

Mr. PUCINSKI. If I read this legislation correctly, which I do, there is strong opposition to age discrimination in this bill. If I understand correctly, section 4(a) does specifically bar discrimination because of age, or perhaps there is something in there we are not aware of that would give the discriminators an out:

It shall be unlawful for an employer to fail or refuse to hire or to discharge any individual or otherwise discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's age.

This I take it is as clear language as we can get to make sure this bill, if enacted into law would become effective in all 50 States and territories and would bar discrimination in hiring practices because of age.

Mr. ROWAN. I would think so. On my job of working with the various States to pass these laws, which have in many cases passed them, I have seen their laws and it seems to me this language is quite similar to a number of our State laws, including the Wisconsin law where I have had opportunity to work almost daily with the lady in charge of enforcement.

It is much the same language and we have not run into any problems that everything was not covered and there were loopholes left open.

Mr. PUCINSKI. Are you satisfied with the Illinois law, when you take into consideration all the exemptions, it still carries enough teeth to bar discrimination because of age?

Mr. ROWAN. I can't comment on the Illinois law because I have not seen it. I have been down there in the past years before the labor committees in the House and Senate but the bills were different. In the bills the States usually exclude hazardous occupations, firefighting, police work, linemen working for electric companies, and there usually also is something in there that an employer is not required to hire or retain a person who can't do the job because of physical, mental reasons, or other factors that are involved.

There are usually exceptions in the State laws that the law does not affect any retirement policy of any pension plan which is not a subterfuge.

In our Wisconsin law we even have this exemption which I thought would not probably hamstring enforcement, but it has not, and which says nothing in the subsection, shall prevent the exercise of age discrimination with respect to employment of persons in capacities in which knowledge and experience to be gained might aid in the development of capabilities for advancement to future managers or executives.

That was provided so these firms hiring boys out of high school, paying for their college education, and giving them a high degree of technical training, may still do so.

The Wisconsin law does not interfere with that. If there is not such a training course then it does not apply.

When you get to apprenticeship that is a troublesome question. Where will you cut them off from starting? Again it is a matter of administrative interpretation which is later reviewed by the courts.

Mr. PUCINSKI. We have been talking about this bill and the Civil Rights Act; actually as we study this bill we find this provisions does provide much more meaningful enforcement procedures than even the Fair Employment Practices Commission at the Federal level.