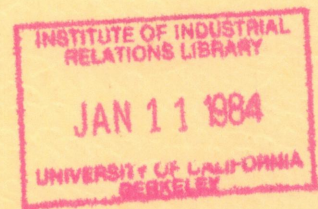
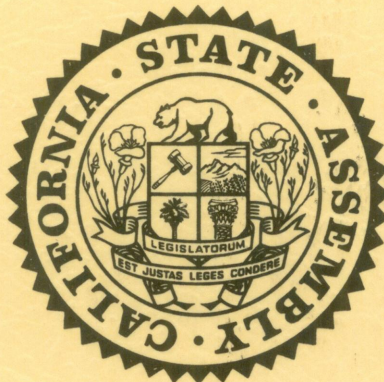


Older Workers
(1981 folder)

(FORUM TRANSCRIPT)

ASSEMBLY COMMITTEE ON AGING,
GERALD N. FELANDO, CHAIRMAN



"EMPLOYMENT AND THE OLDER PERSON"

TUESDAY - MAY 26, 1981

2:00 P.M.

GOVERNOR'S COUNCIL ROOM, STATE CAPITOL
SACRAMENTO, CALIFORNIA. *Legislature.*

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TUESDAY - MAY 26, 1981

2:00 P.M.
GOVERNOR'S COUNCIL ROOM, STATE CAPITOL
SACRAMENTO, CALIFORNIA

"EMPLOYMENT AND THE OLDER PERSON"

COORDINATED BY
HELEN DENNIS, ANDRUS GERONTOLOGY CENTER,
UNIVERSITY OF SOUTHERN CALIFORNIA
AND
KARIN HUTCHISON, ASSEMBLY COMMITTEE ON AGING

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ASSEMBLYMAN WILLIAM FILANTE	ASSEMBLYMAN PATRICK JOHNSTON
ASSEMBLYMAN NORMAN S. WATERS	

TOM PORTER: Assemblyman Felando, Chairman of the Committee on Aging, is presenting a bill right now before the Senate Judiciary Committee, and he will be joining us in a few minutes. We better start because a lot of you have busy schedules so I've been given the word to go ahead.

The Committee on Aging has the responsibility of addressing all issues that affect older persons that are brought to our attention. Employment of the older person is one of those issues. It is an issue that is gaining more and more attention in recent times. If you look at the newspapers, almost daily now there is some report or article about the condition of Social Security. Many older people want to continue work. In fact, after you ask somebody their name, the next thing you ask them is "what do you do"? For many people - younger and older - employment is a basic source of identification.

Some older people want to continue employment just because they want to work and be part of our society. Others want to continue employment because they need to. For whatever the reason, it is a challenge and a problem that we're going to have to face here in the Legislature.

Our purpose here today is to tap the resources of the National Policy Center on Employment and Retirement. We are fortunate to have this Center in California.

Today is just a beginning. We believe out of this will perhaps come some legislation, possibly

some administration recommendations, but certainly some knowledge that can be useful in educating all of us about employment and the older person.

Pauline Robinson, from the National Policy Center on Employment and Retirement will now take over.

DR. PAULINE ROBINSON: I also want to welcome you here today for this very important forum on employment and the older person. The National Policy Center on Employment and Retirement at USC, is delighted to co-sponsor this forum with the Assembly Committee on Aging.

There are several of us who are here from the National Policy Center and you'll meet several because they are on the program: Sally Coberly, Dorothy Fleisher, and Fernando Torres-Gil. But I'd like you to be able to identify the others who are here because they are here as resource persons and you may wish to speak to them during the reception that follows. Helen Dennis is responsible for putting together the forum today. She's our training coordinator, she's in the front row, and you may wish to speak to her before the day is over. Carolyn Usher and Phoebe Levi are policy analysts with the National Policy Center. They are here as resource persons. Morgan Lyons is here today as a consultant to the National Policy Center, and he is going to be writing a document that will summarize what takes place today. As a matter of fact, we'd like to be able to send that to you, and we're going to circulate a sign-up sheet so we may send you a copy of the report of today's proceedings.

Perhaps I should also note for you that the proceedings are being taped and we will be able, I hope, to record your comments and questions during the day.

We brought some material with us since I'm talking about the resources that we're providing for today. You may wish to check out in the back of the room some fact sheets that we brought with us for today's session.

Although the National Policy Center is funded by a federal grant and we direct a good deal of our attention to policy making at the national level that affects older workers, the State of California is of great importance to the National Policy Center on Employment and Retirement. First of all, because it is our home State, if we start to look at numbers and if we should wish to specify an age group (and that's difficult to do) but let's just take 45-64 for some purposes today.

If we look at the number in this age group in the United States today, over one in ten in the age group 45-64 lives in the State of California. In California, over one out of five persons in the population falls into this age category 45-64.

California has been a progressive State in legislation and in programs regarding workers of all ages really. But also particularly in regard to older workers. For example, in 1977 California passed two pieces of legislation which barred discrimination in employment on the basis of age in both the private and the public sector. This is one year

before the federal amendments to the Age Discrimination and Employment Act.

There are 17 states that to date still have no legislation which bars discrimination in employment on the basis of age in the private sector.

So California can be a model for other states in its legislation and its programs and that's one of the many reasons why this is an important event for us today.

Three years ago a similar meeting took place. Some of you are familiar with the report that came out of that. It was a set of public hearings produced by the California Commission on Aging on obstacles and opportunities for employment of older persons. Those hearings went a long way towards defining the problems and issues and making some recommendations. As a matter of fact, many of you who are here today participated in those hearings and so you're still hanging in there and fighting this battle. But today we have a chance to take another look at how far we have come and what else needs to be accomplished.

We are pleased to have this role because we believe the university can play a key role in convening diverse groups, really bringing together different opinions on this subject, and in maximizing the dialogue that we hope today will get translated into actions.

We feel very fortunate that Mr. Felando and the Committee on Aging in the Assembly are really exerting leadership in the State of California now, in identifying those issues that affect the older worker and, as a matter

of fact, affect the employers of older workers very much and in looking for some solutions to those problems. So we're very pleased to join the Committee in this enterprise.

Dr. Sally Coberly is the Assistant Director of the National Policy Center and she is going to help us identify some of these major issues and problems facing the older worker.

DR. SALLY COBERLY: Thank you, Pauline.

We have an important challenge before us today. There is little question that one of the major issues of this decade will be the development of policies which encourage and enable older persons to extend their worklives. There are both individual and societal pressures that create the need for such policies. First, as you are well aware, the incomes of many of today's retirees are inadequate, and both current and future retirees will continue to see their resources eroded by inflation.

Second, national surveys indicate that many older Americans would like to remain productive. They would like to reap the social and psychological benefits that come from working. But they are often unable to find jobs.

Third, some industries, particularly here in California, are already experiencing shortages of skilled workers. And additional shortages, especially among entry level workers, are predicted for the future.

Finally, the cost of social security and other pension systems are rising dramatically.

As one approach to solving social security's immediate funding problems, President Reagan has just proposed significant reductions in benefits for early retirees. More serious short-falls in this system are predicted to occur in the early part of the next century when the baby boom generation begins to retire.

To address these problems representatives of business, government, labor, academia, aging organizations are all beginning to 1)examine ways of removing obstacles and disincentives to employment and 2) explore new ways of expanding employment opportunities in the decade ahead.

My role this afternoon is to begin to identify some of the major issues and problems confronting older workers in California. To provide a context for my presentation and the discussions that will follow, I would like to begin by quickly presenting some background information about California's older population.

First, like the rest of the nation, California's population is aging. In 1980, about 14-1/2 percent of California's 22.8 million residents were age 60 and older. By the year 2000, the number of persons 60 and older is projected to be 4.5 million. An increase of 36 percent. Persons 60 plus will then account for 15.2 percent of the total population. But the most dramatic change in California's population will not occur until 2020 when more than one in five persons will be 60 and older. By 2020 there will be 7.6 million persons 60 and older, 5.5 million of whom will be 65 and older.

The labor force participation of older Californians is also following national trends. Of today's more than two million Californians of 65 or older, fewer than one in five men and one in ten women are working or are officially unemployed. Thirty years ago about one-half of the men age 65 were still in the work force. In the important 45-64 year old group, this accounts for about 26 percent of the total labor force in California. About 82 percent of men and 50 percent of women are in the labor force. In 1979 about 106,000 Californians 45 and older were officially unemployed. Eleven thousand of these were 65 or older.

Because they often become discouraged and give up actively searching for a job, the number of older workers who are actually unemployed is probably much larger.

In summary then, the number and proportion of older persons is increasing in California with dramatic changes occurring by 2020. The labor force participation rates of older Californians continues to decline and while the number of older persons who are unemployed is relatively small, official unemployment rates may seriously underestimate the numbers of persons who want jobs.

These statistics suggest that there are at least two broad groups on whom our discussion should be focused today. One, those who are currently working and may wish to extend their working lives; and two, those who are unemployed or seeking to reenter the labor force after a period of retirement.

