



MEMORANDUM

TO: Railroad Neutrals
Rail Carriers
Rail Labor Organizations

FROM: Roland Watkins *Roland Watkins*
Director, Arbitration Services

DATE: September 18, 2012

RE: Status of Funding and Section 3 Activities for Fiscal Year 2013

At the present time, Congress has not passed an appropriation for the National Mediation Board (NMB) for Fiscal Year 2013. The NMB is presently operating under an appropriation for Fiscal Year 2012 which expires on September 30, 2012. The NMB is optimistic that a continuing resolution will be in place on October 1, 2012, but this memorandum is necessary in case there is no continuing resolution.

Arbitrators are notified that you cannot engage in any Section 3 work for Fiscal Year 2013 until you have received a work order for Fiscal Year 2013 and that order has been signed and returned to the NMB. As a result, arbitrators do not have the authority to schedule any hearings for Fiscal Year 2013. The present work order expires on September 30, 2012.

All arbitrators and parties are notified that no funds will be authorized for travel for the month of October.

If the NMB is operating under a continuing resolution on October 1, 2012, the NMB will immediately issue work orders to arbitrators. The NMB will make every effort to authorize some days that may be utilized for decisions in accordance with the NMB's policy for the past six fiscal years. However, these authorizations will be made with minimal advanced notice. These days may be used for hearing cases if no travel is involved (either because the parties travel to the neutral, or because the case is heard using the NMB's online technology). The Anti-Deficiency Act precludes arbitrators from hearing cases for free.

Since the present appropriation expires on September 30, 2012, the parties are notified that arbitrators do not have any authority to schedule cases past this date if the cases involve the expenditure of funds by the NMB.

The Agency will continue to update you on its appropriation status. Questions must be directed to either Carol Conrad or Darrell Dancer at (202) 692-5055.

This memorandum does not apply to party pay boards or cases.