

NMBA 75



CHAIRMAN'S LETTER

November 14, 2009

In FY 2009, the National Mediation Board (NMB) celebrated its 75th Anniversary: 75 years of addressing and resolving labor-management disputes in the railroad and airline industries. Although these industries experience the highest levels of union density in the United States, 84 percent and 60 percent respectively, the National Mediation Board has been extremely successful in helping the parties settle their collective bargaining disputes: 97 percent over the history of the Board and 99 percent since 1980. This success has enabled the NMB to meet its statutory mandate of minimizing work stoppages in these industries.

A three-member board, appointed by the President and confirmed by the Senate, directs the agency. Ms. Elizabeth Dougherty is currently the Chairman, with Mr. Harry Hoglander and Ms. Linda Puchala serving as Members. We are pleased to report that for FY 2009 the agency met its statutory mandate and operational objectives in every manner through the excellent efforts of our **Office of Administration** and four offices that house program areas: the **Office of Mediation Services**, the **Office of Alternative Dispute Resolution Services**, the **Office of Legal Affairs**, and the **Office of Arbitration Services**.

The **Office of Mediation Services** assisted the parties in reaching voluntary agreements in numerous collective bargaining disputes without a Presidential Emergency Board. In the airline industry, there was one short strike: the first in three years; however, in the railroad industry, this is the fifteenth consecutive year in which there has not been a work stoppage.

During fiscal year 2009, members of the **Office of Alternative Dispute Resolution Services** engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. Internally, across all departments, ADRS provided consultant services by developing and otherwise assisting in business process improvement and helping to create innovative approaches to fulfilling the NMB's goals and statutory obligations.

During FY 2009, the **Office of Legal Affairs** continued its on-going efforts to improve agency procedures for handling airline and railroad representation matters. E-filing, an electronic method for participants to submit documents, was implemented effective October 1, 2009.

The **Office of Arbitration Services** directed its attention to promoting a more efficient Section-3 process, thereby fostering faster resolution of minor disputes (grievances). Grievance Mediation was actively promoted as an alternative to arbitration. As a result, the Office of Arbitration Services in FY 2009 closed the largest number of cases since fiscal year 2000. The number of cases pending at the end of this fiscal year is the lowest in NMB history.

The **Office of Administration (OA)** provides operational management for the entire NMB. The OA Director, along with six staff members, ensures that the NMB achieves its strategic goals and the government-wide initiatives. In FY 2009, the NMB finalized its Human Capital Plan; is in the process of implementing the Trusted Internet Connections (TIC) to enhance agency security; and completed required internal controls and financial audits within the mandated 45-day time limit.

This Performance and Accountability Report includes a comprehensive set of performance Goals and Results pursuant to the Government Performance and Results Act. Also incorporated, as required, are the NMB Financial Report and Management Assurances. Because the NMB is not subject to the CFO Act, this Annual Report may not contain some of the information required of CFO Act agencies.



ELIZABETH DOUGHERTY
Chairman

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MISSION STATEMENT

The National Mediation Board (NMB) was established by the 1934 amendments to the Railway Labor Act (RLA) 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: the railroads and airlines.

The NMB is headed by a three-member board appointed by the President and confirmed by the Senate. The members designate a Chairman 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 established an **Office of Administration** and four offices that house program areas:

- The Office of **Mediation Services** manages the negotiation of collective bargaining agreements using the NMB's statutory authority under "Section 6" of the Railway Labor Act;
- The Office of **Legal Affairs** manages issues related to representation and serves as the NMB's legal counsel;
- The Office of **Arbitration Services** manages the resolution by arbitration of disputes over existing collective bargaining agreements using the NMB's statutory authority under "Section 3" of the Railway Labor Act;
- The Office of **Alternative Dispute Resolution Services** manages the NMB's voluntary dispute resolution programs (facilitation, grievance mediation, training, and other alternative dispute resolution efforts with the parties).

For further information, please refer to the agency's website at www.nmb.gov.

RLA AND NMB FUNCTIONS

The Railway Labor Act (RLA) provides a comprehensive statutory framework for the resolution of labor-management disputes in the airline and railroad industries. Enacted in 1926 as a collaborative effort of labor and management, the RLA succeeded several previous federal statutes dating back to 1888. The 1926 Act provided for mandatory Mediation and voluntary Arbitration of railroad disputes in contract negotiations, as well as for Presidential Emergency Boards to enhance dispute resolution. Key amendments to the Act in 1934 established a three-member National Mediation Board (NMB) and authorized the resolution of employee Representation disputes by the NMB. In 1936, the jurisdiction of the RLA was expanded to include the airline industry. The 1981 amendment to the Act permitted the creation of specialized Presidential Emergency Boards for collective bargaining disputes at certain commuter railroads.

MEDIATION & PEBS

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. (An application for NMB mediation services may be obtained from the Agency's web site at www.nmb.gov.) Following receipt of an application, the NMB promptly assigns a mediator to assist the parties in reaching an agreement. The NMB is obligated under the Act to use its "best efforts" to bring about a peaceful resolution of the dispute.

If such efforts do not settle the dispute, the NMB advises the parties and offers Interest Arbitration as an alternative approach to resolve the remaining issues. If either party rejects this offer of binding arbitration, the NMB releases the parties from formal Mediation. This release triggers a thirty-day Cooling Off period. During this thirty-day period, 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 thirty-day period, the parties are free to exercise lawful self-help, which includes carrier-imposed working conditions or a strike by the union/organization.

If however, the NMB determines pursuant to Section 160 of the RLA (Section 10), that a dispute threatens substantially to

interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a Presidential Emergency Board (PEB) to investigate and report back to the President, respecting such dispute, within 30 days from the date such PEB is created. After the Board has been created and for 30 days after such Board has made its report to the President, neither party to the dispute may exercise self-help.

Apart from the emergency board procedures provided by Section 160 of the RLA, Section 159A (Section 9) provides special multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and its employees. If the Mediation procedures are exhausted, the parties to the dispute, or the Governor of any state where the railroad operates, may request that the President establish a PEB. The President is required to establish such a board if requested. If no settlement is reached within 60 days following the creation of the PEB, the NMB is required to conduct a public hearing on the dispute. If there is no settlement within 120 days after the creation of the PEB, any party or the Governor of any affected state, may request a second, final-offer PEB. No self-help is permitted pending the exhaustion of these emergency procedures.

For a flow-chart of these procedures, see the Mediation section of the NMB website (www.nmb.gov).

ALTERNATIVE DISPUTE RESOLUTION

In addition to statutory mediation and arbitration services under Sections 6 and 3 of the RLA, the NMB also provides Alternative Dispute Resolution (ADR) services. ADR services include facilitation, training, grievance mediation, and an online dispute resolution (ODR) program, 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 ODR technology to increase the efficiency and reduce the cost of dispute resolution efforts for the parties and for the NMB. The NMB established its ADR Services program with the conviction that use of ADR and ODR methods and technology will result in fewer cases progressing to statutory mediation, reduce and narrow the issues which the parties bring to mediation, and positively affect working relationships among the parties. A description of and application for ADR services may be found on the Agency's web site at www.nmb.gov.

REPRESENTATION

Under the RLA, employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining without “interference, influence or coercion” by the carrier. Employees may also decline representation. An RLA representation unit is a “craft or class,” which consists of the overall grouping of employees performing particular types of related duties and functions. The selection of a collective bargaining representative is accomplished on a system-wide basis, which includes all employees in the craft or class anywhere the carrier operates in the United States.

When a labor organization or individual files an application with the NMB to represent employees, the Agency assigns an investigator to conduct a representation investigation. (An application for a representation investigation may be obtained from the Agency’s web site at www.nmb.gov.) The investigator assigned to a case has the responsibility to determine if the craft or class the organization seeks to represent is system-wide and otherwise valid. NMB election procedures require that the application must be supported by a sufficient employee showing-of-interest to warrant the continuation of the investigation. If the employees are not already represented for collective bargaining purposes, a thirty-five percent showing is required. If the craft or class covered by the application is represented and a collective bargaining agreement is in effect, the showing-of-interest requirement is a majority of the craft or class.

If the showing-of-interest requirement is met, the NMB continues the investigation, usually with a secret Telephone/ Internet election. Only such employees that are found to be eligible to vote by the NMB are permitted to participate in such election. In order for a representative to be certified, a majority of the eligible voters must cast valid votes in support of representation. The NMB is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, the NMB issues a certification of that result which commences the carrier’s statutory duty to bargain with the certified representative.

ARBITRATION

The RLA provides for both Grievance Arbitration and Interest Arbitration.

Grievance Arbitration is a process for resolving disputes regarding the interpretation or application of an existing

collective bargaining agreement. Grievances, known as “minor disputes” under the RLA, must be handled through Grievance Arbitration if not otherwise resolved, and cannot be used by the parties to trigger self-help actions. The NMB has significant administrative responsibilities for the three types of grievance arbitration in the railroad industry. These types include those of the National Railroad Adjustment Board as well as arbitration panels established directly by the labor-management parties at each railroad: Public Law Boards and Special Boards of Adjustment. Grievance Arbitration in the airline industry is accomplished at the various System Boards of Adjustment created jointly by labor and management at the parties’ expense. The NMB furnishes panels of prospective arbitrators for the parties’ selection in both the airline and railroad industries. (A request to be placed on the NMB Roster of Arbitrators may be obtained from the Board’s web site at www.nmb.gov.) The NMB also has substantial financial responsibilities for railroad arbitration proceedings in that it pays the salaries and travel expenses of the arbitrators. Grievance Arbitration decisions under the RLA are final and binding with very limited grounds for judicial review.

Interest Arbitration is a process to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations. Although the RLA provides an effective process for Interest Arbitration, its use is not statutorily required. The NMB offers the parties the opportunity to use binding Interest Arbitration when the Agency has determined that further Mediation efforts will not be successful. In addition, the parties may directly agree to resolve their collective bargaining dispute or portions of their dispute through Interest Arbitration. The NMB generally provides the parties with panels of potential arbitrators from which they select an individual to resolve their dispute. In some instances however, the parties agree to allow the NMB to directly appoint an arbitrator. Interest Arbitration decisions are final and binding with very narrow grounds for judicial appeal.

ADMINISTRATION

The Office of Administration provides the management and support functions for the NMB. These functions include: budget and finance; human resources; accounting and procurement; information technology and telecommunications; property and space management; and office support. The centralization of these functions ensures consistency throughout the various functional areas.

NMB STRUCTURE

MEMBERS OF THE BOARD

<p>Elizabeth Dougherty Chairman</p> <p>Anne Woodson Confidential Assistant</p>	<p>Harry Hoglander Member</p> <p>Robin Stein Confidential Assistant</p>	<p>Linda Puchala Member</p> <p>Libby Angelopoulos Confidential Assistant</p>
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<p>ARBITRATION</p> <p>Roland Watkins Director</p> <p>Carol Conrad Spvr. Arbitration Spec.</p> <p>Paralegal Specialist Darrell Dancer</p> <p>Program Mgt. Assistant Kimberly Beaubien Priscilla Dyson Linda Gathings</p>	<p>ALT. DISPUTE RES.</p> <p>Daniel Rainey Director</p> <p>Denise Hedges Senior Mediator (ADR)</p> <p>ADR Specialist Rachel Barbour</p> <p>Counsel (Dispute Res. Tech) Michael Wolf</p> <p>Program Analyst Charles Montague</p> <p>Public Information Officer Donald West</p> <p>Records Management Officer Anita Bonds</p> <p>IT Contractors Kristen Adkins Eugene Ajayi</p>	<p>MEDIATION</p> <p>Larry Gibbons Director</p> <p>Zachery Jones Senior Mediator</p> <p>Patricia Sims Senior Mediator</p> <p>Mediators Terri Brown Victoria Gray Tony Iannone Jack Kane John Livingood James Mackenzie Gerry McGuckin Marvin Sandrin Anthony Mike Tosi</p> <p>Mediation Program Specialists Karen Burton Dean Wagner</p>	<p>LEGAL AFFAIRS</p> <p>Mary Johnson General Counsel</p> <p>Maria-Kate Dowling Associate General Counsel</p> <p>Counsel Cristina Bonaca Norman Graber Angela Heverling Eileen Hennessey Susanna Parker</p> <p>Paralegal Specialist Karsie Kish Timothy Sweeney</p> <p>Representation Coordinator (Vacant)</p>	<p>ADMINISTRATION</p> <p>June D.W. King Director</p> <p>Denise Murdock Administrative Officer</p> <p>Accountant Shirley Morris-Crank</p> <p>Receptionist Florine Kellogg</p> <p>Program Spt. Spec. Samantha Williams</p> <p>Support Services Specialist Bruce Conward Terran Walker</p>
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BOARD MEMBERS



**Elizabeth
Dougherty**

**Harry R.
Hoglander**

**Linda
Puchala**

ELIZABETH DOUGHERTY

Chairman

Elizabeth Dougherty, a Member of the National Mediation Board since December 13, 2006, served as Chairman of the Board through June 30, 2007. She was nominated by President George W. Bush and subsequently confirmed by the U.S. Senate on December 8, 2006.

Prior to joining the Board, Ms. Dougherty most recently served as Special Assistant to the President for Domestic Policy at the White House, where she covered labor and transportation issues. Prior to that, she served as Chief Counsel for the United States Senate Subcommittee on Employment, Safety and Training. Earlier in her career, she was an Associate at Hogan & Hartson, practicing labor and employment law.

Ms. Dougherty received her bachelor's degree from Duke University and her JD from the University of Virginia. She currently resides in Washington, DC, with her husband, Paul, and their two children.

HARRY R. HOGLANDER

Member

Harry R. Hoglander, a Member of the Board since August 6, 2002, has also served as Chairman twice: from July 1, 2007, through June 30, 2008, and from July 1, 2004, through June 30, 2005. He was first confirmed by the United States Senate on August 1, 2002, reconfirmed for a second term on December 8, 2006, and a third term on July 24, 2009.

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

Member Hoglander has an extensive background in the aviation industry. He flew as a Captain for Trans World Airline (TWA) and was rated to fly Boeing 707, 727, and 747's during his 28 year career with TWA. Additionally, while with TWA, he was elected Master Chairman of TWA's

Master Executive Council. He was also elected Executive Vice-President of the Air Line Pilots Association. After leaving TWA, Mr. Hoglander was named Aviation Labor Representative to the United States Bi-Lateral Negotiating Team by then Secretary of State James Baker.

Mr. Hoglander was a pilot in the United States Air Force and retired with the rank of Lt. Colonel. He graduated from Suffolk University Law School, became a member of the Florida Bar, and serves his community in a variety of volunteer positions.

Member Hoglander and his wife Judith reside in Magnolia, Massachusetts. They have six grown children and twelve grandchildren.

LINDA PUCHALA

Member

Nominated by President Barack Obama, Ms. Linda A. Puchala was confirmed as Member of the National Mediation Board by the United States Senate on May 21, 2009. She was sworn in on May 26, 2009, completing the term of her predecessor as Chairman through June 30, 2009. Ms. Puchala's current term as Member runs through June 30, 2012.

Prior to becoming a Member, Ms. Puchala served as the Sr. Mediator (ADR) and the Associate Director of Alternative Dispute Resolution Services of the National Mediation Board. She joined the agency in May, 1999, as a Mediator working on both airline and railroad cases.

Member Puchala has 40 years of experience in Labor Relations, including 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. She has two daughters, Jennifer Puchala of Pasadena, MD and Jessica Puchala of Grand Rapids, MI.

DIRECTORS



Larry
Gibbons

Mary
Johnson

June D.W.
King

Daniel
Rainey

Roland
Watkins

LARRY GIBBONS

Director, Office of Mediation Services

Larry Gibbons joined the Board in September, 1997 as a Senior Mediator. Currently, Mr. Gibbons is the Director of Mediation and has overall responsibility for the administration and management of mediation cases in the airline and railroad industries. He brought to the Board 25 years of experience in personnel and labor relations, practicing under both the NLRA and RLA.

Immediately prior to joining the NMB, Mr. Gibbons headed Human Resources and Labor Relations with ABX Air, Inc. (Airborne Express) for 12 years and for two years was an independent labor relations consultant. He is a past President and Member of the AIRCON Executive Board.

Mr. Gibbons was also actively involved in community activities including serving on a Board of Directors for the United Way and an Adult Rehabilitation Workshop.

Mr. Gibbons earned a Bachelor of Science degree in Journalism from Ohio University, and he served as an officer in the United States Army.

MARY JOHNSON

General Counsel, Office of Legal Affairs

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

Several months prior to her becoming General Counsel on December 15, 2002, Ms. Johnson was appointed Acting Director of the Board's Office of Legal Affairs. She had served as the Board's Litigation Counsel since March, 2000. She has also been the agency's Designated Ethics Official since November 2002, and prior to that, Alternate Designated Ethics Official from 1996. Ms. Johnson joined the National Mediation Board as a Hearing Officer in December 1980, and became a Senior Hearing Officer in 1989.

Ms. Johnson received her Juris Doctor from the University of Connecticut School of Law and her A.B. from Barnard College. She is a member of the Connecticut Bar. She is on the Executive Board of the Association of Labor Relations Agencies, a consortium of federal, state, and Canadian labor relations agencies. Ms. Johnson is also public co-chair of the Railroad and Airline Labor Committee of the Labor and Employment Law Section of the American Bar Association.

JUNE D.W. KING

Director, Office of Administration

June D.W. King is currently the Director of Administration (OA) and Chief Information Officer (CIO) for the National Mediation Board. As the OA Director, she is responsible for the Board's administrative management functions, which include strategic planning and budgeting; accounting and finance; human resources management; procurement and contracting; and internal audit and evaluation. As the CIO, she has direct authority for the NMB's policies and practices of the Board's Information Technology Program.

