



NATIONAL MEDIATION BOARD

annual performance report

FY 2003

FY 2003

NATIONAL MEDIATION BOARD

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PLEASE NOTE: THE NUMEROUS TERMS AND ACRONYMS USED THROUGHOUT THIS ANNUAL REPORT ARE DEFINED IN THE GLOSSARY STARTING ON PAGE 62.



EDWARD J. FITZMAURICE, JR.
Chairman



HARRY R. HOGLANDER
Member



FRANCIS J. DUGGAN
Member



BENETTA MANSFIELD
Chief of Staff



LARRY GIBBONS
Deputy Chief of Staff - Mediation



DANIEL RAINEY
Deputy Chief of Staff - ADR Development & Technology



MARY JOHNSON
General Counsel

BOARD MEMBERS

EDWARD J. FITZMAURICE, JR., *Chairman*

Edward J. Fitzmaurice, Jr., became chairman of the National Mediation Board effective July 1, 2003, having served as member since August 2, 2002. He was nominated to the NMB by President Bush on November 9, 2001, and confirmed by the United States Senate on August 1, 2002.

After graduating from Villanova University, Chairman Fitzmaurice served four and a half years as an Officer of Marines. He was designated a Naval Aviator, and served in the Dominican Republic and Vietnam as a Captain and Aircraft Commander, receiving several decorations including the Armed Forces Expeditionary Medal, 11 strike/flight Air Medals, the Presidential Unit Citation and Navy Unit Commendation.

Upon release from active duty, Chairman Fitzmaurice became a pilot for Braniff International and served as a domestic and international Captain, Co-Pilot, and Flight Engineer.

Simultaneously with piloting for Braniff, he attended the Southern Methodist University School of Law and was licensed by the State Bar of Texas in 1971. He was an associate with the firm of Kern, Wooley and Maloney representing Underwriters at Lloyd's in aviation-related matters and was Of Counsel to the labor law firm of James L. Hicks and Associates, both in Dallas, Texas.

Mr. Fitzmaurice and his wife Marcia have two grown children: daughter Carey is a Senior Policy Analyst with the Environmental Protection Agency in Washington, D.C., and son Evan is an associate with the law firm of Kirkpatrick & Lockhart LLP in Dallas, Texas.

HARRY R. HOGLANDER, *Member*

Harry R. Hoglander was sworn in as a Board Member of the National Mediation Board on August 6th, 2002. He was nominated by President George Bush on July 1st, 2002, and was unanimously confirmed by the United States Senate on August 1, 2002.

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

Mr. 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. He logged in excess of 20,000 hours of incident free pilot time in his 28-year career with TWA. In 1982 he was elected Master Chairman of TWA's Master Executive Council. Additionally, he was 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. He was deeply involved in the prevention of the introduction of "Cabotage" into the "Open Skies" aviation agreements.

Mr. Hoglander is a decorated, retired member of the United States Air Force. He enlisted in the Air Force and served as a gunner in a B-29 in the Korean War. Upon his return, with help from the GI bill, Mr. Hoglander earned his undergraduate degree and a commission in the US Air Force. He served with distinction in multiple active duty assignments. After leaving the Air Force,

Mr. Hoglander joined the Massachusetts Air National Guard and qualified to fly both Jet Fighters and Bombers. He was appointed the director of plans for the 102nd Air Wing and retired as a Lieutenant Colonel.

In his spare time, Mr. Hoglander managed to help raise his wonderful family, graduated from Suffolk University Law School, became a member of the Florida Bar, and served his community in a variety of volunteer positions.

Mr. Hoglander resides in Magnolia, Massachusetts with his wife Judith. They have six grown children and twelve grandchildren.

FRANCIS J. DUGGAN, *Member*

Francis Duggan served as chairman of the NMB from January 1, 2001, to June 30, 2003. He was first appointed by President Clinton and confirmed by the United States Senate on November 19, 1999. He subsequently was confirmed for a new three-year term on September 8, 2000.

He is one of the very few Board Members with experience in the railroad industry, and was an assistant vice president of the Association of American Railroads for ten years. During this period, 1977-87, the rail industry was deregulated twice, and went through much the same bankruptcies and consolidations that the airlines are facing today. He also has extensive airline experience, and served on President George Bush's Commission on Aviation Security and Terrorism between 1989-90. Mr. Duggan has represented the Victims of Pan Am Flight 103 as a pro bono advisor and attorney. He is an officer of the Transportation Section of the Federal Bar Association and served as the editor of TRANSLAW.

Mr. Duggan was a Presidential appointee at the Labor Department during the Ford and Reagan Administrations, serving as Assistant Secretary in the Reagan administration. He worked in the Senate on the Labor Committee and in the office of former Senator Charles Mathias (R-MD), and in the House for Representative William Steiger (R-WI). Mr. Duggan was also the Director of Operations of the Legal Services Program in the Office of Economic Opportunity.

He is an alumnus of St. John's college and law school in New York, and received two graduate political science fellowships. He also received a research grant

from Harvard University for the book "Labor and the American Community" by John Dunlop and Derek Bok. Originally from Brooklyn, NY, he lives in Alexandria, VA, with his wife Faye Padgett, a retired Capitol Hill staffer. He has three grown children.

OFFICE OF THE CHIEF OF STAFF

BENETTA MANSFIELD, *Chief of Staff*

Benetta M. Mansfield assumed the office of NMB Chief of Staff on March 10, 2002. She joined the Board as a Senior Hearing Officer in March, 1999, and was selected as Deputy Chief of Staff in May, 2000. She was named Transportation Lawyer of the Year by the Federal Bar Association in 2001.

As Chief of Staff, Ms. Mansfield is the top career-management official responsible for NMB's integrated labor-management dispute resolution process under the RLA. She is responsible for delivering to the parties through a work force of fifty managerial, professional and support employees, Agency services involving (1) mediation of collective bargaining disputes; (2) determination of the choice of employee bargaining representatives through elections; and (3) the administration of arbitration of employee grievances.

For the four years preceding her employment at the Board, Ms. Mansfield served in various capacities at the Office of the Election Officer for the International Brotherhood of Teamsters. This office oversaw the election of International officers pursuant to a 1989 Consent Order. In 1997, she was appointed to serve as Interim Election Officer and then Deputy Election Officer by the United States District Court for the Southern District of New York. In that capacity, she supervised a large staff of attorneys and labor experts throughout the United States and Canada.

From 1984-1995, Ms. Mansfield served as in-house counsel to the Amalgamated Transit Union, a labor organization representing bus and light rail operators and mechanics. In that capacity, she handled a wide range of labor law activities, from negotiation to litigation on representation and other issues. Ms. Mansfield also arbitrated cases for the union and negotiated labor agreement and labor protective agreements for transit workers.

She earned her J.D. (Doctor of Law) degree from the Northeastern University School of Law in 1978, was a Ford Foundation Fellow in Political Science at the University of Minnesota, and graduated Phi Beta Kappa from Johns Hopkins University in 1974. Ms. Mansfield is admitted to the United States Supreme Court, District of Columbia and Wisconsin bars, and is a member of the American Bar Association and the Industrial Relations Research Association. Ms. Mansfield resides in Arlington, Virginia, with her two children.

LARRY GIBBONS, Deputy Chief of Staff – Mediation

Larry Gibbons was named Deputy Chief of Staff for Mediation on April 22, 2002. He joined the NMB in September, 1997, serving as a Senior Mediator responsible for the administration of mediation cases in the airline and railroad industries. As a Senior Mediator, he also remained active as a mediator in airline and railroad cases, and as a facilitator in ADR cases. Beginning on March 10, 2002, he briefly served as the Acting Deputy Chief of Staff.

The Chief of Staff manages the workforce and operations of the Board. As the Deputy Chief of Staff for Mediation, Mr. Gibbons assists the Chief of Staff by directly managing the Agency's mediation function, and by working at the Chief of Staff's direction with all of the Board's mission areas. At the direction of the Chief of Staff, and in concert with the Deputy Chief of Staff for ADR Development and Technology, he performs trouble-shooting in areas of special concern, represents the COS in various forums, acts for the Chief of Staff when designated to do so, and carries out a variety of special projects.

Mr. Gibbons has more than 30 years of experience in personnel and labor relations, practicing under both the NLRA and RLA. Prior to joining the NMB, he 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.

He is married, and has two children and one grandchild.

DANIEL RAINEY, Deputy Chief of Staff – ADR Development & Technology

Daniel Rainey was named Deputy Chief of Staff for ADR Development and Technology in April, 2002.

He manages the development of the Board's Alternative Dispute Resolution (ADR) program, including its Interest Based Bargaining (IBB) and Grievance Mediation (GM) training and facilitation for parties in the airline and railroad industries. Working with the DCOS-Mediation, and the Senior Mediator-ADR, he works to develop and extend the Agency's alternative dispute resolution program by reviewing and improving current programs and extending the ADR program into new areas. As part of his ADR responsibilities, he serves as the agency's Ombudsman.

He has administrative responsibility for the NMB staff development and program development functions, research program, and public information/public affairs program. At the Chief of Staff's direction, he works with all of the Board's mission areas to enhance development efforts for individuals and programs.

Working with the NMB's CIO and the IT contractor, he has responsibility for the application of technology to the NMB mission areas and for the day to day supervision of IT employees providing IT support.

At the direction of the Chief of Staff, and in concert with the Deputy Chief of Staff for Mediation, he performs trouble-shooting in areas of special concern, represents the COS in various forums, and acts for the Chief of Staff when designated to do so.

For five years immediately before coming to the Board, he was the President of Holistic Solutions, Inc., an independent, Virginia-based consulting firm specializing in conflict management, including mediation, facilitation and training. In the early 1990's he was the Senior Vice President of J. Cooper & Associates, a Washington, DC, firm engaged in alternative dispute resolution program design and delivery. From 1978 through 1990 he was a faculty member at George Mason University in Fairfax, Virginia.

He is a member of the Association for Conflict Resolution (ACR - formerly SPIDR), the Virginia Association for Conflict Resolution (VA-ACR, formerly the Virginia Society of Professionals in Dispute Resolution), and the Industrial Relations Research Association (IRRA), and he is co-Chair of the Association of Labor Relations Agencies (ALRA) Technology Committee.

OFFICE OF LEGAL AFFAIRS

MARY JOHNSON, *General Counsel*

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 the Chief of 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 NMB 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 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.

NMB STAFF

AGENCY DIRECTORS and SENIOR MEDIATORS

June D. W. King
Chief Financial Officer/Chief Information Officer

Les A. Parmelee
Senior Mediator

Linda Puchala
Senior Mediator (ADR)

Patricia Sims
Senior Mediator

Roland Watkins
Director, Arbitration Services

COUNSELS and STAFF-OFFICE OF LEGAL AFFAIRS

Maria-Kate Dowling*
Associate General Counsel, Office of Legal Affairs

Sean J. Rogers**
Senior Counsel

Cristina Bonaca
Counsel

Eileen M. Hennessey
Counsel

Susanna Fisher
Counsel

Libby Angelopoulos
Paralegal Specialist

Judy Femi
Freedom of Information Officer

Robin Stein
Paralegal Specialist

Paul Foley
Legal Intern
* *Appointed Associate General Counsel in September, 2003*
** *Resigned July 31, 2003*

MEDIATORS

Terri Brown

Samuel Cognata

Rich Frey

R.A. "Dick" Hanusz

Denise Hedges

Zachery Jones

Jack Kane

Brad Laslett

Fred Leif

John Livingood

Gale Oppenberg*

Laurette Piculin*
* *Retired September, 30, 2003*

BOARD MEMBER CONFIDENTIAL ASSISTANTS

Anne Woodson
Confidential Assistant to Chairman Fitzmaurice

Barbara Casey
Confidential Assistant to Member Duggan*

John Looney
Confidential Assistant to Member Hoglander
* *Member Duggan served as Chairman through June 30, 2003*

STAFF - OFFICE OF CHIEF OF STAFF

Joyce Blackwell
Confidential Assistant to the Chief of Staff

Joyce Beech*
Administrative Assistant

Anita Bonds
Administrative Assistant (Mediation Support)

Eric Weems
Paralegal Specialist (Mediation Coordinator)
* *Retired*

STAFF - ARBITRATION

Carol Conrad
Lead Program Assistant

Linda Gaithings
Arbitration Assistant

Carolyn Washington
Administrative Assistant

Kimberly Ybanez
Arbitration Assistant

Sabrina Allen
Student Trainee

STAFF - FINANCE & ADMINISTRATION

Cynthia Carver
Accountant

Shawn Fogleman
IT Contractor

Florine Kellogg
Administrative Support Assistant

Grace Ann Leach
Senior Project Manager

Sharon Matthews
Travel and Accounting Assistant

Larry B. Slagle
Personnel Contractor

Janice Smith-Sphinx*
Lead Finance and Purchasing Specialist

Denise Vines
Supervisory Financial Administrative Specialist

Ernest Ghameshlougy
Student Trainee
* *Retired*

STAFF - ADR DEVELOPMENT AND TECHNOLOGY

Donald West
Public Information Officer

Rachel Barbour
Mediation Research Specialist

Ayeola Alexander
Student Trainee

Nicole LaRosa
Student Trainee

Susan Brown
Records Management Contractor

Annie Kearney*
Records Officer
* *Retired*

NMB MISSION STATEMENT

The National Mediation Board (NMB), established by the 1934 amendments to the Railway Labor Act (RLA) of 1926, is an independent agency performing a central role in facilitating harmonious labor-management relations within two of the nation's key transportation sectors: the railroads and airlines. Pursuant to the RLA, NMB programs provide an integrated dispute resolution process that effectively meets the NMB's statutory mandate to minimize work stoppages in the railroad and airline industries by securing voluntary agreements. The NMB's integrated processes are designed to promote three goals:

1
The prompt and orderly 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 prompt and orderly resolution of disputes over the interpretation or application of existing agreements.

FINANCIAL STATEMENT FY2003

In fiscal year 2003, the Congress appropriated \$11,315,000 minus a rescission of \$73,548, for a net appropriation of \$11,241,452.

EXPENSES AND OBLIGATIONS:	2003 ACTUAL
Personnel compensation	\$6,362,809
Personnel benefits	1,078,963
Benefits for Former Personnel	0
Travel and transportation of persons	682,400
Transportation of things	7,978
Rent, communications and utilities	1,202,014
Printing and reproduction	47,691
Other services	778,160
Supplies and materials	151,436
Equipment	575,747
Unvouchered	3,000
Sub Total	\$10,890,198
Unobligated Balance Expiring	351,254
Total	\$11,241,452

NATIONAL MEDIATION BOARD

FY 2003 →

HIGHLIGHTS



1

TELEPHONE ELECTRONIC VOTING

FY 2003 marked the first full year of the Board's telephone electronic voting (TEV) system.

TEV replaces the traditional paper ballot process for representation elections. Instead of mailing out paper ballots and counting them by hand, each potential voter is given two identification numbers that together allow access to a secure electronic voting system. Voters use the keypad of any touch tone phone to dial up the system, enter their identification numbers, and record their vote.

The NMB's TEV system uses technology pioneered by major corporations for shareholder votes, and is protected by

several layers of security, making voting both easy and safe.

During FY 2003, the TEV system handled elections with fewer than 20 potential voters, and with as many as 16,000 potential voters – all with no breakdowns, no security lapses, and no complaints.

With a year of experience, the NMB can offer the following observations about the impact of TEV on representation elections: the rate of participation among potential voters is about the same as with paper ballots, and the win/lose ratio for unions seeking representation rights is about the same as with paper ballots.

2

VIDEO TELECONFERENCING

The NMB has financial responsibilities for railroad arbitration in that it pays the salary and travel expenses of arbitrators. Arbitration hearings in the railroad industry usually involve travel for three sets of participants: the union representative(s), the company representative(s), and the arbitrator. In most cases, setting up and getting to the hearings is a costly process involving air travel, rental cars, and hotel rooms.

During FY 2003, the NMB took steps to address the cost of arbitration hearings by inaugurating agreements with the National Labor Relations Board (NLRB), the Union Pacific Railroad, Norfolk Southern Railroad, and the National Association of Railroad Referees (NARR) that will encourage the use of video teleconferencing for appropriate arbitration hearings.

Using the carrier systems and the NLRB system, arbitrators and representatives may be in two or three locations, close to their homes or work places, and still engage in the full range of activities inherent in arbitration hearings with all of the parties in one room. As the system expands and more use is made of the available facilities, the NMB expects to see travel costs for arbitration fall, an economy that will allow the Agency to increase services and productivity.

The NLRB system interface with the carriers was fully tested during FY 2003. The first use of the system is scheduled for January 8, 2004, involving Norfolk Southern and the Brotherhood of Locomotive Engineers and Trainmen (BLET).

