your intention in accordance with section 7(d) of the Age Discrimination in Employment Act of 1967, to file a civil action in Federal court in order to correct alleged unlawful practices involving an apprentice program of the

. You believe that a violation of the statute resulted from the denial, on the basis of your age, of your request for apprentice training.

The Age Discrimination in Employment Act prohibits age discrimination in most phases of employment. Protection under the Act, however, is limited to individuals at least 40 but less than 65 years of age, and inasmuch as you state that you are 33 years old we regret that we are not in a position to be of assistance to you personally at this time. Although we are unable to act on your behalf under section 7(d), the information contained in your letter indicates a possible violation of the Age Discrimination in Employment Act and in this regard copies of your letter and our reply have been referred to our Regional Office at U. S. Court House Building, 801 Broadway Street, Nashville, Tennessee 37203. That office will look into the matter and take whatever action is appropriate under the statute.

Your letter correctly reflects the position of the Department of Labor with respect to the application of the Age Discrimination in Employment Act to apprenticeship programs and your suggestion for a change in this position has been noted. It should be pointed out, however, that where the standards set forth in Regulations, Part 521, sections 521.2 and 521.3 (including, for example, registration) are not met an apprenticeship program would not be considered bona fide within the meaning of the discussion contained in Interpretative Bulletin, Part 860, section 860.106 and the terms and provisions of the Act would apply.

With regard to your comments concerning the provision in section 3 of the Act which directs the Secretary of Labor to recommend any measures he may deem desirable to change the lower or upper age limits set forth in section 12, I am enclosing for your information a copy of the letter which was sent to the Congress by the Secretary of Labor on November 27, 1968, in conformance with this requirement. This sets forth the position of the Department of Labor.

Sincerely,

/s/ Francis J. Costello

Assistant Administrator

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