



# NATIONAL MEDIATION BOARD

ANNUAL PERFORMANCE  
AND ACCOUNTABILITY  
REPORT FY2008



# CHAIRMAN'S LETTER

November 14, 2008

The National Mediation Board (NMB) is an independent federal agency, established by amendments to the Railway Labor Act (RLA). The Agency's integrated dispute-resolution processes for labor-management relations enable the Board to meet its statutory mandate of minimizing work stoppages in the railroad and airline industries.

A three-member board, appointed by the President and confirmed by the Senate, directs the agency. Ms. Read Van de Water is currently the Chairman with Ms. Elizabeth Dougherty and Mr. Harry Hoglander serving as Members. We are pleased to report that, for FY 2008, the agency met its statutory mandate in every manner.

This Performance and Accountability Report includes a comprehensive set of performance Goals and Results pursuant to the Government Performance and Results Act. Also incorporated, as required, are the NMB Financial Report and Management Assurances. Because the NMB is not subject to the CFO Act, this Annual Report may not contain some of the information required of CFO Act agencies.

**The Office of Mediation Services** assisted the parties in reaching voluntary agreements without any work stoppages interrupting interstate commerce. In the railroad industry, this is the fourteenth consecutive year in which there has not been a strike. In the airline industry, no strikes were initiated in FY 07 or 08. A Presidential Emergency Board was established on Amtrak; however, the parties settled their disputes without exercising self-help.

**The Office of Alternative Dispute Resolution Services** engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. Internally, across all departments, ADRS provided consultant services by developing and otherwise assisting in business process improvement and making specialized reporting systems available.

**The Office of Legal Affairs** extended its effort to facilitate voting in representation elections for airline and railroad employees by implementing an Internet Voting option. This supplements the Board's existing Telephone Voting component and makes an already efficient voting process even easier. During FY 2008, the NMB processed 47 nationwide representation cases.

**The Office of Arbitration Services** directed its attention to promoting a more efficient Section-3 process, thereby fostering faster resolution of minor disputes (grievances). The NMB made a well received move in this regard during FY 2008 by posting the status of grievance arbitration cases on the NMB website. Grievance Mediation was also actively promoted as an alternative to arbitration.

**The Office of Administration (OA)**, in conjunction with the U.S. Office of Personnel Management (OPM) and pursuant to the Government-wide Initiatives of the President's Management Agenda, developed a Human Capital and Succession Plan. An OPM audit of NMB Personnel Security and Delegated Examining Activities reflected positively on the management of the NMB.



**READ VAN DE WATER**  
Chairman

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# MISSION STATEMENT

THE NATIONAL MEDIATION BOARD (NMB) WAS ESTABLISHED BY THE 1934 AMENDMENTS TO THE RAILWAY LABOR ACT (RLA) OF 1926. IT IS AN INDEPENDENT FEDERAL AGENCY PERFORMING A CENTRAL ROLE IN FACILITATING HARMONIOUS LABOR-MANAGEMENT RELATIONS WITHIN TWO OF THE NATION'S KEY TRANSPORTATION SECTORS: THE RAILROADS AND AIRLINES.

The NMB is headed by a three-member board appointed by the President and confirmed by the Senate. The board designates a Chairman on a yearly basis.

Pursuant to the Railway Labor Act, the Agency's integrated dispute-resolution processes are designed to promote the following three goals, enabling the National Mediation Board to effect its statutory mandate to minimize work stoppages in the railroad and airline industries.

- 1 The resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements;
- 2 The effectuation of employee rights of self-organization where a representation dispute exists; and
- 3 The resolution of disputes over the interpretation or application of existing agreements.

For further information, please refer to the agency's website at [www.nmb.gov](http://www.nmb.gov).

# RLA AND NMB FUNCTIONS

The Railway Labor Act (RLA) provides a comprehensive statutory framework for the resolution of labor-management disputes in the airline and railroad industries. Enacted in 1926 as a collaborative effort of labor and management, the RLA succeeded several previous federal statutes dating back to 1888. The 1926 Act provided for mandatory Mediation and voluntary Arbitration of railroad disputes in contract negotiations, as well as for Presidential Emergency Boards to enhance dispute resolution. Key amendments to the Act in 1934 established a three-member National Mediation Board (NMB) and authorized the resolution of employee Representation disputes by the NMB. In 1936, the jurisdiction of the RLA was expanded to include the airline industry. The 1981 amendment to the Act permitted the creation of specialized Presidential Emergency Boards for collective bargaining disputes at certain commuter railroads.

## MEDIATION & PEBS

The RLA requires labor and management to exert every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties must give notice to each other of their proposals for new or revised agreements. Direct Negotiation between the parties must commence promptly and continue in an effort to conclude a new collective bargaining agreement or to narrow their differences. Should parties fail to reach agreement during Direct Negotiations, either party or the parties jointly, may apply to the NMB for Mediation. (An application for NMB mediation services may be obtained from the Agency's web site at [www.nmb.gov](http://www.nmb.gov).) Following receipt of an application, the NMB promptly assigns a mediator to assist the parties in reaching an agreement. The NMB is obligated under the Act to use its "best efforts" to bring about a peaceful resolution of 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 of binding arbitration, the NMB releases the parties from formal Mediation. This release triggers a thirty-day Cooling Off period. During this thirty-day period, the Agency continues to work with the parties to achieve a consensual solution to the dispute. However, if an agreement is not reached by the end of the thirty-day period, the parties are free to exercise lawful self-help, which includes carrier-imposed working conditions or a strike by the union/organization.

If however, the NMB determines pursuant to Section 160 of the RLA (Section 10), that a dispute threatens substantially to interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a Presidential Emergency Board (PEB) to investigate and report back to the President, respecting such dispute, within 30 days from the date such PEB is created. After the Board has been created and for 30 days after such Board has made its report to the President, neither party to the dispute may exercise self-help.

Apart from the emergency board procedures provided by Section 160 of the RLA, Section 159A (Section 9) provides special multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and its 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, the 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.

For a flow-chart of these procedures, see the Mediation section of the NMB website ([www.nmb.gov](http://www.nmb.gov)).

## ALTERNATIVE DISPUTE RESOLUTION

In addition to statutory Mediation services, the NMB also provides Alternative Dispute Resolution (ADR) services. ADR services include facilitation, training, grievance mediation, and an Online Dispute Resolution (ODR) component, applying technology to the dispute resolution process. The purpose of the NMB's ADR program is to assist the parties in learning and applying more-effective, less-confrontational methods for resolving their disputes. Another goal is to help the parties resolve more of their own disputes without outside intervention. The NMB believes that its ADR services will result in fewer cases progressing to Mediation, reduce and narrow the issues which the parties bring to mediation, and positively affect working relationships among the parties. An application for ADR services may be found on the Agency's web site at [www.nmb.gov](http://www.nmb.gov).

## REPRESENTATION

Under the RLA, employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining without “interference, influence or coercion” by the carrier. Employees may also decline representation. An RLA representation unit is a “craft or class,” which consists of the overall grouping of employees performing particular types of related duties and functions. The selection of a collective bargaining representative is accomplished on a system-wide basis, which includes all employees in the craft or class anywhere the carrier operates in the United States.

When a labor organization or individual files an application with the NMB to represent employees, the Agency assigns an investigator to conduct a representation investigation. (An application for a representation investigation may be obtained from the Agency’s web site at [www.nmb.gov](http://www.nmb.gov).) The investigator assigned to a case has the responsibility to determine if the craft or class the organization seeks to represent is system-wide and otherwise valid. NMB election procedures require that the application must be supported by a sufficient employee showing-of-interest to warrant the continuation of the investigation. If the employees are not already represented for collective bargaining purposes, a thirty-five percent showing is required. If the craft or class covered by the application is represented and a collective bargaining agreement is in effect, the showing-of-interest requirement is a majority of the craft or class.

If the showing-of-interest requirement is met, the NMB continues the investigation, usually with a secret Telephone/Internet election. Only such employees that are found to be eligible to vote by the NMB are permitted to participate such election. In order for a representative to be certified, a majority of the eligible voters must cast valid votes in support of representation. The NMB is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, the NMB issues a certification of that result which commences the carrier’s statutory duty to bargain with the certified representative.

## ARBITRATION

The RLA provides for 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, known as “minor disputes” under the RLA, must be handled through Grievance Arbitration if not otherwise resolved, and cannot be used by the parties to trigger self-help actions. The NMB has significant administrative responsibilities for the three types of grievance arbitration in the railroad industry. These types include those of the National Railroad Adjustment Board as well as arbitration panels established directly by the labor-management parties at each railroad: Public Law Boards and Special Boards of Adjustment. 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. The NMB furnishes panels of prospective arbitrators for the parties’ selection in both the airline and railroad industries. (A request to be placed on the NMB Roster of Arbitrators may be obtained from the Board’s web site at [www.nmb.gov](http://www.nmb.gov).) The NMB also has substantial financial responsibilities for railroad arbitration proceedings in that it pays the salaries and travel expenses of the arbitrators. Grievance Arbitration decisions under the RLA 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. Although the RLA provides an effective process for Interest Arbitration, its use is not statutorily required. The 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. The 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 the NMB to directly appoint an arbitrator. Interest Arbitration decisions are final and binding with very narrow grounds for judicial appeal.

## ADMINISTRATION

The Office of Administration provides the management and support functions for the NMB. These functions include: budget and finance; human resources; accounting and procurement; information technology and telecommunications; property and space management; and office support. The centralization of these functions ensures consistency throughout the various functional areas.

# NMB STRUCTURE

## MEMBERS OF THE BOARD

**Harry Hoglander**  
Member

**Robin Stein**  
Assistant

**Read Van de Water**  
Chairman

**Sarah Williams**  
Confidential Assistant

**Elizabeth Dougherty**  
Member

**Anne Woodson**  
Confidential Assistant

### ARBITRATION

**Roland Watkins**  
Director

**Carol Conrad**  
Spvr. Arbitration Spec.

**Paralegal Specialist**  
(vacant)

**Program Mgt. Assistant**  
Kimberly Beaubien  
Priscilla Dyson  
Linda Gathings

### ALT. DISPUTE RES.

**Daniel Rainey**  
Director

**Linda Puchala**  
Senior Mediator (ADR)

**ADR Specialist**  
Rachel Barbour

**Counsel (Dispute Res. Tech)**  
Michael Wolf

**IT Contractors**  
Ray Raymond  
Eugene Ajayi

**Program Analyst**  
Charles Montague

**Public Information Officer**  
Donald West

**Records Management Officer**  
Anita Bonds

### MEDIATION

**Larry Gibbons**  
Director

**Zachery Jones**  
Senior Mediator

**Patricia Sims**  
Senior Mediator

**Mediators**  
Terri Brown  
Ernie DuBester  
R.A. Dick Hanusz  
Denise Hedges  
Jack Kane  
John Livingood  
Gerry McGuckin  
Marvin Sandrin  
Anthony Mike Tosi

**Mediation Program Specialists**  
Karen Burton  
Valeta Hill-Rawls

### LEGAL AFFAIRS

**Mary Johnson**  
General Counsel

**Maria-Kate Dowling**  
Associate General Counsel

**Counsel**  
Cristina Bonaca  
Norman Graber  
Sarah Halpin  
Eileen Hennessey  
Susanna Parker

**Paralegal Specialist**  
Karsie Kish  
Timothy Sweeney

**Representation Coordinator**  
Libby Angelopoulos

### ADMINISTRATION

**June D.W. King**  
Director

**Denise Murdock**  
Administrative Officer

**Accountant**  
Shirley Morris-Crank

**Receptionist**  
Florine Kellogg

**Support Services Specialist**  
Bruce Conward  
Terran Walker  
Samantha Wilson



# BOARD MEMBERS



**Read  
Van De Water**



**Elizabeth  
Dougherty**



**Harry R.  
Hoglander**

## **READ VAN DE WATER**

### **Chairman**

Read Van de Water, current Chairman of the National Mediation Board, effective July 1, 2008, has served as a Member of the Board since 2003, and previously as Chairman from July 1, 2005, through June 30, 2006. Ms. Van de Water was sworn in as a Board Member on December 11, 2003, after being nominated by President George W. Bush in September, and unanimously confirmed by the United States Senate on December 9, 2003.

Ms. Van de Water served from 2001-2003 as the Assistant Secretary for Aviation and International Affairs at the U.S. Department of Transportation. Previously she served as the legislative counsel for international trade and investment with The Business Roundtable and as legislative counsel and director of government affairs for Northwest Airlines. She also was employed on Capitol Hill as an appropriations associate and legislative assistant.

A native of Charlotte, North Carolina, Ms. Van de Water graduated from the University of the South (Sewanee) in 1986. She received a master's degree from The George Washington University and her J.D. from The Georgetown University Law Center.

Ms. Van de Water is married to Mark Van de Water and they have three children. They reside in Warrenton, Virginia.

## **ELIZABETH DOUGHERTY**

### **Member**

Elizabeth Dougherty, a Member of the National Mediation Board since December 13, 2006, served as Chairman of the Board through June 30, 2007. She was nominated by President George W. Bush and subsequently confirmed by the U.S. Senate on December 8, 2006.

Prior to joining the Board, Ms. Dougherty most recently served as Special Assistant to the President for Domestic Policy at the White House, where she covered labor and transportation issues. Prior to that, she served as Chief Counsel for the United States Senate Subcommittee on

Employment, Safety and Training. Earlier in her career, she was an Associate at Hogan & Hartson, practicing labor and employment law.

Ms. Dougherty received her bachelor's degree from Duke University and her JD from the University of Virginia. She currently resides in Washington, DC, with her husband, Paul, and their two children.

## **HARRY R. HOGLANDER**

### **Member**

Harry R. Hoglander, a Member of the Board since August 6, 2002, has also served as Chairman twice: from July 1, 2007, through June 30, 2008, and from July 1, 2004, through June 30, 2005. He was first confirmed by the United States Senate on August 1, 2002, and reconfirmed for a second term on December 8, 2006.

Prior to joining the Board, Mr. Hoglander served as a Legislative Specialist in the office of Congressman John Tierney of Massachusetts. His responsibilities were: Transportation issues including aviation, rail and maritime, Labor, Defense and Veterans Affairs.

Member Hoglander has an extensive background in the aviation industry. He flew as a Captain for Trans World Airline (TWA) and was rated to fly Boeing 707, 727, and 747's during his 28 year career with TWA. Additionally, while with TWA, he was elected Master Chairman of TWA's Master Executive Council. He was also elected Executive Vice-President of the Air Line Pilots Association. After leaving TWA, Mr. Hoglander was named Aviation Labor Representative to the United States Bi-Lateral Negotiating Team by then Secretary of State James Baker.

Mr. Hoglander was a pilot in the United States Air Force and retired with the rank of Lt. Colonel. He graduated from Suffolk University Law School, became a member of the Florida Bar, and serves his community in a variety of volunteer positions.

Member Hoglander and his wife Judith reside in Magnolia, Massachusetts. They have six grown children and twelve grandchildren.

# DIRECTORS



**Larry  
Gibbons**



**Mary  
Johnson**



**June D.W.  
King**

## **LARRY GIBBONS**

### **Director, Office of Mediation Services**

Larry Gibbons joined the Board in September, 1997 as a Senior Mediator. Currently, Mr. Gibbons is the Director of Mediation and has overall responsibility for the administration and management of mediation cases in the airline and railroad industries. He brought to the Board 25 years of experience in personnel and labor relations, practicing under both the NLRA and RLA.

Immediately prior to joining the NMB, Mr. Gibbons headed Human Resources and Labor Relations with ABX Air, Inc. (Airborne Express) for 12 years and for two years was an independent labor relations consultant. He is a past President and Member of the AIRCON Executive Board.

Mr. Gibbons was also actively involved in community activities including serving on a Board of Directors for the United Way and an Adult Rehabilitation Workshop.

Mr. Gibbons earned a Bachelor of Science degree in Journalism from Ohio University, and he served as an officer in the United States Army.

## **MARY JOHNSON**

### **General Counsel, Office of Legal Affairs**

Mary L. Johnson is General Counsel of the National Mediation Board. As General Counsel, she serves as the Chief Legal Officer of the agency and manages the Board's representation program and a legal program which includes litigation. In this role, Ms. Johnson provides legal advice to the Board Members and agency staff. In addition, she ensures compliance with the Freedom of Information Act, Government in the Sunshine Act, and other statutes.

Several months prior to her becoming General Counsel on December 15, 2002, Ms. Johnson was appointed Acting Director of the Board's Office of Legal Affairs. She had served as the Board's Litigation Counsel since March, 2000. She has also been the agency's Designated Ethics Official since November 2002, and prior to that, Alternate Designated Ethics Official from 1996. Ms. Johnson joined the National Mediation Board as a Hearing Officer in December 1980, and became a Senior Hearing Officer in 1989.

Ms. Johnson received her Juris Doctor from the University of Connecticut School of Law and her A.B. from Barnard College. She is a member of the Connecticut Bar. She is on the Executive Board of the Association of Labor Relations Agencies, a consortium of federal, state, and Canadian labor relations agencies. Ms. Johnson is also public co-chair of the Railroad and Airline Labor Committee of the Labor and Employment Law Section of the American Bar Association.

## **JUNE D.W. KING**

### **Director, Office of Administration**

June D.W. King is currently the Director of Administration (OA) and Chief Information Officer (CIO) for the National Mediation Board. As the OA Director, she is responsible for the Board's administrative management functions, which include strategic planning and budgeting; accounting and finance; human resources management; procurement and contracting; and internal audit and evaluation. As the CIO, she has direct authority for the NMB's policies and practices of the Board's Information Technology Program.



**Daniel  
Rainey**



**Roland  
Watkins**

She serves as the NMB's principal management official on all the Small Agency Councils in the areas of administration, human resources and information technology. She is also a member of the Small Agency Council Executive Committee and the Chief Information Officers' Committee.

Mrs. King received her Bachelor's degree in Business Administration with a concentration in Accounting from the University of the District of Columbia.

**DANIEL RAINEY**  
**Director, Office of Alternative  
Dispute Resolution Services**

Daniel Rainey is the Director of the Office of Alternative Dispute Resolution Services (ADRS) for the National Mediation Board, and he is the agency's Ombudsman. He joined the NMB in April, 2001.

As Director, ADRS, he is responsible for a range of programs and projects involving work with parties in the airline and railroad industries and support for the Board Members and all other NMB departments. The Programs for which he is responsible include: the NMB's Alternative Dispute Resolution (ADR) Program, the NMB's Research Program, the NMB's Public Information/Public Affairs Program, the NMB's Documents and Records Management Program, and the NMB's Information Technology Program.

Immediately prior to coming to the NMB, Mr. Rainey was the owner/president of a consulting firm specializing in conflict management and conflict intervention. From 1978 through 1990, he was a faculty member and administrative faculty member at George Mason University.

His memberships and associations include: the Association for Conflict Resolution (immediate past Chair, Online Dispute Resolution Section), the American Bar Association Section of Dispute Resolution, the International Ombudsman Association, the InternetBar.Org (Member, Board of Directors), the National Center for Technology and Dispute Resolution (Fellow of the Center), and the Conflict Resolution Quarterly Editorial Board. He is a member of the faculty in the Dispute Resolution Master's Program at Southern Methodist University.

**ROLAND WATKINS**  
**Director, Office of Arbitration Services**

Roland Watkins joined the National Mediation Board in February, 1980. During his career at the Board, he has been a Senior Hearing Officer and Legal Counsel. He has also served as counsel/special assistant to numerous Presidential Emergency Boards and Congressional Advisory Boards.

Currently, Mr. Watkins serves as the Director of the Arbitration Department, where he is responsible for all aspects of Grievance and Interest Arbitration in the airline and railroad industries. These responsibilities include administering railroad Public Law Boards, Special Boards of Adjustment and Arbitration Boards. He serves as the Administrator for the National Railroad Adjustment Board which is located in Chicago, Illinois.

