

including the *NLRB Casehandling Manual* (in three parts), the *Weekly Summary of NLRB Cases*, the *NLRB Election Report*, and *An Outline of Law and Procedure in Representation Cases*. Most NLRB publications are posted on the agency's Web site at [www.nlr.gov](http://www.nlr.gov)/publications.

**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 Division of Information, National Labor Relations Board, 1099 Fourteenth Street NW., Washington, DC 20570. Phone, 202-273-1991. Internet, [www.nlr.gov](http://www.nlr.gov).**

## NATIONAL MEDIATION BOARD

1301 K Street NW., Suite 250 East, Washington, DC 20005  
Phone, 202-692-5000. Internet, [www.nmb.gov](http://www.nmb.gov).

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*The National Mediation Board facilitates harmonious labor-management relations within two of the Nation's key transportation sectors: the railroads and the airlines. The Board handles mediation and employee representation disputes and provides administrative and financial support in adjusting grievances in the railroad industry.*

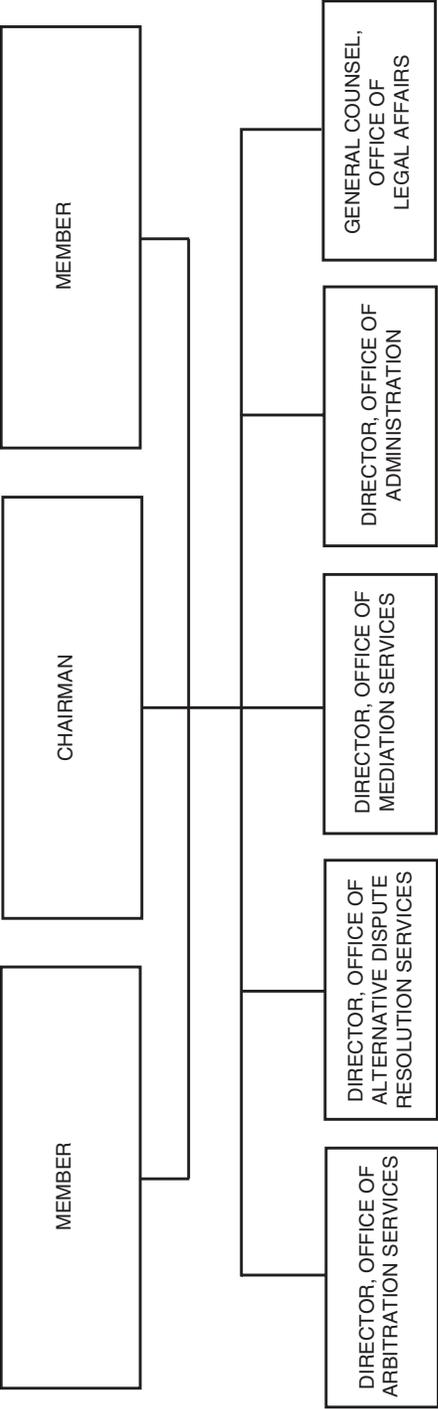
The National Mediation Board (NMB) is an independent agency established by the 1934 amendments to the Railway Labor Act of 1926 (45 U.S.C. 151-158, 160-162, 1181-1188). The Board is composed of three members, appointed by the President and confirmed by the Senate. The board designates a Chairman on a yearly basis.

The Agency's dispute-resolution processes are designed to resolve disputes over the negotiation of new or revised collective bargaining agreements and the interpretation or application of existing agreements. It also effectuates employee rights of self-organization where a representation dispute exists.

### Activities

**Mediation** Following receipt of an application for mediation, the NMB assigns a mediator to assist the parties in reaching an agreement. The NMB is obligated to use its best efforts to bring about a peaceful resolution to the dispute. If such efforts do not settle the dispute, the NMB advises the parties and offers interest arbitration as an alternative approach to resolve the remaining issues. If either party rejects this offer, the NMB releases the parties from formal mediation. This release triggers a 30-day cooling off period. During this period, NMB continues to work with the parties to achieve a consensual resolution. If,

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however, an agreement is not reached by the end of the 30-day period, the parties are free to exercise lawful self-help, such as carrier-imposed working conditions or a strike by the union/organization.

