

U. S. DEPARTMENT OF LABOR  
WORKPLACE STANDARDS ADMINISTRATION  
Washington, D. C. 20210

December 29, 1970

ADEA 201.1  
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[REDACTED]

This is with further reference to your letter of November 17, 1970, concerning the application of the Age Discrimination in Employment Act to your employment with a New York based subsidiary of a large European manufacturer.

The Wage and Hour Division of the Department of Labor has responsibility for the enforcement of the Age Discrimination in Employment Act, which protects individuals who are at least 40 but less than 65 years old from discrimination in employment based on age.

You state that the New York subsidiary is 100% owned by the foreign company and it is your understanding that a directive to dismiss you came from your employer's home office abroad, and not the New York Office. Your employer has several companies in the United States who act as its agents, but who are not in the employ of the organization. The New York Office has 12 employees, all foreign nationals; you are the only American citizen. The parent company has many employees abroad. You ask whether the Age Discrimination in Employment Act applies in this situation.

The Age Discrimination in Employment Act applies to an "employer" having twenty-five or more employees, as defined in section 11(b) of the statute. It is our opinion that where the number of employees in an employer's foreign and domestic employment totals twenty-five or more, those individuals employed within the United States are entitled to the protection of the Act where its terms and provisions otherwise apply.

Since, however, there is not enough information in your letter for us to be able to determine how the Act may apply in your specific case we are forwarding a copy of your letter to our Regional Office at 907 U. S. Parcel Post Building, 341 Ninth Avenue, New York, New York 10001. A representative of that office will get in touch with you shortly and will be pleased to offer every possible assistance.

Sincerely,

/s/ Robert D. Moran

Administrator