Mr. Watkins received his B.A. degree in Economics from Lafayette College located in Easton, Pennsylvania, and his Juris Doctor from Cornell Law School in Ithaca, New York. He is a member of the Railroad and Airline Labor Committee and the Dispute Resolution Committee of the Labor and Employment Law Section of the American Bar Association.



# MANAGEMENT DISCUSSION & ANALYSIS



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41	Performance (GPRA)



# MEDIATION

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**The Office of Mediation Services**

assisted the parties in reaching voluntary agreements without any work stoppages interrupting interstate commerce. In the railroad industry, this is the fourteenth consecutive year in which there has not been a strike. In the airline industry, the past two years have been strike-free. A Presidential Emergency Board was established on Amtrak; however, the parties settled their disputes without exercising self-help.



## OVERVIEW OF FISCAL YEAR 08

In FY 2008, the NMB mediation staff continued to deliver outstanding service to the airline and railroad industries, and to the public. In an environment of soaring energy costs and continued losses among air carriers, NMB's mediators were challenged to assist the parties in reaching settlements. The Board's mediation performance reinforced the stability of the mediation process and the reliability of its multi-faceted approach to labor-management disputes.

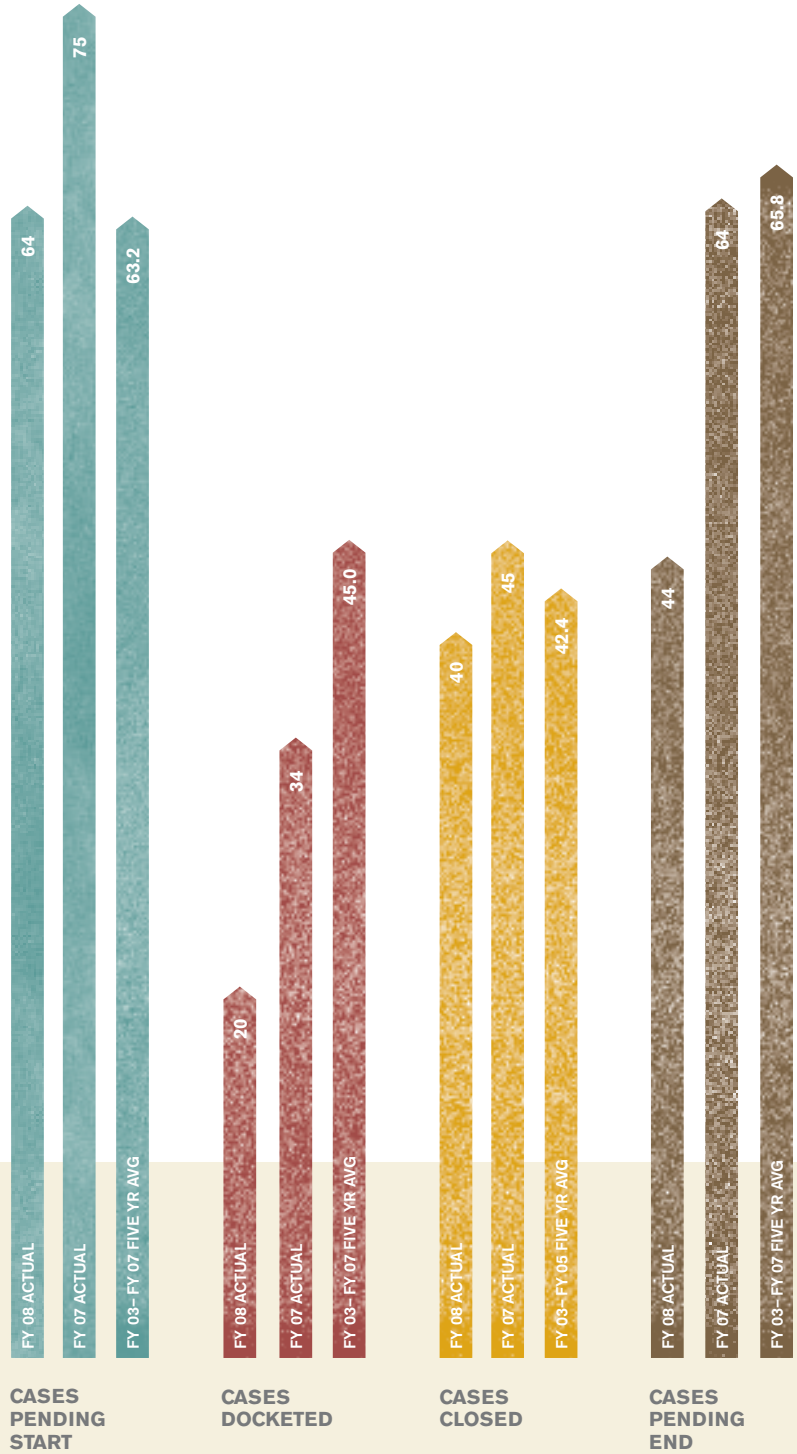
To achieve the NMB overriding responsibility to manage mediation cases effectively and, to the extent possible, avoid serious interruption to interstate commerce, the agency used a variety of tools and techniques to help the parties reach consensual agreement.

The total case intake for FY 2008 was well below FY 2007. The reduction in new cases docketed can be attributed to two major factors. First, when carriers emerged from bankruptcy, they did so with common amendable dates for each of their collective bargaining agreements. These new dates stretched well beyond existing amendable dates, which has delayed the need of labor and management to negotiate new agreements and use the services of the Board. The second factor is the number of airlines which ceased operation during the fiscal year, many of which were in negotiations, in mediation or near their amendable dates. The FY 2008 case closures, while below FY 2007, is in line with the five year average. The overall outlook for case activity in the coming fiscal years calls for an increase in mediation cases based upon known contract amendable dates. Additionally, airline contracts for some legacy carriers, due to concessionary bargaining, will become amendable on a common date versus being spread out, which will heavily tax and challenge the Board's mediators.



## MEDIATION CASES

The following chart reflects actual case numbers for FY 2008 and FY 2007 and a five-year average:



## HIGHLIGHTS OF FISCAL YEAR 08

**Cooling-off Periods.** AMTRAK and the following unions were released from mediation early in FY 2008: BMWED, BRS, JCC, ATDA, NCFO, IAM, IBEW and TCU/ARSA. A Presidential Emergency Board was established, and on December 30, 2007, the Board issued its report and recommendations to the President. On January 18, 2008, the parties entered into tentative agreements, which were ratified by union memberships.

**Self-help Activity.** There was no self-help activity during FY 2008 in either the air or rail industries.

**Settlements.** All mediated cases, closed in FY2008, were closed by voluntary agreement without a strike or other legal self-help. These mediation cases continued to be extremely complex and challenging, given record energy prices and continued financial losses in the airline industry. Thus, the Agency's actual mediation and facilitation activities remained at an intense level, challenging the Board's resources.

Some of the airline carriers and organizations, which reached agreements with Agency assistance in FY 2008, include: ASA and the Air Line Pilots Association (ALPA) and the Association of Flight Attendants (AFA-CWA); ATA and ALPA; Chautauqua and the International Brotherhood of Teamsters (IBT); Pinnacle and the Transportation Worker's Union (TWU); ASTAR and ALPA; Ryan and ALPA; North American Airlines and IBT; and Miami Air and IBT.

In the railroad industry, besides the AMTRAK cases noted above, some of the cases in which the NMB helped the parties reach agreements are: National Carrier's Conference Committee and the United Transportation Union (UTU) and the International Association of Machinists (IAM); Port Authority Trans-Hudson (PATH) and UTU; New Jersey Transit (NJT) and Transportation Communication Union (TCU), the Brotherhood of Railroad Signalmen (BRS), National Conference of Firemen and Oilers (NCFO), and the Sheetmetal Workers International of America (SMWIA); Wheeling and Lake Erie Railroad and the Brotherhood of Locomotive Engineers (BLET); and Wisconsin Central and the UTU.



**Pending Cases.** At the present time, several significant airline cases remain in mediation including American Airlines/APA, American Airlines/TWU, Air Tran/NPA, Pinnacle/ALPA, Evergreen International/ALPA, Mesa Airlines/AFA, Airborne Express/IBT, Spirit Airlines/ALPA, TransStates Airline/ALPA and Alaska Airlines/ALPA. All of these cases are proving to be extremely difficult, given the current economic and collective bargaining environment.

In the Rail Industry, several Short Line and Commuter Railroads are also in mediation including Port Authority Trans-Hudson/RITU and IBEW; New Jersey Transit/IAM and IBEW; Delaware and Hudson/BMWED and TCU; SOO Line/TCU; and Union Railroad/USW.

It is always a challenge to specifically forecast which disputes may require NMB mediation services in the upcoming year. Additionally, various circumstances lead some carriers and unions to agree to short and/or long term-contract extensions, versus entering into full Section 6 collective negotiations.

In the airline industry, several key contracts are either currently open for negotiation or become amendable between now and the end of FY 2009. These contracts include: American Airlines with APFA (Flight Attendants) and TWU (Mechanics and Fleet Service); Southwest/SWAPA (Pilots); Southwest/TWU (Flight Attendants); Southwest/IAM (Passenger Service); Southwest/AMFA (Mechanics); Continental/ALPA (Pilots), and IBT (Mechanics); and AirTran/AFA (Flight Attendants). On the railroad side, regional railroads and commuter railroads will continue to be the focus of our efforts.

In summary, FY 2009 is projected to be another challenging year which will continue to tax the Agency's resources.



# ALTERNATIVE DISPUTE RESOLUTION

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**The Office of Alternative Dispute Resolution Services** engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. Internally, across all departments, ADRS provided consultant services by developing and otherwise assisting in business process improvement and making specialized reporting systems available.



## OVERVIEW OF FISCAL YEAR 08

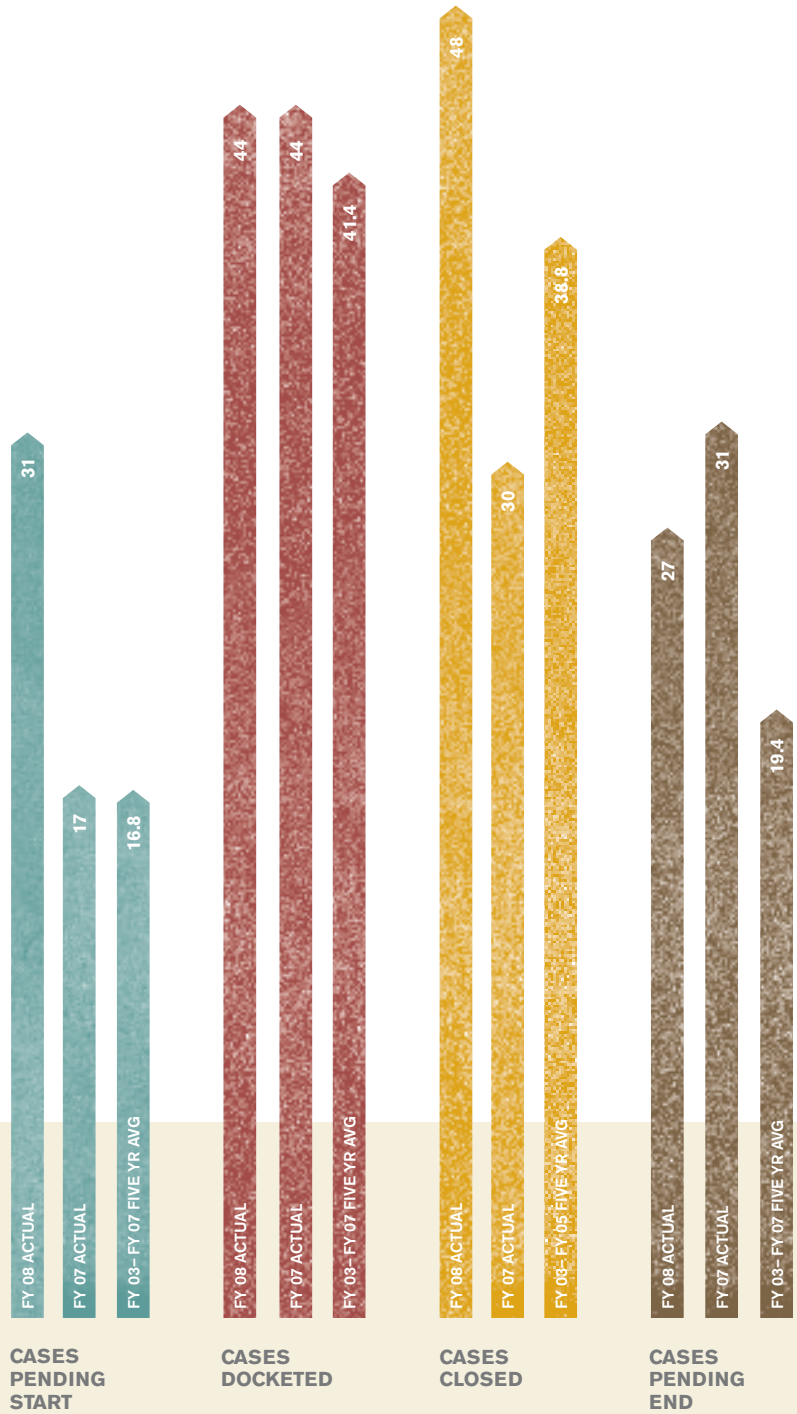
In FY 2008, ADRS continued its activities in developing and delivering a wide range of services to the labor and management parties in the airline and railroad industries including training, facilitation, online dispute resolution, grievance mediation, problem solving, and interest-based negotiations. Process Agreements for Grievance Mediation, as implemented by the Board, enable the parties to pursue grievances on an on-going basis without having to open a new case for each grievance.

Within the agency, ADRS continued to redefine itself as an internal consultant, assisting in business process improvement, and in the production of specialized reporting systems and other ad hoc needs across all of the NMB Departments by developing and providing:

- a cutting edge and paperless document and records-management program for Arbitration, Mediation, Legal Affairs, Administration, and the Board Members;
- a responsive public communications program for the agency;
- research services for all departments and the Board Members; and
- management of agency information technology services.

## ALTERNATIVE DISPUTE RESOLUTION CASES

The following chart reflects actual case numbers for FY 2008 and FY 2007 and a five-year average:



## HIGHLIGHTS OF FISCAL YEAR 08

**Training.** During FY 2008, ADRS continued to refine and update the standard training offered by the NMB, including Grievance Mediation training, Interest-Based Negotiation training, and Facilitated Problem Solving training. In addition, special training requested by the parties, including team building for labor/management bargaining team members and critical thinking for negotiators, was prepared and delivered by ADRS staff. For example, ADRS designed and delivered facilitated problem solving training for labor relations staff at CSXT.

**Grievance Mediation Facilitation, Interest-Based Contract Negotiation, and Section 6 Contract Negotiation.** During FY 2008, ADRS staff members were engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. For example, ADRS engaged in an ongoing facilitation process for the BLET and CSXT in a contractually mandated dispute resolution committee process.

For a list of cases closed in FY 2008 for carriers and unions involved in grievance mediation and facilitation, see table 2B in the Case Record of this report.

## **Online Dispute Resolution Services and Research.**

The NMB continued its partnership with the University of Massachusetts at Amherst under a research grant awarded by the National Science Foundation to study the impact of Online Dispute resolution (ODR) tools in mediation. The ODR research uses the Board's grievance mediation program as a model for the study. During the first year of the grant (FY 2005), the NMB joined with UMass to produce a detailed model of the grievance mediation process, from which experimental software was developed for use by the NMB and the parties. The NMB and UMass were involved in initial testing of the software at the end of FY 2005. During FY 2006, the experimental software, STORM, was refined and tested in partnership with airline and railroad parties. During FY 2007, with the software in place, the NMB and UMass were involved in assessing the impact of technology on dispute resolution. In FY 2008, a more comprehensive software platform, STORM2, was developed and tested. The NMB plans to integrate STORM2 into its new online grievance mediation training program during FY 2009.

During FY 2008, online tools were used in training, drafting of agreements, preparation for face-to-face negotiations, agenda setting, and online arbitration for a variety of carriers and organizations. One notable case involved American Eagle



and ALPA, during which the parties routinely used an NMB online workspace to set agendas, exchange information, brainstorm, and draft final agreements.

In addition to the work with UMass and the use of online systems by parties in the airline and railroad industries, the NMB has become the recognized leader in the application of technology to dispute resolution, both in the United States and internationally. During FY 2008, ADRS staff worked with or made presentations in the area of ODR to the ABA Section of Dispute Resolution, the Association for Conflict Resolution, and the Seventh International ODR Forum.

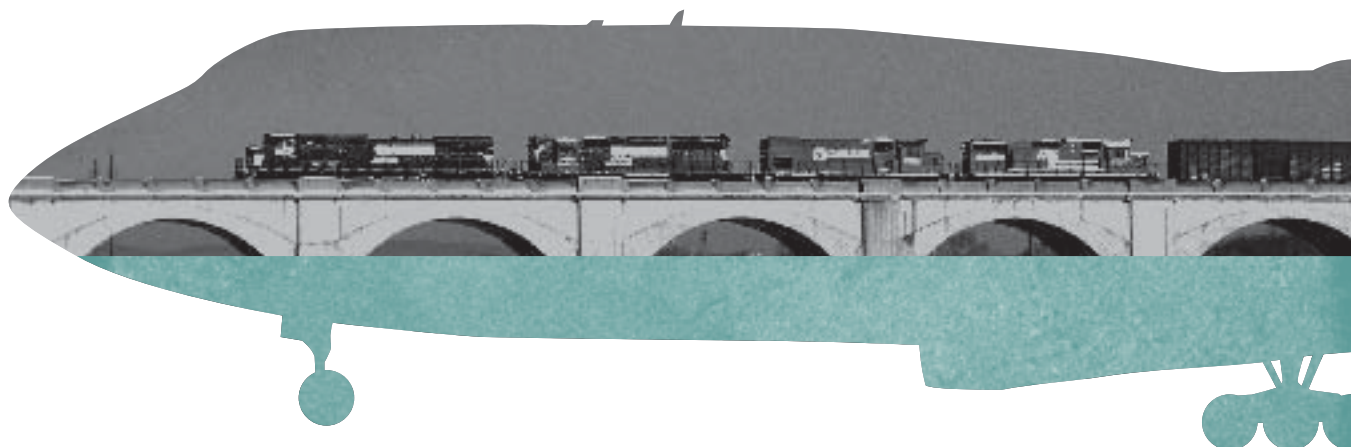
**Online Arbitration.** During FY 2008, the NMB continued to develop and use its in-house web-based video and document sharing capabilities. With the continued use of online arbitration, these tools have positively impacted the allocation and use of funds for arbitration hearings, decision writing, and arbitrator travel. During FY 2008, ADRS added online submissions-only arbitration as an option for the parties.

**NMB Corporate Memory.** In 2006, the NMB became the first government agency to have in place a fully approved and functioning all-electronic records schedule approved

by the National Archives and Records Administration. As the first paperless agency in the US government, the NMB continues to set precedents and establish procedures that will be the *de facto* standards for other agencies as they move into electronic records management. Also, the NMB has continued to refine its document and records management program, ensuring compliance with new electronic information storage requirements.

**NMB Knowledge Store.** The ADRS staff continued to build and improve the public archive of information available through the NMB Knowledge Store. Currently, the NMB 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 by-laws. The NMB continues to fill in the collection gaps, with the goal of fully documenting the Board's work since its inception in 1934.

**NMB Case Management Systems.** The ADRS Staff introduced and developed protocols, SOPs, and training for case management systems for Arbitration, Mediation, Legal Affairs, Administration, and the Board Members.





# PRESIDENTIAL EMERGENCY BOARDS

**The President established Emergency Board #242** to investigate collective bargaining disputes between Amtrak and several unions. After the Board (PEB) issued its recommendations to the President, the parties reached agreement without exercising self-help.



## OVERVIEW OF FISCAL YEAR 08

When the NMB determines that a collective-bargaining dispute cannot be resolved in mediation, the NMB proffers Interest Arbitration to the parties. Either labor or management may refuse the proffer and, after a 30-day cooling-off period, engage in a strike, implement new contract terms, or engage in other types of economic Self Help, unless a Presidential Emergency Board is established.

