

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JETSTREAM GROUND SERVICES, INC.
Employer

and

Case 10-RC-304155

INTERNATIONAL ASSOCIATION OF MACHINISTS
AND AEROSPACE WORKERS, AFL-CIO
Petitioner

and

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 32BJ
Intervenor

DECISION ON REVIEW AND ORDER

The issues in this case are (1) whether the Employer's operations for American Airlines at Charlotte Douglas International Airport (CLT) are subject to the Railway Labor Act (RLA) or to the National Labor Relations Act (the Act); and (2) whether the petitioned-for unit is appropriate. The Regional Director concluded that the petitioned-for unit is appropriate and that the Employer's American Airlines operations are subject to the Act; accordingly, the Regional Director directed an election. Thereafter, in accordance with Section 102.67 of the National Labor Relations Board's Rules and Regulations, the Employer filed a timely request for review. The Petitioner and the Intervenor filed briefs in opposition. The Board subsequently referred this case to the National Mediation Board (NMB) for an advisory opinion on whether the Employer's operations in question are subject to the RLA. On December 3, 2024, the NMB issued an advisory opinion stating its view that the Employer's operations are not subject to the RLA. *Jetstream Ground Services, Inc.*, 52 NMB 63 (2024).

The Board has delegated its authority in this proceeding to a three-member panel.¹

The Employer's request for review is granted in part and denied in part. We deny the Employer's request for review with respect to the Regional Director's finding that the petitioned-for unit is appropriate. However, the Employer's request for review is granted with respect to the issue of RLA jurisdiction, as it raises substantial issues warranting review. On review, we affirm the Regional Director's assertion of jurisdiction in light of the NMB's advisory opinion.

In its advisory opinion, the NMB relied on its recent opinion in *Swissport Cargo Services, LP*, 52 NMB 25 (2024), explaining that:

¹ Member Prouty is recused and took no part in the consideration of this case.

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.

52 NMB 63.

Having reviewed the NMB's advisory opinion, we will give it the substantial deference the Board ordinarily accords such opinions. See *DHL Worldwide Express*, 340 NLRB 1034, 1034 (2003).² Considering the record in light of the NMB's opinion, we find that the Employer is not a common carrier by air and, consistent with the NMB's position on the reach of the RLA, is therefore not subject to the RLA. Accordingly, we find that the Employer is engaged in commerce within the meaning of the Act, and that it will effectuate the purposes of the Act to assert jurisdiction.

ORDER

The Regional Director's Decision and Direction of Election is affirmed.

LAUREN McFERRAN, CHAIRMAN

MARVIN E. KAPLAN, MEMBER

GWYNNE A. WILCOX, MEMBER

Dated, Washington, D.C., December 11, 2024.

² Chairman McFerran finds that this case is distinguishable from *ABM Onsite Services—West, Inc.*, 367 NLRB No. 35 (2018), where she questioned the deference owed to the NMB decision at issue there that departed from precedent without a reasoned explanation for doing so. Here, in contrast, she finds that the NMB has thoroughly explained its change in precedent in *Swissport Cargo Services, LP*, and thus would defer to the NMB's definition of a common air carrier and its determination that the Employer is not subject to the RLA's jurisdiction.