

EXHIBIT 8

REPORT OF FINDINGS AFTER INVESTIGATION

INV. 1851-65

IN THE MATTER OF AIRLINES INDUSTRY—MAXIMUM AGE REQUIREMENTS
(STEWARDESSES)

On December 17, 1964, the Commission authorized an informal investigation on a statewide basis into the age ceilings for employment of airline stewardesses. I was designated by the Chairman of the Commission as the Investigating Commissioner with respect thereto.

The plan of the investigation has been, generally, to determine the policy and practice in this area of age ceilings for stewardesses on an industrywide and statewide basis by affording to the airlines, individually and collectively, and to the stewardesses, individually and collectively, opportunities to present facts and arguments in support of their positions; and, finally, to report as to whether granting of an industrywide bona fide occupational qualification is warranted under the New York State Law Against Discrimination.

This report is confined to age ceilings for continued employment as stewardess; a separate report will be made as to age ceilings for initial hire of stewardesses.

While the Commission has before it individual verified complaints by stewardesses and applicants for stewardess positions charging specific airlines with discrimination based on age, the merits of these complaint cases are not the subject of this inquiry; they will be dealt with separately, upon the facts and the law pertaining to each complaint.

This investigation, as conducted by me with assistance of the Commission's employment Division, consisted of three main phases:

Phase 1: A field investigation, conducted during the first half of 1965, which included interviews by Commission staff with key personnel representatives of three airline companies (American Airlines, Trans World Airlines, and United Airlines) and with officers of the two major stewardess unions (Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union of America, AFL-CIO, and Air Line Pilots Association, Steward and Stewardess Division, AFL-CIO).

Phase 2: A mail questionnaire, sent in July 1965 to the presidents of the seventeen other airline companies flying into the State of New York, to which all but one responded. (Attachment A includes copies of the questionnaire and covering letter, and a list of the airlines to which these were sent.)

Phase 3: An informational hearing, held on December 7, 1965, at the Commission's offices at 270 Broadway, New York City, to which were invited each of the twenty airlines flying into the State of New York, the Air Transport Association, and the two major stewardess unions.

At the informational hearing, representatives of the two unions testified orally, submitted written evidence, and responded to the Commission's questions—all relating to the issues raised by the specification of age ceilings.

Each union appeared by counsel: Herbert A. Levy, Esquire (of Cohen & Weiss of New York City), on behalf of the Air Line Pilots Association, Steward and Stewardess Division, AFL-CIO; and Asher W. Schwartz, Esquire (of O'Donnell and Schwartz of New York City), on behalf of the Air Line Stewards and Stewardesses Association, Local 550, Transport Workers Union of America, AFL-CIO. The union representatives testifying included the following: Colleen Boland, President, Air Line Stewards and Stewardesses Association, Local 550; Francis A. O'Connell, Legislative Director, Transport Workers Union; Deloros Kidder, Vice President, Air Line Pilots Association, Steward and Stewardess Division; and Marjorie Cooper, Regional Vice President, Air Line Pilots Association, Steward and Stewardess Division.

None of the airlines accepted the invitation to present testimony or argument on the merits through their own executive or staff personnel. Jesse Freidin, Esquire (of Poletti, Freidin, Prashker, Feldman & Gartner of New York City) noted his appearance on behalf of thirteen airlines and the Personnel Relations Conference of the Air Transport Association.

Counsel for the airlines challenged the Commission's jurisdiction, on various grounds; his request for an adjournment to December 15, 1965, in order to afford the airlines a further opportunity to decide whether to appear and submit evidence or argument on the merits, was granted. On December 10th, Mr. Freidin