She serves as the NMB's principal management official on all the Small Agency Councils in the areas of administration, human resources and information technology. She is also a

member of the Small Agency Council Executive Committee and the Chief Information Officers' Committee.

Mrs. King received her Bachelor's degree in Business Administration with a concentration in Accounting from the University of the District of Columbia.

DANIEL RAINEY

Director, Office of Alternative Dispute Resolution Services

Daniel Rainey is the Director of the Office of Alternative Dispute Resolution Services (ADRS) for the National Mediation Board, and he is the agency's Ombudsman. He joined the NMB from private practice in ADR and conflict management in April, 2001.

As Director, ADRS, he is responsible for a range of programs and projects involving dispute resolution work with parties in the airline and railroad industries. He is also responsible for programs that require cooperation with and offer support for the Board Members and all of the other NMB offices. The Programs for which he is responsible include: the NMB's Alternative Dispute Resolution (ADR) Program, the NMB's Research Program, the NMB's Public Information/Public Affairs Program, the NMB's Documents and Records Management Program, and the NMB's Information Technology Program.

Immediately prior to coming to the NMB, Mr. Rainey was the owner/president of a consulting firm specializing in conflict management, conflict intervention, and training. From 1978 through 1990, he was a faculty member and administrative faculty member at George Mason University.

His memberships and associations include: the Association for Conflict Resolution (Co-Chair, Online Dispute Resolution Section), the American Bar Association Section of Dispute Resolution, the International Ombudsman Association, the InternetBar.Org (Member, Board of Directors), the National Center for Technology and Dispute Resolution (Fellow of the Center), and the Conflict Resolution Quarterly Editorial Board.

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.

Currently, 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 B.A. 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.



**75 YEARS OF
RESOLVING LABOR-
MANAGEMENT DISPUTES**

1934 -



- 2009

- LABOR-RELATED
- RAILROAD & RELATED
- AVIATION & RELATED
- NATIONAL EVENTS

1804 First steam RR invented and demonstrated in England

1776 US Declaration of Independence
1800 US population at 5 million
1800 DC becomes US Capital
1807 Fulton invented steamboat

1829 Tom Thumb locomotive demonstrated
1830 First regular passenger and freight railroad, the B&O.
1830 The Best Friend of Charleston, the first completely American-built steam engine.

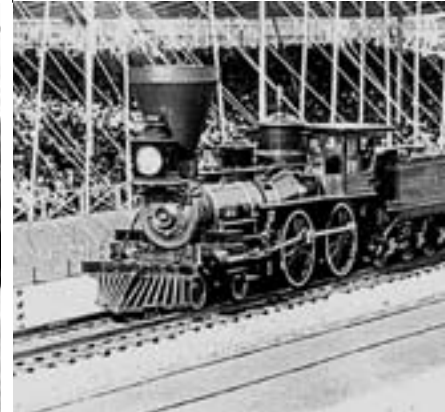
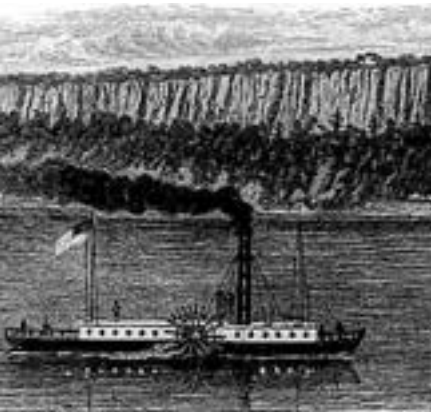
1830 US population almost 13 million

1839 The Cumberland Valley Railroad pioneered sleeping car service.
1840 2,800+ miles of track

1840 US population at 17 million

1850 First train to reach the Ohio River at Wheeling (VA – later WV).
1860 30,000+ miles of track

1860 US population over 31 million.



1863 Brotherhood of Locomotive Engineers formed as the Brotherhood of the Footboard.

1862 Lincoln signs the Pacific Railroad Act for the Union Pacific and the Central Pacific to finish a transcontinental railroad.

1861 Civil War began at Fort Sumter.
1862 First car with internal-combustion engine.
1863 Emancipation Proclamation

1868 The Conductor's Brotherhood was formed.

1867 Pullman Palace Car Company was founded.
1869 Transcontinental RR completed at Promontory Point, Utah.

1867 US purchased Alaska from Russia

1873 The Brotherhood of Locomotive Firemen was formed.
1877 First nation-wide Railroad strike (aka the Great Railroad Strike)

1877 ICC created with certain regulatory control over railroads.
1880 93,000+ miles of track

1876 Battle of Little Big Horn.
1880 US population over 50 million

1883 The Brotherhood of Railroad Brakemen formed.
1886 American Federation of Labor (AFL) formed.
1888 The Order of United Machinists & Mechanical Engineers of America formed – precursor to the IAM

1883 Brooklyn Bridge completed
1886 Coca-Cola sold for first time
1887 B&O sold telegraph system to Western Union.

1894 Pullman strike
1894 The Switchmen's Union of North America was formed.
1903 The Team Drivers' International Union and the Teamsters National Union form IBT.

1893 Railway Safety Appliance Act
1900 193,000+ miles of track
1907 DC's Union Station opened.
1907 Hours of Service Law enacted

1903 Wright Brothers' first manned, powered, airplane flight.
1907 Cornu (France) flew first manned helicopter.

1900 US population almost 76 million.
1901 Brotherhood of Railroad Signalmen Founded.
1904 Panama Canal Zone acquired (opened in 1914)
1908 Ford released first Model T.



- LABOR-RELATED
- RAILROAD & RELATED
- AVIATION & RELATED
- NATIONAL EVENTS

1913 The Newlands Act established a permanent Board of Mediation and Conciliation, a precursor to the Board of Mediation of 1926 and the National Mediation Board of 1934.
1918 Division of Labor – US Railway Administration established.

1916 254,000+ miles of track
1917 President Wilson nationalizes rail system when USA enters WWI
1920 Transportation Act ends nationalization but increases regulations of RR's by the ICC.

1911 First Transcontinental flight; First sanctioned airmail.
1918 First Scheduled airline service – Mercury Air Service.
1921 Bessie Coleman – First African American woman in the world to earn a Pilot's license.

1912 The unsinkable Titanic sank.
1913 US Dept of Labor Created
1917 US declared War on Germany (WWI).
1917 USCS formed – precursor to FMCS

1922 Great Railroad Strike
1925 Brotherhood of Sleeping Car Porters founded.
1926 Railway Labor Act (Watson-Parker Bill) gave railroad workers the right to organize and reinstated Mediation with Voluntary Arbitration.

1925 B&O bought first diesel – a switcher.

1926 Stout Air Service, first passenger-only airline in the US; became Stout Air Lines.
1927 Lindbergh – first solo non-stop trans-Atlantic flight.
1928 Pitcairn Airlines, precursor to Eastern Airlines; and Transcontinental Air Transport (TAT), forerunner of TWA.

1930 First successful air-conditioned rail car

1930 First transcontinental (NY-LA) Commercial Air Service (Transcontinental and Western Air – TWA).
1930 Ellen Church became the first female flight attendant on Boeing Air Transport.
1930 Eastern Airlines began passenger service.

1930 US population about 123 million.

1931 Air Line Pilots Association (ALPA) founded.
1932 Norris La Guardia Act outlawed not joining a union as a condition of employment and safeguarded worker rights to organize and bargain collectively.

1932 First radio broadcast from a moving train

1931 Boeing Air transport became part of United Airlines along with United Aircraft Transport, National Air Transport and Varney Air Lines.
1932 Amelia Earhart – first woman to solo across the Atlantic, also across the U.S.

1931 Empire State Building completed.



1934 Railway Labor Act, as amended, replaced the US Board of Mediation with the National Mediation Board to certify employee representatives. The NRAB was also created to address grievances.

1934 Association of American Railroads (AAR) formed

1933 First solo around the world flight (Wiley Post – US).
1933 First all-metal airliner, the Boeing 247.

1934 US joined the International Labor Organization (ILO).

1935 the NLRA (Wagner Act) established the National Labor Relations Board.
1935 The Committee of Industrial Organizations (CIO) was formed.

1935 First diesel-powered train in US

1935 Helen Richey – first woman employed as a pilot.

1936 The Railway Labor Act, as amended, extended the RLA to cover air carriers; also authorized parties to establish a National Air Transportation Adjustment Board, which as of 2009, they have not done.

1936 Air Transport Assoc. (ATA) Formed
1937 German airship Hindenburg caught fire and was destroyed.

1936 First traffic report by Air -NY City).
1937 Golden Gate Bridge completed.

1940 The Railway Labor Act, as amended, clarified coverage regarding coal mine operations.

1939 First transatlantic scheduled airplane service (Pan American on a Yankee Clipper airliner).
1940 Boeing's 307 Stratoliner (first airliner with cabin pressurization) was put into service by TWA.

1940 US population over 131 million.

1942 United Steelworkers.
1944 Duty of Fair Representation instituted in Steele v. Louisville & Nashville Railroad
1945 Air Line Stewardesses Association (ALSA) formed.

1945 226,000+ miles of track – a decline from 1916

1941 Japan attacked Pearl Harbor. US declared war on Japan. Germany and Italy declared war on the US.



- LABOR-RELATED
- RAILROAD & RELATED
- AVIATION & RELATED
- NATIONAL EVENTS

1946 Air Line Stewards and Stewardesses Association (ALSSA) formed
1947 FMCS Created; Nat'l Academy of Arbitrators formed
1949 ALSA joins ALSSA.

1946 US Government again took control of railroads during labor disputes.
1950 Truman ordered US Army to seize nations' railroads to prevent a general labor strike.

1946 TWA changed name to Trans World Airlines (officially in 1950)
1947 First around-the-world commercial air service (Pan American).

1950 Korean War began
1950 US population almost 151 million

1951 The Railway Labor Act allowed union-shop agreements and company deductions for union dues.
1955 AFL and CIO merged under George Meany.

1952 US Railroads were returned to private control.

1952 BOAC initiated first commercial Jet airline service.
1953 American Airlines began first non-stop transcontinental service.
1958 FAA created as Fed. Aviation Agency

1951 First credit card appeared.
1954 Nation's first shopping mall in Detroit.
1954 Brown v. Board of Education ruled separate educational facilities are inherently unequal.

1960 ALSSA of ALPA split into Steward & Stewardess Division of ALPA (SSD-A), and ALSSA (TWU - Transport Workers Union of America).

1960 Steam locomotives eliminated on the B&O

1958 Federal Aviation Agency (FAA) established.
1958 First international commercial jet service – by Pan American. First US domestic jet passenger service – by National Airlines.

1956 Interstate Highway Act
1958 First US satellite (Explorer).
1960 US population over 179 million.

1963 National Railway Labor Conference (NRLC) Created
1966 The Railway Labor Act made all arbitration awards final and provided for Special Boards of Adjustment
1969 United Transportation Union (UTU) formed.

1963 214,000+ miles of track.
1966 FRA was created.
1967 DOT inaugurated.
1970 Congress created Amtrak.
1969 Hours of Service Law Amended for Train and Engineer Service from 16 to 14, then 12 hours.

1961 United merged with Capital Airlines, becoming the world's largest commercial airline.
1967 First Boeing 737

1963 Martin Luther King's I have a dream speech.
1964 Vietnam war began.
1964 Title VII of Civil Rights Act banned discrimination in the workplace.



1974 SSD-A became independent - the Association of Flight Attendants (AFA).
1975 Weingarten Rights – Supreme Court upheld NLRB decision that unionized employees have right to have union representative present during investigations.

1973 B&O and C&O become Chessie System subsidiaries.
1980 Chessie and Seaboard systems become CSX Corp.
1980 Staggers Act deregulates railroads economically

1971 Air Conference (AirCon) created
1976 Concorde was first supersonic passenger airliner (Britain & France).
1978 The Airline Deregulation Act

1975 Fall of Saigon – de facto end of Vietnam War
1978 First cellular mobile telephone system.
1980 US population about 226.5 million.

1981 NERSA lead to an amendment to the Railway Labor Act for Section-9a PEBs.
1984 AFA obtained AFA-CIO Charter.

1982 Southern Railway merged with Norfolk & Western to form Norfolk Southern.
1987 B&O formally merged into the CSX, terminating the B&O.

1982 Braniff International Airways ceased operations.

1990 First Iraq war (Gulf War) started with Iraq invasion of Kuwait – ended 1991.

1991 Nat'l Assn. of Railroad Referees formed

1995 170,000 miles of track.
1995 The Burlington Northern and the Santa Fe Pacific merged
1996 Union Pacific acquired Southern Pacific.
1998 Conrail was split up between Norfolk Southern and CSX.

1993 North American Free Trade Agreement (NAFTA).
2000 US population about 281.5 million.

2005 The Teamsters and Service employees withdrew from the AFL-CIO; United Food and Commercial Workers followed.

2007 140,000+ miles of track
2008 Railway Safety Improvement Act major changes to rail worker Hours of Service Law and Mandates Positive Train Control.

2001 American Airlines acquired TWA
2003 Last flights of the Concorde.
2005 US Airways and America West merger announced.
2007 Airbus A380- World's largest 3-deck airliner
2008 Delta Air Lines and Northwest Airlines merger announced.

2001 9-11 Terrorist Attack
2003 Start of second Iraq war.



MANAGEMENT DISCUSSION AND ANALYSIS

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MEDIATION

The Office of Mediation Services assisted the parties in reaching voluntary agreements in numerous collective bargaining disputes without a Presidential Emergency Board. In the airline industry, there was one short strike: the first in three years; however, in the railroad industry, FY 2009 was the fifteenth consecutive year in which there was not a work stoppage.



OVERVIEW OF FISCAL YEAR 09

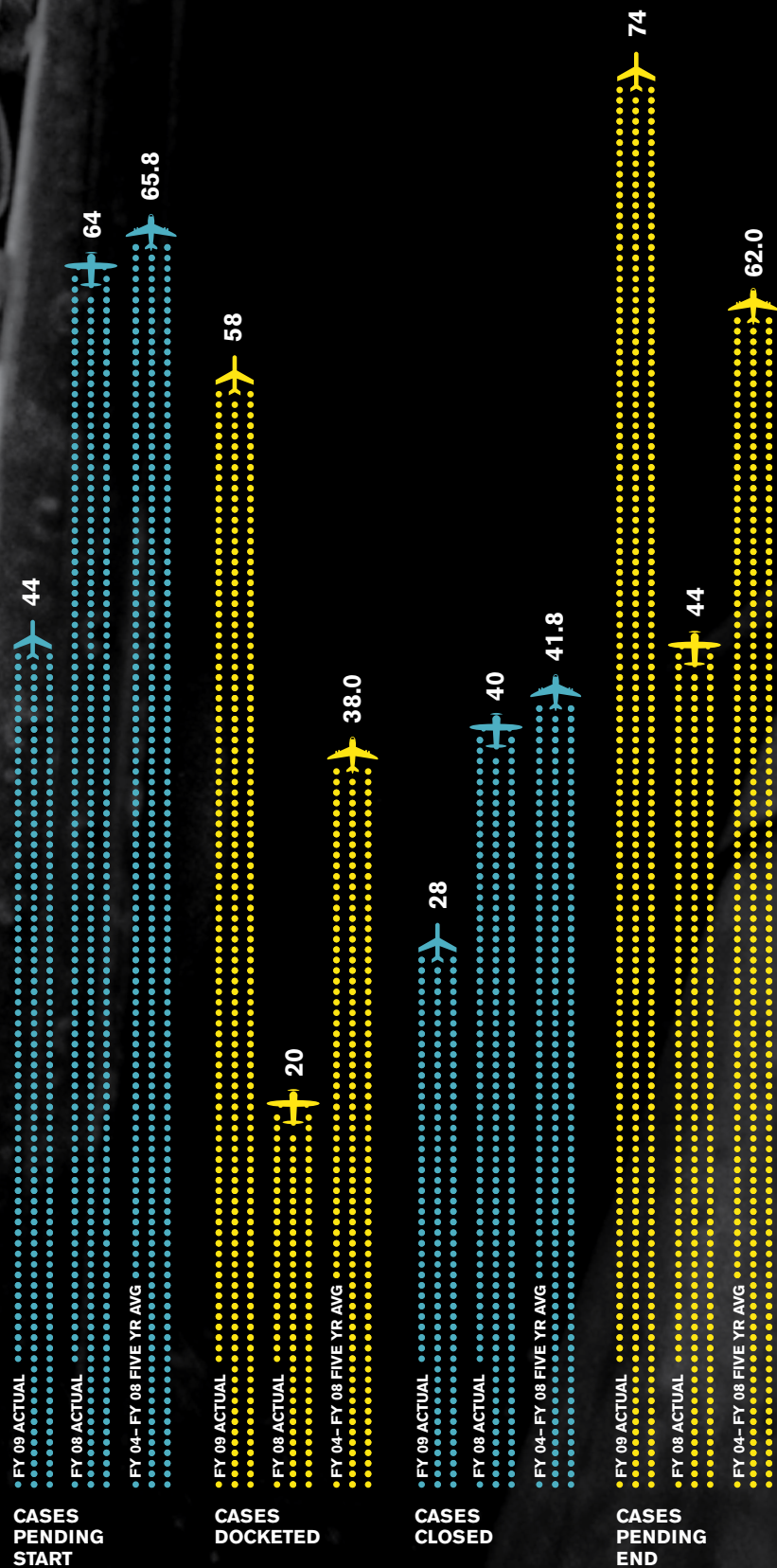
FY 2009 was a difficult year of continued economic downturn, continued financial losses among air carriers and softer profits among railroads. NMB's mediators, once again, were challenged to assist the parties in reaching collective bargaining settlements. The Board's mediation performance reinforced the stability of the mediation process and the reliability of its multi-faceted approach to labor-management disputes.

