



2019 NMB



2019

NATIONAL MEDIATION BOARD
ANNUAL PERFORMANCE AND ACCOUNTABILITY REPORT

CHAIRMAN'S LETTER

NOVEMBER 19, 2019

ESTABLISHED 85 YEARS AGO, THE MISSION OF THE NATIONAL MEDIATION BOARD IS TO PREVENT THE INTERRUPTION OF INTERSTATE COMMERCE IN THE RAIL AND AIRLINE INDUSTRIES. IN 2019 THE AGENCY'S MISSION REMAINS AN ESSENTIAL ELEMENT TO THE STABILITY OF THESE TWO INDUSTRIES AND THE NATION'S ECONOMY. THE RAILWAY LABOR ACT'S STATUTORY AUTHORITY IS THE UNDERPINNING OF THE AGENCY'S WORK IN THE AREAS OF LABOR/MANAGEMENT RELATIONS INCLUDING MEDIATION, REPRESENTATION AND ARBITRATION SERVICES. CRITICAL TO THE AGENCY'S SUCCESS IS ITS WORK IN THE PROMOTION OF HARMONIOUS LABOR/MANAGEMENT RELATIONSHIPS.

In FY 2019 the Board provided Mediation Services on 102 labor contract cases with 36 cases brought to a successful conclusion without any interruption to service. Compounding the success in this area was the Board's Alternative Dispute Resolution (ADR) efforts which uses non-traditional mediation techniques to resolve contract and grievance related issues. Our NMB Mediators were successful in working on 54 ADR cases which resolved multiple contract issues and thousands of grievances. One such ADR program, the Ambassador Program, pairs NMB Mediators with rail labor and management teams to resolve grievances in an effort to avoid more costly arbitration. This increasingly popular program promotes the concept that settlements crafted by the parties are more durable than arbitration decisions because they resolve core issues.

In FY 2019, the Agency's Legal Staff closed 12 Representation cases including the representation of approximately 2,800 employees of United Airlines in the craft & class of Flight Kitchen, Commissary, Catering and Related Employees. Based on its findings, after an investigation and the authorization cards submitted by UNITE HERE, the Board found a representation dispute existed and conducted an election. The majority of the employees cast votes for representation and the Board certified UNITE HERE as the representative for the craft and class of employees at United Airlines.

In FY 2019 the majority of the Board adopted a Final Rule related to the amendment of its representation rules. This rule provides for the decertification of an existing representative. Under the direct decertification procedure an employee must file an application that a representation dispute exists and support the application with a valid showing of interest from 50 percent of the craft or class. Where it is clear that the petitioning employees wish to be free of the incumbent representative, the Board will authorize an election. If the employees vote to reject representation, a two year election ban is applied.

The Office of Arbitration Services focused its attention on reducing the number of cases requiring arbitration by the promotion of Grievances Mediation and by improving the management of cases that require arbitration. To insure consistency in arbitration awards, the NMB revised templates on its website to assist arbitrators in performing their duties as neutrals. In addition, the NMB contracted for an upgraded case management system. By the end of FY 2019, there were 3,698 pending arbitration cases compared to 6,408 cases at the end of the previous fiscal year.

NMB Support Services functions are provided by three offices, the Office of Administration, the Office of Information Services and the Office of Fiscal Services.

In FY 2019, the Office of Administration, which is responsible for human resources management and office space management, focused its attention on the hiring and training of NMB personnel as well as a cloud based management of inventory and assets. Training plans, both through individual development plans (IDP) and the department training plans, enhance the skill level of our employees. As a result of an employee Climate Assessment survey, the Agency has initiated an educational series which spotlights the work of each NMB office.

The Office of Information Services has advised the Board on taking numerous actions to further the NMB's compliance with federal IT security requirements. Through an annual program of required security awareness training, NMB employees and contractors continually reinforce good security practices. To better manage its devices, NMB Information Services staff implemented an Advanced Mobile Device Management Program, implemented encryption to secure its public website, and hygiene scanning to ensure security of its publicly accessible website.

The NMB Office of Fiscal Services includes services for budget formulation and execution, accounting and financial reporting, audit services, payroll, and travel, as well as contracting and interagency agreement services. In FY 2019, the NMB continued its commitment to sound financial management, by utilizing the Bureau of Fiscal Services (BFS) for financial reporting requirements, accounting and contracting services, as well as e-travel. In addition, the NMB continued its use of other federal government shared service providers including the Department of Interior Personnel, Payroll, Human Resources and Related Systems and Services as well as the General Services Administration (GSA) for agency purchases and travel credit cards.

Through a combination of professional on-site employees and contractors, the NMB ensures that its Support Services functions are of the highest quality.

As FY 2019 comes to a close, the Agency is well positioned to meet the challenges that lie ahead.

A handwritten signature in black ink, reading "Linda A. Puchala". The signature is written in a cursive, flowing style.

Linda A. Puchala
Chairman



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MANAGEMENT'S DISCUSSION AND ANALYSIS (MD&A)





ABOUT THE NATIONAL MEDIATION BOARD

- 9| MISSION STATEMENT
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MISSION

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

The NMB is headed by a three-member Board nominated by the President and confirmed by the Senate. Although appointed for three-year terms, members may serve until replaced. The members self-designate a Chairman, typically on a yearly basis.

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

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

**In order to realize these goals, the NMB has three established program offices: the Office of Mediation Services (OMS), the Office of Legal Affairs (OLA), and the Office of Arbitration Services (OAS). Offices that support all purposes include the Office of Administration (OA), the Office of Fiscal Services (OFS), and the Office of Information Services (OIS). For further information, see the Management's Discussion and Analysis section of this Annual Report.*

NMB STRUCTURE

CHAIRMAN AND MEMBERS OF THE BOARD

Linda A. Puchala¹

Chairman

Kyle Fortson²

Member

Gerald W. Fauth, III

Member

Connor M. Parker

Confidential Assistant

Kelsey Kelleher

Confidential Assistant

Nancy Guiden

Confidential Assistant

PROGRAM OFFICES

OFFICE OF LEGAL AFFAIRS

Mary Johnson

General Counsel

Maria-Kate Dowling

Associate General Counsel

Norman Graber

Counsel

Eileen Hennessey

Counsel

Andres Yoder

Counsel

Josie Bautista³

Counsel

John Gross⁴

Counsel

Keith Hussong

Program Support Specialist

OFFICE OF MEDIATION SERVICES

Patricia Sims

Director

Terri D. Brown

Senior Mediator

John Livingood

Mediator

Anthony Tosi

Mediator

Gerry McGuckin

Mediator

James Mackenzie

Mediator

Victoria Gray

Mediator

Michael Kelliher

Mediator

Eva Durham

Mediator

Catherine McCann

Mediator

Jane Allen

Mediator

OFFICE OF ARBITRATION SERVICES

Roland Watkins

Director

Elijah Crayton

Paralegal Specialist

Linda Gathings

Arbitration Program Specialist
(Chicago)

Bianca Broadie⁵

Arbitration Program Specialist

Michaela Guyton⁶

Arbitration Program Specialist
(Chicago)

SUPPORT OFFICES

OFFICE OF FISCAL SERVICES

Michael Jerger⁷
Chief Financial Officer

Denise Murdock
Program & Management
Analyst

Eric B. Johnson
Budget & Financial Analyst

OFFICE OF INFORMATION SERVICES

William Fumey⁸
Chief Information Officer

Charles Montague
Information Technology
Specialist

Dean Wagner
Information Technology
Specialist

Taha Sadeghi⁹
Information Technology
Specialist (INFOSEC)

OFFICE OF ADMINISTRATION

Samantha T. Jones
Director

Bruce Conward, Jr.
Support Service Specialist

Terran C. Walker
Support Service Specialist

Footnotes: ¹Became Chairman on July 1, 2019. ²Served as Chairman from July 1, 2018 through June 30, 2019. ³Joined NMB on June 23, 2019. ⁴Joined NMB on September 3, 2019. ⁵Joined NMB on November 25, 2018. ⁶Joined NMB on December 23, 2018. ⁷Joined NMB on June 23, 2019. ⁸Joined NMB on January 6, 2019. ⁹Joined NMB on August 4, 2019.

NIMB BOARD



BOARD MEMBERS



LINDA A. PUCHALA

Chairman

Chairman Puchala was first confirmed as Member of the National Mediation Board by the United States Senate on May 21, 2009. Ms. Puchala previously served as Chairman from May 2009 through June 30, 2009; July 1, 2011, through June 30, 2012; July 1, 2013, through June 30, 2014; and July 1, 2016, through June 30, 2017. Her most recent Senate confirmation came on November 2, 2017.

Prior to becoming a Member, Ms. Puchala served 10 years at the National Mediation Board as a Mediator, Sr. Mediator (ADR), and the Associate Director of Alternative Dispute Resolution Services. Ms. Puchala's prior labor relations experience includes work as International President of the Association of Flight Attendants-CWA, AFL-CIO and Staff Director, Michigan State Employees Association, AFSCME, AFL-CIO.

Ms. Puchala resides in Glen Burnie, Maryland, and holds a bachelor's degree in business administration from Cleary University in Howell, Michigan.

BOARD MEMBERS



KYLE FORTSON

Member

Kyle Fortson was confirmed by the United States Senate on November 2, 2017. She assumed her position with the National Mediation Board on November 13, 2017, and served as Chairman of the NMB from July 1, 2018, to June 30, 2019.

Immediately prior to joining the NMB, Ms. Fortson served as Labor Policy Director for Republicans on the Senate Health, Education, Labor and Pensions Committee. She worked directly for the Chairman, Senator Lamar Alexander of Tennessee. As Labor Policy Director, Ms. Fortson was responsible for all labor, employment, and workplace safety issues in the Committee's jurisdiction.

During her tenure at the Committee, Ms. Fortson also worked for previous Republican leaders Senator Mike Enzi and Senator Judd Gregg. Prior to joining the Committee, she was a Policy Analyst for the Senate Republican Policy Committee handling labor and other issues. She has also served as Counsel to a member of the House Judiciary Committee.

She is a graduate of the University of Colorado at Boulder and the George Washington University School of Law.



GERALD W. FAUTH, III

Member

Gerald W. Fauth, III, was confirmed by the United States Senate on November 2, 2017, and assumed his position as a Board Member. Mr. Fauth served as Chairman of the National Mediation Board from November 9, 2017, through June 30, 2018. Mr. Fauth has 40 years of experience in the private sector and federal government working on economic, regulatory, public policy, and legislative issues related to transportation.

Mr. Fauth has been involved in negotiating, mediating, arbitrating, facilitating, supporting, or deciding the resolution of hundreds of transportation problems and disputes during his long career. He has submitted expert testimony and evidence on behalf of a wide variety of clients in numerous proceedings, which has helped resolve complex economic and regulatory issues. Mr. Fauth served at the U.S. Surface Transportation Board (STB), where he worked for more than three years as Chief of Staff and Senior Advisor to a Board Member.

While serving at the STB, he reviewed, analyzed, and made recommendations on hundreds of formal written decisions, which involved all matters of STB jurisdiction and had an impact on the transportation industry and the national economy.

Mr. Fauth was previously President of G.W. Fauth & Associates, Inc., a transportation economic consulting firm based in Alexandria, Virginia. Mr. Fauth holds a bachelor's degree from Hampden-Sydney College in Virginia.

DIRECTORS



MARY JOHNSON

General Counsel

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

Ms. Johnson received her Juris Doctor from the University of Connecticut School of Law and her A.B. from Barnard College. She is a member of the Connecticut Bar and public Co-chair of the Railroad and Airline Labor Committee of the Labor and Employment Law Section of the American Bar Association.



PATRICIA SIMS

Director, Office of Mediation Services

Patricia Sims joined the NMB in 1997 as a Mediator and was promoted to Senior Mediator in 2000 and promoted to Director of Mediation Services (DOMS) in 2018. Ms. Sims is the first woman to hold the position as Director of Mediation. As the DOMS, she is responsible for supervision and oversight of the Mediation Department services and programs. Ms. Sims brings more than 20 years of experience in mediation in both the air and rail industries. She has mediated major disputes with all of the legacy airlines and their unions, including legacy merger agreements. Ms. Sims successfully mediated National Handling, concluding in 2007, which included the five Class I railroads and the UTU. Additionally, in 2002 she completed mediation with the first interest-based contract in the rail industry at CSX with their yardmasters.

Ms. Sims worked to create the Alternative Dispute Resolution (ADR) department at the NMB, which provides problem-solving training to the parties in both industries. She has been instrumental in promoting and facilitating new processes in both industries.

Ms. Sims earned her bachelor's degree in education from Virginia Tech and received her mediation certification at Harvard Law School and at the Private Adjudication Program at Duke University Law School.

DIRECTORS



ROLAND WATKINS

Director, Office of Arbitration Services

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

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

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



MICHAEL JERGER

Chief Financial Officer

Michael Jerger joined the National Mediation Board in June 2019 as the Chief Financial Officer. In this role Mr. Jerger serves as a senior advisor to the Board and staff on financial, budgetary, and resource management decisions. In addition, he directs the financial management of the NMB and provides interpretation and direction on fiscal policy and law.

Prior to joining the NMB, Mr. Jerger was the Chief Operating Officer for the Institute of Museum and Library Services (IMLS), which is the main source of federal support for libraries and museums within the United States. In this role, he directed and managed the Offices of the Chief Financial Officer, Grants Administration, Human Resources, and Operations. Prior to joining the IMLS, Mr. Jerger was a Senior Global Business consultant with the IBM Corporation in New York.

Mr. Jerger holds a bachelor's degree in accounting from the University of Maryland, College Park.



WILLIAM FUMEY
Chief Information Officer

William Fumey is the Chief Information Officer and Director of the Office of Information Services at the National Mediation Board. Mr. Fumey joined the NMB in January 2019. As Chief Information Officer, Mr. Fumey oversees information technology and its related security and management for the Board.

Mr. Fumey holds a Master of Business Administration from the George Washington University and a Bachelor of Science in information sciences and technology and a minor in telecommunications from Pennsylvania State University. He is a Certified Project Management Professional (PMP), Certified Information Systems Security Professional (CISSP), and Certified Information Systems Auditor.



SAMANTHA T. JONES
Director, Office of Administration

Samantha T. Jones is the Director of Office Administration (OA) at the National Mediation Board. During her tenure at the NMB, she has served in many leadership roles, including Acting Director of OA, Special Assistant to the Chief of Staff, the Assistant Chief of Staff—Administration, the Chief Financial Officer, and most recently, as the Acting Chief Financial Officer and the Acting Director of the Office of Fiscal Services.

Prior to joining the NMB in 2005, Ms. Jones was employed by the National Capital Planning Commission, where she served in many capacities, providing advice and guidance to senior management officials.

Ms. Jones holds a Bachelor of Science in business management with a minor in computer studies from the University of Maryland. She also holds a Master of Arts in conflict resolution from Dominican University, a certificate in executive leadership and a certificate in high performance, both from Cornell University. At Cornell University's ILR School, the Scheinman Institute on Conflict Resolution, she received training in Mediating and Arbitrating in the Federal Sector. Ms. Jones also serves as NMB's principal management official on the Small Agency Council Executive Committee for Human Resources.

REGISTRY OF BOARD MEMBERS

NAME	START DATE	END DATE
Kyle Fortson	11-13-17	Active ¹
Gerald W. Fauth, III	11-09-17	Active ²
Linda A. Puchala	05-26-09	Active ³
Harry R. Hoglander	08-06-02	11-09-17
Nicholas C. Geale	08-19-13	02-15-17
Elizabeth Dougherty	12-13-06	06-02-12
Read Van de Water	12-11-03	05-22-09
Edward J. Fitzmaurice, Jr.	08-02-02	12-13-06
Francis J. Duggan	11-22-99	11-21-03
Magdalena G. Jacobsen	12-01-93	08-02-02
Ernest W. DuBester	11-15-93	08-01-01
Kenneth B. Hipp	05-19-95	12-31-98
Kimberly A. Madigan	08-20-90	11-30-93
Patrick J. Cleary	12-04-89	01-31-95
Joshua M. Javits	01-19-88	11-14-93
Charles L. Woods	01-09-86	01-15-88
Helen M. Witt	11-18-83	09-18-88
Walter C. Wallace	10-12-82	07-01-90
Robert J. Brown	08-20-79	06-01-82
Robert O. Harris	08-03-77	07-31-84
Kay McMurray	10-05-72	07-01-77
Peter C. Benedict	08-09-71	04-12-72
David H. Stowe	12-10-70	07-01-79
George S. Ives	09-19-69	09-01-81
Howard G. Gamser	03-11-63	05-31-69
Robert O. Boyd	12-28-53	10-14-62
Leverett Edwards	04-21-50	07-31-70
John Thad Scott, Jr.	03-05-48	07-31-53
Francis A. O'Neill, Jr.	04-01-47	04-30-71
Frank P. Douglass	07-03-44	03-01-50
William M. Leiserson	03-01-43	05-31-44
Harry H. Schwartz	02-26-43	01-31-47
David J. Lewis	06-03-39	02-05-43
George A. Cook	01-07-38	08-01-46
Otto S. Beyer	02-11-36	02-11-43
John M. Carmody	07-21-34	09-30-35
James W. Carmalt	07-21-34	12-02-37
William M. Leiserson	07-21-34	05-31-39

¹ Term ended July 1, 2019.