Let's examine some of the issues surrounding the currently employed group first. Surveys indicate that many older workers would continue to work past planned or normal retirement age if alternatives to the traditional 9 - 5 job were available. Among alternative work options, part-time work is particularly attractive to many of these workers. The State of California, through the reduced work time act, has provided a model for part-time work options. The act allows workers with the approval of their supervisor to reduce their hours up to 50 percent without losing important benefits such as medical coverage.

If part-time and other work options are desirable, how can the state assist and encourage private sector employers to offer alternative work options to their older workers. What kinds of employer education and technical assistant efforts will be needed.

Should financial incentives be provided to employers for developing alternative work options? If so, what kind of incentives will be most effective and most feasible?

Skill obsolescence is another problem for employed and unemployed older workers alike. Limited training and retraining opportunities are, of course, provided under CETA, CWETA (the California Workstart Employment and Training Act), and SCSEP (Senior Community Services Employment Program). Additionally, under the provisions of SB 1115 (Ch. 522-1980), the demonstration project training benefits program, qualifying unemployed workers may enroll in approved

training programs and continue to receive unemployment insurance.

With the exception of SCSEP, however, these programs have focused primarily on younger workers as witnessed by the fact that only about 13 percent of CWETA workers are aged 45 or over.

While these programs are important, budget cuts at both federal and state levels suggest that increasingly the private sector must take the initiative for training and upgrading the skills of workers, before skills become obsolete. How can business be encouraged to provide these opportunities, particularly for older workers who have traditionally been excluded or have not been the target for employment and training programs.

Similarly, how can the remaining publically funded mechanisms, such as the CETA prime sponsors, the CETA private industry councils, be used more effectively to meet the needs of older workers?

Turning now to the unemployed older worker, the first issue is, of course, the availability of job opportunities. The rate of growth of new jobs in California is expected to be only moderate in the near future. The number of new salary and wage jobs is predicted to increase by 241,000 this year or only 2.4 percent. This is the lowest increase since 1975. In 1982 the number of new jobs will rise to 371,000. Over 70 percent of these jobs will be created in two sectors: trade and services.

Are there ways to increase the number of new jobs through job sharing or other alternative work

options? What kinds of demonstrations might take place within the State's own work force to serve as a guide for private employers? How can tax incentive programs, such as the California JOBS Tax credit be improved to ensure that older workers receive their fair share of new job opportunities? And, are there other kinds of incentive programs which could be more effective in encouraging employers to hire older workers?

A second major issue for the older worker who is unemployed or seeking to reenter the labor force is age discrimination. Over 671 age discrimination in employment cases were filed in fiscal year 1979-80 with the Department of Fair Employment and Housing. The proportion of employment related age discrimination cases has remained relatively constant over the past three fiscal years at about eight percent. Each discrimination often stems from misconceptions about the abilities of older workers to perform their jobs. What steps can be taken to educate employers as to the capabilities of older workers? Who should assume responsibility for these needed education efforts? Are older workers themselves sufficiently aware of their rights under the law?

Another serious problem for the unemployed or reentry older worker is the job search itself. Research indicates that older workers use fewer job search techniques than younger workers, and that nationally older workers tend to receive fewer services from the U. S. Employment Service.

California has again provided the model

for the nation with its EDD Older Worker Consultant Program and the Cal-Esteem Program. Though no formal evaluation of these programs has been undertaken, there is widespread sentiment that these programs are useful but not enough. Older workers are often only one responsibility of the older worker consultant, and funding for the Cal-Esteem Program is constantly in jeopardy.

How can these programs be strengthened so that older workers receive their fair share of services? Equally important, how can the activities of private placement agencies be supportive and strengthened? These are just a few of the issues and problems that can be enumerated in a very short period of time.

In summary, we have identified four major issues or problems confronting older workers in California: 1) age discrimination; 2) skills obsolescence; 3) job search assistance; and 4) the availability of employment opportunities, including alternative work option.

It's important to note that some of these issues take on special significance for various groups within California's older worker population. For older women seeking to enter the labor force, the most important issue may be the availability of training. Part-time or phase retirement options may be especially important to some minority older workers who are currently installed in physically demanding jobs where early and very early retirement is often required.

Many of the issues just outlined will require further study and analysis before specific proposals

and legislation can be developed. I've raised many questions for which there are no immediate answers. In some cases additional data will need to be collected. Indeed, I think it's appropriate that the Legislature and various state departments examine now the kinds of occupation and employment data which are collected statewide, to ensure that age breakdowns are available for future planning.

A review of various proposals and strategies that will be discussed this afternoon, includes our willingness to look beyond traditional programmatic solutions designed and implemented by state and local governments. It is the private sector which will provide the majority of employment opportunities for older Californians in the coming decade through education, demonstration, and selectively targeted incentives. However, the California Legislature can begin the important process of removing obstacles and creating opportunities for employment. Clearly, the California Legislature has its tradition of leadership and innovation. Today's forum is, we hope, the first step in creating the dialogue among business, government, labor, and academia, and older persons themselves, needed to address the problems of older Californians.

The opportunities for innovation are tremendous. Failure to take advantage of them will have serious negative consequences for this State and for its older citizens. We hope you will join with us this afternoon in meeting this important challenge.

DR. ROBINSON: Dorothy Fleisher is a policy analyst

with the National Policy Center on Employment and Retirement. She is now going to ask the members of her panel to join her here at the table for the panel on Employment Opportunities for Older Californians.

MS. DOROTHY FLEISHER: As was said earlier, many older people want to work and need to work. Part of the problem they face is that there are often times no jobs, or the jobs that are there they don't know about or they might not have the skills for.

One theme of this forum is "Enhancing Employment Opportunities for Older People". And a strong tempo to enhance employment opportunities is to build on the resources that already exist. So we organized a panel of experts who are working with state departments and commissions that are concerned with employment opportunities for older persons. I'm going to introduce the panel to you and then say what we'll do.

First there is Bill Smith who is an older worker specialist with the Employment Development Department; then there is Edith Rhea, who is a Title V Coordinator for the California Department of Aging; to my left is Eleanor Fait, who is the chairman of the employment committee with the State CETA Council; and there is Jo Ann Lewis, who is the director of the Department of Fair Employment and Housing.

What our panel is really here to do for us today is highlight the existing employment programs that serve older workers. And then we will take a look at

some of the things that can be done: new directions, and some of the kinds of constraints and new ways of looking at programs, because, again, I think we really have a lot of very exciting things in place and the challenges to build on them. The format will be to hear from each panelist for about five minutes then invite questions and answers.

MR. WILLIAM SMITH: Thank you. I will respond to three questions that were proposed to me when I was requested to appear on this panel. The first question is: Describe what currently exists in your role or function to further employment opportunities for older Californians. Describe the constraints, if they exist, which would prevent accomplishing the goal. Recommend one or two alternatives which could enhance employment opportunities for older Californians.

I am the State Supervisor for Older Worker Programs in the Employment Development Department. That is a staff position, and in my role I am a conduit for feeding information to field offices throughout the State in serving older workers. I'm trying to destroy some of the myths and some of the stereotypes, feeding to them information on new legislation, feeding to them new research that may become available that I pick up throughout the country, so that they will be more skillful in performing their job. I also monitor the field offices participation in serving older workers through a computerized system to assure that older workers are getting their fair share of the employment services within our budget.

This coming year we are going to receive a budget cut of approximately \$12 - 15 million, which certainly will have some impact upon our ability to deliver services. However, we will not eliminate any services that we provide to older workers at this particular time. That includes: job placement, referrals to training, supportive services, the utilization of other community organizations and support, counseling, and testing. Those services will continue to be provided - perhaps on a reduced rate.

We're presently looking at our operation to see where we can minimize the reduction of the providing of these services.

Additionally, I participate in putting together a training package every other year to update the knowledge and the skills that the older workers consultants utilize in the field offices to keep them up to date, not only to help those in the assignment but all persons who may be assigned to it. (I should mention here that older worker consultant is a job assignment in the EDD field office and is not a civil service classification. The manager selects the person in the office who he or she feels is most appropriate to perform this role during a period of time.)

The restraints, I've briefly mentioned one, is the budget. In addition, another role I have is that of program manager for the Cal-Esteem program. Dr. Coberly mentioned the Cal-Esteem program. This is a special program in which we employ older persons to assist other older persons in finding employment. This program is funded on a year to

year basis, it is presently funded through October, 1981. We are hopeful, and we have some good clues, that we may be funded through June 30, 1982. There are 44 positions in this program working in 30 field offices throughout the State of California. The future of the program, after June, 1982, does not look rosy at this particular time. We certainly feel that the program has merit. It has demonstrated its worth, but as Dr. Coberly mentioned, the research that is attached to such a program has not taken place. One of the things that we hope to do is to institute some type of an evaluation or small research that would assure us that the program does have the value that we all think it has, based upon a day to day operation.

One or two alternatives. We have recently had a publication called Coming of Age Toward a National Retirement Income Policy. We are presently reviewing that publication and we agree with most of those recommendations and we will be supporting most of the recommendations in that document. Additionally, we are looking at alternative work plans - not necessarily for older workers, but the fact that older workers can utilize the alternative work plans that will be instituted, not only at the department, but we hope from the department they in turn can be utilized by other departments and by the private sector.

