

# **3 FAM 1550 NON-DISCRIMINATION ON THE BASIS OF AGE**

## **3 FAM 1551 POLICY**

*(TL:PER-276; 7-6-95)*

*(Uniform State/USIA)*

*(Applies to Foreign Service and Civil Service Employees)*

It is the policy of the Department of State and USIA to prohibit discrimination in employment on the basis of age, and to ensure that all personnel actions affecting employees or applicants for employment are free from discrimination on the basis of age.

## **3 FAM 1552 AUTHORITY**

*(TL:PER-276; 7-6-95)*

*(Uniform State/USIA)*

*(Applies to Foreign Service and Civil Service Employees)*

—The Foreign Service Act of 1980 (22 U.S.C. 3901, et seq.);

—The Age Discrimination in Employment Act of 1967, as amended (29 U.S.C. 633a); and

—Regulations contained in 29 CFR 1614.201, published on the InfoRegs CD.

## **3 FAM 1553 APPLICABILITY**

*(TL:PER-276; 7-6-95)*

*(Uniform State/USIA)*

*(Applies to Foreign Service and Civil Service Employees)*

a. These regulations apply to all employees and applicants of the Department of State and USIA who are at least 40 years of age, excluding foreign nationals employed outside the limits of the United States.

b. The Age Discrimination in Employment Act of 1967, as amended, and regulations promulgated thereunder, do not affect duly constituted retirement systems, including statutorily established mandatory retirement ages.

## **3 FAM 1554 PROCESSING ALLEGATIONS OF AGE DISCRIMINATION**

*(TL:PER-276; 7-6-95)*

*(Uniform State/USIA)*

*(Applies to Foreign Service and Civil Service Employees)*

Regulations governing discrimination complaints filed on the basis of race, color, national origin, religion, sex, or handicap (see 3 FAH-1 H-1510) also apply to age complaints, with certain exceptions. These differences are as follows:

(1) Complainants in age discrimination cases are not required to file a complaint with the Department within the normal 45 day deadline. An age discrimination complainant may file a civil action directly in the Federal District Courts. However, before filing with the Federal District Court, a complainant must give 30 days notice in writing to the Equal Employment Opportunity Commission of his/her intention to sue (EEO, Federal Sector Programs, 1801 I Street NW, Washington DC 20507). This notice must be given within 180 days of the alleged unlawful act.

(2) If the complainant files a complaint with the Department he/she must file within the normal 45 day deadline, and exhaust all administrative remedies before filing with the Federal District Court. Filing of an administrative action satisfies the Notice to the EEOC requirement referred in section 1554(1). Administrative remedies are deemed to be exhausted when the Department issue a final decision or, if there has not been a final decision after 180 days from the initial complaint (see 29 CFR 1614.201).

(3) Age complaints will be processed in accordance with the principles and requirements set forth by the regulations in 29 CFR, sections 1614.101 through 1614.110, 1614.401 through 1614.607.

## **3 FAM 1555 THROUGH 1559 UNASSIGNED**