To achieve the NMB's overriding responsibility to manage mediation cases effectively and, to the extent possible, avoid serious interruption to interstate commerce, the agency uses a variety of tools and techniques to help the parties reach consensual agreement.

The total case intake for FY 2009 was almost three times the intake for FY 2008. The dramatic increase in new cases docketed can be attributed to two major factors. First, when carriers emerged from bankruptcy, they did so with common amendable dates for each of their collective bargaining agreements. For the first time, virtually all bargaining units from two legacy carriers are in mediation at the same time. The second factor is the general cyclic nature of amendable dates at the regional airlines and railroads. FY 2009 case closures were below FY 2008 and reflects the current economic environment as the parties continue to find it hard to reach an agreement that both sides can accept. The overall outlook for case activity in the coming fiscal years calls for a continued high level of mediation cases based upon known contract amendable dates and successful union organizing.

MEDIATION AIRLINE AND RAILROAD CASES

The following chart reflects actual case numbers for FY 2009 and FY 2008 and a five-year Average.



HIGHLIGHTS DURING FISCAL YEAR 2009

Self-help Activity. During Fiscal Year 2009, the only instance of a cooling off period was Amerijet Airlines and its Pilots and Professional Flight Engineers represented by the International Brotherhood of Teamsters (IBT). The cooling off period ended at 12:01 a.m. on August 27, 2009 without settlement. The strike was resolved on September 19 when the Pilots and Professional Flight Engineers ratified a new collective bargaining agreement.

Settlements. All mediated cases, except for one, in FY 2009 were closed by voluntary agreement without a strike or other legal self-help. These mediation cases proved to be extremely complex and challenging given the current economic environment and continued financial losses in the airline industry. Thus, the Agency's actual mediation and facilitation activities remained at an intense level, challenging the Board's resources.

Some of the airline carriers and organizations which reached agreements with Agency assistance in FY 2009 include: Piedmont and the International Brotherhood of Teamsters (IBT); Alaska Airlines and the Airline Pilots Association (ALPA); Southwest Airlines and the Transportation Workers Union (TWU); and Hawaiian Airlines and the TWU.

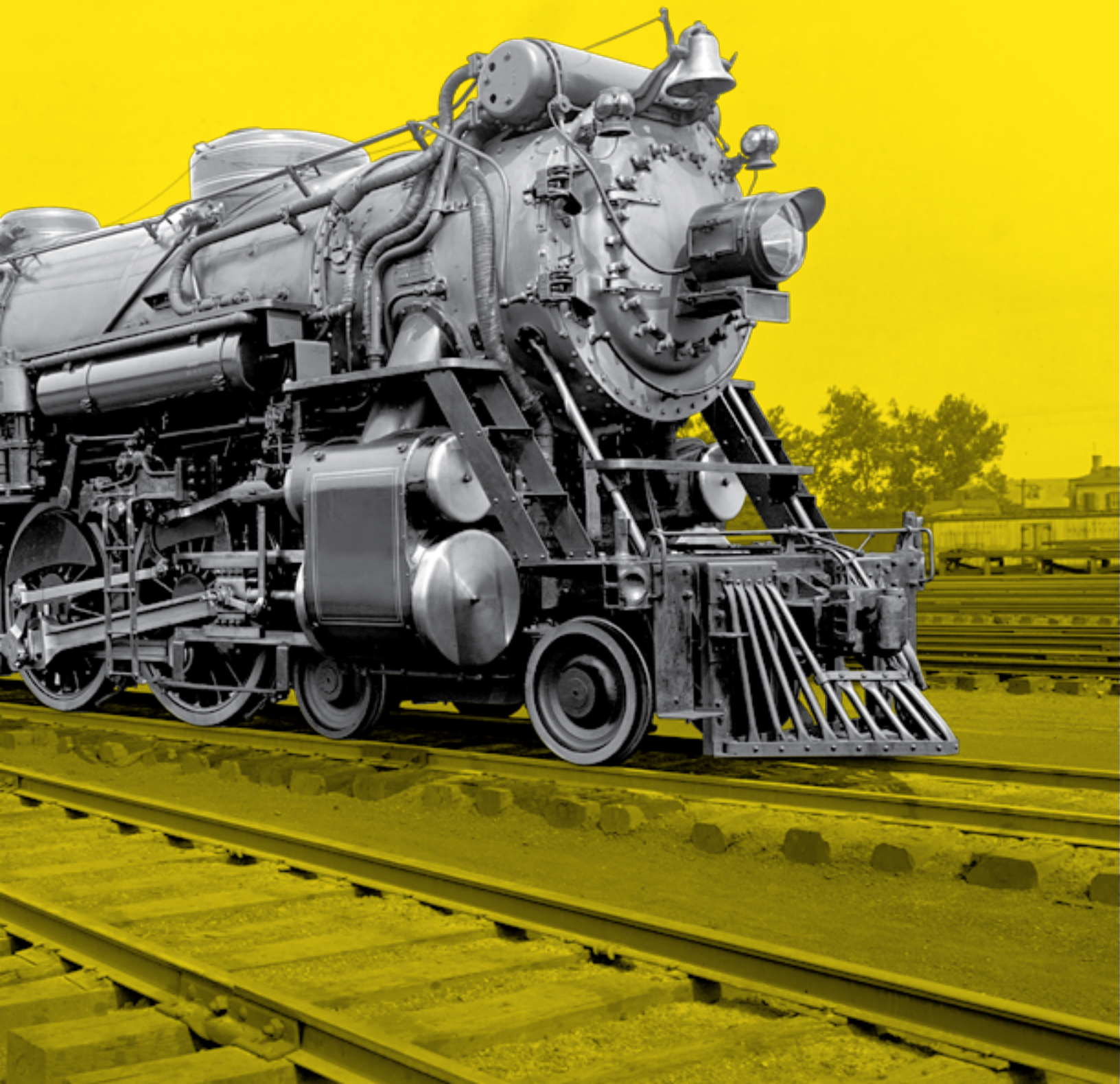
In the railroad industry some of the railroads and organizations which reached agreements with Agency assistance in FY 2009 include: the Port Authority of New York and New Jersey (PATH) and the International Brotherhood of Electrical workers (IBEW); Elgin, Joliet and Eastern Railroad and the United Transportation Union (UTU); SOO Line Railroad and the Brotherhood of Maintenance of Way Employees (BMWE); SOO Line Railroad and the Transport Communications Workers (TCU); Delaware and Hudson Railroad and the TCU; the National Carrier's Conference Committee and the International Association of Machinists (IAM); and New Jersey Transit and the IAM.

Pending Cases. At the present time, several significant airline cases remain in mediation including American Airlines/ APA, American Airlines/TWU, American Airlines/APFA, United Airlines/ALPA, United Airlines/AFA, United Airlines/ IAM, Air Tran/ALPA, Evergreen International/ALPA, Mesa Airlines/AFA, Airborne Express/IBT, Spirit Airlines/ALPA, TransStates Airline/ALPA and American Eagle/TWU. All of these cases are proving to be extremely difficult given the current economic and collective bargaining environment.

In the railroad industry, several Short Line and Commuter Railroads are also in mediation including Port Authority Trans-Hudson/RITU and UTU; Iowa Interstate Railroad/ BMWED; and Union Railroad/BLET; Massachusetts Bay Commuter Railroad and eleven unions including the IAM, UTU, ATDD, BMW, IBB, BRS, IBEW, SMWIA, NCFO, JCC and TCU.

Forecast. It is always a challenge to specifically forecast which disputes may require the NMB's mediation services. Additionally, various circumstances lead some carriers and unions to agree to short and/or long term-contract extensions versus entering into full Section 6 collective bargaining negotiations.

In the airline industry, several key contracts are either currently open for negotiation or become amendable between now and the end of FY 2010. These contracts include: USAirways/USAPA (Pilots), Continental/ALPA (Pilots), Piedmont/ALPA (Pilots), and Air Tran/AFA (Flight Attendants). On the railroad side, regional railroads and commuter railroads will continue to be the focus of our efforts. The five Class I Railroads and all their Unions will enter negotiations as will AMTRAK and all their Unions. These cases historically enter mediation early in the negotiating process.



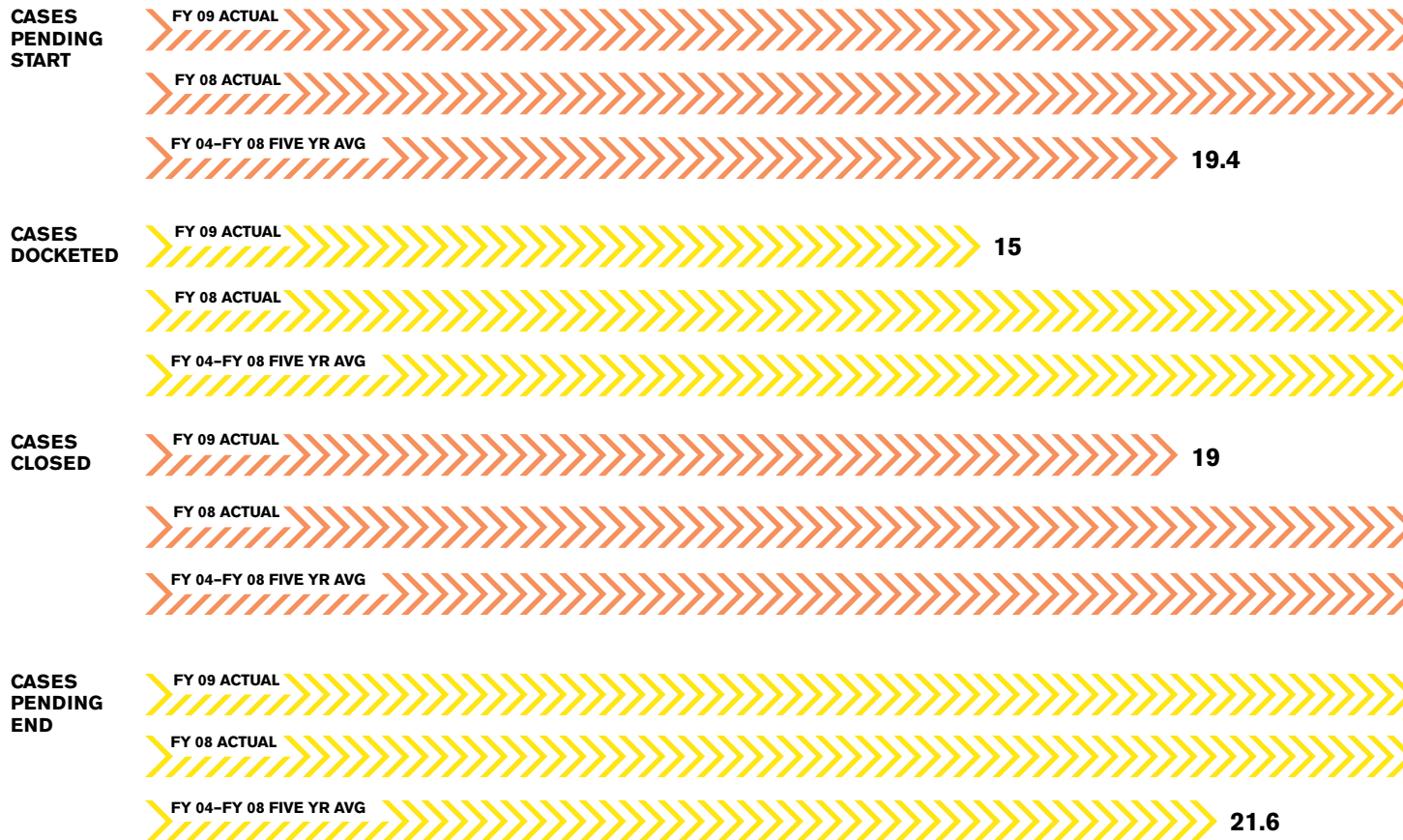
ALTERNATIVE DISPUTE RESOLUTION

During fiscal year 2009, members of the Office of Alternative Dispute Resolution Services engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. Internally, across all departments, ADRS provided consultant services by developing and otherwise assisting in business process improvement and helping to create innovative approaches to fulfilling the NMB's goals and statutory obligations.



ADR CASES

The following chart reflects actual case numbers for FY 2009 and FY 2008 and a five-year Average.



OVERVIEW OF FISCAL YEAR 2009

In FY 2009, ADRS continued to develop and deliver a wide range of services to the carriers and organizations in the airline and railroad industries. These services included interest based bargaining training, cooperative problem solving training, grievance mediation training, and other specialized training. NMB staff led facilitation efforts in contract negotiations and participated as mediators in statutory mediation under the RLA. ADRS continued to develop and use online dispute resolution technology, successfully integrating ODR into contract negotiations, grievance mediation, expedited arbitration, and online arbitration.

Within the agency, ADRS continued to expand its role as an internal consultant, assisting in business process improvement, information management, and e-government.

Notable staff achievements for ADRS during FY 2009 include:

- Expanding and improving an already cutting edge electronic document and records-management program for Arbitration, Mediation, Legal Affairs, Administration, and the Board Members;
- Providing a responsive public communications program for the agency;
- Engaging in routine and ad hoc research services for all departments and the Board Members;
- Managing contracted services in the areas of records and document management; information technology; and online video-conferencing.
- Developing an integrated grievance mediation/expedited arbitration program;
- Redesigning and implementing a case management system for arbitration cases and mediation cases;
- Consulting on issues related to correspondence control;
- Providing direct mediation and facilitation services;
- Providing standard and specialized training in a variety of ADR processes.

27

31

44

44.8

48

42.6

23

27

HIGHLIGHTS OF FISCAL YEAR 2009

Training. During FY 2009, ADRS continued to refine and update the standard training offered by the NMB, including Grievance Mediation training, Interest-Based Negotiation training, and Facilitated Problem Solving training. In addition, special training requested by the parties, including team building for labor/management bargaining team members, was prepared and delivered by ADRS staff.

Grievance Mediation, Facilitation, Interest-Based Contract Negotiation, and Section 6 Contract

Negotiation. During FY 2009, ADRS and Mediation staff members were engaged in direct delivery of dispute resolution services as facilitators in grievance mediation, as facilitators in interest-based contract negotiations, and as trainers in a variety of programs. Most notably, ADRS staff facilitated special contract negotiations for American Eagle Airlines and the Air Line Pilots Association (ALPA), and mediated the resolution of over 200 grievances involving Norfolk Southern Railroad and the American Train Dispatchers Association (ATDA).

For a list of cases closed in FY 2009 for carriers and unions involved in grievance mediation and facilitation, see the Case Record, table 2B in Appendix-B of this report.

Online Dispute Resolution Services. The NMB continued its partnership with the University of Massachusetts at Amherst

under a research grant awarded by the National Science Foundation to study the impact of Online Dispute resolution (ODR) tools in mediation. The ODR research uses the Board's grievance mediation program as a model for the study. During the first year of the grant (FY 2005), the NMB joined with UMass to produce a detailed model of the grievance mediation process, from which experimental software was developed for use by the NMB and the parties. The NMB and UMass were involved in initial testing of the software at the end of FY 2005. During FY 2006, the experimental software, STORM, was refined and tested in partnership with airline and railroad parties. During FY 2007, with the software in place, the NMB and UMass were involved in assessing the impact of technology on dispute resolution. In FY 2008, a more comprehensive software platform, STORM2, was developed and tested. During FY2009, STORM2 was improved and used in grievance mediation training by the NMB.

During FY 2009, online tools were used in training, drafting of agreements, preparation for face-to-face negotiations, agenda setting, and online arbitration for a variety of carriers and organizations. American Eagle and ALPA routinely used an NMB online workspace to set agendas, exchange information, brainstorm, and draft final agreements, and they continued to use the online workspace after the contract negotiations were completed. At the end of FY 2009, the NMB has 6 active online workspaces being used by carriers and organizations in both the railroad and airline industries.

In addition to the work with UMass and the use of online systems by parties in the airline and railroad industries, the NMB has become the recognized leader in the application of technology to dispute resolution, both in the United States and internationally. During FY 2008, ADRS staff worked with or made presentations in the area of ODR to the ABA Section of Dispute Resolution, the Association for Conflict Resolution, and the Eighth International ODR Forum. In FY 2009 NMB ADRS staff were involved in consultation regarding the application of technology to dispute resolution with other Federal agencies, including the National Archives and Records Administration (NARA), the White House Office of Science and Technology Policy, and the Transportation Security Administration. ADRS staff were also involved in educational efforts with several universities.

During FY 2009, the NMB continued to develop and use its in-house web-based video and document sharing capabilities. By the end of FY 2009, almost all executive sessions for arbitration decisions at the Railway Adjustment Board were held using the NMB's online arbitration platform.

In 2006, the NMB established its Corporate Memory program and became the first government agency to have a fully approved and functioning all-electronic records schedule approved by the National Archives and Records Administration. As the first paperless agency in the US government, the NMB continues to set precedents and

establish procedures that will be the de facto standards for other agencies as they move into electronic records management. During FY 2009, the NMB continued to refine its records and document management program, improving the search engine and further integrating the records data base with agency case management.