MS. FLEISHER: Thank you very much, Bill. Edith.

MS. EDITH RHEA: My first big comment: can you hear me? I have a very soft voice and sometimes it drifts away.

I'm the Title V coordinator for the

Department of Aging. Our Department administers the State Title V Senior Community Service Employment program. It was enacted by Congress to address employment needs of older workers. Its primary purpose is to foster and promote useful part-time opportunities in community service activities for unemployed, lower income persons, who are 55 years or older and who have poor employment prospects. By contrast, Title V is not a welfare program. Enrollees are paid wages for work performed rather than given payments based on need. It is not an income maintenance program. Programs such as SSI are designed especially for that purpose and provide financial support for infinitely more people than any employment program could ever reach. It is not a make work program. It is, again, a unique employment needs program. Unique in providing part-time work and unique in placing as much emphasis on providing employment as on providing needed community services.

In carrying out the stated purposes of the act, sponsors are expected to give primary consideration to the needs and skills of individuals eligible for the program and provide training to make the most effective use of skills and talents of the enrollees or participants.

One of the more meaningful consequences of implementing the program is that enrollees will master job skills and therefore better equip themselves to engage in unsubsidized employment. This is a highly desirable byproduct of the program, since it permits a greater number of eligible individuals to be served by the program as well as assisting individuals who desire to transition to unsubsidized employment

for economic considerations.

The program has a goal: to transition 15 percent of their established enrollees in unsubsidized employment. Even in the absence of an established transition goal, the enrollees would continue to search out and obtain nonsubsidized employment for a number of reasons. These include: economic needs, increased self-confidence in competing for nonsubsidized employment, as well as other considerations. The transition goals serve as a reminder that these considerations need to be recognized and attended to by the project's sponsors.

Associated with this arrangement is the understanding that not every enrollee can or wishes to be transitioned. If the program truly selects those who have poorest employment prospects - inferring that neither the public nor the private sector desires their services - it would be unrealistic to suppose that all could be transitioned to unsubsidized employment.

In an effort to support and promote local coordination of employment training and manpower services, projects are required to list employment vacancies with appropriate field offices of the Employment Development Department. In addition, direct contacts are made with minority group leaders, other projects funded under the Older Americans Act, senior citizens organizations and so forth.

The Department of Labor sets our authorized level. It's very low. Nine hundred and twenty-three positions for the current year. Our last

quarterly report, dated March 30, gave an actual enrollment of 1,004.

On February 3 of this year, a memorandum went out to every project requiring them to hire temporaries in order to utilize all the funds. In response to that memorandum, projects are over-enrolling, hiring temporaries at an increased rate and we should end the current year with an enrollment level of 1050 to 1070. We are serving not only older Californians who exist below the poverty level of a little over \$5,000 a year, we also serve minorities. Of the 1004 participants enrolled at the end of March, 480 are minorities; 779 are age 60 and over.

The emphasis of the program is changing. In our first years of operation our primary concern appeared to be to supplement the enrollees income and to provide needed community services. According to the Department of Labor, we shall now be emphasizing training for unsubsidized employment in order to serve more seniors. Nationally, the amount of money funded for the program serves less than one percent of all persons eligible for the program.

In addition to Title V, the Department is coordinating with other state departments through the California Interdepartmental Committee on Aging to achieve the following: We hope to develop a profile of the employment opportunities for older workers at the State level. We are in the process of developing an inventory of information on preretirement planning. We are working with the area agencies on aging to provide technical assistance in their efforts to

provide employment opportunities to the older workers in the community.

I was out in the field last week and I was disappointed to note that the myths of employment and the seniors is still alive. In fact, it's very strong. I think it has increased.

I guess our recommendations would be that I hope that we can implement the things that we would like to do through the California Interdepartmental Committee on Aging. I sincerely hope the funds are not cut. We're serving too few people as it is.

MS. FLEISHER: Thank you very much. We're going to hold the questions until the end, so as things come to mind please jot them down. Now I'd like to turn it over to Eleanor Fait, with the State CETA Council.

MS. ELEANOR FAIT: One thing about appearing after five people have talked, you feel like everything has already been said. But I'll try to make sure that I don't repeat too much here.

Retirement is an artificially imposed restriction on the American labor force, stemming from the passage of the Social Security Act in 1935 and represents a successful effort by organized labor to rid the labor force of older workers. How successful have they been? There is no national policy to this day on the right of a person to gainful employment as long as he is willing and able to work. And you can search in vain for such statement in the Older Californians Act, passed last year, supposedly a charter for

our older citizens. Three generations of workers have been forced by societal pressures to believe that the American way is to work during your so-called prime years, then get out of the way, regardless of personal wishes or needs, or those of business and industry.

In the 22 years I have been observing this, I have seen recessions, many depressions, and periods of great prosperity. But no matter what the economic conditions are, there are always reasons why older workers should not go on working. Through the years, there have been four main arguments - all misleading and inaccurate - used to keep up the pressure against older workers, plus the original restrictive nature of the Social Security Act itself.

The first is leisure time. Older people must enjoy leisure time. For years people have been persuaded there is something wrong with themselves if they don't want to get out of the labor market as early as they can. This tremendous effort to persuade people to do nothing was spearheaded by the recreation and housing industries. Although a lot of people were persuaded to quit work, they did not like it. Dr. Alex Comfort puts it this way: "Leisure is okay for two or three weeks, then it is unemployment. And leisure is doing trivial things which you have to pay for."

Another successful argument: If older people go on working they keep jobs from younger people. This insidious argument creates guilt feelings about continuing in the labor market regardless of personal desires. Yet how can you equate the unemployment of innercity youth with anything

to do with older workers?

And there was the bugaboo of automation. Automation allegedly wiped out jobs. The pool of available jobs was shrinking, therefore older workers "get out."

And the fourth argument? Big companies have rules and personnel policies that preclude the hiring of older workers. Therefore, there's no place for them in the American labor force; therefore they should get out.

Yet not one single study over the years proved that any of these contentions were valid. And now rather suddenly everything's changed. Older people are in such good shape they should go on working. Younger people are beginning to resent all the leisure, do-nothing time that older people have. It turns out that automation really increased jobs rather than decreased them. Older people are not taking jobs away from younger people after all. And the jobs never were with the big companies. Seventy percent of the jobs in America are in small business.

Why does the man, now president, say to older workers we don't want you to draw your social security until age 65 or even later, when as governor, right here, he was bribing state employees with two years of retirement credit to get them out of state service early?

The United States is running out of productive workers. We do not have enough good workers to keep our production capacity up to needed economic goals, and not enough workers are contributing to the social security and other pension funds. Too many older workers drawing

down the benefits at an early age. So what could the big thinkers in Washington do? They discover this tremendous pool of older workers, who if they would only go on working would solve two problems. So what to do now?

First, we have to persuade older workers to stay in the labor market. And after three generations have been brainwashed into the present day patterns of work and retirement, that is going to take some doing.

Second, we're going to have to get rid of the concept of government as the employer of last resort. CETA is doing that now with its public service employment program. The United States Administration on Aging ought to do it next - with due apology to Edith and Janet. This concept has been a fantastically expensive plan with a very narrow focus, but it has taken all of the available funding for older workers for the past ten years. In the process, it has perpetuated and reinforced the idea that older people cannot do regular work and compete successfully in the labor market. It is administered as a welfare program; it has never been an employment program. When you ask a person first whether they're living below the poverty line before you ask them what they know what to do, it is a welfare program. We need to look around at the available federal and state funds - whatever they are - and see what can be put together to help. There are unexplored resources everywhere. Take the CETA private industry councils of which there are 40 in California. The purpose is to increase the involvement of the business community in employment and training activities.

And these councils are funded for next year at the same level as this year.

But basically we need to establish firm connections with the private sector where the jobs have always been. Employers need to be helped and encouraged to revamp attitudes and hiring practices, establish performance standards and develop new work-life options. They've been brainwashed too. The chambers of commerce, trade and other business associations and universities who have resources and interest in this question.

More laws are not necessarily the answer. But we do need to clean up and get rid of some that are on the books now. I'll cite just one: the Federal law that requires that pension benefits be offset against unemployment insurance. An outrageous idea. The Employment Development Department has been able to modify the impact somewhat, and affect a reduction in the amounts offset. But there is still between \$10 and \$20 million a year withheld from older workers in California because someone in Washington thought a means test should be applied to this worker group only, when unemployment insurance is an entitlement program.

What is needed now is determination, direction, and a mobilizing of resources using innovative combinations.

I'm hopeful that the National Policy Center on Employment and Retirement of the Andrus Center will provide this leadership. Now is the greatest opportunity for older workers in the last 20 years.

MS. FLEISHER: Thank you very much. I see we're going to get into a very exciting discussion. So let's hear from Jo Ann Lewis.

