

Election Report, and An Outline of Law and Procedure in Representation Cases.

Speakers To give the public and persons appearing before the agency a better understanding of the National Labor Relations Act and the Board's policies, procedures, and services, Washington and regional office

personnel participate as speakers or panel members before bar associations, labor, educational, civic, or management organizations, and other groups. Requests for speakers or panelists may be made to Washington officials or to the appropriate regional director.

For further information, contact the Information Division, National Labor Relations Board, 1099 Fourteenth Street NW., Washington, DC 20570. Phone, 202-273-1991. Internet, www.nlrb.gov.

NATIONAL MEDIATION BOARD

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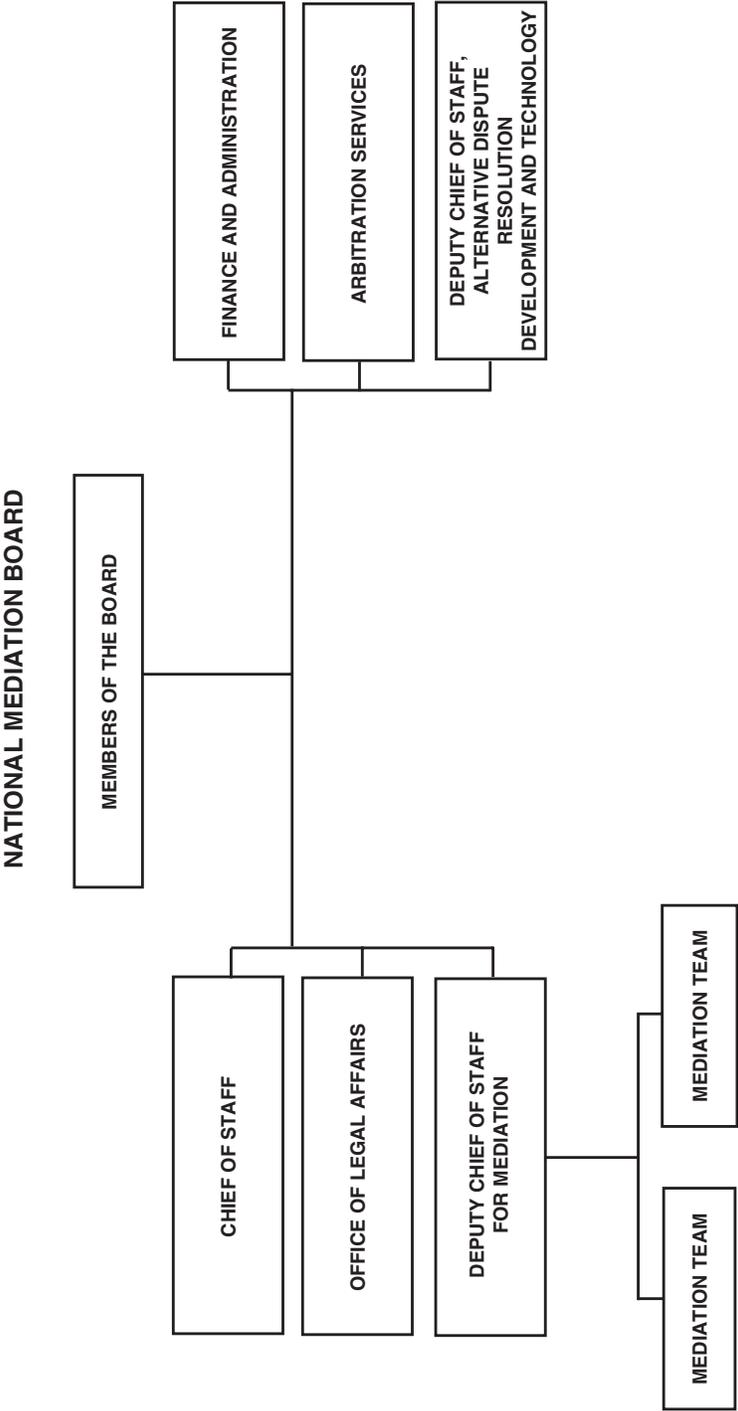
The National Mediation Board assists in maintaining a free flow of commerce in the railroad and airline industries by resolving labor-management disputes that could disrupt travel or imperil the economy. The Board also handles railroad and airline employee representation disputes and provides administrative and financial support in adjusting grievances in the railroad industry.

The National Mediation Board (NMB), established by the 1934 amendments to the Railway Labor Act (RLA) of 1926 (45 U.S.C. 151-158, 160-162, 1181-1188), is an independent agency performing a central role in facilitating harmonious labor management relations within two of the Nation's key transportation sectors—the railroads and airlines. Pursuant to the RLA, NMB programs

provide an integrated dispute resolution process that effectively meets the NMB's statutory mandate to minimize work stoppages by securing voluntary agreements.

The RLA has five general purposes, as follows:

—to avoid interruptions to interstate commerce in the airline and railroad industries;



- to ensure the right of employees to freely determine whether they wish to be represented for collective bargaining purposes;

- to ensure the independence of labor and management for self-organization to carry out the purposes of the act;

- to provide for the prompt and orderly settlement of collective bargaining disputes; and

- to provide for the prompt and orderly settlement of disputes over the interpretation of existing collective bargaining agreements.

