



## NATIONAL MEDIATION BOARD

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

In the Matter of the  
Application of

INTERNATIONAL BROTHERHOOD  
OF TEAMSTERS, AIRLINE DIVISION  
(IBT)

alleging a representation dispute  
pursuant to Section 2, Ninth, of  
the Railway Labor Act, as  
amended

involving employees of  
REPUBLIC AIRWAYS

53 NMB No. 17

CASE NO. R-7676

FINDINGS UPON INVESTIGATION –  
AUTHORIZATION OF ELECTION

March 20, 2026

This determination addresses the application filed by the International Brotherhood of Teamsters, Airline Division (IBT or Applicant) alleging a representation dispute pursuant to the Railway Labor Act (RLA)<sup>1</sup>, 45 U.S.C. §152, Ninth (Section 2, Ninth), among Mechanics and Related employees at Republic Airways (Republic or Carrier).

For the reasons set forth below, the National Mediation Board (Board or NMB) declines to extend the eligibility cut-off date in this case and authorizes an election among the employees in the Mechanics and Related Employees craft or class.

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<sup>1</sup> 45 U.S.C. § 151, *et seq.*

## **PROCEDURAL BACKGROUND**

IBT filed an application on November 21, 2025 seeking to represent the Mechanics and Related Employees craft or class at Republic. The Board assigned Andres Yoder to investigate. The Board subsequently reassigned the case to Angela I. Heverling. On December 8, 2025, the Carrier submitted a List of Potential Eligible Voters and a position statement requesting modification of the cut-off date. The Applicant responded on December 22, 2025. The Carrier and the Applicant each filed additional statements on January 15, 2026 and January 29, 2026, respectively.

## **ISSUE**

Whether unusual or extraordinary circumstances exist in this matter to warrant changing the eligibility cut-off date.

## **CONTENTIONS**

Republic argues that unusual and extraordinary circumstances warrant modification of the eligibility cut-off date. It asks the Board to modify the date to November 25, 2025 to allow employees at Mesa Airlines, Inc. (Mesa) to vote in any election. According to Republic, its parent company, Republic Airways Holdings, Inc. (RAH), completed a merger with Mesa's parent company, Mesa Air Group (MAG), on November 25, 2025. Republic contends that, absent a modification of the cut-off date, Mesa's employees will be disenfranchised. Republic further contends that the expansion of the craft or class resulting from the merger, along with what it refers to as IBT's "gamesmanship" in the timing of its application, constitutes unusual and extraordinary circumstances that warrant changing the cut-off date.

IBT contends that, in making its request to change the cut-off date, Republic is essentially asking the Board to make a single carrier determination regarding Republic and Mesa, and that common ownership alone is not sufficient to make that determination. It further argues that the future expansion of the craft or class does not meet the high standard necessary to warrant a change in the cut-off date; that it filed its application in accordance with NMB rules and procedures; and that a carrier cannot dictate the timing of an application.

## **FINDINGS OF LAW**

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

### **I.**

Republic is a common carrier as defined in 45 U.S.C. § 181.

## II.

IBT is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

## III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

## IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

**STATEMENT OF FACTS**

Republic’s parent company, RAH merged with MAG, the parent company of Mesa, on November 25, 2025. According to Republic, Mesa has 178 employees with the same duties and skills as the Mechanics and Related Employees at Republic. Republic has approximately 696 Mechanics and Related Employees.

After the merger was announced on April 7, 2025, both companies posted announcements on their websites and on social media sharing that the merger was expected to close in late 2025. Republic’s President shared updates on the merger’s timing with all employees.

The IBT currently represents Republic’s Pilots and Flight Attendants. On October 19, 2025, Republic and Mesa entered a Merger Transition Agreement with their flight attendant unions, and days later, began negotiations for a joint collective bargaining agreement. As of January 29, 2026, the parties have not reached agreement. Republic reports that during these negotiations, IBT was updated on the timing of the merger and was aware it was scheduled to close on November 19, 2025. The merger was briefly delayed and the eventual November 25, 2025 merger date was announced. On November 21, 2025, MAG made required filings with the Securities and Exchange Commission.

Republic’s Vice President of Maintenance and Engineering has begun exercising corporate oversight and decision-making to support Mesa’s maintenance operations and to liaise with the Federal Aviation Administration (FAA) in preparation for the integration of Mesa’s and Republic’s operating certificates into a single certificate. Republic’s maintenance leadership has provided recommendations and support to Mesa’s maintenance operation.

Republic and Mesa employees are not yet permitted to work on each other's aircraft.

### DISCUSSION

Republic argues that Mesa employees should be eligible to participate in any election resulting from IBT's representation application because the two carriers are in the process of merging. Republic has framed this as a request to modify the cut-off date for voter eligibility to November 25, 2025. Even if the Board granted that request, Mesa employees would not be eligible to vote. The only way that the Board would find Mesa employees eligible to vote would be if it found that Republic and Mesa were a single system for representation purposes as of that date, and Republic concedes that it and Mesa are not a single transportation system at this time. The Board cannot find Mesa employees eligible to vote in an election based on their future status as employees of a single transportation system consisting of a combined Republic and Mesa. The RLA addresses the present status and interests of employers and employees and not speculation based on potential future developments. *See, e.g., Aloha Air Cargo*, 44 NMB 190, 193 (2017); *United Airlines*, 11 NMB 41, 43-44 (1983).

