the death, medical or other employee benefits after retirement. Many employers are not averse to hiring elderly employees who are close to the normal retirement age. For good business reasons, however, they are reluctant to provide lifetime benefits after retirement for "short service" employees. "Short service" is commonly defined as less than 10 years of service.

(2) Many employee pension plans allow or require employees to retire prior to age 65. Normal retirement ages of 60 or 62 are not uncommon today. The Act should make clear that under such circumstances it shall not be unlawful to provide different employee benefits, such as group life insurance, medical benefits, etc. to retired employees than may be provided to active employees at the same ages.

Recommendation

Accordingly, we respectfully suggest that subsection (f) of section 4 of the bill be amplified not only to exclude application of the act to the compulsory retirement of an employee under a bona fide pension or retirement plan but also

(1) to exclude application of the act to the operation of the terms or conditions of any other bona fide employee benefit plan, and

(2) that it shall not be unlawful to require a minimum period of service to be entitled to benefits after retirement under any bona fide employee benefit plan.

In the absence of such exclusions, we fear that hundreds of long established, bona fide pension, group life insurance, medical and other employee benefit plans may be in violation of section 4(a)(1) if it is assumed that these plans come within the purview of "conditions or privileges of employment" specified in that section. Incidentally, the Pennsylvania Human Relations Act provides for such exemptions.

Respectfully submitted.

CHARLES S. MANNING, *Executive Vice President.*

AGRICULTURAL PRODUCERS LABOR COMMITTEE,
Los Angeles, Calif., August 18, 1967.

Re: Proposed Federal Legislation on Age Discrimination, H.R. 3651 and 4221.

Hon. CARL PERKINS,
Chairman of the House Committee on Education and Labor,
Washington, D.C.

Hon. JOHN DENT,
Chairman of the House General Labor Subcommittee,
Washington, D.C.

DEAR SIRS: This organization represents citrus and avocado growers and packers in the States of California and Arizona. The purpose of this letter is to recommend a NO vote on pending Federal legislation regarding age discrimination.

Current Federal legislation which prohibits discrimination in connection with certain employment practices is based upon race, color, religion, sex, or national origin. Each of these criteria is capable of objective determination, thereby facilitating easy enforcement practices. Proposed legislation which would prohibit job discrimination based on age would prohibit discrimination against persons between the age of 45 and 65 "who are able to perform the work". This concept of "ability to perform the work" interjects a highly subjective criterion into the law. How do you measure if a prospective employee is able to perform the work? On this question reasonable men can arrive at divergent opinions based on the same facts.

California citrus and avocado growers are experiencing extensive competition from foreign markets, and such growers are presently caught in the economic cost-price squeeze. Such employers, who pay the highest wages for agricultural jobs in the United States, must—to survive economically—employ persons *best qualified* to perform the work. Also, experience has shown that workers approaching age 65 are more susceptible to on-the-job injury, thereby increasing compensation insurance rates. Finally, this age discrimination legislation will hinder employment opportunity for teenagers and young adults who comprise a vast proportion of the total work force. The ability of such workers to find employment upon termination of their education is of the highest public concern.

Enactment of the proposed Federal legislation on age discrimination will seriously and adversely affect California citrus and avocado growers and pack-