

Mr. DENT. Isn't it correct that the opposite is true, some airlines have in their contracts they will not impose an age limit?

Miss COOPER. Yes.

Mr. DENT. So does it follow then that this committee could look forward to the fact that you probably will be getting your own contracts with that in mind, you will make it part of your own contract agreements?

Mr. LEVY. Mr. Dent, our statement does indicate that this question of whether or not stewardesses will be required to retire when they reach age 32 is one that has been treated differently by the airlines on a highly individual basis and there are several airlines in this country who are standing fast at the present time to a very firm position, insisting on the right to fire girls when they reach age 32 or 35.

Mr. DENT. They don't exactly fire them. You see you are dealing with a subject matter going beyond the question of airline hostesses, as such. It is a type of contract that I don't think Congress has ever taken official notice of as far as our Fair Labor Standards Act previously. Prehiring contracts are not unusual, they have been in vogue for many years in many industries and, therefore, I imagine they rely on the historic fact that prehiring contracts are considered legal documents in the United States and proper documents to be offered prior to the hiring of an individual for these specified jobs.

The question this committee faces is whether we delve into the problem of prehiring contracts altogether or whether we work on this on the basis that age discrimination is the only criteria to be considered insofar as this legislation is concerned.

Mr. LEVY. To the extent this legislation will make age discrimination unlawful on a national basis, then a prehiring contract containing an element of age discrimination would be unlawful at that time.

Mr. DENT. With regard to airline pilots, do you know of any prehiring contract they enter into?

Mr. LEVY. No, sir, I do not. Are we talking of compulsory retirement?

Mr. DENT. That would be prehiring contract, would it not?

Mr. LEVY. Yes, sir. There is no such agreement I know of, but there is a regulation in effect that requires that an airline pilot cease flying when they reach age 60. Supporters of that regulation argue in terms of qualification and health of the airline pilot.

Mr. DENT. They now retire at age 60.

Mr. LEVY. Yes, it is compulsory.

Mr. DENT. Is that universal?

Mr. LEVY. Yes. As I viewed your question it was whether this was a problem to be resolved in negotiations or before Congress. My answer would be, no, there are several contracts in existence, one with the largest employer of flight attendants in the United States who is standing very firmly to the position of retiring flight attendants when they become married or reach age 32. We are faced with the question of whether to go all the way down to the wire with this airline in contract negotiations and possibly into a strike situation on this question. At this point we have serious misgivings about causing widespread interruptions and we believe that since Congress is about to express itself on the fundamental matter of civil rights, that is age discrimination, that it seems consistent for Congress to