The ADRS staff continued to build and improve the NMB Knowledge Store, a public archive of information available to the parties and the public. By the end of FY 2009, the NMB Knowledge Store had become the *de facto* standard as a research resource for parties preparing grievances for arbitration. 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 industry contracts. The NMB continues to fill in the collection gaps, with the goal of fully documenting the Board's work since its inception in 1934. New in FY 2009 was a cooperative program with AMTRAK involving processing and filing arbitration awards as soon as they are delivered. This program will expand in FY 2010, beginning with Union Pacific Railroad.

In FY 2009, ADRS Staff continued to introduce and develop protocols, standard operating procedures (SOPs), and training for case management systems for Arbitration, Mediation, Legal Affairs, Administration, and the Board Members.



INSTALLED 18-3-42
DWD - 201 - 10001A-21
2 - 1 - 201 - 41 - 1 - 13200
ANGLE AT 42-27
ANGLE AT 42-100
INSPECTION 10-1-42
INSPECTED 18-2-42

INSTALLED 18-3-42
DWD - 201 - 10001A-21
2 - 1 - 201 - 41 - 1 - 13200
ANGLE AT 42-27
ANGLE AT 42-100
INSPECTION 10-1-42
INSPECTED 18-2-42

PRESIDENTIAL EMERGENCY BOARDS

The absence of a Presidential Emergency Board (PEB), pursuant to Section 160 or Section 159A of the Railway Labor Act, indicates that the parties were able to reach voluntary collective-bargaining agreements either on their own or with NMB mediation. During fiscal year 2009, there were no PEBs.



OVERVIEW OF FISCAL YEAR 09

When the NMB determines that a collective-bargaining dispute cannot be resolved in mediation, the NMB 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 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, at his discretion, may establish a PEB to investigate and report respecting such dispute.

Status-quo conditions must be maintained throughout the period that a 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 report to the President.

Apart from the emergency board procedures provided by Section 160 of the RLA, Section 159A (Section 9a) provides special, multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and its employees. If Mediation procedures are exhausted, the parties to a 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.

HIGHLIGHTS OF FISCAL YEAR 09

During fiscal year 2009, there were no Presidential Emergency Boards.





REPRESENTATION

During FY 2009, the Office of Legal Affairs continued its on-going efforts to improve agency procedures for handling airline and railroad representation matters. E-filing, an electronic method for participants to submit documents, was implemented effective October 1, 2009. The NMB, at the same time, was in the midst of handling the representation complexities of the Delta-Northwest merger.



OVERVIEW OF FISCAL YEAR 09

The NMB's Office of Legal Affairs (OLA) continues to operate at a high level of quality and efficiency. As a review of customer service and performance standards will attest, the Agency's Representation program consistently achieves its performance goals, delivering outstanding services to the parties and the public.

This year the OLA staff closed 40 cases and docketed 46 cases.

OLA improved its customer service through the development and implementation of electronic E-filing. Effective October 1, 2009, OLA will primarily accept submissions in representation cases electronically. Carriers and organizations were given an opportunity to provide comments regarding E-filing during a seven-month period. E-filing was implemented after months of research and testing, including an extensive trial period.

HIGHLIGHTS DURING FISCAL YEAR 2009

Under the RLA, the selection of employee representatives for collective bargaining is accomplished on a system-wide basis. Due to this requirement and the employment patterns in the airline and railroad industries, the Agency's representation cases frequently involve numerous operating stations across the nation. In many instances, labor and management raise substantial issues relating to the composition of the electorate, jurisdictional challenges, allegations of election interference, and other complex matters which require careful investigations and ruling by the NMB.

Representation disputes involving large numbers of employees generally are more publicly visible than cases involving a small number of employees. However, all cases require and receive neutral and professional investigations by the Agency. The NMB ensures that the employees' choices regarding representation are made without interference, influence or coercion. The case summaries that follow are examples of the varied representation matters which were investigated by the NMB during FY 2009.

Global Aviation Services, LLC/International Union of Operating Engineers

This case was referred from the National Labor Relations Board (NLRB) for an opinion regarding whether Global Aviation Services, LLC (Global) operations at its facility at the Philadelphia International Airport (PHL) in Essington, Pennsylvania were subject to the RLA. The International Union of Operating Engineers, Local 542, AFL-CIO (Local

542) filed a representation petition with the NLRB on May 28, 2008, seeking to represent all maintenance and diesel fleet mechanics at Global's PHL facility. On June 10, 2008, Local 542 amended the petition to seek representation of all full-time and part-time Deicing/Ground Support Services Technicians/Specialist/Mechanic/AFs (DI/GSE Employees). Global objected to the NLRB's jurisdiction arguing that its employees and operations at PHL were subject to the RLA. On July 16, 2008, the NLRB requested an NMB opinion regarding RLA jurisdiction over Global's PHL operations.

Global contended that it was subject to RLA jurisdiction under the NMB's two-part function and control test.

Local 542 stipulated that Global was owned and controlled by a common carrier, but contended that Global was not subject to NMB jurisdiction because the employees at issue did not perform work traditionally performed by airline industry employees. Local 542 stated that it specifically amended its application to exclude the one Global employee at PHL who serviced trucks. Local 542 argued that the sole responsibility of the remaining six Global employees was the service and maintenance of deicing equipment at PHL, which was owned by the City of Philadelphia. Therefore, Local 542 contended that the DI/GSE Employees at PHL performed work traditionally performed by a municipality, not by airline industry employees.

Applying its two-part test for determining whether an employer and its employees are subject to the RLA, the Board found that Global's employees performed work traditionally performed by carrier employees. The Board found no merit in Local 542's assertion that the analysis under the second part of the NMB's jurisdictional test was affected by the ownership of the deicing equipment. The Board concluded that Global's operations and its employees at PHL were subject to the RLA.

Delta Air Lines, Inc. and Northwest Airlines, Inc./ Air Line Pilots Association, Professional Airline Flight Control Association, and Northwest Airlines Meteorologist Association

On October 31, 2008, Delta Air Lines (Delta) filed a notice informing the Board that on October 29, 2008, Delta concluded its purchase of Northwest Airlines Corporation of which Northwest Airlines (Northwest) was a wholly owned subsidiary. Subsequently, on November 4, 2008, the Air Line Pilots Association (ALPA) filed an application alleging a representation dispute involving employees in the Flight Deck Crewmembers craft or class. ALPA asserted that Delta and Northwest constituted a single transportation system for representation purposes under the RLA.

In response to the Board's request for information regarding single carrier status, Delta took the position that once the Board found that a single transportation system existed, the RLA required the Board to review the status of all existing certifications to unions representing employees at pre-merger Northwest. The Board requested position statements in response to Delta's submission from the organizations representing employees at Northwest and Delta: ALPA, the Aircraft Mechanics Fraternal Association (AMFA), the Association of Flight Attendants – CWA, AFL-CIO (AFA), the International Association of Machinists & Aerospace Workers, AFL-CIO (IAM), the Professional Airline Flight Control Association (PAFCA), the Transport Workers Union of America (TWU), the Aircraft Technical Support Association (ATSA), and the Northwest Airlines Meteorologist Association (NAMA). Each Organization submitted a position statement. PAFCA and NAMA also each filed an application seeking to represent employees in the Flight Superintendent/Flight Dispatchers craft or class (Dispatchers) and employees in the Meteorologist craft or class.

Delta asserted that the decision in *Railway Labor Executives' Ass'n v. NMB*, 29 F.3d 655 (D.C. Cir. 1994), decided only the narrow issue of who can initiate a representation dispute under 45 U.S.C. § 152, Ninth (Section 2, Ninth), but in no way limits the scope of the Board's discretion to make a company-wide single carrier determination once a representation matter is properly before the NMB. Delta stated that ALPA's application was a legitimate request for a legally enforceable certification; that PAFCA and NAMA also invoked the Board's services seeking a single carrier determination; and that TWU and ATSA agreed that Delta and Northwest are a single transportation system. Delta also asserted that Section 19.7 of the Board's Representation Manual (Manual), provides that existing certifications remain in effect until the Board issues a new certification or a dismissal, and it did not trump the rights of the majority of employees to select a representative under Section 2, Fourth. Delta contended that allowing the pre-merger certifications to continue enabled a minority union to obstruct and delay the implementation of a merger. Finally, Delta stated that it did not object to the certification of ALPA as the representative of the Flight Deck Crewmembers craft or class at the post-merger Delta upon the Board's finding that Delta and Northwest constituted a single transportation system. ALPA, pre-merger representative of the pilots at Delta and Northwest, argued that a single transportation system existed for representation purposes under the RLA. ALPA requested the Board certify ALPA as the representative of the craft or class of Flight Deck Crewmembers at the post-merger Delta. In response to the assertions of AFA, IAM and AMFA that ALPA's application was a "sham" masking an attempt by Delta

to initiate single carrier proceedings, ALPA stated that its single carrier application was appropriate and served the interest of its members. ALPA noted that the other organizations were long aware that the joint collective bargaining agreement between ALPA and Delta covering the post-merger craft or class required ALPA "at the earliest practicable time" after the closing of the merger transaction to file an application for a finding of a single transportation system. ALPA also stated that the filing was appropriate since ALPA had been voluntarily recognized at Delta and Northwest and was then seeking Board certification in the combined craft or class.

PAFCA, representative of the Dispatchers at Delta, stated that a single transportation system resulted from the acquisition of Northwest by Delta. PAFCA requested that the Board investigate the single transportation issue and conduct an election among the Dispatchers craft or class. While agreeing that the Carriers were a single transportation system, TWU representative of the Dispatchers at Northwest, objected to Delta's position that a single carrier determination with regard to one craft or class necessarily required the Board to review the status of all existing certifications.

NAMA filed an application alleging a representation dispute among the Meteorologist craft or class. NAMA also stated that a single transportation system resulted from Delta's acquisition of Northwest.

ATSA, the Board certified representative of Technical employees at Northwest, did not dispute that a single transportation system existed. ATSA further stated that its "recognition of a single transportation system is without waiver of or prejudice to ATSA's incumbent representative status in the subsequent merged airline."

AFA asserted that it was not a party to ALPA's single carrier application and therefore it was inappropriate to comment on Delta's submission. AFA argued that ALPA's single carrier application was a "sham proceeding" since ALPA represented the pilots at Delta and Northwest and therefore there was no dispute as to the "certified representative of the combined pilot workforce." AFA contended that Board review of the "status of all existing certifications" at pre-merger Northwest, would constitute a "blatant violation" of the RLA. The IAM contended that Delta's request that the Board use ALPA's application as a vehicle to review and extinguish the certifications of organizations that represented other crafts or classes of Northwest employees must be rejected as contrary to well established law and NMB practice. The IAM argued that the Board lacks the statutory authority to review any certification absent a request from the affected employees. The IAM also stated that ALPA's application was

REPRESENTATION AIRLINE AND RAILROAD CASES

The following chart reflects actual case numbers for FY 2009 and FY 2008 and a five-year Average.



impermissibly tainted by carrier domination and interference. The IAM argued that Delta was unable to file directly, so it sought and obtained ALPA's promise to file for single carrier status "at the earliest practicable time" in exchange for "pay raises for all pilots." The IAM did not take a position on the issue of whether Delta and Northwest constituted a single transportation system since it was not a party to the alleged dispute regarding Flight Deck Crewmembers.

AMFA asserted that Delta "unlawfully called for the Board to review the status of all existing union certifications at Delta." AMFA argued that both the case law and the Board's Manual were clear that single transportation system determinations must be made on a craft-specific basis and could only be initiated by employees or their representatives.

The Board found no evidence to support the contention that ALPA's action was either inappropriate or improper. The Board also found that a representation dispute existed within the meaning of Section 2, Ninth of the Act with regard to ALPA's application. The Board stated that "dispute" as used in Section 2, Ninth, means a representation dispute raising a question concerning representation and there was no requirement that two or more organizations must seek to represent the same craft or class before a dispute can be found to exist. *Republic Airlines, Inc.*, 8 NMB 13 (1980), *Northwest Airlines, Inc.*, 2 NMB 19 (1948). Citing *Air Florida, Inc.*, the Board stated it has long held that a representation dispute exists when a voluntarily recognized incumbent seeks NMB certification. 9 NMB 524 (1982). The Board stated that ALPA was voluntarily recognized at both Delta and Northwest. ALPA came to the Board alleging that Delta and Northwest constituted a single transportation system and sought Board certification in the post-merger Flight Deck Crewmembers craft or class. The Board found that those facts presented a question concerning representation and there was a representation dispute to investigate regarding ALPA's application.

Based on the facts established by the investigation, the Board found that Delta and Northwest were operating as a single transportation system. The Board stated, however, that the *RLEA* court clearly stated that "the Board may investigate a representation dispute *only* upon request of the employees involved in the dispute." 29 F.3d 655, at 664, (D.C. Cir. 1994). (Emphasis in original). Therefore, the Board found it could examine only those certifications related to the unions who filed applications: ALPA, NAMA, PAFCA, and TWU. The Board also stated that it did not find occasion to address Delta's argument that Manual Section 19.7 was inconsistent

with Section 2, Fourth, if used to preserve the certification of a minority union indefinitely, and the Board did not take a position at that time.

Accordingly, the Board found that the applications of ALPA, PAFCA, NAMA and TWU should be docketed as R cases and that the Board would investigate and address the representation of those crafts and classes.

Member Hoglander dissented in part and concurred in part. Hoglander agreed with his colleagues' decision to address only the representation disputes alleged by those organizations that filed applications: ALPA, NAMA, PAFCA, and TWU. However, Hoglander disagreed with his colleagues in their approach to the Board's authority in merger cases. Hoglander also disagreed with his colleagues' refusal to reaffirm the Board's policy set forth in Manual Section 19.7, and stated that certifications of all incumbent organizations remained in effect until the NMB issued a new certification or dismissal.

Cape Air (Hyannis Air Service, Inc.)/International Brotherhood of Teamsters/Cape Air Pilots Association

On March 2, 2009, Cape Air Pilots Association (CAPA) filed an application to represent the Pilots at Cape Air (Hyannis Air Service, Inc.) (Carrier). The Pilots were represented by the International Brotherhood of Teamsters (IBT). On March 26, 2009, the Board authorized an election with both CAPA and the IBT on the ballot.

On April 13, 2009, the IBT requested that the Board investigate whether CAPA was an organization fostered, assisted, and/or dominated by the Carrier. The IBT also requested that the Board investigate its allegations that the Carrier was interfering in the on-going election by inducing pilots to join CAPA and to cease membership with the IBT.

The Board stated its policy to proceed with a representation election unless there were extraordinary circumstances or the Board was barred by court order. The Board did not find extraordinary circumstances that required Board action at that time. Therefore, the Board stated that any allegations regarding conduct during the election period would be addressed, if appropriate, after the tally date consistent with the Board's usual practice.

On May 12, 2009, the Board certified CAPA as the representative of the Pilots at the Carrier. The Board is currently investigating the IBT's charges that the Carrier interfered with and/or dominated the election.



ARBITRATION

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 2009 by targeting the backlog of grievance arbitration cases for resolution. Grievance Mediation was also actively promoted as an alternative to arbitration. The Office of Arbitration Services closed the largest number of cases since fiscal year 2000. The number of cases pending at the end of this fiscal year – 4,059 cases – is the lowest in NMB history.



OVERVIEW OF FISCAL YEAR 09

The NMB Arbitration program completed its efforts to modernize with the new case management system. Document and records management was converted at the National Railroad Adjustment Board (NRAB) to an electronic system. The use of online dispute resolution was introduced to the NRAB and was very successful.

The level of grievance activity handled through the NMB Arbitration program increased significantly as compared to the activity in FY 2008. During FY 2009, the parties brought 4,920 cases to arbitration compared to 6,056 cases in FY 2008. In FY 2009, 7,073 cases were closed (compared to 5,395 in FY 2008), leaving 4,059 cases pending at the end of FY 2009.

HIGHLIGHTS OF FISCAL YEAR 09

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 and Amtrak. 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, thereby reducing the backlog and promoting 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 rulemaking 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 2009, the NMB conducted an intensive audit of all cases pending 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 NMB asked the parties to report any discrepancies between their records and the Agency's list. The audit was conducted electronically. 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 2009, Arbitration Services made presentations at Canadian National, Union Pacific Railroad and regional conferences of the United Transportation Union promoting grievance mediation as a means of resolving disputes. The NMB anticipates continuing this initiative during FY 2010.

Increasing Arbitrator Productivity. The NMB continued its efforts to increase arbitrator productivity through rigorous enforcement of the six-month rule. Arbitrators who have not issued a decision within six months of a hearing are contacted monthly and encouraged to issue those decisions. Approximately 86% of all decisions are rendered within six months of the hearing.

This year the NMB commenced an arbitrator training project with another Class I freight railroad which will result in a substantial number of new arbitrators being introduced to railroad arbitration during FY 2010.

The Agency improved 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. The agency developed an Arbitrators' Caseload Report and posted a link to the Report on the NMB website. The report shows by arbitrator, grievance cases of railroad employees the parties have chosen to pursue via NMB - funded arbitration boards. It also indicates whether a case is late (i.e., a decision has not been rendered within 6 months of when a case was heard by the arbitrator). The Arbitrators' Caseload Report is 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 used the web site to conduct a survey of all arbitrators handling cases in the railroad industry. The results of the survey provided the parties with valuable information to use in the preparation of submissions for grievances. The NMB will conduct more surveys in FY 2010.

In December 2008, the Board commenced a review of all open cases on public law boards and special boards of adjustment which have been on the docket for five years or more. The Board worked with the parties to obtain the

status of the cases and to encourage the parties to either settle the cases or schedule the cases for hearing. As a result, the Board was able to close the overwhelming majority of the cases and have the remaining few scheduled for hearings. The Board was able to clear its records of all cases over five years not scheduled for hearings.