ONLINE DISPUTE RESOLUTION

3

Online dispute resolution (ODR) is an idea whose time seems to have come in the worlds of dispute resolution and conflict management. Beginning in the late 1990's, computer networks were seen as a possible adjunct to the face-to-face work done by third parties sitting at the "table" with disputants. Early efforts were interesting, but with the advent of new networking tools and some strong advocates, ODR is now more than a curiosity – it is a tool that third parties can rely on to assist the traditional processes.

The NMB has embraced ODR as a tool that should be available to all of its mediators, and during FY 2003 the Agency took a number of concrete steps to make ODR available.

First, the NMB began partnerships with the W. J. Usery Center for the Workplace

and Online Dispute Resolution that brought together the leading proponents and practitioners of ODR. This critical mass of ODR talent will guide the NMB as it brings ODR to the work of the Agency, and ensure that the best of what is available is applied intelligently to disputes in the airline and railroad industries.

Second, the NMB offered its support to the University of Massachusetts-Amherst in the pursuit of a National Science Foundation grant to expand the knowledge and application of ODR. If successfully obtained, the NSF grant will use the Board's grievance mediation program as a research base to investigate application and implementation of ODR to grievance mediation generally. This effort will ensure that the NMB is involved in developing the best ODR tools for use in the future.



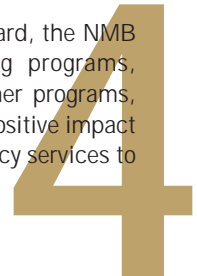
THE USERY CENTER

In FY 2003, the NMB established a partnership with the W. J. Usery Jr. Center for the Workplace at Georgia State University. Part of the work being done under the umbrella of the partnership involves online dispute resolution, but the partnership is much broader than ODR.

Already the Center and the NMB have jointly offered pre-mediation training to Northwest Airlines and the International Association of Machinists and Aerospace

Workers, and they have jointly sponsored a Continuing Legal Education (CLE) course on the Railway Labor Act for attorneys practicing under the Act.

As the partners move forward, the NMB envisions further training programs, research projects, and other programs, all of which have a direct positive impact on the delivery of the Agency services to the industries.



5

NMB WEB SITE

The NMB web site (www.nmb.gov) is the Agency's immediate link to the parties and the public. During FY 2003 the site continued to improve, offering a wide array of information and services, including:

- :: A full list of agency officials and employees;
- :: Up to date Activity Reports;
- :: The latest information regarding Board activity announced in press releases;
- :: Contact information for public inquiries;
- :: Frequently Asked Questions (FAQ's) for each mission area;
- :: ADR training schedules;
- :: The NMB Representation Manual;

- :: Full text of NMB Determinations;
- :: NMB Arbitrator Roster Application;
- :: Full text of the Railway Labor Act (RLA);
- :: The NMB Strategic Plan;
- :: The NMB Agency Performance Plan;
- :: NMB Annual Reports;
- :: Application forms for NMB Services;
- :: Links to related web sites.



RAILWAY LABOR ACT AND NMB FUNCTIONS



The Railway Labor Act 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, voluntary arbitration in contract negotiations, and potential Presidential Emergency Boards to enhance dispute resolution. Key amendments to the Act in 1934 established the current three-member National Mediation Board and authorized the resolution of employee representation disputes by the NMB. In 1936, the RLA's jurisdiction was expanded to include the airline industry. The Act's most recent substantive amendment in 1981 permitted the creation of specialized Presidential Emergency Boards for collective bargaining disputes at certain commuter railroads.



OVERVIEW OF FISCAL YEAR 2003

Pursuant to the Railway Labor Act (RLA), NMB programs provide an integrated dispute resolution process that effectively meets the statutory objective of minimizing work stoppages in the airline and railroad industries by securing voluntary agreement. The NMB's integrated processes are designed to promote three statutory goals:

:: The prompt and orderly resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements,

:: The effectuation of employee rights of self-organization where a representation dispute exists, and

:: The prompt and orderly resolution of disputes over the interpretation or application of existing agreements.

In order to effectuate the purposes of the RLA, NMB services are organized into three areas, corresponding to the types of disputes handled by the Agency: mediation and alternative dispute resolution, representation, and arbitration.

MEDIATION AND ADR

The RLA requires labor and management to make 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 bargaining between the parties must commence promptly and continue in an effort to conclude a new collective bargaining agreement or narrow their differences. Should the parties fail to reach agreement during direct negotiations, either party, or the parties jointly, may apply to the NMB for mediation. (An application for the NMB's mediation services may be obtained from the Agency's web site at 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. The NMB mediators apply a variety of dispute resolution techniques, including traditional mediation, interest-based problem solving, and facilitation.

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 promptly releases the parties from formal mediation. This release triggers a thirty-day cooling off period. During this thirty-day period, the Agency will continue to work with the parties to achieve a peaceful 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. Lawful self-help includes carrier-imposed working conditions or a strike by the union.

The RLA also permits the NMB to recommend to the President of the United States the establishment of a Presidential Emergency Board (PEB) to investigate and report on the dispute if, in the Agency's opinion, the dispute threatens "substantially to interrupt interstate commerce to a degree such as to deprive any section



of the country of essential transportation services." A PEB also may be requested by any party involved in a dispute affecting a publicly funded and operated commuter railroad. The President appoints the members of a PEB. While emergency board processes are in progress, neither party to the dispute may exercise self-help.

In addition to traditional mediation services, the NMB also provides Alternative Dispute Resolution (ADR) services. ADR services include facilitation, training and grievance mediation. The purpose of the Board'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 over time its ADR services will reduce and narrow the disputes which the parties bring to mediation.

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.

The RLA's 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.) The investigator assigned to the case has the responsibility to determine if the craft or class the organization seeks to represent is system-wide and otherwise valid. The NMB's election procedures require that the application must be supported by a sufficient employee showing of interest to warrant continuing the investigation. If the employees are not represented for collective bargaining purposes, a thirty-five percent showing is required. If the craft or class covered by the application already 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 tele-

phone electronic election. Only employees found eligible to vote by the NMB are permitted to participate in the 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 and interest arbitration. Grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA. The NMB has significant administrative responsibilities for the three sources of grievance arbitration in the railroad industry. These sources are the National Railroad Adjustment Board established under the RLA, as well as the 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's Roster of Arbitrators may be obtained from the Board's web site at www.nmb.gov.) The NMB also has substantial financial responsibilities for railroad arbitration proceedings in that it pays the salary and travel expenses of the arbitrators. 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 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 the individual to resolve the dispute. (In some instances, the parties' agree to arbitrate which allows the NMB to directly appoint an arbitrator.) The interest arbitration decision is final and binding with very narrow grounds for a judicial appeal.

MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION SERVICES (ADR)

In FY 2003, the NMB's mediation and ADR staff continued to deliver outstanding service to the airline and railroad industries, and to the public. In a year in which the airline industry continued to suffer economic losses, NMB's mediators were once again challenged to a high degree to assist the parties in reaching settlements that addressed their respective constituents' varied interests. As the customer service figures show, FY 2003 was another very successful year in meeting Agency goals. More importantly, the Board's overall performance reinforced the stability of the mediation process and the reliability of its multi-faceted approach to labor-management disputes.

A

MEDIATION/ADR CASES



OVERVIEW OF FISCAL YEAR 2003

To achieve the NMB's overriding responsibility to manage mediation cases effectively, the Agency's performance under its customer service goals may vary during the fiscal year periods. In order to attain voluntary agreements without work stoppages, the Agency does not blindly adhere to the constraints of customer service goals. The NMB may vary these goals in those cases where parties' tactics are inconsistent with the RLA's direction to make all reasonable efforts to make and maintain agreements or otherwise where the complexity of a case may dictate relaxing specific time lines. For example, the NMB may delay making a determination on releasing a case from mediation after 365 calendar days if one of the parties entered mediation with an excessive number of open proposals and was slow to make changes in them and move toward a compromise; or may temporarily recess mediation in a case to give the parties an opportunity to re-evaluate their positions.

FY 2003 was another down year in the combined mediation and ADR case load for the NMB. The case intake and closure rates for FY 2003 are below those of FY 2002 and the five-year average (1998-2002). This result was caused by several factors including the cyclic nature of contract amendable dates and several carriers and unions negotiating extensions to existing

agreements prior to their amendable dates. The five-year average of new cases docketed is 106 cases: in FY 2003, the Board docketed 82 new cases, falling below the five-year average by 23 percent. Despite the results of both FY 2002 and FY 2003, which were well below our five year average, the outlook for case activity in the coming fiscal years is for an increasing case load.

During FY 2003, the Agency met or exceeded its customer service goals in the majority of the established customer service standards during FY 2003. In the areas of timely docketing of cases, assignment of mediators, initial contact with the parties, and establishment of the first mediation session, the NMB substantially met or exceeded its goals. In FY 2001, the NMB adopted two new mediation goals: (1) reaching agreements after no more than 45 days of mediation meetings and (2) reaching agreements within 365 days of case docketing. In FY 2003, the Agency achieved a 95 percent success rate in closing cases in 45 days of mediation or less compared to 93 percent success rate in FY 2002. In the second goal, the Agency brought 59 percent of cases to closure in 365 days or less compared with an 80 percent success rate in FY 2002. Cases docketed before the new goals became effective in FY 2001 are excluded from the equation.



HIGHLIGHTS DURING FISCAL YEAR 2003

In FY 2003, the railroad industry continued to experience lower overall profitability, exacerbated by the lengthy non-RLA dockworkers strike on the West Coast. The airline industry continued to suffer widespread losses. Indeed the nine largest air carriers entered FY 2003 with a loss of over \$7 billion in FY 2002. Moreover, the success of low-cost carriers such as JetBlue, AirTran and Southwest affected the recovery of the full-service carriers who continued to lower their fares to remain competitive.

During FY 2003, United Airlines filed for bankruptcy protection, American Airlines and Midwest Airlines barely avoided bankruptcy filing, and USAirways emerged from bankruptcy after cutting over \$1.9 billion in costs. At each of these carriers, management and the labor unions renegotiated the existing labor agreements. These renegotiated agreements included wage concessions and significantly longer durations. Moreover, thousands of carrier employees were laid off during the year.

By contrast, the rail industry did not experience the same level of volatility. Profits were soft for the freight railroads, but labor disputes did not disrupt operations or significantly lower profits. The National Carrier Conference Committee (NCCC) reached a national agreement with the Transportation Communications Union (TCU) and the Brotherhood of Railroad Signalmen (BRS) in FY 2003, and was close to reaching an agreement with the International Brotherhood of Electrical Workers (IBEW). This is in addition to the previous agreements reached with the United Transportation Union (UTU) and the Brotherhood of Maintenance of Way Employees (BMWE). Nevertheless, over three years after the amendable date, the NCCC has not concluded national agreement nego-

tiations with all of its unions. Amtrak continues to be plagued with budget problems; but managed to reach an agreement with the TCU late in the year. With all of its approximately 25 labor agreements open for negotiation and seven in mediation, Amtrak presents a continuing challenge to the Board Mediators in FY 2004.

Cooling-off Periods and Self-help Activity. Unlike the two preceding fiscal years, in FY 2003 no major airline entered a 30 day cooling off period. In FY 2003, two smaller air carriers (Pan American Airways and its flight attendants represented by the Association of Flight Attendants (AFA), and Care Flight and its pilots represented by the Office and Professional Employees International Union (OPEIU)) entered into a cooling off period. Care Flight/OPEIU reached an agreement during the cooling off period with the assistance of Board mediators without resorting to self help. Pan American/AFA did not reach an agreement during the cooling off period but no strike activity took place. On the rail side, only one case entered a cooling off period: the Wheeling and Lake Erie Railroad/BRS. Subsequently, the parties reached and ratified an agreement.

Settlements. In FY 2003 all the mediated cases closed were cases by voluntary agreement without a strike or other legal self-help. While the number of new cases handled by the mediators were once again below the five-year average, the cases continued to be extremely complex due to factors previously mentioned. Thus, the Agency's actual mediation and facilitation activities remained at an intense level, challenging our resources more than the caseload figures would indicate.

The list of air carriers and organizations which reached agreements with NMB assistance but without economic



confrontation is significant and includes: American Airlines/Allied Pilots Association (APA), Continental/International Brotherhood of Teamsters (IBT), Allegheny Air/IBT, Aloha/Air Line Pilots Association (ALPA), America West /IBT, Mesa Air Group/ALPA, Southwest Airlines/IBT, UPS/IBT, Aloha Island Air/IBT, and British Air/International Association of Machinists (IAM), and Airborne Express, Inc. (ABX)/IBT to name a few. In ABX, mediation was complicated by an anticipated transaction involving DHL Worldwide Express in which ABX was spun off as a independent air carrier.

In the rail industry, the NMB helped the parties reach agreements on the national level as well as among the short line and regional railroads. These successes included: NCCC/TCU, NCCC/BRS, DM&E/UTU, Iowa Interstate/TCU, South Buffalo/TCU, Springfield Terminal/IBEW, TP&W/UTU and CSX/ATDD. Of particular interest was the settlement in NCCC/TCU in which the parties agreed to submit wage rates and health and welfare costs to a binding interest arbitration procedure.

Additionally, on the Commuter railroads, Port Authority Trans Hudson (PATH) reached an agreement with the UTU; the New Jersey Transit reached an agreement with the ATDD; and the Northern Indiana (NICTD) Transportation District Commuter with the BMW and UTU.

ADR Services. During FY 2003, the NMB again continued to make significant progress in moving parties toward more constructive dialogue through its training, facilitation and grievance mediation services. The Agency provided training and facilitation services to major and regional airlines, Class 1 and regional railroads, and the unions representing airline and railroad employees. Also during FY 2003, the Agency provided facilitation services

to help parties reach agreements on issues not related to grievances or normal bargaining. This included American Eagle/ ALPA (Pilots) and Comair/ALPA (Pilots).

Other airlines and unions who availed themselves of the Board's IBB services included: DHL/ALPA (Pilots), Kitty Hawk/KHPA (Pilots), United Airlines/IFPTE (Engineers), and UPS/IPA (Pilots).

In FY 2003 the NMB began investigating revisions to its standard Interest Based Bargaining (IBB) and Grievance Mediation training, and development of new training programs to address the crisis period facing the industries. At the end of the fiscal year, the Agency developed a new training program for effective use of the NMB's mediation process. That program was held early in FY 2004 for Northwest Airlines and the IAM at the Usery Center for the Workplace in Atlanta, Georgia.

In the railroad industry, the NMB worked in various forums, including the Wage and Work Rule Panel established by the UTU/NCCC and on-property presentations, to introduce ADR. As noted above, this year the Agency successfully concluded the facilitation of an entire agreement between CSX and its Dispatchers (represented by the ATDD) using the IBB process. Other significant efforts in the railroad area included the use of IBB to facilitate contract bargaining with the CSX/UTU, NICTD/BMWE, and UP/BLE

In addition to training and facilitation services associated with Section 6 bargaining, the NMB provided training and grievance mediation services which resulted in a reduction of the number of cases going to arbitration or the bargaining table. The carriers and unions involved in grievance mediation include DHL/ALPA, Aloha Air/ALPA, ASA/AFA, Mesa Air/AFA, PSA/AFA, and Horizon/AFA.

Commuter Rail Labor Management Relations. During FY 2003, the Agency co-sponsored a labor/management relations conference with rail management and labor groups. The conference was designed to bring the groups together to discuss critical and timely issues facing both parties in the commuter rail sector.

Airline Labor Management Relations. During FY 2003, the Agency worked with the Sloan Business School at the Massachusetts Institute of Technology (MIT) to co-sponsor a labor/management relations conference with airline management and labor groups. The conference was designed to candidly address issues facing labor and management in critical economic times. The conference produced an ongoing working committee of labor and management representatives, which NMB representatives attend.

Union Affairs. During FY 2003, the battle between Aircraft Mechanics Fraternal Association (AMFA), an independent union, and member unions of the AFL-CIO continued, with AMFA taking the representation of the mechanics from the IAM at United Airlines and from the IBT at Southwest Airlines. In addition, an independent union, the Professional Flight Attendants Association (PFAA) successfully won representation of the Flight Attendants at Northwest from the IBT.

Due to industry layoffs during FY 2003, AFA entered into merger discussions with several unions. Additionally, the merger talks between the BLE and the IBT culminated in a vote which was in progress at the end of FY 2003.

J. W. Usery Jr. Center For The Workplace. In July, 2003, the NMB signed a memorandum of understanding with the Usery Center for the Workplace to inaugurate an ongoing joint effort to develop training and research valuable to the Agency and the industries it serves. The Center, located on the campus of Georgia State University, has worked with other institutions to study and improve labor-management relations. The focus of the Center's work with the NMB will be to develop training and research that will be available to Agency employees and to labor and management representatives from the airline and railroad

industries. As the fiscal year closed, the NMB set up a training program for Northwest Airlines and the IAM at the Center and was developing legal training programs with the Center.

