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is classified generally to subchapter II (§ 151 et seq.) of chapter 7 of this title. For complete classification of this Act to the Code, see section 167 of this title and Tables.

The Railway Labor Act, referred to in subsec. (c)(1), is act May 20, 1926, ch. 347, 44 Stat. 577, which is classified principally to chapter 11 (§ 601 et seq.) of this title. For complete classification of this Act to the Code, see section 151 of Title 29 and Tables.


For definition of Canal Zone, referred to in subsec. (i), see section 3602(b) of Title 22, Foreign Relations and Intercourse.

The Outer Continental Shelf Lands Act, referred to in subsec. (l), is act Aug. 7, 1953, ch. 345, 67 Stat. 462, which is classified generally to subchapter III (§ 1331 et seq.) of chapter 29 of Title 43, Public Lands. For complete classification of this Act to the Code, see section 1301 of Title 43 and Tables.

AMENDMENTS

1966—Subsecs. (j), (k). Pub. L. 90–559 added subsecs. (j) and (k).
1964—Subsec. (f). Pub. L. 88–459 inserted provision defining “employee” as including any individual who is a citizen of the United States employed by an employer in a workplace in a foreign country.

1974—Subsec. (b). Pub. L. 93–259, § 28(a)(1), (2), substituted in first sentence “twenty” for “twenty-five” and, in second sentence, defined term “employer” to include a State or political subdivision of a State and any instrumentality of a State or a political subdivision of a State, and any interstate agency, and deleted text excluding from such term a State or political subdivision thereof.

Subsec. (c). Pub. L. 93–259, § 28(a)(3), struck out text excluding from term “employment agency” an agency of a State or political subdivision of a State, but including the United States Employment Service and the system of State and local employment services receiving Federal assistance.

Subsec. (f). Pub. L. 93–259, § 28(a)(4), excepted from the term “employee” elected public officials, persons chosen by such officials for such officials’ personal staff, appointees on policymaking level, and immediate advisors with respect to exercise of constitutional or legal powers of the public office but excluded from such exemption employees subject to civil laws of a State or Federal government, governmental agency, or political subdivision thereof.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1990 AMENDMENT

Amendment by Pub. L. 101–433 applicable only to any employee benefit established or modified on or after Oct. 9, 1990, and other conduct occurring more than 180 days after Oct. 16, 1990, except as otherwise provided, see section 105 of Pub. L. 101–433, set out as a note under section 623 of this title.

EFFECTIVE DATE OF 1986 AMENDMENT


EFFECTIVE DATE OF 1984 AMENDMENT


EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93–259 effective May 1, 1974, see section 28(a) of Pub. L. 93–259, set out as a note under section 202 of this title.

Executive Documents

TRANSFER OF FUNCTIONS


§ 631. Age limits

(a) Individuals at least 40 years of age

The prohibitions in this chapter shall be limited to individuals who are at least 40 years of age.

(b) Employees or applicants for employment in Federal Government

In the case of any personnel action affecting employees or applicants for employment which is subject to the provisions of section 633a of this title, the prohibitions established in section 633a of this title shall be limited to individuals who are at least 40 years of age.

(c) Bona fide executives or high policymakers

(1) Nothing in this chapter shall be construed to prohibit compulsory retirement of any employee who has attained 65 years of age and who, for the 2-year period immediately before retirement, is employed in a bona fide executive or a high policymaking position, if such employee is entitled to an immediate nonforfeitable annual retirement benefit from a pension, profit-sharing, savings, or deferred compensation plan, or any combination of such plans, of the employer of such employee, which equals, in the aggregate, at least $44,000.

(2) In applying the retirement benefit test of paragraph (1) of this subsection, if any such retirement benefit is in a form other than a straight life annuity (with no ancillary benefits), or if employees contribute to any such plan or make rollover contributions, such benefit shall be adjusted in accordance with regulations prescribed by the Equal Employment Opportunity Commission, after consultation with the Secretary of the Treasury, so that the benefit is the equivalent of a straight life annuity (with no ancillary benefits) under a plan to which employees do not contribute and under which no rollover contributions are made.

Editorial Notes

AMENDMENTS

1989—Subsec. (a). Pub. L. 101–239 struck out "(except the provisions of section 629(g) of this title)" after "in this chapter".