In May 2009, the Board contacted the NRAB to obtain the status of their cases that have been on the docket for over five years and have not been heard by an arbitrator. This project will lead to the reduction of old cases at the NRAB in fiscal year 2010.

Pay Per Case Project. The NMB expanded a project in which arbitrators were paid on a per-case basis, instead of the normal

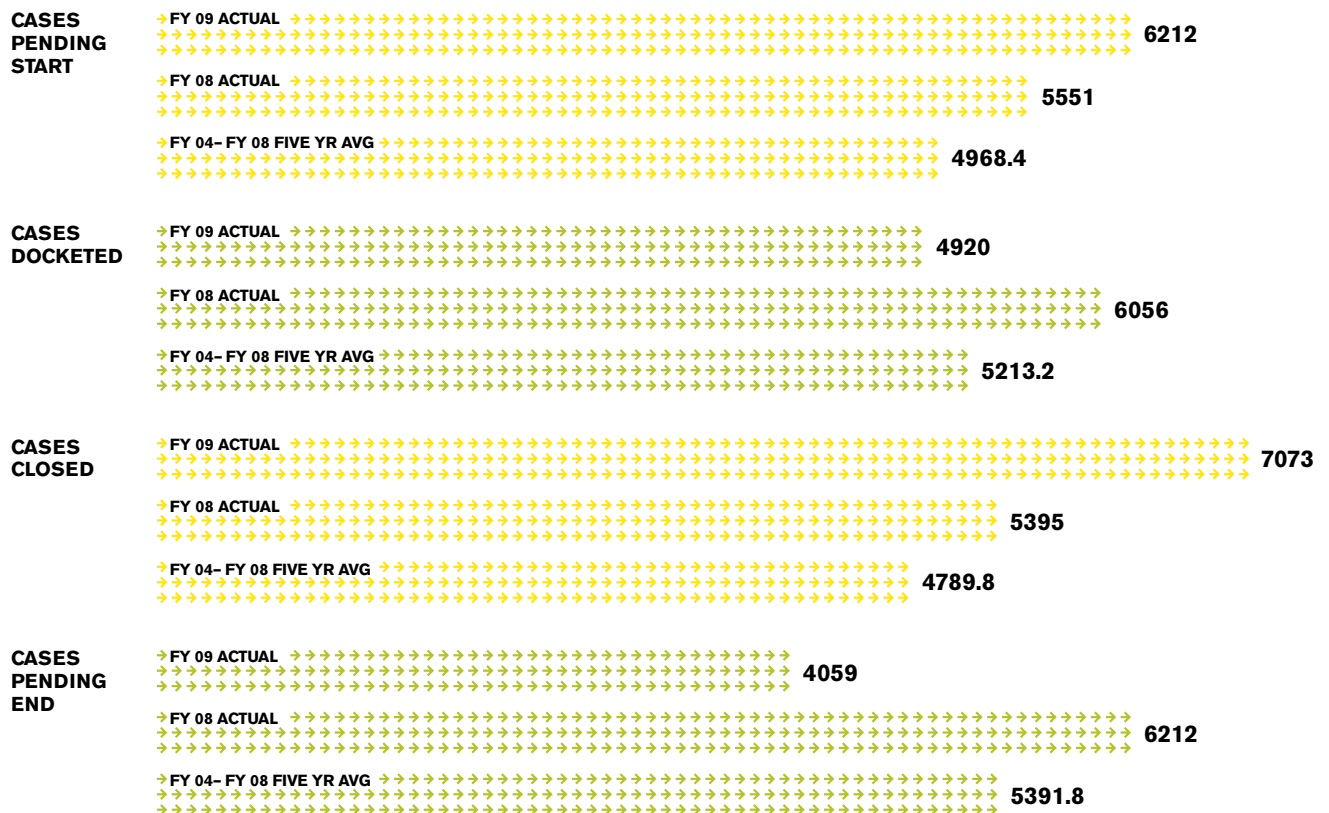
per-day compensation, establishing approximately 20 public law boards with two labor organizations. The project will be evaluated during the next fiscal year.

Additional Funding. The National Mediation Board received FY 2009 additional funding in the amount of \$560,000. The NMB used this funding to reduce the backlog of cases by over 1,200 cases.

This year the NMB expanded its use of technology at the NRAB. All NRAB awards are entered into the Knowledge Store at the same time that they are electronically distributed to the parties. Thus awards are received by the parties in some instances, 24 hours after they have been adopted by the NRAB.

ARBITRATION

The following chart reflects actual case numbers for FY 2009 and FY 2008 and a five-year Average.





ADMINISTRATION

The Office of Administration (OA) provides leadership and management support services for strategic planning and budgeting; accounting and finance; human resources management; procurement and contracting; information technology management and telecommunications; property and space management; and office support.



OVERVIEW AND HIGHLIGHTS FOR FISCAL YEAR 09

The Office of Administration (OA) provides operational management for the entire agency. The OA Director, along with six staff members, enable the NMB to achieve its strategic goals and the government-wide initiatives as discussed before.

Human Capital. The NMB finalized its Human Capital Plan which outlines the Board's strategic human capital direction for forecasting its staffing requirements. The succession plan identifies the areas that the agency needs to review to ensure continuity of leadership and knowledge for the future. The NMB continues to use the results from the human capital survey and audit to make improvements in the human resources area.

The NMB has prepared its hiring model in accordance with the OPM regulations. The NMB currently hires within 96 days which includes obtaining a background investigation. We are looking at ways to reduce the process down to 80 days by streamlining processes. We are confident that we will reach this goal by the end of the calendar year.

In FY 2009, the NMB has adopted the E-verify three-day process to ensure the new employee's eligibility to work. In addition, the NMB conducts new employee surveys, and the results are used to help strengthen the Human Resources hiring process. NMB is in the process of collecting data to use to develop the agency Employee Wellness Plan in compliance with the Work-Life initiative requirement.

The NMB uses its Delegated Examining Activities (DEU) certified staff along with services provided by the General Services Administration to deliver the full range of human resources support and payroll services to our employees.

Information Technology. The Board continues to benefit from this outsourcing decision. With the backing and support of an entire agency, the NMB is able to keep abreast of the many and constant technological changes. The NMB is in the process of implementing the Trusted Internet Connections (TIC) program to ensure NMB security with external internet connections. In addition, the NMB is in the process of Network and the Washington Interagency Telecommunications Systems (WITS) 2003 transition.

Continuity of Operations. The NMB updated its COOP plan after the Eagle Horizon 2009 tabletop exercise and quarterly testing. Both exercises aided the NMB in making improvements to the continuity operation process.

The Pandemic Plan was updated and provided to our internal customers as a reference during an emergency.

Financial Performance. The NMB has an accounting system that meets all the current financial requirements. This system enables the agency to close its monthly financial records within one business day. The agency's budget is spread out among the four program areas which are consistent with the agency's strategic and performance goals. The costs for all the other departments within the agency are accounted for separately in the accounting system to further provide detailed accounting of program costs.

In the area of budget and finance, OA is responsible for the development, analysis, and execution of NMB's annual budget to the Office of Management and Budget and the Congress. This overall responsibility covers budget formulation and development, implementation and management of appropriate budget operations, and control processes through development of operating plans.

The Office of Administration provides budget planning, budget development, and oversight of budget execution. In addition, OA is responsible for the maintenance of the Agency's core accounting system; financial reporting to the Office of Management and Budget (OMB) and Treasury; payments to vendors for goods and services received; issuing bills; and the preparation of the Agency's financial statements which are audited on an annual basis.

The NMB worked with an outside audit firm to audit its financial statements. With the accelerated Governmental timeframes for completing financial audits within 45 days from the end of the fiscal year, the Agency met this requirement and its audited financial statements were included in the NMB's accountability report on November 15, 2009 and are currently placed on the agency's website at www.nmb.gov.

In accordance with the NMB's management control plan, one of its program or support areas is reviewed annually. During FY 2009, the support functions of personnel and payroll within the Office of Administration were reviewed. The NMB has implemented changes recommended by the auditors.

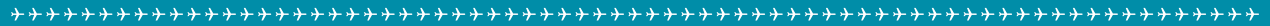
Electronic Government. The agency provides electronic access to all its policies. This allows our internal customers to have quick access to all agency policies at their finger tips.

The NMB continues to use its website to provide information its internal and external customers. The website provides access to our internal customers by allowing them to access the NMB email system and internal forms. Also the website provides information to the public and our external customers by providing them access to current agency information along with access to our Knowledge Store which provides historical information on the agency.

PERFORMANCE PLAN AND RESULTS (GPRA)

This report contains FY 2009 Accomplishments of the National Mediation Board relating to goals and objectives for Mediation, Alternative Dispute Resolution, Representation, and Arbitration. These accomplishments enabled the NMB to meet its statutory obligations and provide services to its airline and railroad labor, management and public customers.

PERFORMANCE AND GOALS



STRATEGIC PLAN GENERAL GOAL 1 MEDIATION

The office of Mediation Services will continue to foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.

I. Establish an Internal Standard Code of Practice for mediators.

- Review American Bar Association (ABA) and Association for Conflict Resolution (ACR) code documents for adaptation to RLA practice.

ACCOMPLISHMENT

Goal was accomplished in FY 2008.

II. Continue to develop standard training for mediators to ensure they are kept abreast of the latest trends in mediation and gain additional industry and technical knowledge in both air and rail.

ACCOMPLISHMENT

Through the use of Individual Development plans each mediator participated in training and development that met their own needs.

III. Better track the history of cases.

- Work with Arbitration and Representation to revise and improve the agency case management system.

ACCOMPLISHMENT

We continued to fine tune the capabilities of the new case management system.

IV. Ensure that mediator qualifications match the needs of the industries.

ACCOMPLISHMENT

This goal was completed in FY 2007

PERFORMANCE AND GOALS



STRATEGIC PLAN GENERAL GOAL 3 REPRESENTATION

The Office of Legal Affairs (OLA) will promptly investigate representation disputes and definitively resolve representation status for collective bargaining purposes, using the most efficient and client-friendly methods available.

I. Expand the use of electronic systems to further streamline and reduce cost.

- Continue to integrate Representation data into the agency Corporate Memory.
- Implement electronic filing system for OLA.

ACCOMPLISHMENT

OLA implemented an electronic e-filing system for representation cases.

II. Develop outreach opportunities in the legal, labor relations and alternative dispute resolution communities.

- Submit proposals for participation in American Bar Association (ABA) -sponsored conferences.
- Develop appropriate CLE and other training opportunities for RLA practitioners.

ACCOMPLISHMENT

OLA continued its outreach to the legal, labor relations and alternative dispute resolution communities. OLA attorneys helped plan the agenda for and were panelists at the ABA Railroad and Airline Labor Law Section's Mid-winter meeting as well as the ABA's Labor and Employment Annual CLE Meeting. The Association of Labor Relations Agencies recently held its annual conference and OLA played a significant role in planning this conference of leading labor relations practitioners.

III. Implement and maintain concise, relevant reference materials, which are readily available to the public and which reduce the number of man-hours used to research and respond to inquiries.

- Update and improve the material available on the NMB web site.
- Revise NMB's Representation Manual.

ACCOMPLISHMENT

Attorneys in the OLA worked on the supplement to the authoritative treatise on Railway Labor Act Law published by the Bureau of National Affairs. The NMB issued a Notice requesting comments on its proposed revisions to the NMB's Representation Manual.

IV. Maintain continuous industry and agency communication at a level that provides early preparation for Presidential Emergency Board management.

- Coordinate efforts with the Office of Mediation Services to identify potential disrupts which may lead to a Presidential Emergency Board.

ACCOMPLISHMENT

The Office of Legal Affairs continually coordinates with the Office of Mediation Services to evaluate potential disruptions in the industry.



**STRATEGIC PLAN GENERAL GOAL 4
ARBITRATION**

Arbitration will promote the prompt and orderly resolution of grievance disputes in the railroad and airline industries.

I. Modernize and update procedures related to NRAB Section-3 cases and other arbitral forums (public law boards and system boards of adjustment). Conduct a business process review of NRAB case handling.

ACCOMPLISHMENT

NRAB administrative processes, as well as the procedures governing public law boards and system boards of adjustments, were reviewed with the goal of streamlining procedures.

II. Foster a “best practices” approach to managing the contract-arbitrator roster. Move arbitrator roster information to a new case management system. Improve the guidelines for accepting applicants to the roster.

ACCOMPLISHMENT

The NMB instituted several projects to help the parties better utilize the NMB Roster of Arbitrators. One project involved CSX Transportation. Another project involved the Canadian National Railroad. An NMB Arbitrators’ Caseload Report was posted on the NMB website, along with the official Roster of Arbitrators.

III. Foster a “best practices” approach to managing arbitrator billing and payment. Investigate and develop a more equitable and efficient arbitrator billing process.

ACCOMPLISHMENT

The NMB initiated a review of its arbitrator billing and payment process, and implemented a special compensation project, paying arbitrators on a per-case basis. This project will be evaluated in FY 2010.

IV. Integrate current technology into the arbitration process. Continue to integrate Arbitration business processes into the NMB Corporate Memory program. Cooperate with Mediation, ADR, and Representation to improve the agency case-management system. Continue to encourage the parties to use the agency’s web-based video-conferencing system to reduce costs for arbitration hearings and adoption conferences.

ACCOMPLISHMENT

The NMB trained several arbitrators, railroad management officials and labor officials in the use of Online Video Conferencing, and several hearings were conducted using OVC during Fiscal Year 2009. OVC was used repeatedly at the National Railroad Adjustment Board.

FINANCIAL REPORTS (FFMIA) CFO LETTER



OCTOBER 20, 2009

I am pleased to present the National Mediation Board's (NMB) Fiscal Year 2009 Performance and Accountability Report (PAR). The PAR provides both financial and program performance information as required by the Government Performance and Results Act and the Accountability of Tax Dollars Act of 2002. This consolidated report enables the NMB's internal and external customers to review the accomplishments of the agency. The report also fulfills the requirements of the Reports Consolidation Act of 2000, the Chief Financial Officers Act, the Federal Managers' Financial Integrity Act (FMFIA), and the Government Management Reform Act.

For the twelfth consecutive year, the NMB has received the highest rating possible from an independent auditor, Allmond & Company, on our consolidated financial statements. This rating is an unqualified opinion. In accordance with our FMFIA plan, the NMB has one of its program areas reviewed annually. In FY 2009, the auditors reviewed the internal controls over personnel/payroll. The auditors concluded that the internal systems in this area were adequate and functioning as intended. The NMB has implemented the recommended changes to ensure that the internal control system remains sufficient.

The NMB continues to maintain an environment where its program and financial managers work collectively to ensure the integrity of financial information. This collectively allows the information generated to be used in decision making and performance management of all programs.

June D.W. King
Director, Office of Administration

AUDIT REPORTS



SEPTEMBER 30, 2009

ALLMOND & COMPANY LLC
Certified Public Accountants
8181 Professional Place, Suite 250
Landover, Maryland 20785
(301) 918-8200

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INDEPENDENT AUDITOR'S REPORT



BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2009, and the related statements of net cost, changes in net position, and statement of budgetary resources for the year then ended (the principal financial statements). These financial statements are the responsibility of NMB management and were prepared by NMB in accordance with Office of Management and Budget (OMB) Circular A-136, *Financial Reporting Requirements*, as amended. Our responsibility is to express an opinion on these financial statements based on our audit.

We conducted our audit in accordance with *Government Auditing Standards*, auditing standards generally accepted in the United States, and OMB Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement. An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements. An audit also includes assessing the accounting principles used and significant estimates made by management, as well as evaluating the overall financial statement presentation. We believe that our audit provides a reasonable basis for our opinion.

In our opinion, the principal financial statements referred to above present fairly, in all material respects, the financial position of NMB as of September 30, 2009, and its net costs, changes in net position, and budgetary resources for the year then ended in conformity with accounting principles generally accepted in the United States.

We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. In accordance with *Government Auditing Standards*, we issued separate reports dated October 20, 2009 on NMB's internal control and compliance with laws and regulations. Our reports on internal control and compliance are an integral part of an audit conducted in accordance with *Government Auditing Standards* and, in considering the results of the audit, those reports should be read together with this report.

A handwritten signature in black ink that reads "Allmond & Company LLC".

ALLMOND & COMPANY LLC

October 20, 2009
Landover, Maryland

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL



BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2009, and the related statements of net cost, changes in net position, budgetary resources, and financing for the year then ended (the principal financial statements) and issued our report thereon, dated October 20, 2009. We conducted our audit in accordance with *Government Auditing Standards*, auditing standards generally accepted in the United States, and Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*.

In planning and performing our audit, we considered NMB's internal control over financial reporting by obtaining an understanding of NMB's internal control, determining whether internal control had been placed in operation, assessing control risk, and performing tests of control to determine auditing procedures for the purpose of expressing our opinion on the principal financial statements. We limited internal control testing to that necessary to achieve the objectives described in OMB Bulletin No. 07-04. We did not test all internal control relevant to operating objectives as broadly defined by the Federal Managers' Financial Integrity Act of 1982, such as the internal control relevant to ensuring efficient operations. The objective of our audit was not to provide assurance on internal control. Consequently, we do not express an opinion on internal control.

Our consideration of internal control over financial reporting would not necessarily disclose all matters that might be reportable conditions. Under standards issued by the American Institute of Certified Public Accountants, control deficiencies 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 misstatements on a timely basis. A significant deficiency is a control deficiency or a combination of control deficiencies, that adversely affects the NMB's ability to initiate, authorize, record, process, or report financial data reliably in accordance with generally accepted accounting principles such that there is more than a remote likelihood that a misstatement of the NMB's financial statements that is more than inconsequential will not be prevented or detected.