² Term ending July 1, 2020.

³ Term ended July 1, 2018.



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OFFICE OF MEDIATION SERVICES

The Office of Mediation Services (OMS) manages mandatory mediation of collective bargaining disputes pursuant to statutory authority under Section 6 of the RLA, which is applicable to both the airline and railroad industries. The Alternative Dispute Resolution (ADR) component of OMS offers voluntary dispute resolution programs to the parties including training, facilitation, grievance mediation, and other dispute resolution efforts.

MEDIATION OVERVIEW

The RLA requires labor and management to exert every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties must give notice to each other of their proposals for new or revised agreements. Direct negotiation between the parties must commence promptly and continue in an effort to conclude a new collective bargaining agreement or to narrow their differences. Should parties fail to reach agreement during direct negotiations, either party or the parties jointly may apply to the NMB for mediation. Following receipt of an application, the NMB promptly assigns a mediator to assist the parties in reaching an agreement. An application for NMB mediation services may be obtained from the Agency's website at www.nmb.gov.

The NMB is obligated under the Act to use its "best efforts" to bring about a peaceful resolution of the dispute. If such efforts do not settle the dispute, the NMB advises the parties and offers interest arbitration (proffers arbitration) as an alternative approach to resolving the remaining issues. If either party rejects this offer of binding arbitration, the NMB releases the parties from formal mediation. This release triggers a 30-day cooling-off period, during which the Agency continues to work with the parties to achieve a consensual solution to the dispute. However, if an agreement is not reached by the end of the 30-day period and the President of the United States does not establish an Emergency Board, the parties are free to exercise lawful self-help, which includes carrier-imposed working conditions or a strike by the union/organization.

A flowchart of mediation procedures can be found in the Mediation section of the NMB website at www.nmb.gov.

MEDIATION HIGHLIGHTS

Mediation for collective bargaining agreements was successful in FY 2019. Mediators effectively used their skills to assist parties in finding ways to bridge their disputes and reach agreement. Agreements were mediated in the airline sector with passenger and freight carriers, and in the rail sector with freight and commuter lines. Challenges at the bargaining table included consolidating agreements after mergers, and dealing with health care changes and retirement plans.

Settlements

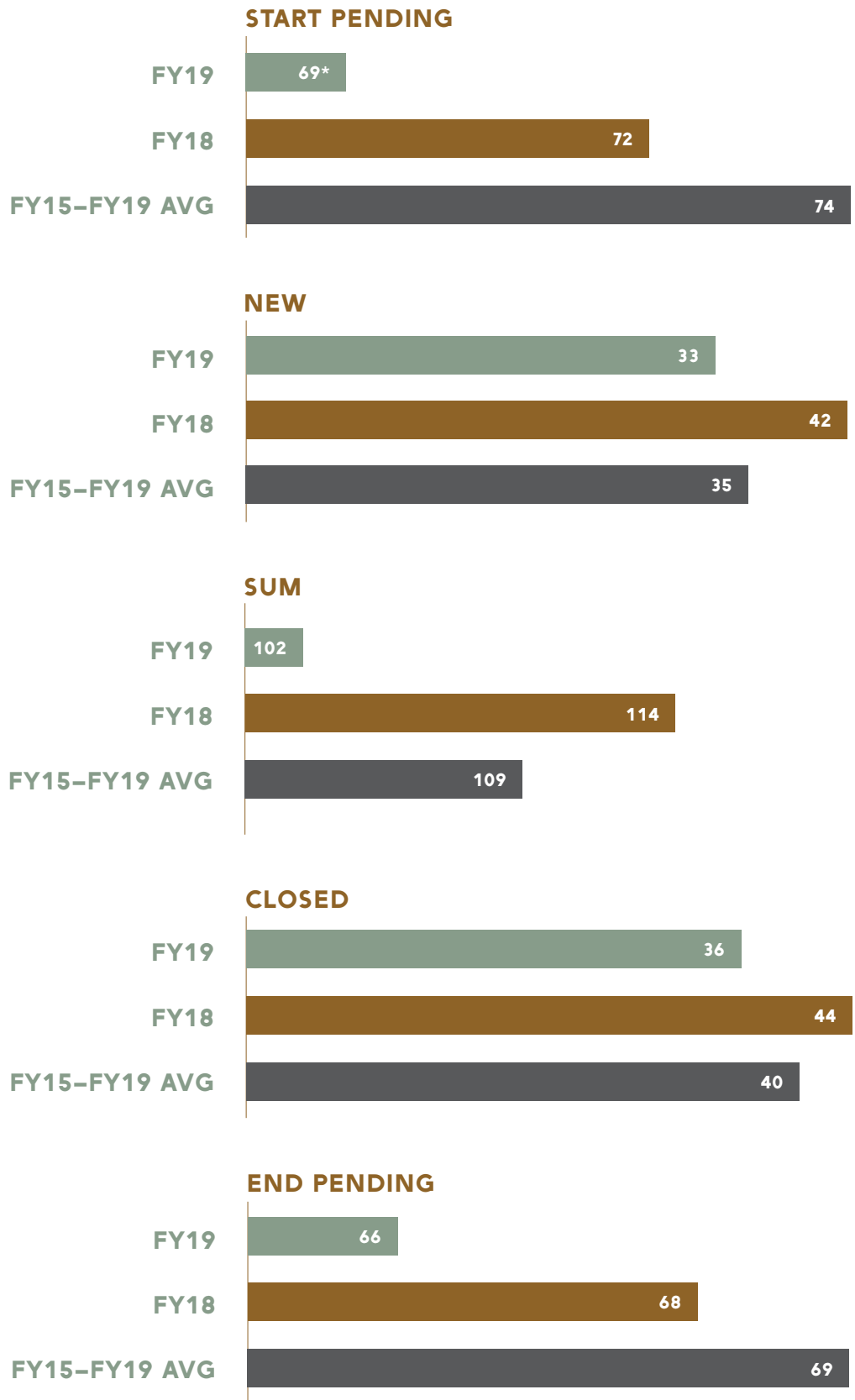
Settlements were reached and ratified with Frontier ALPA Pilots and Frontier AFA flight attendants, UPS IBT Mechanics, UPS TWU Dispatchers, Southwest Airlines AMFA Mechanics, and PSA AFA flight attendants. Other notable case closures included the Wheeling & Lake Erie and the BLET, Keolis Commuter Railroad and seven of its unions, SEPTA and SMART-TD, SEPTA and BLET, SEPTA and BRS, Soo Line and BMWED, Missouri & Northern Arkansas RR and BLET.

Pending Cases

Our estimate of 70 mediation cases that would remain open at the close of FY 2019 was close to our actual number of 66 open cases. In the airline sector, legacy carriers are reaching amendable dates with many of their unions in 2019. We have docketed cases representing thousands of employees at American Airlines, and we anticipate other requests from legacy carriers in FY 2020. We also continue to be deeply engaged with Air Wisconsin and three of its unions: ALPA, AFA, and IAM. In the airline catering sector, we are working with Gate Gourmet and UNITE HERE IBT and LSG Sky Chefs and UNITE HERE. In the area of commuter rail, we are working with PATH and eight of its unions to reach agreements, and with SEPTA and two of its unions.

An application for NMB mediation services may be obtained from the Agency's website at www.nmb.gov.

A chart reflecting the actual mediation case numbers for FY 2019, FY 2018, and the five-year average, FY 2015-FY 2019, follows:



*System adjustment

ADR OVERVIEW

In addition to statutory mediation and arbitration services under Sections 3 and 6 of the RLA, the NMB provides voluntary Alternative Dispute Resolution (ADR) services. ADR services include training, facilitation, grievance mediation, and applying technology to the dispute resolution process.

The primary goal of the NMB's ADR program is to assist the parties in learning and applying more effective, less confrontational methods for resolving disputes. Another goal is to help the parties resolve more of their own disputes without outside intervention, and to use appropriate technology to increase the efficiency and reduce the cost of dispute resolution efforts for the parties.

The NMB established its ADR services program with the conviction that use of ADR methods would result in fewer cases progressing to statutory mediation, reduce and narrow the issues that the parties bring to mediation, and positively affect working relationships among the parties. A complete description of and an application for ADR services may be found on the Agency's website at www.nmb.gov.

ADR HIGHLIGHTS

ADR personnel (Mediators) continued to develop and deliver a wide range of services, including training, facilitation, grievance mediation, facilitation of problem-solving, and use of appropriate technology to increase the efficiency. These services included training programs and facilitation efforts outside of, and in addition to, traditional grievance mediation work.

Training

The ADR services program has seen interest grow in its various training programs. NMB Mediators are skilled at instructing, and regularly train parties as they began facilitation or grievance mediation cases, or when they encountered problems during negotiations.

Facilitation

Facilitation plays an important role in helping parties to reach common ground. It offers carriers and unions a way to reach agreement outside the stricter confines of traditional mediation. With each experience, the NMB's knowledge base grows, and best practices from the process increase to the parties' benefit.

Grievance Mediation

Interest in grievance mediation continues to grow with the parties we serve in both the air and rail sectors. Activity in the rail sector in particular has grown with the ADR Ambassador program, which pairs a Mediator with a particular rail carrier and its unions to advance alternatives to arbitration. Grievance mediation also serves to solve problems before they become grievances, and helps to clarify issues ahead of bargaining.

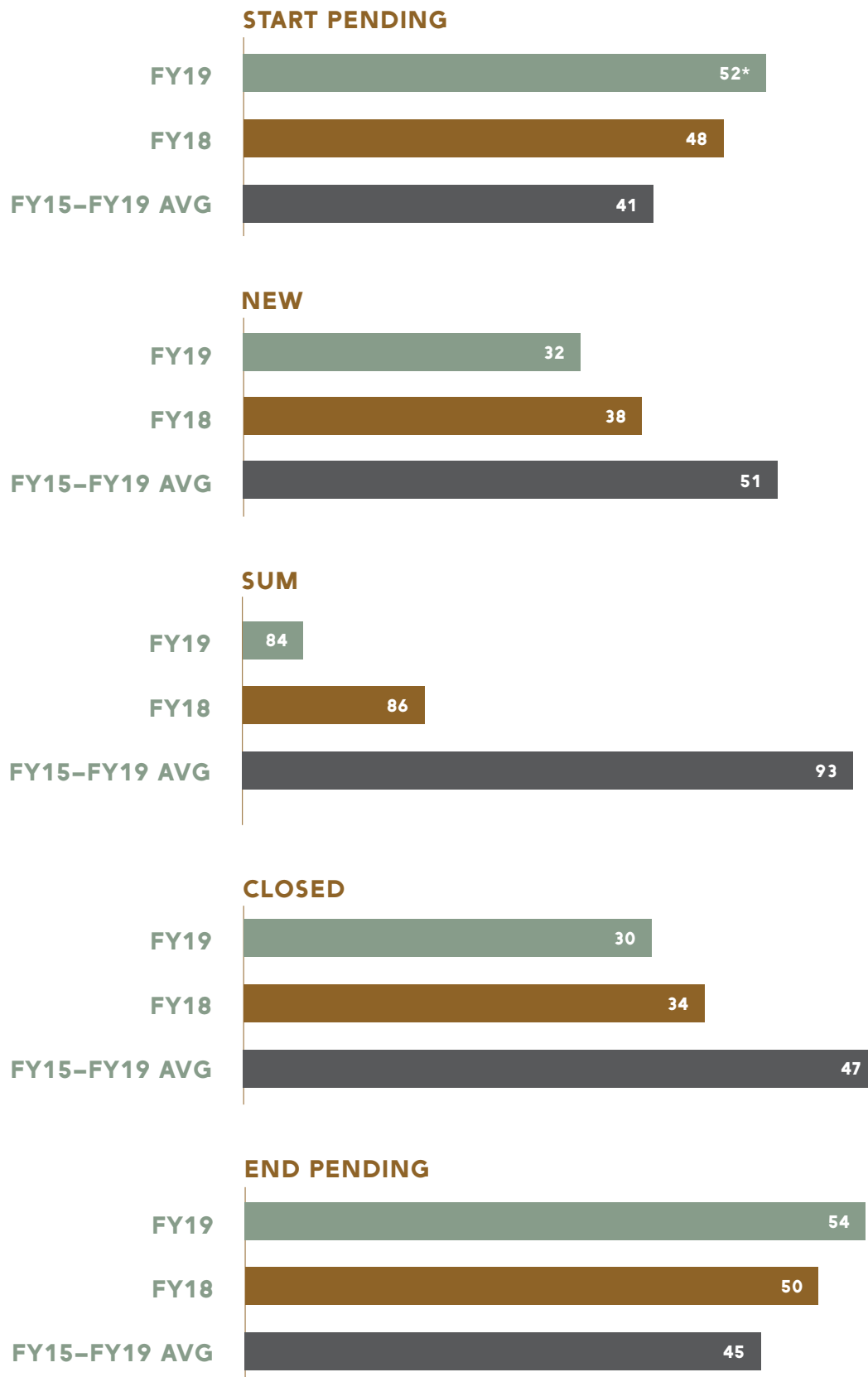
Technological Dispute Resolution

Technology continues to play an important role in resolving disputes in the air and rail industries. Especially when timing is critical, or when information exchange is beneficial between sessions, technology helps to bridge the gap. In other instances when circumstances prevent in-person meetings, online capabilities allow mediation sessions to continue.

Pending Cases

The ADR component of our work includes activities such as training, facilitation, grievance mediation, and outreach endeavors. Much of that case work opens and closes in quick succession; however, grievance mediation cases stay open for many years. The Agency considers that a success because it means the parties find value in the process that helps them to find resolution to the individual disputes that we work on. Mediators take on a docket of claims, or grievances at each session and work them to conclusion. On any given property, one grievance may represent hundreds of claims, so the resolution of one grievance can significantly reduce the number of claims and grievances that require resolution.

A chart reflecting the actual ADR case numbers for FY 2019, FY 2018, and the five-year average, FY 2015-FY 2019, follows:



*System adjustment

OFFICE OF LEGAL AFFAIRS

REPRESENTATION OVERVIEW

Under the Railway Labor Act (RLA), employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining. Employees may also decline representation. An RLA representational unit is “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. 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.

An application for a representation investigation may be obtained from the Agency’s website at www.nmb.gov.

If showing-of-interest requirement is met, the NMB continues the investigation, usually with a secret Telephone/Internet election. Only employees found to be eligible to vote by the NMB are permitted to participate in elections. The NMB is responsible for determining RLA jurisdiction, carrier status in mergers, and for ensuring that the requirements for a fair election process have been maintained without “interference, influence or coercion”. 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.

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 ruling by the NMB.

The following chart reflects the actual case numbers for FY 2019, FY 2018, and the five-year average, FY 2015-2019 follows:

	FY 2019 ACTUAL	FY 2018 ACTUAL	FY 2015–FY 2019 FIVE YEAR AVERAGE
Cases Pending at Start	3	7	4
Cases Docketed	13	20	26
Cases Closed	12	24	26
Cases Pending at End	1	3	5

HIGHLIGHTS DURING FY 2019

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 following case summary is an example of a system-wide representation investigation and election conducted by the NMB during FY 2019.

United Airlines

On January 24, 2018, UNITE HERE filed an application seeking to represent approximately 2,800 employees of United Airlines in the craft or class of Flight Kitchen, Commissary, Catering & Related Employees. United contended that UNITE HERE's showing of interest was tainted by fraud, threats, and coercion on the part of UNITE HERE and its supporters in obtaining authorization cards, and the fact that many employees for whom English is not their primary language did not understand the authorization cards that they signed. In support of its contention, United provided 21 affidavits from employees and supervisors. United further alleged that the appropriate craft or class was Flight Kitchen employees, and argued that many of the employees were already represented by organizations in other crafts or classes.

The NMB's investigators conducted an on-site investigation into the question of taint at each of the six flight kitchens. The Board investigators interviewed management and union witnesses as well as randomly selected employees. Based on the record developed during the investigation, the Board found that there was negligible evidence of misconduct and misunderstanding, and that the showing of interest was not tainted. The Board further found that the Flight Kitchen, Commissary, Catering & Related Employees is the appropriate craft or class because those employees share a work-related community of interest and are functionally integrated.

Based on its findings and the authorization cards submitted by UNITE HERE, the Board found a representation dispute exists regarding the representation of the Flight Kitchen, Commissary, Catering & Related Employees, and ordered an election to be held. The Board also denied United's request for an on-site ballot box election, finding no extraordinary circumstances warranting a deviation from its normal telephone and internet election. United Airlines, Inc., 45 NMB 114 (2018).

The election was conducted on October 23, 2018. A majority of the employees cast votes for representation and the Board certified UNITE HERE as the representative for the craft or class of Flight Kitchen, Commissary, Catering & Related Employees at United Airlines. United Airlines, Inc., 46 NMB 4 (2018).