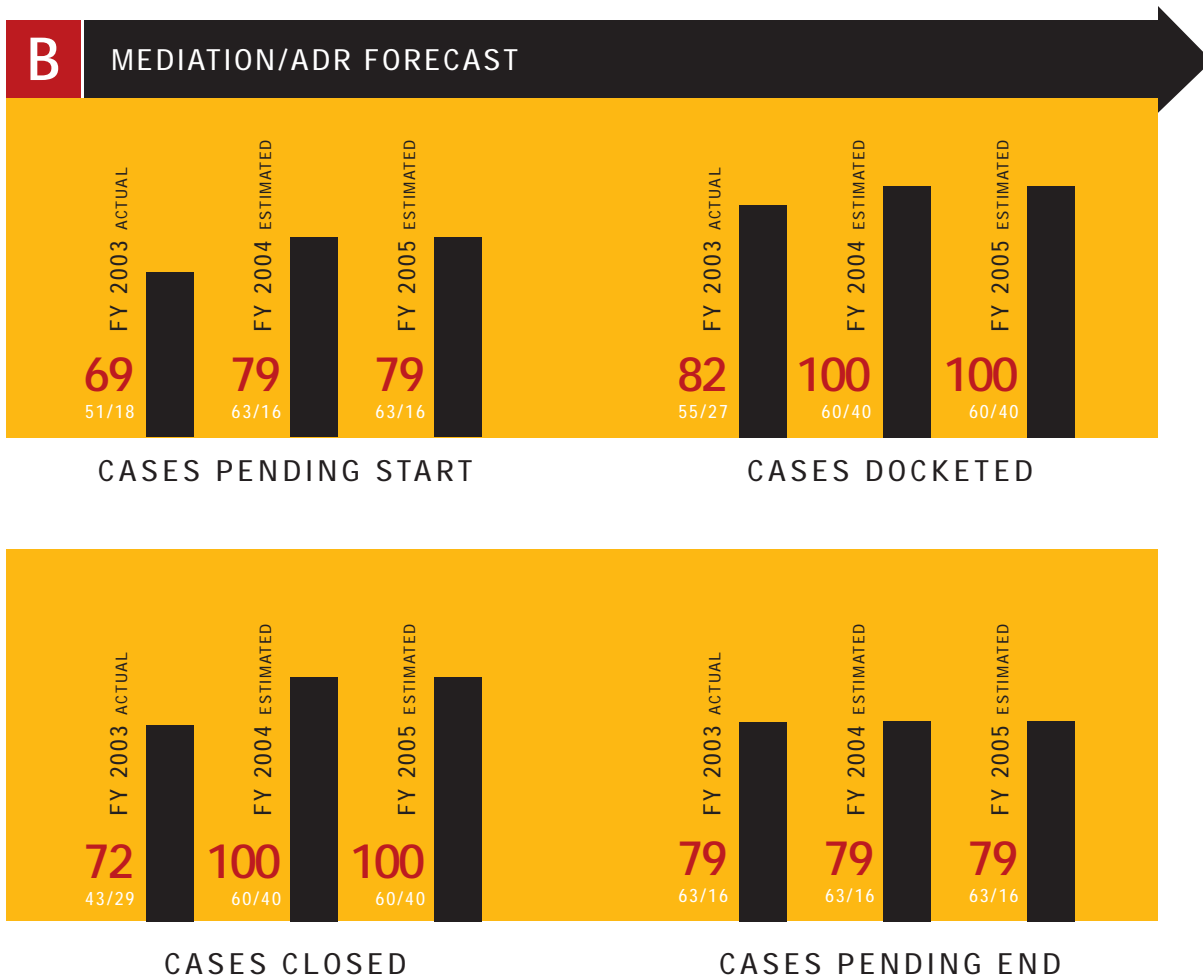
Pending Cases. At the end of FY 2003, several significant airline cases remained in mediation including Mesaba/ALPA. All of these cases are proving to be extremely difficult given the current collective bargaining environment.

In the rail industry, the National Carriers' Conference Committee (NCCC) remained in mediation with four groups, BLE, IBEW, IAM, and SMWIA. AMTRAK continues in mediation with the BMW, SMWIA, IBB&B, IBEW, BRS, and IAM. While AMTRAK settlements traditionally follow those set by the NCCC, their current funding situation has caused unique problems in reaching a settlement. Several Short Line and Commuter Rail Roads are also in mediation including Union Railway/UTU & USWA, SEPTA/UTU, PATH/RITU, NICTD/UTU, Belt Railway/BRS, and IC&E/IBT/BLE.

FORECAST FOR FY 2004 AND FY 2005

It is always a challenge to specifically forecast which disputes may require the mediation services of the NMB in the upcoming fiscal years. Additionally, various circumstances led some carriers and unions to agree to long term contract extensions versus entering into full Section 6 negotiations.

In the airline industry, several key contracts are either currently open for negotiation or become amendable between now and the end of FY 2005. These contracts include: Continental and Continental Express/ALPA (Pilots), Northwest Airlines/IAM (Fleet and Passenger Service), Northwest Airlines/ALPA (Pilots), Northwest Airlines/AMFA (Mechanics), Southwest Airlines/AMFA (Mechanics), Mesaba/AMFA (Mechanics), DHL/ALPA (Pilots), FEDX/ALPA (Pilots), UPS/IPA (Pilots), Comair/IAM (Mechanics), and Alaska/ALPA (Pilots). In the rail industry, National Handling and AMTRAK will continue to be a major focus of the NMB. The regional



railroads will continue to negotiate new contracts as settlements are reached with the Class I railroads. In the commuter rail industry, Metro North, SEPTA, PATH, and New Jersey Transit will be in bargaining with all of their unions.

In summary, FY 2004 and FY 2005 will be challenging years and will likely tax Agency resources. While the number of cases docketed and closed fell during FY 2003, the NMB predicts that it will increase to levels closer to the five-year average in FY 2004 and FY 2005 (see figure B).

Overall, the Agency projects that FY 2004 and FY 2005 will see 100 new mediation/ADR cases. While this estimate is slightly below the five-year average, it is reliant upon the anticipated negotiations projected in the next two years based on amendable dates. Based on these projections for new cases and assuming the current high rate of mediator productivity, the NMB should continue to meet its mediation performance plan goals.

REPRESENTATION

During FY 2003, the NMB's Office of Legal Affairs (OLA) continued to operate at a high level of quality and efficiency. As a review of customer service standards and performance will attest, the Agency's Representation program is in a state of constant improvement, delivering outstanding services to the parties and the public.



C

REPRESENTATION CASES



CASES PENDING START



CASES DOCKETED

OVERVIEW OF FISCAL YEAR 2003

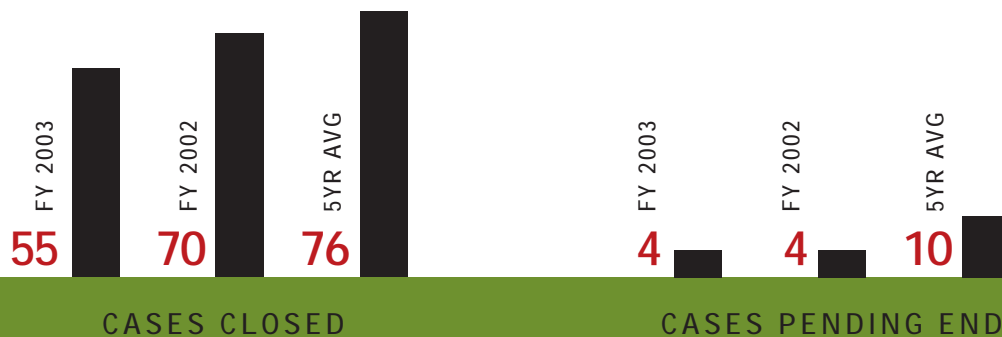
The Office of Legal Affairs (OLA) staff closed and docketed an equal number of cases during the year (55 closed; 55 received). This pattern of case intake, closure, and volume is consistent with the previous five-year average of case activity (FY 1998-FY 2002). As a result of this productivity, the Agency had only 4 cases pending at the end of FY 2003, none of which will be older than 180 days. Moreover, the number of cases pending at the end of FY 2003 (4) is the same as for FY 2002 (4) and lower than the previous five-year average (10). With the Agency resources requested for FY 2005, it is projected that case closings will continue to be investigated and resolved at this same pace over the next several fiscal years.

The NMB substantially met all of the standards set for representation cases under its FY 2003 Annual Performance Plan. Cases are managed using nine benchmarks covering the key phases of the Agency's investigation: Response to representation applications; Investigator assignment; Showing of interest determination; Timely response following ballot count; Overall timely resolution; Timely resolution of interference issues; Timely resolution of predocketing investigations; Prompt resolution of jurisdictional referrals from the National Labor Relations Board (NLRB); and Prompt issuance of Board level decisions after receiving a staff recommendation. Five of the Representation customer service standards were modified for FY 2003: NMB response to representation applications will be made within two business days instead of three; An investigator will be assigned within two business days instead of three; Board decisions involving allegations of interference will be issued within 180 calendar days of

docketing compared to 270 days in FY 2002; Predocketing investigations will be completed within 120 calendar days following the Investigator's assignment to the case instead of 180 days in FY 2002; and Jurisdictional opinions will be provided to the NLRB within 120 days from the date the jurisdictional referral from the NLRB headquarters is assigned to an Investigator compared to 180 days in FY 2002.

The standards for timely case processing were fully satisfied within our projected goals during FY 2003. In particular, the NMB responded to representation applications within two business days in 96 percent of all cases; assigned an Investigator to representation cases within two business days in 100 percent of all cases; determined there was a sufficient showing of interest to authorize an election or dismiss a case within 45 calendar days in 93 percent of all cases; issued certifications or dismissals within the next business day of ballot counts in 94 percent of all cases; and completed representation investigations within the 90 calendar day goal set for non-appellate cases in 90 percent of all cases.

The Office of Legal Affairs improved its customer service through the development and implementation of a new system for representation elections - Telephone Electronic Voting (TEV). The TEV system replaces the old mail ballot system of voting in representation elections, allowing for easier administration and lower costs for the agency. Voter confidentiality and ballot integrity is guaranteed by a system of dual passwords for each voter, and by a state-of-the-art system of encryption, firewall protection, and physical separation of servers by



the Agency's contractor. The contractor has extensive experience in the TEV field, and is the contractor for numerous Fortune 500 companies which use TEV services for stockholder votes and other sensitive information gathering purposes. The TEV system was fully implemented in October 2002 and has handled 29 TEV elections during FY 2003. Seeking to further enhance the TEV system, the NMB requested comments from the carriers and organizations on two separate occasions during FY 2003 – January 14, 2003 and June 19, 2003. In October 2003, the Agency issued changes to the TEV system based upon the solicited comments which reduced the minimum voting period and provided for randomly generated personal identification and voter identifications members.

HIGHLIGHTS DURING FISCAL YEAR 2003

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 that the employees' 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 2003.

United Airlines/International Association of Machinists/Aircraft Mechanics Fraternal Association.

On March 6, 2003, the Aircraft Mechanics Fraternal Association (AMFA) filed an application alleging a representation dispute involving Mechanics and Related Employees at United Airlines (Carrier). At the time of the application, the International Association of Machinists (IAM) represented the Mechanics on United. On April 1, 2003, the Carrier filed a Motion to Stay Representation Proceedings. United argued that a combination of circumstances supported its Motion, including United's filing of bankruptcy, the war in Iraq, and the enormous size of the craft or class. The IAM filed a statement with the Board and requested that the Board take cognizance of the bankruptcy proceedings. The NMB denied the Carrier's Motion, citing the Agency's consistent practice to proceed with representation elections as expeditiously as possible. The NMB found a dispute to exist and authorized an election using Telephone Electronic Voting on April 30, 2003. Both the IAM and AMFA filed objections to the list of Potential Eligible Voters on May 21, 2003. The Organizations argued that employees with a "Non-Contract Layoff" status were ineligible because they were laid off and did not retain rights under a collective bargaining agreement. The NMB issued rulings on June 12, 2003, and the Carrier appealed the ruling on July 1, 2003. United argued the employees had competitive rather than seniority based recall rights. The NMB upheld the rulings of the Investigator, finding that there was insufficient evidence that the employees in question retained an employer-employee relationship and had a reasonable expectation of work. The tally was held on July 14, 2003. Of 13,144 eligible voters, the IAM and AMFA received 2,997 and 5,234 votes, respectively. On July 15, 2003, AMFA was certi-





fied as the authorized representative of Mechanics and Related Employees at United.

Pinnacle Airlines/Paper, Allied Industrial, Chemical and Energy Workers International Union.

The Paper, Allied Industrial, Chemical and Energy Workers International Union (PACE) filed an application alleging a representation dispute among Fleet and Passenger Service Employees of Pinnacle Airlines (Carrier) on April 23, 2002. The NMB ordered a mail-ballot election on May 22, 2002. The election was held on July 9, 2002, and on July 10, 2002, the Agency dismissed the application. PACE filed election interference allegations with the Agency on July 17, 2002. PACE contended that Pinnacle tainted the laboratory conditions in numerous ways, including: engaging in surveillance of employees; granting benefits during the election period; terminating employees who supported PACE; establishing an employee relations committee, and failing to post NMB notices as required. The Carrier denied interfering with the election. The Agency found that changes in benefits were either planned in advance or temporary due to business necessity, and therefore did not taint the laboratory conditions. Additionally, the NMB determined that election notices were posted in a timely manner, and the establishment of an employee committee had no effect on the laboratory conditions. However, the NMB found that the discharge of two employees who were union supporters and the appearance of surveillance tainted the laboratory conditions. The Agency ordered a re-run election using Telephone Electronic Voting procedures. The tally for the election

was scheduled for April 23, 2002. On April 9, 2003, the NMB issued a Notice to all members of the Fleet and Passenger Service Employees at Pinnacle. The Notice explained that due to a clerical error on the part of the Carrier, some of the employees in the craft or class were assigned incorrect Personal Identification Numbers (PINs). The NMB cancelled the scheduled election and set a new tally date of May 28, 2003. On April 11, 2003, PACE filed a Motion for Reconsideration of the NMB's April 9 decision to cancel and reschedule the election. PACE argued that the Carrier's errors compromised employee free choice and warranted additional protection of voter free choice, such as a "Key" or "Laker" ballot. The Agency granted reconsideration but denied the relief requested. A new set of instructions were sent to eligible voters on April 28, 2003. The tally took place on May 28, 2003. PACE was certified as the representative of Fleet and Passenger Service Employees at Pinnacle on May 29, 2003.

America West Airlines, Inc./ International Brotherhood of Teamsters.

The International Brotherhood of Teamsters (IBT or Organization) filed an application with the NMB on August 21, 2002, seeking to represent Passenger Service employees of America West Airlines (Carrier). An election was authorized on September 20, 2002, and the tally was conducted on November 8, 2002. The IBT's application was dismissed on November 12, 2002. The IBT filed a charge of election interference on November 22, 2002. On January 9, 2003, the Agency found that the IBT's allegations stated a prima facie

case that laboratory conditions were tainted and established a timeline for further filings. The IBT asserted that the Carrier engaged in behavior that tainted the laboratory conditions, including threatening employees with loss of benefits; interrogating employees in one-on-one and group sessions; providing misleading and false statements about NMB processes, engaging in surveillance of employees who supported the union, and intimidating and harassing employees who wore union pins. The Carrier denied the allegations, but admitted that local management had misapplied company procedures pertaining to union pins. Additionally, the Carrier alleged that the IBT attempted to coerce employees into voting by threatening them, attempting to compile a list of employees who had voted, and by organizing a lottery for those employees who had voted for the union. The NMB found that the laboratory conditions had not been tainted. In support of its decision, the Agency found that the Carrier's statements that pay and benefits would be subject to the collective bargaining process were not inaccurate or coercive; there was no evidence that the Carrier interrogated, intimidated, or surveilled employees; and the record revealed that meetings were not mandatory but rather voluntary. Lastly, the NMB found insufficient evidence that IBT communications interfered with the voting process and no evidence that a lottery ever took place.

Northwest Airlines, Inc./International Brotherhood of Teamsters/Professional Flight Attendants Association. The Professional Flight Attendants Association (PFAA) filed an application seeking to represent Flight Attendants of Northwest Airlines (Carrier) on March 10, 2003. At the time of the application, these employees were represented by the International Brotherhood of Teamsters (IBT). Of 10,941 eligible voters, the PFAA and the IBT received 4,857 and 3,916 votes, respectively. On June 20, 2003, the NMB certified PFAA as the authorized representative of Flight Attendants at Northwest.

US Airways, Inc./International Association of Machinists and Aerospace Workers, AFL-CIO.

