



NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E
Washington, DC, 20005

52 NMB No. 11
December 3, 2024

Fred B. Jacob
Solicitor
National Labor Relations Board
Division of Operations-Management
1015 Half Street, SE
Washington, DC 20570-0001

Re: NMB File No. CJ-7221
NLRB Case No. 07-CB-266444
Professional Business Providers, Inc.

Dear Mr. Jacob:

This responds to your request for the National Mediation Board's (NMB or Board) opinion regarding whether Professional Business Providers, Inc. (PBP) is subject to the Railway Labor Act (RLA or Act), 45 U.S.C. § 151, *et seq.* On December 8, 2020, the National Labor Relations Board (NLRB) requested an opinion regarding whether PBP's operations are subject to the RLA. The NMB issued its opinion in *Swissport Cargo Services*, 52 NMB 25 (2024) on November 8, 2024. In *Swissport*, the Board majority determined that RLA jurisdiction does not extend to independent companies that contract with air carriers. Because the record indicates that PBP, an independent maintenance company, is not a common carrier by air and its connection to air transportation is only through its contract for services with Spirit Airlines and other air carriers, the Board finds

that PBP is not a carrier within the meaning of RLA Section 201, 45 U.S.C. § 181. Therefore, the NMB finds no RLA jurisdiction in this case.¹

Because the National Labor Relations Act explicitly excludes “any person subject to the Railway Labor Act,” 29 U.S.C. § 152, we appreciate the NRLB continuing the longstanding practice of referring cases of questionable jurisdiction to the NMB.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling
General Counsel

¹ As discussed further in her dissent in *Swissport, above*, Chairman Sweatt would have applied the NMB’s two-part function and control test upheld in *ABM Onsite Services-W., Inc. v. NLRB*, 849 F.3d 1137 (D.C. Cir. 2017) to determine whether PBP and its employees were subject to the RLA.