A material weakness is a significant deficiency, or combination of significant deficiencies, that results in more than a remote likelihood that a material misstatement of the financial statements will not be prevented or detected. Because of inherent limitations in internal control, misstatements, losses, or noncompliance may nevertheless occur and not be detected.

In our fiscal year 2009 audit, we did not note any matters that we considered to be a significant deficiency or a material weakness.

STATUS OF PRIOR-YEAR RECOMMENDATIONS

In the FY 2008 report on internal control, we described one significant deficiency involving significant adjustments to NMB financial statements for accurate reporting. Corrections were made to NMB's accounting records to adjust for errors in recording selected transactions. Similar errors were made in FY 2009 when making manual journal entries. However, these errors did not result in significant adjustments being made to NMB financial statements for accurate reporting.

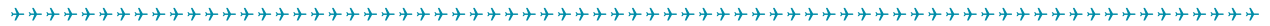
We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. This report is intended solely for the information of NMB management, OMB, and Congress. This report is not intended to be and should not be used by anyone other than these specified parties.

A handwritten signature in black ink that reads "Allmond & Company LLC".

ALLMOND & COMPANY LLC

October 20, 2009
Landover, Maryland

INDEPENDENT AUDITOR'S REPORT ON COMPLIANCE



BOARD MEMBERS

National Mediation Board

We audited the accompanying balance sheet of the National Mediation Board (NMB) as of September 30, 2009, and the related statements of net cost, changes in net position, budgetary resources, and financing for the year then ended (the principal financial statements) and issued our report thereon, dated October 20, 2009.

We conducted our audit in accordance with *Government Auditing Standards*, auditing standards generally accepted in the United States, and Office of Management and Budget (OMB) Bulletin No. 07-04, *Audit Requirements for Federal Financial Statements*. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

NMB management is responsible for complying with laws and regulations. As part of obtaining reasonable assurance about whether NMB's financial statements are free of material misstatement, we performed tests of its compliance with:

- Certain provisions of laws and regulations, noncompliance with which could have a direct and material effect on the determination of financial statement amounts.
- Certain other laws and regulations specified in OMB Bulletin No. 07-04.
- Requirements referred to in the Federal Financial Management Improvement Act (FFMIA) of 1996.

We limited our tests of compliance to these provisions and did not test compliance with all laws and regulations applicable to NMB. Our audit was not designed to provide an opinion on compliance with provisions of laws and regulations. Accordingly, we do not express such an opinion.

Our tests disclosed no instances of material noncompliance required to be reported under *Government Auditing Standards*. Additionally, we did not note any instances of immaterial noncompliance.

Under FFMIA, we are required to report whether the agency's financial management systems substantially comply with Federal financial management systems requirements, Federal accounting standards, and the United States Government Standard General Ledger at the transaction level. To meet this requirement, we performed the procedures specified in OMB's January 4, 2001, FFMIA implementation guidance. The results of our tests disclosed that NMB's financial management systems substantially complied with the three requirements in this paragraph.

We issued a draft of this report to NMB management and requested its comments. Management replied by indicating its general agreement with the audit results. This report is intended solely for the information of NMB management, OMB, and Congress. This report is not intended to be and should not be used by anyone other than these specified parties.

ALLMOND & COMPANY LLC

October 20, 2009
Landover, Maryland

FINANCIAL STATEMENTS

NATIONAL MEDIATION BOARD

Balance Sheet

As of September 30, 2009 and September 30, 2008

	2009	2008
ASSETS		
Entity Assets:		
Intragovernmental		
Fund Balance with Treasury (Note 2)	\$ 3,752,861	\$ 3,060,050
Real Estate, Property and Equipment (Note 3)	86,964	86,387
Total Assets	\$ 3,839,825	\$ 3,146,437
LIABILITIES AND NET POSITION		
Liabilities:		
Intragovernmental Liabilities:		
Accounts Payable	\$ 153,120	\$ 27,428
Governmental Liabilities:		
Accounts Payable	567,446	336,448
Accrued Interest Payable	0	0
Accrued Payroll and Benefits	316,647	280,067
Capital Lease Liability (Note 8)	56,191	16,491
Unfunded Arbitration Liability (Note 9)	881,100	808,200
Unfunded Settlement Liability	0	0
Unfunded Annual Leave	397,196	378,673
Total Liabilities	2,371,700	1,847,307
Net Position:		
Unexpended Appropriated Capital	2,707,490	2,412,913
Cumulative Results of Operations	(1,239,365)	(1,113,783)
Total Net Position	1,468,125	1,299,130
Total Liabilities and Net Position	\$ 3,839,825	\$ 3,146,437

FINANCIAL STATEMENTS



NATIONAL MEDIATION BOARD

Statement of Net Cost

For the Year Ended September 30, 2009 and September 30, 2008

	2009	2008
Costs:		
Mediation/Representation, Arbitration, and Emergency Board		
Intragovernmental	\$ 3,538,752	\$ 3,363,933
With the Public	9,090,404	9,603,802
Total	12,629,156	12,967,735
Less Revenue from Services	(4,964)	(5,237)
Net Program Costs	\$ 12,624,192	\$ 12,962,498
Net Cost of Operations	\$ 12,624,192	\$ 12,962,498

FINANCIAL STATEMENTS

NATIONAL MEDIATION BOARD

Statement of Changes in Net Position

For the Year Ended September 30, 2009 and September 30, 2008

	2009	2008
Unexpended Appropriations:		
Beginning Balance – October 1, 2007	\$ 2,412,913	\$ 2,644,749
Prior Period Adjustments	0	0
Beginning Balance Adjusted	\$ 2,412,913	\$ 2,644,749
Appropriations Received	12,992,000	12,911,000
Other Adjustments	(564,685)	(867,120)
Appropriations Used	(12,132,738)	(12,275,716)
Total Unexpended Appropriations	\$ 2,707,490	\$ 2,412,913
Cumulative Results of Operations:		
Beginning Balance – October 1, 2007	\$ (1,113,783)	\$ (830,558)
Prior Period Adjustments – All Other Funds	0	(68,758)
Beginning Balance as Adjusted – All Other Funds	\$ (1,113,783)	\$ (761,800)
Appropriations Used – All Other Funds	12,132,738	12,275,716
Imputed Financing – All Other Funds (Note 5)	365,872	334,800
Net Cost of Operations – All Other Funds	(12,624,192)	(12,962,498)
Total Cumulative Result of Operations	\$ (1,239,365)	\$ (1,113,782)
Net Position	\$ 1,468,125	\$ 1,299,131

FINANCIAL STATEMENTS

NATIONAL MEDIATION BOARD

Statement of Budgetary Resources

For the Year Ended September 30, 2009 and September 30, 2008

	2009	2008
Budgetary Resources:		
Budget Authority	\$ 12,992,000	\$ 12,911,000
Unobligated Balance – Beginning Period	1,956,767	2,222,997
Spending Authority from Offsetting Collections	4,964	6,780
Recoveries of Prior Year Obligations	0	251,132
Adjustments	(564,686)	(867,121)
Total Budgetary Resources	\$ 14,389,045	\$ 14,524,788
Status of Budgetary Resources:		
Obligations Incurred	\$ 12,235,721	\$ 12,568,021
Unobligated Balance – Available	574,610	360,688
Unobligated Balance – Not Available	1,578,714	1,596,079
Total, Status of Budgetary Resources	\$ 14,389,045	\$ 14,524,788
Outlays:		
Obligations Incurred	\$ 12,235,721	\$ 12,568,021
Less: Spending authority from offsetting collections and adjustments	(4,964)	(6,780)
Recoveries of Prior Year Obligations	0	(251,132)
Obligated Balance, Net – Beginning Period	1,103,283	854,331
Obligated Balance, Transferred, Net		
Less: Obligated Balance, Net – End of Period	(1,599,537)	(1,103,283)
Total Outlays	\$ 11,734,503	\$ 12,061,157

NOTES TO FINANCIAL STATEMENTS

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

Description of 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 key 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 four key statutory goals:

- The prompt and orderly resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements;
- The avoidance of interruptions to interstate commerce;
- The protection of employee rights to self-organization; and
- The prompt and orderly resolution of disputes over the interpretation or application of existing agreements.

These financial statements include all activity related to NMB's appropriation (No. 9592400), the principal funding for all NMB activities.

NMB prepares its financial statements to be in conformity with general accepted accounting principles.

NMB does not hold any non-entity assets and has no earmarked funds as described by the Government Accountability Office (GAO).

Budgets and Budgetary Accounting

Congress annually adopts a budget appropriation that provides NMB with authority to use funds from Treasury to meet operating and program expense requirements. NMB has single year budgetary authority and all unobligated amounts at year-end are expired. At the end of the fifth year all amounts not expended are canceled. All revenue received from other sources must be returned to the U.S. Treasury.

Basis of Accounting

NMB's financial statements are prepared under the accrual method of accounting. 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. NMB also uses budgetary accounting to facilitate compliance with legal constraints and to keep track of its budget authority at the various stages of execution, including allotment, obligation, and eventual 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.

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, 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 other financing sources when the assets are purchased.

NMB also earns revenue when it bills for copies of subscriptions. These subscriptions are for determinations on the cases NMB handles.

NOTES TO FINANCIAL STATEMENTS



Fund Balances with the US Department of the Treasury

NMB does not maintain cash in commercial bank accounts. Cash receipts and disbursements are processed by Treasury. The balance of funds with Treasury represents appropriated fund balances that are available to pay current liabilities and finance authorized purchase obligations relative to goods or services that have not been received.

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 5 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. 13, Accounting for Leases, are met, NMB capitalizes the lease and amortizes the cost over the economic useful life of the asset.

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.

Regarding NMB's building lease, the General Services Administration (GSA) entered into a lease agreement for NMB's rental of building space. NMB pays GSA a standard level users charge for the annual rental. The standard level users charge approximates the commercial rental rates for similar properties. NMB is not legally a party to any building lease agreements, so it does not record GSA-owned properties and does not disclose future minimum lease payments.

Accrued Payroll and Benefits Liabilities

Accrued payroll and benefits reflect salaries and benefits that have been earned, but not disbursed as of September 30, 2008.

Unfunded Annual Leave

Annual leave is accrued as a liability as it is earned. The accrual is reduced as leave is taken. Each year, the balance in the accrued annual leave account is adjusted to reflect current year pay rates. To the extent that the current or prior year appropriations are not available to fund annual leave earned but not taken, funding will be obtained from future appropriations. Sick leave and other types of non-vested leave are charged to expense as the leave is used.

Liabilities Not Covered By Budgetary Resources

These liabilities are not funded by direct budgetary authority. Liabilities not covered by budgetary resources result from the receipt of goods or services in the current or prior periods, or the occurrence of eligible events in the current or prior periods for which appropriations, revenues, or other financing sources of funds necessary to pay the liabilities have not been made available through Congressional appropriations or current earnings of the reporting entity. Liabilities not covered by budgetary resources as of September 30, 2009 and 2008 were:

	FY 2009	FY 2008
Unfunded Annual Leave	\$ 397,196	\$ 378,673
Unfunded Arbitrators Liabilities	\$ 881,100	\$ 808,200

NOTES TO FINANCIAL STATEMENTS



Net Position

Appropriated fund balance consists of the following components:

Unexpended appropriated capital - represents amounts of unavailable and available budget authority that are unobligated, or obligated but not expended. The obligated amount represents amounts for goods and/or services outstanding for which funds have been obligated, but the liabilities have not been accrued.

	FY 2009	FY 2008
Unobligated, available	\$ 0	\$ 0
Unobligated, unavailable	2,145,165	1,953,573
Undelivered Orders	562,324	459,340
Unexpended Appropriated Capital	\$ 2,707,489	\$ 2,412,913

Future funding requirements - represents the liabilities not covered by available budgetary resources.

Retirement Plan

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 8.51 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.

During fiscal years 2009 and 2008, NMB paid \$68,259 and \$66,357 for CSRS, and \$417,222 and \$407,529 for FERS, respectively for its employees' coverage.

Tax Status

NMB, as an independent Board of the executive branch, a federal agency, is not subject to federal, state, or local income taxes, and, accordingly, no provision for income tax is recorded.

NOTE 2: FUND BALANCES WITH TREASURY

Fund balances with Treasury were entirely entity assets from appropriations and consisted of the following:

	FY 2009	FY 2008
Obligated	\$ 1,599,537	\$ 1,103,283
Unobligated Available	0	0
Unobligated Restricted	2,153,324	1,956,767
Fund Balance with Treasury	\$ 3,752,861	\$ 3,060,050

NOTES TO FINANCIAL STATEMENTS



NOTE 3: PROPERTY AND EQUIPMENT, NET

NMB uses straight-line depreciation with a useful life of 5 years and a capitalization threshold of \$5,000. Property and equipment, and related accumulated depreciation, at September 30, 2009 and September 30, 2008 consisted of:

		FY 2009		FY 2008
Equipment-Capitalized	\$	188,556	\$	666,443
Computer Software-Capitalized		0		131,325
Leasehold Improvements		0		1,133,508
Capital Lease		78,777		48,578
		267,333		1,979,854
Less: Accumulated Depreciation		(180,368)		(1,893,467)
Total Property and Equipment, net	\$	86,965	\$	86,387

Property and equipment, and related accumulated depreciation at September 30, 2009 consisted of:

	Value	Accumulated Depreciation	Book Value
Equipment – Capitalized	\$ 188,556	\$ 154,544	\$ 34,012
Capital Leases	78,777	25,825	52,953
Total Property & Equipment	\$ 267,333	\$ 180,369	\$ 86,965

NOTE 4: PROGRAM/OPERATING EXPENSES

Although OMB Circular A-136 only requires that operating expenses be broken out by program and object classification if the principal statements may be misleading for FY 2009, NMB has chosen to display its operating expenses by object classification for FY 2009 and FY 2008 for a more clear presentation.

		FY 2009		FY 2008
Personnel Compensation	\$	8,065,172	\$	7,601,572
Personnel Benefits		1,345,777		1,361,839
Former Benefits		0		0
Travel of Persons		237,428		666,621
Transportation of Things		5,954		5,756
Rent/Comm/Utilities		1,408,687		1,440,895
Printing		(1,428)		18,135
Other Services		865,777		1,065,889
Supplies		141,488		104,053
Equipment		64,571		12,998
Unvouchered		0		0
Total	\$	12,133,426	\$	12,277,758

NOTES TO FINANCIAL STATEMENTS



NOTE 5: PENSIONS, OTHER RETIREMENT BENEFITS, AND OTHER POST RETIREMENT BENEFITS

The NMB reports the full cost of employee pensions, other retirement benefits, and other post-employment benefits in accordance with SFFAS No. 5, Accounting for Liabilities of the Federal Government. Although the NMB funds a portion of the benefits under FERS and CSRS relating to its employees and withholds the necessary payroll deductions, a portion of the Normal Pension Cost remains unpaid. SFFAS No. 5 requires the recognition of this remaining cost as imputed financing.

Pension and other retirement benefit expenses are calculated using cost factors determined by actuaries at the Office of Personnel Management. These cost factors are calculated based on economic and demographic assumptions. The cost factor is multiplied by the basic pay in order to obtain the "Normal Cost" for the accounting period. This Normal Cost is the present value of the projected benefits of each employee allocated on a level basis over the service of the employee between entry age and assumed exit age.

The imputed financing amount represents the difference between the employer's total pension expense and the employer's contribution. For the period ending September 30, 2009 the Normal Cost, employer's total pension expense, employer's contribution and imputed financing amounts were as follows:

Employee Type	Normal Cost	Employer's Total Pension Expense	Employer's Contribution	Employer's Imputed Financing Expense
CSRS	\$ 274,161	\$ 74,385	\$ 125,391	\$ 125,391
FERS	496,091	32,266	483,991	12,100
Total	\$ 770,252	\$ 106,651	\$ 609,382	\$ 137,491
Health Insurance				227,362
Life Insurance				1,019
Total				228,381
Grand Total Imputed Financing				\$ 365,872

NOTE 6: OBLIGATED BALANCES, NET, END OF PERIOD AS OF SEPTEMBER 30, 2008

The components of the obligated balance as of September 30, 2009 and 2008 are:

	FY 2009	FY 2008
Undelivered Orders	\$ 562,324	\$ 459,340
Accounts Payable	1,037,213	643,943
Total Obligated Balance	\$ 1,599,537	\$ 1,103,283

NOTES TO FINANCIAL STATEMENTS

NOTE 7: RECONCILIATION OF NET COST TO BUDGETARY RESOURCES

For the Year Ended September 30, 2009 and September 30, 2008

	2009	2008
Resources Used to Finance Activities		
Obligations Incurred	\$ 12,235,721	\$ 12,568,021
Less: Spending authority for offsetting collections and Recoveries of Prior Year Obligations	(4,964)	(257,912)
Imputed Financing (Note 5)	365,872	344,800
Total Budgetary Resources to Finance Activities	\$ 12,596,629	\$ 12,644,909
Less: Resources Not Used to Finance Net Cost of Operations		
Change in Amount of Goods, Services and Benefits ordered but not yet Received or Provided	\$ 102,984	\$ 37,588
Costs Capitalized on the Balance Sheet	(690)	0
Other	0	0
Total Resources Not Used to Finance Net Cost of Operations	\$ 102,293	\$ 37,588
Total Resources Used to Finance Net Cost of Operations	\$ 12,494,335	\$ 12,607,322
Costs that do not require Resources:		
Depreciation and Amortization	\$ 52,984	\$ 44,372
Change in Future Funded Liabilities	91,423	308,809
Revaluation of Assets and Liabilities	(14,550)	1,996
Total Costs that do not require Resources	129,857	355,177
Net Cost of Operations	\$ 12,624,192	\$ 12,962,498

NOTE 8: ACCOUNTING FOR LEASES

Operating Leases:

NMB occupies office space under a lease agreement with the General Services Administration (GSA) that is accounting for as an operating lease. The lease term was for a period of eleven years began on November 1, 2000 and expires on October 31, 2011. 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. The operating rent and taxes was to be inflated by 0.76% from 2008 to 2011 to estimate the escalation that the market will yield.