If the NMB determines, pursuant to Section 160 of the RLA, that a dispute threatens substantially to interrupt interstate commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a PEB to investigate and report respecting such dispute.

Status-quo conditions must be maintained throughout the period that the PEB is impaneled and for 30 days following the PEB report to the President. If no agreement is reached, and there is no intervention by Congress, the

parties are free to engage in self-help 30 days after the PEB report to the President.

Apart from the emergency board procedures provided by Section 160 of the RLA, Section 159A (Section 9a) provides special, multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and its employees. If Mediation procedures are exhausted, the parties to 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, the 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.

During fiscal year 2008, there was one PEB, which is discussed below.



## HIGHLIGHT OF FISCAL YEAR 08

**Presidential Emergency Board 242.** On October 18, 2007, the NMB in accordance with Section 5, First, of the Railway Labor Act, urged Amtrak and the Labor Organizations representing nine crafts or classes of Amtrak employees to enter into an agreement to submit their collective bargaining disputes to arbitration as provided in Section 8 of the RLA regarding Proffer of Arbitration. On October 18, 19, and 25, 2007, the Organizations individually declined the NMB proffer of arbitration. On October 25, 2007, Amtrak declined the NMB proffer in five of the cases and requested an extension of time in which to respond in four of the cases.

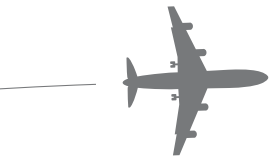
On October 31, 2007, the NMB served notice that its services had been terminated under the provisions of Section 5, First, of the RLA. On December 1, 2007, the President established Emergency Board 242 to investigate collective bargaining disputes between Amtrak

and the Brotherhood of Maintenance of Way Employees, the International Brotherhood of Electrical Workers, the International Association of Machinists and Aerospace Workers, the Brotherhood of Railroad Signalmen, the Joint Council of Carmen (comprised of the Transportation Communications International Union/Brotherhood of Railway Carmen Division and the Transport Workers Union of America), the American Train Dispatchers Association, the National Conference of Firemen and Oilers/Service Employees International Union, and the Transportation Communications International Union – American Railway and Airway Supervisors Association.

The President appointed Peter W. Tredick as Chairman with Ira F. Jaffe, Joshua M. Javits, Annette M. Sandberg and Helen M. Witt as Members. The Board held meetings and hearings with the parties on December 11-14, 2007. On December 30, 2007, the Board issued its report and recommendations to the President. The unions subsequently reached agreement with the Carrier.



# REPRESENTATION



**The Office of Legal Affairs** extended its effort to facilitate voting in representation elections for airline and railroad employees by implementing an Internet Voting option. This supplements the Board's existing Telephone Voting component and makes an already efficient voting process even easier. During FY 2008, the NMB processed 47 nationwide representation cases.



## OVERVIEW OF FISCAL YEAR 08

The NMB Office of Legal Affairs (OLA) continues to operate at a high level of quality and efficiency. As a review of customer service and performance standards will attest, the Agency's Representation program is in a state of constant improvement, delivering outstanding services to the parties and the public.

The OLA staff closed and docketed an almost equal number of cases during this year (47 closed; 45 docketed). The number of representation cases filed during FY 2008 was substantially higher than the previous year. Additionally, there were many representation cases involving large numbers of eligible employees including Continental Airlines (7,660 Fleet Service Employees), United Airlines (8,631 Mechanics and Related Employees), US Airways (5,238 Pilots), and Delta Air Lines (13,380 Flight Attendants).

The OLA improved its customer service through the development and implementation of Internet Voting. Beginning October 1, 2007, the NMB conducted representation elections using both Telephone Electronic Voting and Internet Voting. Internet Voting was implemented after months of research and testing and enhances NMB's ability to conduct representation elections.

## HIGHLIGHTS OF FISCAL YEAR 08

Under the RLA, the selection of employee representatives for collective bargaining is accomplished on a system wide basis. Due to this requirement and the employment patterns in the airline and railroad industries, the Agency's representation cases frequently involve numerous operating stations across

the nation. In many instances, labor and management raise substantial issues relating to the composition of the electorate, jurisdictional challenges, allegations of election interference, and other complex matters which require careful investigations and rulings by the NMB.

Representation disputes involving large numbers of employees generally are more publicly visible than cases involving a small number of employees. However, all cases require and receive neutral and professional investigations by the Agency. The NMB ensures employee choices regarding representation are made without interference, influence or coercion. The case summaries that follow are examples of the varied representation matters, which were investigated by the NMB during FY 2008.

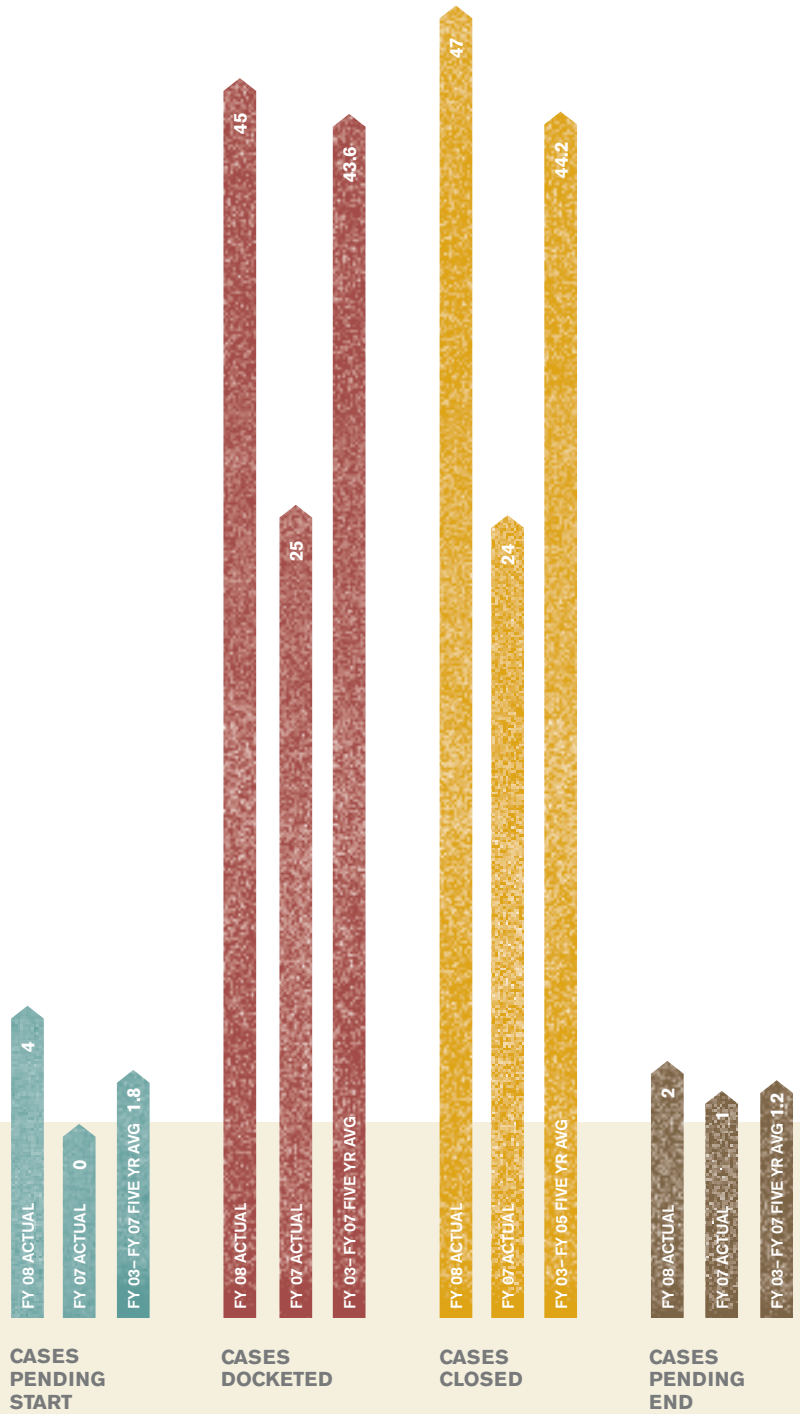
### **Continental Airlines, Inc./Transport Workers Union**

On October 15, 2007, the Transport Workers Union (TWU) filed an application seeking to represent the craft or class of Fleet Service Employees of Continental Airlines. On November 9, 2007, TWU filed its challenges and objections and argued that the Board should: (1) authorize a five week voting period; (2) require Continental to identify the employees who became trainees in the thirty days prior to the cut-off date and which of them ultimately became employees of the Fleet Service craft or class; and (3) provide the notice and instructions to Continental employees utilizing the Carrier's electronic mail system. The Carrier opposed the union's requests. On November 20, 2007, the Investigator denied TWU's request for electronic notification of employees and electronic transmission of instructions.



## REPRESENTATION

The following chart reflects actual case numbers for FY 2008 and FY 2007 and a five-year average:



The Investigator's denial relied, in part, on Section 13.1 of the Board's Representation Manual, which sets forth the Board's well-established notification procedures. The Investigator concluded that there was insufficient evidence that sending the Notice electronically to each individual employee is feasible or even possible or that requiring the Carrier to post the Notice on its website would provide better notice to employees of the upcoming election than the Board's current, long-standing practice.

On appeal, the Board found that, absent a showing that the majority of eligible employees do not have access to Carrier bulletin boards, there is an insufficient basis to deviate from its longstanding practice and eliminate use of Carrier bulletin boards from the Board's Notice procedures. The Board further found that it has only employed or ordered the Carrier to issue additional notices to employees, where it has been shown to be necessary to remedy egregious election interference or prevent voter confusion. The Board did not find that such extraordinary action was warranted in this case.

Finally, the Board stated that it has never been Board policy to require carriers to individually distribute the Notice and Sample Instructions through the carriers' internal mail system. The Board agreed with the Investigator that TWU did not show that such a substantial modification of its voting procedures was necessary.

#### **Air Methods Corp./CJ Systems Aviation Group/ Office and Professional Employees Union**

On November 1, 2007, the Office and Professional Employees International Union (OPEIU) filed an application alleging a representation dispute involving the Flight Deck Crew Members of Air Methods Corp. The Board requested the Carrier provide information on whether Air Methods and CJ Systems Aviation Group were operating as a single transportation system.

Air Methods stated that on August 1, 2007, it entered into an agreement to acquire all of the stock of CJ

Systems and that it anticipated that this transaction would become effective on or about October 1, 2007. In a press release dated October 1, 2007, Air Methods announced that "the Company has completed its acquisition of 100% of the outstanding stock of FSS Airholdings, Inc. (parent company of CJ Systems)." As of November 1, 2007, Air Methods employed 720 pilots represented by the OPEIU, and CJ Systems employed 326 pilots, who were unrepresented.

Air Methods asserted that Air Methods and CJ Systems were operating as a single transportation system. In support of this position, Air Methods contended that: (1) the labor relations and personnel functions would be administered from Air Methods corporate headquarters; (2) the new entity would be held out to the public and marketed as Air Methods; (3) uniforms would be standardized under the Air Methods' uniform policy; and (4) aircraft and other equipment would have conformed markings, and the corporate insignia and logos would be standardized as Air Methods when the transfer of SJ Systems' certificates to Air Methods is complete. Finally, as of December 26, 2007, the CJ Systems' website consisted of a single page, stating that "As of October 1st, 2007, CJ Systems Aviation Group has been purchased by Air Methods Corporation" and providing a link to the Air Methods web site.

The OPEIU did not dispute that Air Methods and CJ Systems was a single transportation system.

On January 23, 2008, the Board found that Air Methods and CJ Systems were operating as a single transportation system. The Board noted that the corporate merger of Air Methods and CJ Systems is complete, and substantial steps have been taken toward the completion of the operational merger. The Board also noted that integration of the management team was nearing completion, and labor relations and personnel functions would be administered from Air Methods' corporate headquarters. Finally, the Board stated that the new entity was being held out to the public as Air Methods.

## **Delta Air Lines, Inc./Association of Flight Attendants-CWA**

On February 14, 2008, the Association of Flight Attendants – CWA (AFA) filed an application alleging a representation dispute involving the Flight Attendants of Delta Air Lines. After the Board authorized an election, AFA filed a position statement requesting a yes/no ballot to determine the employees' representation choice in this matter.

AFA argued that the Board has broad discretion in establishing rules and procedures in a representation election and that the current NMB voting procedures, which require a majority of eligible voters to cast ballots for union representation in order to certify a union as the collective bargaining representative, "provide a disincentive to voting that is exploited by employers." AFA further argued that a yes/no ballot would act as a protective measure to deter Delta from repeating behavior that AFA alleges tainted previous elections.

Delta opposed the AFA request and stated that there was no reason for any change to the Board's longstanding, existing procedures.

The Board denied AFA's request for changing its long-standing balloting procedures and found that AFA offered no substantive evidence or other compelling circumstances that the changes it sought were essential. The Board stated that it would not assume in advance of an initial election period that a carrier would engage in activities that interfere with employee free choice or taint the laboratory conditions. The Board also concluded that an appropriate response to allegations and findings of carrier interference is to set aside an initial election and to rerun the election. Finally, the Board found that the NMB orders a second election be conducted, under the procedures requested by AFA, only in cases of egregious carrier interference.

On May 1, 2008, Delta submitted a letter to the NMB alleging that AFA sent an e-mail to a number of Delta Flight Attendants providing a hyperlink to the Board's voting

website and requesting that employees e-mail AFA to let AFA know the employee voted. In its response, AFA alleged that Delta was conducting a pervasive anti-AFA campaign.

The Board stated that although it does not typically take action on allegations of interference until the end of the voting period, it found it necessary to do so in this case because of concerns that the appearance of the Board's impartiality may have been compromised. The Board also stated that reproduction of the Board's voting website, Board voting materials, or the Board's official insignia, especially where the reproduction includes instructions to vote for a specific labor organization, has the significant potential to mislead employees into believing that the material is an official statement of the NMB and consequently that the NMB endorses a participant in the election campaign. In order to prevent voter confusion and preserve the integrity of the Board's process, the Board sent a notice to Delta Flight Attendants that the Board requested the Carrier post on Carrier bulletin boards. Additionally, the Board sent the same notice to its voting contractor for posting on its election website.

On February 21, 2008, the Board issued a notice "requesting its participants not to post a hyperlink to the Board's voting website." The Board took this precautionary measure to prevent anyone from potentially tracking computer addresses of persons visiting the voting website. Although the hyperlink was included in an e-mail rather than posted on AFA's website, the Board reminded the participants that "the Board may consider hyperlinks to the voting website as possible evidence of election interference."

The Board also reminded participants that NMB elections are conducted by secret ballot and that the confidentiality of the voting process must be maintained.

Finally, the Board did not find extraordinary circumstances that would require Board action regarding AFA's allegation that Delta was conducting an anti-AFA campaign.

On May 29, 2008, the Board dismissed the AFA's application because less than a majority of eligible voters voted for representation in the election.



# ARBITRATION

**The Office of Arbitration Services**

directed its attention to promoting a more efficient Section-3 process, thereby fostering faster resolution of minor disputes (grievances). The NMB made a well received move in this regard during FY 2008 by posting the status of grievance arbitration cases on the NMB website. Grievance Mediation was also actively promoted as an alternative to arbitration.



## OVERVIEW OF FISCAL YEAR 08

The NMB Arbitration program completed its efforts to modernize its operations with the introduction of a new case management system. Document and records management was modernized at the National Railroad Adjustment Board with the conversion of all records to an electronic system.

The level of grievance activity handled through the NMB Arbitration program increased significantly when compared to the activity in FY 2007. During FY 2008, the parties brought 6,056 cases to arbitration compared to 4,929 cases in FY 2007. In FY 2008, 5,395 cases were closed (compared to 4,024 in FY 2007), leaving 6,212 cases pending at the end of FY 2008.

## HIGHLIGHTS OF FISCAL YEAR 08

On several occasions during the fiscal year, the Agency met with representatives from the labor organizations and carriers to review its caseload. NMB efforts have been directed to facilitating a more efficient Section 3 process, thereby reducing the backlog and promoting the RLA objective of prompt resolution of minor disputes.

The NMB continued its efforts designed to improve the arbitration of grievances under Section 3 of the Railway Labor Act. The Board had five ambitious goals for this transformation: (1) to ensure that the parties receive timely and outstanding arbitration services from the Board's staff and its contract arbitrators; (2) to ensure that the Board uses e-business capabilities to the maximum extent possible; (3) to ensure that Board procedures are improved through a rulemaking process involving public input; (4) to ensure that arbitrators schedule, hear, and decide cases in a timely manner; and (5) to ensure that NMB resources are used wisely and in accordance with Federal regulations and sound accounting practices.

**Annual Case Audit.** In July 2008, the NMB conducted an intensive audit of all cases pending before public law boards and special boards of adjustment. The Agency provided the Class I freight railroads, commuter railroads, regional railroads and all labor organizations representing railroad employees with a list of cases pending on these boards. The NMB asked the parties to report any discrepancies between their records and the Agency's list. For the first time, the audit was conducted electronically. The feedback from the audit enhanced the accuracy of the NMB case management system.

**Alternative Dispute Resolution in the Railroad Industry.** The NMB actively promoted grievance mediation

as an alternative means of dealing with grievances in the railroad industry by reaching out to the largest Class I freight carriers and the labor organizations. During FY 2008, Arbitration Services made presentations at Canadian National, CSX Transportation and Union Pacific Railroad promoting grievance mediation as a means of resolving disputes. The NMB anticipates continuing this initiative during FY 2009.

**Increasing Arbitrator Productivity.** The NMB continued its efforts to increase arbitrator productivity through rigorous enforcement of the six-month rule. Arbitrators who have not issued a decision within six months of a hearing are contacted monthly and encouraged to issue those decisions.

This year the NMB participated in an arbitrator training project with the Union Pacific Railroad and the United Transportation Union, which resulted in a substantial number of new arbitrators being introduced to railroad arbitration.

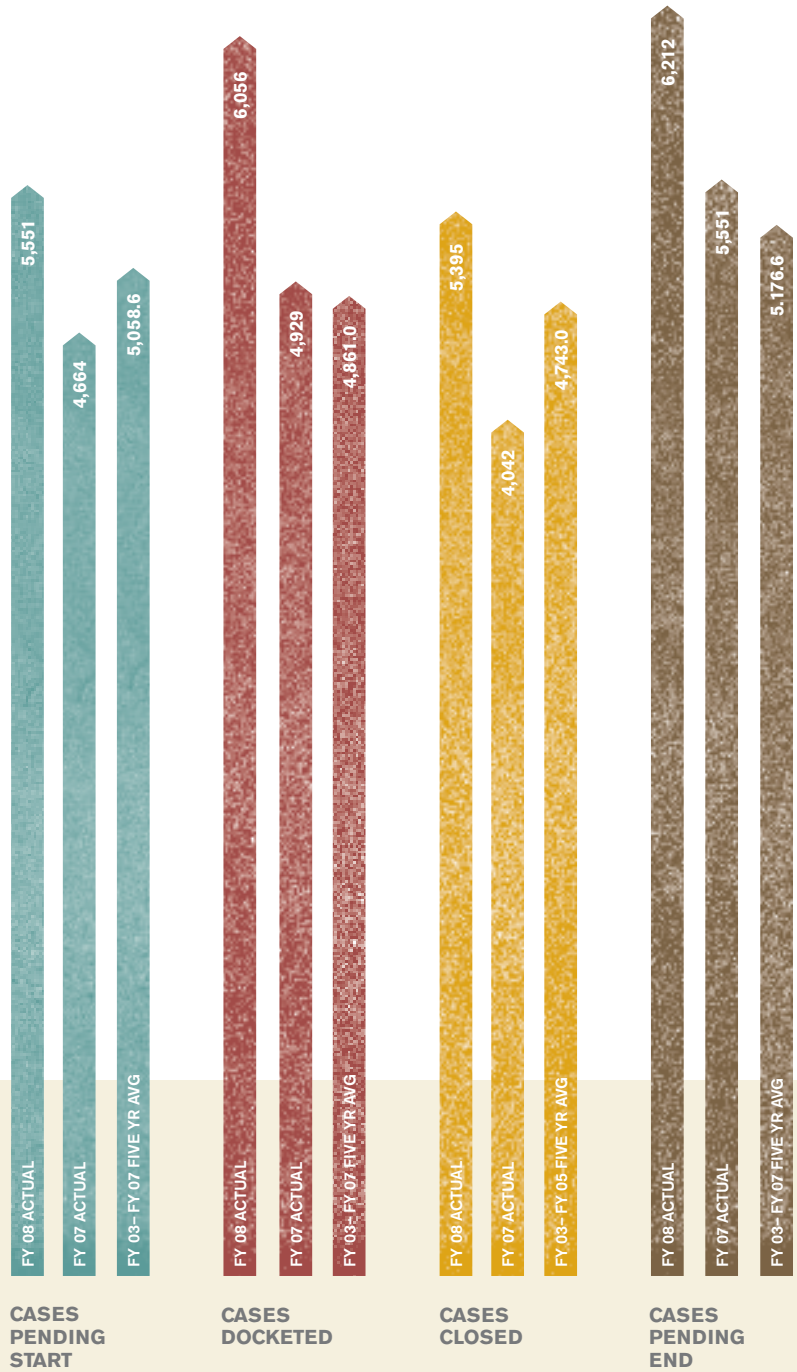
The Agency improved its already successful program of using the NMB website as a source for many of the forms and documents needed by arbitrators and the parties. The NMB used the website to keep the parties and the public informed regarding Section 3 activities. Arbitrators, parties, and the public use the website to obtain information and forms instantaneously. The agency developed an Arbitrators' Caseload Report and posted a link to the Report on the NMB website. The report shows by arbitrator, grievance cases of railroad employees the parties have chosen to pursue. It also indicates whether a case is late (i.e., a decision has not been rendered within 6 months of when a case was heard by the arbitrator). The Arbitrators' Caseload Report is real-time in that it has a direct link to an NMB database reflecting updates as they are made by Arbitration Services staff. The availability of information on the website reduces the staff time which ordinarily would be required to respond to questions and requests.