Rulemaking

On January 31, 2019, the NMB issued a Notice of Proposed Rulemaking (NPRM) (84 FR 612), proposing to amend its representation rules to allow a straightforward election process to decertify representation and to make the two year election bar that applied following a successful representation election similarly applicable to a successful decertification election.

The NPRM noted that the existing decertification process is an unnecessarily complex and convoluted path to an election using the "straw man" process. Under the "straw man" process, employees with current representation seeking a decertification election must submit authorization cards seeking representation by an individual employee who must be listed by name. If "straw man" cards are submitted representing at least 50% of the employee group, an election is directed allowing employees to vote for their current representative, the "straw man," no union, or a write in option. In order to decertify, employees must vote for "no union" or for the "straw man" who, once certified, can subsequently disclaim interest. The NPRM's proposed two year bar following decertification represents the Board majority's view that changes to the employee-employer relationship that occur when employees become represented, change representative, or become unrepresented require similar treatment.

These rule changes are proposed to be codified at 29 CFR Part 1206. The NPRM reflected the Board majority's view that these changes are necessary to ensure that each employee has a say in their representative and remove unnecessary hurdles for employees who no longer wish to be represented.

During the rulemaking, the NPRM provided a 60 day public comment period. The NMB also held an open public hearing on March 28, 2019 to provide another opportunity for interested persons to provide their views to the Board on this important matter.

During the official comment period, the NMB received 32 submissions from a variety of individuals, employees, trade associations, labor unions, Member of Congress, and advocacy groups. In addition, the NMB received written and oral comments from nine individuals and representatives of constituent groups under the RLA that participated at the March 28, 2019 open public hearing.

Under the direct decertification procedure adopted by the NMB in the Final Rule, 84 FR 35977 (July 26, 2019), an employee must file an application asserting that a representation dispute exists among the identified craft or class. This application must be supported by a valid showing of interest from 50 percent of the craft or class. The NMB will now accept authorizations that clearly and unambiguously state the employee’s desire to no longer be represented by their incumbent union. Where it is clear that the petitioning employees wish to be free of the incumbent representative, the Board will authorize an election and the ballot will include the incumbent union and the no representation option, along with the write-in option. The “straw man” will be eliminated and the applicant employee’s name will not be included on the ballot. In the Final Rule, the Board stated its belief that direct decertification better protects the statutory right of free choice of representative by eliminating a confusing and counterintuitive process that requires employees to ostensibly seek representation to vindicate the right to be unrepresented.

Extending the two year election bar to decertification reflects the Board’s belief that both certification and decertification are significant undertakings by employees with a substantial impact on the workplace and employees’ relationship with their employer. Employees who have exercised their right to reject representation deserve a period of repose to transition to that direct relationship and experience their workplace without a collective representative. This period of time allows employees to judge the advantage and disadvantage of their decision without the turmoil of an immediate organizing campaign.

The Final Rule will apply to applications filed on or after August 26, 2019.

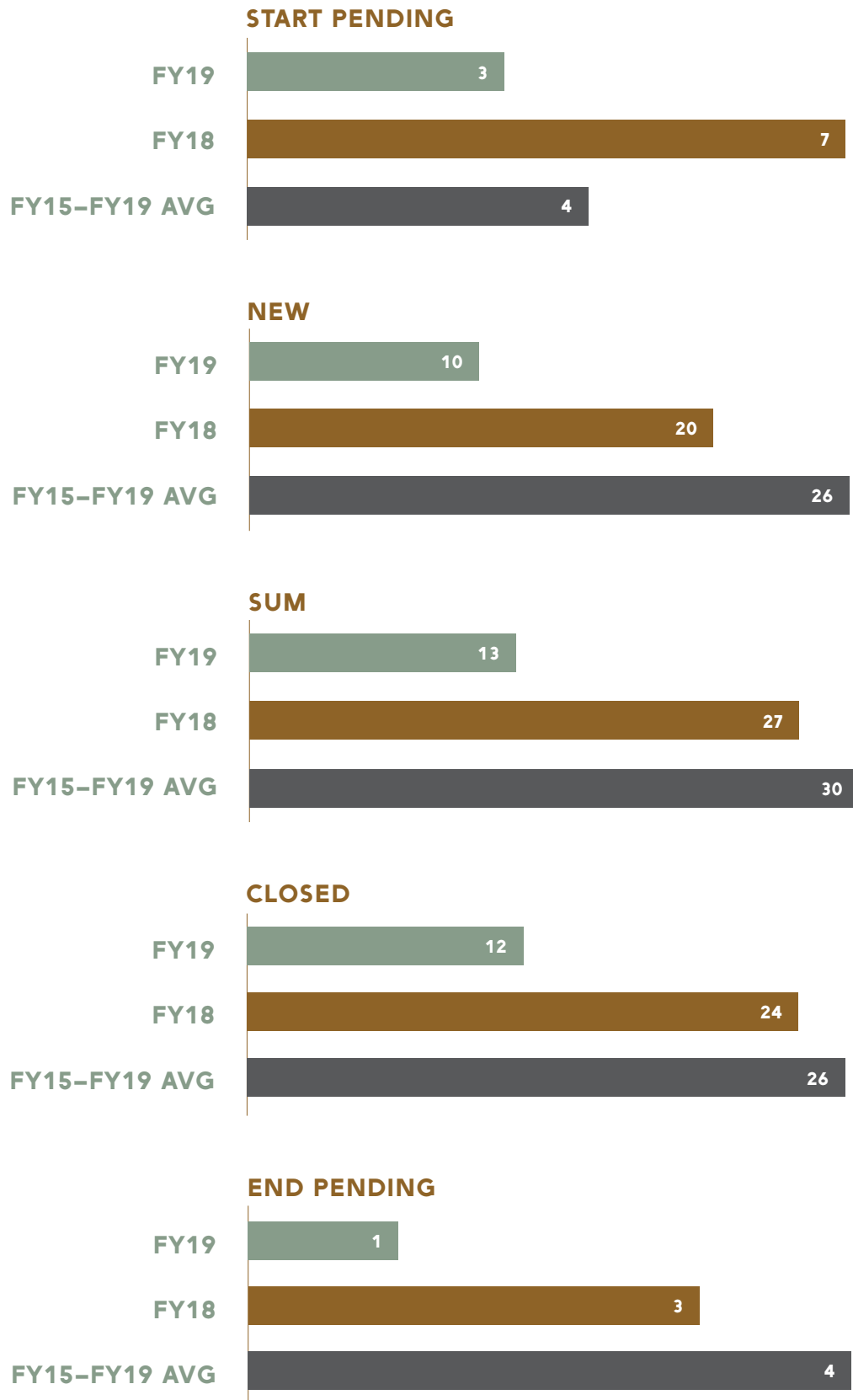
Jurisdictional Opinions

In FY 2018, NMB reaffirmed its traditional two-part test for determining whether an entity is a derivate carrier subject to the RLA and its reliance on multiple factors to establish the required control by an air or rail carrier. ABM-Onsite Services, 45 NMB 27 (2018). In FY 2019, the NMB continued to receive a number of jurisdictional referrals from the National Labor Relations Board (NLRB). In view of the National Labor Relations Act (NLRA) specific exemption of employers covered by the RLA, the NLRB follows a longstanding practice of referring cases to the NMB in instances where the jurisdictional issue is raised. In these cases, the NMB reviews the record provided by the NLRB and provides an opinion letter regarding whether the employer in question is, in the NMB’s opinion, covered by the RLA.

The following chart reflects the actual case numbers for FY 2019, and the estimated case numbers for FY 2020 and FY 2021:

	FY 2019 ACTUAL	FY 2020 ESTIMATED	FY 2021 ESTIMATED
Cases Pending Start	3	4	6
Cases Docketed	13	20	22
Cases Closed	12	18	24
Cases Pending End	1	6	4

A chart reflecting the actual representation case numbers for FY 2019, FY 2018, and the five-year average, FY 2015-FY 2019, follows:



PRESIDENTIAL EMERGENCY BOARDS (PEBs) OVERVIEW

Section 159A (Section 9A) of the Railway Labor Act (RLA) provides special, multi-step emergency procedures for unresolved collective bargaining disputes affecting employees on publicly funded and operated commuter railroads. Section 160 (Section 10) of the RLA covers all other railroads and airlines.

When the National Mediation Board determines that a collective bargaining dispute cannot be resolved in mediation, the Agency proffers interest arbitration to the parties. Either labor or management may refuse the proffer and, after a 30-day cooling-off period, engage in a strike, implement new contract terms, or engage in other types of economic self-help, unless a Presidential Emergency Board (PEB) is established.

If the NMB determines, pursuant to Section 160 of the RLA, that a dispute threatens substantially to interrupt interstate commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a PEB to investigate and report upon such dispute. Status-quo conditions must be maintained throughout the period that the PEB is impaneled and for 30 days following the PEB report to the President. If no agreement is reached, and there is no intervention by Congress, the parties are free to engage in self-help 30 days after the PEB reports to the President.

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

A chart reflecting the actual case numbers for FY 2018, FY 2019, and the five-year average, FY 2015-FY 2019 follows:

	FY 2019 ACTUAL	FY 2018 ACTUAL	FY 2015-FY 2019 FIVE YEAR AVERAGE
Emergency Board Sec. 160	0	0	.4
Emergency Board Sec. 159A	0	0	.75

Highlights of Fiscal Year 2019

To date, no PEBs have been established during fiscal year 2019. During the remainder of the fiscal year, the establishment of either a Section 160 or Section 159(A) Emergency Board remains possible.

Forecast for FY 2019, FY 2020, 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 the parties in the bargaining process and mediation, the number of cases, and the degree of impact of any dispute. For example, activity leading up to a release and the creation of a PEB for the LIRR and multiple unions occurred in FY 2013, but the PEB was established in FY 2014.

The following chart reflects the actual case numbers for FY 2019 and estimated case numbers for FY 2020 and FY 2021:

	FY 2019 ACTUAL	FY 2020 ESTIMATED	FY 2021 ESTIMATED
Emergency Board Sec. 160	0	1	1
Emergency Board Sec. 159A	0	1	1

OFFICE OF ARBITRATION SERVICES

ARBITRATION OVERVIEW

The RLA provides for both grievance and interest arbitration. Access to grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA. The Board 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 Board furnishes panels of prospective arbitrators for the parties' selection in both the airline and railroad industries.

The NMB has substantial financial responsibilities for railroad arbitration proceedings in that it pays the fees and travel expenses of the arbitrators. Arbitration decisions under the RLA are final and binding with very limited grounds for judicial review.

INTEREST ARBITRATION

Interest Arbitration is a process used 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 Board has determined that further mediation efforts will be unsuccessful. 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' agreement to arbitrate allows the NMB to directly appoint an arbitrator. The interest arbitration decision is final and binding with very narrow grounds for a judicial appeal.

ARBITRATION – SECTION 3 HIGHLIGHTS

The Office of Arbitration Services directed its attention to promoting a more efficient Section 3 process, thereby fostering faster resolution of minor disputes (grievances). The NMB made a well-received move in this regard during FY 2019 by targeting the backlog of grievance arbitration cases for resolution and increasing the number of arbitrators available to hear and decide cases and reviewing the present case management system with the goal of improving the administrative processing of cases with its arbitrators. The NMB ended FY 2019 with a reduction in pending cases when compared to the cases pending at the end of FY 2018. The 3,698 cases pending at the end of FY 2019 is 2,710 fewer cases than those pending at the end of FY 2018. The decrease is attributed to a large number of cases assigned to arbitrators for resolution and an increase in the use of grievance mediation.

The NMB Arbitration program continued its efforts to modernize the processing of minor disputes. The Agency continued its already successful program of using the NMB website as a source for many of the forms and documents needed by arbitrators and the parties. The Agency posted information on its Ambassador Program on the website.

During FY 2019, the NMB reviewed other case management systems with the goal of revising the present Arbitrators Workspace, which has been in operation for several years. The Arbitrators Workspace is a web-based information system that gives arbitrators online access to their case information. This system is used by the arbitrators to request work and submit requests for compensation for work. The Arbitrators Workspace replaced numerous hard-copy forms.

Arbitrators are able to use the AWS to schedule their work on the cases. The Agency updated this fiscal year a section that now requires arbitrators to work on overage cases prior to performing work on any new cases. The AWS system also includes a case management system component for NMB staff.

This fiscal year, the Agency placed revised NRAB Division Awards templates on the website to assist the arbitrators in performing their duties as neutrals. This will ensure consistency in awards.

The Arbitrators' Workspace now closes cases quicker and shortens the time for the adding of cases. The level of grievance activity handled through the NMB Arbitration program exceeded its level when compared to the activity in FY 2018. During FY 2019, the parties brought 3,859 new cases to arbitration compared to 4,280 new cases in FY 2018. In FY 2019, 6,569 cases were closed compared to 6,422 in FY 2018, leaving 3,698 cases pending at the end of FY 2019.

On several occasions during the fiscal year, the Agency met with representatives from the labor organizations and carriers to review its caseload. Carriers included Canadian National Railroad, Norfolk Southern Corporation, Union Pacific Railroad, Burlington Northern Santa Fe, Kansas City Southern Railway, and CSX Transportation. The NMB also met with carriers engaged in the transportation of passengers such as Amtrak, Metro North Railroad, SEPTA, New Jersey Transit, and Metra. The Office of Arbitration Services met with all of the labor organizations representing employees in the railroad industry. NMB efforts have been directed to facilitating a more efficient Section 3 process under the RLA, thereby reducing the backlog and furthering the RLA objective of prompt resolution of minor disputes.

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

ANNUAL CASE AUDIT

In July 2019, the NMB conducted an intensive audit of all pending cases before Public Law Boards and Special Boards of Adjustment. The Agency provided the Class I freight railroads, commuter railroads, regional railroads, and all labor organizations representing railroad employees with a list of cases pending on these boards. The feedback from the audit enhanced the accuracy of the NMB case management system.

ALTERNATIVE DISPUTE RESOLUTION IN THE RAILROAD INDUSTRY

The NMB actively promoted grievance mediation as an alternative means of dealing with grievances in the railroad industry by reaching out to the largest Class I freight carriers and the labor organizations. During FY 2019, Arbitration Services made presentations at a meeting of Class I freight railroads and the labor organizations. The NMB anticipates continuing this initiative during FY 2020. The NMB had several grievance mediation cases with carriers in the railroad industry during 2019. Mediators were assigned to specific Class I freight railroads to assist the carrier and the various labor organizations in resolving minor disputes prior to arbitration.

ARBITRATOR PRODUCTIVITY

The NMB continued its efforts to increase arbitrator productivity as a result of strict adherence to the three-month rule. Arbitrators who have not issued a decision within three months of a hearing are contacted monthly and encouraged to issue those decisions. A feature was added to the AWS to ensure that arbitrators give priority to these cases.

The Agency continued its already successful program of using the NMB website as a source for many of the forms and documents needed by arbitrators and the parties. The NMB used the website to keep the parties and the public informed regarding Section 3 activities. Arbitrators, parties, and the public use the website to obtain information and forms instantaneously. In FY 2019, the Agency posted additional information on the AWS System on the new NMB website.

The Arbitrator Caseload Report was revised. The report shows by arbitrator, grievance cases of railroad employees the parties have chosen to pursue. It also indicates whether a case is late (i.e., a decision has not been rendered within three months of when a case was heard by the arbitrator). The Arbitrator Caseload Report is in real time in that it has a direct link to an NMB database reflecting updates as they are made by Arbitration Services staff. The availability of information on the website reduces the staff time, which ordinarily would be required to respond to questions and requests. The NMB has also placed an NMB National Railroad Adjustment Board Open Case Report on the website. This report lists all of the open cases at the NRAB. With this report and the Arbitrators Caseload Report, the NMB's entire Section 3 caseload is on the NMB website (www.nmb.gov).