The International Association of Machinists and Aerospace Workers (IAM) filed an application with the Board on May 8, 2002, seeking to represent personnel described as "Inflight Training Specialist/Ground Instructors" of US Airways, Inc. (Carrier). The Carrier argued that Inflight Training Specialists do not constitute a separate craft or class, but rather were part of the craft or class of Office Clerical Employees. The Carrier

noted that the NMB has never found that Flight Attendant Instructors who did not fly the line to constitute a separate craft or class. Additionally, the Carrier stated that Inflight Training Specialists are selected in the same manner as other management and administrative employees. The IAM disagreed with the Carrier's contentions, arguing instead that the Inflight Training Specialists do not share a work related community of interest with the Carrier's Office Clerical Employees. The NMB found that Inflight Training Specialists do not share a community of interest with Office Clerical Employees, but rather constituted a separate craft or class. In support of its decision, the Agency cited numerous aspects of the Inflight Training Specialists duties, such as interaction with Flight Attendants and trainees, classroom training, curriculum development, and the use of various electronic training equipment to conduct their training. The NMB found that a dispute existed among Inflight Training Specialists and ordered an election using Telephone Electronic Voting. On November 5, 2002, the carrier filed a Motion for Reconsideration. The Carrier argued that the Agency's decision could not be reconciled with NMB precedent and was inconsistent with Agency policy against fragmentation of crafts or classes. The IAM asserted that the Carrier's Motion should be denied. Upon reconsideration, the NMB denied any relief, noting that the Carrier merely asserted arguments made in previous submissions. On January 22, 2003, the Agency dismissed the IAM's application after less than a majority of the eligible voters cast ballots in the election.

Delta Airlines/Association of Flight Attendants.

On August 29, 2001, the Association of Flight Attendants (AFA) filed an application to represent Delta's Flight Attendants. AFA asserted that Delta interfered with employee free choice during the organizing campaign and requested that the NMB conduct an election using a "Laker" ballot, instead of the Board's standard ballot. The Board's investigation established that there was an insufficient basis for a "Laker" ballot, but provided AFA with the opportunity to renew its interference allegations in the event that the union lost the election. The ballots were counted February 2, 2002. AFA received 5,520 votes from 19,033 eligible voters. After the count, AFA filed additional allegations of interference. The Agency continued its investigation, which included on-site interviews at several Delta stations. Over 200 witnesses were interviewed by 10 Board investigators. The NMB issued its decision on December 12, 2002. In the determination the Board stated that while

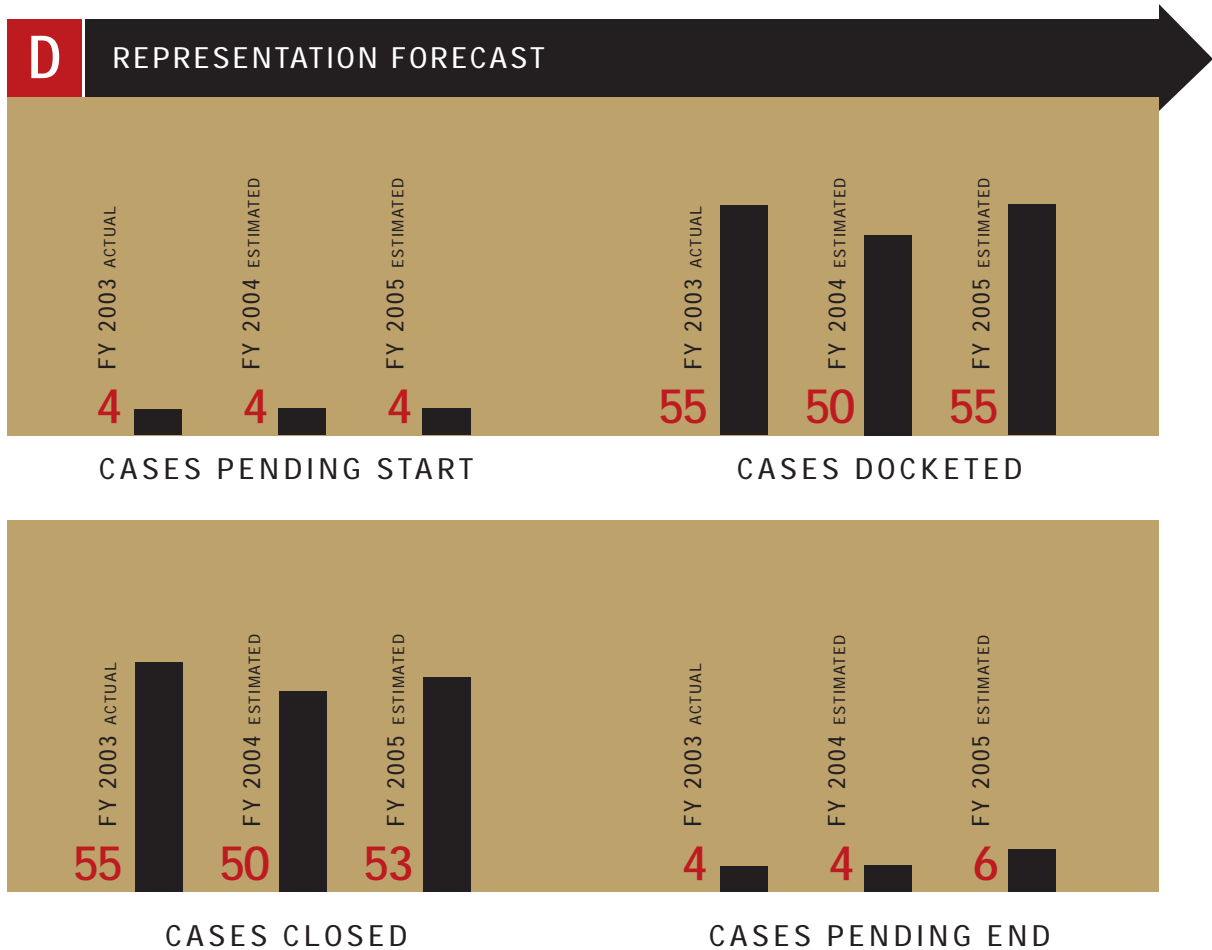
there were isolated incidents of inappropriate conduct on the part of certain supervisors, there is no evidence of a systematic Carrier effort of interference. The NMB closed the file in this matter.

FORECAST FOR FY 2004 AND FY 2005

The NMB will continue to be faced with challenging representation issues to investigate and resolve. It is estimated that 50 and 55 new representation cases will be filed with the Agency during FYs 2004 and 2005, respectively. A continuing volume of new representation cases is expected in FY 2004 and beyond, primarily due to the proliferation of short-line railroads, organizing efforts at the regional airlines, and large organizing campaigns on major carriers. It is also expected that there will be applications for Train and Engine Service Employees on Class I rail-

roads. Moreover, the NMB expects to receive more complicated jurisdictional referrals as carriers become more diversified.

More than 80 percent of railroad industry employees currently are represented by unions. It is likely that those unions will continue to be active in seeking to represent the employees of the newer short-lines during the next decade. Similar organizing activity is expected to take place at the regional airlines. Although approximately 60 percent of employees at the scheduled airlines are organized, the density of union representation for regional airlines is lower. Thus, the pace of organizing activities at regional airlines is likely to remain high for the foreseeable future. This trend has been heightened by the advent of regional jets which have contributed to the explosive growth of many regional carriers.

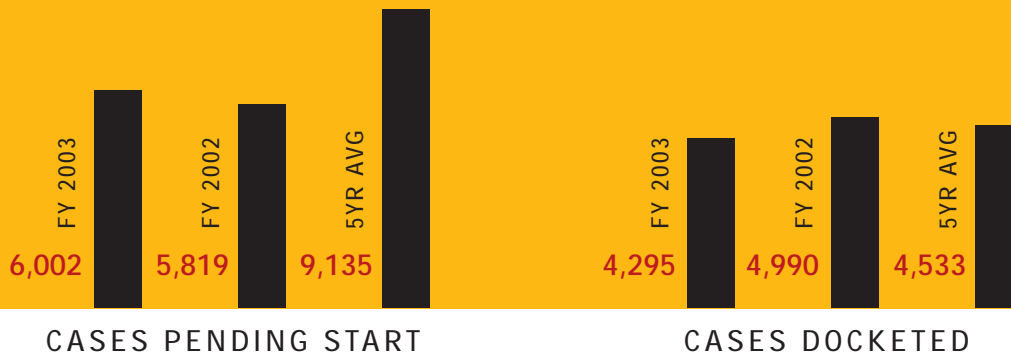


ARBITRATION SERVICES

During FY 2003 the NMB's Arbitration program continued its efforts to streamline procedures and modernize its operations. The National Railroad Adjustment Board (NRAB) changed its procedures to include electronic filings and the reduction of duplicate submissions in the Section 3 grievance and arbitration process.

E

ARBITRATION CASES



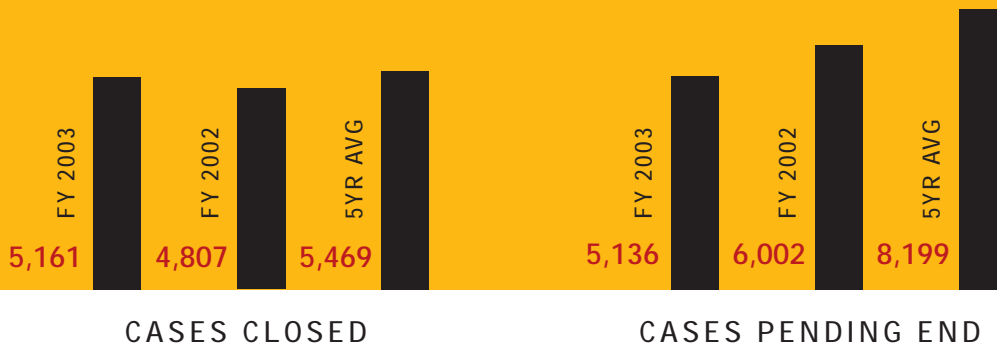
OVERVIEW OF FISCAL YEAR 2003

Although the level of grievance activity handled through the NMB Arbitration program has increased, it is directly affected by the ongoing round of national collective bargaining among the major freight railroads and the rail organizations. Until the bargaining is concluded, there will be unresolved contract administration issues pending in the Section 3 grievance process.

During FY 2003, the parties brought 4,295 cases to arbitration compared to 4,990 cases in FY 2002. In FY

2003, 5,161 cases were closed (compared to 4,807 in FY 2002), leaving 5,136 cases pending at the end of the year. The number of cases pending at the end of FY 2003 is approximately 37 percent lower than the five-year average.

In FY 2003, the Arbitration and the Finance and Administration Department continued to coordinate the Agency's new arbitration performance goal by reimbursing arbitrators within three business days.



HIGHLIGHTS DURING FISCAL YEAR 2003

On February 6, 2003, the Agency met with the Section 3 Committee, comprised of labor and management representatives of Class I freight railroads and the commuter carriers to review Section 3 caseload and administrative procedures. At the meeting, the NMB announced several proposed improvements in Section 3 grievance handling: 1) limiting the number of cases heard and not decided for each arbitrator; 2) reducing the time to decide a case from six months to three months from the date of hearing; 3) completing all

cases filed with the National Railroad Adjustment Board (NRAB) within one year of the notice of intent; and 4) implementing an internal NMB monitoring process to consolidate cases for hearing to assure the most efficient use of government funds. The NMB also announced immediate administrative changes at the NRAB which greatly reduced paperwork submitted to the NMB and introduced technology in the NRAB grievance handling procedures.

The NMB participated in a teleconferencing project which encourages the parties to use teleconferencing for arbitration hearings. The NMB believes that the use of teleconferencing will greatly reduce the funds necessary for arbitrator travel to hear cases. These funds can be reallocated for writing decisions, thereby reducing the current and projected case backlog. By the end of the fiscal year, the NMB had entered into an agreement with the National Labor Relations Board which would permit arbitrators to use its 50 videoconferencing sites for arbitration hearings.

Annual Case Audit. In November 2002, the NMB conducted its annual intensive audit of all cases pending before public law boards and special boards of adjustment. The Agency provided the National Railway Labor Conference (NRLC), Section 3 Committee members, commuter railroads, regional railroads and all labor organizations representing railroad employees with a list of pending cases on these boards. The NMB asked the parties to report any discrepancies between their records and the Agency's records. The same audit procedures have now been extended to the NRAB. All of the carriers and the rail organizations as well as the NRAB responded to the audit. This 100 percent participation confirmed and ensured the accuracy of the NMB's arbitration case management system. During this fiscal year, the Agency initiated procedures to provide for the electronic transmission of the audit reports to the parties. This expedited the audit response process and produced time savings to the Agency.

Forensic Audit. In late April 2003, the NMB advised the arbitrators in the railroad industry that it would conduct a forensic audit of its procedures for compensating arbitrators. The NMB undertook this effort as part of its responsibility to ensure that monies are spent in an efficient and proper manner. The Agency expects a report and recommendations from the audit during FY 2004, allowing the NMB to make changes in its arbitration voucher and accounting 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 this fiscal year, the NMB attended several UTU regional meetings of the general chairmen to promote grievance mediation as a means of resolving disputes. The response to the Agency's presentations was very favorable, and it is anticipated that the organization will avail itself of the NMB services.

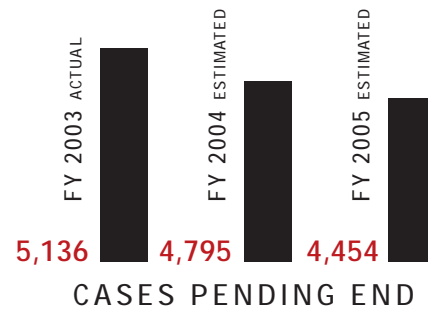
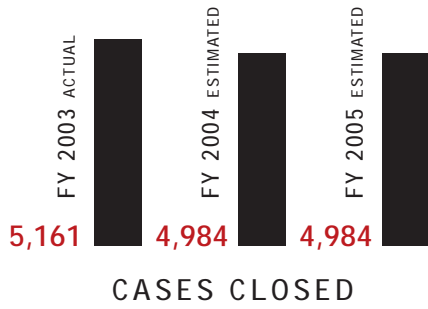
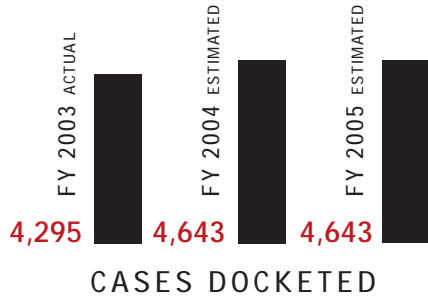
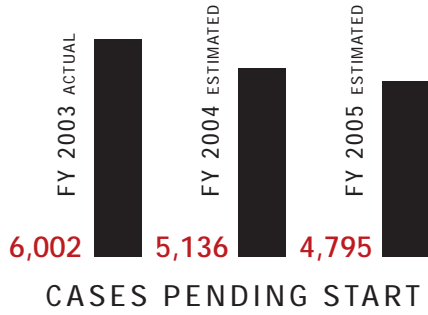
Increasing Arbitrator Productivity. The NMB continued its efforts to increase arbitrator productivity through rigorous enforcement of the six-month rule. Arbitrators who have not issued a decision in the six month period are contacted monthly and "encouraged" to issue those decisions. Through these efforts, the Agency has met this goal in approximately 82 percent of the cases. During FY 2004, the NMB will institute a rule requiring arbitrators to submit their decision within three months from the date of hearing the case.

During this fiscal year, the NMB attended several alternative dispute resolution conferences to recruit new arbitrators for the Roster. It is hoped that these efforts will increase the pool of qualified arbitrators available to the parties.

The Agency continued its successful program of using the NMB's web site as a source for many of the forms and documents needed by arbitrators and the parties. Use of the Internet allows the arbitrators, the parties, and the public to obtain information and forms instantaneously and reduces the staff time which ordinarily would be required to respond to questions and requests.

FORECAST FOR FY 2004 AND FY 2005

The NMB projects that the number of cases pending in FY 2004 will be slightly less than the previous year and that during FY 2005 caseloads will also decrease. This projection is driven by two assumptions: that the number of newly docketed cases for FY 2004 will be 4,643 which is the average for new cases for the last two fiscal years; and, that the number of closed cases will be 4,984 which is also the average for closed cases for the last two fiscal years. The NMB is confident that the efforts outlined above will further decrease the number of cases arbitrated and will increase the case closure rates.



← ARBITRATION FORECAST

F

PRESIDENTIAL EMERGENCY BOARDS

When the NMB determines that a dispute cannot be resolved in mediation, the NMB shall proffer 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.

