

THE
NATIONAL LAW REVIEW

National Mediation Board (NMB) Finds Medical Helicopter Service Subject to Railway Labor Act

Wednesday, May 7, 2014

The determination of whether an entity is covered by the **Railway Labor Act** impacts **compensation strategy** and potential **liability** as the **FLSA** exempts from its **overtime requirement** individuals employed by such air carriers. The coverage determination is made by the National Mediation Board (NMB), which recently issued new opinion re-confirming the applicability of the Railway Labor Act to a medical helicopter service's employees. *TriState CareFlight LLC*, 41 N.M.B. No. 15, 4/29/14.

Based on union efforts to organize nurses and flight paramedics at the company's Santa Fe, New Mexico location, the National Labor Relations Board requested an opinion from the NMB regarding applicability of the Railway Labor Act. The NMB confirmed the business was a covered "air carrier", rejecting arguments from the union that: 1) CareFlight's services were "specialized" services to hospitals and public safety agencies and not the services of a common carrier provided to the general public; and 2) that there was a "functional separation" between employees engaged in flight operations and the nurses and paramedics the union sought to organize. NMB determined that CareFlight holds itself out to the public as a common carrier in its advertising, and all its employees were directly controlled by the company. Thus, RLA coverage attached because, under prior NMB decisions, such coverage is not limited to those who fly and maintain aircrafts. *Rocky Mountain Holdings, LLC d/b/a Eagle Airmed of Arizona (Eagle Airmed)*, 26 NMB 132 (1999).

"CareFlight is a confirmation of existing RLA law, not an expansion," observed Jackson Lewis RLA expert [Roger Briton](#). "Covered carriers must be aware of their obligations under the RLA, and also the extent to which such coverage serves as a defense to assertions of other federal jurisdiction, as in this case."

Employers must continue to apply [industry-specific FLSA exemptions](#) with care.

Jackson Lewis P.C. © 2019

Source URL: <https://www.natlawreview.com/article/national-mediation-board-nmb-finds-medical-helicopter-service-subject-to-railway-lab>

jackson lewis.

Article By [Jackson Lewis P.C.](#)
[Noel P. Tripp Wage and Hour Blog](#)

[ADR / Arbitration / Mediation](#)
[Utilities & Transport](#)
[Labor & Employment](#)
[All Federal](#)