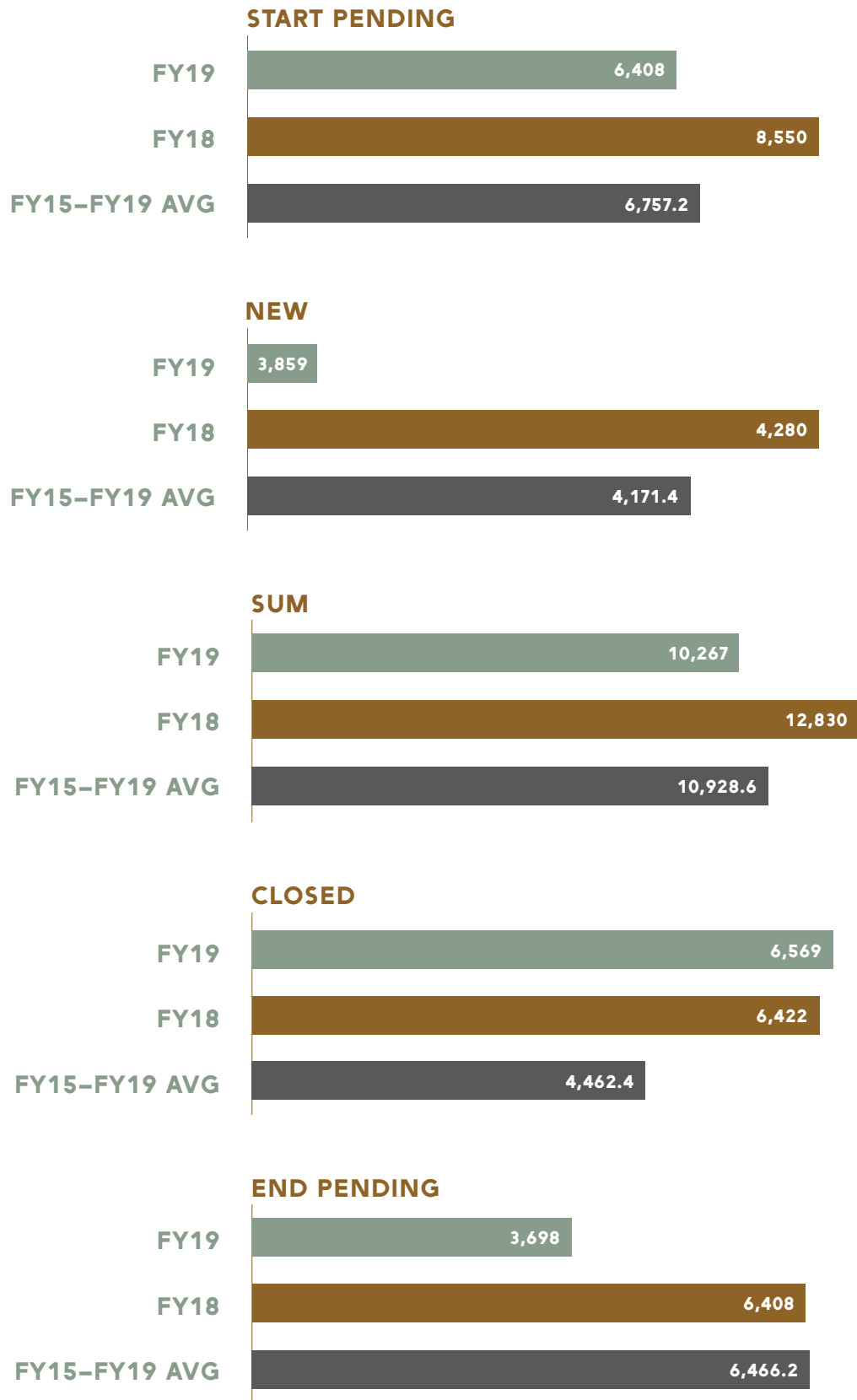
ESTABLISHMENT OF THE 60-DAY AND 120-DAY RULE

This fiscal year was the second full year using the NMB's procedures to expedite the processing of cases. When a case is assigned to an arbitrator, within 60 days, one of the three must be initiated: (1) the case must have been decided and the award submitted or (2) the case heard by an arbitrator or (3) the cases must have been scheduled for a hearing. If the case is scheduled for a hearing, the scheduled date must be within 120 days of the date of assignment. Once the case has been heard, the arbitrator must render the award within 90 days of the hearing. At the start of FY 2019, this rule was made a part of the NMB's contractual arrangement with railroad arbitrators. This fiscal year the rule was programmed into the AWS.

KNOWLEDGE STORE

The NMB further expanded its use of technology at the NRAB. All NRAB awards are entered into the Knowledge Store at the same time that they are distributed to the parties. Parties have been trained to enter awards into the Knowledge Store. In some instances, valid awards are entered within 24 hours of completion.

A chart reflecting the actual arbitration case numbers for FY 2019, FY 2018, and the five-year average, FY 2015-FY 2019, follows:





RAILROAD GRIEVANCE ARBITRATION

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SECTION 3 TRIBUNAL | 35

NATIONAL RAILROAD ADJUSTMENT BOARD

NRAB MEMBERS

NRAB

Jeanie L. Arnold
NRLC, Board Chairman

Marcus J. Ruef
BLET, Board Vice Chairman

First Division Members

Matthew R. Holt
NRLC, Chairman

Jeremy Ferguson
SMART-TD, Vice Chairman

Craig Ingrisano
UP

Douglas W. Davidson
BLET

Kevin Sanor
UP

Marcus J. Ruef
BLET

Nicole Moore Parchem
IHB

Troy L. Johnson
SMART-TD

Second Division Members

H. Glen Williams
NRLC, Chairman

William T. Bohné
IBEW, Vice Chairman

Carl Lakin
BRC

Charles J. Fraley
SMART

J. Michael Perry
IAM

John Thacker
NCFO

Marilyn Kustoff
LIRR

Simon Scott
NS

Sydney Richards
UP

Tim Coffey
BRC

Third Division Members

Jeanie L. Arnold
NRLC, Chairman

Zachary C. Voegel
BMWED, Vice Chairman

Brandon Elvey
BRS

Brian Shanahan
TCU

Donald Boyd
HERE

Jennifer Powell
UP

Keith Wallach
LIRR

Rory R. Broyles
ATDA

Scott Goodspeed
NS

Terrill Maxwell
UP

Fourth Division Members

Jeffrey F. Rodgers
NRLC, Chairman

Allison Dillon
ARASA, Vice Chairman

Danielle Gauthier
Metra

Doyle K. Turner
SMART

Rebecca Cates
UP

Ryan Hidalgo
BMWED

NRAB REFEREES

First Division

Earlene R. Baggett-Hayes
David Bass
Meeta Bass
Edwin H. Benn
Paul S. Betts
Robert Creo
Barbara C. Deinhardt
Andrea L. Dooley
Jacquelin F. Drucker
David Gaba
Michael S. Jordan
Sidney Moreland
James Nash
Robert E. Peterson
Michael D. Phillips
Barry E. Simon
Lamont Stallworth
Erica Tener
Kathryn A. VanDagens
Elizabeth C. Wesman
Jeanne Charles Wood

Second Division

Edwin H. Benn
Richard K. Hanft

Third Division

Meeta Bass
Edwin H. Benn
Paul S. Betts
Patricia T. Bittel
Dennis J. Campagna
Brian Clauss
Keith D. Greenberg
Richard K. Hanft
I.B. Helburn
Andria Knapp
George E. Larney
Erica Tener
Kathryn A. VanDagens
Elizabeth C. Wesman
Jeanne Charles Wood

Fourth Division

Brian Clauss
Barry E. Simon

SECTION 3 TRIBUNALS ESTABLISHED FY 2019

TYPE	NO. OF BOARDS
Public Law Boards	37
Special Boards of Adjustment	6
Arbitration Boards	0
TOTAL	43

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

1A. CARRIERS

Alabama Gulf Coast Railway	Montana Rail Link
Belt Railway Company of Chicago	National Railroad Passenger Corporation (Amtrak)
Brownsville & Rio Grande INT. Railway	New Jersey Transit Authority
Buffalo & Pittsburgh Railroad	New Orleans Public Belt Railroad
Burlington Northern Santa Fe Railway Company	Norfolk Southern Corporation
Canadian National Railway Company	Northeast Illinois Regional Commuter Railroad (METRA)
Canadian Pacific Railway Company	Northern Indiana Commuter Transportation District
Chicago Rail Link	Paducah & Louisville Railway
Consolidated Rail Corporation	Pan Am Railway
CSX Transportation, Inc.	Port Authority Trans Hudson of NY & NJ
Duluth, Missabe & Northern Railway	Soo Line Railroad Company
Fruit Growers Express	Southeastern Pennsylvania Transportation Authority (SEPTA)
Florida East Coast Railway Company	Terminal Railroad Association of St. Louis
Gary Railway Company	Texas Mexican Railway
Grand Trunk Western Railroad	Transit America Services, Inc.
Kansas City Southern Railroad	TTX, Company
Keolis Commuter	Union Pacific Railroad Company
Illinois Central Railroad	Union Railroad
Indiana Harbor Belt Railroad	Wisconsin Central Ltd.
Long Island Rail Road	Wheeling & Lake Erie Railway
Metro North Commuter Rail	

1B. UNIONS

American Train Dispatchers Association
Amtrak Service Workers Council
Brotherhood of Locomotive Engineers & Trainmen-IBT
Brotherhood of Maintenance of Way Employees Division-IBT
Brotherhood of Railroad Signalmen
International Association of Machinists & Aerospace Workers
International Brotherhood of Blacksmiths & Boilermakers
International Brotherhood of Electrical Workers
International Brotherhood of Teamsters
National Conference of Firemen and Oilers, SEIU
Railway Independent Transit Union
SMART-Sheet Metal, Air, Rail & Transportation
SMART-Transportation Division
Transportation Communications Union/IAM
Transportation Communications Union/ARASA
Transportation Communications Union/Carmen
Transport Workers Union of America
United Steelworkers

1C. ARBITRATORS (PUBLIC LAW BOARD, SPECIAL BOARD OF ADJUSTMENT, OR ARBITRATION BOARD)

Meeta Bass	Andrea L. Dooley	Paul Lambole	Lynette A. Ross
Edwin H. Benn	Lewis L. Ellsworth	Andree Y. McKissick	Barry E. Simon
Wendell Bell	Joseph M. Fagnani	Peter R. Meyers	Erica Tener
Paul Betts	Gayle Gavin	William R. Miller	David Twomey
Steven M. Bierig	Charlotte Gold	Sidney Moreland	Kathryn A. VanDagens
John R. Binau	Robert A. Grey	Margo Newman	M. David Vaughn
Patricia T. Bittel	Patrick Halter	Kenneth J. O'Brien	Gerald E. Wallin
Dennis J. Campagna	Don A. Hampton	Robert M. O'Brien	Lamont M. Walton
Michael Capone	Richard K. Hanft	Joan Parker	Randy B. Weiss
Joseph A. Cassidy	I.B. Helburn	Robert E. Peterson	Elizabeth C. Wesman
Brian Clauss	Jeffrey W. Jacobs	Michael D. Phillips	Michael G. Whelan
James E. Conway	Michael S. Jordan	Richard H. Radek	Bradley A. Winter
James M. Darby	Ann S. Kenis	David Ray	Jeanne Charles Wood
James Warren Dent	Andria Knapp	Thomas N. Rinaldo	Jacalyn Zimmerman
Francis J. Domzalski	Lisa S. Kohn	Sean Rogers	

2. LABOR PROTECTIVE PROVISIONS

N/A

3. UNION SHOPS

N/A

4. SYSTEM BOARDS OF ADJUSTMENT

N/A



**SUPPORTING
REPORTS &
TABLES**

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TABLE 1 – NUMBER OF CASES RECEIVED AND CLOSED

MEDIATION	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2015-19
Start Pending	69*	72	60	81	90	74
New	33	42	36	27	36	35
Sum	102	114	96	108	126	109
Closed	36	44	26	48	45	40
End Pending	66	68	72	60	81	69

ADR	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2015-19
Start Pending	52*	48	39	35	33	41
New	32	38	67	45	75	51
Sum	84	86	106	80	108	93
Closed	30	34	59	41	73	47
End Pending	54	50	48	39	35	45

REPRESENTATION	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2015-19
Start Pending	3	7	5	3	1	4
New	10	20	30	31	39	26
Sum	13	27	35	34	40	30
Closed	12	24	28	29	37	26
End Pending	1	3	7	5	3	4

ARBITRATION	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2015-19
Start Pending	6,408	8,550	7,455	6,240	5,133	6,757.2
New	3,859	4,280	4,148	4,754	3,816	4,171.4
Sum	10,267	12,830	11,603	10,994	8,949	10,928.6
Closed	6,569	6,422	3,057	3,562	2,702	4,462.4
End Pending	3,698	6,408	8,546	7,432	6,247	6,466.2

*System adjustment

TABLE 2 – REPRESENTATION CASE DISPOSITIONS

RAILROADS	NUMBER OF CASES	NUMBER OF CRAFTS/ CLASSES	NUMBER OF EMPLOYEES INVOLVED	NUMBER OF EMPLOYEES PARTICIPATING
Certifications	2	2	9	8
Dismissals	2	2	15	12
Totals	4	4	24	20

AIRLINES	NUMBER OF CASES	NUMBER OF CRAFTS/ CLASSES	NUMBER OF EMPLOYEES INVOLVED	NUMBER OF EMPLOYEES PARTICIPATING
Certifications	4	4	3,096	1,970
Dismissals	4	4	251	239
Totals	8	8	3,347	2,395

Totals Railroads and Airlines **12** **12** **3,371** **2,415**

TABLE 3 – RAILROAD & AIRLINE REPRESENTATION CASES CLOSED BY CRAFT OR CLASS

RAILROADS	REPRESENTATION CASES
Clerical Office, Station, and Storehouse Employees	0
Carmen	0
Electrical Workers	0
Engineers	0
Locomotive Engineers	0
Locomotive Firemen and Hostlers	0
Locomotive Maintenance Employees	0
Machinists	0
Maintenance of Way Employees	0
Operating/Non-Operating Employees	1
Sheet Metal Workers	0
Signalmen	1
Train Dispatchers	0
Train and Engine Service Employees	0
Train, Engine, and Yard Service Employees	0
Transportation Operations Employees	0
Yardmasters	0
Combined Groups, Railroad	0
Miscellaneous, Railroad	2
Railroad Total	4
AIRLINES	REPRESENTATION CASES
Cockpit Crew Members	0
Engineers and Related Employees	0
Fleet and Passenger Service Employees	0
Fleet Service Employees	0
Flight Attendants	0
Flight Crew Training Instructors	0
Flight Deck Crew Members	1
Flight Dispatchers	1
Flight Engineers	0
Flight Simulator Engineers	0
Ground School Instructors	0
Maintenance Training Specialists	1
Mechanics and Related Employees	1
Office Clerical Employees	0
Passenger Service Employees	0
Pilots	1
Stock and Stores Employees	0
Combined Groups, Airlines	0
Miscellaneous, Airlines	3
Airline Total	8

TABLE 4 – RAILROAD & AIRLINE REPRESENTATION DETERMINATIONS BY CRAFT OR CLASS

RAILROADS				
	NUMBER OF CASES	NUMBER OF CRAFTS OR CLASS DETERMINATIONS	NUMBER OF EMPLOYEES	PERCENT¹ OF EMPLOYEES INVOLVED
Clerical Office, Station, and Storehouse Employees	0	0	0	0
Carmen	0	0	0	0
Electrical Workers	0	0	0	0
Engineers	0	0	0	0
Locomotive Engineers	0	0	0	0
Locomotive Firemen and Hostlers	0	0	0	0
Locomotive Maintenance Employees	0	0	0	0
Machinists	0	0	0	0
Maintenance of Way Employees	0	0	0	0
Operating/Non-Operating Employees	1	1	7	-
Sheet Metal Workers	0	0	0	0
Signalmen	1	1	5	-
Train Dispatchers	0	0	0	0
Train and Engine Service Employees	0	0	0	0
Train, Engine, and Yard Service Employees	0	0	0	0
Transportation Operations Employees	0	0	0	0
Yardmasters	0	0	0	0
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	2	2	12	0
Railroad Total	4	4	24	1

¹Percent listing for each group represents the percentage of the 3, 371 employees involved in all railroad and airline cases during fiscal year 2019.
 (-) Less than 1 percent.

TABLE 4 - RAILROAD & AIRLINE REPRESENTATION DETERMINATIONS BY CRAFT OR CLASS (CONTINUED)

AIRLINES				
	NUMBER OF CASES	NUMBER OF CRAFTS OR CLASS DETERMINATIONS	NUMBER OF EMPLOYEES	PERCENT² OF EMPLOYEES INVOLVED
Cockpit Crew Members	0	0	0	0
Engineers and Related Employees	0	0	0	0
Fleet and Passenger Service Employees	0	0	0	0
Fleet Service Employees	0	0	0	0
Flight Attendants	0	0	0	0
Flight Crew Training Instructors	0	0	0	0
Flight Deck Crew Members	1	1	63	2
Flight Dispatchers	1	1	21	-
Flight Engineers	0	0	0	0
Flight Simulator Engineers	0	0	0	0
Ground School Instructors	0	0	0	0
Maintenance Training Specialists	1	1	42	-
Mechanics and Related Employees	1	1	262	8
Office Clerical Employees	0	0	0	0
Passenger Service Employees	0	0	0	0
Pilots	1	1	85	3
Stock and Stores Employees	0	0	0	0
Combined Groups, Airlines	0	0	0	0
Miscellaneous, Airlines	3	3	2,898	86
Airline Total	8	8	3,347	99
Grand Total, Railroads and Airlines	12	12	3,371	100

²Percent listing for each group represents the percentage of the 3,371 employees involved in all railroad and airline cases during fiscal year 2019.
 (-) Less than 1 percent.

