

U. S. DEPARTMENT OF LABOR
WORKPLACE STANDARDS ADMINISTRATION
Washington, D. C. 20210

January 19, 1971

ADEA 208
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This is in further reference to your letter of October 22, 1970, with enclosures, requesting an administrative exemption from the prohibitions of the Age Discrimination in Employment Act.

You state that your organization is a non-profit temporary help service and that it works exclusively with people over 55. Age 55 was chosen as the minimum age because you believe it is at this point in employment that older workers find it extremely difficult to return to a permanent position.

We appreciate the fact that the primary purpose of your organization is to assist older people and to provide an employment opportunity program for the older worker. The Age Discrimination in Employment Act, as passed by the Congress, extends its protection to all workers in the 40 - 65 age bracket where the terms and provisions of the statute otherwise apply. Age 40 was chosen as the lower age limit because it was ". . . the age at which age discrimination in employment becomes evident. It is also the lower age limit found in most State statutes bearing on this subject." (House Report No. 805, October 23, 1967, p. 6.)

Other special programs, very similar to yours, have been brought to our attention from time to time since the effective date of the Act, accompanied by requests for administrative exemptions. Each such request was given most careful consideration, in recognition of the spirit in which it was asked, but a conclusion was reached that since the granting of a special exemption in such cases would set precedents authorizing the preference of one group of "older" workers over another group which is equally entitled to the protection of the law, the requests would have to be denied.

We do share your concern for the employment difficulties faced by middle-aged and older workers but, because of the reasons set forth above, are not in a position to accede to your request.

The material enclosed with your letter is returned herewith.

Sincerely,

/s/ Robert D. Moran

Administrator

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