MS. JO ANN LEWIS: I'm the director of the Department of Fair Employment and Housing. This is the civil rights agency for the State of California. The Fair Employment and Housing Act, formerly known as the Fair Employment Practices Act, provides protection for ten different groups within California. Age over 40 is among those groups protected by our law. As was mentioned earlier, our Department handles between 9,000 and 9,500 employment cases a year. These are the cases that we actually accept for investigation and merit determination. Of those, about eight percent are filed by individuals who believe they have been discriminated against on the basis of their age.

In looking at that group of complaints we find many of the situations described much more colorfully by Eleanor in her remarks, and that is that employers do have some stereotypes about the older worker, and in many situations are looking for younger employees. This is particularly true in what they call front office positions, and very often some companies will eliminate older, experienced workers in their management or sales positions because they want a youthful image. And we have found this to be fairly significant and representative of the kinds of complaints that we receive.

We don't initiate any kind of program that would assure employment for older workers. Our responsibility is to assure that a person who has been denied employment or a benefit of employment because of their age,

that we find a remedy that's appropriate for the violation of the act. So we're not in quite the same situation although I think that it might be useful if we could find an appropriate employer to look at a class action or a group action that would be based on age. We haven't observed anything come through the pipeline. We haven't had anyone identify a potential action of this sort. So we'd be very interested in hearing what goes on this afternoon. We might be able to make a little headway by taking an action independent of an individual complaint.

MS. FLEISHER: Thank you, Jo Ann. What I'd like to do now is open the floor for questions, comments, discussions.

QUESTION: Has the policy of the U. S. Department of Labor and the impact on the funding of the State Department of Labor changed any of the hiring practices relative to older workers?

Secondly, do older worker specialists in your field offices ---- is this merely one of many obligations that a particular person has, personnel has, or are they specialists in this area who really can devote themselves to this?

MR. SMITH: In response to your second question, it is a job assignment of which in some offices they have more than this job assignment. The Cal-Esteem program is unique to the degree that both the persons in those positions devote exclusively all of their activity and time to serving older workers. The older workers themselves may have other duties, it depends upon the office and the location.

Relative to your first question, may

I ask Mr. Grass, who is my supervisor, if he has any information relative to the Department of Labor's position. Would you mind repeating the question for Mr. Grass.

QUESTION: If I understand the funding policies of the U. S. Department of Labor relative to state agencies, they fund you on the number of jobs you place people in. Obviously if it's harder to place an older person you're less likely to effectuate Older Person Employment recommendations, especially when you have people in your agency whose whole policy will be affected by it. And you have people who are not even specialists because they have several titled under them. So do you have or don't you have an older worker specialists policy in the local office?

MR. GRASS: We have an older worker specialist's policy of having an individual who is responsible for seeing that older workers are getting service in the community. In some cases a small office will only have about five people involved and certainly that individual will have more than one hat.

In response to the Department of Labor's policy, they haven't come out with any policy to my knowledge laying on us, as a State agency, any criteria for older workers other than to emphasize that older workers are to receive some kind of special services in the sense....

QUESTION: Maybe I'm misunderstanding the general funding policy of the Department of Labor...

MR. GRASS: It's not spelled out that way. There is no special thing for older workers to use.

QUESTION: I understand that - but you're funded on the basis of your efficiency, how many people you place on jobs. Therefore, if it's hard to place an older worker you don't have the availability of staff time to emphasize that. Now you're going to place one person in a short-term job and it will take a long time to place one person.

MR. GRASS: Well, yes--there's certain ratios in there. Yes, you're right though it is on a volume basis and we've fought this numbers game for a number of years. Unfortunately, we lose staff resources when we don't...now this next year the Department of Labor is going to fund us on the basis of our last fiscal year's accomplishments. In pulling out this fiscal year's accomplishments and the next fiscal year we're going back to the last fiscal year--and why I don't know, but that's my understanding.

MS. FLEISHER: Thank you. You point out some additional kinds of constraints. Are there other questions?

QUESTION: Has there been much experience with employers against whom complaints have been filed on the basis of age discrimination?

MS. LEWIS: No, we have not noticed that. What tends to happen in an age case is that it's not necessarily a written policy. It tends to be an individual case. And sometimes age has been a pretext, it's not always age, but that's what they use. They will address the problem of that individual but they don't make any major changes, even though we will include that as part of our settlement and when we go back to monitor we find that very often that employer is doing pretty

much the same thing. It's a serious problem. As was mentioned by Eleanor, there are many more small employers, as opposed to larger employers. So the way they handle their employees is quite different from what larger employers would do. It's a very difficult area to try to enforce, it really is. They are all individual cases.

QUESTION: What does the 1977 legislation actually do?

MS. LEWIS: What it says, essentially, is that it is unlawful to deny a person employment or benefit of employment based on their age - age 40 or over - and California has no ceiling. I mentioned earlier, some companies ask for front office appearance and that's a youthism for a young attractive individual who will sit up front and greet the public. We find that people are denied access to training opportunities because they are a few years from retirement.

QUESTION: When you find one case in a company why can't the law protect everyone that works there at one time?

MS. LEWIS: It protects them but you don't find the same...you don't find enough people of that age. In order to make a class you have to have people who are forty and over who are being treated in that fashion, either denied access or whatever. And what you usually find is an individual - you don't find 4 or 5 people...

QUESTION: So everyone has to be...so each person has to file a grievance?

MS. LEWIS: Unfortunately, that's been our experience. As I said earlier we would be very interested in making an example of an employer. And we had hoped earlier when the mandatory retirement age was done away with that that would

give us an opportunity to do that. But that isn't the case, you know, the employers have caved in essentially and they're handling it on an individual basis.

QUESTION: (inaudible)

MS. LEWIS: Yes, I think the protection has been legislative and that works for those people who've come and complained. But I think that more is needed. I think education, I think attitude, I think standards as was mentioned earlier. We find that much of this is just plain old sloppy personnel practice. They say that the person no longer can do the job and that they have no criteria for what the job is. And how are you measuring this individual against whether they can do the job or not. So we find that many of the complaints are legitimately based on age, because the employer is sloppy in his practices and this is a convenient way for them to move this person out.

QUESTION: How much of a problem is it if the employer has retirement or a benefit program that is based upon paying into the program over X-number of years when an older person seeks a job and the employer might insist on things like working a limited number of years. Do they advance that objection or...

MS. LEWIS: They have, but the law prohibits denial of employment based on that. There was a grace period which is not ended for those retirement plans and now all retirement plans have to cover an individual as long as they are continuously employed until age 70 - I think there is a cut-off at age 70.

QUESTION: Take the new employer, they hire someone at the age of 58...

MS. LEWIS: Private employers have to adhere to it. Public employers have an exemption, like in the police and sheriffs department there are some professions where there's a specific exemption for paying into the retirement plan. But they cannot deny employment to the individual just because of their inability to join the retirement plan.

QUESTION: Would you care to comment on the type of case you may have occasionally, where complaints are filed by people who when investigated you find that they simply cannot perform that job that they are seeking?

MS. LEWIS: Well, then that is not discrimination. You know, it's discrimination if the denial of the employment is based on age but if the denial of the employment is based on the inability to perform the job that isn't discrimination on the basis of age.

QUESTION: The fact that age may play an important part in that would be disregarded?

MS. LEWIS: That's correct. In order for it to be discrimination based on age then you have to be able to do the job or have been doing the job and in many cases people have been doing the job.

QUESTION: Do you find a number of cases where people have made claims of being discriminated against--where it is actually not age discrimination but something else?

MS. LEWIS: Yes, but that's a fewer number, surprisingly. We find that to be true in sex cases and race cases much more than we find in the age cases.

QUESTION: I have a question for Edith. I'm

interested in knowing under this Title V, what kinds of jobs are there among thousands of jobs that you have placed people into.

MS. RHEA: In substance they're senior centers, arthritis foundations, Red Cross, christian projects. They do almost any kind of job that other people do. They may be a hostess at a nutrition site and another one may be a teacher's aide, still another one may be the bookkeeper. Some of them are in the management of the programs. It depends upon the need, it depends also upon the senior and their skills and the type of training that they can secure. Thank you.

MS. LEWIS: Eleanor?

MS. FAIT: Yes, Jo Ann, would you tell us what your agency's relationship is with the EEOC and what the requirements are. I think there is a good deal of confusion about where to file first.

MS. LEWIS: Our Department has a formal work-sharing agreement with the Equal Employment Opportunity Commission. And age is not a part of Title VII, so the age cases that are handled by EEOC are handled differently than Title VII cases. In all Title VII cases if you file with EEOC or with our Department there are dual files and the other agency is notified. We have tried to work a similar agreement with age cases but because it is not Title VII they don't have the same freedom to do that. We do share information so if a

case is filed with us on the basis of age we tell the EEOC and they do the same if a case is filed with them. But we don't have the same agreement in accepting the investigated findings of the other agency, the way our work sharing agreement works with EEOC, if you file with our Department and we complete an investigation, EEOC will not reinvestigate that case. They will accept our findings and if the converse is true, if they investigate the case, we will not reinvestigate, we will accept their findings. They don't handle age cases the same way we do. When we accept a complaint on the basis of age we do our investigations and we determine merit. EEOC does not. They attempt to settle or work out a conciliation. If it doesn't settle they do not pursue it, they close it. Now that creates some problems and we're trying to work that out as sister agencies, but it is a different approach to investigations by the federal agency. You know they have just received this a little over a year ago from the Department of Labor and they are still trying to work out the procedures.