1986—Subsec. (a). Pub. L. 99–592, §2(c)(1), which directed that "but less than seventy years of age" be struck out was executed by striking out "but less than 70 years of age" after "40 years of age" as the probable intent of Congress.

Pub. L. 99–272 inserted "(except the provisions of section 629(g) of this title)" after "this chapter".

Subsec. (c)(1). Pub. L. 99–592, §2(c)(2), which directed that "but not seventy years of age," be struck out was executed by striking out "but not 70 years of age," after "45 years of age" as the probable intent of Congress.

Subsec. (d). Pub. L. 99–592, §6(a), (b), temporarily added subsec. (d) which read as follows: 'Nothing in this chapter shall be construed to prohibit compulsory retirement of any employee who has attained 70 years of age, and who is serving under a contract of unlimited tenure (or similar arrangement providing for unlimited tenure) at an institution of higher education (as defined by section 1141(a) of title 20).'' See Effective and Termination Dates of 1986 Amendments note below.

1984—Subsec. (c)(1). Pub. L. 98–459 substituted "$44,000" for "$37,000".

1978—Pub. L. 95–256, §3(a), designated existing provisions as subsec. (a), substituted "40 years of age but less than 70 years of age" for "forty years of age but less than sixty-five years of age", added subsecs. (b) and (c), and temporarily added subsec. (d). See Effective and Termination Dates of 1978 Amendment note below.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 1989 AMENDMENT


EFFECTIVE AND TERMINATION DATES OF 1986 AMENDMENTS


Pub. L. 99–592, §6(b), Oct. 31, 1986, 100 Stat. 3344, provided that: "The amendment made by subsection (a) of this section [amending this section] is repealed Dec. 31, 1993.''

EFFECTIVE DATE OF 1984 AMENDMENT

Pub. L. 98–459, title VIII, §802(c)(2), Oct. 9, 1984, 98 Stat. 1792, provided that: "The amendment made by paragraph (1) of this subsection [amending this section] shall not apply with respect to any individual who retires, or is compelled to retire, before the date of the enactment of this Act [Oct. 9, 1984]."

EFFECTIVE AND TERMINATION DATES OF 1978 AMENDMENT

Pub. L. 95–256, §3(b), Apr. 6, 1978, 92 Stat. 196, provided that: "(1) Sections 12(a), 12(c), and 12(d) of the Age Discrimination in Employment Act of 1967, as amended by subsection (a) of this section [subsecs. (a), (c), and (d) of this section] shall take effect on January 1, 1979.

(2) Section 12(b) of such Act, as amended by subsection (a) of this section [subsec. (b) of this section], shall take effect on September 30, 1978.

‘‘(3) Section 12(d) of such Act, as amended by subsection (a) of this section [enacting subsec. (d) of this section], is repealed on July 1, 1982.’’

Executive Documents

TRANSFER OF FUNCTIONS


§ 632. Omitted

Editorial Notes

CODIFICATION


§ 633. Federal-State relationship

(a) Federal action superseding State action

Nothing in this chapter shall affect the jurisdiction of any agency of any State performing like functions with regard to discriminatory employment practices on account of age except that upon commencement of action under this chapter such action shall supersede any State action.

(b) Limitation of Federal action upon commencement of State proceedings

In the case of an alleged unlawful practice occurring in a State which has a law prohibiting discrimination in employment based on age, the Federal Commission shall not take action under this chapter to enforce such State law unless it has reason to believe that the Commission, in the exercise of its enforcement powers under this chapter, is likely to fail to bring or pursue any appropriate action to prevent or remedy the violation of the State law. Provided, That such sixty-day period shall be extended to one hundred and twenty days during the first year after the effective date of such State law. If any requirement for the commencement of such proceedings is imposed by a State authority other than a requirement of the filing of a written and signed statement of the facts upon which the proceeding is based, the proceeding shall be deemed to have been commenced for the purposes of paragraphs (1) and (2) of subsection (a) of this section at the time such statement is sent by registered mail to the appropriate State authority.


Executive Documents

TRANSFER OF FUNCTIONS

Functions vested by this section in Secretary of Labor or Civil Service Commission transferred to Equal...