

CIRCULAR 96-01

May 30, 1996

U.S. DEPARTMENT OF LABOR
EMPLOYMENT AND TRAINING
ADMINISTRATION
Bureau of Apprenticeship
and Training

Washington D. C. 20210

Distribution:

A-541 Hdqtrs
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Subject: Code: 446

Coverage of Apprenticeship
Under the Age Discrimina-
tion in Employment Act
(ADEA)

Symbols: SLT/DT

Action: Immediate

PURPOSE: The purpose of this Circular is to advise all Bureau staff of the new regulatory requirements of the ADEA as it pertains to apprenticeship.

BACKGROUND: Apprenticeship programs have not been covered under the Age Discrimination in Employment Act (Section 1625.13 of Title 29 CFR Part 1625) in the past. Periodically, since 1969, this "no-coverage" position has been challenged by various interest groups; however, no changes were made to the regulations governing ADEA.

As a result of the changing working environment which affects both employers and employees, the Equal Employment Opportunity Commission (EEOC) recently rescinded Section 1625.13 of Title 29 CFR Part 1625. At the same time, Section 1625.21, Apprenticeship Programs, was added to Subpart B, Title 29 CFR Part 1625, to read as follows:

'§ 1625.21 Apprenticeship programs.

All apprenticeship programs, including those apprenticeship programs created or maintained by joint labor-management organizations, are subject to the prohibitions of sec. 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 623. Age limitations in apprenticeship programs are valid only if excepted under sec. 4(f)(1) of the Act, 29 U.S.C. 623(f)(1), or exempted by the Commission under sec. 9 of the Act, 29 U.S.C. 628, in accordance with the procedures set forth in 29 CFR 1627.15.'

This regulatory change took effect on May 8, 1996.

ACTION: All registered apprenticeship Program Sponsors shall be notified in writing of this regulatory change within 30 days from the date of this Circular. The attached letter will be sent to the Program Sponsors, along with a list of the EEOC Field Offices for each Region. Only the Field Offices for Program Sponsors in a specific Region should be included with the letter.

This Circular is effective immediately.

Attachments

Dear Program Sponsor:

The purpose of this letter is to advise you of the new regulatory requirements of the Age Discrimination in Employment Act (ADEA) which impacts registered apprenticeship programs.

Apprenticeship programs had not been covered under the ADEA. Title 29 CFR Part 1625, Section 1625.13 stated that age limitations for entry into bona fide apprenticeship programs were not intended to be affected by the Act.

As a result of the changing working environment which affects both employers and employees, the Equal Employment Opportunity Commission (EEOC) recently rescinded Section 1625.13 and added Subpart B, Title 29 CFR Part 1625, effective May 8, 1996, which reads as follows:

'§1625.21 Apprenticeship Programs

All apprenticeship programs, including those apprenticeship programs created or maintained by joint labor-management organizations, are subject to the prohibition of sec. 4 of the Age Discrimination in Employment Act of 1967, as amended, 29 U.S.C. 623. Age limitations in apprenticeship programs are valid only if excepted under sec. 4 (f)(1) of the Act, 29 U.S.C. 623 (f)(1), or exempted by the Commission under sec. 9 of the Act, 29 U.S.C. 628, in accordance with the procedures set forth in 29 CFR 1627.15.'

If your program currently has registered minimum qualifications which contain an upper age limit, we advise you to submit a revision to the registration agency eliminating the upper age limit.

The address and phone number of the nearest EEOC Office are enclosed if you wish to contact them for additional information and/or clarification regarding the regulation change.

Sincerely,

State Director/ATR

Enclosure