**Pay Per Case Project.** The NMB implemented a project in which arbitrators were paid on a per-case basis, instead of the normal per-day compensation. The NMB established approximately 18 public law boards with two labor organizations. The project will be evaluated during the next fiscal year.

**Supplemental Appropriation.** The National Mediation Board received a supplemental appropriation in the amount of \$657,000. The NMB used this supplemental funding to reduce the backlog of cases by approximately 1,200 cases. This reduction, however, was offset by the highest number of new cases in the last six years.

## ARBITRATION

The following chart reflects actual case numbers for FY 2008 and FY 2007 and a five-year average:





# ADMINISTRATION



**The Office of Administration (OA),** in conjunction with the U.S. Office of Personnel Management (OPM) and pursuant to the Government-wide Initiatives of the President's Management Agenda, developed a Human Capital and Succession Plan. An OPM audit of NMB Personnel Security and Delegated Examining Activities reflected positively on the management of the NMB.



The Office of Administration (OA) provides management and mission support for the National Mediation Board, including budget and finance; human resources; accounting and procurement; information technology and telecommunications; property and space management; and administrative support. The NMB has outsourced human resources, information technology and records management, which continues to be the most cost effective and efficient alternative for the agency. The RLA provides the framework for the NMB budget presentation, allocated by Mediation, Representation and Arbitration.

The Government-wide initiatives for key NMB activities during FY 2008 include the following:

**Strategic Management of Human Capital.** OA, working with the Office of Personnel Management (OPM), drafted a Human Capital Plan and Succession Plan. These documents, once finalized, will form the basis for NMB management of personnel resources. OPM conducted audits on the NMB Personnel Security and Delegating Examining Activities (DEU). The Personnel Security audit determined NMB's policy and operations are in compliance with applicable security regulations. The DEU audit highlighted areas in which the NMB needed to make improvement. Those improvements provided options that were used to strengthen the Board's Human Resources operations. OA has established policies and procedures to effectively operate the DEU program. The OA staff established a working arrangement with another small agency to conduct internal DEU audits. The result of the first internal audit provided assurances that the OA staff was moving its DEU program in the right direction.

The Agency has available many hiring flexibilities to recruit and retain a highly qualified workforce. These include the use of recruitment bonuses to attract and retain qualified professionals and the utilization of a Student Loan Repayment Program as an additional inducement for retention. The NMB did not use any of these flexibilities during FY 2008.

In planning for emergency situations that may arise, the NMB updated and finalized its Continuity of Operation Plan (COOP). The NMB also participated in the Eagle Horizon 2008 Exercise during May 2008. The evaluator noted the effectiveness of the NMB COOP plan. The Federal Emergency Management Agency (FEMA) rated the NMB Green for all but one element, which related to training and testing. The NMB developed its after-action plan, which provides training and testing in response to the FEMA comments.

**Competitive Sourcing.** The NMB continues to reap the benefit of its decision to outsource human resources,

information technology and records management. The OA staff is DEU certified, which provides the Agency with increased knowledge and understanding for managing and overseeing human resources' contracts with the General Services Administration, Office of Personnel Management and outside consultants.

The Board has benefited greatly from its outsourcing of information technology. This arrangement supports the agency by allowing the contractor to provide support for the Board's IT systems, leaving policy and management to the NMB. The NMB worked with one of the approved vendors to perform the IT scan of NMB's network. The findings were submitted to the National Institute of Standards and Technology by the deadline. The NMB receives quarterly scan reports, so the CIO can ensure continuous compliance with the Federal Desktop Core Configurations. In accordance with applicable IT guidance, the OA staff provided security awareness training to the entire agency.

The NMB developed internal processes to provide a systematic process for issuing the federal personal identity verification (PIV) cards. The process allows the agency to review position descriptions and determinate appropriate risk levels, after which background investigations are conducted. OA has processed all NMB employees into the USAccess system.

In the area of procurement, the NMB has implemented a three-level approach to data entry into the Federal Procurement Data System Next Generation (FPDS-NG), ensuring that system data is accurate. On a yearly basis, the NMB will certify the completeness and accuracy of its data. A certification for FY 2008 validates that data currently entered in the system is accurate.

**Improved Financial Performance.** In the area of budget and finance, OA is responsible for the formulation, analysis, and execution of the NMB annual budget for presentation to the Office of Management and Budget and Congress. In addition, OA is responsible for the maintenance of the Agency's core accounting system; financial reporting to the Office of Management and Budget (OMB) and Treasury; payments to vendors for goods and services received; issuing bills; and the preparation of the Agency's financial statements, which are audited on an annual basis. The NMB accounting system enables the agency to close its monthly financial records within one business day.

The NMB has met the November 15, 2008, deadline to prepare and have its financial statements and accompanying notes audited. In accordance with the Agency's management control plan, the Office of Mediation Services was reviewed during FY 2008.

## PERFORMANCE PLAN AND RESULTS (GPRA)

THIS REPORT CONTAINS FY 2008 ACCOMPLISHMENTS OF THE NATIONAL MEDIATION BOARD RELATING TO GOALS AND OBJECTIVES FOR MEDIATION, ALTERNATIVE DISPUTE RESOLUTION, REPRESENTATION, AND ARBITRATION. THESE ACCOMPLISHMENTS ENABLED THE NMB TO MEET ITS STATUTORILY MANDATED OBLIGATIONS AND PROVIDE SERVICES TO ITS AIRLINE AND RAILROAD LABOR, MANAGEMENT AND PUBLIC CUSTOMERS.

# PERFORMANCE AND GOALS

## **STRATEGIC PLAN GENERAL GOAL 1 MEDIATION**

The office of Mediation Services will continue to foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.

### **I. Establish an internal Standard Code of Practice for mediators.**

#### **ACCOMPLISHMENT**

After a full review, study and discussion with our legal department, it was determined that it is not necessary to publish a Standard Code of Practice, given the nature of the mediation we accomplish and the tools that we are afforded under the RLA.

### **II. Continue to develop standard training for mediators to ensure they are kept abreast of the latest trends in mediation and gain additional industry and technical knowledge in both air and rail.**

#### **ACCOMPLISHMENT**

Pursuant to Individual Development Plans, each mediator participated in training and development programs that met their individual needs.

### **III. Better track the history of cases. Work with Arbitration and Representation to revise and improve the agency case-management system.**

#### **ACCOMPLISHMENT**

A new Case Management System was implemented, and we continue to fine-tune its capabilities.

## **STRATEGIC PLAN GENERAL GOAL 2 ALTERNATIVE DISPUTE RESOLUTION (ADR)**

The office of ADR Services will continue to undertake dispute resolution efforts that encourage the parties in the airline and railroad industries to resolve grievances and bargaining disputes in a voluntary, cooperative manner.

- I. Expand current ADR capabilities to address the changing labor environment in the airline and railroad industries and provide a wider variety of assistance in dispute resolution, both between and during contract negotiations. Use outreach and promotion efforts to raise the visibility of the ADR program. Review ADR services for potential deletions, additions, or changes.**

### **ACCOMPLISHMENT**

ADRS continued to engage in outreach and promotion efforts with parties in the airline and railroad industries. The result of these efforts was a continued case load in special dispute resolution efforts, including work with CSXT, BLET, NS, ATDA, AA, ALPA, and American Eagle. During FY 2008, ADRS conducted “train the trainer” sessions with the mediator corps to encourage use of technology and to introduce new approaches to training associated with the agency’s special dispute resolution efforts. Each year ADRS does reviews of its programs, assessing existing training and service delivery. During FY 2008, ADRS continued to offer legacy training programs. In addition, ADRS began converting GM training to a mixed online/in-person format, minimizing travel costs for GM training. Working with Arbitration, ADRS added “submissions only” online arbitration as a possible tool for railroad arbitration.

- II. Pursue interagency projects, including personnel exchange programs, to enhance labor-management relations throughout the airline and railroad industries. Implement and develop interagency projects with other labor and transportation agencies with the goal of enhancing labor-management relations in the airline and railroad industries.**

### **ACCOMPLISHMENT**

ADRS staff supported the Association for Labor Relations Agencies by managing the ALRA web site. ADRS offered consultation to the Army Medical Command in the development of an Ombudsman program, which has been implemented by the Army Medical Command, in the U. S. and in Europe. ADRS developed and delivered a specialized training program for the newly organized ADR Staff at DC Government. EEOC Resolve Program and AFGE availed themselves of NMB ADR Services through a series of facilitations designed to establish Labor Management Meetings using IBB Principles.

- III. Engage in outreach and education programs to ensure that the NMB is seen as a world leader in airline and railroad labor-management issues. Submit proposals for presentations at dispute resolution conferences.**

### **ACCOMPLISHMENT**

ADRS staff members were involved in presentations to: the Association for Conflict Resolution, the ABA Section of Dispute Resolution, the Seventh International ODR Forum, the Interagency Dispute Resolution Working Group Steering Committee, and numerous state and local dispute resolution and legal organizations.

### **STRATEGIC PLAN GENERAL GOAL 3 REPRESENTATION**

The Office of Legal Affairs (OLA) will promptly investigate representation disputes and definitively resolve representation status for collective bargaining purposes, using the most efficient and client-friendly methods available.

- I. Expand the use of electronic systems to further streamline operations and reduce cost. Continue to integrate Representation data into the agency's Corporate Memory. Work with ADR to implement an electronic filing system for OLA.**

#### **ACCOMPLISHMENT**

OLA implemented an internet-based voting system.

- II. Develop outreach opportunities in the legal, labor relations and alternative dispute resolution communities. Submit proposals for participation in American Bar Association (ABA) sponsored conferences. Develop appropriate CLE and other training opportunities for RLA practitioners.**

#### **ACCOMPLISHMENT**

OLA continued its outreach to the legal, labor relations and alternative dispute resolution communities. OLA attorneys helped plan the agenda for and were panelists at the ABA Railroad and Airline Labor Law Section's Mid-winter Meeting as well as the ABA Labor and Employment Annual CLE Meeting. The Association of Labor Relations Agencies recently held its annual conference, and OLA played a significant role in planning this conference of leading labor relations practitioners.

- III. Implement and maintain concise, relevant reference materials, readily available to the public that reduces the number of NMB work-hours used to research and respond to inquiries. Update and improve the material available on the NMB web site. Revise the NMB Representation Manual.**

#### **ACCOMPLISHMENT**

Attorneys in OLA worked on the supplement to the authoritative treatise on Railway Labor Act Law published by the Bureau of National Affairs. The NMB also issued a Notice requesting public comments on its proposed revisions to the NMB Representation Manual. It was decided not to implement any manual changes at this time.

- IV. Maintain continuous industry and agency communication at a level that provides early preparation for Presidential Emergency Board management. Coordinate efforts with the Office of Mediation Services to identify potential disruptions, which may lead to a Presidential Emergency Board.**

#### **ACCOMPLISHMENT**

The Office of Legal Affairs coordinated with the Office of Mediation Services regarding the creation of PEB 242.

## **STRATEGIC PLAN GENERAL GOAL 4 ARBITRATION**

Arbitration will promote the prompt and orderly resolution of grievance disputes in the railroad and airline industries.

### **I. Modernize and update procedures related to NRAB Section-3 cases and other arbitral forums (public law boards and system boards of adjustment). Conduct a business process review of NRAB case handling.**

#### **ACCOMPLISHMENT**

NRAB administrative processes, as well as the procedures governing public law boards and system boards of adjustments, were reviewed with the goal of streamlining procedures.

### **II. Foster a “best practices” approach to managing the contract-arbitrator roster. Move arbitrator roster information to a new case management system. Improve the guidelines for accepting applicants to the roster.**

#### **ACCOMPLISHMENT**

The NMB instituted several projects to help the parties better utilize the NMB Roster of Arbitrators. One project involved the Union Pacific Railroad and the United Transportation Union. Another project involved the Norfolk Southern Railroad. An NMB Arbitrators' Caseload Report was posted on the NMB website, along with the official Roster of Arbitrators.

### **III. Foster a “best practices” approach to managing arbitrator billing and payment. Investigate and develop a more equitable and efficient arbitrator billing process.**

#### **ACCOMPLISHMENT**

The NMB initiated a review of its arbitrator billing and payment process, and implemented a special compensation project, paying arbitrators on a per-case basis. This project will be evaluated in FY 2009.

### **IV. Integrate current technology into the arbitration process. Continue to integrate Arbitration business processes into the NMB Corporate Memory program. Cooperate with Mediation, ADR, and Representation to improve the agency case-management system. Continue to encourage the parties to use the agency’s web-based video-conferencing system to reduce costs for arbitration hearings and adoption conferences.**

#### **ACCOMPLISHMENT**

The NMB trained several arbitrators, railroad management officials and labor officials in the use of Online Video Conferencing, and several hearings were conducted using OVC during Fiscal Year 2008. OVC was used repeatedly at the National Railroad Adjustment Board.

# FINANCIAL REPORTS (FFMIA) CFO LETTER

**OCTOBER 24, 2008**

The Performance and Accountability Report for Fiscal Year 2008 is the NMB's principal publication and report on the stewardship and management of the agency's funds. The report summarizes the Agency's performance, provides detailed financial information and fulfills the requirements of the Chief Financial Officers Act, the Government Performance and Results Act, the Federal Managers' Financial Integrity Act, and the Government Management Reform Act.

I am pleased to report that for the eleventh consecutive year, the NMB has received an unqualified opinion, the highest rating possible, from its auditors, Allmond and Company, for the agency's financial accuracy and reliability. The Independent Auditor's Report, however, identified an area regarding internal controls and transaction reporting, which needs to be addressed. We have accepted responsibility for addressing this issue and have established written policies and procedures in accordance with the auditors' recommendation.

We will strive to improve all aspects of performance and to maintain a higher financial management standard. Also, we will continue to promote effective and efficient internal controls.

The NMB goal is to provide high quality financial management services and reporting and to responsibly manage its assets, resources, and programs.



**June D.W. King**  
Director, Office of Administration



# AUDIT REPORTS

**SEPTEMBER 30, 2008**

ALLMOND & COMPANY LLC  
Certified Public Accountants  
8181 Professional Place, Suite 250  
Landover, Maryland 20785  
(301) 918-8200

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# INDEPENDENT AUDITOR'S REPORT

## BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2008, and the related statements of net cost, changes in net position, and statement of budgetary resources for the year then ended (the principal financial statements). These financial statements are the responsibility of NMB management and were prepared by NMB in accordance with Office of Management and Budget (OMB) Circular A-136, *Financial Reporting Requirements*, as amended. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with *Government Auditing Standards*, auditing standards generally accepted in the United States, and OMB Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the principal financial statements referred to above present fairly, in all material respects, the financial position of NMB as of September 30, 2008, and its net costs, changes in net position, and budgetary resources for the year then ended in conformity with accounting principles generally accepted in the United States.

We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. In accordance with *Government Auditing Standards*, we issued separate reports dated October 24, 2008 on NMB's internal control and compliance with laws and regulations. Our reports on internal control and compliance are an integral part of an audit conducted in accordance with *Government Auditing Standards* and, in considering the results of the audit, those reports should be read together with this report.



**ALLMOND & COMPANY LLC**

October 24, 2008  
Landover, Maryland

# INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL

## BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2008, and the related statements of net cost, changes in net position, budgetary resources, and financing for the year then ended (the principal financial statements) and issued our report thereon, dated October 24, 2008. We conducted our audit in accordance with Government Auditing Standards, auditing standards generally accepted in the United States, and Office of Management and Budget (OMB) Bulletin No. 07-04, Audit Requirements for Federal Financial Statements.

In planning and performing our audit, we considered NMB's internal control over financial reporting by obtaining an understanding of NMB's internal control, determining whether internal control had been placed in operation, assessing control risk, and performing tests of control to determine auditing procedures for the purpose of expressing our opinion on the principal financial statements. We limited internal control testing to that necessary to achieve the objectives described in OMB Bulletin No. 07-04. We did not test all internal control relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982, such as the internal control relevant to ensuring efficient operations. The objective of our audit was not to provide assurance on internal control. Consequently, we do not express an opinion on internal control.

With respect to internal control related to performance measures reported in NMB management's overview, we obtained an understanding of the design of significant internal control relating to the existence and completeness assertions, as required by OMB Bulletin 07-04. We also assessed control risk relevant to NMB intra-agency transactions and balances. Our procedures were not designed to provide assurance on internal control over reported performance measures, and accordingly, we do not express an opinion on such control.

Our consideration of internal control over financial reporting would not necessarily disclose all matters that might be reportable conditions. Under standards issued by the American Institute of Certified Public Accountants, control deficiencies exist when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent or detect misstatements on a timely basis. A significant deficiency is a control deficiency or a combination of control deficiencies, that adversely affects the NMB's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the NMB's financial statements that is more than inconsequential will not be prevented or detected.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected. Because of inherent limitations in internal control, misstatements, losses, or noncompliance may nevertheless occur and not be detected.

In our fiscal year 2008 audit, we noted, one matter described in Exhibit I that we considered to be a significant deficiency.

## STATUS OF PRIOR-YEAR RECOMMENDATIONS

In the FY 2007 report on internal control, we did not describe any significant deficiencies. Accordingly, no follow-up action is outstanding as it relates to resolving significant deficiencies.

We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. This report is intended solely for the information of NMB management, OMB, and Congress. This report is not intended to be and should not be used by anyone other than these specified parties.

*Allmond & Company LLC*

**ALLMOND & COMPANY LLC**

October 24, 2008

Landover, Maryland

# EXHIBIT 1: SIGNIFICANT DEFICIENCY

IMPROVEMENTS ARE NEEDED IN NMB'S INTERNAL CONTROLS TO PROVIDE REASONABLE ASSURANCE THAT TRANSACTIONS ARE PROPERLY RECORDED, PROCESSED, AND SUMMARIZED TO PERMIT THE PREPARATION OF FINANCIAL STATEMENTS IN ACCORDANCE WITH GENERALLY ACCEPTED ACCOUNTING PRINCIPLES.

