

Secretary WIRTZ. If you are talking about informal complaints made to the administrative agency, the answer is "No." Such complaints need not be verified and they may be made by organizations in behalf of an employee.

Mr. BURTON. Is there a burden on the complaining party or the party complained against?

Secretary WIRTZ. There is not a burden of proof established by the bill itself.

Mr. BURTON. What is your understanding of where the burden would be?

Mr. DENT. Would the gentleman yield?

Mr. BURTON. Yes.

Mr. DENT. I think in section 12 it describes the person injured; that could mean labor organization, organized groups, bona fide labor unions, or anything else. I think this follows the regular line of discriminatory laws in the question of appeal or the petition for redress or an interview on the subject. It could be anybody represented by counsel. A representative of an organization could make the complaint to the Secretary and that person would be in standing before the Secretary. The request would have to be in writing. I don't think you can do it by telephone call, if that is what you mean.

Mr. BURTON. There is a reference to 48 Stat. 899; is that the Administrative Procedure Act, page 8?

Secretary WIRTZ. That is the Securities Exchange Act. The reference is to the SEC provision.

Mr. BURTON. What is the rationale that neither party has the burden? The Secretary is not bound to decide this would be the course if the parties were not satisfied.

Secretary WIRTZ. Your point interests me as a lawyer and I have said the statute does not spell it out. In a formal administrative proceeding, the Secretary would have the burden of proving coverage and violations.

Mr. BURTON. Are the numbers of people set forth to meet the definition of employer paralleled with the equal employment numbers?

Secretary WIRTZ. I think the timing is different. I would have to check that. I am not sure about the timing and the specific dates. They do come out to the same end of 25 or more. I believe there is another year, under the 50 or more under the Equal Employment Opportunity Act.

Mr. BURTON. Do the State statutes use the age 45 more commonly than 40?

Secretary WIRTZ. A number of the State statutes did not have an age limitation. I will check the record.

Mr. BURTON. Is the language cast with respect to this age bracket 45 to 65 or are there instances where it is cast in a little bit more sophisticated terms than that?

Mr. RAVIN. In some cases there is no upper or lower age. The States vary all over the lot, particularly for lower age limits, but most around 45.

Mr. BURTON. As I recall my colleague and I had some language in another bill—we didn't lump that age, there was a supplementary