Schedule of Future Minimum Lease Payments

2010	1,207,054
2011	1,216,228
Total Future Minimum Lease Payments	\$ 2,423,282

NOTES TO FINANCIAL STATEMENTS



Capital Leases:

NMB entered into a capital lease on December 6, 2006 to lease a Xerox machine over a five-year period. The lease provide for ownership to transfer to NMB at the end of the lease period. The present value of the minimum lease payments of \$6,555.84 annually at an interest rate of 9.5 percent was determined to be \$25,215. The Capital Lease Asset is being depreciated on a straight-line basis on 5 years. The Capital Lease Liability as of September 30, 2009 and 2008 was \$11,455 and \$16,491, respectively.

NMB entered into a capital lease on October 6, 2008 to lease a Xerox machine over a five-year period. The lease provide for ownership to transfer to NMB at the end of the lease period. The present value of the minimum lease payments of \$5,256.48 annually at an interest rate of 9.5 percent was determined to be \$20,183 for the machine. The Capital Lease Asset is being depreciated on a straight-line basis over 5 years. The Capital Lease Liability as of September 30, 2009 was \$16,844.

NMB entered into a capital lease on October 6, 2008 to lease a Xerox machine over a five-year period. The lease provide for ownership to transfer to NMB at the end of the lease period. The present value of the minimum lease payments of \$1,671 annually at an interest rate of 9.5 percent was determined to be \$6,415.23 for the machine. The Capital Lease Asset is being depreciated on a straight-line basis over 5 years. The Capital Lease Liability as of September 30, 2009 was \$5,354.

NMB entered into a capital lease on October 6, 2008 to lease a Xerox machine over a five-year period. The lease provide for ownership to transfer to NMB at the end of the lease period. The present value of the minimum lease payments of \$7,033 annually at an interest rate of 9.5 percent was determined to be \$27,006 for the machine. The Capital Lease Asset is being depreciated on a straight-line basis over 5 years. The Capital Lease Liability as of September 30, 2009 was \$22,539.

NOTE 9: UNFUNDED ARBITRATION LIABILITY

By law, NMB is required to appoint an arbitrator if a grievance adjustment board cannot resolve a grievance. NMB appoints an arbitrator by issuing a certificate of appointment to hear a specific case or a specified group of related cases and a compensation letter setting out the daily rate of compensation, per diem, and travel costs. NMB's policy is to record an obligation at the beginning of each month when it approved an arbitrator's compensation request. Since such arbitrator services are considered nonseverable services, NMB record an estimated obligation amount for the service outstanding due to arbitrator appointments at the end of each fiscal year for financial reporting purposes. As of September 30, 2009, NMB had a total of 979 arbitration cases heard but no decision rendered. An estimated obligation amount was determined by multiplying the 979 cases by an average of 3 days per case at a daily compensation rate of \$300. Total unfunded arbitration liability as of September 30, 2009 was \$881,100.

NOTE 10: STATEMENT OF BUDGETARY RESOURCES VS BUDGET OF THE UNITED STATES GOVERNMENT

The reconciliation as of September 30, 2008 is presented below. The reconciliation as of September 30, 2009 is not presented, because the submission of the Budget of the United States (Budget) for FY 2011, which presents the execution of the FY 2009 budget, occurs after publication of these financial statements. The National Mediation Board Budget Appendix can be found on the OMB website (<http://www.whitehouse.gov/omb/budget>) and will be available in early February 2010.

For the Fiscal Year Ended September 30, 2008
(in millions)

	Budgetary Resources	Obligations Incurred	Distributed Offsetting Receipts	Net Outlays
Statement of Budgetary Resources	\$15	\$13	\$ 0	\$12
Expired Funds	(2)	(1)		
Budget of the United States	\$13	\$12	\$ 0	\$12

MANAGEMENT ASSURANCES

This section provides information on NMB's compliance with the Federal Managers' 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 costs comply with applicable law;
- assets are safeguarded from waste, loss, unauthorized use, or misappropriation; and
- revenues and expenditures are properly recorded and accounted for.

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

Assurance Statement (FMFIA)

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 directors' knowledge of daily operations and other management reviews, the NMB is able to provide an unqualified statement of assurance that the internal controls meet the objectives of FMFIA.



Elizabeth Dougherty

Chairman

October 20, 2009

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 the payroll EFT payments. The NMB does not administer any entitlement, grant, or loan programs.

Federal Travel Card Program

The NMB is a full participant in the Federal Travel Card Program, and has issued travel credit cards to employees whose official duties may require frequent travel. The Office of Administration routinely monitors each employee's usage of the travel card to ensure that charge activities are restricted to official government travel-related expenses, and that the employee is paying his/her credit card bills on-time.

During FY 2009, employees were reimbursed for authorized travel-related expenses within one business day after receipt of their completed travel voucher.

During this same period, no NMB employee's travel card account was identified as being delinquent and no inappropriate usage of the travel card was identified.

Federal Purchase Card Program

During this period, the NMB continued its use of the U.S. Government's purchase card program to expedite the purchase of authorized supplies and services. The NMB has an internal process which requires a purchase request for all requests. This purchase request is reviewed and approved by the office director before being submitted to the Office of Administration for action. The OA staff determines the appropriate contracting vehicle to procure the requested goods and/or services.

MANAGEMENT ASSURANCES

Federal Information Security Management Act (FISMA)

The Federal Information Security Management Act (FISMA) requires an annual, independent evaluation of each agency's information technology (IT) security program. The NMB continued to work with the Bureau of the Public Debt to perform a review of the NMB's technology security program. The results of the review, form the basis of the NMB's annual FISMA report to OMB, and associated Plans of Action & Milestones (POA&M).

FMFIA Material Weakness In Management Operations

Report pursuant to Section 2 of the Integrity Act: Internal Control System

OVERALL COMPLIANCE: YES

Number of Material Weaknesses:

Period Reported	Reported	Corrected	Pending
Prior Years	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0
2009 report	0	N/A	0
Total	0	0	0

Pending Material Weaknesses (by function):

Category	Number	Year First Reported
Program management	0	N/A
Functional management:	0	N/A
Procurement	0	N/A
Grant management	0	N/A
Personnel & organizational management	0	N/A
ADP security	0	N/A
Payment systems and cash management	0	N/A
Loan management and debt collection	0	N/A
Property and inventory management	0	N/A
Total	0	N/A

MANAGEMENT ASSURANCES



Report pursuant to Section 4 of the Integrity Act: Systems and Conformance

OVERALL COMPLIANCE: YES

Management Systems:

Existing Systems	Total	In Conformance
Prior years	1	1
2004 report	1	1
2005 report	1	1
2006 report	1	1
2007 report	1	1
2008 report	1	1
2009 report	1	1
Total	1	1

Pending Nonconformance:

Material nonconformance	Reported	Corrected	Pending
Prior Years	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0
2009 report	0	N/A	0
Total	0	N/A	0

Report pursuant to Section 4 of the Integrity Act: Financial Management Systems

OVERALL COMPLIANCE: YES, ACHIEVED 1988

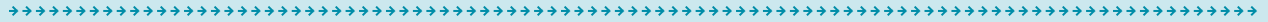
Number of Material Weaknesses:

Period Reported FY	Reported	Corrected	Pending
Prior Years	0	N/A	0
2004 report	0	N/A	0
2005 report	0	N/A	0
2006 report	0	N/A	0
2007 report	0	N/A	0
2008 report	0	N/A	0
2009 report	0	N/A	0
Total	0	N/A	0

Pending Nonconformance:

Period Report: FY 09	Number	Year First Reported
General ledger control	0	N/A
Interfaces	0	N/A
Data accuracy, timeliness, comparability, usefulness	0	N/A
Property	0	N/A
Cash management	0	N/A
Receivables	0	N/A
Program costs	0	N/A
Payroll	0	N/A
Systems documentation	0	N/A
Audit trails, security	0	N/A
Other	0	N/A
Total	0	N/A

NATIONAL RAILROAD ADJUSTMENT BOARD (NRAB)

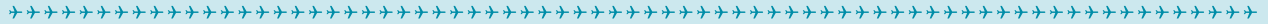


NRAB

MICHAEL C. LESNIK - NRLC, BOARD CHAIRMAN
STEPHEN F. WATSON - TCU, BOARD VICE CHAIRMAN

First Division Members	Second Division Members	Third Division Members	Fourth Division Members
John F. Hennecke - NRLC <i>Chairman</i>	H. Glen Williams - NRLC <i>Chairman</i>	Michael C. Lesnik - NRLC <i>Chairman</i>	Jeffrey F. Rodgers - NRLC <i>Chairman</i>
Marcus J. Ruef - BLET <i>Vice Chairman</i>	Alexander M. Novakovic - BRC <i>Vice Chairman</i>	Roy C. Robinson - BMWED <i>Vice Chairman</i>	Gary J. Campbell - ARASA <i>Vice Chairman</i>
Douglas W. Davidson - BLET	Joe R. Duncan - IAMAW	James Albano - KCS	William T. Bohne - IBEW
Bruce D. Feltmeyer - UTU	Dewey B. Garland - SMWIA	Brant Hanquist - UP	Glenn Caughron - BNSF
Brian Pasquarelli - MNR	Frances C. Keating - SEPTA	Anthony Lomanto - PAN AM	Bjarne R. Henderson - CP
Dominic Ring - UP	James E. Meyer - IBEW	Michelle McBride - BNSF	
Jason Ringstad - BNSF	Michael D. Phillips - UP	Charlie A. McGraw - BRS	
David B. Wier - UTU	John Thacker - NCFO	Isaac R. Monroe - HERE	
	Ollie Wick - BNSF	David W. Volz - ATDA	
	Charles Woodcock, III - NRPC	Stephen F. Watson - TCU	

NATIONAL RAILROAD ADJUSTMENT BOARD (NRAB)



NRAB REFEREES

First Division

Michelle Camden
Ann Kenis
Lisa Kohn
Richard Mittenthal
Robert Richter
Charles Wise

Second Division

James Conway
Joseph Fagnani
William Miller

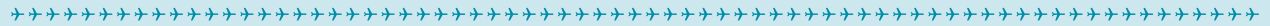
Third Division

Edwin H. Benn
Steven Bierig
Daniel Brent
Brian Clauss
James Conway
Ann Kenis
Lisa Kohn
Sinclair Kossoff
Sherwood Malamud
Marty Malin
Peter Meyers
Margo Newman
Robert Peterson
David Vaughn
Gerald Wallin
Jacalyn Zimmerman
Marty Zusman

Fourth Division

Gerald Wallin

SECTION 3 TRIBUNALS



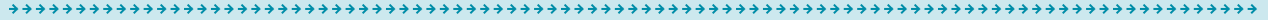
No. of Boards	
Public Law	94
Special Boards of Adjustment	1
Arbitration Boards	0
<hr/>	
TOTAL	95

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

1A. Carriers

- Alabama State Dock
- Alston and Southern Railway Company
- Appalachian & Ohio Railroad
- Belt Railway Company of Chicago
- Bessemer & Lake Erie Railroad
- Birmingham Southern Railroad
- Buffalo & Pittsburgh Railroad, Inc.
- Burlington Northern Santa Fe Railway Company
- Canadian National Railway Company
- Canadian Pacific Railway Company
- Chicago Central & Pacific Railroad
- Colorado & Wyoming Railway Company
- Connex Railroad LLC
- Consolidated Rail Corporation
- CSX Transportation, Inc.
- Dakota, Minnesota & Eastern Railway
- Delaware & Hudson Railroad Company
- Elgin, Joliet & Eastern Railway
- Florida East Coast Railroad
- Gary Railroad
- Grand Trunk Western Railroad
- Great Lakes Central Railroad
- Illinois Central Railroad
- Illinois Central Railroad Gulf
- Indiana Harbor Belt Railroad
- Indiana & Ohio Railroad
- Iowa Interstate Railway
- Kansas City Southern
- Kansas City Terminal Railway Co.
- Kyle Railroad Company
- Lake Superior & Ishemping Railroad
- Lake Terminal Railroad
- Long Island Rail Road
- Louisiana & North West Railroad
- Manufacturers Railroad Company

SECTION 3 TRIBUNALS

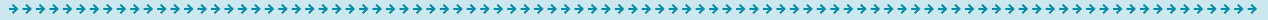


Massachusetts Bay Commuter Railroad
Metro North Commuter Rail
Missouri & Northern Arkansas
Montana Rail Link
Montana Western Railroad Company
National Railway Labor Conference
National Railroad Passenger Corporation (AMTRAK)
New England Central
New Jersey Transit Authority
Norfolk Southern Corporation
Northeast Illinois Regional Commuter
Northern Indiana Commuter Transportation District
Paducah & Louisville
Pan Am Railway
Pennsylvania Southwestern Railroad
Pittsburgh & Conneaut Dock
Portland and Western Railroad
Port Terminal Railroad Association
San Joaquin Valley Railroad
Soo Line Railroad Company
South Carolina Public Railways
Southeastern Pennsylvania Transportation Authority
Tazewell Peoria Railroad
Tacoma Road
Terminal Railroad Association of St. Louis
Texas Mexican Railway Company
TTX Company
Union Pacific Railroad Company
Union Railroad Company
Wheeling & Lake Erie Railroad
White Pass-Yukon Railroad
Wisconsin Central Railroad
York Railway

1B. Unions

American Train Dispatchers Association
Amtrak Service Workers Council
Association of Commuter Rail Employees
Brotherhood of Locomotive Engineers & Trainmen-IBT
Brotherhood of Maintenance of Way Employes-IBT
Brotherhood of Railroad Signalmen
Employees National Conference Committee
Independent Railway Supervisors Association
International Association of Machinists & Aerospace Workers
International Association of Teamsters
International Brotherhood of Blacksmiths & Boilermakers

SECTION 3 TRIBUNALS



International Brotherhood of Electrical Workers
International Longshoremen's Association
International Railway Supervisors Association
National Conference of Firemen and Oilers, SEIU
Railway Independent Transit Union
Sheet Metal Workers International Association
Transportation Communications International Union
Transport Workers Union of America
United Transportation Union

1C. Arbitrators (Public Law Board, Special Board of Adjustment or Arbitration Board)

Sara Adler
Edwin Benn
Steven Bierig
John R. Binau
Daniel Brent
Robert Camp
Michelle Camden
Dennis Campagna
Joseph Cassidy
Brian Clauss
Donald Cohen
James E. Conway
John B. Criswell
James Darby
Rodney Dennis
Roy Detwiler
Francis J. Domzalski
John Easley
Lewis L. Ellsworth
William Euker
Joseph Fagnani
Charles Fischbach
Jay Fogelberg
Janice Frankman
Gayle Gavin
Carmelo Gianino
Charlotte Gold
Dennis Gonzales
Almalee Guttshall
Don Hampton
Richard Hanft
Danielle L. Hargrove
Don Hays
Robert L. Hicks
Joan Ilivicky

SECTION 3 TRIBUNALS

Joshua M. Javits
Ann S. Kenis
Jonathan Klein
Joyce Klein
Lisa S. Kohn
Sinclair Kossoff
Frank Lynch
Sherwood Malamud
Martin H. Malin
Herbert Marx
Diane Massey
Raymond McAlpin
Peter R. Meyers
William Miller
Dennis Minni
Ron Mitchell
James E. Nash
Margo Newman
Robert O'Brien
Joan Parker
Robert Perkovich
Robert E. Peterson
Francis X. Quinn
David Ray
Robert G. Richter
Thomas N. Rinaldo
Sean J. Rogers
Lynette A. Ross
David Rutowski
Richard Sandler
Martin Scheinman
Barry E. Simon
David Twomey
M. David Vaughn
Gerald E. Wallin
Elizabeth C. Wesman
Charles Wise
Carol Zamperini
Jacalyn Zimmerman
Marty E. Zusman

2. LABOR PROTECTIVE PROVISIONS -NA

3. UNION SHOPS – LISA S. KOHN

Carrier: CSX Transportation, Inc.

Union: International Brotherhood of Electrical Workers

APPENDIX A: CASE TABLES

TABLE 1: NUMBER OF CASES RECEIVED AND CLOSED

	FY-2009	FY-2008	FY-2007	FY-2006	FY-2005	FY-2004	Average 2004-08
MEDIATION							
Start-pending	44	64	75	71	56	63	65.8
New	58	20	34	37	58	41	38.0
Sum	102	84	109	108	114	104	103.8
Closed	28	40	45	33	43	48	41.8
End-pending	74	44	64	75	71	56	62.0
ADR*							
Start-pending	27	31	17	18	15	16	19.4
New	15	44	44	68*	27	41	44.8
Sum	42	75	61	86	42	57	64.2
Closed	19	48	30	69*	24	42	42.6
End-pending	23	27	31	17	18	15	21.6
REPRESENTATION							
Start-pending	2	4**	0	0	1	4	1.8
New	46	45	25	46	32	60	41.6
Sum	48	49	25	46	33	64	43.4
Closed	40	47	24	46	33	63	42.6
End-pending	8	2	1	0	0	1	0.8
ARBITRATION							
Start-pending	6212	5551	4664	4581**	4910	5136	4968.4
New	4920	6056	4929	5537	4839	4705	5213.2
Sum	11132	11607	9593	10118	9749	9841	10181.6
Closed	7073	5395	4042	5454	4127	4931	4789.8
End-pending	4059	6212	5551	4664	5622	4910	5391.8

* ADR caseload counts include OP and OP-ODR cases starting in FY-2006.