NMB presented financial statements to the auditors asserting that the statements were complete, accurate, reflected proper rights and obligations, items were properly valued, and appropriate data was presented and disclosed. The final audited financial statements were materially different than those presented to the auditors due to significant adjustments made to correct or properly account for transactions in accordance with generally accepted accounting principles. NMB internal controls over financial reporting were not properly designed or operating effectively, which lead to auditors recommending significant adjustments in order to fairly present the financial statements. A list of some of the adjustments required is presented below:

A \$225,555 adjustment was made to USSGL account 3101 Unexpended Appropriations – Received to fairly state Appropriations Received of \$12,911,000 in the Statement of Changes in Net Position. NMB did not properly record the proprietary entry to recognize an enacted rescission. NMB debited account 3101 instead of USSGL Account 3106 Unexpended Appropriations – Adjustments. United States Standard General Ledger (USSGL) TC A132 requires USSGL account 3106 to be debited to recognize an enacted rescission.

Other Adjustments presented on the Statement of Changes in Net Position did not agree

with NMB general ledger. An (\$867,120) adjustment was made to the general ledger in SGL account 3106 (which includes adjustment made to properly account for enacted rescission) to agree with the financial statements. NMB improperly recorded the proprietary entry to recognize the cancellation of an appropriation. NMB debited SGL Account 3100 Unexpended Appropriations – Cumulative for (\$641,565) instead of SGL Account 3106 as required by USSGL TC F120. USSGL states "The balance in this account remains the same during the fiscal year. Activity to increase or decrease unexpended appropriations is reflected in other USSGL accounts in the 3100 Series."

Appropriations Used for Unexpended Appropriations and Cumulative Results of Operations were not in agreement on the Statement of Changes in Net Position. OMB Circular A-136 Financial Reporting Requirements Section II 4.5.5 Budgetary Financing Sources states "Appropriations Used does not increase net position; it is subtracted from Unexpended Appropriations but added to Cumulative Results of Operations for a net zero effect on net position as a whole." An (\$583,450) adjustment was made to USSGL account 5700 Expended Appropriations and a \$116,797 adjustment was made to USSGL account 3107 Unexpended Appropriations – Used in order to fairly present Appropriations Used on the Statement of Changes in Net Position, and to bring these two accounts into agreement.

An error in one of NMB transaction codes in their general ledger caused USSGL account 6100 to be overstated by \$503,133 and USSGL Account 4902 Delivered Orders to be understated by \$444,733. The transaction code was incorrectly recording an expense and upward adjustment to Accounts Payable

whenever NMB paid a liability incurred in a prior fiscal year. This caused both the Net Cost of Operations on the Statement of Net Costs and Obligations Incurred on the Statement of Budgetary Resources to be overstated.

The Net Cost of Operations on the Statement of Net Costs was overstated by \$1,010,637. This was mainly caused by the overstatement of USSGL Account 6100 of \$503,133 and Unfunded Arbitrator Liabilities of \$808,200 inappropriately included in future funded expense to arrive at Net Cost of Operations instead of the change in Unfunded Arbitrator Liabilities from FY2007 to FY 2008.

The General Accountability Office's Standards for Internal Control in the Federal Government states that transactions should be promptly recorded to maintain their relevance and value to management in controlling operations and making decisions. This applies to the entire process or life cycle of a transaction or event from the initiation and authorization through its final classification in summary records. It also states that internal control and all transactions and other significant events need to be clearly documented, and the documentation should be readily available for examination. The documentation should appear in management directives, administrative policies, or operating manuals and may be in paper or electronic form.

We recommend that NMB responsible financial officials initiate action to ensure that transactions are properly recorded in the official books, especially year-end adjustments. We also recommend that financial statement preparation procedures be reduced to writing and these procedures be utilized when financial statements are prepared for external reporting.

# INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE

## BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2008, and the related statements of net cost, changes in net position, budgetary resources, and financing for the year then ended (the principal financial statements) and issued our report thereon, dated October 24, 2008.

We conducted our audit in accordance with Government Auditing Standards, auditing standards generally accepted in the United States, and Office of Management and Budget (OMB) Bulletin No. 07-04, Audit Requirements for Federal Financial Statements. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

NMB management is responsible for complying with laws and regulations. As part of obtaining reasonable assurance about whether NMB's financial statements are free of material misstatement, we performed tests of its compliance with:

Certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts.

Certain other laws and regulations specified in OMB Bulletin No. 07-04.

Requirements referred to in the Federal Financial Management Improvement Act (FFMIA) of 1996.

We limited our tests of compliance to these provisions and did not test compliance with all laws and regulations applicable to NMB. Our audit was not designed to provide an opinion on compliance with provisions of laws and regulations. Accordingly, we do not express such an opinion.

Our tests disclosed no instances of material noncompliance required to be reported under Government Auditing Standards. Additionally, we did not note any instances of immaterial noncompliance.

Under FFMIA, we are required to report whether the agency's financial management systems substantially comply with Federal financial management systems requirements, Federal accounting standards, and the United States Government Standard General Ledger at the transaction level. To meet this requirement, we performed the procedures specified in OMB's January 4, 2001, FFMIA implementation guidance. The results of our tests disclosed that NMB's financial management systems substantially complied with the three requirements in this paragraph.

We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. This report is intended solely for the information of NMB management, OMB, and Congress. This report is not intended to be and should not be used by anyone other than these specified parties.



**ALLMOND & COMPANY LLC**

October 24, 2008

Landover, Maryland

# FINANCIAL STATEMENTS

## NATIONAL MEDIATION BOARD

### Balance Sheet

As of September 30, 2008 and September 30, 2007

	2008	2007
<b>ASSETS</b>		
Entity Assets:		
Intragovernmental		
Fund Balance with Treasury (Note 2)	\$ 3,060,050	\$ 3,077,328
Real Estate, Property and Equipment (Note 3)	86,387	75,368
<b>Total Assets</b>	<b>\$ 3,146,437</b>	<b>\$ 3,152,696</b>
<b>LIABILITIES AND NET POSITION</b>		
Liabilities:		
Intragovernmental Liabilities:		
Accounts Payable	\$ 27,428	\$ 106,916
Governmental Liabilities:		
Accounts Payable	336,448	92,766
Accrued Interest Payable	0	2,647
Accrued Payroll and Benefits	280,067	232,897
Capital Lease Liability (Note 8)	16,491	25,215
Unfunded Arbitration Liability (Note 9)	808,200	468,900
Unfunded Settlement Liability	0	57,500
Unfunded Annual Leave	378,673	351,664
Total Liabilities	1,847,307	1,338,505
Net Position:		
Unexpended Appropriated Capital	2,412,913	2,644,749
Cumulative Results of Operations	(1,113,783)	(830,558)
<b>Total Net Position</b>	<b>1,299,130</b>	<b>1,814,191</b>
<b>Total Liabilities and Net Position</b>	<b>\$ 3,146,437</b>	<b>\$ 3,152,696</b>

# FINANCIAL STATEMENTS

## NATIONAL MEDIATION BOARD

### Statement of Net Cost

For the Year Ended September 30, 2008 and September 30, 2007

	2008	2007
Costs:		
Mediation/Representation, Arbitration, and Emergency Board		
Intragovernmental	\$ 3,363,933	\$ 3,386,906
With the Public	9,603,802	8,921,220
Total	12,967,735	12,308,126
Less Revenue from Services	(5,237)	(10,898)
<b>Net Program Costs</b>	<b>\$ 12,962,498</b>	<b>\$ 12,297,228</b>
<b>Net Cost of Operations</b>	<b>\$ 12,962,498</b>	<b>\$ 12,297,228</b>

## NATIONAL MEDIATION BOARD

### Statement of Changes in Net Position

For the Year Ended September 30, 2008 and September 30, 2007

	2008	2007
Unexpended Appropriations:		
Beginning Balance – October 1, 2007	\$ 2,644,749	\$ 3,034,502
Prior Period Adjustments	0	0
Beginning Balance Adjusted	\$ 2,644,749	\$ 3,034,502
Appropriations Received	12,911,000	11,595,760
Other Adjustments	(867,120)	(601,910)
Appropriations Used	(12,275,716)	(11,383,603)
<b>Total Unexpended Appropriations</b>	<b>\$ 2,412,913</b>	<b>\$ 2,644,749</b>
Cumulative Results of Operations:		
Beginning Balance – October 1, 2007	\$ (830,558)	\$ (260,002)
Prior Period Adjustments – All Other Funds	68,758	(44,156)
Beginning Balance as Adjusted – All Other Funds	\$ (761,800)	\$ (304,158)
Appropriations Used – All Other Funds	12,275,716	11,426,588
Imputed Financing – All Other Funds (Note 5)	334,800	344,240
Net Cost of Operations – All Other Funds	(12,962,498)	(12,297,228)
<b>Total Cumulative Result of Operations</b>	<b>\$ (1,113,782)</b>	<b>\$ (830,558)</b>
<b>Net Position</b>	<b>\$ 1,299,131</b>	<b>\$ 1,814,191</b>

# FINANCIAL STATEMENTS

## NATIONAL MEDIATION BOARD

### Statement of Budgetary Resources

For the Year Ended September 30, 2008 and September 30, 2007

	2008	2007
Budgetary Resources:		
Budget Authority	\$ 12,911,000	\$ 11,595,760
Unobligated Balance – Beginning Period	2,222,997	2,566,665
Spending Authority from Offsetting Collections	6,780	10,899
Recoveries of Prior Year Obligations	251,132	0
Adjustments	(867,121)	(601,910)
<b>Total Budgetary Resources</b>	<b>\$ 14,524,788</b>	<b>\$ 13,571,414</b>
Status of Budgetary Resources:		
Obligations Incurred	\$ 12,568,021	\$ 11,348,417
Unobligated Balance – Available	360,688	211,884
Unobligated Balance – Not Available	1,596,079	2,011,113
<b>Total, Status of Budgetary Resources</b>	<b>\$ 14,524,788</b>	<b>\$ 13,571,414</b>
Outlays:		
Obligations Incurred	\$ 12,568,021	\$ 11,348,417
Less: Spending authority from offsetting collections and adjustments	(6,780)	(10,899)
Recoveries of Prior Year Obligations	(251,132)	(0)
Obligated Balance, Net – Beginning Period	854,331	916,935
Obligated Balance, Transferred, Net		
Less: Obligated Balance, Net – End of Period	(1,103,283)	(854,331)
<b>Total Outlays</b>	<b>\$ 12,061,157</b>	<b>\$ 11,376,946</b>



# NOTES TO FINANCIAL STATEMENTS

## NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

### Description of Reporting Entity

The National Mediation Board (NMB), established in 1934 under section 4 of the Railway Labor Act (RLA), is an independent U.S. federal government agency that performs a central role in facilitating harmonious labor-management relations within two of the nation's key transportation modes - the railroads and airlines. Recognizing the importance of these transportation industries to the public shippers, and consumers, as well as to the economy and security of the country, the RLA established NMB to promote four key statutory goals:

- The prompt and orderly resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements;
- The avoidance of interruptions to interstate commerce;
- The protection of employee rights to self-organization; and
- The prompt and orderly resolution of disputes over the interpretation or application of existing agreements.

These financial statements include all activity related to NMB's appropriation (No. 9582400), the principal funding for all NMB activities.

NMB prepares its financial statements to be in conformity with general accepted accounting principles.

NMB does not hold any non-entity assets and has no earmarked funds as described by the Government Accountability Office (GAO).

### Budgets and Budgetary Accounting

Congress annually adopts a budget appropriation that provides NMB with authority to use funds from Treasury to meet operating and program expense requirements. NMB has single year budgetary authority and all unobligated amounts at year-end are expired. At the end of the fifth year all amounts not expended are canceled. All revenue received from other sources must be returned to the U.S. Treasury.

### Basis of Accounting

NMB's financial statements are prepared under the accrual method of accounting. The accrual method of accounting requires recognition of the financial effects of transactions, events, and circumstances in the period(s) when those transactions, events, and circumstances occur, regardless of when cash is received or paid. NMB also uses budgetary accounting to facilitate compliance with legal constraints and to keep track of its budget authority at the various stages of execution, including allotment, obligation, and eventual outlay.

The Balance Sheet, Statement of Net Cost, Statement of Net Position, and Statement of Budgetary Resources have been prepared in accordance with generally accepted accounting principles.

### Revenue and Other Financing Sources

NMB receives funds to support its programs through annual appropriations. These may be used to pay program and administrative expenses (primarily salaries and benefits, occupancy, travel, and contractual services costs).

Appropriations are recognized as financing sources at the time they are used to pay program or administrative expenses. Appropriations used to acquire property and equipment is recognized as financing sources when the assets are purchased.

NMB also earns revenue when it bills for copies of subscriptions. These subscriptions are for determinations on the cases NMB handles.

# NOTES TO FINANCIAL STATEMENTS

## Fund Balances with the US Department of the Treasury

NMB does not maintain cash in commercial bank accounts. Cash receipts and disbursements are processed by Treasury. The balance of funds with Treasury represents appropriated fund balances that are available to pay current liabilities and finance authorized purchase obligations relative to goods or services that have not been received.

## Property and Equipment

Property and equipment is stated at cost less accumulated depreciation. NMB capitalizes property and equipment purchases with a cost greater than \$5,000, and a total useful life exceeding one year. Depreciation is calculated on a straight-line basis based on an estimated useful life of 5 years for all assets. Expenditures for repairs and maintenance are charged to operating expenses as incurred.

When NMB enters into a lease agreement, as lessee, if the title of the asset transfers to NMB at the end of the lease or any of the other three capitalization criteria pursuant to SFFAS No. 13, Accounting for Leases, are met, NMB capitalizes the lease and amortizes the cost over the economic useful life of the asset.

## Liabilities

Liabilities represent the amount of monies or other resources that are likely to be paid by NMB as the result of a transaction or event that has already occurred. However, no liability can be paid by NMB absent an appropriation. Liabilities for which an appropriation has not been enacted are therefore classified as Liabilities Not Covered by Budgetary Resources and there is no certainty that the appropriations will be enacted. Also, liabilities of NMB arising from other than contracts can be abrogated by the government, acting in its sovereign capacity.

Regarding NMB's building lease, the General Services Administration (GSA) entered into a lease agreement for NMB's rental of building space. NMB pays GSA a standard level users charge for the annual rental. The standard level users charge approximates the commercial rental rates for similar properties. NMB is not legally a party to any building lease agreements, so it does not record GSA-owned properties and does not disclose future minimum lease payments.

## Accrued Leave

Accrued payroll and benefits reflect salaries and benefits that have been earned, but not disbursed as of September 30, 2008.

## Unfunded Annual Leave

Annual leave is accrued as a liability as it is earned. The accrual is reduced as leave is taken. Each year, the balance in the accrued annual leave account is adjusted to reflect current year pay rates. To the extent that the current or prior year appropriations are not available to fund annual leave earned but not taken, funding will be obtained from future appropriations. Sick leave and other types of non-vested leave are charged to expense as the leave is used.

## Liabilities Not Covered By Budgetary Resources

These liabilities are not funded by direct budgetary authority. Liabilities not covered by budgetary resources result from the receipt of goods or services in the current or prior periods, or the occurrence of eligible events in the current or prior periods for which appropriations, revenues, or other financing sources of funds necessary to pay the liabilities have not been made available through Congressional appropriations or current earnings of the reporting entity. Liabilities not covered by budgetary resources as of September 30, 2008 were:

	FY 2008	FY 2007
Unfunded Annual Leave	\$ 378,673	\$ 351,664
Unfunded Arbitrators Liabilities	\$ 808,200	\$ 468,900
Unfunded Settlement Liabilities	\$ 0	\$ 57,500

# NOTES TO FINANCIAL STATEMENTS

## Net Position

Appropriated fund balance consists of the following components:

Unexpended appropriated capital - represents amounts of unavailable and available budget authority that are unobligated, or obligated but not expended. The obligated amount represents amounts for goods and/or services outstanding for which funds have been obligated, but the liabilities have not been accrued.

	FY 2008	FY 2007
Unobligated, available	\$ 0	\$ 0
Unobligated, unavailable	1,953,573	2,222,997
Undelivered Orders	459,340	421,753
<b>Unexpended Appropriated Capital</b>	<b>\$ 2,412,913</b>	<b>\$ 2,644,749</b>

Future funding requirements - represents the liabilities not covered by available budgetary resources.

## Retirement Plan

NMB's employees participate in either the Civil Service Retirement System (CSRS) or the Federal Employees' Retirement System (FERS). Employees participating in CSRS contribute 7 percent of their gross pay to the plan, and NMB contributes 8.51 percent.

On January 1, 1987, FERS went into effect pursuant to Public Law 99-335. Most employees hired after December 31, 1983, are automatically covered by FERS and are eligible for Social Security benefits. Employees hired prior to January 1, 1984, could elect either to transfer to the FERS plan and become eligible for Social Security benefits or remain in CSRS. A primary feature of FERS is that it offers a savings plan in which NMB automatically contributes 1 percent of employees' pay and matches any employee contribution up to an additional 4 percent of pay.

The actuarial present value of accumulated benefits, assets available for benefits, and unfunded pension liability of CSRS and FERS is not allocated to individual departments and agencies and is therefore not disclosed by NMB. The reporting of these amounts is the responsibility of the Office of Personnel Management.

During fiscal years 2008 and 2007, NMB paid \$66,357 and \$68,448 for CSRS, and \$407,529 and \$365,400 for FERS, respectively for its employees' coverage.

## Tax Status

NMB, as an independent Board of the executive branch, a federal agency, is not subject to federal, state, or local income taxes, and, accordingly, no provision for income tax is recorded.

## NOTE 2: FUND BALANCES WITH TREASURY

Fund balances with Treasury were entirely entity assets from appropriations and consisted of the following:

	FY 2008	FY 2007
Obligated	\$ 1,103,283	\$ 854,331
Unobligated Available	0	0
Unobligated Restricted	1,956,767	2,222,997
<b>Fund Balance with Treasury</b>	<b>\$ 3,060,050</b>	<b>\$ 3,077,328</b>

# NOTES TO FINANCIAL STATEMENTS

## NOTE 3: PROPERTY AND EQUIPMENT, NET

NMB uses straight-line depreciation with a useful life of 5 years and a capitalization threshold of \$5,000. Property and equipment, and related accumulated depreciation, at September 30, 2008 and September 30, 2007 consisted of:

	FY 2008	FY 2007
Equipment-Capitalized	\$ 666,443	\$ 664,962
Computer Software-Capitalized	131,325	131,325
Leasehold Improvements	1,133,508	1,133,508
Capital Lease	48,578	56,141
	1,979,854	1,985,936
Less: Accumulated Depreciation	(1,893,467)	(1,910,568)
<b>Total Property and Equipment, net</b>	<b>\$ 86,387</b>	<b>\$ 75,368</b>

Property and equipment, and related accumulated depreciation at September 30, 2008 consisted of:

	Value	Accumulated Depreciation	Book Value
Equipment – Capitalized	\$ 666,443	\$ 595,185	\$ 71,258
Computer Software – Capitalized	131,325	131,325	0
Leasehold Improvements	1,133,508	1,133,508	0
Capital Leases	48,578	33,449	15,129
<b>Total Property &amp; Equipment</b>	<b>\$ 1,979,854</b>	<b>\$ 1,893,467</b>	<b>\$ 86,387</b>

## NOTE 4: PROGRAM/OPERATING EXPENSES

Although OMB Circular A-136 only requires that operating expenses be broken out by program and object classification if the principal statements may be misleading for FY 2008, NMB has chosen to display its operating expenses by object classification for FY 2008 and FY 2007 for a more clear presentation.