CASE RECORDS

REPRESENTATION CASES DOCKETED

RAILROAD REPRESENTATION CASES DOCKETED			
CASE	CARRIER	UNION	CRAFT OR CLASS
R-7525	Metro-North Railroad	IBT	Drug & Alcohol Technicians
R-7526	Otter Tail Valley Railroad, Inc.	BMWED	Operating/Non-Operating Employees
R-7529	New England Central Railroad	IBEW	Signalmen
R-7530	Northern Indiana Commuter Transportation District	MAP	Police Officers
R-7531	Northern Plains Railroad	USW	Train & Engine Service Employees

AIRLINE REPRESENTATION CASES DOCKETED			
CASE	CARRIER	UNION	CRAFT OR CLASS
R-7527	Endeavor Air, Inc.	PAFCA	Aircraft Dispatchers
R-7528	Kalitta Air Cargo	TWU	Flight Dispatchers/Flight Followers
R-7532	Envoy Air, Inc.	TWU	Pilot Simulator Instructors
R-7533	Horizon Airlines, Inc.	AMFA	Mechanics & Related
R-7534	Alaska Airlines, Inc.	AMFA	Maintenance Controllers (Technicians and Related Crafts Employees)

REPRESENTATION CASES CLOSED

RAILROAD REPRESENTATION CASES CLOSED				
CASE	CARRIER	UNION	CRAFT OR CLASS	DISPOSITION
R-7525	Metro-North Railroad	IBT	Drug & Alcohol Technicians	Certification
R-7526	Otter Tail Valley Railroad, Inc.	BMWED	Operating/Non-Operating Employees	Dismissal
R-7529	New England Central Railroad	IBEW	Signalmen	Certification
R-7530	Northern Indiana Commuter Transportation District	MAP	Police Officers	Dismissal

AIRLINE REPRESENTATION CASES CLOSED

CASE	CARRIER	UNION	CRAFT OR CLASS	DISPOSITION
R-7513	United Airlines	UNITE HERE	Flight Kitchen, Commissary, Catering & Related Employees	Certification
R-7522	Kalitta Air Cargo	Individual/IBT	Flight Deck Crew Employees	Dismissal
R-7524	Travel Management Company, LTD	Individual/IBT	Pilots	Dismissal
R-7527	Endeavor Air, Inc.	PAFCA	Aircraft Dispatchers	Dismissal
R-7528	Kalitta Air Cargo	TWU	Flight Dispatchers/Flight Followers	Certification
R-7532	Envoy Air, Inc.	TWU	Pilot Simulator Instructors	Certification
R-7533	Horizon Airlines, Inc.	AMFA	Mechanics & Related	Certification
R-7534	Alaska Airlines, Inc.	AMFA	Maintenance Controllers (Technicians and Related Crafts Employees)	Dismissal

MEDIATION CASES DOCKETED AND CLOSED

RAILROAD CASES DOCKETED

CARRIER	UNION	CRAFT / CLASS
Delaware & Hudson Railway (CP)	BLET	Locomotive Engineers
Illinois Central Railroad (CN)	SMART	Trainmen
Indiana Harbor Belt Railroad	BMWED	Maintenance of Way
Indiana Rail Road	BLET	Train Operators
Keolis Commuter Services	ATDA	Train Dispatchers
Keolis Commuter Services	BMWED	Maintenance of Way
Keolis Commuter Services	IBEW	Electrical Workers
Metra	BMWED	Maintenance of Way
Metra	IAM	Machinists
Metra	SMART	Conductors
Metra	TCU	Carmen
Metra	TCU	Clerical Employees
Metra	TCU	Supervisors
Metro-North Railroad (MTA)	ACRE	Locomotive Engineers
PATH	ATDA	Train Dispatchers
PATH	TCU	Supervisors
Portland & Western Railroad (G&W)	BLET	Operating Employees
San Luis & Rio Grande Railroad	SMART	Train & Engine Service
Savannah Port Terminal Railroad (G&W)	SMART	Engineers & Conductors
Soo Line Railroad (CP)	BMWED	Maintenance of Way
Stockton Terminal & Eastern Railroad (OmniTRAX)	SMART	Train & Engine Service; Yard Service

RAILROAD CASES CLOSED

CARRIER	UNION	CRAFT / CLASS
Chicago, Ft. Wayne & Eastern Railroad (G&W)	BLET	Engineers & Conductors
Columbia & Cowlitz Railway	SMART	Operating & Non-Operating Employees
Delaware & Hudson Railway (CP)	BRS	Signalmen
Illinois Central Railroad (CN)	SMART	Trainmen
Iowa Interstate Railroad	SMART	Engineers & Trainmen
Keolis Commuter Services	BMWED	Maintenance of Way
Keolis Commuter Services	IAM	Machinists
Keolis Commuter Services	IBB	Boilermakers
Keolis Commuter Services	NCFO	Laborers
Keolis Commuter Services	SMART	Sheet Metal Workers
Keolis Commuter Services	TCU	Carmen
Keolis Commuter Services	TCU	Clerical Employees
Keolis Commuter Services	TCU	Supervisors
Keolis Commuter Services	TWU	Carmen & Coach Cleaners
Missouri & Northern Arkansas Railroad (G&W)	BLET	Train & Engine Service
SEPTA	BLET	Locomotive Engineers
SEPTA	BRS	Signalmen
SEPTA	SMART	Conductors
SEPTA	SMART	Sheet Metal Workers
Soo Line Railroad (CP)	BMWED	Maintenance of Way
Stockton Terminal & Eastern Railroad (OmniTRAX)	SMART	Train & Engine Service; Yard Service
Wheeling & Lake Erie Railway	BLET	Conductors
Wheeling & Lake Erie Railway	BLET	Locomotive Engineers

AIRLINE CASES DOCKETED

CARRIER	UNION	CRAFT / CLASS
Cape Air (Hyannis Air Service)	IBT	Pilots
Compass Airlines	AFA	Flight Attendants
Envoy Air	CWA	Fleet & Passenger Service
Envoy Air	TWU	Aircraft Dispatchers
ExpressJet Airlines	IBT	Mechanics & Related
Horizon Airlines	TWU	Aircraft Dispatchers
Kalitta Charters II	IBT	Flight Deck Crewmembers
LSG Sky Chefs	UNITE HERE	Catering & Commissary
Piedmont Airlines	AFA	Flight Attendants
Silver Airways	IBT	Pilots
Trans States Airlines	ALPA	Pilots
United Airlines	IBT	Maintenance Controllers

AIRLINE CASES CLOSED

CARRIER	UNION	CRAFT / CLASS
Air Wisconsin Airlines	TWU	Flight Dispatchers
Envoy Air	CWA	Fleet & Passenger Service
Frontier Airlines	AFA	Flight Attendants
Frontier Airlines	ALPA	Pilots
Frontier Airlines	IBT	Aircraft Appearance Agents
Frontier Airlines	IBT	Maintenance Controllers
Miami Air	AFA	Flight Attendants
Piedmont Airlines	CWA	Fleet & Passenger Service
PSA Airlines	AFA	Flight Attendants
Southwest Airlines	AMFA	Mechanics & Related
Southwest Airlines	IBT	Materials Specialists
UPS	IBT	Mechanics & Related
UPS	TWU	Flight Dispatchers

ADR CASES DOCKETED AND CLOSED

ADR CASES DOCKETED

CASE TYPE	CARRIER / EVENT	UNION	CRAFT / CLASS
F	NICTD	SMART-TD	Engineers, Conductors & Collectors
GM	American Airlines	PAFCA	Flight Dispatchers
GM	Amtrak	BRS	Signalmen
GM	JetBlue Airways	ALPA	Pilots
GM	Metra	TCU	Clerks
GM	Soo Line Railroad (CP)	SMART-TD	Train & Engine Service
OP	ABA RLA Midwinter Meeting	-	-
OP	BRS General Chairmen's Meeting	-	-
OP	CSX/NS General Chairmen's Conference	-	-
OP	Dunlop II Meeting	-	-
OP	Dunlop II Meeting	-	-
OP	FordHarrison 2019 Airline Labor & Employment Law Symposium	-	-
OP	Freight Rail Labor-Management Symposium	-	-
OP	KCS Railway ADR Ambassador Program	-	-
OP	LRAPR Meeting	-	-
OP	LRAPR Meeting	-	-
OP	NAA 2019 Annual Meeting	-	-
OP	NARR 2019 Annual Conference	-	-
OP	Norfolk Southern Brosnan Forest Conference	-	-
OP	Section 3 Briefing	-	-
T	-	ALPA	Pilots
T	ABA 2019 ADR Spring Conference	-	-
T	ALRA 2019 Conference	-	-
T	American Airlines	PAFCA	Flight Dispatchers
T	Amtrak	BRS	Signalmen
T	CSX Transportation	-	-
T	JetBlue Airways	ALPA	Pilots
T	Mediator Meetings	-	-
T	NICTD	SMART-TD	Engineers, Conductors & Collectors
T	NICTD	SMART-TD	Engineers, Conductors & Collectors
T	Southwest Airlines	-	-
T	Texas Labor-Management Conference	-	-

ADR CASES CLOSED

CASE TYPE	CARRIER / EVENT	UNION	CRAFT / CLASS
OP	ABA RLA Midwinter Meeting	-	-
OP	BRS General Chairmen's Meeting	-	-
OP	CSX/NS General Chairmen's Conference	-	-
OP	Dunlop II Meeting	-	-
OP	Dunlop II Meeting	-	-
OP	FordHarrison 2019 Airline Labor & Employment Law Symposium	-	-
OP	Freight Rail Labor-Management Symposium	-	-
OP	KCS Railway ADR Ambassador Program	-	-
OP	LRAPR Meeting	-	-
OP	LRAPR Meeting	-	-
OP	NAA 2019 Annual Meeting	-	-
OP	NARR 2019 Annual Conference	-	-
OP	Norfolk Southern Brosnan Forest Conference	-	-
OP	Section 3 Briefing	-	-
T	-	ALPA	Pilots
T	ABA 2019 ADR Spring Conference	-	-
T	ALRA 2019 Conference	-	-
T	American Airlines	PAFCA	Flight Dispatchers
T	American Airlines	TWU	Maintenance & Related
T	Amerijet	IBT	Pilots
T	Amtrak	BRS	Signalmen
T	CSX Transportation	-	-
T	JetBlue Airways	ALPA	Pilots
T	Mediator Meetings	-	-
T	Metra	SMART	Sheet Metal Workers
T	NICTD	SMART-TD	Engineers, Conductors & Collectors
T	NICTD	SMART-TD	Engineers, Conductors & Collectors
T	Southwest Airlines	-	-
T	Southwest Airlines	TWU	Flight Training Instructors
T	Texas Labor-Management Conference	-	-



SUPPORT OFFICES OVERVIEW

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OFFICE OF ADMINISTRATION

The Office of Administration (OA) provides operational, management, leadership, and support for the entire Agency. These services include: human resources management, telecommunications, property and space management, and office support.

ADMINISTRATION HIGHLIGHTS

Human Capital

OA continues to utilize online services in the personnel arena. The NMB continues to use the E-verify system to ensure that all new appointees are eligible to work. With an aging workforce at the NMB, succession planning continues to be a challenge, but the agency's new Succession and Workforce Plan analyzes the NMB's future staffing requirements and sets forth strategies for adequately recruiting, promoting, and retaining employees. Training plans, both through the Individual Development Plans (IDPs) and the department training plans, and career development, including details and shadow assignments, provide ways to broaden skills and prepare for job transitions. The agency uses internal details when possible to broaden skills and to give staff exposure to a range of work possibilities within the agency. The NMB has devoted more attention and resources to training and has provided meaningful training program opportunities for our employees. The NMB continues to provide subscriptions to Manager Advantage for supervisors and managers. Manager Advantage is an online information service for managers and supervisors. The information is based on case law, statutes, and regulations. It provides extensive federal policy and guidance for supervisors and managers. This information is obtained from the vendor's (LRP Publications) experienced attorney editors and senior editorial staff, who have gathered and then converted the information into easy-to-understand major categories, key topics, scenario-based videos, and more. Manager Advantage breaks down the complexities of federal civil service law to provide managers with practical, authoritative guidance in easy-to-understand terms while also providing essential tools for developing necessary leadership and managerial skills from one definitive source. OA is working with the Office of Personnel Management (OPM) and the Department of Interior (DOI) to improve the NMB's human capital operations. OA continues to ensure that all new NMB managers, supervisors, and employees receive the Telework Fundamentals-Managers Training and the Telework Fundamentals-Employee Training. OA continues to provide all NMB employees with the following General Service Administration (GSA) travel training course:

- Travel Basics 101
- Approving Official Responsibilities
- Attending A Conference 100
- FTR In-Depth
- Fly America Act & Open Skies Agreements

OA continues to provide all new NMB travelers with the Government Credit Card training and all current NMB travelers with refresher training to ensure that the NMB meets the refresher training required by OMB in Circular A-123, Appendix B.

Continuity of Operations

The NMB participated in Federal Emergency Management Agency's (FEMA) Eagle Horizon 2019 (EH-2019), which was conducted as part of the National Exercise Program (NEP) National Level Exercise (NLE) on May 1, 2019. It was a one-day, internally evaluated tabletop exercise to test the Federal Executive Branch Departments and Agencies' readiness and capabilities to execute their continuity program. Due to the lapse in appropriations, FEMA's NCP adjusted the planning construct for Eagle Horizon (EH-2019). Using a common scenario and framework provided by FEMA NCP, D/As conducted internal activities to test their devolution plans and communications systems and examine interdependencies prior to the full-scale NLE in 2020. The NMB was required to activate its continuity plan, deploy continuity personnel to a continuity site, and perform essential functions. At the conclusion of EH-2019, participants, planners, and evaluation teams noted their observations and identified critical issues associated with the agency's continuity plans and programs. The NMB's overall rating for the EH 2018 was "green." This was NMB's third overall "green." The overall rating for EH-2019 has not been published. Additionally, OA is currently participating in planning and developing the EH-2020 exercise.

Property and Space Management

The NMB continues to use a cloud-based inventory system and asset management system to track and maintain its physical inventory. Additionally, OA ensures that NMB's physical inventory is properly recorded in NMB's cloud-based inventory system. OA also continues to maintain close liaison with the building property management and the General Services Administration regarding NMB's space.

Sustainability

The National Mediation Board is committed to reducing greenhouse gases in accordance with Executive Order 13514. During 2019, 86 percent of NMB employees regularly used public transportation. The Agency provides Alternative Work Schedules (AWS) and Telework programs to its employees to reduce the number of commuters. Currently, 35 out of 40 employees participate in the Smart Benefits program for public transportation.

OFFICE OF INFORMATION SERVICES

The Office of Information Services (OIS) provides information technology leadership and support for the entire Agency. These services include systems development, information technology operations, cybersecurity and information assurance, helpdesk and IT support, telecommunications, and records management.

INFORMATION SERVICES HIGHLIGHTS

Information Security

NMB made strides in better securing its information technology by taking numerous actions to meet federal IT security requirements and industry best practices. NMB staff implemented Advanced Mobile Device Management to better manage its devices, implemented encryption to secure its public website, and implemented Department of Homeland Security Cyber Hygiene scanning of its publicly accessible websites to ensure the security of these systems. Federal agencies are required to provide annual computer security awareness training for employees and contractors. Security awareness efforts are designed to change behavior or reinforce good security practices by focusing attention on security. In September 2018, the NMB conducted its Cyber Awareness Challenge security training using a web-based training offered by KnowBe4.

NMB Knowledge Store

NMB staff continued to build and improve the public archive of information available through the NMB Knowledge Store. Currently, the NMB Knowledge Store contains over 100,000 documents in an easily searchable format, including arbitration awards, representation decisions, annual reports, PEB reports, and collective bargaining contracts.

Electronic Government

The NMB provides electronic access to all its policies, and the agency continues to use the NMB website to provide information to its internal and external customers. The website provides access to our internal customers by allowing them to access NMB internal forms, the Knowledge Store (providing current and historical information to the public and our external customers), and the NMB Lyceum Training Center.

NMB Corporate Memory

The NMB continues to refine its records and document management programs, improving the search engine and further integrating the records database with the agency case management system.

OFFICE OF FISCAL SERVICES

The Office of Fiscal Services (OFS) provides fiscal management and leadership support for the National Mediation Board. These services include: budgeting formulation and execution, accounting and financial reporting, audit services, payroll, travel, and contracting and interagency agreement services.

FISCAL SERVICES HIGHLIGHTS

In FY 2019, the NMB continued to use the Bureau of Fiscal Services (BFS) for accounting and financial reporting requirements, contracting services, and E-travel. Using a federal Financial Management Line of Business Center of Excellence has significant benefits, including reduced overhead costs and shared knowledge of financial management practices throughout the federal government.

In addition, NMB uses these other federal government shared service providers for major administrative and financial services.

- The Department of Interior Personnel, Payroll, Human Resources and Related Systems & Services
- General Services Administration (GSA) for agency purchase and travel credit cards

Included in the continued partnership with BFS, the NMB benefits from utilizing an electronic Contract Writing System, PRISM, to create purchase requisitions and orders for contracts and interagency agreements. A more streamlined RFP process, improved bid analysis, and further transforming contracting administration are just some of the benefits the NMB gains in using this system. It also ensures compliance with all applicable rules and regulations governing contracting.

