

country and are regularly transferred to bases in different States. Subject to the Federal Aviation Administration and the Civil Aeronautics Board, the air carriers must apply their rules and regulations on a uniform basis. Further, by virtue of the Railway Labor Act and rulings of the National Mediation Board, airlines must recognize and deal with duly designated representatives of their employees in appropriate classes or crafts on a systemwide basis in negotiating and maintaining agreements embodying rules, rates of pay, and working conditions covering their employees.

Almost without exception, certificated air carriers have systemwide labor agreements covering their flight crew employees. Pursuant to those agreements, flight crew members are initially assigned to bases in different States and to flights serving various States. Thereafter, employees are relocated at other bases and reassigned to other flights serving different States in accordance with flight crew preferences in order of seniority or the needs of the particular company. Thus, not only are these operational employees in constant movement across the State and national borders in the course of fulfilling their flight duties, but their places of residence, assignment, performance of duties, and even of eventual retirement, cannot be forecast at any given time and are by their nature subject to unforeseen change. In these circumstances, national uniformity of regulation is a practical necessity. Differing regulation by one or more States of the employees of an air carrier moving constantly as above described into, out of, and above a wide variety of States, is extremely impractical and undesirable.

Out of the 50 States and the District of Columbia, 27 presently have no laws prohibiting age discrimination in employment. Of the remaining 24 some apply to any age, but most apply to specific age brackets between 40 and 65. These groups constitute the category known as "the older worker" to whose employment problems the bills under consideration are addressed. Federal preemption in the area of age discrimination legislation is clearly justified when considered in light of the need that would otherwise occur for multiple proceedings occasioned by State laws, the inevitability of inconsistent rulings by State enforcement agencies, and the uncertainty of the effect of one State's rulings in other States, including those without age statutes, on employees such as airline flight crews.

The operations of one major airline provides a typical illustration of the problems encountered. The carrier has bases in the States of Illinois, Tennessee, Texas, and Virginia. It serves points within the District of Columbia and the States of Arizona, Arkansas, Illinois, Kentucky, Missouri, Oklahoma, Tennessee, Texas, Virginia, and West Virginia. It has pending applications to serve points in Alabama, Florida, Georgia, Mississippi, Nevada, and Utah. None of these States has an age statute.

The same airline also has bases in California, Massachusetts, and New York. It is certificated to serve points within those States and also within the States of Connecticut, Delaware, Indiana, Maryland, Michigan, New Jersey, Ohio, Pennsylvania, and Rhode Island. It has pending applications to serve points in Alaska, Colorado, Hawaii, Louisiana, Nebraska, Oregon, and Washington. Each of those States has an age statute differing from the other in various ways.