	FY 2008	FY 2007
Personnel Compensation	\$ 7,601,572	\$ 6,703,582
Personnel Benefits	1,361,839	1,210,151
Former Benefits	0	0
Travel of Persons	666,621	546,791
Transportation of Things	5,756	4,708
Rent/Comm/Utilities	1,440,895	1,338,400
Printing	18,135	15,769
Other Services	1,065,889	972,682
Supplies	104,053	108,907
Equipment	12,998	178,551
Unvouchered	0	308,405
<b>Total</b>	<b>\$ 12,277,758</b>	<b>\$ 11,387,946</b>

# NOTES TO FINANCIAL STATEMENTS

## NOTE 5: PENSIONS, OTHER RETIREMENT BENEFITS, AND OTHER POST RETIREMENT BENEFITS

The NMB reports the full cost of employee pensions, other retirement benefits, and other post-employment benefits in accordance with SFFAS No. 5, Accounting for Liabilities of the Federal Government. Although the NMB funds a portion of the benefits under FERS and CSRS relating to its employees and withholds the necessary payroll deductions, a portion of the Normal Pension Cost remains unpaid. SFFAS No. 5 requires the recognition of this remaining cost as imputed financing.

Pension and other retirement benefit expenses are calculated using cost factors determined by actuaries at the Office of Personnel Management. These cost factors are calculated based on economic and demographic assumptions. The cost factor is multiplied by the basic pay in order to obtain the "Normal Cost" for the accounting period. This Normal Cost is the present value of the projected benefits of each employee allocated on a level basis over the service of the employee between entry age and assumed exit age.

The imputed financing amount represents the difference between the employer's total pension expense and the employer's contribution. For the period ending September 30, 2008 the Normal Cost, employer's total pension expense, employer's contribution and imputed financing amounts were as follows:

Employee Type	Normal Cost	Employer's Total Pension Expense	Employer's Contribution	Employer's Imputed Financing Expense
CSRS	\$ 254,735	\$ 70,760	\$ 70,760	\$ 113,215
FERS	471,047	31,403	420,017	19,627
<b>Total</b>	<b>\$ 725,782</b>	<b>\$ 102,163</b>	<b>\$ 490,777</b>	<b>\$ 132,842</b>
Health Insurance				200,970
Life Insurance				988
<b>Total</b>				<b>201,957</b>
<b>Grand Total Imputed Financing</b>				<b>\$ 334,800</b>

## NOTE 6: OBLIGATED BALANCES, NET, END OF PERIOD AS OF SEPTEMBER 30, 2008

The components of the obligated balance as of September 30, 2008 are:

Undelivered Orders	\$ 459,340
Accounts Payable	643,943
<b>Total Obligated Balance</b>	<b>\$ 1,103,283</b>

# NOTES TO FINANCIAL STATEMENTS

## NOTE 7: STATEMENT OF FINANCING

For the Year Ended September 30, 2008 and September 30, 2007

	2008	2007
Resources Used to Finance Activities		
Obligations Incurred	\$ 12,568,021	\$ 11,874,817
Less: Spending authority for offsetting collections and Recoveries of Prior Year Obligations	(257,912)	(10,899)
Imputed Financing (Note 5)	334,800	344,240
<b>Total Budgetary Resources to Finance Activities</b>	<b>\$ 12,644,909</b>	<b>\$ 12,208,158</b>
Less: Resources Not Used to Finance Net Cost of Operations		
Change in Amount of Goods, Services and Benefits ordered but not yet Received or Provided	\$ 37,588	\$ (44,404)
Costs Capitalized on the Balance Sheet	0	32,779
Other	0	(3,157)
<b>Total Resources Not Used to Finance Net Cost of Operations</b>	<b>\$ 37,588</b>	<b>\$ (14,782)</b>
<b>Total Resources Used to Finance Net Cost of Operations</b>	<b>\$ 12,607,322</b>	<b>\$ 12,222,940</b>
Costs that do not require Resources:		
Depreciation and Amortization	\$ 44,372	\$ 44,958
Change in Future Funded Liabilities	308,809	0
Revaluation of Assets and Liabilities	1,996	29,330
Total Costs that do not require Resources	355,177	74,288
<b>Net Cost of Operations</b>	<b>\$ 12,962,498</b>	<b>\$ 12,297,228</b>

## NOTE 8: ACCOUNTING FOR LEASES

### Operating Leases:

NMB occupies office space under a lease agreement with the General Services Administration (GSA) that is accounting for as an operating lease. The lease term was for a period of eleven years began on November 1, 2000 and expires on October 31, 2011. NMB pays GSA a standard level users charge for the annual rental adjusted annually for operating cost escalations in accordance with the provisions in the Federal Management Regulations. The operating rent and taxes was to be inflated by 0.76% from 2008 to 2011 to estimate the escalation that the market will yield.

Schedule of Future Minimum Lease Payments

2009	\$ 1,197,950
2010	1,207,054
2011	1,216,228
<b>Total Future Minimum Lease Payments</b>	<b>\$ 3,621,232</b>

# NOTES TO FINANCIAL STATEMENTS

## Capital Leases:

NMB entered into a capital lease on December 6, 2006 to lease a Xerox machine over a five-year period. The lease provide for ownership to transfer to NMB at the end of the lease period. The present value of the minimum lease payments of \$6,555.84 annually at an interest rate of 9.5 percent was determined to be \$25,215. The Capital Lease Asset is being depreciated on a straight line basis on 5 years. The Capital Lease Liability as of September 30, 2008 was \$16,491.

## NOTE 9: UNFUNDED ARBITRATION LIABILITY

By law, NMB is required to appoint an arbitrator if a grievance adjustment board cannot resolve a grievance. NMB appoints an arbitrator by issuing a certificate of appointment to hear a specific case or a specified group of related cases and a compensation letter setting out the daily rate of compensation, per diem, and travel costs. NMB's policy is to record an obligation at the beginning of each month when it approved an arbitrator's compensation request. Since such arbitrator services are considered nonseverable services, NMB record an estimated obligation amount for the service outstanding due to arbitrator appointments at the end of each fiscal year for financial reporting purposes. As of September 30, 2008, NMB had a total of 898 arbitration cases heard but no decision rendered. An estimated obligation amount was determined by multiplying the 521 cases by an average of 3 days per case at a daily compensation rate of \$300. Total unfunded arbitration liability as of September 30, 2008 was \$808,200.

## NOTE 10: STATEMENT OF BUDGETARY RESOURCES VS BUDGET OF THE UNITED STATES GOVERNMENT

The reconciliation as of September 30, 2007 is presented below. The reconciliation as of September 30, 2008 is not presented, because the submission of the Budget of the United States (Budget) for FY 2010, which presents the execution of the FY 2008 budget, occurs after publication of these financial statements. The National Mediation Board Budget Appendix can be found on the OMB website (<http://www.whitehouse.gov/omb/budget>) and will be available in early February 2009.

For the Fiscal Year Ended September 30, 2007 (in millions)

	Budgetary Resources	Obligations Incurred	Distributed Offsetting Receipts	Net Outlays
Statement of Budgetary Resources	\$14	\$11	\$ 0	\$11
Expired Funds	(2)			
Budget of the United States	\$12	\$11	\$ 0	\$11

# MANAGEMENT ASSURANCES

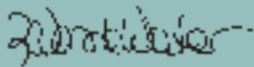
This section provides information on NMB's compliance with the Federal Managers' Financial Integrity Act (FMFIA) and the Improper Payments Information Act, as well as other management information, initiatives, and issues. FMFIA requires that agencies establish controls that provide reasonable assurance that:

- obligations and costs comply with applicable law;
- assets are safeguarded from waste, loss, unauthorized use, or misappropriation; and
- revenues and expenditures are properly recorded and accounted for.

It also requires the Chairman to provide an assurance statement on the adequacy of management controls.

## **Assurance Statement (FMFIA)**

NMB management is responsible for establishing and maintaining effective internal controls that meet the obligations of FMFIA within their areas of responsibility. Based on the directors' knowledge of daily operations and other management reviews, the NMB is able to provide an unqualified statement of assurance that the internal controls meet the objectives of FMFIA.



**Read Van de Water**  
**Chairman**

November 10, 2008

## **Improper Payments Information Act**

The NMB is considered to be at low risk for improper payments, since the functional payment areas are limited to traveler reimbursement, commercial vendors for supplies and services, and the payroll EFT payments. The NMB does not administer any entitlement, grant, or loan programs.

## **Federal Travel Card Program**

The NMB is a full participant in the Federal Travel Card Program, and has issued travel credit cards to employees whose official duties may require frequent travel. The Office of Administration routinely monitors each employee's usage of the travel card to ensure that charge activities are restricted to official government travel-related expenses, and that the employee is paying his/her credit card bills on-time .

During FY 2008, employees were reimbursed for authorized travel-related expenses within one business day after receipt of their completed travel voucher.

During this same period, no NMB employee's travel card account was identified as being delinquent and no inappropriate usage of the travel card was identified.

## **Federal Purchase Card Program**

During this period, the NMB continued its use of the U .S. Government's purchase card program to expedite the purchase of authorized supplies and services. The NMB has an internal process which requires a formal request for all purchases. Purchase requests are reviewed and approved by the office director before being submitted to the Office of Administration for action. The OA staff determines the appropriate form to requisition the request.



# MANAGEMENT ASSURANCES

## Federal Information Security Management Act (FISMA)

The Federal Information Security Management Act (FISMA) requires an annual, independent evaluation of each agency's information technology (IT) security program. In FY 2008 the NMB continued its arrangement with the Bureau of the Public Debt to perform a review of the NMB technology-security program. The results of the review form the basis of the NMB annual FISMA report to OMB and associated Plans of Action & Milestones (POA&M). During FY 2008 the Bureau of Public Debt, working with the NMB CIO, reviewed NMB systems. NMB systems are now certified and accredited for the next three years. The NMB performed privacy assessments on these systems. The assessments show that any personal identifying information (PII) in the system is required for official business and is maintained in accordance with the applicable guidance.

### FMFIA Material Weakness In Management Operations

Period Reported	Reported	Corrected	Pending
Prior Years	0	N/A	0
2003 report	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>

### Pending Material Weaknesses (by function):

Category	Number	Year First Reported
Program management	0	N/A
Functional management:	0	N/A
Procurement	0	N/A
Grant management	0	N/A
Personnel & organizational management	0	N/A
ADP security	0	N/A
Payment systems and cash management	0	N/A
Loan management and debt collection	0	N/A
Property and inventory management	0	N/A
<b>Total</b>	<b>0</b>	<b>N/A</b>

**Overall compliance: Yes**

# MANAGEMENT ASSURANCES

## Management Systems:

Existing Systems	Total	In Conformance
Prior years	1	1
2003 report	1	1
2004 report	1	1
2005 report	1	1
2006 report	1	1
2007 report	1	1
2008 report	1	1

**Total**                    **1**                    **1**

## Number of Material Weaknesses:

Period Reported FY	Reported	Corrected	Pending
Prior Years	0	N/A	0
2003 report	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0

**Total**                    **0**                    **N/A**                    **0**

## Pending Nonconformance:

Material nonconformance	Reported	Corrected	Pending
Prior Years	0	N/A	0
2003 report	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0

**Total**                    **0**                    **N/A**                    **0**

## Pending Nonconformance:

Period Report: FY 08	Number	Year First Reported
General ledger control	0	N/A
Interfaces	0	N/A
Data accuracy, timeliness, comparability, usefulness	0	N/A
Property	0	N/A
Cash management	0	N/A
Receivables	0	N/A
Program costs	0	N/A
Payroll	0	N/A
Systems documentation	0	N/A
Audit trails, security	0	N/A
Other	0	N/A

**Total**                    **0**                    **N/A**

# NATIONAL RAILROAD ADJUSTMENT BOARD (NRAB)

**CHAIRMAN: RICHARD K. RADEK**  
**VICE CHAIRMAN: MARTIN W. FINGERHUT**

## NRAB BOARD MEMBERS FY-2008

First Division Members	Second Division Members	Third Division Members	Fourth Division Members
Richard K. Radek <i>Chairman</i>	Alexander M. Novakovic <i>Chairman</i>	Roy C. Robinson <i>Chairman</i>	Gary J. Campbell <i>Chairman</i>
Martin W. Fingerhut <i>Vice Chairman</i>	John P. Lange <i>Vice Chairman</i>	Michael C. Lesnik <i>Vice Chairman</i>	A. Ken Gradia <i>Vice Chairman</i>
John W. Babler	Joe R. Duncan	James Albano	William T. Bohne
Douglas W. Davidson	Dewey B. Garland	John F. Hennecke	James R. Cumby
James P. Finn	Bjarne R. Henderson	Rob Karov	Roger MacDougall
Randy P. Guidry	James T. Klimtzak	Charlie A. McGraw	Harold R. Mobley
Milton Siegele	James E. Meyer	Isaac R. Monroe	
David B. Wier	Michael D. Phillips	Misty J. Oratokhai	
	John Thacker	David W. Volz	
	H. Glen Williams	Stephen F. Watson	

## NRAB CASES DOCKETED AND CLOSED

### All Divisions

New Cases	1,067
Closed Cases	1,474

# NATIONAL RAILROAD ADJUSTMENT BOARD (NRAB)

## NRAB REFEREES

### First Division

Edwin H. Benn  
Steven Bierig  
Brian Clauss  
James Darby  
Danielle Hargrove  
Ann Kenis  
Lisa Kohn  
Robert O'Brien  
Robert Richter  
Elizabeth Wesman  
Jacalyn Zimmerman

### Second Division

James Conway  
William Miller  
Marty Zusman

### Third Division

Edwin H. Benn  
Steven Bierig  
John Binau  
Susan Brown  
Dennis Campagna  
Brian Clauss  
Joyce Klein  
Lisa Kohn  
Peter Meyers  
Joan Parker  
Robert Peterson  
Marty Scheinman  
Gerald Wallin  
Jacalyn Zimmerman

### Fourth Division

Edwin H. Benn

## SECTION 3 TRIBUNALS

<b>No. of Boards</b>	
Public Law	158
Special Boards of Adjustment	4
Arbitration Boards	2
<hr/>	
<b>TOTAL</b>	<b>164</b>

### 1. PUBLIC LAW BOARDS, SPECIAL BOARDS OF ADJUSTMENT AND ARBITRATION BOARDS

#### 1A. Carriers

Alabama State Dock  
Alston and Southern Railway Company  
Appalachian & Ohio Railroad  
Belt Railway Company of Chicago  
Bessemer & Lake Erie Railroad  
Buffalo & Pittsburgh Railroad, Inc.  
Burlington Northern Santa Fe Railway Company  
Canadian National Railway Company  
Canadian Pacific Railway Company  
CEVA  
Chicago Central & Pacific Railroad  
Colorado & Wyoming Railway Company  
Consolidated Rail Corporation  
CSX Transportation, Inc.  
Dakota, Minnesota & Eastern Railway  
Delaware & Hudson Railroad Company  
Elgin, Joliet & Eastern Railway  
Florida East Coast Railroad  
Grand Trunk Western Railroad  
Great Lakes  
Illinois Central Railroad  
Illinois Central Railroad Gulf  
Indiana Harbor Belt Railroad  
Indiana & Ohio Railroad  
Iowa Interstate Railway  
Kansas City Southern  
Kiamichi Railroad Company  
Kyle Railroad Company  
Lake Superior & Isheming Railroad  
Lake Terminal Railroad  
Long Island Rail Road  
Louisiana & North West Railroad  
Manufacturers Railroad Company  
Massachusetts Bay Commuter Railroad

## SECTION 3 TRIBUNALS

Metro North Commuter Rail  
Montana Western Railroad Company  
National Railroad Passenger Corporation (AMTRAK)  
New England Central  
New Jersey Transit Authority  
Norfolk Southern Corporation  
Northeast Illinois Regional Commuter  
Northern Indiana Railroad  
Paducah & Louisville  
Pan Am Railway  
Pennsylvania Southwestern Railroad  
Pittsburgh & Conneaut Dock  
Portland and Western Railroad  
Port Terminal Railroad Association  
San Joaquin Valley Railroad  
Soo Line Railroad Company  
South Carolina Central Railroad  
& Carolina Piedmont Railroad  
Southeastern Pennsylvania Transportation Authority  
Tazewell Peoria Railroad  
Tacoma Road  
Texas Mexican Railway Company  
Union Pacific Railroad Company  
Union Railroad Company  
Wheeling & Lake Erie Railroad  
Wisconsin Central Railroad  
York Railway

### **1B. Unions**

American Train Dispatchers Association  
Amtrak Service Workers Council  
Association of Commuter Rail Employees  
Brotherhood of Locomotive Engineers & Trainmen-IBT  
Brotherhood of Maintenance of Way Employes-IBT  
Brotherhood of Railroad Signalmen  
Independent Railway Supervisors Association  
International Association of Machinists & Aerospace Workers  
International Association of Teamsters  
International Brotherhood of Blacksmiths & Boilermakers  
International Brotherhood of Electrical Workers  
International Longshoremen's Association  
International Railway Supervisors Association  
National Conference of Firemen and Oilers, SEIU  
Railway Independent Transit Union  
Sheet Metal Workers International Association  
Transportation Communications International Union

## SECTION 3 TRIBUNALS

Transport Workers Union of America  
United Steel Workers of America  
United Transportation Union

### **1C. Arbitrators (Public Law Board, Special Board of Adjustment or Arbitration Board)**

Sara Adler  
Leonard Bajork  
Edwin Benn  
Steven Bierig  
Stephen Biersmith  
John R. Binau  
Carl Bosland  
Daniel Brent  
Robert Camp  
Dennis Campagna  
Joseph Cassidy  
Paul Chapdelaine  
Brian Clauss  
James E. Conway  
John B. Criswell  
James Darby  
Rodney Dennis  
Richard Detwiler  
Francis J. Domzalski  
John Easley  
Lewis L. Ellsworth  
Charles Fischbach  
Janice Frankman  
Brady Gadberry  
Charlotte Gold  
Dennis Gonzales  
Almalee Guttshall  
Patrick Halter  
Don Hampton  
Don Hays  
Danielle L. Hargrove  
Joe Henderson  
Robert L. Hicks  
James Hoose  
Joan Ilivicky  
Sharon Imes  
Janice Irving  
Ann S. Kenis  
Joyce Klein  
Andria Knapp  
Lisa S. Kohn

# SECTION 3 TRIBUNALS

Sinclair Kossoff  
Charles Loughran  
Frank Lynch  
Sherwood Malamud  
Martin H. Malin  
Diane Massey  
Michael McReynolds  
Peter R. Meyers  
William Miller  
Dennis Minni  
Ron Mitchell  
Pedro Molina  
Sidney Moreland  
James E. Nash  
Margo Newman  
Kenneth O'Brien  
Robert O'Brien  
Joan Parker  
Robert E. Peterson  
Allen Pool  
Francis X. Quinn  
David Ray  
Robert G. Richter  
Thomas N. Rinaldo  
Sean J. Rogers  
Lynette A. Ross  
David Rutowski  
Martin Scheinman  
Barry E. Simon  
Daniel Torrey  
David Twomey  
M. David Vaughn  
Gerald E. Wallin  
Joseph Weeks  
Sherry Wetsch  
Elizabeth C. Wesman  
Helen Witt  
Carol Zamperini  
Louis Zigman  
Jacalyn Zimmerman  
Marty E. Zusman

## **2. LABOR PROTECTIVE PROVISIONS - NA**

## **3. UNION SHOPS - NA**



# APPENDIX A: CASE TABLES

**TABLE 1: NUMBER OF CASES RECEIVED AND CLOSED**

	FY-2008	FY-2007	FY-2006	FY-2005	FY-2004	FY-2003	Average 2003-07
<b>MEDIATION</b>							
Start-pending	64	75	71	56	63	51	63.2
New	20	34	37	58	41	55	45.0
Sum	84	109	108	114	104	106	108.2
Closed	40	45	33	43	48	43	42.4
End-pending	44	64	75	71	56	63	65.8
<b>ADR*</b>							
Start-pending	31	17	18	15	16	18	16.8
New	44	44	68*	27	41	27	41.4
Sum	75	61	86	42	57	45	58.2
Closed	48	30	69*	24	42	29	38.8
End-pending	27	31	17	18	15	16	19.4
<b>REPRESENTATION</b>							
Start-pending	4**	0	0	1	4	4	1.8
New	45	25	46	32	60	55	43.6
Sum	49	25	46	33	64	59	45.4
Closed	47	24	46	33	63	55	44.2
End-pending	2	1	0	0	1	4	1.2
<b>ARBITRATION</b>							
Start-pending	5551	4664	4581**	4910	5136	6002	5058.6
New	6056	4929	5537	4839	4705	4295	4861.0
Sum	11607	9593	10118	9749	9841	10297	9919.6
Closed	5395	4042	5454	4127	4931	5161	4743.0
End-pending	6212	5551	4664	5622	4910	5136	5176.6

\* ADR caseload counts include OP and OP-ODR cases starting in FY-2006.