NMB continued to exceed the Small Business Administration's Government-wide goal in FY 2019, which ensures that small businesses have an opportunity to apply and receive work within the federal government. The following is a summary of the small business goals that were exceeded in FY 2019:

- Overall Small Business Goal was 23% ; NMB actual awards was 92%
- Small-Disadvantaged Business Goal was 5%; NMB actual awards was 90%
- Small-Disabled Veteran-Owned Business Goal was 3%; NMB actual awards was 17%
- Women-Owned Business Goal was 5%; NMB actual awards was 56%
- Historically Underutilized Business Goal was 3%; NMB actual awards was 20%

In FY 2019, the NMB continued its use of the Concur Government Edition (CGE) Travel Services. Concur is a cloud-based expense and travel management software solution that provides an electronic process for travel authorizations, vouchers, and reimbursement to travelers, and reduces the overall per-ticket cost for travelers.

BRIEF ANALYSIS OF FINANCIAL STATEMENTS

Underlying the NMB’s many achievements is its commitment to organizational excellence and sound financial management. NMB has a fiduciary and stewardship responsibility to manage its federal funds effectively and efficiently and comply with federal financial management guidance. As part of this responsibility, the agency prepares annual financial statements in accordance with Generally Accepted Accounting Principles (GAPP). The principal financial statements have been prepared to report the financial position and results of operations for NMB. The FY 2019 financial statements and accompanying notes are presented in accordance with OMB Circular A-136, Financial Reporting Requirements, and are shown in comparative formats.

To ensure the integrity and reliability of the annual financial statements, NMB subjects them to an annual independent audit. Figure 1 below summarizes the financial position in FY 2019.

FIGURE 1: NMB FY 2019 FINANCIAL POSITION (IN DOLLARS)

NET FINANCIAL CONDITION	FY 2019	FY 2018	INCREASE/DECREASE	CHANGE
Assets	\$10,406,454	\$10,313,383	\$93,071	1%
Liabilities	\$1,070,188	\$1,218,242	\$(148,054)	(12)%
Net Position	\$9,336,266	\$9,095,141	\$241,125	3%
Net Cost	\$12,952,593	\$12,130,871	\$821,722	7%

LIMITATIONS OF FINANCIAL STATEMENTS

NMB has prepared the principal financial statements to report the financial position and results of operations of the entity, pursuant to the requirements of 31 U.S.C. 3515(b). While the statements have been prepared from the books and records of the entity in accordance with Generally Accepted Accounting Principles for federal entities and the formats prescribed by the Office of Management and Budget (OMB), the statements are in addition to the financial reports used to monitor and control budgetary resources which are prepared from the same books and records. The statements should be read with the realization that they are for a component of the U.S. Government, a sovereign entity.

MANAGEMENT ASSURANCES

NMB recognizes the importance of establishing and maintaining adequate controls over its program and administrative support functions. NMB also recognizes that technology can enhance effectiveness and efficiency and ensure an adequate degree of internal control and compliance with applicable laws and regulations.

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

- Obligations and expenses comply with applicable law;
- Assets are safeguarded from waste, loss, unauthorized use, or misappropriation, and;
- Revenue and expenditures are properly recorded and accounted.

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

FMFIA ASSURANCE STATEMENT

The NMB's management is responsible for establishing and maintaining effective internal controls that meet the obligations of FMFIA within their areas of responsibility. Based on the Chairman's knowledge of daily operations and other management reviews, and in accordance with the Office of Management and Budget Circular A-123, Management's Responsibility for Enterprise Risk Management and Internal Control, the NMB is able to provide reasonable assurance that, as of September 30, 2019, its internal controls over the effectiveness and efficiency of operations and reporting were compliant with applicable laws and regulations, and no material weaknesses were found in the design or operation of the internal controls.

Respectfully submitted,



Linda Puchala, Chairman
National Mediation Board

02

MEASURING PERFORMANCE:

KEY RESULTS FOR FY 2019

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PROGRAM OFFICE PERFORMANCE GOALS

OFFICE OF MEDIATION SERVICES

MEDIATION STRATEGIC GOAL

Resolve disputes arising out of the negotiation of new or revised collective bargaining agreements.

GOAL 1: Provide prompt and appropriate intervention and assistance for disputes involving pay, work rules, and working conditions (major disputes).

FY 2019 Accomplishments

NMB standards applicable to processing and managing cases involving major disputes were consistently met in FY 2019. The NMB will continue to refine case processing with enhancements to the Agency's Mediation Case Management System to track cases from application to closure. Case management was accomplished as planned with Mediators utilizing appropriate techniques at the table with support from Senior Mediators acting as advisors in an oversight role. Quarterly reviews of cases one year old or older by Board Members and senior mediation management ensured that parties to the process received assistance appropriate for their cases.

GOAL 2: Provide appropriate and effective mediator training and continuous development.

FY 2019 Accomplishments

Through the use of Individual Development Plans (IDPs) each Mediator participated in training and development that met his or her individual needs. In addition, training covering industry-specific topics was conducted during each mediator meeting. Mediators attended conferences such as the Association of Labor Relations Agencies annual conference, the Texas Labor Management Conference, and the American Bar Association's conferences on the Railway Labor Act, Dispute Resolution, and Employment and Labor Law. Each of these provided targeted information and training that enhanced the skills Mediators bring to the table.

GOAL 3: Pursue innovation in the delivery of mediation and alternative dispute resolution services.

FY 2019 Accomplishments

The Agency continued to provide its negotiation training that was developed for air and rail parties to use to prepare for negotiations. Mediators continued to refine ADR strategies and techniques that addressed the unique needs of our parties, especially in grievance mediation.

GOAL 4: Improve efficiency and effectiveness of NMB programs by utilizing technological resources.

FY 2019 Accomplishments

The Agency continues to use technology for dispute resolution and offer its possibilities to our parties. Mediators made use of technology to remotely share information and language, and to discuss proposals. Technology has been helpful in continuing the mediation process when remote meetings are more efficient and in the best interest of the case.

OFFICE OF LEGAL AFFAIRS

REPRESENTATION STRATEGIC GOAL

Investigate and resolve representation disputes efficiently. Provide effective legal counsel for the Agency. Serve as counsel to any Presidential Emergency Board.

GOAL 1: Prompt investigation of representation disputes and definitive resolution of employees' representation status for collective bargaining purposes.

FY 2019 Accomplishments

In most cases, OLA responded to representation applications within two business days of receipt by the NMB; assigned an investigator within two business days of receipt of the application; determined showing of interest within 45 days of docketing an application; and, issued a certification or dismissal the next business day after the ballot count.

GOAL 2: Enhance training and development of OLA staff.

FY 2019 Accomplishments

Each OLA staff member updated their Individual Development Plan (IDP). Each year OLA employees meet with their manager to update or develop a plan to enhance career-related skills. To date, in Fiscal Year 2018, OLA staff took classes related to the Freedom of Information Act (FOIA), records management, government ethics, the Railway Labor Act, federal sector personnel law, conflict resolution, and employment law. In 2018, OLA began the recruitment process for two new attorneys.

GOAL 3: Enhance outreach opportunities in the legal, labor relations, and alternative dispute resolution communities to better inform stakeholders about developments and increase the skills and experience of OLA employees.

FY 2019 Accomplishments

Members of the Office of Legal Affairs continue to actively participate as panelists and attendees at conferences sponsored by the American Bar Association, American Law Institute, the National Association of Railroad Referees, and the Association of Labor Relations Agencies. This year, OLA attorneys gave presentations on the Railway Labor Act, ethics, recent RLA case developments, and remedies under the RLA. OLA continued to participate in intragovernmental initiatives with other federal agencies, such as, the Department of Transportation, Federal Labor Relations Authority, Department of Labor, National Labor Relations Board, and the Federal Mediation and Conciliation Service. OLA attorneys serve as both Senior Editors and Contributing Editors of the Railway Labor Act treatise, published by Bloomberg/BNA, completing the fourth edition of this treatise this year.

GOAL 4: OLA staff provides prompt and efficient assistance to Presidential Emergency Boards.

FY 2019 Accomplishments

All OLA staff members are trained on Emergency Board Procedures. OLA maintained continuous industry and agency communication at a level that provided for early preparation for potential Presidential Emergency Boards.

GOAL 5: OLA maintains concise, relevant, reference materials that are readily available to the public, and that reduce the number of man-hours used to research and respond to inquiries.

FY 2019 Accomplishments

OLA conducts semi-annual reviews of the Representation Manual and website, and updating where appropriate. On September 6, 2019, the NMB updated its Representation Manual to reflect a change in the Board's rules.

GOAL 6: Expand the use of technology to further streamline and reduce costs in representation and interference investigations.

FY 2019 Accomplishments

OLA continued to investigate the use of voice recognition software, and other cost- and time-saving mechanisms, for taking employee statements, during interference investigations, and when drafting representation determinations.

OFFICE OF ARBITRATION SERVICES

ARBITRATION STRATEGIC GOAL

Facilitate the settlement of disputes arising from the implementation or interpretation of existing agreements covering rates of pay, work rules, and working conditions.

GOAL 1: Provide outstanding service in the prompt resolution of minor disputes.

FY 2019 Accomplishments

An audit was conducted of the administrative caseload processes, and procedures governing Public Law Boards and System Boards of Adjustments were reviewed with the goal of streamlining. Procedures at the NRAB were also reviewed. Electronic processing of cases was introduced at the NRAB with the introduction of subject codes resulting in a change by the NRAB in its procedures for processing cases. Grievance mediation/arbitration was introduced to successfully resolve several cases at the NRAB.

GOAL 2: Engage in active roster development for the contract arbitrators serving the airline and railroad industries.

FY 2019 Accomplishments

NMB worked with the outside professional associations to increase the diversity of its applicants for the NMB's Arbitrators Roster.

GOAL 3: The Office of Arbitration Services will be a center of innovation in the resolution of "minor" disputes.

FY 2019 Accomplishments

The NMB met with railroad labor and management officials several times during FY 2019 to discuss innovation to improve the program. NMB also continued its review of all grievance mediation cases.

SUPPORT OFFICES PERFORMANCE GOALS

OFFICE OF ADMINISTRATION

ADMINISTRATION STRATEGIC GOAL

Support the program mission of the Agency and provide outstanding administrative services.

GOAL 1: Provide outstanding service delivery to internal and external customers.

FY 2019 Accomplishments

The Office of Administration responded to all requests for assistance or service from internal and external customers as soon as they were received. In addition, new Employee Orientation training was completed for each new employee.

GOAL 2: Attract and retain a high-performing workforce with the technical and professional skills needed.

FY 2019 Accomplishments

The NMB worked with the Department of Interior to ensure that each vacancy announcement reflected the technical and professional skills needed.

OFFICE OF FISCAL SERVICES

FISCAL SERVICES STRATEGIC GOAL

Support the mission of the Agency and provide outstanding financial and accounting service.

GOAL 1: Provide timely, efficient, and responsible stewardship of the NMB's fiscal resources.

FY 2019 Accomplishments

The NMB continues to work with the Bureau of the Fiscal Service (BFS), a bureau within the U.S. Department of Treasury, to ensure that required financial reporting is prepared and submitted in a timely manner. The NMB worked with BFS to ensure that over 99 percent of payments were paid timely and accurately as of the fourth quarter of FY 2019, and that all Office of Management and Budget financial reports and data collections in FY 2019 were submitted in a timely manner. The Office of Fiscal Services is committed to responding to timely requests from our internal and external customers.

GOAL 2: Ensure Agency spending and budgets are transparent and provide the necessary support for each of the Agency's missions throughout the entire fiscal year.

FY 2019 Accomplishments

The NMB has an agreement with BFS to handle the Agency's financial management system and the Agency integrated PRISM (a web-based procurement system) into its procurement process. The NMB works with the BFS on a regular basis to ensure that the Agency's quarterly apportionment is not exceeded, and that all budget-related reports and activities have been reported in a timely manner.

GOAL 3: Ensure Agency compliance with all Office of Management and Budget (OMB) and Department of Treasury laws and regulations with respect to budget and financial reporting requirements, and implement proper internal controls.

FY 2019 Accomplishments

The NMB has submitted all applicable financial reports in FY 2019, in a timely manner, and has continued to adhere to OMB Circulars A-11, A-123, and A-136.

OFFICE OF INFORMATION SERVICES

INFORMATION SERVICES STRATEGIC GOAL

Support the program mission of the Agency and comply with intragovernmental requirements.

GOAL 1: Ensure compliance with regulations from the Department of Homeland Security and the National Archives.

FY 2019 Accomplishments

The Office of Information Services (OIS) completed several actions related to Binding Operative Directive (BOD) 18-01 and BOD 19-01, as well as compliance with several actions related to the biannual Federal Information Security Modernization Act (FISMA) metrics. In addition, the Agency conducted Security Awareness and Records Management training in FY 2019.

GOAL 2: Maintain and update internal policies.

FY 2019 Accomplishments

The OIS implemented training for NMB technology and Rules of Behavior in conjunction with the distribution of new laptops. In FY 2019, additional resources were solicited to maintain and fully document all policies, processes, and procedures.

GOAL 3: Maintain hardware/software architecture and configuration.

FY 2019 Accomplishments

To improve the security and maintainability of our office network, the agency updated its network firewalls and switches beginning at the end of FY 2018 and fully completed the project in early FY 2019. The Agency also implemented a process by which all hardware and software requests must be approved by the CIO to ensure alignment with its enterprise architecture.

GOAL 4: Fully trained and technology-literate staff.

FY 2019 Accomplishments

OIS staff completed several training activities related to IT disciplines such as cloud computing and IT acquisitions. OIS staff will be better positioned to maintain the NMB information technology program.

GOAL 5: Improve agency efficiency and public communications through cost-effective information and communications technology improvements, including implementing Enterprise Architecture (design, secure, and document) the emerging cloud, mobile, and other mechanisms.

FY 2019 Accomplishments

NMB developed an online help desk ticketing form to allow for easier submission and tracking of help desk requests. NMB also developed a strategic plan to improve its use of information technology and achieve efficiencies through leveraging Software as a Service (SaaS) solutions. By implementing this strategic plan, the NMB will improve its information technology and better serve the public.

GOAL 6: Continue to ensure that NMB Information is secure while maintaining a government-leading information and communication technology system.

FY 2019 Accomplishments

NMB implemented advanced mobile device management, cyber hygiene scanning, and encryption of its public website. The NMB also ensures that all information that contains Private Personnel Information (PPI) is password protected when transmitted electronically.



03



**FINANCIAL
INFORMATION**

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MESSAGE FROM THE CHIEF FINANCIAL OFFICER

NOVEMBER 5, 2019

On behalf of the National Mediation Board (NMB), it is my pleasure to join with the Board in presenting the NMB's FY 2019 Performance and Accountability Report. This report is an integrated presentation of our programmatic, administrative, and financial achievements during the past year. The principal financial statements and notes that follow explain the NMB's financial position as of September 30, 2019 and 2018, as well as detail the use of Agency resources to achieve our performance results.

The independent audit of our financial statements has been completed, and I am pleased to report that the NMB received another unmodified opinion, with no material weaknesses. This is evidence of the organization's continued emphasis on reviewing and strengthening internal controls in accordance with requirements from central regulatory bodies of the federal government such as the U.S. Treasury and OMB. This validates our confidence that our financial and performance data are complete, accurate, and reliable.

In FY 2019 there were no significant changes or issues in the Board's financial operations or systems. We continued our successful partnership with the U.S. Department of Treasury – Bureau of Fiscal Services (BFS) for our accounting, financial, contractual, and reporting services. The ability to partner with one of the Centers of Excellence designated by OMB affords us the opportunity to receive the numerous benefits a shared service provider can offer, at affordable costs.

In FY 2020 we will continue to seek out opportunities to further improve our financial operations by exploring automation and other electronic options. These enhancements will offer additional efficiencies and customer service to our internal and external customers.

We are confident that our financial systems and operations will continue to support the Board's mission to effectively and efficiently reach our intended outcomes. I would like to extend my thanks and appreciation to all of the dedicated staff at the NMB whose commitment and effort made this past year a success; your work is recognized and appreciated.

Sincerely,

A handwritten signature in black ink, appearing to read "m. jerger", written in a cursive style.

Michael Jerger
Chief Financial Officer



INDEPENDENT AUDITORS' REPORT

BOARD MEMBERS, NATIONAL MEDIATION BOARD:

Report on the Financial Statements

We have audited the accompanying financial statements of the National Mediation Board, which comprise the balance sheets as of September 30, 2019 and 2018; the related statements of net cost, changes in net position, and budgetary resources for the fiscal years ended; and the related notes to the financial statements (hereinafter referred to as the financial statements).

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this responsibility includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on the fiscal years 2019 and 2018 financial statements of NMB based on our audits. We conducted our audits in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States; and the Office of Management and Budget (OMB) Bulletin No. 19-03, Audit Requirements for Federal Financial Statements. Those standards and OMB Bulletin No. 19-03 require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditors' judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion.

An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the National Mediation Board as of September 30, 2019 and 2018, and its net cost of operations, changes in net position, and budgetary resources for the years then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary Information

The information in the *Message from the Chief Financial Officer*, *Management's Discussion and Analysis* section, and *Other Information* section of this report is not a required part of the basic financial statements, but is supplementary information required by accounting principles generally accepted in the United States of America. We have applied certain limited procedures, which consisted principally of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of NMB's financial statements. However, we did not audit this information and, accordingly, we express no opinion on it.