The Railway Labor Act of 1926 provided for mandatory mediation and interest arbitration in contract negotiations, as well as for section 10 Presidential Emergency Boards to enhance dispute resolution. Key amendments to the act in 1934 established a three-member National Mediation Board and authorized it to resolve employee representation disputes. In 1936, jurisdiction was expanded to include the airline industry. The act's most recent substantive amendment, in 1981, permitted the creation of specialized section 9a Presidential Emergency Board for disputes at certain commuter railroads.

Activities

Mediation and Alternative Dispute Resolution The RLA requires labor and management to make every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties negotiate directly in an effort to reach an agreement. Should the parties fail to do so, either party or both may apply to the Board for mediation.

The Board is obligated under the act to use its "best efforts" to bring about a peaceful resolution of the dispute. NMB mediators apply a variety of dispute resolution techniques, including traditional mediation, interest-based problem solving, and facilitation, to resolve the dispute. If after such efforts the Board determines that mediation will not settle the dispute, the NMB offers voluntary arbitration (interest arbitration) as an alternative approach to resolve the remaining issues. This option is rarely

exercised by the parties. In situations where the parties agree to use interest arbitration, an arbitrator's decision is final and binding with very narrow ground for judicial review. If either party rejects this offer of arbitration, the Board promptly releases the parties from formal mediation. This release triggers a 30-day cooling off period. During this 30-day period, the Board will continue to work with the parties to achieve a mutually agreeable settlement. However, if an agreement has not been reached by the end of the 30-day period, the parties are free to exercise lawful self-help, unless a Presidential Emergency Board is established. Examples of lawful self-help include carrier-imposed working conditions or lock-outs, or union-initiated strikes and job actions.

Presidential Emergency Board The RLA authorizes the NMB to recommend the establishment of a Presidential Emergency Board (PEB) to investigate and report on a collective bargaining dispute which threatens "substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service." A PEB also may be requested by any party involved in a dispute affecting a publicly funded and operated commuter railroad. While either section 10 or section 9a emergency board processes are underway, the parties are required to maintain the status quo and neither party to the dispute may exercise self-help which could involve a disruption of service.

Representation Under the RLA, employees in the airline and railroad industries have the right to select or decline a labor organization, or individual, to represent them for collective bargaining without "interference, influence or coercion" by the carrier. A representation unit under the RLA is a "craft or class," which consists of the overall grouping of employees performing the particular type of related duties and functions. The selection of employee representatives for collective bargaining is accomplished on a system-wide basis, which includes all

employees in the craft or class anywhere the carrier operates in the United States.

Should the applicant meet the showing of interest requirements, the NMB will continue the investigation, usually with a secret ballot election. Only employees found eligible to vote by the NMB are permitted to participate in the elections. In order for a representative to be certified, a majority of the eligible voters must cast valid ballots in support of representation. The Board is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, the Board issues a certification of that result, which commences the carrier's statutory duty to bargain with the certified representative.

The NMB implemented a new method of conducting representation elections, using a process known as Telephone Election Voting (TEV). In the TEV process, voters in the craft or class use two secret passwords to cast ballots by telephone instead of using mail-in paper ballots. The system, inaugurated by the NMB in October, 2002, is very secure and accurate, and its use is expected to save the agency a substantial amount of staff time and expense.

Arbitration In addition to interest arbitration the NMB offers to parties in contract negotiations, the RLA provides for the use of grievance arbitration to resolve issues arising under existing contracts. Grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA.

In the railroad industry, the NMB has significant administrative responsibilities for the three grievance-arbitration forums contemplated under the RLA: the National Railroad Adjustment Board

(NRAB), Special Boards of Adjustment (SBAs) and Public Law Boards (PLBs). The NRAB and its four divisions have statutory jurisdiction over all rail carrier's and all crafts and classes of railroad employees. SBAs are created by mutual agreement of the parties, and PLBs are established on individual railroads upon the written request of either party to a dispute.

Grievance arbitration in the airline industry is accomplished at the various system boards of adjustment created jointly by labor and management. The NMB furnishes panels of prospective arbitrators for the parties' selection on both the airline and railroad industries. The NMB also has substantial financial management responsibilities for railroad arbitration proceedings. Arbitration decisions under the RLA are final and binding with very limited grounds for judicial review.

Sources of Information

Electronic Access Information pertaining to Board operations including weekly case activity reports, representation determinations, press releases, and a range of documents and an agency directory are available on the Internet at www.nmb.gov.

Publications The following documents are available for public distribution: *Determinations of the National Mediation Board and Annual Reports of the National Mediation Board*. Phone, 202-692-5031

Reading Room Copies of collective-bargaining agreements between labor and management of various rail and air carriers are available for public inspection at the Board's headquarters in Washington, DC, by appointment.

For further information, visit the National Mediation Board's Web site at www.nmb.gov, or contact the Public Information Officer, National Mediation Board, Suite 250 East, 1301 K Street NW., Washington, DC 20572. Phone, 202-692-5050.