\*\* Caseload adjusted based on a case audit.

# APPENDIX A: CASE TABLES

**TABLE 2: REPRESENTATION CASE DISPOSITION**

	Number of Cases	Number of Crafts or Classes	Number of Employees Involved	Number of Employees Participating
<b>RAILROADS</b>				
Certifications	8	8	133	93
Dismissals	8	8	696	286
<b>Totals</b>	<b>16</b>	<b>16</b>	<b>829</b>	<b>379</b>
<b>AIRLINES</b>				
Certifications	11	11	14,530	12,268
Dismissals	20	20	26,595	11,057
<b>Totals</b>	<b>31</b>	<b>31</b>	<b>41,125</b>	<b>23,325</b>
<b>Totals-Railroads and Airlines</b>	<b>47</b>	<b>47</b>	<b>41,954</b>	<b>23,704</b>

# APPENDIX A: CASE TABLES

**TABLE 3: CASES CLOSED BY MAJOR GROUPS OF EMPLOYEES**

<b>RAILROADS</b>	Total Cases	Representation Cases	Mediation Cases
Boilermakers and Blacksmiths	1	0	1
Carmen	3	0	3
Electrical Supervisors	1	0	1
Firemen and Oilers	2	0	2
Locomotive Engineers	2	0	2
Machinists	2	0	2
Maintenance of Way Employees	5	2	3
Operating and Non-Operating Employees	3	3	0
Sheet Metal Workers	3	0	3
Signalmen	2	0	2
Supervisors, Car Department	1	0	1
Supervisors, MOW Department	1	0	1
Switchmen	1	0	1
Train Dispatchers	3	2	1
Train and Engine Service Employees	11	7	4
Trainmen	1	0	1
Yardmasters	2	1	1
Combined Groups, Railroad	1	1	0
<b>Railroad Total</b>	<b>45</b>	<b>16</b>	<b>29</b>

# APPENDIX A: CASE TABLES

**TABLE 3: CASES CLOSED BY MAJOR GROUPS OF EMPLOYEES (continued)**

<b>AIRLINES</b>	Total Cases	Representation Cases	Mediation Cases
Cockpit Crew Members	3	1	2
Fleet and Passenger Service Employees	2	1	1
Fleet Service Employees	1	1	0
Flight Attendants	6	5	1
Flight Deck Crew Members	5	5	0
Flight Dispatchers	4	2	2
Flight Engineers	1	1	0
Mechanics and Related Employees	4	4	0
Office Clerical Employees	1	1	0
Passenger Service Employees	3	3	0
Pilots	11	6	5
Miscellaneous, Airlines	1	1	0
<b>Airline Total</b>	<b>42</b>	<b>31</b>	<b>11</b>
<b>Grand Total, Railroads and Airlines</b>	<b>87</b>	<b>47</b>	<b>40</b>

# APPENDIX A: CASE TABLES

**TABLE 4: CRAFT OR CLASS DETERMINATIONS IN REPRESENTATION CASES**

<b>RAILROADS</b>	Number of Cases	Number of Craft or Class Determinations	Number of Employees Participating	Percent of Employees Involved
Clerical Office, Station and Storehouse Employees	0	0	0	0
Carmen	0	0	0	0
Electrical Workers	0	0	0	0
Locomotive Engineers	0	0	0	0
Locomotive Firemen and Hostlers	0	0	0	0
Locomotive Maintenance Employees	0	0	0	0
Machinists	0	0	0	0
Maintenance of Way Employees	2	2	15	..
Operating/Non-Operating Employees	3	3	14	..
Sheet Metal Workers	0	0	0	0
Signalmen	0	0	0	0
Train Dispatchers	2	2	275	..
Train and Engine Service Employees	8	8	74	..
Train, Engine and Yard Service Employees	0	0	0	0
Transportation Operations Employees	0	0	0	0
Yardmasters	1	1	1	..
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	0	0	0	0
<b>Railroad Total</b>	<b>16</b>	<b>16</b>	<b>379</b>	<b>..</b>

# APPENDIX A: CASE TABLES

**TABLE 4: CRAFT OR CLASS DETERMINATIONS IN REPRESENTATION CASES (continued)**

<b>AIRLINES</b>	Number of Cases	Number of Craft or Class Determinations	Number of Employees Participating	Percent of Employees Involved
Cockpit Crew Members	1	1	20	..
Engineers and Related Employees	0	0	0	0
Fleet and Passenger Service Employees	1	1	1228	3
Fleet Service Employees	1	1	3517	8
Flight Attendants	5	5	5420	13
Flight Crew Training Instructors	0	0	0	0
Flight Deck Crew Members	5	5	1251	3
Flight Dispatchers	2	2	40	..
Flight Engineers	1	1	0	0
Flight Simulator Engineers	0	0	0	0
Ground School Instructors	0	0	0	0
Maintenance Training Specialists	0	0	0	0
Mechanics and Related Employees	4	4	6789	16
Office Clerical Employees	1	1	0	0
Passenger Service Employees	3	3	6	..
Pilots	6	6	5054	12
Stock and Stores Employees	0	0	0	0
Combined Groups, Airlines	0	0	0	0
Miscellaneous, Airlines	1	1	0	0
<b>Airline Total</b>	<b>31</b>	<b>31</b>	<b>23,325</b>	<b>56</b>
<b>Grand Total, Railroads and Airlines</b>	<b>47</b>	<b>47</b>	<b>23,704</b>	<b>57</b>

1 Percent listing for each group represents the rounded percentage of the 41,954 employees involved in all railroad and airline cases during fiscal year 2008. Because of rounding, sums of individual items may not equal the totals shown.  
 (..) Less than one percent.

# APPENDIX A: CASE TABLES

**TABLE 5: CRAFTS OR CLASSES CERTIFIED IN REPRESENTATION CASES**

	National Organizations			Local Unions and/or Individuals			Totals		
	Craft or Class	Employees Participating	Percent of Involved	Craft or Class	Employees Participating	Percent of Involved	Craft or Class	Employees Participating	Percent of Involved
<b>RAILROADS</b>									
<b>Representation Acquired:</b>									
Elections	8	93	..	0	0	0	8	93	..
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Representation Changed:</b>									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Representation Unchanged:</b>									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Total, Railroads</b>	<b>8</b>	<b>93</b>	<b>..</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>8</b>	<b>93</b>	<b>..</b>
<b>AIRLINES</b>									
<b>Representation Acquired:</b>									
Elections	5	333	..	0	0	0	5	333	..
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Representation Changed:</b>									
Elections	3	6,886	16	1	4,985	12	4	11,871	28
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Representation Unchanged:</b>									
Elections	2	64	..	0	0	0	2	64	..
Proved Authorizations	0	0	0	0	0	0	0	0	0
<b>Total, Airlines</b>	<b>10</b>	<b>7,283</b>	<b>17</b>	<b>1</b>	<b>4,985</b>	<b>12</b>	<b>11</b>	<b>12,268</b>	<b>29</b>
<b>Total, Combined Railroads and Airlines</b>	<b>18</b>	<b>7,376</b>	<b>18</b>	<b>1</b>	<b>4,985</b>	<b>12</b>	<b>19</b>	<b>12,361</b>	<b>30</b>

Percent listing for each group represents the rounded percentage of the 41,954 employees involved in all rail and airline cases in fiscal year 2008.

Because of rounding, sums of individual items may not equal totals.

(.) Less than one percent.

Note: These figures do not include cases that were withdrawn or dismissed.

# APPENDIX A: CASE TABLES

## TABLE 6: STRIKES IN THE AIRLINE INDUSTRY

None

## TABLE 7: STRIKES IN THE RAILROAD INDUSTRY

None

## TABLE 8: RLA SECTION 10 PRESIDENTIAL EMERGENCY BOARDS

PEB#	Carrier	Union	Created	Closed
242	Amtrak	Labor Organizations*	12-01-07	12-30-07

\*See "Presidential Emergency Boards" in the Management Discussion & Analysis section of this report.

## TABLE 9: RLA SECTION 9A PRESIDENTIAL EMERGENCY BOARDS

None



# APPENDIX B: CASE RECORD

## 1A. AIRLINE MEDIATION CASES DOCKETED

<b>Carrier</b>	<b>Union</b>	<b>Craft/Class</b>
Alaska Airlines	ALPA	Crewmembers
American Airlines	APA	Pilots
American Airlines	TWU	Dispatchers
American Eagle	TWU	Dispatchers
American Eagle	TWU	Ground School Instructors
Flight Options	IBT	Pilots
Hawaiian Airlines	ALPA	Pilots
United Parcel Service	IBT	Mechanics and Related Employees
PSA Airlines	TWU	Flight Dispatchers

# APPENDIX B: CASE RECORD

## 1B. RAILROAD MEDIATION CASES DOCKETED

Carrier	Union	Craft/Class
Bessemer and Lake Erie	IBEW	Electrical Workers
Birmingham Southern Railroad Company	TCU-CARMEN	Carmen
Buffalo & Pittsburg Railroad, Inc.	UTU	Mixed group of employees
Delaware and Hudson Railroad Company	TCU-CARMEN	Carmen
Elgin, Joliet and Eastern Railway Company	BLET	Engineers
Montana Rail Link, Inc.	ATDA	Yardmasters
Soo Line Railroad Company	TCU-CARMEN	Carmen
Stillwater Central Railroad	BMWED	Maintenance of Way
Union Railroad Company	BLET	Locomotive Engineers
Union Railroad Company	USW	Mechanics and Related Employees
United Parcel Service	IBT	Mechanics and Related Employees

# APPENDIX B: CASE RECORD

## 1C. AIRLINE MEDIATION CASES CLOSED

Carrier	Union	Craft/Class
ASTAR Air Cargo	ALPA	Pilots
ATA Airlines	ALPA	Pilots
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	ALPA	Pilots
Champion Air	ALPA	Flight Deck Crew Members
Chautauqua Airlines	IBT	Fleet and Passenger Service Employees
Frontier Airlines	TWU	Flight Dispatchers
Miami Air International	IBT	Pilots
North American Airlines	IBT	Pilots
Pinnacle Airlines	TWU	Flight Dispatchers
Ryan International Airlines	ALPA	Flight Deck Crew Members

# APPENDIX B: CASE RECORD

## 1D. RAILROAD MEDIATION CASES CLOSED

Carrier	Union	Craft/Class
Birmingham Southern Railroad Company	TCU-CARMEN	Carmen
Dakota, Minnesota & Eastern Railway	UTU	Train & Engine Service Employees
Delaware and Hudson Railroad Company	UTU	Trainmen
Detroit & Toledo Shore Line Railroad	BMWED	Maintenance of Way Employees
Detroit, Toledo and Ironton Railroad	BMWED	Maintenance of Way Employees
Elgin, Joliet and Eastern Railway Company	BLET	Engineers
Illinois Central Railroad	SMWIA	Sheet Metal Workers
National Carriers Conference Committee	IAM	Machinists
National Carriers Conference Committee	UTU	Train, Engine and Yard Service Employees
National Railroad Passenger Corporation	ARASA-TCU	Suprv. of MOW Dept (B&B)
National Railroad Passenger Corporation	ATDA	Train Dispatchers
National Railroad Passenger Corporation	BMWE	Maintenance of Way Employees
National Railroad Passenger Corporation	BRS	Signalmen
National Railroad Passenger Corporation	IAM	Machinists
National Railroad Passenger Corporation	IBB	Boilermakers-Blacksmiths
National Railroad Passenger Corporation	IBEW	Electrical Workers
National Railroad Passenger Corporation	JCC	Carmen
National Railroad Passenger Corporation	NCFO	Firemen & Oilers
National Railroad Passenger Corporation	SMWIA	Sheet Metal Workers
National Railroad Passenger Corporation	TCU	Supervisors of Car Dept.
NJ Transit Rail Operations	BRS	Signalmen
NJ Transit Rail Operations	NCFO	Firemen & Oilers
NJ Transit Rail Operations	SMWIA	Sheet Metal Workers
NJ Transit Rail Operations	TCU	Carmen
Pacific and Arctic Railway and Navigation Company	IBT	Machinists
Port Authority Trans-Hudson Corporation	UTU	Switchmen
Wheeling & Lake Erie Railway	BLET	Train & Engine Service Employees & Maint. Employees
Wisconsin Central Railroad	BLET	Locomotive Engineers
Wisconsin Central Railroad	UTU	Yardmasters

# APPENDIX B: CASE RECORD

## 2A. ADR CASES DOCKETED

Case Type	Carrier/Entity	Union	Group
F	Aloha Airlines	ALPA	Pilots
F	American Airlines	APA	Pilots
F	American Eagle	ALPA	Pilots
F	Hawaiian Airlines	AFA	Flight Attendants
F-ODR	--	IPA	Pilots
GM	Capital Cargo International Airlines	ALPA	Pilots
GM	Hawaiian Airlines	TWU	Dispatchers
GM	Metro North Railroad (MTA)	ACRE	Trainmen
GM	Miami Air International	AFA	Flight Attendants
GM	Pinnacle Airlines, Inc.	USW	Fleet Service Employees
GM	United Parcel Service	IPA	Pilots
GM-ODR	Champion Air	ALPA	Pilots
OP	--	--	Washington School of Law
OP	--	--	Bentley College
OP	--	--	Suffolk University
OP	--	--	Office of Labor Management Programs
OP	--	ALPA	Pilots
OP	--	AFA	Flight Attendants
OP	--	AFA	Flight Attendants
OP	--	IAM	General Chairmen
OP	American Airlines	APA	Pilots
OP	CSX Transportation	--	Labor Relations Managers
OP-ODR	--	--	Arbitrator Wallin
OP-ODR	--	--	Arbitrator Kohn
OP-ODR	--	--	Arbitrator Gonzales
OP-ODR	--	--	Arbitrator Henderson
OP-ODR	--	--	Arbitrator Trombetta
OP-ODR	--	--	Arbitrator King
OP-ODR	Canadian National Railway	IAM	PLB case - Wallin
OP-ODR	CSX Transportation	--	Management
OP-ODR	CSX Transportation	ATDA	Labor- Management
OP-ODR	Hawaiian Airlines	TWU	Grievance Mediation
OP-ODR	Port Authority Trans-Hudson Corporation	IBT	PLB case - Rinaldo
T	--	AFA	Flight Attendants
T	American Airlines	TGWU	Ground Crews
T	American Eagle	ALPA	Pilots
T	Capital Cargo International Airlines	ALPA	Pilots
T	Comair	ALPA	Pilots
T	CSX Transportation	--	Labor Relations Managers
T	Metro North Railroad (MTA)	ACRE	Trainmen
T	Miami Air International	AFA	Flight Attendants
T	Pinnacle Airlines, Inc.	USW	Engineers
T	Southwest Airlines	AMFA	Maintenance
T-GM	RepAirways	IBT	Flight Attendants

# APPENDIX B: CASE RECORD

## 2B. ADR CASES CLOSED

Case Type	Carrier/Entity	Union	Group
F	Aloha Airlines	ALPA	Pilots
F	American Airlines	APA	Pilots
F	US Airways	IAM	Fleet Service
F	US Airways	IAM	Mechanics and Related Employees
F-ODR	--	IPA	Pilots
F-ODR	Alabama State Docks	UTU	Train Serv. (Brakemen & Conductors)
F-ODR	CSX Transportation	BLET	Engineers
GM	Hawaiian Airlines	TWU	Dispatchers
GM-ODR	American Airlines	TWU	Fleet Service
GM-ODR	Champion Air	ALPA	Pilots
GM-ODR	Norfolk Southern	ATDA	Train Dispatchers
OP	--	--	Washington School of Law
OP	--	--	Bentley College
OP	--	--	Suffolk University
OP	--	--	Office of Labor Management Programs
OP	--	APFA	Flight Attendants
OP	--	ALPA	Pilots
OP	--	AFA	Flight Attendants
OP	--	AFA	Flight Attendants
OP	--	IAM	Machinists
OP	American Airlines	APA	Pilots
OP	CSX Transportation	--	Labor Relations Managers
OP	US Airways	--	US Air Inflight Managers
OP-ODR	--	--	Arbitrator Wallin
OP-ODR	--	--	Arbitrator Kohn
OP-ODR	--	--	Arbitrator Gonzales
OP-ODR	--	--	Arbitrator Henderson
OP-ODR	--	--	Arbitrator Trombetta
OP-ODR	--	--	Arbitrator King
OP-ODR	Canadian National Railway	IAM	PLB case - Wallin
OP-ODR	CSX Transportation	--	Management
OP-ODR	CSX Transportation	ATDA	Labor- Management
OP-ODR	Hawaiian Airlines	TWU	Grievance Mediation
OP-ODR	Port Authority Trans-Hudson Corporation	IBT	PLB case - Rinaldo
T	--	AFA	Flight Attendants
T	American Airlines	--	ODR Training
T	American Airlines	TGWU	Ground Crews
T	American Eagle	ALPA	Pilots
T	American Eagle	AFA	Flight Attendants
T	ATA Airlines, Inc.	ALPA	Pilots
T	Capital Cargo International Airlines	ALPA	Pilots
T	Comair	ALPA	Pilots
T	CSX Transportation	--	ODR Training
T	Miami Air International	AFA	Flight Attendants
T	Pinnacle Airlines, Inc.	USW	Engineers
T	Southwest Airlines	AMFA	Maintenance
T	United Parcel Service	--	Flight Deck Crew Members
T-GM	RepAirways	IBT	Flight Attendants

# APPENDIX B: CASE RECORD

## 3A. AIRLINE REPRESENTATION CASES DOCKETED

Carrier	Union	Craft/Class
Air Methods Corp.	OPEIU	Flight Deck Crew Members
Amerijet International	APG-IBT	Flight Engineers
Amerijet International	APG-IBT	Pilots
Atlas Air/Polar Air Cargo	IBT-ALPA	Flight Deck Crew Members
Business Representation International	TWU	Passenger Service Employees
Continental Airlines	TWU	Fleet Service Employees
Comair	IAM	Office Clerical Employees
CommutAir	IAM	Flight Attendants
CommutAir	ALPA	Flight Deck Crew Members
Corporate Air	IFPA	Pilots
Delta Air Lines	AFA	Flight Attendants
Empire Airlines	IFPA	Pilots
GoJet Airlines	IBT	Flight Attendants
Great Lakes Airlines	IAM	Mechanics and Related Employees
Hawaiian Airlines	TWU	Maintenance Controllers
LIAT (1974)	USWA	Passenger Service Employees
NetJets Aviation	NASAP-IBT	Pilots
Northern Air Cargo	IBT	Cockpit Crew Members
Piedmont Airlines	CWA	Fleet and Passenger Service Employees
Piedmont Airlines	IAM-IBT	Flight Dispatchers
Piedmont Airlines	IBT	Mechanics and Related Employees
Saudi Arabian Airlines	IAM	Passenger Service Employees
Skybus Airlines	IBT	Pilots
Skyway Airlines	IBT	Flight Attendants
Southwest Airlines	SAEA	Mechanics and Related Employees
TradeWinds Airlines	TWACCA-IBT	Flight Deck Crew Members
United Airlines	AMFA-IBT	Mechanics and Related Employees
US Airways	ALPA-USAPA	Pilots