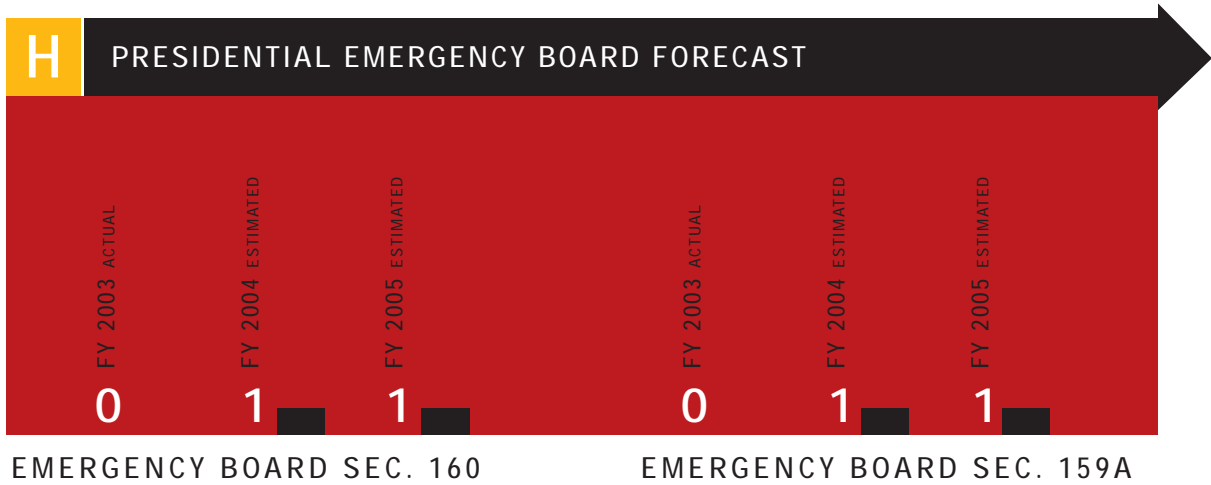
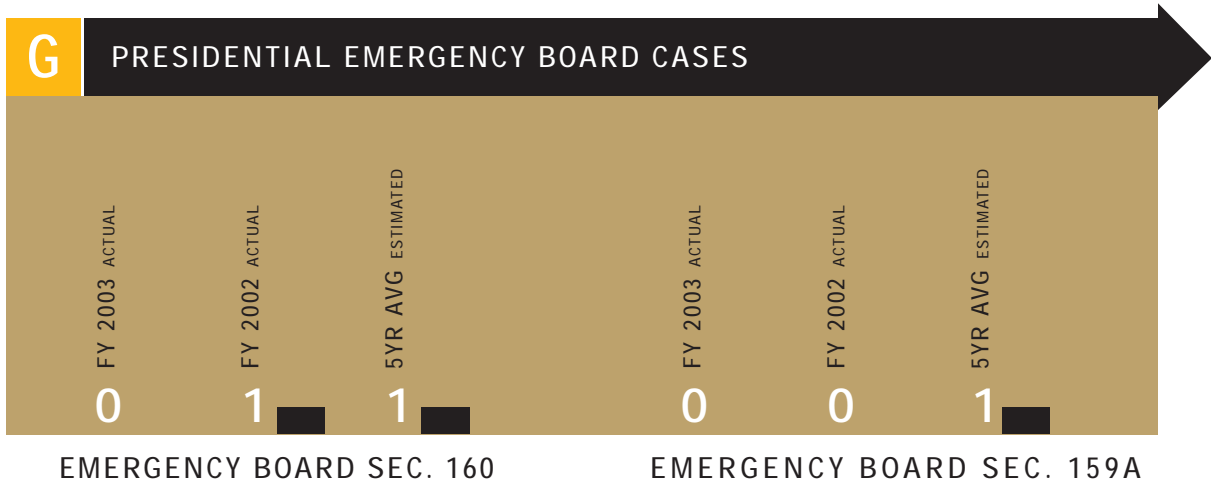
If the NMB determines, pursuant to Section 160 of the RLA, that a dispute threatens substantially to interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a PEB to “investigate and report respecting such dispute.” Status-quo conditions must be maintained throughout the period that the PEB is empaneled and for 30 days following the PEB’s report to the President. The President designates the number of PEB members. 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’s report to the President.

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

mediation procedures are exhausted, the parties to the dispute or the Governor of any state where the railroad operates, may request that the President establish a PEB. The President is required to establish such a board if requested. If no settlement is reached within 60 days following the creation of the PEB, 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.

While PEBs are part of the RLA, the use of PEBs indicates that the parties have not been able to reach voluntary agreements. The fact that there were no PEBs during FY 2003, reflects that the parties, either on their own or with NMB assistance, successfully reached voluntary agreements without the need for PEBs (*see figure G*).





FORECAST FOR FY 2004, FY 2005, AND BEYOND

The NMB cannot predict precisely the number of PEBs that may be created during a given fiscal year. Estimates are based, among other factors, upon prior experience and knowledge of the contentiousness of issues confronting the parties in the bargaining process and mediation, the number of railroad cases, and the degree of impact of any dispute (see figure H).

MANAGEMENT AND SUPPORT

The primary management and support programs for the NMB are housed within two departments: Finance and Administration (F&A), and ADR Development and Technology (AD&T). Together, these departments include budget and finance, human resources, information technology, research, staff development, and public information. From a budgetary standpoint, most of the costs of management and support programs are contained in the Mediation section of the budget. Because human resources and information technology functions are outsourced, these activities are prorated between the mediation, representation and arbitration program areas.

Financial Management

F&A provides budget planning and development, and oversight of budget execution. In addition, F&A 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 has worked with an outside audit firm to audit its financial statements for the past several years. The F&A staff is currently coordinating the FY 2003 financial audit which will meet the January 31, 2004 deadline. For FY 2003, the agency began preparing and submitting quarterly unaudited financial statements to OMB.

The Agency's management control plan process again shows that the NMB did not have any material weakness in its financial system. This result was presented in the NMB's FY 2003 Federal Financial Management Improvement Act (FFMIA) report. The financial system

is in compliance with the Joint Financial Management Improvement Program (JFMIP) guidelines.

The Government Management Reform Act (GMRA) and Government Performance and Results Act (GPRA) require the implementation of managerial cost accounting and performance reporting. Since the Board is a small agency with only three program areas, these program costs were reported and budgeted in accordance with the Agency's strategic and performance goals. During FY 2004, the F&A staff will begin reporting the Representation area separately to ensure conformity with the strategic and performance plans which also separate this function.

Human Resources Management

The NMB uses sound management practices and structures to deliver human resources management services with no increase in staffing. The Agency has continued to use contracted services in conjunction with in-house staff to deliver high quality, cost-effective services across the Agency. The NMB continues to concentrate



on recruiting and retaining a highly diverse and skilled workforce to meet its strategic and performance goals.

During FY 2003, the NMB relied on its annual performance management plan to monitor and improve the performance plan for each employee, and linking all individual development plans (IDP) to the performance plans. During FY 2003, the Agency effectively used graduate student trainees to fill in gaps in its work force and add diversity and specialized skills. The Agency continued to use retention allowances to retain especially well qualified dispute resolution professionals and for the first time utilized the Student Loan Repayment Program as an inducement for retention.

On March 24, 2003, the Agency signed its first collective bargaining agreement with the American Federation of Government employees, Local 1923, which represents most of the NMB's support staff. The agreement includes a joint labor-management committee to resolve disputes before they become grievances.

The Agency also adopted an alternative discipline policy which, in the event of future instances of employee misconduct, could minimize disruptions in the workplace, produce a more positive outcome than traditional discipline, and deter future misconduct.

Information Technology

The NMB continues to refine its use of information technology to improve mission performance, productivity, and administrative processes. A number of projects during FY 2003 have helped to integrate technology into Agency business practices and mission delivery.

:: Review of Chicago Work Processes: As part of the overall review of Section 3 administration, the work processes of the Chicago Office, and its support of the National Railroad Adjustment Board (NRAB), were evaluated and updated to take advantage of new technology and to move the office toward a paperless work environment.

:: The Agency contracted with Scan Optics, Inc., to manage the archive and retention schedules with the National Archives and Records Administration (NARA), and to develop a comprehensive document and records management system. When in place, the system will track all documents created by the Agency, differentiate between official records and working documents, and make all documents available on a text-searchable basis.

:: During FY 2003, the NMB took steps to address the cost of arbitration hearings by inaugurating agreements with the National Labor Relations Board (NLRB), the Union Pacific Railroad, Norfolk Southern Railroad, and the National Association of Railroad Referees (NARR) that will encourage the use of video teleconferencing for appropriate arbitration hearings. The NLRB system interface with the carriers was fully tested during FY 2003. The first use of the system is scheduled for January 8, 2004, involving Norfolk Southern and the Brotherhood of Locomotive Engineers and Trainmen (BLET).

:: During FY 2003, the Agency completely replaced its desktop and network hardware and software in accordance with its 5-year cycle. With the current



	INQUIRIES RECEIVED	RESPONSES WITHIN GOAL
PRESS CALLS	97	100%
PUBLIC CALLS	1,013	100%
CORRESPONDENCE	74	99%

trends in IT, the Agency is revising the IT strategic plan to allow replacement of equipment on a 3-year cycle instead of the previous 5-year cycle.

:: In the Arbitration and Legal areas, the Agency increased the number and variety of web accessible forms, and began a rule-making process that will lead to the use of electronic signatures and other aspects of e-business.

An NMB security policy is in place and is consistent with applicable laws and regulations, ensuring that the agency's information will be safeguarded from data loss, incursion, or attack. An agency emergency response plan also is in place to address responses to potential emergencies.

The NMB has implemented an Information Technology (IT) capital planning document which outlines IT investments for the future. Hardware and software upgrades, including server and remote access improvement during FY 2003, were done according to this plan.

The Agency's website is located at www.nmb.gov. The focus of the website is to provide information on the principal functions of Mediation, Representation, Arbitration and Presidential Emergency Boards under the RLA. In keeping with the requirements of the Government Paperwork Elimination Act, forms to request services are on the website. The NMB continues to review and include information on the website which will meet all the necessary regulations for public disclosure.

Research and Development

During FY 2003, the Agency implemented a plan to produce and post representation determinations on the web site in Adobe's Portable Document (PDF) format.

This allows attorneys to use the posted documents in legal citations, and to have the decisions available on line.

The records and document management project with Scan Optics, Inc., will feature text-searchable documents, including industry contracts.

The new cooperative agreement with the W. J. Usery Center for the Workplace will give the Agency access to research consultation and technology that will allow customer service assessments as well as industry specific research and development on topics identified jointly by the agency and the industries.

The Agency's informal relationship with the Sloan School of Management at the Massachusetts Institute of Technology (MIT) includes input from the Agency on basic research being done by MIT.

During FY 2003, the Institute for Conflict Analysis and Resolution (ICAR) at George Mason University conducted a customer service assessment for the Mediation and ADR functions at the NMB. Also during FY 2003, ICAR began preparation for assessments of service in the Office of Legal Affairs and Arbitration.

Public Information

During FY 2003, the NMB continued to improve its delivery of public information. The Agency web site remains a focus for "breaking news" and information. The electronic press and public information distribution system continues to deliver Agency information to a wide range of public and industry readers. The public information officer and all of the AD&T staff routinely meet or exceed all of the performance standards for public information.

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REGISTRY OF BOARD MEMBERS

NAME	ENTERED OFFICE	STATUS	DATE
Harry R. Hoglander	08-06-02	Term Expires	07-01-05
Edward J. Fitzmaurice, Jr.	08-02-02	Term Expires	07-01-04
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

FY 2003 PERFORMANCE REPORT

I: Mediation

NMB mediation assistance will foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.

FY 2003 MEDIATION PERFORMANCE GOALS / TARGETS

1. In all non-excepted cases, mediation applications will be responded to within three business days following their receipt by the NMB.	1997 Baseline	88%
	2003 Target	100%
	2003 Performance	100%
2. In all non-excepted cases, a mediator will be assigned within 10* calendar days following the docketing of a case.	1997 Baseline	91%
	2003 Target	100%
	2003 Performance	100%
* PREVIOUSLY 14 DAYS		
3. In all non-excepted cases, the assigned Mediator will make an initial contact with the parties within seven calendar days following his or her assignment to a case. Initial contact is satisfied by speaking with both parties or leaving a voice mail message with both parties.	1997 Baseline	65%
	2003 Target	100%
	2003 Performance	97%
4. In all non-excepted cases, the assigned Mediator will establish the date for the first mediation conference within 25 calendar days following the Mediator's assignment to a case.	1997 Baseline	17%
	2003 Target	100%
	2003 Performance	92%
5. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within 45 days of mediation meetings or fewer.	2001 Baseline	96%
	2003 Target	100%
	2003 Performance	95%
6. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within twelve months (365 days) from the docketing of an application.	2001 Baseline	58%
	2003 Target	100%
	2003 Performance	59%
7. Provide mediation services for 70 new railroad and airline mediation cases.	2001 Baseline	100%
	2003 Target	100%
	2003 Performance	83%
8. Mediate to closure 70 railroad and airline mediation cases.	2001 Baseline	93%
	2003 Target	100%
	2003 Performance	61%

II: Alternative Dispute Resolution

NMB alternative dispute resolution (ADR) services will promote effective and efficient use of interest based bargaining and grievance mediation.

FY 2003 ADR PERFORMANCE GOALS / TARGETS

1. Provide facilitator and training services in 50 new alternative dispute resolution cases.	2001 Baseline	128%
	2003 Target	100%
	2003 Performance:	102%
2. Bring 50 alternative dispute resolution cases to closure.	2001 Baseline	154%
	2003 Target	100%
	2003 Performance	110%

III: Representation

Upon the request of employees of an airline or railroad, the NMB will promptly investigate representation disputes and definitively resolve the employees' representation status for collective bargaining purposes.

1. In all cases, a written response to a representation application will be sent within two* business days.	2003 Baseline	96%
	2003 Target	New
	2003 Performance	96%
	* PREVIOUSLY THREE DAYS	
2. In all cases, an NMB investigator will be assigned to investigate a representation matter within two* business days following the initial NMB response, unless the NMB declines to process the application.	2003 Baseline	100%
	2003 Target	New
	2003 Performance	100%
	* PREVIOUSLY THREE DAYS.	
3. In all cases the NMB's determination of whether there is sufficient showing of interest to warrant further investigation will be made within 45 calendar days of docketing.	2001 Baseline	100%
	2003 Target	100%
	2003 Performance	93%
4. In all cases, a certification or a dismissal will be issued by the next business day following the ballot count.	2002 Baseline	100%
	2003 Target	100%
	2003 Performance	94%
5. All non-appellate representation cases will be completed within 90 calendar days of docketing.	1997 Baseline	89%
	2003 Target	100%
	2003 Performance	90%
6. All Board decisions involving allegations of interference in appellate representation cases will be issued within 180* calendar days of docketing.	2003 Baseline	33%
	2003 Target	New
	2003 Performance	33%
	* PREVIOUSLY 270 DAYS.	
7. All pre-docketing investigations will be completed within 120* calendar days following the investigator's assignment to the case.	2003 Baseline	74%
	2003 Target	New
	2003 Performance	74%
	* PREVIOUSLY 180 DAYS.	
8. A written jurisdictional opinion will be provided to the NLRB within 120* calendar days from the date the jurisdictional referral from NLRB headquarters is assigned to an investigator.	2003 Baseline	57%
	2003 Target	New
	2003 Performance	57%
	* PREVIOUSLY 180 DAYS.	
9. In all cases which require a Board level decision, the Board will endeavor to issue a decision within 35 days after receiving a staff recommendation.	2001 Baseline	100%
	2003 Target	100%
	2003 Performance	89%

IV: Arbitration

The NMB will promote the prompt and orderly resolution of grievance disputes.

1. All arbitrators compensated by the NMB will be sent their payment within 3 business days following the NMB's receipt of an appropriate voucher.	2002 Baseline	49%
	2003 Target	100%
	2003 Performance	68%
2. Monitor case loads and authorizations to encourage arbitrators to issue awards in all cases within 180 calendar days of hearing dates.	PLB/SBA	
	2002 Baseline	81%
	2003 Target	100%
	2003 Performance	87%
	NRAB	
	2002 Baseline	50%
	2003 Target	100%
	2003 Performance	77%
3. At the National Railroad Adjustment Board, reduce the average length of time between the hearing of cases and decisions by at least 5 percent.*	* TRACKING PROCEDURES FOR THIS ELEMENT IS UNDER REVISION.	

V: Public Information

The NMB's public information staff will endeavor to return all press on the same business day on which they are received, all other public phone inquiries within one business day, and to research and respond to written inquiries within five business days of receipt.