MS. FLEISHER: Did anybody else have a question?

Jo Ann, are they computerized to the extent that you could determine when you do 30 cases over a period of time, are they from the same employer.

MS. LEWIS: Yes.

MS. FLEISHER: And you see no patterns like that at all?

MS. LEWIS: Not yet. It's very difficult...there are close to 700 cases that we get in a year from all over the State and so it's very unusual to see any one employer. Many of our early cases were based on public employment where there

was a requirement in the law that they had to retire at age 65. In order for us to evaluate and accept a complaint, we first get the retirement policy, until we had enough experience on which jurisdictions actually had that in their retirement plan. Of course, now it's all over and no one can have it. But we don't see a pattern basically of any large employers.

MS. FLEISHER: There's time for one more question, anybody who hasn't had the floor, Ted Ruhig.

QUESTION: I have one. I want to ask Eleanor, do you think that the time will come when in the collective bargaining arena that there will be more bargaining for extended time on the job or flex time for part-time work?

MS. FAIT: The time for that is now, Ted, but it's going to be the most difficult area of all, as you well know.

MS. LEWIS: It's a good area though we're seeing a lot of that just because we're observing changes in work patterns and women are exploring that as opposed to older workers. Women are exploring the whole concept of sharing jobs and part-time and flexible working. I think it's a really exciting new way to approach the whole problem.

MS. FLEISHER: I would like to very much thank the panel. And what they have presented is a ray of strategies all of which are working, but we have a regulatory strategy as one approach, then there's public sector job creation strategy as another approach, specialized older workers and then the final approach and I think where we are beginning to move is really with the private sector and that's really what Eleanor had urged on us to really look at job creation in the

private sector and work options. And so again, I thank the panel very much.

MR. FERNANDO TORRES-GIL: Thank you for staying with us. My name is Fernando Torres-Gil, I'm a policy associate with the National Policy Center on Employment and Retirement. And I have the pleasure of chairing the second panel which will deal with the general topic of new directions in providing employment opportunities for older Californians. The first panel did a fine job of presenting some of the programs, some of the problems and some of the opportunities and a few strategies for the whole area of utilizing older workers in a productive and, hopefully, humane manner. This panel will focus more on some of the alternatives, strategies, options, and new directions, however, we may refer to them--in putting California even more in the forefront, in terms of utilizing older workers. As usual California appears to be a progressive State having passed their own mandatory retirement bill for abolishing mandatory retirement, excuse me, having passed a reduced Work Time Act. And now, hopefully, we will move even farther ahead of the rest of the Country. We have today some excellent persons who are qualified to discuss some of those new strategies. They have been asked to select those that they feel are most pertinent or of greatest interest to them. They have been asked to discuss the steps necessary to implement them, some of the constraints, some of the opportunities, some of the short and long range issues associated with those strategies and to discuss the feasibility or the probability of their implementation. The agencies, the interest groups

which would play a key role in whatever those strategies are that they are interested in. We have today with us Assemblyman Felando, Chairman of the Assembly Committee on Aging and Mr. Morgenstern, who is a newly appointed Director of the Department of Personnel Administration. Mr. Joe Kurtz, to my extreme right, is the Chief Deputy Director of the California Department of Aging. And we also have an individual filling in for Bobby Aguilar who is a Commissioner of the Commission on Aging and unfortunately had a family emergency, but we are fortunate, Barbara Braeback who has been involved extensively in this area and has many years in private industry, has worked for the State Department of Employment. I'm going to change the program just slightly to give two individuals a little breathing room. I'm going to ask Assemblyman Felando if he can start out, followed by Mr. Morgenstern, if that's O. K. with you? And then Mr. Kurtz and Ms. Braeback. The first panel held their questions towards the end and we will try to do that as well and we will try to keep each presentation to approximately seven minutes. Assemblyman Felando.

ASSEMBLYMAN FELANDO: Thank you. First of all I'd like to welcome you all a little late. I had a bill that I was presenting in Senate Judiciary which was about to go down to defeat and as it happens many times up here you just have to drop back 10 and punt, and take a little amendment and save your bill, but at least I did get the bill. I think we have an excellent turn-out and it's always nice to get up here and talk to a full room, believe me.

I'd like to start off my panel comments

with the observation that all of us here today are concerned about the independence and dignity of older persons. As Chairman of the Assembly Committee on Aging I'm concerned that the employment laws, programs and services available for older persons also reflect this concern. There are several ways I can help to insure that they are concerned about independence and dignity. Hold public hearings and co-sponsor forums such as this one today. This is an excellent beginning. We cannot help the older person if we don't know what the problems are. Hopefully, we are going to have more forums than just this one today so that we can really target what the issues are and how...not just what the issues are but how we can work to solve them. These forums publicizing the problem, facilitate bringing experts and seniors, the public and private sector together, to discuss what needs to be done and how we can all do it.

One thing I would like to emphasize is that the Committee can do many things to improve the employment situation for older persons. But we can't do it alone. Any recommendations or action taken must be undertaken as a partnership, with older persons leading the way and stating their needs and priorities. I can't stress enough that older persons really must take the lead. You had a real good example of senior power with the President's slight set-back of his social security proposal but that was real senior power working. We had another little example of it here in Sacramento when 5,000 paper plates appeared in the Governor's lounge, right outside here. Federal, State and

local government agencies must be included in this partnership, as well as education and most importantly private industry. I think that the real lead and the real forefront of the battle must be with private industry. We can pass legislation designed to encourage employment alternatives, tax incentives and pre-retirement training. We can also do oversights to make sure that the laws and programs which do exist are operating according to legislative intent and that they are operating efficiently and effectively. If they are not running effectively, perhaps the law needs to be changed. We can educate our fellow legislators as to the problem and direction we need to go and I think that we are really taking a lead on that one. This Committee has put out more literature in the last four or five months since I've been the Chairman than I saw in the past. I think that almost everything that we look at is passed on to our fellow legislators and I'm trying to get that feedback and they do see and appreciate what we are sending through.

There were five major areas that I wanted to touch upon briefly; one is the need to encourage the private sector to expand alternative work options for older persons. We need to open a dialogue with the major corporations in the State to encourage their active involvement in addressing this need. Two, we must provide tax incentive to private employers who hire unemployed, retired or older workers. I want to point out here that former Assemblyman Perino introduced a bill which would provide those tax incentives, the bill was defeated. But any bill we introduce must be

actively supported and lobbied by all of you here. Many good ideas are put before the Legislature but die for a lack of support or lack of clarity of what was intended. Almost every special interest group really has an advantage over the older person. As a special interest group the one advantage you have though, that none of the others have, is that you've got time and you've got numbers, and that's a tremendous force. I don't feel that issues affecting older persons in the past were worked as hard as they could have been. I think we are seeing a change now, the older persons do realize that they have to get out and work, they can't retire. It's a shame but there are issues that we just can't let slide and we've got to keep working.

Three, clarify the role of the Employment Development Department's older worker specialists. This program has never had permanent funding, they have been forced to hustle grants to continue. I'm not sure that this is the year to ask for permanent funding but we cannot continue to view this program as a pilot program if indeed it is effective. The Committee intends to hold public hearings on the Older Californians Act to see how it has been received by the aging community. We may want to amend the Older Worker portion of the Act to further clarify the program's responsibilities. And we need to develop a better recruitment and age affirmative hiring program for the public sector.

My bill AB 2081, attempts to address this need for the State Civil Service System. I've learned a great many things since becoming Chairman of this Committee.

Most of all, I appreciate meeting with the people, such as yourselves. I think it's essential that I hear firsthand. In fact when I first learned that I was to be the Chairman of the Committee on Aging I called in as many of the leaders as I could from throughout the State and all the organizations that address the older people in the State. I hope that this forum is just a beginning of what we are all going to accomplish together in the next year and a half. And I pledge my support and the support of the entire Committee to see that our mutual concern for independence and dignity for older persons in this State is reflected in all that we do. Thank you.

MR. TORRES-GIL: Thank you Assemblyman Felando.

Our next panelist, Mr. Martin Morgenstern, Director of the Department of Personnel Administration, will speak.

MR. MARTIN MORGENSTERN: Thank you. I hope to do as well on the timing as the Assemblyman did. Do you think I can do it in seven minutes, Mr. Felando?

ASSEMBLYMAN FELANDO: Seven minutes and seven seconds.

MR. MORGENSTERN: I'll start off by seconding Assemblyman Felando that in the final analysis whether we're dealing in the Legislative arena, as he is, or the collective bargaining and personnel administration area, as I am, power talks--I mean the ability to mobilize support behind your efforts is essential to success in this, as I guess in anything within the body of politics.

