

the alternative of taking other work with the company. This is true, with a minimum guaranteed wage. But regardless of this, we still feel this discrimination.

Mr. PUCINSKI. I agree with you but in trying to write this bill I am trying—I will appreciate any suggestions that you or Mr. O'Connell may want to make—in trying to write this bill, how do we write in the law a provision that there shall be no discrimination because of age and job classification. The bill here is directed at a company that refuses to hire you for no other reason than because you are 45 years of age. I hope we are going to remove that 45 limitation so the bill will provide, I hope, that it shall be an unfair labor practice for an employer to say to you, Miss Boland, "You meet all the qualifications of my company except you are too old and, therefore, we don't hire you."

We want to have legislation which says he can't use that as a bar to hiring. That is for the initial hiring. He hires you for his company. Now the question we are really confronted with—if you have suggestions I would appreciate it—how do we go beyond that and say, "Well, you can't discriminate because of age in classification"?

Maybe Mr. O'Connell may have a suggestion.

Mr. O'CONNELL. In Executive Order 11141, issued by President Johnson, the policy provides that contractors and subcontractors shall not discriminate on account of age in hiring, advancement, discharge, terms, conditions or privileges of employment. When they say that a girl—

Mr. PUCINSKI. He is talking about employment. Here is an airline that says "We are not cutting these girls off; we are giving them another job."

Miss BOLAND. This is a condition of employment.

Mr. PUCINSKI. I don't think you have met the question I have asked in trying to draft this legislation. Here is a company that says, "We are not firing this girl, she can stay with us as long as she wants, the only thing is she can't be a stewardess." I am trying to find out how we can write in this legislation—if you have suggestions I want them—how can we guarantee this young lady the right to continue being a stewardess?

If you are going to bar discrimination on the classification of a job, do you then propose to extend it across the board to every job? Does that apply to pilots? Suppose a company feels this pilot is no longer capable of flying the plane but would make an excellent employee in another department.

I hope you get my point. We have already established we do not believe a company should be permitted to refuse to hire a worker because of age. I think we are in agreement on that. Now, the question this committee is going to be confronted with is can we extend this to the next echelon and write in some limitations as to the classification of the job within that company?

Miss BOLAND. I would feel this comes under the meaning of "terms and conditions of employment." A condition of employment has to be the classification or type of work that you can continue in that job and the terms of employment would have to cover this particular situation.

Mr. DENT. Will the gentleman yield?

Mr. PUCINSKI. Yes, just let me make this observation.