

A secondary, but still important intended principle is the arbitrary discharge of older workers based solely on age when not supported by other bona-fide factors. NRMA wholeheartedly supports these two basic principles. It endorses appropriate legislation and objective enforcement thereof, to prevent such discrimination with appropriate safeguards to provide obvious and clearly required exemptions. These exemptions should include, as generally recognized in the legislation proposed, special consideration free of discriminatory findings such as:

- a. bona-fide occupational qualification.
- b. established requirements of retirement and insurance programs.
- c. any statutory requirements which may exist at federal or state levels, and
- d. any factors other than "age".

NRMA POSITION

Our basic position is that the legislative intent here is, and should be, confined solely to the discriminatory *hiring* and *discharging* on the basis of age.

We do not believe that the major purpose or need is to attempt to regulate the internal employment operations, procedures and controls of management. We believe it would be most unwise to include such objectives in this legislation. To do so would attempt unrealistically to regulate employment privileges, promotions and other facilities. The administration of these special provisions would not only be highly impractical, but would tend to compromise the inherent right of business to make its own decisions in these areas as necessitated by efficient and profitable Management free of Governmental intrusion.

There are many economic factors, other than "age", which must come into play in the efficient management of today's business. Changes in business objectives and organizational structure, business expansion, new methods and techniques, specialized educational background, training, as well as specialized experience are basic factors unrelated to age upon which management must rely and be guided.

To include promotions, job transfers and other facilities would dilute the administration and enforcement of such legislation away from its basic purpose of eliminating discrimination in the *hiring* and *discharge* of employees. This is truly the root of the age discrimination problem. Whatever Government agency is charged with administering and enforcement of this legislation would be subject to hundreds and hundreds of invalid claims of age discrimination from disgruntled employees or uninformed applicants, thus wasting enforcement manpower and imposing unduly on the employer energies conducting his business by having to refute such invalid claims.

For these reasons, we strongly urge that the definition of the term "employment" as used in such legislation be limited to the "*hiring and discharge*" of prospective or existing employees, and should not include internal job methods, procedures, performance or requirements.

AGE RANGE

We believe that the age application of this legislation should apply to an individual who is at least 45 years of age, but who has not attained the earliest age which he or she is eligible to receive full old-age benefits under the Social Security Act. If subsequent developments should require an adjustment of this age range—up or down—it should be so determined after adequate public hearings by the Administrative Agency in question.

ADMINISTRATIVE AGENCY

We strongly urge that for the purpose of enforcement, the administration of such legislation be placed under the Fair Labor Standards Act through a new amendment to be known as Section 6(f) thereby placing its enforcement under the Wage and our Public Division of the U.S. Department of Labor. This division of the Labor Department already has the responsibility for the enforcement of this Act and also the Equal Pay Act of 1963. Covered employers are familiar with its basic regulations, its investigatory procedures, and its record keeping requirements.

To establish a separate division of the U.S. Department of Labor as the administrative agency to interpret and enforce anti-age discrimination, would merely