My concerns are mostly with issues that deal with the government employees, but I think in many ways I would agree obviously how this spills over into the private

sector is one of the most important components of what we do in the public sector because most people still work in the private sector today, not in government. The Assemblyman mentioned one issue that I think is especially interesting with respect to tax incentives and the fact that we could not get a bill through and basically, probably, the reason is it's an expenditure. A tax break is an expenditure and it's going to be tough for the foreseeable future in terms of getting expenditures out of government. Therefore, one of the things I would like to emphasize, not to say that you shouldn't go after the money, but to say in addition to that is that there is a serious question of the efficient and best allocation of resources. I think there are some areas that I'll try and point to which perhaps the resources now being spent could be better directed in another area...better directed in another direction.

Let me take as a jumping off point of my overall presentation this "Report of the Technical Committee on Employment" of the White House Conference on Aging. The publication put out by the Committee has a series of points at the end, called the "cost of age discrimination". The retention of older workers does not displace or inhibit promotional opportunities for younger workers. Economists conducting research for the Department of Labor found that the increases in permissible mandatory retirement age from 65 to 70 will result in negligible delay of promotions for younger workers. If this is the case, somebody better start telling the rest of government and the unions that that's the fact. Because almost every single time we've had a layoff

situation in State government or a potential layoff situation, the Legislature has passed and the Governor has signed what we call a "golden handshake" bill. Essentially, where you encourage people to retire early by giving them two extra years retirement credit. Now that costs money, or possibly that in the long run maybe it doesn't, maybe some savings are involved. It does exactly what the Whitehouse Conference Report complains about and that is it says in many cases retirement programs have been used as a major incentive to induce early retirement as a solution to a layoff...the early out. It's not only done in the private sector, it's done right here in California and I think of at least twice that it's been done since I've been working for Governor Brown. And in both cases, especially in the last case, when it was done on behalf of the State college and university system of California.

The universities and the Legislature pushed the bill through with the major argument being, well, we'll clean out the fuddy duddies and we'll make room for affirmative action and that's why we need this. Incidentally, some of the obvious, well we don't have time...we'll find out what their arguments are within three or three and a half minutes. (laughter).

I have three more points here. One thing that I think is positive that was produced by the Legislature and signed by Governor Brown on July 28, 1980, was SB 1859. That's a piece of legislation that basically mandates us to create alternate work hours, reduce work weeks

and alternate work hours for people who want it. The rules and regulations are now in my province as Director of the Department of Personnel Administration. I inherited this staff from another Department and they have put together a set of proposed rules which I haven't read yet but we will... after we read them we will be holding public hearings on them and my guess is that you want to have input into that kind of thing because the Legislature basically mandates real managerially feasibility. Now, if you leave it to each of us who are managers to determine when it's managerially feasible, when it's absolutely and positively no inconvenience to us in any way, shape, or form; obviously you are going to have the people who want to affect this for themselves and this is what the hearing process should deal with and hopefully we'll try to accommodate to the degree we can the legitimate concerns of people who want to use this program.

I think Governor Brown has personally been very much for this from the very beginning. I've been the Labor Relations Director for six years and you know I only have personnel for a short time and he's always trying to push us to coming up with incentives like this. Maybe he figures they don't cost money, and he hates to spend money. But I think also because we think it would be a benefit to workers in general and certainly to people who want to continue in the workforce, but not necessarily on the same full time job they've been doing for twenty or thirty years.

A serious problem that we just don't have time to get into in great detail now is the pension

programs that we have, and pension inequity. The basic problem, of course, is the lack of affordability of pensions. So the State now contributes 20 cents on the dollar for every single employee, that means one percent of payroll is \$35 million and we are spending a hundred times \$35 million and at 20 percent. But 20 percent of that, and that's just General funds, we spend actually a lot more than that. 20 percent of that money goes to pension but how many State employees ever retire? If you take a picture of all the people who have ever worked for the State over the past 30 or 40 years how many people in that picture are getting a State retirement check? Very few, especially the women, especially the lower paid people, they turn over and turn over and if they stay five years they take their money out. Well, their contribution is the one that is supporting the other people's pensions.

Unfortunately, we are not currently integrated with Social Security. So, we have a situation where most people get no pension, and some people get a pension well in excess of 100% of their going-out pay. That is what I'm talking about, and the President told them that they are not spending money properly to benefit all of the people. We have to change that so there will be a portable and universal pension, and everyone is guaranteed a pension. I've heard some people are doing pretty well with the pension fund and many others are doing very poorly. We've generally heard State employees are not doing too well, and that's true to the degree that the people now retiring and already retired generally were not integrated with Social Security at all. Those are just

some of the issues that we'll have to deal with, more than I've had time for in my seven minutes. Thank you.

MR. TORRES-GIL: Thank you, Mr. Morgenstern. Our next panelist will be Joseph Kurtz, Deputy Director of California Department on Aging.

MR. JOE KURTZ: Thank you, Fernando. To start with, it seems to me what we must do to help create additional employment opportunities for the Senior Californian is to be working with the private sector. About 8½ million people work in California--probably. What is it Marty, about 1 out of 4 for government of all levels?

MR. MORGENSTERN: I think it's less than that.

MR. KURTZ: You see the majority, the vast majority of the employment opportunities will be in the private sector and not in the public sector. There is certainly a need to develop either a workshop or education program for the employer community, so that all of them can be aware of the potential of the older Californian and the range of innovative ideas and experience older Californians can bring to the work force or continuing work force. I believe what Eleanor said earlier that our main objective is to get through twenty or thirty, or how many years, get out and retire and enjoy life. But I think that most people, or at least the vast majority of the people who have now taken the retirement or are planning retirement, find themselves either ready to continue on the job or ready to return to the work force. We get calls every day from people and many letters asking how they can enter the work force.

So one of the things that we need to talk about is how can we educate the private employer community so that employers are willing and able to continue an older Californian on the job, or rehire one who has left the work force. Most all the pre-entry tests and medical exams are aimed toward the younger employee, the younger person, we all know this. So we must encourage private industry in particular, to re-examine the job requirements and the personnel and training policies of their operations to insure that the standards, which someone spoke about, are not geared toward the younger individual but includes the older individual returning or continuing in the work force. We need to educate personnel managers to weed out those requirements in the jobs specs that talk about duties and responsibilities that in no way relate to the job that they have to do.

I've been accused of saying that we ought to take all job descriptions and throw them away, I still mean that. Because what we ought to do is decide what a person should do and what has to be done and then gear that individual's effort into accomplishing that job. Not to list four pages of job descriptions, and perhaps two paragraphs really relate to the job that individual is really hired to do. We need to be sure that all of the seniors are aware of what job discrimination is, and which department or which agency they should go to appeal a charge of discrimination because of age.

Especially, we need to look at those practices that affect the older woman, the ethnic male and female minorities and the handicapped, both male and female.

Their experiences are compounded by the effects of discrimination. Perhaps some possible solution would be to conduct workshops on finding and laying out job skills. To work with employers to develop job training workshops geared toward second careers with certificates of completion that motivates the older person. Introduce options for a second career--someone spoke of splitting jobs--flex time, other areas. Provide an area where there is a sense of accomplishment for that individual and provide some insights to employers regarding the older persons. Also, there's a reluctance on the part of some employers to invest in on-the-job training. I think that someone spoke of that earlier. Certainly workshops could educate both the employer and the employee on the benefits derived from investing in the older worker through continuous on the job training.

Some employers are reluctant to hire older workers because of the increased cost of fringe benefits such as health and accident insurance--an area that needs to be taken a look at. One of the most often heard excuses is "we can't afford the insurance for the older workers". We need to identify the basis for the higher insurance rates by the professions and if the insurance companies rules are based on some methodology that is not appropriate for today's older Californian, then we need to take a look at it.

We need to provide individual employment counselling to match the older person to the appropriate referral, I believe someone in EDD spoke of that. Consider working with the major employers and develop free

second career introductory training workshops to provide ways to motivate the older person. To introduce options for these careers that will give these older persons that sense of accomplishment that we spoke of. In all of this there are a number of State departments that now are on the books and operating in the State that could work with the private employer, committee as well as the State. For instance, EDD needs to conduct workshops on job finding skills for the older worker.

The State Personnel Board and Marty's Department of Personnel Administration should provide training workshops and individual counselling to match the older person to appropriate referral. The Department of Education should provide educational needs to make the skills marketable-- certainly an area that the Department of Education is now devoting considerable time to. The Department of Aging should monitor the programs and assure that no age discrimination takes place. The Department of Finance should assist in funding programs to enhance the employment of the older person, and finally the Department of Insurance should work out possible problems of insurance coverage for the older workers. Out of 120 odd departments in the State, there are at least 33 departments that touch on and provide programs affecting the older Californian.

MR. TORRES-GIL: Thank you, Joe. Our final panelist is Barbara Braeback who in part is representing Bobby Aguilar, but I'm sure in larger part is representing some of the ideas and experiences she has had relating to the

older worker.

