

Labor-Management Forum Implementation Plan of the National Mediation Board

This Plan is created and submitted pursuant to Section 3 (b) of the Executive Order, dated December 9, 2009, "Creating Labor-management Forums to Improve Delivery of Government Services" (EO).

The National Mediation Board (NMB) is an independent agency created by the Railway Labor Act, the statute governing labor-management relations in the railroad and airline industries. To avoid serious disruption to the Nation's economy and protect the public interest, the Act imposes on carriers and their employees the duty of settling disputes through negotiation, mediation, and arbitration. The NMB, headed by three Members appointed by the President and confirmed by the Senate, has as its chief responsibilities: (1) mediation of collective bargaining disputes; (2) determination of employee representations for collective bargaining processes; and (3) administration of a railroad grievance arbitration system.

The NMB has a total of 51 FTEs. Approximately 13 NMB employees are represented by American Federation of Government Employees Local 1923 (Local 1923) in the following bargaining unit:

All non-professional employees of the National Mediation Board (NMB or Agency), excluding professional employees, management officials, supervisors, and confidential employees.

The bargaining unit employees are covered by a collective bargaining agreement between Local 1923 and the NMB dated March 24, 2003. The NMB consulted with John Garrett, Local 1923's Executive Vice President, in preparing this Plan.

The NMB has maintained a Labor-Management Committee (Committee) since March 2003. The Committee is composed of three bargaining unit members and three management representatives. Historically, the Committee would meet both (1) on an occasional basis to discuss labor-management relations generally and (2) on the request of one side or the other to discuss a specific issue of concern.

The Committee has been dormant for the past 2-3 years because all of the bargaining unit employee representatives either: (1) left the Agency, (2) transferred a job with the Agency outside of the unit, or (3) resigned their membership on the Committee. At about the same time, the unit's Shop Steward transferred to a job with the Agency outside of the unit; and none of the remaining unit employees agreed to serve as Steward. As a result, no one from the bargaining unit has requested a meeting, and management has not had anyone with whom to meet, since that time. NMB management directly contacted Local 1923 representatives in Baltimore when issues arose requiring discussion or notification of matters between the NMB and the bargaining representative. Despite the dormancy of the Committee, the management representatives on the Committee have remained as follows: Daniel Rainey, Director of the Office of Alternative Dispute Resolution Services; Larry Gibbons, Director of the Office of Mediation Services; and Norman Graber, Counsel for Human Resources and Labor Relations.

As required by Section 3 (b) (i) of the EO, the NMB will conduct a baseline assessment of the current state of labor relations within the agency. The Agency proposes to conduct the assessment via discussions at Committee meetings scheduled to address this matter. Pursuant to discussions with Mr. Garrett, the NMB understands that Local 1923 will approach the bargaining unit members about obtaining bargaining unit member representatives to serve on the Committee and calling a meeting of the Committee. In the event that no unit member representatives can be obtained, a Local 1923 official will represent the unit members at the Committee meeting.

Pursuant to Section 3 (b) (ii) of the EO, the NMB intends to utilize the Committee as the labor-management forum vehicle to help identify problems and propose solutions in order to better serve the public and the NMB mission. As noted above, the NMB management hopes to discuss matters directly with bargaining unit members of the Committee. In the event that no bargaining unit members agree to serve as representatives to the Committee, the management representatives of the Committee will conduct discussions with Local 1923 officials.

The NMB will use quarterly Committee meetings to work with the bargaining unit representative in order to meet the goals of Section 3 (b) (iii) of the EO. In addition to the quarterly meetings, either party to the Committee will be able to call for an ad hoc meeting in order to discuss how new policies may impact bargaining unit employees, to solicit ideas from the bargaining unit members, and to share information related to these discussions.

Pursuant to Section 3 (b) (iv) of the EO, the NMB will allocate the time of the management representatives to the Committee, as well as provide the necessary meeting space, and IT or other necessary support for the successful accomplishment of the objectives of the EO. The NMB will also provide relevant training for any NMB employees on the Committee, labor or management, that is necessary for the successful accomplishment of the Committee's mission. Such training areas would include interest-based bargaining and problem solving.