# APPENDIX B: CASE RECORD

## 3B. RAILROAD REPRESENTATION CASES DOCKETED

Carrier	Union	Craft/Class
Austin Western Railroad	BLET	Train and Engine Service
CMC Railroad	UTU	Train and Engine Service
Connecticut Southern Railroad	BLET	Train and Engine Service
De Queen & Eastern Railroad	ATDA	Maintenance of Way
First Coast Railroad	UTU	Train and Engine Service
Illinois & Midland Railroad	BLET	Train and Engine Service
Iowa Northern Railway	UTU	Train and Engine Service
North Carolina & Virginia RR	IAM	Non-Operating Employees
North Carolina & Virginia RR	IAM	Operating Employees
South Buffalo Railway	UTU	Yardmasters
Stillwater Central Railroad	BMWE-IBT	Maintenance of Way
Stillwater Central Railroad	UTU	Train and Engine Service
Talleyrand Terminal Railroad	BLET	Non-Operating Employees
Tomahawk Railroad LLP	BLET	Train & Eng. Serv. / Shuttle Drivers
Union Pacific Railroad	ATDA	Train Dispatchers
Western New York & Pennsylvania Railroad	BLET	Train and Engine Service
Wisconsin Central Railroad	ATDA	Train Dispatchers



# APPENDIX B: CASE RECORD

## 3C. AIRLINE REPRESENTATION CASES CLOSED

Carrier	Union	Craft/Class	Disposition
Air Methods Corp.	OPEIU	Flight Deck Crew Members	FUI- Cert.
Determination Amerijet International	APG-IBT	Flight Engineers	Dismissal-ISI
Amerijet International	APG-IBT	Pilots	Certification
Business Representation Int'l	TWU	Passenger Service	Dismissal-ISI
Continental Airlines	TWU	Fleet Service	Dismissal
Comair	IAM	Office Clerical	Dismissal-ISI
CommutAir	IAM	Flight Attendants	Certification
CommutAir	ALPA	Flight Deck Crew Members	Certification
Compass Airlines	AFA-CWA	Flight Attendants	Dismissal
Corporate Air	IFPA	Pilots	Dismissal
Delta Air Lines	AFA	Flight Attendants	Dismissal
Empire Airlines	IFPA	Pilots	Dismissal
GoJet Airlines	IBT	Flight Attendants	Dismissal
Great Lakes Airlines	IAM	Mechanics and Related	FUI-Dismissal
Hawaiian Airlines	TWU	Maintenance Controllers	Dismissal-WDI
LIAT (1974)	USWA	Passenger Service	Dismissal-WDI
NetJets Aviation	NASAP-IBT	Pilots	FUI-Certification
Northern Air Cargo	IBT	Cockpit Crew Members	Certification
Omni Air International	IBT	Flight Deck Crew Members	Certification
Piedmont Airlines	CWA	Fleet and Passenger Service	Dismissal
Piedmont Airlines	IAM-IBT	Flight Dispatchers	Certification
Piedmont Airlines	IBT	Mechanics and Related	Dismissal-WDI
Pinnacle Airlines	TWU-PDSSA	Flight Dispatchers	Certification
Saudi Arabian Airlines	IAM	Passenger Services	Dismissal
Skybus Airlines	IBT	Pilots	Dismissal
Skyway Airlines	IBT	Flight Attendants	Certification
Skywest Airlines	ALPA	Flight Deck Crew Members	Dismissal
Southwest Airlines	SAEA	Mechanics and Related	FUI-Dismissal
TradeWinds Airlines	TWACCA-IBT	Flight Deck Crew Members	Certification
United Airlines	AMFA-IBT	Mechanics and Related	Certification
US Airways	ALPA-USAPA	Pilots	Certification

## APPENDIX B: CASE RECORD

### 3D. RAILROAD REPRESENTATION CASES CLOSED

Carrier	Union	Craft/Class	Disposition
Austin Western Railroad	BLET	Train and Engine Service	Dismissal
CMC Railroad	UTU	Train and Engine Service	Dismissal
Connecticut Southern RR	BLET	Train and Engine Service	Certification
De Queen & Eastern RR	ATDA	Maintenance of Way	Certification
First Coast Railroad	UTU	Train and Engine Service	Certification
Illinois & Midland Railroad	BLET	Train and Engine Service	Certification
North Carolina & Virginia RR	IAM	Non-Operating Employees	Certification
North Carolina & Virginia RR	IAM	Operating Employees	Certification
South Buffalo Railway	UTU	Yardmasters	Dismissal
Stillwater Central Railroad	BMWE-IBT	Maintenance of Way	Certification
Stillwater Central Railroad	UTU	Train and Engine Service	Dismissal
Talleyrand Terminal RR	BLET	Non-Operating Employees	Dismissal
Tomahawk Railway LLC	BLET	Train and Engine Service	Dismissal
Tomahawk Railroad LLP	BLET	Train and Engine Service and Shuttle Drivers	Dismissal-WDI
Union Pacific Railroad	ATDA	Train Dispatchers	Dismissal
Wisconsin Central Railroad	ATDA	Train Dispatchers	Certification

# APPENDIX C: GLOSSARY & ACRONYMS

## GLOSSARY

These definitions are meant to provide general understanding only. They do not provide definitive definition regarding any matter before the Board and are not to be construed as legal definitions that may be cited in any administrative, legal or arbitral proceeding.

**Act** The Railway Labor Act

**Agency** The National Mediation Board

**Alternative Dispute Resolution (ADR)** ADR is a process for resolving disputes outside of the judicial system of law. In the venue of the NMB, ADR is the facilitation of interest-based or mutual-interest negotiations and grievance mediation.

**Amendable Contract** Under the Railway Labor Act, collective bargaining agreements become subject-to-change on a specified date, rather than expiring as agreements do under the National Labor Relations Act.

**Arbitration** A type of dispute resolution process where an arbitrator renders a decision, which usually can be appealed judicially only on a very narrow basis such as fraud

**Board** May be one of the following, depending upon the context in which it appears:

- National Mediation Board (NMB)
- Presidential Emergency Board (PEB)
- National Railroad Adjustment Board (NRAB)
- Special Board of Adjustment (SBA)
- Public Law Board (PLB)
- System Board of Adjustment (SBA)

**CFO Act** Chief Financial Officer's Act

**Class I** A category of the largest U.S. railroads as defined by the Surface Transportation Board

**Collective Bargaining Agreement** A labor contract between a union and a carrier

**Cooling Off Period** A 30-day period of time preceding the right of parties to a collective bargaining dispute to engage in "self help" under the RLA

**Craft or Class** A group of employees deemed by the NMB to share a community of work and interest for the purpose of collective bargaining under the RLA

**Direct Negotiations** Negotiations between the parties to a collective bargaining dispute before or apart from NMB mediation

# APPENDIX C: GLOSSARY & ACRONYMS

**E-business** The conduct of business on the Internet

**Facilitation** A process whereby a neutral helps the parties in a collective bargaining or grievance dispute use ADR problem-solving methods such as interest-based bargaining or grievance mediation

**Facilitated Problem Solving** This approach to bargaining utilizes a process of problem identification and discussion to reach resolution of issues rather than an exchange of proposals.

**Grievances** Complaints of employees or unions arising out of the application or interpretation of collective bargaining agreements

**Grievance Arbitration** A method of resolving grievances whereby an arbitrator determines the outcome

**Grievance Mediation** In the venue of the NMB, using mediation as an alternative to arbitration for resolving grievances

**Impasse** In mediation under the RLA, an impasse is when the NMB determines that further mediation will not resolve a collective bargaining dispute.

**Interest Arbitration** A process, under the RLA, to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations.

**Interest Based Negotiation** A type of negotiations where the parties collaboratively focus on finding solutions to underlying needs or concerns of each party (i.e., the whys) instead of adversatively negotiating specific positions

**Internet Voting** A web-based balloting option that supplements telephone electronic voting in representation elections

**Laboratory Conditions** Conditions to a representation dispute which ensure the independence of labor and management for the purpose of self-organization and the right of employees to freely determine whether they wish to be represented, or not, for the purpose of collective bargaining

**Major Disputes** Disputes between management and a union pertaining to collective bargaining as opposed to grievance disputes known as Minor Disputes

**Mediation** A type of dispute resolution process where a neutral (i.e., a mediator) facilitates agreement between the parties to a collective bargaining dispute, vis-a-vis imposing a settlement on the parties via arbitration

**Minor Disputes** Grievances of employees or unions arising out of the application or interpretation of collective bargaining agreements as opposed to collective bargaining disputes known as Major Disputes

**National Handling** Mediation of a collective bargaining dispute where management of several railroads have chosen to negotiate collectively on a national basis

**National Labor Relations Act (NLRA)** Grants most private sector workers the right to organize and bargain collectively. Air and rail employees, however, are covered by the Railway Labor Act (RLA) rather than the NLRA.

# APPENDIX C: GLOSSARY & ACRONYMS

**National Railroad Adjustment Board** One of three types of tribunals under the RLA for resolving railroad grievances (also see Special Boards of Adjustment and Public Law Boards). NRAB cases are resolved by the carrier and union members with or without a neutral.

**Online Arbitration** An Arbitration forum and a form of Online Dispute Resolution where hearings are held in virtual, web-based meeting rooms with live video

**Online Dispute Resolution** The application of Internet or web-based technology to resolving disputes

**Presidential Emergency Board** A Board established under the Railway Labor Act by the U.S. President to investigate and report on an airline or railroad labor dispute

**Proffer of Arbitration** The step in the process of resolving collective bargaining disputes under the RLA, which follows a determination of impasse by the NMB, whereby the NMB offers binding arbitration to the parties as a method for resolving the dispute

**Public Interest Meetings** Under the RLA, the NMB can intervene in an active collective bargaining dispute at any time in the interest of the general public. Usually, one or both parties to a dispute requests the mediation services of the NMB.

**Public Law Boards (PLB)** One of three types of tribunals under the RLA for resolving railroad grievances (also see National Railroad Adjustment Board and Special Boards of Adjustment)

**Railway Labor Act (RLA)** A federal law that grants interstate airline and railroad employees the right to organize and bargain collectively. Other private industry employees are covered by the National Labor Relations Act (NLRA).

**Representation Dispute** A situation on an airline or railroad where employees in a specific, carrier-wide workgroup seek to organize for the purpose of collectively bargaining with their employer regarding matters of wages, benefits and working conditions

**Section 3** Section 153 of the RLA pertaining to the National Railroad Adjustment Board

**Section 3 Committee** A group of representatives from freight, regional and commuter railroads and representatives of major rail unions, whose goal is the improvement of resolution of grievances

**Section 6** Section 156 of the RLA pertaining to the changing of wages, rules, hours and working conditions

**Section 7** Section 157 of the RLA pertaining to Arbitration

**Section 9a** Section 159A of the RLA pertaining to Presidential Emergency Boards for certain publicly-funded and operated commuter railroads

# APPENDIX C: GLOSSARY & ACRONYMS

**Section 10** Section 160 of the RLA pertaining to Presidential Emergency Boards for airlines and railroads other than those covered by Section 9a

**Self Help** The right of a party to a collective bargaining dispute to unilaterally act in its own best interest. A carrier, for example, may lock disputing employees out of the workplace or implement changes in pay, rules and working conditions; and the union, for example, may work specifically as required by its collective bargaining agreement or strike.

**Showing-of-Interest** In a representation dispute, employees in a Craft or Class must indicate an interest in being represented for the purpose of collective bargaining by signing authorization cards which are submitted to the NMB by the representative/s of their choosing.

**Special Boards of Adjustment (SBA)** One of three types of tribunals under the RLA for resolving railroad grievances (also see National Railroad Adjustment Board and Public Law Boards)

**Status Quo** Situations under the RLA in either collective bargaining or representation disputes where existing pay rates, rules and working conditions cannot be changed unilaterally, pending the resolution of the dispute in question.

**Strike** A work stoppage action initiated by a union

**System Boards of Adjustment (SBA)** An arbitration board pursuant to an agreement by the parties for resolving airline grievances.

**System-wide** Under the RLA, a craft or class applies anywhere an airline or railroad operates in the United States

**Telephone Electronic Voting (TEV)** A paperless balloting process using telephones instead of traditional paper ballots

**Work Stoppage** An interruption to the operations of an airline or railroad

# APPENDIX C: GLOSSARY & ACRONYMS

## ACRONYMS

<b>AA</b>	American Airlines
<b>ABA</b>	American Bar Association
<b>ABX</b>	Airborne Express
<b>A-case</b>	An NMB designation for a Mediation case
<b>ACRE</b>	Association of Commuter Rail Employees
<b>ADR</b>	Alternative Dispute Resolution
<b>ADRS</b>	Alternative Dispute Resolution Services
<b>AFA</b>	Association of Flight Attendants
<b>AFGE</b>	American Federation of Government Employees
<b>AIRCON</b>	Airline Industrial Relations Conference
<b>ALPA</b>	Air Line Pilots Association
<b>ALRA</b>	Association of Labor Relations Agencies
<b>AMFA</b>	Aircraft Mechanics Fraternal Association
<b>AMTRAK</b>	National Railroad Passenger Corporation
<b>APA</b>	Allied Pilots Association
<b>APG</b>	Amerijet Pilots Group
<b>ASA</b>	Atlantic Southeast Airlines
<b>ATA</b>	ATA Airlines
<b>ATDA</b>	American Train Dispatchers Association
<b>BLET</b>	Brotherhood of Locomotive Engineers and Trainmen
<b>BMWE</b>	Brotherhood of Maintenance of Way Employes
<b>BRS</b>	Brotherhood of Railroad Signalmen
<b>CBA</b>	Collective Bargaining Agreement
<b>CFO</b>	Chief Financial Officer
<b>CIO</b>	Chief Information Officer
<b>CLE</b>	Continuing Legal Education
<b>COOP</b>	Continuity of Operations Plan
<b>CSRS</b>	Civil Service Retirement System
<b>CSX/CSXT</b>	CSX Transportation, Inc.
<b>CWA</b>	Communication Workers of America
<b>DC</b>	District of Columbia
<b>DEU</b>	Delegating Examining Activities
<b>EEOC</b>	Equal Employment Opportunity Commission
<b>F-case</b>	An ADR designation for Facilitation cases (F and F-ODR)

## APPENDIX C: GLOSSARY & ACRONYMS

<b>FEMA</b>	Federal Emergency Management Agency
<b>FERS</b>	Federal Employment Retirement System
<b>FFMIA</b>	Federal Financial Management Improvement Act
<b>FISMA</b>	Federal Information Security Management Act
<b>FMFIA</b>	Federal Managers' Financial Integrity Act of 1982
<b>FPDS-NG</b>	Federal Procurement Data System - Next Generation
<b>FUI</b>	Findings Upon Investigation
<b>FY</b>	Fiscal Year
<b>GAO</b>	Government Accountability Office
<b>GM</b>	Grievance Mediation
<b>GM-case</b>	An ADR designation for Grievance Mediation cases (GM and GM-ODR)
<b>GPRA</b>	Government Performance and Results Act
<b>IAM</b>	International Association of Machinists & Aerospace Workers
<b>IBB</b>	Interest Based Bargaining
<b>IBEW</b>	International Brotherhood of Electrical Workers
<b>IBT</b>	International Brotherhood of Teamsters
<b>IFPA</b>	Independent Freight Pilots Association
<b>IPA</b>	Independent Pilots Association
<b>IT</b>	Information Technology
<b>JCC</b>	Joint Council of Carmen
<b>JD</b>	Juris Doctor (Doctor of Law)
<b>NASAP</b>	NetJets Association of Shared Aircraft Pilots
<b>NCFO</b>	National Conference of Firemen and Oilers
<b>NJT</b>	New Jersey Transit
<b>NLRA</b>	National Labor Relations Act
<b>NLRB</b>	National Labor Relations Board
<b>NMB</b>	National Mediation Board
<b>NPA</b>	National Pilots Association
<b>NRAB</b>	National Railroad Adjustment Board
<b>NS</b>	Norfolk Southern
<b>OA</b>	Office of Administration
<b>ODR</b>	Online Dispute Resolution
<b>OLA</b>	Office of Legal Affairs



# APPENDIX C: GLOSSARY & ACRONYMS

<b>OMB</b>	Office of Management and Budget
<b>OP</b>	Outreach and Promotion
<b>OP-case</b>	An ADR designation for Outreach OP and OP-ODR cases
<b>OPEIU</b>	Office and Professional Employees International Union
<b>OPM</b>	Office of Personnel Management
<b>OVC</b>	Online Video Conferencing
<b>PATH</b>	Port Authority Trans Hudson
<b>PDSSA</b>	Pinnacle Dispatcher & Sector Supervisor Association
<b>PEB</b>	Presidential Emergency Board
<b>PII</b>	Personal Identifying Information
<b>PIV</b>	Personal Identity Verification
<b>PLB</b>	Public Law Board
<b>R-case</b>	An NMB designation for a Representation case
<b>RITU</b>	Railway Independent Transit Union
<b>RLA</b>	Railway Labor Act
<b>RR</b>	Railroad
<b>SAEA</b>	Southwest Airlines Employee Association
<b>SBA</b>	Special Board of Adjustment or System Board of Adjustment
<b>SMWIA</b>	Sheet Metal Workers International Union
<b>SOP</b>	Standard Operating Procedures
<b>SWAPA</b>	Southwest Airlines Pilots Association
<b>T-case</b>	An ADR designation for Training cases (T and T-ODR)
<b>TCU/TCIU</b>	Transportation Communications International Union
<b>TEV</b>	Telephone Electronic Voting
<b>TGWU</b>	Transportation and General Workers Union
<b>TWA</b>	Trans World Airlines
<b>TWACCA</b>	TradeWinds Airlines Cockpit Crewmembers Association
<b>TWU</b>	Transport Workers Union of America
<b>UMASS</b>	University of Massachusetts - Amherst
<b>USAPA</b>	US Airline Pilots Association
<b>USWA</b>	United Steelworkers of America
<b>UTU</b>	United Transportation Union

## APPENDIX D: REGISTRY OF BOARD MEMBERS

Name	Start Date	Status	End Date
Elizabeth Dougherty <sup>1</sup>	12-13-06	Active	--
Read Van de Water <sup>2</sup>	12-11-03	Active	--
Harry R. Hoglander <sup>3</sup>	08-06-02	Active	--
Edward J. Fitzmaurice, Jr.	08-02-02	Term Expired	12-13-06
Francis J. Duggan	11-22-99	Retired	11-21-03
Magdalena G. Jacobsen	12-01-93	Retired	08-02-02
Ernest W. DuBester	11-15-93	Resigned	08-01-01
Kenneth B. Hipp	05-19-95	Resigned	12-31-98
Kimberly A. Madigan	08-20-90	Resigned	11-30-93
Patrick J. Cleary	12-04-89	Resigned	01-31-95
Joshua M. Javits	01-19-88	Resigned	11-14-93
Charles L. Woods	01-09-86	Resigned	01-15-88
Helen M. Witt	11-18-83	Resigned	09-18-88
Walter C. Wallace	10-12-82	Term Expired	07-01-90
Robert J. Brown	08-20-79	Resigned	06-01-82
Robert O. Harris	08-03-77	Resigned	07-31-84
Kay McMurray	10-05-72	Term Expired	07-01-77
Peter C. Benedict	08-09-71	Deceased	04-12-72
David H. Stowe	12-10-70	Retired	07-01-79
George S. Ives	09-19-69	Retired	09-01-81
Howard G. Gamser	03-11-63	Resigned	05-31-69
Robert O. Boyd	12-28-53	Resigned	10-14-62
Leverett Edwards	04-21-50	Resigned	07-31-70
John Thad Scott, Jr.	03-05-48	Resigned	07-31-53
Francis A. O'Neill, Jr.	04-01-47	Resigned	04-30-71
Frank P. Douglass	07-03-44	Resigned	03-01-50
William M. Leiserson	03-01-43	Resigned	05-31-44
Harry H. Schwartz	02-26-43	Term Expired	01-31-47
David J. Lewis	06-03-39	Resigned	02-05-43
George A. Cook	01-07-38	Resigned	08-01-46
Otto S. Beyer	02-11-36	Resigned	02-11-43
John M. Carmody	07-21-34	Resigned	09-30-35
James W. Carmalt	07-21-34	Deceased	12-02-37
William M. Leiserson	07-21-34	Resigned	05-31-39

1. Term expires July 1, 2010.

2. Term expired July 1, 2006.

3. Term expired July 1, 2008.





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