

responsible ones generally demand protracted periods—oftentimes several years—of actual experience on the job before one can become thoroughly versed with the job's complexities. Such difficulties as, for example—but by no means limited to—the molding of a staff by hiring individuals who are best suited to the needs of the executive, administrator, or professional; and (2) such positions, again unlike less responsible ones, generally require that the executive, administrator, or professional formulate and project long-range policy which can affect the direction of his particular department or operation for years to come.

Because of both of these very practical considerations, it will be rare that an individual whose age is near the outer perimeter of the H.R. 3651 umbrella can initially assume an ultrasensible, policy-making position and thereafter retain it for a sufficiently fruitful period to achieve long-range goals for the employer and to promote stability amongst subordinate employees.

Moreover, the ascendancy of these people within an organization must necessarily assume a pyramidal shape; there are just fewer jobs toward and at the top than there are further down.

On balance, there is much more to be said for leaving section 6 of the FLSA as it now stands and has stood for many years.

In conclusion, let me reemphasize what I have said here today: The federation supports legislation within the framework of FLSA which would protect the employment opportunities of the older worker. I appreciate the opportunity you have afforded the federation to express its views. I will be pleased to try to respond to whatever questions you may have.

Mr. DENT. Thank you, Mr. Finigan. I can't resist going back to page 7 in your testimony and noting that you give us a reason for not specifying age 65, but using the age limits allowable for retirement under social security benefits and take the position there is fluctuation there because of the fact that Congress may lower the statutory age limit of permissible retirement.

Has your organization discussed the possibility of compulsory retirement under social security?

Mr. FINIGAN. Have we discussed the possibility of compulsory retirement under social security?

Mr. DENT. Yes.

Mr. FINIGAN. Not as far as the federation itself is concerned.

Mr. DENT. What you are doing is compulsory retirement if we follow your suggestion that protection be limited to that age where there is permissible retirement under social security. There is now permissible retirement at age 62 with reduced benefits or retirement with full benefits at age 65.

The legislation goes to the age 65 because it is the age we consider to be a retirement age universally accepted. We do have some pre-hiring contracts in some organizations, both service organizations and production organizations, where age 60 is a compulsory retirement age decided by the company and the employees at a negotiation or in a pre-hiring contract.

If we accept your proposal that the upper age limit be defined in flexible terms, that there would be no discrimination after the age