1. All Press Calls will be responded to on the day received.	2002 Baseline	99%
	2003 Target	100%
	2003 Performance	100%
2. All other Calls will be responded to within one business day.	2002 Baseline	99%
	2003 Target	100%
	2003 Performance	100%
3. All Correspondence will be responded to within five business days.	2002 Baseline	95%
	2003 Target	100%
	2003 Performance	99%

MEDIATION, ADR, AND REPRESENTATION TABLES

TABLE 1: Number of Cases Received and Closed Out

		FY03	FY02	FY01	FY00	FY99	FY98	AVERAGE FY98-FY02
MEDIATION	Start-pending	51	66	61	74	127	176	100.8
	New	55	44	70	65	71	61	62.2
	Sum	106	110	131	139	198	237	163.0
	Closed	43	59	65	78	124	105	86.2
	End-pending	63	51	66	61	74	132	76.8
ADR*	Start-pending	18	21	28	16	27	7	19.8
	New*	27	48	45	59	45	21	43.6
	Sum	45	69	73	75	72	28	63.4
	Closed*	29	51	52	47	56	3	41.8
	End-pending	16	18	21	28	16	25	21.6
REPRESENTATION	Start-pending	4	8	15	14	11	24	14.4
	New	55	66	66	75	75	78	72.0
	Sum	59	74	81	89	86	102	86.4
	Closed	55	70	73	74	72	91	76.0
	End-pending	4	4	8	15	14	11	10.4
TOTAL	Start-pending	73	95	104	104	165	207	135
	New	137	158	181	199	191	160	177.8
	Sum	210	253	285	303	356	367	312.8
	Closed	127	180	190	199	252	199	204.0
	End-pending	83	73	95	104	104	168	108.8

NOTE: SOME FIGURES IN FY 1998 AND 1999 ADJUSTED BASED ON CASE AUDIT.

* THE ADR CASELOAD SHOWN INCLUDES AIRLINE AND RAILROAD BUT NOT OUTREACH CASES.

TABLE 2: Representation Case Disposition By Craft or Class, Employees Involved and Participating

	NUMBER OF CASES	NUMBER OF CRAFTS OR CLASSES	NUMBER OF EMPLOYEES INVOLVED	NUMBER OF EMPLOYEES PARTICIPATING
RAILROADS				
Certifications	18	18	825	604
Dismissals	3	3	55	26
TOTALS	21	21	880	630
AIRLINES				
Certifications	11	11	27,639	19,507
Dismissals	23	23	4,790	1,984
TOTALS	34	34	32,429	21,491
TOTALS RAILROADS/AIRLINES	55	55	33,309	22,121

TABLE 3: Number of Cases Closed by Major Groups of Employees

	TOTAL CASES*	REPRESENTATION CASES	MEDIATION/ ADR CASES*
RAILROADS			
Agents, Telegraphers and Towermen	0	0	0
Boilermakers and Blacksmiths	1	0	1
Brakemen and Conductors	0	0	0
Carmen	7	2	5
Clerical Office, Station and Storehouse Employees	3	1	2
Conductors	3	0	3
Dining Car Employees, Train and Pullman Porters	0	0	0
Electrical Workers	1	0	1
Engine Service Employees	0	0	0
Engineers and Related Employees	0	0	0
Firemen and Oilers	0	0	0
Locomotive Engineers	4	0	4
Locomotive Firemen and Hostlers	0	0	0
Longshoremens	0	0	0
Machinists	0	0	0
Maintenance of Way Employees	5	1	4
Marine Service Employees	0	0	0
Mechanical Department Foremen and/or Supervisor of Mechanics	1	0	1
Operating Employees	6	6	0
Non-Operating Employees	2	2	0
Police Officers Below the Rank of Captain	1	1	0
Power Directors (Supervisors)	0	0	0
Railroad Freight Loaders and Handlers	0	0	0
Sheet Metal Workers	0	0	0
Shop Laborers	0	0	0
Signalmen	4	2	2
Subordinate Officials in the Maintenance of Way Dept	0	0	0
Subordinate Officials in the Maintenance of Equipment Department	0	0	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0
Train Dispatchers	2	0	2
Train and Engine Service	7	5	2
Trainmen	0	0	0
Yardmasters	1	0	1
Combined Groups, Railroad	0	0	0
Miscellaneous, Railroad	4	1	3
RAILROAD TOTAL	52	21	31

TABLE 3: CONTINUED

	TOTAL CASES*	REPRESENTATION CASES	MEDIATION/ ADR CASES*
AIRLINES			
EMS Employees (Paramedics/Nurses)	0	0	0
Engineers and Related Employees	1	0	1
Fleet and Passenger Service Employees	4	2	2
Fleet Service Employees	0	0	0
Flight Attendants	13	3	10
Flight Deck Crew Members	5	3	2
Flight Dispatchers	4	3	1
Flight Engineers	1	1	0
Flight Kitchen and Commissary Employees	0	0	0
Flight School Instructors	0	0	0
Flight Simulator Technicians	0	0	0
Instructors	2	2	0
Mechanics and Related Employees	13	8	5
Meteorologists	0	0	0
Office Clerical Employees	0	0	0
Office Clerical, Fleet and Passenger Service Employees	0	0	0
Paramedics	1	1	0
Passenger Service Employees	2	2	0
Pilot Ground Training Instructors	0	0	0
Pilots	20	3	17
Screeners	1	1	0
Skycaps	1	1	0
Stock and Stores Employees	4	2	2
Technical Engineers, etc.	0	0	0
Combined Groups, Airlines	0	0	0
Miscellaneous, Airlines	3	2	1
AIRLINE TOTAL	75*	34	41*
GRAND TOTAL			
RAILROADS AND AIRLINES	127*	55	72*

* MEDIATION/ADR CASES-CLOSED PER THIS TABLE DO NOT INCLUDE OUTREACH ADR CASES.

TABLE 4: Number of Craft or Class Determinations and Number of Employees Involved in Representation Cases By Major Groups of Employees

	NUMBER OF CASES	NUMBER OF CRAFT OR CLASS DETERMINATIONS	NUMBER OF EMPLOYEES	PERCENT* OF EMPLOYEES INVOLVED
RAILROAD				
Agents, Telegraphers and Towermen	0	0	0	0
Boilermakers and Blacksmiths	0	0	0	0
Brakemen and Conductors	0	0	0	0
Carmen	2	2	12	-
Clerical Office, Station and Storehouse Employees	1	1	6	-
Conductors	0	0	0	0
Dining Car Employees, Train and Pullman Porters	0	0	0	0
Electrical Workers	0	0	0	0
Engineers and Related Employees	0	0	0	0
Firemen and Oilers	0	0	0	0
Locomotive Engineers	0	0	0	0
Locomotive Firemen and Hostlers	0	0	0	0
Longshoremens	0	0	0	0
Machinists	0	0	0	0
Maintenance of Way Employees	1	1	26	-
Marine Service Employees	0	0	0	0
Mechanical Department Foremen and/or Supervisors of Mechanics	0	0	0	0
Operating Employees	6	6	79	-
Non-Operating Employees	2	2	3	-
Police Officers Below the Rank of Captain	1	1	53	-
Power Directors (Supervisors)	0	0	0	0
Railroad Freight Loaders and Handlers	0	0	0	0
Sheet Metal Workers	0	0	0	0
Signalmen	2	2	225	-
Subordinate Officials in the Maintenance of Way	0	0	0	0
Subordinate Officials in the Maintenance of Equipment Department	0	0	0	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	0	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0	0
Train Dispatchers	0	0	0	0
Train and Engine Service	5	5	220	-
Yardmasters	0	0	0	0
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	1	1	6	-
RAILROAD TOTAL	21	21	630	2%

TABLE 4: CONTINUED

	NUMBER OF CASES	NUMBER OF CRAFT OR CLASS DETERMINATIONS	NUMBER OF EMPLOYEES	PERCENT* OF EMPLOYEES INVOLVED
AIRLINES				
Engineers and Related Employees	0	0	0	0
Fleet and Passenger Service Employees	2	2	231	-
Fleet Service Employees	0	0	0	0
Flight Attendants	3	3	8,820	26%
Flight Deck Crew Members	3	3	363	-
Flight Dispatchers	3	3	22	-
Flight Engineers	1	1	235	-
Flight Kitchen and Commissary Employees	0	0	0	0
Flight Simulator Technicians	0	0	0	0
Instructors	2	2	234	-
Mechanics and Related Employees	8	8	9,723	29%
Meteorologists	0	0	0	0
Office Clerical Employees	0	0	0	0
Office Clerical, Fleet and Passenger Service Employees.	0	0	0	0
Paramedics	1	1	0	0
Passenger Service Employees	2	2	1,572	5%
Pilots	3	3	74	-
Screeners	1	1	167	-
Skycaps	1	1	0	0
Stock and Stores Employees	2	2	50	-
Combined Groups, Airlines	0	0	0	0
Miscellaneous, Airlines	2	2	0	0
AIRLINE TOTAL	34	34	21,491	64%
GRAND TOTAL				
RAILROADS AND AIRLINES	55	55	22,121	66%

* PERCENT LISTING FOR EACH GROUP REPRESENTS THE PERCENTAGE OF THE 33,309 EMPLOYEES INVOLVED IN ALL RAILROAD AND AIRLINE CASES DURING FISCAL YEAR 2003.

- LESS THAN ONE PERCENT.

TABLE 5: Number of Crafts or Classes Certified and the Percent of Employees Involved in Various Types of Representation Cases

	NATIONAL ORGANIZATIONS			LOCAL UNIONS AND/OR INDIVIDUALS			TOTALS		
	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT ¹	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT ¹	CRAFT OR CLASS	EMPLOYEES NUMBER	INVOLVED PERCENT ¹
RAILROADS									
Representation Acquired:									
Elections	13	291	-	0	0	0	13	291	-
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	4	260	-	1	53	-	5	313	-
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
TOTAL RAILROADS	17	551	2%	1	53	-	18	604	2%
AIRLINES									
Representation Acquired:									
Elections	7	809	2%	0	0	0	7	809	2%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	3	18,474	55%	0	0	0	3	18,474	55%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	1	224	-	0	0	0	1	224	-
Proved Authorizations	0	0	0	0	0	0	0	0	0
TOTAL AIRLINES	11	19,507	58%	0	0	0	11	19,507	58%
TOTAL COMBINED RAILROADS AND AIRLINES	28	20,058	60%	1	53	-	29	20,111	60%

1. PERCENT LISTING FOR EACH GROUP REPRESENTS THE PERCENTAGE OF THE 33,309 EMPLOYEES INVOLVED IN ALL RAIL AND AIRLINE CASES IN FISCAL YEAR 2003. (.) INDICATES LESS THAN ONE PERCENT.

NOTE: THESE FIGURES DO NOT INCLUDE CASES THAT WERE WITHDRAWN OR DISMISSED. BECAUSE OF ROUNDING, SUMS OF INDIVIDUAL ITEMS MAY NOT EQUAL TOTALS.

TABLE 6: Strikes in the Airline Industry

None (A COOLING OFF PERIOD BETWEEN PAN AM AND THE AFA EXPIRED ON 7-24-2003, BUT THE PARTIES DID NOT EXERCISE SELF-HELP.)

TABLE 7: Strikes in the Railroad Industry

None

TABLE 8: RLA Section 10 Presidential Emergency Boards

None

TABLE 9: RLA Section 9a Presidential Emergency Boards

None

MEDIATION, ADR, AND REPRESENTATION CASE RECORD

Airline Mediation Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Alaska Airlines	IAM	Passenger Service Employees
American Eagle	AFA	Flight Attendants
America West Airlines	TWU	Flight Dispatchers
British Airways	IAM	Mechanics and Related
Continental Express	ALPA	Pilots
Chautauqua Airlines	IBT	Pilots
Gemini Air Cargo	ALPA	Flight Deck Crew Members
Iberia Airlines	IAM	Flight Dispatchers
Iberia Airlines	IAM	Mechanics and Related
Miami Air	AFA	Flight Attendants
NetJets, Inc.	IBT	Pilots
Northwest Airlines	IAM	Stock and Store Employees
Northwest Airlines	IAM	Office, Clerical, Fleet and Passenger
Northwest Airlines	IAM	Flight Simulator Technicians
Northwest Airlines	IAM	Security Officers
Northwest Airlines	IAM	Flight Kitchen & Commissary Employees
Offshore Logistics	OPEIU	Pilots
Polar Air Cargo	ALPA	Pilots
PSA Airlines	IBT	Fleet & Passenger Service Employees
Southwest Airlines	TWU	Flight Attendants
United Parcel Service	IBT	Mechanics and Related

Airline Mediation Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Airborne Express	IBT	Pilots
Allegheny Airlines	AFA	Flight Attendants
Aloha Island Airlines	HTAW	Mechanics & Related
Aloha Island Airlines	HTAW	Fleet & Passenger Service Employees
American Airlines	APA	Pilots
America West Airlines	IBT	Stock & Stores Employees
British Airways	IAM	Mechanics & Related
Continental Airlines	IBT	Mechanics & Related
CareFlite Helicopters	OPEIU	Pilots
CCAir	AFA	Flight Attendants
Continental Micronesia	IBT	Fleet & Passenger Service Employees
Industrial Helicopters	OPEIU	Pilots
Mesa Airlines	ALPA	Pilots
Midwest Connect	ALPA	Pilots
Midwest Express Airlines	AFA	Flight Attendants
Pakistan International Airlines	IBT	Stock & Stores Employees
Pan American Airways	AFA	Flight Attendants
St. Louis Helicopters	OPEIU	Pilots
Southwest Airlines	IBT	Mechanics & Related
United Parcel Service	IBT	Mechanics & Related
World Airways	IBT	Flight Attendants

Railroad Mediation Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Bessemer & Lake Erie Railroad	TCU	Carmen
Belt Railroad	BRS	Signalmen
Birmingham & Southern Railroad	UTU	Trainmen
Consolidated Rail Corp.	UTU	Trainmen
CSX Transportation	UTU	Conductors
Delaware & Hudson Railway Co.	TCU	Carmen
Duluth, Missabe & Iron Range Railroad	ATDD	Train Dispatchers
Duluth, Missabe & Iron Range Railroad	TCU	Clerical Office, Station & Storehouse
Duluth, Missabe & Iron Range Railroad	TCU	Clerical Office, Station & Storehouse
Duluth, Missabe & Iron Range Railroad	TCU	Carmen
Elgin, Joliet & Eastern Railway	UTU	Yardmen
Elgin, Joliet & Eastern Railway	TCU	Clerical Office, Station & Storehouse
Iowa, Chicago & Eastern Railroad	IBT/BLE	Train and Engine Service
Iowa Interstate Railroad	TCU	Carmen
Indiana Harbor Belt Railroad	BRS	Signalmen
Kiamichi Railroad Co.	ATDD	Train and Engine Service
Kiamichi Railroad Co.	ATDD	Mechanical Department Foremen
Kiamichi Railroad Co.	ATDD	Maintenance of Way
Kiamichi Railroad Co.	ATDD	Power Dispatchers and Load Dispatchers
Kiamichi Railroad Co.	ATDD	Train Dispatchers
Kiamichi Railroad Co.	ATDD	Engine Service
Kiamichi Railroad Co.	ATDD	Maintenance of Way Employees
Kiamichi Railroad Co.	ATDD	Mechanical Department Foremen
NCCC/NLRC	BLE	Locomotive Engineers
Northern Indiana Commuter	UTU	Train & Engine Service
Port Authority Trans Hudson	RITU	Mixed
Rail Term Corp.	IBT	Rail Freight Loaders & Handlers
Springfield Terminal Railway	IBEW	Electrical Workers
Springfield Terminal Railway	BLE	Locomotive Engineers
Springfield Terminal Railway	UTU	Conductors
Springfield Terminal Railway	UTU	Shop Laborers
Tracks Traffic & Management Services	TCU	Clerical Office, Station & Storehouse
Union Railroad	USWA	Clerical Office, Station & Storehouse
Union Railroad	USWA	Maintenance of Way Employees

Railroad Mediation Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Amtrak	TCU	Clerical Office, Station and Storehouse
Dakota, Minnesota & Eastern Railway	UTU	Train & Engine Service
Elgin, Joliet & Eastern Railway	UTU	Yardmen
Iowa Interstate Railroad	TCU	Carmen
Kiamichi Railroad	ATDD	Maintenance of Way Employees
Kiamichi Railroad	ATDD	Mechanical Department Foremen
Kiamichi Railroad	ATDD	Power Dispatchers and Load Dispatchers
Kiamichi Railroad	ATDD	Train & Engine Service
NCCC/NLRC	IBB& B	Boilermakers-Blacksmiths
NCCC/NLRC	TCU	Carmen
NCCC/NLRC	TCU	Clerical Office, Station and Storehouse
NCCC/NLRC	BRS	Signalmen
New Jersey Transit Railroad	ATDD	Train Dispatchers
Port Authority Trans Hudson	UTU	Conductors
South Buffalo Railroad	TCU	Carmen
Springfield Terminal Railroad	UTU	Conductors
Springfield Terminal Railroad	IBEW	Electrical Workers
Springfield Terminal Railroad	BLE	Locomotive Engineers
Toledo, Peoria & Western Railroad	UTU	Train, Engine & Yard Service Employees
Wheeling & Lake Erie Railroad	BRS	Locomotive Engineers
Wheeling & Lake Erie Railroad	BRS	Maintenance of Way Employees
Wheeling & Lake Erie Railroad	BRS	Signalmen

