



**UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
1015 Half St., S.E.
Washington, D.C. 20570-0001**

May 18, 2017

Ms. Mary L. Johnson
General Counsel
National Mediation Board
1301 K Street, NW -- Suite 250 East
Washington, DC 20005-7011

Re: ABM Onsite Services - West, Inc.
Cases 19-RC-144377, 19-CA-153164

Dear Ms. Johnson:

The above-captioned proceeding is currently pending before the National Labor Relations Board. In the underlying representation proceeding, the NLRB, over then-Member Miscimarra's dissent, concluded that, under recent National Mediation Board decisions, the Employer is not subject to the Railway Labor Act. In *ABM Onsite Services – West, Inc. v. NLRB*, 849 F.3d 1137 (D.C. Cir. 2017), the court remanded the case to the Board, holding that the NMB cases on which the NLRB's representational decision relied represented a departure from longstanding NMB precedent.

Consistent with the court's opinion, the Board respectfully requests that you review the record and provide the NLRB with your opinion as to whether the NMB has jurisdiction over the Employer. In doing so, we request that the NMB address the concerns expressed in the court's decision.

The issues are set forth in the various attachments, including the D.C. Circuit Court's opinion, the Regional Director's Decision and Direction of Election in the underlying representation case, and the transcripts and exhibits from the hearings held in the NLRB representation proceeding. Should you require further information about the record in the representation proceeding, please contact Mr. Ronald K. Hooks at (206) 220-6310.

The Board would appreciate your opinion in a form appropriate for citation or quotation in any decision the NLRB may subsequently issue. It is respectfully requested that the enclosed formal documents be returned with your opinion.

Sincerely,

A handwritten signature in cursive script, appearing to read "S. Leverone", written in black ink.

Susan Leverone
Associate Solicitor

Enclosures

cc: Mr. Gary Shinnars
Mr. Ronald K. Hooks