Other Reporting Required by Government Auditing Standards

Internal Control over Financial Reporting

In planning and performing our audit of NMB's financial statements as of and for the year ended September 30, 2019, in accordance with generally accepted government auditing standards, we considered NMB's internal control over financial reporting as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of NMB's internal control over financial reporting. Accordingly, we do not express an opinion on NMB's internal controls over financial reporting. We limited internal control testing to those necessary to achieve the objectives described in OMB Bulletin No. 19-03. We did not test all internal control relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct misstatement on a timely basis. A material weakness is a deficiency, or combination of deficiencies, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected, on a timely basis. A significant deficiency is a deficiency or a combination of deficiencies, in internal control that is less severe than a material weakness yet important enough to merit the attention by those charged with governance.

Our consideration of internal control over financial reporting was for the limited purpose as described in the first paragraph of this section, and was not designed to identify all deficiencies in internal control over financial reporting that might be material weaknesses or significant deficiencies and therefore material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our fiscal year 2019 audit we did not identify any deficiencies in internal control over financial reporting that we considered to be a material weakness, as defined above. However, material weaknesses may exist that have not been identified. However, we noted an additional matter that we will report to NMB management in a separate letter.

Compliance and Other Matters Specific to the Financial Statements

As part of obtaining reasonable assurance about whether NMB's fiscal year 2019 financial statements are free of material misstatements, we performed tests of NMB's compliance with certain provisions of applicable laws, regulations, contracts, and grant agreements, which noncompliance could have a direct and material effect on the determination of material amounts and disclosures in NMB's financial statements, and certain provisions of other laws specified in OMB Bulletin No. 19-03. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion.

The results of our tests of compliance as described in the preceding paragraph disclosed no instances of noncompliance or other matters that are required to be reported herein under *Government Auditing Standards* or OMB Bulletin No. 19-03.

Purpose of the Other Reporting Required by Government Auditing Standards

The purpose of the communication provided in the Other Reporting Required by Government Auditing Standards section is solely to describe the scope of our testing of internal control and compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements, and the results of that testing, and not to provide an opinion on the effectiveness of the NMB's internal control or on compliance. This communication is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering internal controls and compliance with laws, regulations, contracts, and grant agreements which could have a material effect on NMB's financial statements. Accordingly, this communication is not suitable for any other purpose.

Allmond & Company, LLC

Lanham, MD

November 1, 2019

BALANCE SHEET

AS OF SEPTEMBER 30, 2019 AND 2018 (IN DOLLARS)

ASSETS	2019	2018
Intragovernmental		
Fund Balance with Treasury (Note 2)	\$10,399,062	\$10,308,781
Total Intragovernmental	\$10,399,062	\$10,308,781
Accounts Receivable (Note 3, Note 11), Net	\$7,392	\$4,340
Other	-	\$262
Total Assets	\$10,406,454	\$10,313,383
LIABILITIES	2019	2018
Intragovernmental		
Accounts Payable	\$143,505	\$307,382
Employer Contributions and Taxes Payable	\$55,962	\$46,144
Unemployment Insurance	-	\$2,787
Other (Note 4, Note 11)	\$58	-
Total Intragovernmental	\$199,525	\$356,313
Accounts Payable	\$134,041	\$23,3928
Accrued Payroll and Benefits	\$215,417	\$176,746
Employer Contributions and Taxes Payable	\$8,535	\$6,888
Unfunded Annual Leave (Note 4)	\$512,610	\$444,367
Other (Note 4, Note 11)	\$60	-
Total Liabilities	\$1,070,188	\$1,218,242
NET POSITION	2019	2018
Unexpected Appropriations - Other Funds	\$9,841,602	\$9,537,955
Cumulative Results of Operations - Other Funds	(\$505,336)	(\$442,814)
Total Net Position	\$9,336,266	\$9,095,141
Total Liabilities and Net Position	\$10,406,454	\$10,313,383

The accompanying notes are an integral part of these financial statements.

STATEMENT OF NET COST

FOR THE YEARS ENDED SEPTEMBER 30, 2019 AND 2018 (IN DOLLARS)

PROGRAM COSTS	2019	2018
Mediation/ADR		
Gross Costs	\$6,789,055	\$6,259,178
Less: Earned Revenue	(\$50)	-
Net Program Costs	\$6,789,005	\$6,259,178
Representation		
Gross Costs	\$1,948,555	\$1,871,464
Net Program Costs	\$1,948,555	\$1,871,464
Arbitration		
Gross Costs	\$4,215,033	\$4,000,229
Net Program Costs	\$4,215,033	\$4,000,229
Presidential Emergency Board		
Gross Costs	-	-
Net Program Costs	-	-
Net Cost of Operations	\$12,952,593	\$12,130,871

STATEMENT OF CHANGES IN NET POSITION

FOR THE YEARS ENDED SEPTEMBER 30, 2019 AND 2018 (IN DOLLARS)

	2019	2018
Unexpended Appropriations:		
Beginning Balances	\$9,537,955	\$8,270,521
Budgetary Financing Sources:		
Appropriations Received	\$13,800,000	\$13,800,000
Other Adjustments	(\$1,068,447)	(\$807,556)
Appropriations Used	(\$12,427,906)	(\$11,725,010)
Total Budgetary Financing Sources	\$303,647	\$1,267,434
Unexpended Appropriations	\$9,841,602	\$9,537,955
Cumulative Results of Operations:		
Beginning Balances	(\$442,814)	(\$437,892)
Budgetary Financing Sources:		
Appropriations Used	\$12,427,906	\$11,725,010
Nonexchange Revenue	-	\$38
Other Financing Sources (Non-Exchange):		
Imputed Financing Sources (Note 12)	\$462,215	\$400,939
Other (Note 11)	(\$50)	(\$38)
Total Financing Sources	\$12,890,071	\$12,125,949
Net Cost of Operations	(\$12,952,593)	(\$12,130,871)
Net Change	(\$62,522)	(\$4,922)
Cumulative Results of Operations	(\$505,336)	(\$442,814)
Net Position	\$9,336,266	\$9,095,141

STATEMENT OF BUDGETARY RESOURCES

FOR THE YEARS ENDED SEPTEMBER 30, 2019 AND 2018 (IN DOLLARS)

	2019	2018
Budgetary Resources:		
Unobligated balance from prior year budget authority, net (Note 13)	\$5,898,659	\$4,391,710
Appropriations	\$13,800,000	\$13,800,000
Total Budgetary Resources	\$19,698,659	\$18,191,710
Status of Budgetary Resources:		
New obligations and upward adjustments (Note 7) (total)	\$12,866,142	\$11,804,438
Unobligated balance, end of year:		
Apportioned, unexpired account	\$977,532	\$2,141,912
Unexpired unobligated balance, end of year	\$977,532	\$2,141,912
Expired unobligated balance, end of year	\$5,854,985	\$4,245,360
Unobligated balance, end of year (total)	\$6,832,517	\$6,387,272
Total Budgetary Resources	\$19,698,659	\$18,191,710
Outlays, net:		
Outlays, net, (total)	\$12,641,273	\$11,977,731
Agency outlays, net	\$12,641,273	\$11,977,731

The accompanying notes are an integral part of these financial statements.

NOTES TO PRINCIPAL STATEMENTS

September 30, 2019 and September 30, 2018

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

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

NMB prepares its financial statements to be in conformity with Generally Accepted Accounting Principles.

NMB does not hold any non-entity assets and has no funds from dedicated collections as described by the Statement of Federal Financial Accounting Standards (SFFAS) 43.

B. Basis of Presentation

NMB's principal financial statements were prepared from its official financial records and general ledger in conformity with accounting principles generally accepted in the United States and follow the presentation guidance established by OMB Circular No. A-136 "Financial Reporting Requirements," as amended. The amounts reported in the financial statements are consolidated totals net of intra-entity transactions. The financial statements have been prepared to report the financial position, net cost of operations, changes in net position, and the status and availability of budgetary resources of NMB. Unless specified otherwise, all amounts are presented in dollars.

C. Basis of Accounting

Transactions are recorded on both an accrual accounting basis and a budgetary basis. The accrual method of accounting requires recognition of the financial effects of transactions, events, and circumstances in the period(s) when those transactions, events, and circumstances occur, regardless of when cash is received or paid. Budgetary accounting facilitates compliance with legal requirements and controls over the use of funds and to keep track of budget authority at the various stages of execution including allotment, obligation, and outlay.

The Balance Sheet, Statement of Net Cost, Statement of Net Position, and Statement of Budgetary Resources have been prepared in accordance with Generally Accepted Accounting Principles accepted in the United States for federal entities as prescribed by the standards set forth by the Federal Accounting Standards Advisory Board (FASAB). FASAB is recognized by the American Institute of Certified Public Accountants as the body designated to establish Generally Accepted Accounting Principles for federal entities. Certain assets, liabilities, and costs have been classified as intragovernmental throughout the financial statements and notes. Intragovernmental is defined as transactions made between two reporting entities within the federal government.

D. Classified Activities

All federal reporting entities must include the following in the summary of significant accounting policies:

Accounting standards require all reporting entities to disclose that accounting standards allow certain presentations and disclosures to be modified, if needed, to prevent the disclosure of classified information.

Reporting entities must not disclose application of SFFAS 56, including any interpretations of SFFAS 56.

E. Revenue and Other Financing Sources

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

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

F. Use of Estimates

The preparation of the accompanying financial statements in accordance with U.S. Treasury Generally Accepted Accounting Principles requires management to make certain estimates and assumptions that affect the reported amounts of assets, liabilities, revenues, and expenses. Actual results could differ from those estimates.

G. Fund Balances with the U.S. Department of Treasury

The U.S. Treasury processes cash receipts and disbursements on NMB's behalf. The balance of funds with Treasury represents appropriated funds that are available to pay current liabilities and finance authorized purchase obligations relative to goods or services that have not been received. NMB does not maintain cash in commercial bank accounts or foreign currency balances.

H. Accounts Receivable

Accounts receivable primarily consists of amounts due from current and former employees. These receivables are a result of payroll adjustments and/or court-ordered actions. An allowance for uncollectible accounts receivable from the public is established when either (1) management determines that collection is unlikely to occur after a review of outstanding accounts and the failure of all collection efforts, or (2) an account for which no allowance has been established is submitted to the Department of the Treasury for collection, which takes place when it becomes 120 days delinquent. Based on historical experience, all receivables are collectible and no allowance is provided.

I. Property and Equipment

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

When NMB enters into a lease agreement, as lessee, if the title of the asset transfers to NMB at the end of the lease or any of the other three capitalization criteria pursuant to SFFAS No. 6, Accounting for Property, Plant, and Equipment, are met, NMB capitalizes the lease at the present value of minimum lease payment and amortizes the cost over the economic useful life of the asset.

J. Liabilities

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

Liabilities covered by budgetary resources are liabilities funded by a current appropriation or other funding source. These consist of accounts payable and accrued payroll and benefits. Accounts payable represent amounts owed to another entity for goods ordered and received and for services rendered except for employees.

Liabilities not covered by budgetary resource are liabilities that are not funded by any current appropriation or other funding source. These liabilities consist of accrued annual leave and contingent liabilities.

K. Accrued Payroll and Benefits

Accrued payroll and benefits reflect salaries and benefits that have been earned but not disbursed as of September 30, 2019. Accrued payroll and benefits are payable to employees and are therefore not classified as intragovernmental.

L. Annual, Sick, and Other Leave

Annual leave is accrued as a liability as it is earned. The accrual is reduced as leave is taken. Each pay period the balance in the accrued leave account is adjusted to reflect the current leave balances and pay rates. Accrued annual leave is paid from future funding sources and accordingly is reflected as a liability not covered by budgetary resources. Sick leave and other types of non-vested leave are charged to expense as the leave is used.

M. Retirement Plans and Other Employee Benefits

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

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

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

The NMB imputes costs and the related financing sources for its share of retirement benefits accruing to its past and present employees that are in excess of the amount of contributions from the NMB and its employees, which are mandated by law. The Office of Personnel Management (OPM), which administers federal civilian retirement programs, provides the cost information to the NMB. The NMB recognizes the full cost of providing future pension and Other Retirement Benefits (ORB) for current employees as required by Statement of Federal Financial Accounting Standards (SFFAS) 5, Accounting for Liabilities of the Federal Government. Full costs include pension and ORB contributions paid out of the NMB's appropriations and costs financed by OPM. The amount financed by OPM is recognized as an imputed financing source. Reporting amounts such as plan assets, accumulated plan benefits, or unfunded liabilities, if any, is the responsibility of OPM.

N. Commitments and Contingencies

A commitment is a preliminary action that reserves available funds until an obligation is made, which will result in a legal liability of the U.S. Government. Examples of a commitment include purchase requisitions or unsigned contracts. All open commitments at year-end are closed out and new commitments (requisitions) need to be recorded in the next fiscal year. Accordingly, no open commitments exist at year-end to report in either the financial statements or notes.

A contingency is an existing condition, situation, or set of circumstances involving uncertainty as to possible gain or loss. The uncertainty will ultimately be resolved when one or more future events occur or fail to occur. A contingent liability is disclosed in the notes to the financial statements when a past event or exchange transaction has occurred, and future outflow or other sacrifice of resources is measurable and reasonably possible. A contingency is not disclosed when any of the conditions for liability recognition are not met and the chance of the future event or events occurring are remote.

NOTE 2: FUND BALANCES WITH TREASURY

Fund Balance with Treasury account balances as of September 30, 2019 and 2018, were as follows:

	2019	2018
Unobligated Balance		
Available	\$977,532	\$2,141,912
Unavailable	\$5,854,985	\$4,245,360
Obligated Balance Not Yet Disbursed	\$3,566,545	\$3,921,509
Total	\$10,399,062	\$10,308,781

The available unobligated fund balances represent the current-period amount available for obligation or commitment.

The unavailable unobligated fund balances represent the amount of appropriations for which the period of availability for obligation has expired. These balances are available for upward adjustments of obligations incurred only during the period for which the appropriation was available for obligation or for paying claims attributable to the appropriations.

The obligated balance not yet disbursed includes accounts payable, accrued expenses, and undelivered orders that have reduced unexpended appropriations but have not yet decreased the fund balance.

NOTE 3: ACCOUNTS RECEIVABLE

Accounts receivable balances as of September 30, 2019 and 2018, were as follows:

	2019	2018
With the Public		
Accounts Receivable	\$7,392	\$4,340
Total Public Accounts Receivable	\$7,392	\$4,340
Total Accounts Receivable	\$7,392	\$4,340

The accounts receivable is primarily made up of reimbursements due from employees.

Historical experience has indicated that the majority of the receivables are collectible. There are no material uncollectible accounts as of September 30, 2019 and 2018.

NOTE 4: LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities Covered and Not Covered by Budgetary Resources as of September 30, 2019 and 2018, consist of the following:

	2019	2018
Intragovernmental - Unemployment Insurance	-	\$2,787
Unfunded Leave	\$512,610	\$444,367
Total Liabilities Not Covered by Budgetary Resources	\$512,610	\$447,154
Total Liabilities Covered by Budgetary Resources	\$557,460	\$771,088
Total Liabilities Not Requiring Budgetary Resources	\$118	-
Total Liabilities	\$1,070,188	\$1,218,242

NOTE 5: LEASES

Operating Leases

NMB has entered into a new operating lease to commence November 1, 2016, and expiring on October 31, 2026. NMB pays GSA a standard level users charge for the annual rental adjusted annually for operating cost escalations in accordance with the provisions in the Federal Management Regulations.

FISCAL YEAR	OFFICE SPACE
2020	\$1,227,890
2021	\$1,249,921
2022	\$1,272,613
2023	\$1,295,985
2024	\$1,320,059
2025	\$1,344,855
2026	\$1,370,395
2027	\$106,486
Total Future Payments	\$9,188,204

NOTE 6: COMMITMENTS AND CONTINGENCIES

Arbitrator Liabilities

The NMB revised its policy, so that when cases are assigned to an arbitrator the full cost of the case is obligated. The number of cases not assigned to any arbitrators September 30, 2019 and 2018, is 1,947 and 2,975, respectively. If these cases were assigned, we estimate it would cost \$1,226,610 in fiscal year 2019 and in fiscal year 2018 \$1,874,250 for arbitrators to hear and render an award on these cases.