Airline ADR Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Allegheny Airlines	AFA	Flight Attendants
Aloha Airlines	ALPA	Pilots
American Eagle	ALPA	Pilots
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	ALPA	Pilots
Comair	ALPA	Pilots
Comair	ALPA	Pilots
DHL Airways	ALPA	Pilots
Frontier Airlines	TWU	Flight Dispatchers
Frontier Airlines	TWU	Flight Dispatchers
Kitty Hawk Airlines	KHPA	Pilots
Mesa Airlines	AFA	Flight Attendants
Mesa Airlines	ALPA	Pilots
PSA Airlines	AFA	Flight Attendants
Southwest Airlines	SWAPA	Pilots
Southwest Airlines	SWAPA	Pilots
United Airlines	IFPTE	Engineers & Related
United Airlines	IFPTE	Engineers & Related
United Parcel Service	IPA	Flight Deck Crew Members

Airline ADR Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Aloha Airlines	ALPA	Pilots
Aloha Airlines	ALPA	Pilots
Atlantic Southeast Airlines	AFA	Flight Attendants
Atlantic Southeast Airlines	ALPA	Pilots
Comair	ALPA	Pilots
Comair	ALPA	Pilots
DHL Airways	ALPA	Pilots
DHL Airways	ALPA	Pilots
Frontier Airlines	TWU	Flight Dispatchers
Gemini Air Cargo	ALPA	Flight Deck Crew Members
Horizon Air	AFA	Flight Attendants
Kitty Hawk Airlines	KHPA	Pilots
Mesa Airlines	AFA	Flight Attendants
Miami Air	AFA	Flight Attendants
Northwest Airlines	IAM	Office Clerical, Station & Storehouse
Southwest Airlines	SWAPA	Pilots
Southwest Airlines	SWAPA	Pilots
Spirit Airlines	AFA	Flight Attendants
United Airlines	IFPTE	Engineers & Related
United Parcel Service	IPA	Flight Deck Crew Members

Railroad ADR Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
CSX Transportation	UTU	Yardmasters
New Jersey Transit Railroad	UTU	Various
Northern Indiana Commuter	BMWE	Maintenance of Way Employees
Northern Indiana Commuter	BMWE	Maintenance of Way Employees
Union Pacific Railroad	BLE	Locomotive Engineers
Union Pacific Railroad	UTU/BLE	Locomotive Engineers

Railroad ADR Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Canadian National Railway	UTU	Yardmasters
CSX Transportation	ATDD	Train Dispatchers
Northern Indiana Commuter	UTU	Conductors
Northern Indiana Commuter	BMWE	Maintenance of Way Employees
Northern Indiana Commuter	BMWE	Maintenance of Way Employees
TTX, Co.	TCU	Carmen
TTX, Co.	TCU	Carmen
Union Pacific Railroad	BLE	Locomotive Engineers
Union Pacific Railroad	UTU/BLE	Locomotive Engineers

Outreach ADR Cases Docketed

AIRLINE INDUSTRY

Federal Mediation & Conciliation Services
Air Line Pilots Association
International Association of Machinist & Aerospace Workers
Association of Flight Attendants
International Association of Machinist & Aerospace Workers
MIT Global Airline Research Project
Department of State/Foreign Service Institute

RAILROAD INDUSTRY

TTX Company & United Transportation Union
International Association of Machinist & Aerospace Workers
United Transportation Union
United Transportation Union
Labor Relations Association of Passenger Railroads
Genesee & Wyoming, Inc.

OTHER

George Meany Center for Labor Studies
George Meany Center for Labor Studies
American Bar Association
Association of Labor Relations Agencies
American Bar Association
National Association of Government Labor Officials
National Conference of Minority Professionals in ADR
American Bar Association
Association of Labor Relations Agencies
George Meany Center for Labor Studies
Federal Bar Interns
Armenian Labor Delegation

Outreach ADR Cases Closed for Fiscal Year 2003

AIRLINE INDUSTRY

Federal Mediation & Conciliation Services
 Air Line Pilots Association
 International Association of Machinist & Aerospace Workers
 Association of Flight Attendants
 International Association of Machinist & Aerospace Workers
 MIT Global Airline Research Project
 Department of State/Foreign Service Institute

RAILROAD INDUSTRY

TTX Company & United Transportation Union
 International Association of Machinist & Aerospace Workers
 United Transportation Union
 United Transportation Union
 Labor Relations Association of Passenger Railroads
 Genesee & Wyoming, Inc.

OTHER

Department of Agriculture
 George Meany Center for Labor Studies
 George Meany Center for Labor Studies
 American Bar Association
 Association of Labor Relations Agencies
 American Bar Association
 National Association of Government Labor Officials
 National Conference of Minority Professionals in ADR
 American Bar Association
 Association of Labor Relations Agencies
 George Meany Center for Labor Studies
 Federal Bar Interns
 Armenian Labor Delegation

Representation: Airline Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Air Logistics of Alaska	IUOE	Mechanics and Related Employees
Air Methods Corporation	OPEIU	Flight Deck Crew Members
American Airlines, Inc.	TUW-IAM	Flight/Ground School Instructors
American Trans Air, Inc.	IBT	Stock and Stores Employees
American Airlines	PAFCA-TWU	Flight Dispatchers
Atlantic Coast Airlines	IAM	Fleet and Passenger Service Employees
Atlantic Coast Airlines	TWU	Flight Dispatchers
Continental Airlines, Inc.	TWU	Fleet Service Employees
Chicago Express Airlines	ALPA	Flight Deck Crew Members
Commutair	ALPA	Pilots
Command Security Corp/ Aviation Safeguards	CWA	Skycaps
Dalfort Aerospace	IBT-Individual	Mechanics and Related Employees
Dalfort Aerospace	IBT	Mechanics and Related Employees
Freedom Airlines	AFA	Flight Attendants
Great Lakes Aviation	IBT	Flight Dispatchers
Halo Flight	SEIU	Paramedics
Halo Flight	SEIU	Flight Dispatchers

Huntleigh USA Corporation	IBT	Skycaps
ITS Aviation Services, Inc.	IAM	Screeners
Mesa Air Group	ALPA	Pilots
Northwest Airlines, Inc.	IAM-UQSA	Passenger Service Employees
Northwest Airlines, Inc.	IBT-PFAA	Flight Attendants
Pakistan International Airlines Corp.	IBT	Mechanics and Related Employees
Piedmont Airlines, Inc.	CWA	Fleet and Passenger Service Employees
Pinnacle Airlines, Inc.	TWU	Flight Dispatchers
Sky West Airlines	SAPA	Flight Deck Crew Members
Southwest Airlines, Inc.	IBT-AMFA	Mechanics and Related Employees
Trans Executive Airlines of Hawaii	IBT	Pilots
United Airlines, Inc.	IAM	Mechanics and Related Employees
United Airlines, Inc.	IAM-AMFA	Mechanics and Related Employees
United Parcel Service	IBT	Mechanics and Related Employees
USA 3000 Airlines	IBT	Mechanics and Related Employees
US Airways, Inc.	IAM	In-Flight Training Specialists

Representation: Airline Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS	DISPOSITION
Air Logistics, Inc.	IUOE	Mechanics and Related	Dismissal
Air Methods Corporation	OPEIU	Flight Deck Crew Members	Certification
American Airlines, Inc.	TWU	Instructors	Findings Upon Inves.-Certification
American Trans Air, Inc.	IBT	Stock and Stores	Dismissal
America West Airlines	IBT	Passenger Service	Dismissal
Atlantic Coast Airlines	IAM	Fleet and Passenger Service	Dismissal-Insuff. Showing of Interest
Atlantic Coast Airlines	TWU	Flight Dispatchers	Dismissal
Chicago Express Airlines	ALPA	Flight Deck Crew Members	Dismissal
Command Security Corp./ Aviation Safeguards	CWA	Skycaps	Dismissal- Withdrawn During Inves.
Commutair	ALPA	Pilots	Dismissal
Dalfort Aerospace	IBT/Indiv.	Mechanics and Related	Findings Upon Inves. Dismissal
Dalfort Aerospace	IBT	Mechanics and Related	Dismissal-Insuff. Showing of Interest
Freedom Airlines	AFA	Flight Attendants	Certification
Great Lakes Aviation	IBT	Flight Dispatchers	Certification
Halo Flight	SEIU	Paramedics	Dismissal- Withdrawn During Inves.
Halo Flight	SEIU	Flight Dispatchers	Dismissal- Withdrawn During Inves.
Huntleigh USA Corp.	IBT	Skycaps	Dismissal- Withdrawn During Inves.
ITS Aviation Services, Inc.	IAM	Screeners	Dismissal
Mesa Air Group	ALPA	Pilots	Findings Upon Inves.-Dismissal
Midwest Express Airlines	IBT	Stock and Stores	Dismissal
Northwest Airlines, Inc.	IAM-UQSA	Passenger Service	Findings Upon Inves.-Dismissal

Northwest Airlines, Inc.	PFAA	Flight Attendants	Certification
Pakistan Int'l Airlines Corp.	IBT	Mechanics and Related	Certification
Pinnacle Airlines	PACE	Fleet&Passenger Service	Certification
Shuttle America	AFA	Flight Attendants	Dismissal
Sky West Airlines	SAPA	Flight Deck Crew Members	Dismissal
Southwest Airlines, Inc.	AMFA	Mechanics and Related	Certification
Trans Executive Airlines Of Hawaii	IBT	Pilots	Certification
United Airlines, Inc.	IFPTE	Engineers and Related	Certification
United Airlines, Inc.	IAM	Mechanics and Related	Findings Upon Inves.-Dismissal
United Airlines, Inc.	AMFA	Mechanics and Related	Certification
United Parcel Service	IBT	Mechanics and Related	Findings Upon Inves.-Dismissal
USA 3000 Airlines	IBT	Mechanics and Related	Dismissal
US Airways, Inc.	IAM	In-Flight Training Specialists	Dismissal

Representation: Railroad Cases Docketed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS
Brandywine Valley Railroad Co.	USWA	Operating Employees
Brandywine Valley Railroad Co.	USWA	Non-Operating Employees
Canadian National/Wisconsin Central	BRS	Signalmen
Canadian National/Wisconsin Central	BRS	Communications Technicians
Dallas, Garland & Northeastern Railroad	UTU	Clerks
Ft. Worth & Western Railway Co.	UTU	Train and Engine Service Employees
Great Western Railway of Colorado, LLC	IBT/IBLE	Train and Engine Service Employees
Lake Michigan & Indiana Railroad Co.	USWA	Operating Employees
Montreal, Maine and Atlantic Railway, Ltd.	BMWE	Maintenance of Way Employees
New York & Atlantic Railway Co.	IBT/IBLE-UTU	Train and Engine Service Employees
Northeast Illinois Regional Commuter Railroad Corporation	CCPA-ICPS	Police Officers Below the Rank of Captain
Patapsco & Back Rivers Railroad Co.	USWA	Carmen
Patapsco & Back Rivers Railroad Co.	USWA	Operating Employees
Portland & Western Railroad Co.	IBT/IBLE	Train & Engine Service Employees
S.Chicago & Indiana Harbor Railway Co	USWA	Operating Employees
S.Chicago & Indiana Harbor Railway Co.	USWA	Non-Operating Employees
S.Chicago & Indiana Harbor Railway Co.	USWA	Non-Operating Employees
St.Lawrence & Atlantic Railroad Co.	IBT/IBLE-UTU	Train & Engine Service Employees
Steelton & Highspire Railroad Co.	USWA	Operating Employees
Upper Merion & Plymouth Railroad Co.	USWA	Operating Employees
Utah Railway Company	UTU-BLE	Train Service Employees
Westours McKinley Explorer	IBT	Carmen

Representation: Railroad Cases Closed for Fiscal Year 2003

CARRIER	UNION	CRAFT/CLASS	DISPOSITION
Brandywine Valley Railroad	USWA	Operating Employees	Certification
Brandywine Valley Railroad	USWA	Non-Operating Employees	Certification
Canadian National/ Wisconsin Central	BRS	Signalmen	Certification
Canadian National/ Wisconsin Central	BRS	Communications Tech.	Certification
Dallas, Garland & Northeastern Railroad	UTU	Clerks	Certification
Ft. Worth & Western Railroad Company	UTU	Train and Engine Service	Certification
Iowa, Chicago and Eastern Railroad Company	IBT/IBLE	Train and Engine Service	Certification
Lake Michigan & Indiana Railroad Company	USWA	Operating Employees	Certification
Metro-North Commuter Railroad Company	ACRE	Signalmen	Certification
Montreal, Maine and Atlantic Railway Ltd.	BMWE	Maintenance of Way	Dismissal
Northeast Illinois Regional Commuter Railroad Corp.	MAP	Police Officers Below the Rank of Captain	Certification
Patapsco & Back Rivers Railroad Company	USWA	Carmen	Certification
Patapsco & Back Rivers Railroad Company	USWA	Operating Employees	Certification
South Chicago & Indiana Harbor Railway Co.	USWA	Operating Employees	Certification
South Chicago & Indiana Harbor Railway Co.	USWA	Non-Operating Employees	Dismissal- Withdrawn During Investigation
St. Lawrence & Atlantic Ry. Steeltown & Highspire Railroad Co.	IBT/IBLE-UTU	Train and Engine Service	Certification
Upper Merion & Plymouth Railroad Co.	USWA	Operating Employees	Certification
Utah Railway Company	USWA	Operating Employees	Certification
Utah Railway Company	UTU	Train Service Employees	Certification
Westours McKinley Explorer	IBT	Carmen	Findings Upon Investigation- Dismissal
York Railway Company	UTU	Train and Engine Service	Certification

SIXTY-NINTH ANNUAL REPORT OF THE NATIONAL RAILROAD ADJUSTMENT BOARD

Chicago, Illinois

M.W. FINGERHUT, CHAIRMAN
W.R. MILLER, VICE CHAIRMAN

Arbitration Monies Obligated for FY 2003

REFEREE SERVICES

Referee Salaries	\$ 2,003,489
Referee Travel	\$ 149,701
TOTAL	\$ 2,153,190

SECTION 153 ADMINISTRATION

Administration	
Personnel compensation	\$ 455,697
Personnel benefits	98,905
Travel and transportation of persons	20,618
Transportation of things	1,400
Rent, communications and utilities	148,107
Printing and reproduction	699
Other services	79,995
Supplies and materials	1,002
Equipment	55,499
TOTAL	\$ 861,922

Unobligated Balance	9,888
TOTAL APPROPRIATION	\$ 3,025,000

2003 Arbitration Government Employees & Duties

	TITLE	DUTIES
Watkins, Roland	Director	Responsible for Arbitration Services and NRAB government affairs
Conrad, Carol	Lead Program Assistant	Assists in Sections 153 & 157 Arbitration activities
Washington, Carolyn	Administrative Assistant	Coordinates automated information systems
DIVISIONAL		
Gathings, Linda	Arbitration Assistant	Responsible for all divisions of NRAB
Ybanez, Kimberly	Arbitration Assistant	Responsible for all divisions of NRAB

Cases Docketed/Closed by the National Railroad Adjustment Board FY 2003

ALL DIVISIONS	2003	2002	2001
Pending Cases at beginning of Fiscal Year	2,023	1,760	1,514
New Cases	799	1,439	1,259
Total number open cases	2,822	3,199	2,773
Closed Cases	1,313	1,176	1,013
Pending Cases at end of Fiscal Year	1,509	2,023	1,760
<hr/>			
FIRST DIVISION	2003	2002	2001
Pending Cases at beginning of Fiscal Year	792	540	151
New Cases	125	613	501
Total number open cases	917	1,153	652
Closed Cases	569	361	112
Pending Cases at end of Fiscal Year	348	792	540
<hr/>			
SECOND DIVISION	2003	2002	2001
Pending Cases at beginning of Fiscal Year	73	77	133
New Cases	74	47	40
Total number open cases	147	124	173
Closed Cases	107	51	96
Pending Cases at end of Fiscal Year	40	73	77
<hr/>			
THIRD DIVISION	2003	2002	2001
Pending Cases at beginning of Fiscal Year	1,142	1,134	1,225
New Cases	590	763	703
Total number open cases	1,732	1,897	1,928
Closed Cases	630	755	794
Pending Cases at end of Fiscal Year	1,102	1,142	1,134
<hr/>			
FOURTH DIVISION	2003	2002	2001
Pending Cases at beginning of Fiscal Year	16	9	5
New Cases	10	16	15
Total number open cases	26	25	20
Closed Cases	7	9	11
Pending Cases at end of Fiscal Year	19	16	9

National Railroad Adjustment Board Referees FY-2003

FIRST DIVISION	SECOND DIVISION	THIRD DIVISION	FOURTH DIVISION
Edwin H. Benn	Edwin H. Benn	Edwin H. Benn	Marty E. Zusman
John R. Binau	Nancy F. Eischen	Barbara C. Deinhardt	
Rodney E. Dennis	Don Hampton	Rodney E. Dennis	
Charles P. Fischbach	Martin H. Malin	Dana E. Eischen	
Ann S. Kenis	Margo R. Newman	Nancy F. Eischen	
John B. LaRocco	Robert G. Richter	Elliott H. Goldstein	
Martin H. Malin	Carol J. Zamperini	Ann S. Kenis	
Robert G. Richter		John B. LaRocco	
Lynette A. Ross		James E. Mason	
Barry E. Simon		Peter R. Meyers	
David P. Twomey		Margo R. Newman	
Elizabeth Wesman		Robert Perkovich	
		David M. Vaughn	
		Gerald E. Wallin	
		Carol J. Zamperini	
		Marty E. Zusman	

