

working conditions on, his employee, or who refuses to employ or re-employ any person by reason of advanced age, as the latter is hereinafter defined, or by reason of the race, color, creed, birth or social position of the employee or applicant for employment: (a) shall incur civil liability (1) for a sum equal to twice the amount of the damages sustained by the employee or applicant for employment on account of such action; (2) or for a sum not less than one hundred (100) dollars nor more than one thousand (1,000) dollars, in the discretion of the Court, if no pecuniary damages are determinable; (3) or twice the amount of the damages sustained if it were under the sum of one hundred (100) dollars; and, (b) he shall, also, be guilty of a misdemeanor and shall, upon conviction, be punished by a fine not less than one hundred (100) dollars nor more than five hundred (500) dollars, or by imprisonment in jail for a term not less than thirty (30) days nor more than ninety (90) days, or by both penalties, in the discretion of the Court.

The court may, in the judgment passed on civil actions brought under the preceding provisions, direct the employer to reinstate the employee in his former employ and to stop and desist from the act involved.

VERNON'S TEXAS CIVIL STATUTES, § 6252—14

Art. 6252—14. Denial of right to work because of age

Section 1. It is hereby declared to be the policy of the State of Texas that no person shall be denied the right to work, to earn a living, and to support himself and his family solely because of age.

Sec. 2. No agency, board, commission, department, or institution of the government of the State of Texas, nor any political subdivision of the State of Texas, shall establish a maximum age under sixty-five (65) years nor a minimum age over twenty-one (21) years for employment, nor shall any person who is a citizen of this State be denied employment by any such agency, board, commission, department or institution or any political subdivision of the State of Texas solely because of age; provided, however, nothing in this Act shall be construed to prevent the imposition of minimum and maximum age restrictions for law enforcement peace officers or for fire-fighters; provided, further, that the provisions of this Act shall not apply to institutions of higher education with established retirement programs. Acts 1963, 58th Leg., p. 857, ch. 327.

STATEMENT OF THE NATIONAL RETAIL MERCHANTS ASSOCIATION

The National Retail Merchants Association is a voluntary non-profit research organization serving retail, department, women's specialty and other branches of the retail trade. Its membership embraces more than 15,000 individual stores located in every part of the United States and abroad which employ approximately 1,000,000 persons. Combined annual sales volume of its membership is approximately 2 billion dollars.

The National Retail Merchants Association (hereafter referred to as NRMA) wholeheartedly endorses the principle of non-discrimination in employment based solely on age. Subject to occupational qualifications, an individual should have equal employment opportunity regardless of age.

CURRENT LEGISLATION

Your committee has before it, for consideration, H.R. 3651 introduced by Congressman Perkins, which sets forth the Administration's proposal as introduced on January 24, 1967 and along with other supporting legislation. These proposed measures place direct and major emphasis on the vital area of preventing discrimination based solely on age in the hiring of qualified individuals. The principle objective of the framers of this legislation, as well as that of the Executive Branch of the Government, is not to deprive a person seeking employment, who solely because of his age and who through no fault of his own, finds himself without work either because his previous employer has had to close his business or has had to drastically reduce his labor force. The same objective of nondiscrimination applies to the older person who suddenly finds it necessary to seek initial gainful employment or to return to the labor market.