

U.S. DEPARTMENT OF LABOR
Employment Standard Administration
Washington, D.C. 20210

ADEA 202.4

MAR 28 1977

This is in further reply to your correspondence of December 14, 1976, which states your intention to file suit on behalf of [REDACTED]

against [REDACTED], Project Coordinator for the Hazardous Devices Course, Law Enforcement Assistance Administration, to seek relief from an alleged discriminatory practice under the Age Discrimination in Employment Act (ADEA).

The training course limits enrollment to police officers who have no more than 17 years of service with their present employer. On the basis of this policy, three of your four clients, all Boston police officers between the ages of 40 and 65, were excluded from the training. The fourth was excluded because he does not have a high school education.

In our opinion, neither the prospective defendant (Mr. Burnett) nor indeed LEAA is subject to the provisions of the ADEA for the practice complained of, since neither is an "employer", "employment agency", or "labor organization" as to any of the four complainants. Accordingly, the Department of Labor is without authority to act on this matter. We note that the Civil Service Commission has also stated that it is without enforcement authority with respect to this particular situation, apparently because the prospective plaintiffs are not Federal employees or applicants for Federal employment as provided in Section 15 of the ADEA.

If you have any further questions, please feel free to contact us again.

Sincerely,

Administrator