



NATIONAL MEDIATION BOARD

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

52 NMB No. 14
December 3, 2024

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

Re: NMB File No. CJ-7241
NLRB Case No. 10-RC-304155
Jetstream Ground Services, Inc.

Dear Mr. Jacob:

This responds to your request for the National Mediation Board's (NMB or Board) opinion regarding whether Jetstream Ground Services, Inc. (Jetstream) is subject to the Railway Labor Act (RLA or Act), 45 U.S.C. § 151, *et seq.* On April 4, 2023, the National Labor Relations Board (NLRB) requested an opinion regarding whether Jetstream'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 Jetstream, an independent aviation ground handling services company, is not a common carrier by air and its connection to air transportation is only through its contract for services with American Airlines, the Board finds that Jetstream is not a carrier within the meaning of Section 201, 45 U.S.C. § 181. Therefore, the NMB finds no RLA jurisdiction in this case.¹

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.*

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

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in black ink that reads "Maria-Kate Dowling". The signature is written in a cursive, flowing style.

Maria-Kate Dowling
General Counsel

NLRB, 849 F.3d 1137 (D.C. Cir. 2017) to determine whether Jetstream and its employees were subject to the RLA.