MS. BARBARA BRAEBACK: Thank you. I want to thank you all for being here today and I wish to express Bobby's regret for not being here and she really and truly wanted to but it was beyond her control. For the past five years I have been the coordinator for a program called Experience Unlimited. It's now strictly a volunteer organization now that they have lost their funding. It is geared especially for the professional, by educational training or experience. But I'm sure what we've developed can work for the individual older worker. Between 56% and 60% of our people were over the age of 40. To this gentleman here I would like to say that they have touched on many things that we have put into writing. We distributed an orientation manual all over California. The older worker is a very special person to me. We help him/her maintain his dignity, and we tell him/her just exactly how to make the program work for him/her. There are orientation meetings once a week for two to four hours. It gets you out of the house, it gets you doing something, you are coordinating with other people, you were cooperating, you weren't sitting home doing nothing. Through this we told them just exactly where the jobs were, nothing was hidden-- we didn't take credit for special placement--there were number's games here, they were people games. The people games were the fact that they gained employment, they gained self-respect, they became productive people.

The question is usually how do I start a job search? We have put that in writing. O. K., then how

do I write a resume, what about a tailored letter? We have workshops for that and this was done by all the volunteers. All I did was simply sit there and coordinate and enjoy the people. How do we write, what words do we use, what verbage? It's here. Then we go on and it says how to begin your resume. I can't tell you how many people wrote a resume without putting their name on it, or their address, or their telephone number. Reference material--what books should I read, if I want to read them--and remember this was geared for the professional but it can be taken to all levels because this is a help to people.

Each one of you gentlemen have touched upon this. O. K. What does a resume look like? How many here have ever seen a resume or have had to write one: achievement resume, chronological resume, functional resume, a cover letter--then we put out a bulletin that started out with approximately a thousand copies a month with a short profile.

It started locally and we went throughout the continental United States. We had made contact with private employers and they trusted us. Another thing, how to prepare for an interview. Then how do I research a company. Sixteen questions--now I did take Tony Saint James, and I don't know whether any of you know her but she is with the Employment Development Department, the Industrial Section. She has come up with sixteen questions most asked on a job interview. If you know these basics you can get by the interview. And this is just part of--then why employers don't

hire--these things are all set down--job lines within the Sacramento/Yolo area--where you can call to get the information. A map of Sacramento, believe it or not a lot of people have no idea where the job could be or how to start looking.

Then, also the public service agencies-- professional and business publications, career information sources from the library, CETA programs that they could contact and why should they contact them, maybe there's someone who is an ex-offender. It's information, it's communication-- this is what we are lacking. Then, the Fair Employment Practices Commission which, I understand they've changed their names, but many people ask me during my five years-- and they ask me my age--so we incorporated that information into this. On the last page, Women's Resources and Veterans Contacts--it's just a package of information, of sources, it was a place for people to come for job information, for exchange of information, and because they felt wanted, it was a very special place for very special people. Thank you.

MR. TORRES-GIL: Thank you very much, Barbara. I'd like to make the best use of time and allow you to ask questions and make comments and direct them to the panelist up front--everybody but myself--they know them better than I do. The gentleman back there.

QUESTION: ...from the Department of Education, are you aware that there are other agencies that are doing the same thing that you are? Two weeks ago, Lee and I attended a conference in Los Angeles, a private corporation and survey from Raleigh, North Carolina, was doing the organizing and

putting on workshops from all over the United States. The U. S. Department of Education was doing the same thing in San Diego, that same week, and it might be worth while to see what information these people have done in developing their programs and visit the workshops they've put on.

MR. TORRES-GIL: Thank you. Would anybody like to respond to that?

ASSEMBLYMAN FELANDO: That's exactly what we're doing. We even went back to Nashville for the conference back there to gather information.

QUESTION: I'm with the Older Women in Aging, and I meet with women who have gone five years to graduate school and prepared themselves for jobs. We find that the administrative and the leadership jobs are not available to women over 45 who have maybe been in the home, and that older men would like to change their jobs and do something different even in a leadership community position. I would like for someone to speak to that, there are a lot of angry older women out there who do not want to work for minimum wage, nor should they.

MR. TORRES-GIL: Who would like to address that one?

MR. MORGENSTERN: I will try to address it in part, beginning with a very difficult situation. Obviously, these people want employment because they want a good job, they don't want a low paying job. They then start to compete with people who have resumes of long experience and also there is a tendency, I think, in any institution to say you've got first to move the people up from within, people within have

first chances at the job. That's certainly been true, I think too true in the civil service. I, frankly, think the unions that I have to deal with are not going to be too happy to hear that, We've often said we think that there is a need for more open examinations. We've pushed for the Civil Service Commission, the State Personnel Board, to have more open exams so people outside the system can compete with people inside. Now we have, number one, a limited number of open exams, and number two, people inside the system get three points. Well, that may sound like much but the question isn't whether or not you passed the exam, it's a question of whether or not you're high enough on a list to get hired.

Those three points were more often than not, make all of the difference. You know there will be some people who will get a 103, 102 or 101 on the exam. Well, you can't get over a 100 if you come from the outside to take the exam. These are things that you have to do, I think you have to balance both problems. Another thing we're pushed to do is build career ladders, so minorities and people, just anybody in lower paid jobs, have an opportunity to work their way in. Well, if you're building a career ladder on the one hand those people are not too anxious to see someone come in from the outside to take the jobs that they feel they've been training for. It's a question of resolving the concerns of a number of different people, different interest groups within the society so all is dealt with as equitably as possible.

MR. TORRES-GIL: Joe, are you going to respond?

MR. JOE KURTZ: Just a thought on the civil service

system itself. Just the very fact that it exists creates that very problem, because you cannot move people out of the system.

MR. MORGENSTERN: I think the system does have problems, without question or doubt there are problems moving people out of the civil service system. You have a lot bigger problem going through the Legislature, or the people in California, in abolishing the civil service system. I feel it was created to change a situation where every time a Governor was from a different party, everybody was moved out of the system. So what we would like to do, and I think that in fact we're moving in that direction, is that we won't need that system because we've built in protection for the employees through other ways. We are miles and miles from the place where the body of politics is moving to.

ASSEMBLYMAN FELANDO: Government itself is too large... the abolishment of the civil service system wouldn't necessarily bring back the spoil system that you've mentioned because of the fact that government is so large.

MR. MORGENSTERN: We have protections now. The problem is if you try to carry a bill which some people have tried to do, they don't get very far with that.

AUDIENCE: May I present the converse to that question about minimum wage which wipes out the elderly person who would like to have a job and is willing to work at less than minimum wage. He/she might be prevented from doing so because of a law or whatever. How do you answer that case?

ASSEMBLYMAN FELANDO: But those are the built-in protections that we've put into government and put into job

market to insure that at least you are going to have a decent wage that you can live on. You can hardly even live on minimum wage.

AUDIENCE: Well, a retired person may have other incomes but would like to have a job...

ASSEMBLYMAN FELANDO: Ah, you're talking supplemental income.

AUDIENCE: ...a job to augment his/her income and willingness to work for less than the minimum wage.

ASSEMBLYMAN FELANDO: But by the same token you don't want to put somebody who is using that job to feed a family out of work.

AUDIENCE: I thought they were saying that this didn't put people out of work.

ASSEMBLYMAN FELANDO: No, but you brought up the point that maybe you would be willing to work for a smaller wage than somebody else but you are prevented from doing that by law. That's why we have the law so that you cannot put somebody out of work. That's a razor's edge question and the philosophy is really tricky.

MR. MORGENSTERN: The argument is do you create more jobs, additional jobs by doing that--or do you just encourage employers to fire the guy whom he is required to pay the minimum wage to and replace him with a young person or the old person to whom he is not required to pay a minimum wage. That's the dispute or the irresolvable problem.

AUDIENCE: I wonder how true that is?

MR. MORGENSTERN: No, that wasn't the theory, that

was two theories, that was both sides of it. One side argues that you'll create new jobs, the other side argues you won't-- but just fire one and hire the other--and no one has been able to resolve those two conflicting theories.

MR. TORRES-GIL: Let's go back to a few other questions real quick. Sally Coberly and then this lady here.

MS. COBERLY: I'd like to explore with the Assemblyman the notion of tax incentives or tax credits a little bit more. California has a targeted jobs tax credit program. My understanding is that SSI recipients almost qualify for that as long as Federal TJTC (Targeted Jobs Tax Credit) program is in effect. That schedule should expire at the end of this year and our sense of what's happening in Washington is that it will not be renewed. Are there any moves within the Legislature to perhaps amend the California Act to insure that at least SSI recipients, and we hope that perhaps some other classification of older worker, could be amended and added to that Act. Is that a possibility?

ASSEMBLYMAN FELANDO: Sure, that's another reason we are having forum meetings, it's a very good idea. I would like to see some sort of Social Security reform so that your Social Security monies would not be affected if you went back to work, in fact you would continue receiving your Social Security monies....

QUESTION: (inaudible)

ASSEMBLYMAN FELANDO: Well, but there is a limit on how much you can make. Why should there be? With any other pension you get you're not limited on how much you can go out

and earn. There are elected officials in this State who are drawing three and four pensions. Why should you lose your Social Security benefits just because you have elected to go back to work?

MR. MORGENSTERN: You would eliminate the earnings test?

ASSEMBLYMAN FELANDO: Yes.

