

U. S. DEPARTMENT OF LABOR
Wage and Hour Division
Washington, D. C. 20210

May 25, 1970

ADEA 201.3

This is in further reference to your letter of December 19, 1969, concerning the application of the Age Discrimination in Employment Act of 1967 to Article III, Section 29 in a collective bargaining agreement which reads as follows: "On all jobs the ratio of employment for men of fifty-five (55) years of age or over to the younger men shall be 1 to 5 respectively. (Sixth man to be 55 years of age or over, provided he is physically fit to perform the work of a journeyman plumber.)"

We appreciate the fact that the purpose of this Section may be to guarantee at least some work to plumbers who may be over 55 years of age. Since, however, it does not wholly accord with the statutory requirement, it would not serve as an adequate defense to a charge of discrimination under the Act.

Sincerely,

/s/ Robert D. Moran

Administrator