



NATIONAL MEDIATION BOARD

WASHINGTON, D.C. 20005

Office of the Chief of Staff

9 October 2015

Section 3 Work Status in October and November, 2015

Since there seems to be some confusion about the status of work in Section 3, here is a summary of the information that I communicated to the Section 3 community at the Section 3 meeting and the NARR meeting in Chicago last month.

- 1) The status of funding for *new* cases and the status for travel funds after the beginning of FY 2016 was contingent on the Continuing Resolution, and on administrative actions after a CR was passed. That is still the case. A CR was passed on the last day of FY 2015, but it only takes us up to December 11, there is a cut built into the CR, and the administrative actions actually making the money available to the agency are ongoing. The limitation that I announced in September is in place: there will be no *new* funding for cases in October or November, and there will be no travel funding in October or November. This does not mean that work cannot be done in October or November. There are literally thousands of cases that have been funded and assigned to arbitrators, and those cases can be written at any time. Those cases can also be heard, as long as the hearing does not incur a travel cost - the parties can go to the arbitrator, or any of the online tools the NMB has made available may be used. The only prohibition on work is that we will not fund *new* cases and we will not pay for travel during October and November.
- 2) Funding for new cases and travel for December and beyond are contingent upon funding past the current CR. Frankly, since we are funded only through Dec. 11, it does not look good for new case funding or travel for December. I do not expect a follow-on CR or budget until just before December 11, and there is a chance that the government may shut down, so there are no guarantees about new work at this point.

- 3) It is true that the AWS is temporarily offline, but that does not affect the ability to write cases that are already funded, and it does not affect the ability to hear cases as long as no travel costs are incurred. If arbitrators have cases already assigned, they can work on the cases, "request" work as soon as the new AWS is open, and immediately submit vouchers for work done during the down time.

None of this is new information. I made these announcements at both the Section 3 meeting and the NARR, and the Arbitration and ICT representatives were available at the NARR conference to register arbitrators in the new system, do training, and answer questions about how the transition would work.

If there are ongoing questions about work status or other Section 3 issues, please send them to me directly at rainey@nmb.gov