Overview for First Division, FY 2003

MEMBERSHIP

M.W. Fingerhut, CHAIRMAN	K.N.Thompson, VICE CHAIRMAN
W.B. Murphy	R.K. Radek
C.R. Wise	M.J. Ruef
J.P. Horbury, Sr.	B.R. Wigent

FIRST DIVISION	2003
Pending Cases at beginning of fiscal year	792
New cases	125
Total number open oases	917
Closed cases	569
Pending Cases at end of fiscal year	348

BREAKDOWN OF NEW CASES BY CARRIER

Belt Railway Company of Chicago	1
Burlington Northern Santa Fe Railway	8
Canadian National Railway	3
Canadian Pacific Railroad	6
Conrail	1
CSX Transportation, Inc.	3
Grand Trunk Western Railroad	6
Illinois Central Railroad	1
Kansas City Southern Railway	1
Midsouth	7
Montana Rail Link	1
New Jersey Transit	2
Northeast Illinois Regional Commuter	3
Port Authority Trans Hudson	2
San Joaquin Valley Railroad	1
Soo Line Railroad	2
Southeastern Pennsylvania Transit	2
Southrail	1
Texas Mexican Railway	2
Union Pacific Railroad	72
TOTAL NEW CASES	125

BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

Brotherhood of Locomotive Engineers	102
United Transportation Union	13
Miscellaneous (Individual)	10
TOTAL NEW CASES	125

Overview for Second Division, FY 2003

MEMBERSHIP

P.V. Varga, CHAIRMAN	R.S. Bauman, VICE CHAIRMAN
H.G. Williams	D.S. Anderson
J.F. Ingham	A.M. Novakovic
R. Parks	W.T. Bohne, Jr.
T.N. Tancula	J.R. Cronk

SECOND DIVISION	2003
Pending Cases at beginning of fiscal year	73
New cases	74
Total number open oases	147
Closed cases	107
Pending Cases at end of fiscal year	40

BREAKDOWN OF NEW CASES BY CARRIER

Amtrak	5
Burlington Northern Santa Fe Railway	21
Canadian Pacific Railroad	3
Delaware & Hudson Railway	3
Duluth, Missabe & Iron Range Railway	1
Grand Trunk Western Railroad	3
I & M Rail Link	1
Kansas City Southern Railway	8
Northeast Illinois Regional Commuter	1
Soo Line Railroad	1
Springfield Terminal Railroad	7
Union Pacific Railroad	20
TOTAL NEW CASES	74

BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

Brotherhood Railway Carmen	19
International Brotherhood of Electrical Workers	22
Sheet Metal Workers	22
Int'l. Assoc. of Machinists & Aerospace Workers	9
National Conference of Firemen & Oilers	1
Miscellaneous (Individual)	1
TOTAL NEW CASES	74

Overview for Third Division, FY 2003

MEMBERSHIP

M.C. Lesnik, CHAIRMAN	W.R. Miller, VICE CHAIRMAN
J.F. Hennecke	C.A. McGraw
J.S. Morse	D.W. Volz
T. Rohling	R.C. Robinson
	I.R. Monroe
	L.D. Miller

THIRD DIVISION	2003
Pending Cases at beginning of fiscal year	1,142
New cases	590
Total number open cases	1,732
Closed cases	630
Pending Cases at end of fiscal year	1,102

BREAKDOWN OF NEW CASES BY CARRIER

Amtrak	50
Belt Railway Company of Chicago	2
Burlington Northern Santa Fe Railway	89
Canadian National Railway	3
Canadian Pacific Railroad	5
Conrail-Consolidated Rail Corporation	1
CSX Transportation, Inc.	186
Delaware & Hudson Railway	1
Duluth, Missabe & Iron Range Railway	7
Florida East Coast Highway Dispatch	1
Grand Trunk Western Railroad	1
Illinois Central Railroad	2
Indiana Harbor Belt Railway	8
Kansas City Southern Railway	12
Norfolk Southern Railroad	6
Northeast Illinois Regional Commuter	1
Peoria & Pekin Union Railway Company	2
Port Authority Trans Hudson	2
Sand Springs Railway Company	2
Soo Line Railroad	19
Springfield Terminal Railroad	3
Terminal Railroad Association	20
Texas Mexican Railway	1
Union Pacific Railroad	165
Wheeling & Lake Erie Railroad	1
TOTAL NEW CASES	590

BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

American Train Dispatchers Department	22
Brotherhood of Maintenance of Way Employees	283
Brotherhood of Railroad Signalmen	209
Transportation Communications Union	67
Miscellaneous (Individual)	9
TOTAL NEW CASES	590

Overview for Fourth Division, FY 2003

MEMBERSHIP

B.R. Henderson, CHAIRMAN	J.R. Cumby, VICE CHAIRMAN
J.S. Gibbons	N.R. Cobb
P.A. Madden	G.J. Campbell

FOURTH DIVISION	2003
Pending Cases at beginning of fiscal year	16
New cases	10
Total number open cases	26
Closed cases	7
Pending Cases at end of fiscal year	19

BREAKDOWN OF NEW CASES BY CARRIER

Duluth, Missabe & Iron Range Railway	4
Northeast Illinois Regional Commuter	2
Soo Line Railroad	1
Union Pacific Railroad	3
TOTAL NEW CASES	10

BREAKDOWN OF NEW CASES BY LABOR ORGANIZATION

Transportation Communications Union	7
Miscellaneous (Individual)	3
TOTAL NEW CASES	10

SECTION 3 TRIBUNALS AND ARBITRATORS SELECTED

1: Section 3 Tribunals Established FY 2003

NO. OF BOARDS

Public Law Board	125
Special Boards of Adjustment	2
Arbitration Board	2

1A: Public Law Boards FY 2003

CARRIERS	NO. OF BOARDS	CARRIERS	NO. OF BOARDS
Alabama State Docks	1	Long Island Rail Road	3
Bangor & Aroostook Railroad Co.	1	Montana Rail Link	1
The Belt Railway Company of Chicago	1	National Railroad Passenger Corporation (AMTRAK)	6
Birmingham Southern Railroad Company	1	New Jersey Transit	1
Buffalo & Pittsburgh	1	Norfolk Southern Corporation	10
Burlington Northern Santa Fe Railway Company	15	Northeast Illinois Regional Commuter Railroad Corp.	2
Canadian National Railway	3	Pacific Harbor Line, Inc.	1
Canton Railroad Company	1	Paducah & Louisville Railway	1
Colorado & Wyoming Railway Company	1	Port Authority Trans Hudson	1
Consolidate Rail Corporation	1	Port Terminal Railroad Association	1
CP Rail System	4	Providence & Worcester Railroad Company	1
CSX Transportation, Inc.	25	Southeastern Pennsylvania Transportation Authority	2
Delaware & Hudson	2	Springfield Terminal Railroad Company	1
Elgin, Joliet & Eastern Railway	3	Terminal Railroad Association of St. Louis	1
Florida East Coast Railway Company	1	Union Pacific Railroad Co.	17
I and M. Rail Link	1	Union Railroad Company	1
Indiana Harbor Belt Railroad	1	Utah Railway Company	1
Kansas City Southern	7	Wheeling & Lake Erie	1
Kiamichi Railroad Company	1		
Kyle Railroad Company	1		
Lake Superior & Ishpeming Railroad	1		
		TOTAL	125

UNIONS	NO. OF BOARDS	UNIONS	NO. OF BOARDS
Brotherhood of Locomotive Engineers	20	International Longshoremens' Association	1
Brotherhood of Maintenance of Way Employes	28	Joint Counsel Carmen Helpers, Co. Cleaners, & Ap.	1
Brotherhood of Railroad Signalmen	3	National Conference of Firemen and Oilers	4
International Association of Machinists & Aerospace Workers	3	Sheet Metal Workers International Association	1
International Brotherhood of Electrical Workers	6	Transportation Communications International Union	16
International Brotherhood of Blacksmith & Boilermakers	1	United Transportation Union	41
		TOTAL	125

1B: Special Boards of Adjustment FY 2003

CARRIER	NO. OF BOARDS
CSX Transportation, Inc.	1
Port Authority Transit Authority	1
TOTAL	2

UNIONS	NO. OF BOARDS
Brotherhood of Locomotive Engineers	1
Railway Independent Transit Union	1
TOTAL	2

1C: Arbitration Boards FY 2003

CARRIER	NO. OF BOARDS
Union Pacific Railroad Company	1
National Carriers Conference Committee	1
TOTAL	2

UNIONS	NO. OF BOARDS
Brotherhood of Locomotive Engineers	1
Transportation Communications International Union	1
TOTAL	2

1D: Arbitrators Selected (PLB, SBA or ARB Boards) FY 2003

John Binau	Thomas Germano	Herbert L. Marx, Jr.	Barry Simon
James Conway	Charlotte Gold	James McDonnell	John Skonier
Joseph A. Cassidy, Jr.	Elliott Goldstein	Peter R. Meyers	Edward Suntrup
John Criswell	Donald Hampton	James E. Nash	David P. Twomey
Barbara Deinhardt	Don Hays	Margo Newman	M. David Vaughn
Rodney Dennis	Robert Hicks	Robert O'Brien	Gilbert Vernon
Francis Domzalski	William Holley	Joan Parker	Gerald Wallin
Robert Douglas	Joshua M. Javits	Robert Peterson	Helen M. Witt
Dana E. Eischen	Ann Kenis	Robert Perkovich	Carol Zamperini
Charles P. Fischbach	Frank Lynch	Francis X. Quinn	Marty E. Zusman
Leonard A. Foster	Martin Malin	Robert Richter	
Levi Gardner	James Mason	Thomas Rinaldo	

GLOSSARY

ACT

The Railway Labor Act

AGENCY

The National Mediation Board

ALLIANCE

The Alliance for Education in Dispute Resolution

ALTERNATIVE DISPUTE RESOLUTION (ADR)

ADR is a process for resolving disputes outside of the judicial system of law. In the venue of the NMB, mediation and arbitration have been the mainstay processes for dispute resolution, and Alternative Dispute Resolution 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 grievance resolution process where an arbitrator renders a decision, which usually can be appealed only on a very narrow basis such as fraud.

BOARD

May be one of:

- National Mediation Board
- Presidential Emergency Board
- National Railroad Adjustment Board
- Special Board of Adjustment
- Public Law Board
- National Labor Relations Board

CABOTAGE

Airline cabotage is the carriage of air traffic that originates and terminates within the boundaries of a given nation by a foreign air carrier.

CENTER

See Usery Center.

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 collection 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.

E-BUSINESS

The conduct of business on the Internet.

FACILITATION

A process where 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.

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 BASED BARGAINING

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.

KEY BALLOT

A special NMB ballot designed to address instances of carrier interference. The organization is certified, unless a majority of eligible voters returns votes opposing union representation.

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 for the purpose of collective bargaining.

LAKER BALLOT

A special NMB yes/no ballot designed to address instances of carrier interference as first used in a representation case involving Laker Airlines.

MEDIATION

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

NATIONAL HANDLING

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

OPEN SKIES

Agreements that give airlines the right to operate air services from any point in one nation to any point in another nation.

PROFFER OF ARBITRATION

The step in the process of resolving collectively 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.

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 organizations whose goal is the improvement of resolution of minor disputes.

SECTION 6

Section 156 of the RLA pertaining to the changing rates of pay, rules and working conditions

SECTION 7

Section 157 of the RLA pertaining to Arbitration

SECTION 9A, SECTION 159A

Section 159A of the RLA pertaining to Presidential Emergency Boards

SECTION 10, SECTION 160

Section 160 of the RLA pertaining to Presidential Emergency Boards

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 strike or work specifically as required by its collective bargaining agreement.

SHOWING OF INTEREST

In a representation dispute, a majority of 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.

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.

SYSTEM BOARDS OF ADJUSTMENT

An arbitration board pursuant to an agreement by the parties for resolving grievances.

TELEPHONE ELECTRONIC VOTING (TEV)

Initiative to streamline the balloting process, make representation more available to the parties, and help create a paperless office.

USERY CENTER

The W. J. Usery Jr. Center for the Workplace at Georgia State University has formed an academic partnership with the NMB to develop and present research, educational programs, and training programs pertaining to labor and employment relations and dispute resolution in the railway and airline industries.

ACRONYMS

ABX	Airborne Express	IPA	Independent Pilots Association or Intergovernmental Personnel Act
ACR	Association for Conflict Resolution (formerly SPIDR)	IRRA	Industrial Relations Research Association
ACRE	Association of Commuter Rail Employees	IT	Information Technology
AD&T	ADR Development and Technology	IUOE	International Union of Operating Engineers
ADR	Alternative Dispute Resolution	JD	Juris Doctor (Doctor of Law)
AFA	Association of Flight Attendants	JFMIP	Joint Financial Management Improvement Program
AFL-CIO	The American Federation of Labor - Congress of Industrial Organizations	KHPA	Kitty Hawk Pilots Association
AIRCON	Airline Industrial Relations Conference	MIT	Massachusetts Institute of Technology
ALI	American Law Institute	MAP	Metropolitan Alliance of Police
ALPA	Air Line Pilots Association	NARA	National Archives & Records Administration
ALRA	Association of Labor Relations Agencies	NARR	National Association of Railroad Referees
AMFA	Aircraft Mechanics Fraternal Association	NCCC	National Carriers' Conference Committee
AMTRAK	National Railroad Passenger Corporation	NICTD	Northern Indiana Commuter Transportation District
APA	Allied Pilots Association	NLRA	National Labor Relations Act
ASA	Atlantic Southeast Airlines	NLRB	National Labor Relations Board
ATDD	American Train Dispatchers Department, BLE	NMB	National Mediation Board
AVG	Average	NRAB	National Railroad Adjustment Board
BLE/IBLE	International Brotherhood of Locomotive Engineers	NRLC	National Railway Labor Conference
BLET	Brotherhood of Locomotive Engineers and Trainmen	ODR	Online Dispute Resolution
BMWE	Brotherhood of Maintenance of Way Employees	OLA	Office of Legal Affairs
BRS	Brotherhood of Railroad Signalmen	OMB	Office of Management and Budget
CCPA	Combined Counties Police Association	OPEIU	Office and Professional Employees International Union
CIO	Chief Information Officer	PACE	Paper, Allied-Industrial, Chemical and Energy Workers International Union
CLE	Continuing Legal Education	PAFCA	Professional Airline Flight Control Association
COS	Chief of Staff	PATH	Port Authority Trans Hudson
CSX/CSXT	CSX Transportation Incorporated	PDF	Adobe's Portable Document Format
CWA	Communication Workers of America	PEB	Residential Emergency Board
DHL	DHL Worldwide Express	PFAA	Professional Flight Attendants Association
DM&E	Dakota, Minnesota and Eastern Railroad	PLB	Public Law Board
FAQ	Frequently Asked Question	PSA	PSA Airlines
F&A	Financial and Administrative	RITU	Railway Independent Transit Union
FEDX	Federal Express	RLA	Railway Labor Act
FFMIA	Federal Financial Management Improvement Act	RR	Railroad
FY	Fiscal Year	SAPA	Sky West Airlines Pilot Association
GM	Grievance Mediation	SARS	Severe Acute Respiratory Syndrome
GMRA	Government Management Reform Act	SBA	Special Board of Adjustment
GPRA	Government Performance and Results Act	SEIU	Service Employees' International Union
HTAW	Hawaii Teamsters and Allied Workers	SEPTA	Southeastern Pennsylvania Transportation Authority
IAM	International Association of Machinists & Aerospace Workers	SMWIA	Sheet Metal Workers International Union
IBB	Interest-Based Bargaining	SWAPA	Southwest Airlines Pilots Association
IBBB	The International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers	TCU/TCIU	Transportation Communications International Union
IBEW	International Brotherhood of Electrical Workers	TEV	Telephone Electronic Voting
IBT	Int'l Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America	TP&W	Toledo, Peoria and Western Railway
IC&E	Iowa, Chicago and Eastern Railroad	TWA	Trans World Airlines
ICAR	Institute for Conflict Analysis and Resolution	TWU	Transport Workers Union of America
ICPS	Illinois Council of Police and Sheriffs	UP	Union Pacific Railroad
IDP	Individual Development Plan	UPS	United Parcel Service
IFPTE	International Federation of Professional and Technical Engineers	UQSA	United Quality Service Assistants
		USWA	United Steelworkers of America
		UTU	United Transportation Union
		VA-ACR	Virginia Association for Conflict Resolution
		YR	Year



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