NOTE 7: APPORTIONMENT CATEGORIES OF NEW OBLIGATIONS INCURRED AND UPWARD ADJUSTMENTS

Obligations incurred and reporting in the Statement of Budgetary Resources in 2019 and 2018 consisted of the following:

	2019	2018
Direct Obligations, Category A	\$12,866,142	\$11,804,438
New Obligations and Upward Adjustments	\$12,866,142	\$11,804,438

NOTE 8: UNDELIVERED ORDERS AT THE END OF THE PERIOD

As of September 30, 2019, budgetary resources obligated for undelivered orders were as follows:

	FEDERAL	NON-FEDERAL	TOTAL
Unpaid Undelivered Orders	\$298,634	\$2,710,451	\$3,009,085
Total Undelivered Orders	\$298,634	\$2,710,451	\$3,009,085

As of September 30, 2018, budgetary resources obligated for undelivered orders were as follows:

	FEDERAL	NON-FEDERAL	TOTAL
Paid Undelivered Orders	-	\$262	\$262
Unpaid Undelivered Orders	\$474,375	\$2,676,045	\$3,150,420
Total Undelivered Orders	\$474,375	\$2,676,307	\$3,150,682

NOTE 9: RECONCILIATION OF NET COST TO NET OUTLAYS

Budget and Accrual Reconciliation for the Year Ended September 30, 2019

	INTRA- GOVERNMENTAL	WITH THE PUBLIC	TOTAL
Net Operating Cost (SNC)	\$3,529,556	\$9,423,037	\$12,952,593
Components of Net Operating Cost Not Part of the Budget Outlays			
Increase/(decrease) in assets:			
Accounts receivable	-	\$3,052	\$3,052
Other assets	-	(\$262)	(\$262)
(Increase)/decrease in liabilities not affecting Budget Outlays:			
Accounts payable	\$163,879	\$99,887	\$263,766
Salaries and benefits	(\$9,818)	(\$40,318)	(\$50,136)
Other liabilities	\$2,778	(\$68,303)	(\$65,525)
Other financing sources:			
Imputed federal employee retirement benefit costs	(\$462,215)		(\$462,215)
Total Components of Net Operating Cost Not Part of the Budget Outlays	(\$305,376)	(\$5,944)	(\$311,320)
Components of the Budget Outlays That Are Not Part of Net Operating Cost			
Other	\$8	(\$8)	-
Total Components of the Budget Outlays That Are Not Part of Net Operating Cost	\$8	(\$8)	
Net Outlays (Calculated Total)	\$3,224,188	\$9,417,085	\$12,641,273
Related Amounts on the Statement of Budgetary Resources			
Outlays, net, (total) (SBR 4190)			\$12,641,273
Distributed offsetting receipts (SBR 4200)			-
Outlays, Net (SBR 4210)			\$12,641,273

NOTE 10: BUDGETARY RESOURCE COMPARISONS TO THE BUDGET OF THE UNITED STATES

Government

The President’s Budget that will include fiscal year 2019 actual budgetary execution information has not yet been published. The President’s Budget is scheduled for publication in February 2020 and can be found at the OMB website:

<http://www.whitehouse.gov/omb/>. The 2020 Budget of the United States Government, with the “Actual” column completed for 2018, has been reconciled to the Statement of Budgetary Resources and there were no material differences.

FY 2018	BUDGETARY RESOURCES	NEW OBLIGATIONS & UPWARD ADJUSTMENTS	DISTRIBUTED OFFSETTING RECEIPTS	NET OUTLAYS
Statement of Budgetary Resources	\$14,000,000	\$12,000,000	\$0	\$12,000,000
Expired Unobligated Balance Not Available	(\$2,000,000)			
Budget of the U.S. Government	\$14,000,000	\$12,000,000	\$0	\$12,000,000

NOTE 11. CUSTODIAL REVENUES

The National Mediation Board’s custodial activity primarily consists of collection of nonfederal receivables, fines, penalties, as well as Freedom of Information Act requests. While these collections are considered custodial, they are neither primary to the mission of the Board nor material to the overall financial statements. The Board’s total custodial collections are \$118 and \$0 for the years ending September 30, 2019 and 2018 respectively.

NOTE 12. INTER-ENTITY COSTS

NMB recognizes certain inter-entity costs for goods and services that are received from other federal entities at no cost or at a cost less than the full cost. Certain costs of the providing entity that are not fully reimbursed are recognized as imputed cost and are offset by imputed revenue. Such imputed costs relate to employee benefits. NMB recognizes as inter-entity costs the amount of accrued pension and post-retirement benefit expenses for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. For the periods ended September 30, 2019 and 2018, respectively, inter-entity costs were as follows:

	2019	2018
Office of Personnel Management	\$462,215	\$400,939
Total Imputed Financing Sources	\$462,215	\$400,939

NOTE 13. NET ADJUSTMENTS TO UNOBLIGATED BALANCE, BROUGHT FORWARD, OCTOBER 1

The Unobligated Balance Brought Forward from the prior fiscal year has been adjusted for recoveries of prior year paid and unpaid obligations and other changes such as canceled authority. The Adjustments to Unobligated Balance Brought Forward, October 1, as of September 30, 2019 and 2018, consisted of the following:

	2019	2018
Unobligated Balance Brought Forward, October 1	\$6,387,272	\$4,682,602
Recoveries of Prior Year Obligations	\$579,834	\$516,664
Other Changes in Unobligated Balances	(\$1,068,447)	(\$807,556)
Unobligated Balance From Prior Year Budget Authority, Net	\$5,898,659	\$4,391,710

04

OTHER INFORMATION

84| SUMMARY OF FINANCIAL
STATEMENT AUDIT AND
MANAGEMENT ASSURANCES
(UNAUDITED)

85| IMPROPER PAYMENTS
INFORMATION ACT

85| GOVERNMENT CHARGE CARD
PROGRAMS



SUMMARY OF FINANCIAL STATEMENT AUDIT AND MANAGEMENT ASSURANCES

TABLE 1. SUMMARY OF FINANCIAL STATEMENT AUDIT

AUDIT OPINION	UNMODIFIED			
Restatement	No			
Material Weaknesses	Beginning Balance	New	Consolidated	Ending Balance
None				
Total Material Weaknesses	0	0	0	0

TABLE 2. SUMMARY OF MANAGEMENT ASSURANCES

EFFECTIVENESS OF INTERNAL CONTROL OVER FINANCIAL REPORTING (FMFIA § 2)				
Statement of Assurance	Unmodified			
Material Weaknesses	Beginning Balance	New	Consolidated	Ending Balance
None				
Total Material Weaknesses	0	0	0	0
EFFECTIVENESS OF INTERNAL CONTROL OVER OPERATIONS (FMFIA § 2)				
Statement of Assurance	Unmodified			
Material Weaknesses	Beginning Balance	New	Consolidated	Ending Balance
None				
Total Material Weaknesses	0	0	0	0
CONFORMANCE WITH FEDERAL FINANCIAL MANAGEMENT SYSTEM REQUIREMENTS (FMFIA § 4)				
Statement of Assurance	Federal Systems conform to financial management system requirements			
Non-Conformances	Beginning Balance	New	Resolved	Ending Balance
None				
Total Non-conformances	0	0	0	0
COMPLIANCE WITH SECTION 803(A) OF THE FEDERAL FINANCIAL MANAGEMENT IMPROVEMENT ACT (FFMIA)				
		Agency	Auditor	
1. Federal Financial Management System Requirements		Not applicable*	Not applicable*	
2. Applicable Federal Accounting Standards		Not applicable*		
3. USSGL at Transaction Level		Not applicable*		

*OMB Bulletin 14-02 states that agencies subject to the ATDA and Government Corporation Control Act are not subject to the requirements of FFMIA.

IMPROPER PAYMENTS INFORMATION ACT

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

GOVERNMENT CHARGE CARD PROGRAMS

TRAVEL

In FY 2019, the NMB continued to be a full participant in the General Service Administration's (GSA's) Government Travel Charge Card program, and issued individually billed account (IBA) travel cards to employees whose official duties require frequent travel. The NMB also uses a Centrally Billed Account (CBA) for Agency-wide airfare and rail expenses. In FY 2019, the NMB successfully transitioned to the new GSA SmartPay3 program. This program is routinely monitored by the NMB and the Bureau of Fiscal Services (BFS), including monitoring each employee's use of the travel card to ensure only appropriate official government-related expenses are being charged on the card. Accounts are also monitored for any delinquency of payment of the account that may occur.

All NMB travel cardholders are provided with and must complete the required Government Travel Card Training per OMB and GSA. Additionally, all NMB approving officials are required to complete the FTR training course, Approving Officials Responsibilities.

PURCHASE

In FY 2019, the NMB continued its use of the U.S. Government's purchase card program, which helps expedite the purchase of authorized supplies and services. The NMB Office of Fiscal Services reviews and approves all purchase requests prior to ordering supplies or services. All NMB purchase card holders are required to complete the GSA Government SmartPay Purchase cardholder training on an annual basis.

A stylized number '05' rendered in a gold, multi-lined font. The '0' consists of three concentric ovals, and the '5' consists of three parallel vertical bars on the left and a curved bottom section.

APPENDIX

88 | GLOSSARY

91 | ACRONYMS



GLOSSARY

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

Act

The Railway Labor Act

Agency

The National Mediation Board

Alternative Dispute Resolution (ADR)

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

Amendable Contract

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

Annual Report

NMB's Annual Performance and Accountability Report

Arbitration

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

Arbitration Forum

A committee formed of officials of railroads, rail unions, arbitrators, and the NMB for the purpose of improving the processing of railroad employee grievances.

Board

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

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

Carrier

An airline or railroad as defined by sections 151 and 181 of the Railway Labor Act.

CFO

Chief Financial Officer

Class I

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

Collective Bargaining Agreement

A labor contract between a union and a carrier.

Cooling-Off Period

A 30-day period of time preceding the right of parties to a collective bargaining dispute to engage in economic 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-book

A book available via the Internet such as NMB's Annual Performance and Accountability Report.

E-business

The conduct of business on the Internet.

E-filing

An electronic method for submitting documents.

E-Verify

A system for online verification.

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.

Facilitated Problem-Solving

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

Grievances

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

Grievance Arbitration

A method of resolving grievances whereby an arbitrator determines the outcome.

Grievance Mediation

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

Impasse

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

Interest Arbitration

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

Interest-Based Negotiation

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

Internet Voting

A web-based balloting option that supplements telephone electronic voting in representation elections.

Laboratory Conditions

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

Legacy Carriers

A term applied to traditional major, hub-based airlines versus regional or point-to-point carriers.

Major Disputes

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

Mediation

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

Minor Disputes

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

National Handling

Mediation of a collective bargaining dispute where management of several railroads have chosen to negotiate collectively on a national basis. National Labor Relations Act (NLRA) grants most private sector workers the right to organize and bargain collectively. Air and rail employees, however, are covered by the Railway Labor Act (RLA) rather than the NLRA. National Railroad Adjustment Board One of three types of tribunals under the RLA for resolving railroad grievances (also see Special Boards of Adjustment and Public Law Boards). NRAB cases are resolved by the carrier and union members with or without a neutral.

National Labor Relations Act (NLRA)

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

National Railroad Adjustment Board

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

NMB Lyceum

The NMB's open-resource, distance learning website established to provide NMB staff, labor relations practitioners, and the public with training programs relevant to the National Mediation Board and the Railway Labor Act.

Ombudsman

An official of the NMB that receives and addresses problems or complaints of employees or contractors regarding actions of agency managers or staff.

Online Arbitration

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

Online Dispute Resolution

The application of Internet or web-based technology to resolving disputes.

Open Government Directive

President Obama's Directive of December 8, 2009, requiring federal executive departments and agencies to take specific actions to implement the principles of transparency, participation, and collaboration.

Presidential Emergency Board

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

Proffer of Arbitration

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

Public Interest Meetings

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

Public Law Boards (PLBs)

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

Railway Labor Act (RLA)

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

Representation Dispute

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

Section 3

Section 153 of the RLA pertaining to the National Railroad Adjustment Board.

Section 3 Committee

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

Section 6

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

Section 7

Section 157 of the RLA pertaining to arbitration.

Section 9

Section 159A of the RLA pertaining to Presidential Emergency Boards for certain publicly funded and operated commuter railroads.

Section 10

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

Self-Help

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

Showing-of-Interest

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

Special Boards of Adjustment (SBA)

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

Status Quo

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

Strike

A work stoppage action initiated by a union.

System Boards of Adjustment (SBA)

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

System-wide

Under the RLA, a craft or class applies anywhere an airline or railroad operates in the United States.

Telephone Electronic Voting (TEV)

A paperless balloting process using telephones instead of traditional paper ballots.

Work Stoppage

An interruption to the operations of an airline or railroad.

ACRONYMS

ACRONYM	NAME	ACRONYM	NAME
A4A	Airlines for America	CWA	Communication Workers of America
AAA	American Arbitration Association	D&H	Delaware and Hudson Railway
ABA	American Bar Association	DM&E	Dakota, Minnesota and Eastern Railroad
ABM	ABM-Onsite Services	DOMS	Director of Office of Mediation Services
A-Case	An NMB designation for a Mediation case	EFT	Electronic Funds Transfer
ADR	Alternative Dispute Resolution	EH	Eagle Horizon - FEMA
AFA	Association of Flight Attendants	FASAB	Federal Accounting Standards Advisory Board
AFL-CIO	American Federation of Labor and Congress of Industrial Organizations	F-Case	An NMB designation for a Facilitation case
AFSCME	American Federation of State, County and Municipal Employees	FEMA	Federal Emergency Management Agency
ALI-CLE	American Law Institute Continuing Legal Education	FERS	Federal Employees Retirement System
ALPA	Air Line Pilots Association	FMCS	Federal Mediation and Conciliation Service
ALRA	Association of Labor Relations Agencies	FMFIA	Federal Managers' Financial Integrity Act
AMTRAK	National Railroad Passenger Corporation (NRPC)	FOIA	Freedom of Information Act
ARASA	American Railway and Airway Supervisors Association	FTR	Federal Travel Regulation
ATDA	American Train Dispatchers Association	FY	Fiscal Year
AVG	Average	G&W	Genesee & Wyoming Inc.
AWS	Alternative Work Schedule	GAAP	Generally Accepted Accounting Principles
AWS	Arbitrator Work Space	GAO	Government Accountability Office
BFS	Bureau of the Fiscal Service	GM-Case	An NMB designation for a Grievance Mediation case
BLET	Brotherhood of Locomotive Engineers & Trainmen	GPRA	Government Performance and Results Act
BMWED	Brotherhood of Maintenance of Way Employees Division	GSA	General Services Administration
BNSF	Burlington Northern Santa Fe Railway	HERE	Hotel Employees and Restaurant Employees Union
BRC	Brotherhood of Railway Carmen	IAM	International Association of Machinists and Aerospace Workers
BRS	Brotherhood of Railroad Signalmen	IBB	International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
CFO	Chief Financial Officer	IBEW	International Brotherhood of Electrical Workers
CGE	Concur Government Edition	IBT	International Brotherhood of Teamsters
CN	Canadian National Railway	IBT/HERE	IBT/HERE Employee Representatives' Council
CP	Canadian Pacific Railway	IDP	Individual Development Plan
CSRS	Civil Service Retirement Act	ILA	International Longshoremen's Association
CSX	CSX Transportation, Inc.		

ACRONYMS

ACRONYM	NAME	ACRONYM	NAME
METRA	Northeast Illinois Regional Commuter Railroad (NIRCR)	PSA	PSA Airlines
N/A	Not Applicable	PTRA	Port Terminal Railroad Association
NAA	National Academy of Arbitrators	R-Case	An NMB designation for a Representation case
NARR	National Association of Railroad Referees	RLA	Railway Labor Act
NCCC	National Carriers' Conference Committee	SBA	Special Board of Adjustment
NCFO	National Conference of Firemen and Oilers	SEIU	Service Employees International Union
NEP	National Exercise Program - FEMA	SEPTA	Southeastern Pennsylvania Transportation Authority
NIRCR	Northeast Illinois Regional Commuter Railroad (METRA)	SFFAS	Statement of Federal Financial Accounting Standards
NLRB	National Labor Relations Board	SMART	International Association of Sheet Metal, Air, Rail and Transportation Workers
NMB	National Mediation Board	SMART-MD	International Association of Sheet Metal, Air, Rail and Transportation Workers - Mechanical Division
NRAB	National Railroad Adjustment Board	SMART-TD	International Association of Sheet Metal, Air, Rail and Transportation Workers - Transportation Division
NRLC	National Railway Labor Conference	STB	Surface Transportation Board
NRPC	National Railroad Passenger Corporation (Amtrak)	T-Case	An NMB designation for a Training case
OA	Office of Administration - NMB	TCU	Transportation Communications Union
OAS	Office of Arbitration Services - NMB	TCU/IAM	Transportation Communications Union affiliation International Association of Machinists and Aerospace Workers
OFS	Office of Fiscal Services - NMB	TWU	Transport Workers Union of America
OIS	Office of Information Services - NMB	TWU-IAM	TWU-IAM Association
OLA	Office of Legal Affairs - NMB	UNITE	Union of Needletrades, Industrial, and Textile Employees and Hotel Employees and Restaurant Employees International Union
OMB	Office of Management and Budget	HERE	
OMS	Office of Mediation Services - NMB	UP	Union Pacific Railroad
OP-Case	An NMB designation for an Outreach and Promotion case	WDI	Withdrawn During Investigation
OPEIU	Office and Professional Employees International Union	XAPA	XTRA Airline Pilot Association
OPM	Office of Personnel Management		
ORB	Other Retirement Benefits		
PAFCA	Professional Airline Flight Control Association		
PAR	Pan Am Railways		
PATH	Port Authority Trans-Hudson		
PEB	Presidential Emergency Board		
PLB	Public Law Board		
PPI	Private Personnel Information		
PRISM	A BFS web-based procurement system		
PRLBC	Passenger Rail Labor Bargaining Coalition		