**Alternative Dispute Resolution** In addition to traditional mediation services, NMB also provides voluntary Alternative Dispute Resolution (ADR) services. ADR services include facilitation, training, grievance mediation, and an Online Dispute Resolution component, which applies technology to the dispute resolution process. The purpose of the ADR program is to assist the parties in learning and applying more effective, less confrontational methods for resolving their disputes, and to help them resolve more of their own disputes without outside intervention.

**Presidential Emergency Board** If NMB determines that a dispute threatens to substantially deprive any section of the country of essential transportation service, it notifies the President. The President may, at his discretion, establish a Presidential Emergency Board (PEB) to investigate and report back within 30 days. After the PEB has been created and for 30 days after it has made its report to the President, neither party to the dispute may exercise self-help.

There are also special emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and their employees. If the mediation procedures are exhausted, the parties to the dispute, or the Governor of any State where the railroad operates, may request that the President establish a PEB. The President is required to establish such a board if requested. If no settlement is reached within 60 days following the creation of the PEB, NMB is required to conduct a public hearing on the dispute. If there is no settlement within 120 days after the creation of the PEB, any party, or the Governor of any affected state, may request a second, final-offer PEB. No self-help is permitted pending the exhaustion of these emergency procedures.

**Representation** When a labor organization or individual files an application with NMB to represent employees, the Agency assigns an investigator to conduct a representation investigation. Should the applicant meet the requirements, NMB continues the investigation, usually with a secret telephone or Internet election. NMB is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, NMB issues a certification which commences the carrier's statutory duty to bargain with the certified representative.

**Arbitration** NMB provides both grievance arbitration and interest arbitration. Grievance arbitration is a process for resolving disputes regarding the interpretation or application of an existing collective bargaining agreement. Grievances must be handled through grievance arbitration if not otherwise resolved, and cannot be used by the parties to trigger self-help actions. NMB has significant administrative responsibilities for grievance arbitration in the railroad industry, which includes those before the National Railroad Adjustment Board (NRAB), as well as the two types of arbitration panels established by the labor-management parties at each railroad: public law boards (PLBs) and special boards of adjustment (SBAs). Grievance arbitration in the airline industry is accomplished at the various system boards of adjustment created jointly by labor and management at the parties' expense. NMB furnishes panels of prospective arbitrators for the parties' selection in both the airline and railroad industries. NMB also pays the salary and travel expenses of the arbitrators for railroad arbitration proceedings. Grievance arbitration decisions are final and binding with very limited grounds for judicial review.

Interest arbitration is a process to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations. Unlike grievance arbitration, its use is not statutorily required. NMB offers the parties the

opportunity to use binding interest arbitration when the agency has determined that further mediation efforts will not be successful. In addition, the parties may directly agree to resolve their collective bargaining dispute or portions of their dispute through interest arbitration. NMB generally provides the parties with panels of potential arbitrators from which they select an individual to resolve their dispute. In some instances, however, the parties agree to allow NMB to directly appoint an arbitrator. Interest arbitration decisions are final and binding with very narrow grounds for judicial appeal.

**Sources of Information**

**Electronic Access** Information pertaining to Board operations, including weekly case activity reports, representation determinations, press releases, and an agency directory, are

available on the Internet at [www.nmb.gov](http://www.nmb.gov).

**NMB Knowledge Store** The Knowledge Store contains over 100,000 documents in an easily searchable format, including arbitration awards, representation decisions, annual reports, PEB reports, industry contracts, and union constitutions and bylaws.

**Publications** The *Annual Reports of the National Mediation Board* are available on the NMB Web site ([www.nmb.gov](http://www.nmb.gov)) in the Knowledge Store. A limited supply of paper copies is also available for public distribution by calling 202-692-5031.

**Virtual Reading Room** Copies of collective-bargaining agreements between labor and management of various rail and air carriers and NMB Determinations (back to at least October 1, 1998) are available on the NMB Web site ([www.nmb.gov](http://www.nmb.gov)) in the Knowledge Store.

For further information, contact the Public Information Officer, National Mediation Board, Suite 250 East, 1301 K Street NW., Washington, DC 20005-7011. Phone, 202-692-5050. Internet, [www.nmb.gov](http://www.nmb.gov).

**NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK)**

60 Massachusetts Avenue NE., Washington, DC 20002  
 Phone, 202-906-3000. Internet, [www.amtrak.com](http://www.amtrak.com).

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