QUESTION: I'm interested in knowing whether you have considered initiating a pilot program to have job sharing among older people. This would be real helpful to a person like myself.

MR. MORGENSTERN: Well, we have a bill that just passed the California Legislature and was signed by the Governor last year. We are now working on it. Our responsibility will be to put together rules and regulations that implement the legislative intent. When that is done, sometime before the end of this year, there will be an opportunity for people to exercise the right to work on a reduced work week and things like that. I think that we will be able to work with the CSEA who represents State employees, and in fact other people who represent people who never had anything to do with the State, to get into these programs. But we must understand these are limited programs limited only to people who are already in a civil service job which they qualify for. It does not provide any new entry to people who are not now in the system.

MR. TORRES-GIL: Let's take one or two more questions and I believe we are probably going to have to wrap up.

Ted, did you have a question?

MR. TED RUHIG: Yes, I wanted to know in implementing your AB 1859, why can't that be implemented, and I'm not familiar with the details of the law. When you have a civil service exam, why can't part of those jobs that result from the vacancies be earmarked for part-time, flex-time positions?

MR. MORGENSTERN: It is possible to earmark positions for flex-time. My guess would be that that wasn't the intent to earmark positions for flex-time, but to allow current employees to accept flex-time. It's perfectly possible for us to do that if there is no law prohibiting it anyway, or if there is a problem to go back and submit a new law...

QUESTION: I'm not aware of any law prohibiting it.

MR. MORGENSTERN: Well, that's one of the things that I didn't talk about that was mentioned repeatedly in both the documents that the Committee put forth and the Federal Government's Whitehouse Conference Report is the fact that collective bargaining can be utilized in dealing with this problem. That's the kind of thing I think that we will get into in the negotiating process. The problem is, as Assemblyman Felando said, you have to exercise your power. One of the areas that is important will be for both parties to meet at the bargaining table, that's partly us who represent management in Government and, of course, in large part with the unions who are the other half of the bargaining table, and they have to be somehow motivated to do this kind of thing. Some of them might be, others perhaps can be persuaded.

MR. TORRES-GIL: Thank you, Marty. Joe?

MR. KURTZ: Yes, just to speak to that. There are a number of departments, Department of Motor Vehicles for one, who have a number of split jobs so that people can work half days, or three days, or two days or whatever it takes. Many other departments, Marty, as you know, have split full-time jobs in two, like taking an attorney and hiring two half-time attorneys, or a consultant and hiring two half-time consultants. There are a number of departments that have done that and hired two individuals on that basis. So that is possible and is being done by the departments now.

MR. MORGENSTERN: Then we have taken care of that in the law allowing us to reduce the benefit costs for each employee. Before, we couldn't do that, now we can.

MR. TORRES-GIL: O.K., the last question, I think. Ms. Dorothy Fleisher, back there, had a question.

MS. FLEISHER: My question is really to the panel. Can you see any role developing as to what kinds of things can be done to encourage more part-time work?

MR. KURTZ: A lot of the things, as Marty just spoke of. The State can now split the benefit packages, and that would be something that might be necessary by legislation, to allow some of the other ones to split their insurance packages. Some insurance companies do not like to split their packages.

MR. MORGENSTERN: The whole thrust today, at least in the body politics, at least in the current National Administration is to get government off our backs. I don't think government is in a position now to start mandating that

private employers do this and that. We might set those examples and we also might pass that law. I was surprised, or at least I don't quite understand why the White House Conference said, that it should be locked into law that the older persons should have, or be required to get, the exact same benefits as anybody else. The other person might be a retired State employee, for example, with existing medical benefits and not need it. You reduce by 20% the cost of hiring that employee. It seems to me that there are things like that that we can do to enable the private sector to save money and that's what we have to do, enabling legislation, not mandate it.

MR. TORRES-GIL: O. K. Assemblyman Felando, did you have any comments?

ASSEMBLYMAN FELANDO: No, I don't.

MR. TORRES-GIL: O.K., we're going to have Dr. Robinson, the Director of the National Policy Center, wrapping up. I'd like to just thank the panelists for excellent presentations, for their time, and I say let's give them a big hand.

DR. ROBINSON: I'm glad that the session is taped. Morgan Lyons is going to write a report of what happened today, and if you've given us your name and address we're going to be able to send you a copy of that report. Our initial thought of wrapping up or summarizing what happened today is rather overwhelming. We've heard such good ideas. We've had two really quite diverse panels, very different opinions on both panels. I have the feeling that if we had a little more time

we could have developed a lot more controversy because some of the propositions that were put forward are not those that have full consensus in this group, I think, so we got to go another step. We started out by identifying the issues, problems and we worked towards a description of some strategies that are in place. Our second panel has helped us to work to the future and what we can expect to do as we move down the road. The problems that kept coming forward, that you kept identifying in the session, first of all of the individual's need and interest in working longer, not all older persons, but some older persons, some older workers in staying in the labor force, because of facing the problems of inflation and income and also because of wishing to contribute productively to society. Then we heard from some of our speakers that the pressure is on and it is going to get heavier to keep older workers in the labor force. With that pressure on them the question then comes, will there be jobs for them to hold and I think that's the question that Congress is not facing and that's pressure to keep people in the work force longer.

Some of the other issues and problems that were developed repeatedly in this session were those of discrimination against older workers, based very often on mistaken perceptions of what older workers can do. On the part of older workers themselves their problem of skills obsolescence, of needing assistance in job search techniques--we had a panel of persons that represented some very productive and forward looking programs and they described to us the intent and strategies of those programs. So what each of them said in

turn was the major problem that we face is budget, of not having enough to do the job and particularly the uncertainties from year to year of what the budget shall be. Some of the strategies that were discussed for expanding employment opportunities for older workers really went over a very wide range of possibilities. Went from the regulatory approach and enforcement of the law that we have, to job creation, to enhancing job skills in older workers. The theme that kept coming through was our dialogue of the private sector and how do we promote in the private sector the intent to really provide employment opportunities. Whether we approach that through providing tax incentives to employers or as was repeatedly suggested whether we attempt to educate employers. I will repeat some of the suggestions that were made in that regard. Just briefly about looking into the future now. Some of the suggestions that were made you didn't really debate and I think these need to be left for another time.

One panelist raised the issue of the fact that older workers, in fact you do not have at the present time in law the right to gainful employment and that's something that some of you might have taken up, at what we'll do at another time. The suggestion to change the law in which we have offset of Social Security against unemployment compensation, we suggest that this is very unfair. It interested me that the Department of Fair Employment and Housing suggested to us that in the future that we may now begin to look to class action, to group action against the employer where as up til now--mostly we have entirely been basing our actions on

individual cases. I was happy to hear a couple of suggestions that someone here went to the universities to provide leadership in this area and we hope we're going to have a chance to do that in the future as well as today. To sum up very quickly some of the suggestions that were made on the second panel, these are things we're all going to do and you're going to hear this as a very heavy agenda. We're going to hold public hearings and those public hearings--I would suggest that older persons really must take the lead. We're going to bring in expert seniors, representatives from both the public and the private sector and we're really going to turn attention to what the private sector can do to provide the employment opportunities that are needed. We're going to educate our fellow Legislators, today we're going to attempt to do that. We're going to work at the possibility of tax incentives as far as to hire or retain older workers. Qualify the role of EDD, the Older Worker Specialist that sounded today like that's an excellent program but needs support and budget. Work at recruitment of older workers for the public sector. It was suggested that we need to educate the public sector of the California Legislature, for example, in this whole question of solving the problem of layoffs facing the problem of blocking promotions by terminating older workers whether it's through the "golden handshake" or in other ways.

Some very specific suggestions came up such as the pension system in California needs to be revised. We need to look at the portability provisions in there and we need to move toward a more equitable pension system. And that

many of our State employees here retire and receive no pension or a very inadequate pension whereas others fare very, very well on this system. So we need to work toward equity in there. Again and again the emphasis has come back to working with the private sector, particularly in educating employers to the potential contribution of older Californians so that they may see that it's for their own self-interest to retain or to retire older workers. And we need to assist them in looking at their screening standards to make sure that they are appropriate for older workers and techniques of refining job descriptions. And another sort of new and interesting idea to hold workshops to educate employers on the potential for on-the-job training for older workers. But education doesn't stop with the employer. We need to educate seniors too. They need to know about the age discrimination protection that is available to them and ways in which they can achieve this protection for themselves. They also need a lot of assistance in job finding skills as you have heard. We were very pleased to work with the persons on these two panels. We're especially grateful to Tom Porter and to Karin Hutchison on Mr. Felando's staff and to Mr. Felando and the Committee on Aging in the Assembly which has taken leadership, I believe, today in looking at these problems and issues and finding ways to work for solutions.

What is the next step? I hope the dialogue will continue with us at the National Policy Center, with Mr. Felando's Committee on Aging. I hope, in fact, that we may take a few minutes today to hear some of your

ideas and we invite you to stay for a reception now and we hope that we will continue to work through the reception and to consider some of these problems and issues and the next step is solving them.

Thank you very much for participating.

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