Republic concedes that its request is not based solely on the upcoming expansion of the craft or class due to the merger in progress. It argues that "IBT's gamesmanship" in submitting its application days before the parent companies of Republic and Mesa merged contributes to extraordinary circumstances that justify modifying the cut-off date. This is also not a sufficient reason to modify the cut-off date or to find Mesa employees eligible to vote.

The application was dated and received by the Board on November 21, 2025.<sup>2</sup> The IBT reports that it began organizing Republic's Mechanics and Related Employees in 2024, and that the filing of its application was delayed due to the federal government shutdown in October and November 2025. Although Republic provided evidence that IBT was aware of the progress of the merger, IBT had no control over the merger process and NMB Rules do not dictate when an organization can file an application.

Regardless of IBT's knowledge about the merger process or its reasons for the timing of the filing of its application, the Board cannot control the timing of representation applications or base voter eligibility on a future status resulting from the merger. The RLA provides employees and their representatives with the "prerogative to determine whether and when" the NMB's services are needed to resolve a representation dispute. *Railway Labor*

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<sup>2</sup> The Board's longstanding rule regarding the eligibility cut-off date states the following: "For determining eligibility to vote, the cut-off date is the last day of the latest payroll period ending before the day the NMB received the application." NMB Representation Manual (Manual) Section 2.3.

*Executives' Ass'n v. NMB*, 29 F.3d 655, 669 (D.C. Cir. 1994) (*RLEA*). The Board can only investigate representation disputes at the request of the employees involved in the dispute, not at the request of a carrier. In *RLEA*, the court found that the NMB exceeded its statutory authority when it announced merger procedures that allowed carriers, or the Board itself, to initiate representation procedures when a merger was in process. The court stated that, “[O]ur analysis leads us to the firm conclusion that Congress left no ambiguity in Section 9, Ninth: the Board may investigate a representation dispute *only* upon request of the employees involved in the dispute.” *Id.* at 664. For this reason, the Board’s current merger procedures only allow employees or their representatives to request an investigation into the representation consequences of a merger.<sup>3</sup> The Board has not received an application from Mesa employees or any organization representing their interests and cannot investigate their representation status unless and until it does.

Although carriers are required under Manual Section 19.3 to notify the NMB when certain corporate transactions occur, the Board cannot act upon receipt of notification of a merger, it must wait for employees to request an investigation of a representation dispute. Here, Republic is asking the Board to act based on its knowledge of a corporate transaction in progress. Granting the Carrier’s request in a situation such as this could allow the very type of manipulation that the court warned against in *RLEA*. *Id.* at 668 (“The timing of a carrier’s invocation easily might signal management’s sympathies and thus constitute forbidden ‘interference, influence, or coercion’ over the employees’ designation of their representatives.”). This would also provide a method for evading the Board’s Merger Procedures, which allow employees and their representatives to control the timing of representation disputes resulting from mergers.

There is also no support for Republic’s contention that Mesa’s employees have an employment relationship with Republic as of November 25, 2025. Republic points to Board precedent and caselaw interpreting the RLA’s definitions of employee in 45 U.S.C. § 151, Fifth and 45 U.S.C. § 181. The analysis in these cases is not relevant to employees of traditional air carriers performing transportation functions, such as Mesa’s Mechanics and Related Employees, who indisputably are subject to the Board’s jurisdiction. Based on the evidence before the Board, Republic and Mesa were operating as separate carriers on November 25, 2025, and continue to operate separately. Republic points to corporate oversight and guidance that is part of the merger process as the carriers work toward a combined FAA operating certificate, but that alone does not establish an employment relationship. Even if the Board modified the cut-off date, which it only does in extraordinary circumstances, Republic has pointed to no factors which would make Mesa’s Mechanics and

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<sup>3</sup> Manual Section 19.4 allows “[a]ny organization or individual” to file an application.

Related Employees eligible to vote on that date.<sup>4</sup>

The Board is required by Section 2, Ninth of the RLA to investigate a representation dispute upon receipt of an application. There is no statutory basis for including Mesa employees in an election among Republic's Mechanics and Related Employees. Based on the facts and circumstances in this case, the Board does not find unusual or extraordinary circumstances that warrant changing the cut-off date.

### **CONCLUSION**

Based on the authorization cards submitted by the Applicant, the Board finds that a dispute exists in this case and authorizes an election among the craft or class of Mechanics and Related Employees, using a cut-off date of November 9, 2025.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling  
General Counsel

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Chairman Sweatt, concurring.

I am sympathetic with the assertion that employees of Mesa are voiceless in this current representation dispute. It is possible that the Board's Merger Procedures could result in those employees being impacted by the results of this election. The Board, however, cannot speculate about future actions by Mesa and Republic regarding the process or timing of their merger or status as a single carrier. I am constrained by the plain language of the RLA, which requires that the Board authorize an election when the statutorily-mandated showing of interest is met for system-wide representation. That standard has been met here.

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<sup>4</sup> The Board has in recent years confirmed that a change in the size and composition of a craft or class following an application does not serve as unusual or extraordinary circumstances justifying the modification of a cut-off date. *Avelo Airlines*, 49 NMB 26, 33 (2022). See also *American Airlines*, 40 NMB 85, 92 (2013) (Board refused to change cut-off date based on restructuring that was the result of carrier's bankruptcy).