

GAO

United States General Accounting Office  
Washington, DC 20548

Office of  
General Counsel

In Reply  
Refer to: B-195195

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10,888 PL II  
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July 23, 1979

The Honorable Donald W. Stewart  
United States Senator  
One Court Square - Suite 116  
Montgomery, Alabama 36104

Dear Senator Stewart:

Your letter of June 8, 1979, with enclosure, requests our response to an age discrimination question addressed to you by Mr. Lloyd G. Jackson, 1323 Forbes Drive, Huntsville, Alabama 35802.

Mr. Jackson asks whether an age discrimination complaint in connection with his employment with the National Aeronautics and Space Administration (NASA) is barred by the statute of limitations or whether he may still bring a complaint under the 6-year limitation period applicable to claims filed with the General Accounting Office (GAO). In this regard, Mr. Jackson states that the "time limit for filing Fair Labor Standards Act claims in GAO is 6 years." The incidents on which a claim of age discrimination would be based evidently occurred in March 1974.

Jurisdiction over age discrimination complaints is by statute, 29 U.S.C. 633a, vested in the United States Civil Service Commission and the Federal district courts. The GAO does not have jurisdiction to decide individual cases of age discrimination arising in other Federal agencies. Consequently, the 6-year limitation period in 31 U.S.C. 71a, barring claims "cognizable by the General Accounting Office" 6 years after such claims arise, is inapplicable to age discrimination complaints. Limitations on bringing age discrimination complaints are more restrictive than the 6 years generally applicable to claims cognizable by this Office, including claims under the Fair Labor Standards Act.

One further point, the act of April 8, 1974, entitled the Fair Labor Standards Amendments of 1974, Public Law 93-259, 88 Stat. 55, contained an amendment to the Age



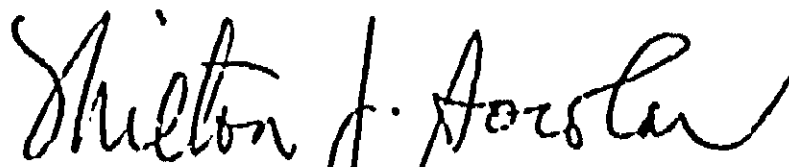
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Discrimination in Employment Act of 1967. The minimum wage and overtime pay provisions of the Fair Labor Standards Act and the age discrimination provisions of the 1967 act were made applicable to Federal employees by that statute. However, the age discrimination provisions were not made part of the Fair Labor Standards Act and procedures under the age discrimination provisions (29 U.S.C. 633a as applicable to Federal employees), including limitations on the time for bringing an action are separate from those applicable under the Fair Labor Standards Act.

We note further that all functions vested in the Civil Service Commission by 29 U.S.C. 633a, supra, have been transferred to the Equal Employment Opportunity Commission (EEOC) by Reorganization Plan No. 1 of 1978. 43 Fed. Reg. 19807. However, since the discrimination complained of by Mr. Jackson occurred prior to May 1, 1974, the effective date of that section, we have not forwarded the matter to EEOC.

We trust this information will be of aid to you in this matter.

Sincerely yours,



Milton J. Sogolar  
General Counsel