** Caseload adjusted based on a case audit.

APPENDIX A: CASE TABLES



TABLE 2: REPRESENTATION CASE DISPOSITION

RAILROADS	Number of Cases	Number of Crafts or Classes	Number of Employees Involved	Number of Employees Participating
Certifications	14	14	735	577
Dismissals	4	4	11	1
Totals	18	18	746	578
AIRLINES	Number of Cases	Number of Crafts or Classes	Number of Employees Involved	Number of Employees Participating
Certifications	11	11	3,046	2,484
Dismissals	11	11	2,117	697
Totals	22	22	5,163	3,181
Totals-Railroads and Airlines	40	40	5,909	3,759

APPENDIX A: CASE TABLES



TABLE 3: CASES CLOSED BY MAJOR GROUPS OF EMPLOYEES

RAILROADS	Total Cases	Representation Cases	Mediation Cases
Carmen	2	0	2
Clerical Office, Station and Storehouse Employees	1	1	0
Conductors	1	0	1
Electrical Workers	3	0	3
Hostlers	1	0	1
Machinists	2	0	2
Maintenance of Way Employees	5	2	3
Mechanics & Related	1	0	1
Mixed Groups	1	0	1
Operating and Non-Operating Employees	4	3	1
Signalmen	1	1	0
Supervisors	1	0	1
Trainmen	1	0	1
Train and Engine Service Employees	8	8	0
Yardmasters	1	0	1
Combined Groups, Railroad	1	1	0
Miscellaneous, Railroad	2	2	0
Railroad Total	36	18	18

APPENDIX A: CASE TABLES

TABLE 3: CASES CLOSED BY MAJOR GROUPS OF EMPLOYEES (continued)

AIRLINES	Total Cases	Representation Cases	Mediation Cases
Cockpit Crew Members	2	1	1
Fleet and Passenger Service Employees	1	0	1
Fleet Service Employees	1	1	0
Flight Attendants	4	4	0
Flight Deck Crew Members	3	3	0
Flight Dispatchers	6	3	3
Flight Engineers	1	0	1
Mechanics and Related Employees	4	3	1
Pilots	4	2	2
Simulator Maintenance Techs	1	0	1
Combined Groups, Airlines	1	1	0
Miscellaneous, Airlines	4	4	0
Airline Total	32	22	10
Grand Total, Railroads and Airlines	68	40	28

APPENDIX A: CASE TABLES

TABLE 4: CRAFT OR CLASS DETERMINATIONS IN REPRESENTATION CASES

RAILROADS	Number of Cases	Number of Craft or Class Determinations	Number of Employees Participating	Percent of Employees Involved
Clerical Office, Station and Storehouse Employees	1	1	1	..
Maintenance of Way Employees	2	2	17	..
Operating/Non-Operating Employees	3	3	27	..
Signalmen	1	1	20	..
Train and Engine Service Employees	8	8	320	5
Combined Groups, Railroad	1	1	190	3
Miscellaneous, Railroad	2	2	3	..
Railroad Total	18	18	578	10

APPENDIX A: CASE TABLES



TABLE 4: CRAFT OR CLASS DETERMINATIONS IN REPRESENTATION CASES (continued)

AIRLINES	Number of Cases	Number of Craft or Class Determinations	Number of Employees Participating	Percent of Employees Involved
Cockpit Crew Members	1	1	646	11
Fleet Service Employees	1	1	125	2
Flight Attendants	4	4	184	3
Flight Deck Crew Members	3	3	1102	19
Flight Dispatchers	3	3	348	6
Mechanics and Related Employees	3	3	451	8
Pilots	2	2	307	5
Combined Groups, Airlines	1	1	0	0
Miscellaneous, Airlines	4	4	18	..
Airline Total	22	22	3,181	54
Grand Total, Railroads and Airlines	40	40	3,759	64

1 Percent listing for each group represents the percentage of the 5,909 employees involved in all railroad and airline cases during fiscal year 2009.
(..) Less than one percent.

APPENDIX A: CASE TABLES

TABLE 5: CRAFTS OR CLASSES CERTIFIED IN REPRESENTATION CASES

RAILROADS	National Organizations			Local Unions and/or Individuals			Totals		
	Craft or Class	Employees Participating	Percent of Involved	Craft or Class	Employees Participating	Percent of Involved	Craft or Class	Employees Participating	Percent of Involved
Representation Acquired:									
Elections	12	305	5	0	0	0	12	305	5
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	0	0	0	1	19	..	1	19	..
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	1	253	4	0	0	0	1	253	4
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Railroads	13	558	9	1	19	..	14	577	10
AIRLINES									
Representation Acquired:									
Elections	6	907	15	0	0	0	6	907	15
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	5	1,577	27	0	0	0	5	1,577	27
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Airlines	11	2,484	42	0	0	0	11	2,484	42
Total, Combined Railroads and Airlines	24	3,042	52	1	19	..	25	3,061	52

Percent listing for each group represents the percentage of the 5,909 employees involved in all rail and airline cases in fiscal year 2009.

Because of rounding, sums of individual items may not equal totals.

(..) Indicates less than one percent.

Note: These figures do not include cases that were withdrawn or dismissed.

APPENDIX A: CASE TABLES



TABLE 6: STRIKES IN THE AIRLINE INDUSTRY

Carrier	Union	Craft and Class	Strike began	Strike Ending	Duration
Amerijet	IBT	Pilots & Ft. Engrs.	8-27-09	9-13-09	17 Days

TABLE 7: STRIKES IN THE RAILROAD INDUSTRY

None

TABLE 8: RLA SECTION 10 PRESIDENTIAL EMERGENCY BOARDS

None

TABLE 9: RLA SECTION 9A PRESIDENTIAL EMERGENCY BOARDS

None

APPENDIX B: CASE RECORD

1A. AIRLINE MEDIATION CASES DOCKETED

Carrier	Union	Craft/Class
Air Methods Corporation	OPEIU	Flight Deck Crew Members
Airbus North America	TWU	Simulator Maintenance Technicians
American Airlines	APFA	Flight Attendants
American Airlines	TWU	Fleet Service
American Airlines	TWU	Ground School Instructors
American Airlines	TWU	Mechanics & Related
American Airlines	TWU	Stock Clerks
American Airlines	TWU	Technical Specialists
American Airlines	TWU	Technicians
American Eagle	TWU	Fleet Service
American Eagle	TWU	Mechanic & Related
Arrow Airlines	IBT	Pilots; Flight Engineers
Bahamasair Holdings Limited	IAM	Clerks
British Airways	IAM	Mechanics & Related
British Airways	IAM	Office Clerical Employees
British Airways	IAM	Passenger Service
Cape Air	IBT	Pilots
El Al Israel Airlines	IAM	Mechanics & Related; Passenger Service
Hawaiian Airlines	IAM	Mechanics & Related
Hawaiian Airlines	IAM	Passenger Service
Hawaiian Airlines	TWU	Dispatchers
Miami Air International	AFA	Flight Attendants
Midwest Airlines	AFA	Flight Attendants
Midwest Airlines	ALPA	Pilots
Omni Air International	IBT	Pilots; Flight Engineers
Southwest Airlines	TWU	Fleet and Passenger Services
Spirit Airlines	AFA	Flight Attendants
United Airlines	AFA	Flight Attendants
United Airlines	ALPA	Pilots
United Airlines	IAM	Fleet Tech Instructors & Related
United Airlines	IAM	Maintenance Instructors
United Airlines	IAM	Food Service
United Airlines	IAM	Public Contract
United Airlines	IAM	Ramp & Store Employees
United Airlines	IAM	Security Officers & Security Guards

APPENDIX B: CASE RECORD



1B. RAILROAD MEDIATION CASES DOCKETED

Carrier	Union	Craft/Class
Canadian National Railway	UTU	Brakemen; Conductors; Yardmen
Canadian National Railway	UTU	Brakemen; Conductors, Yardmen
Elgin, Joliet & Eastern Railway Company	UTU	Hostlers
Elgin, Joliet & Eastern Railway Company	UTU	Trainmen
Elgin, Joliet & Eastern Railway Company	UTU	Yardmasters
Iowa Interstate Railroad, Ltd.	BMWED	Maintenance of Way Employees
Jefferson Warrior Railroad Company, Inc	USW	Operating/Non-Operating Employees
Massachusetts Bay Commuter Railroad Company	ATDD	Train Dispatchers
Massachusetts Bay Commuter Railroad Company	BRS	Signalmen
Massachusetts Bay Commuter Railroad Company	IAM	Machinist
Massachusetts Bay Commuter Railroad Company	IBB	Boilermakers-Blacksmiths
Massachusetts Bay Commuter Railroad Company	IBEW	Electrical Workers
Massachusetts Bay Commuter Railroad Company	JCC	Carmen
Massachusetts Bay Commuter Railroad Company	NCFO	Laborers
Massachusetts Bay Commuter Railroad Company	SMWIA	Sheet Metal Workers
Massachusetts Bay Commuter Railroad Company	BMWED	Maintenance of Way Employees
Massachusetts Bay Commuter Railroad Company	TCU	Clerks
Massachusetts Bay Commuter Railroad Company	TCU	Supervisors of Maintenance of Way Dept.
Massachusetts Bay Commuter Railroad Company	UTU	Conductors & Assistant Conductors
Pan Am Railways	UTU	Train Service
Pan Am Railways	IBEW	Electrical Workers
Port Authority Trans-Hudson Corporation	UTU	Conductors
Western New York & Pennsylvania Railroad, LLC	BLET	Train & Engine Service

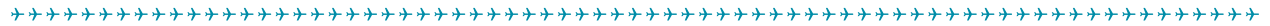
APPENDIX B: CASE RECORD



1C. AIRLINE MEDIATION CASES CLOSED

Carrier	Union	Craft/Class
Airbus North America	TWU	Simulator Maintenance Technician
Alaska Airlines	ALPA	Crewmembers
Amerijet International, Inc	IBT	Flight Engineers
Amerijet International, Inc	IBT	Pilots
Cape Air	IBT	Pilots
Hawaiian Airlines	TWU	Dispatchers
Piedmont Airlines	IBT	Mechanics & Related
PSA Airlines, Inc	TWU	Flight Dispatchers
Saudi Arabian Airlines	IAM	Flight Dispatchers
Southwest Airlines	TWU	Fleet & Passenger Service

APPENDIX B: CASE RECORD



1D. RAILROAD MEDIATION CASES CLOSED

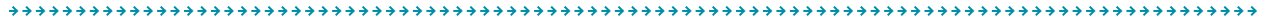
Carrier	Union	Craft/Class
Bessemer and Lake Erie	IBEW	Electrical Workers
Buffalo & Pittsburgh Railroad, Inc	UTU	Mixed Groups
Delaware and Hudson Railroad Company	TCU	Carmen
Elgin, Joliet and Eastern Railway Company	UTU	Hostlers
Elgin, Joliet and Eastern Railway Company	UTU	Trainmen
Elgin, Joliet and Eastern Railway Company	UTU	Yardmasters
Jefferson Warrior Railroad Company, Inc	USW	Operating/Non-Operating Employee
National Railway Labor Conference (NRLC); National Carriers Conference Committee (NCCC)	BMWED	Machinists
NJ Transit Rail Operations	IAM	Machinists
NJ Transit Rail Operations	IBEW	Electrical Workers
Port Authority Trans-Hudson Corporation	IBEW	Electrical Workers
Port Authority Trans-Hudson Corporation	IBEW	Supervisors of Car Dept; Supervisors of Signal Dept.
Port Authority Trans-Hudson Corporation	UTU	Conductors
Soo Line Railroad Company	BMWED	Maintenance of Way Employees
Soo Line Railroad Company	TCU	Carmen
South Kansas & Oklahoma Railroad	BMWED	Maintenance of Way Employees
Stillwater Central Railroad	BMWED	Maintenance of Way
Union Railroad Company	USW	Mechanics & Related

APPENDIX B: CASE RECORD

2A. ADR CASES DOCKETED

Case Type	Carrier/Entity	Union	Group
F	CSX Transportation	UTU	Yardmasters
F	CSX Transportation	UTU	Yardmasters
F	CSX Transportation	--	HR/LR
GM	CSX Transportation	ATDD	Train Dispatchers
GM	Comair	ALPA	Pilots
OP	CSX Transportation	UTU	PLB
OP	--	IAM	Fleet Service at United Airlines
OP	--	--	Phoenix Sky Harbor International Aviation Symposium
T	World Airways	IBT	Crewmembers
T	Atlantic Southeast Airlines	AFA	Flight Attendants
T	Jet Blue Airways	--	Pilots
T	--	IAM	Flight Attendants at Continental Airways
T-ODR	American Eagle	AFA	Flight Attendants
T-ODR	CSX Transportation	IAM	--
T-OGM	CSX Transportation	ATDD	Train Dispatchers

APPENDIX B: CASE RECORD



2B. ADR CASES CLOSED

Case Type	Carrier/Entity	Union	Group
F	American Eagle	ALPA	Pilots
F	Hawaiian Airlines	AFA	Flight Attendants
GM	Atlantic Southeast Airlines	AFA	Flight Attendants
GM	US Airways	AFA	Flight Attendants
GM	PSA Airlines, Inc	IBT	Fleet & Passenger Service
GM	United Parcel Service	IPA	Pilots
GM	Pinnacle Airlines, Inc	USW	Fleet Service
GM	Capital Cargo International Airlines	ALPA	Pilots
GM	US Airways	AFA	Flight Attendants
GM-ODR	American Eagle	ALPA	Pilots
OP	--	IAM	Fleet Service at United Airlines
OP	United Airlines	IAM	Fleet Service
OP	--	--	Phoenix Sky Harbor International Aviation Symposium
T-ODR	CSX Transportation	IAM	--
T	CSX Transportation	ATDD	Train Dispatchers
T	Atlantic Southeast Airlines	AFA	Flight Attendants
T	JetBlue Airways	--	Pilots
T	--	IAM	Flight Attendants at Continental Airlines
T-OGM	World Airways	IBT	Crewmembers

APPENDIX B: CASE RECORD



3A. AIRLINE REPRESENTATION CASES DOCKETED

Carrier	Union	Craft/Class
Aeko Kula (d/b/a Aloha Air Cargo)	IBT-IAM	Fleet Service Employees
Aeko Kula (d/b/a Aloha Air Cargo)	MC-IAM	Mechanics and Related Employees
Aeko Kula (d/b/a Aloha Air Cargo)	IBT-IAM	Stock Clerks
Air Transport International	ALPA-IBT	Flight Deck Crew Members
AirTran Airways	IAM	Fleet and Passenger Service Employees
Atlas Air/Polar Air Cargo	IBT-ALPA	Flight Deck Crew Members
Cape Air (Hyannis Air Service)	CAPA-IBT	Pilots
Center for Emergency Medicine	IAM	Mechanics and Related Employees
Colgan Air	ALPA	Flight Deck Crew Members
Comair	TWU	Dispatchers
Compass Airlines	AFA-CWA	Flight Attendants
Delta Air Lines/Northwest Airlines	ALPA	Flight Deck Crew Members
Delta Air Lines/Northwest Airlines	PAFCA-TWU	Flight Dispatchers
Delta Air Lines/Northwest Airlines	NAMA	Meteorologists
Great Lakes Aviation	UTU-IBT	Flight Attendants
Great Lakes Aviation	UTU-IBT	Pilots
Horizon Air Industries	IBT-AMFA	Mechanics and Related Employees
JetBlue Airways	JBPA	Cockpit Crew Members
Liberty Helicopters	IAM	Mechanics and Related Employees
Lynx Aviation	AFA-CWA	Flight Attendants
Lynx Aviation	UTU	Pilots
Mercy Air Service	NEMSA	Flight Nurses and Flight Medics
North American Airlines	ALPA-IBT	Flight Deck Crew Members
OpenSkies	IBT	Flight Attendants
Ryan International Airlines	AFA-CWA	Flight Attendants
Swissport, USA	RWDSU	Cargo Employees
USA 3000 Airlines	AFA-CWA	Flight Attendants
US Airways	TWU	Airport Services Training Instructors

APPENDIX B: CASE RECORD

3B. RAILROAD REPRESENTATION CASES DOCKETED

Carrier	Union	Craft/Class
Alabama & Gulf Coast Railway	UTU	Maintenance of Way Employees
Amtrak	ATDA	Supervisor – Commuter Operations
Aramark Rail Services, LLC	IBT/HERE	Kitchen, Commissary, Catering, and Related Employees
Chicago, Ft. Wayne & Eastern Railroad	BRS	Signalmen
Dakota, Minnesota & Eastern Railroad	BRS	Signalmen
Iowa, Chicago & Eastern Railroad	UTU-BLET	Train and Engine Service Employees
Jefferson Warrior Railroad	USW	Non-Operating Employees
Jefferson Warrior Railroad	USW	Operating Employees
Port Authority Trans-Hudson Corp.	IBEW	Transportation Operations Examiners
Progressive Rail	UTU	Train and Engine Service Employees
San Diego & Imperial Valley Railroad	BLET	Train and Engine Service Employees
South Central Florida Express	IAM	Office Clerical Employees
South Central Florida Express	IAM	Operating Employees
South Central Florida Express	IAM	Maintenance of Way Employees
South Central Florida Express	IAM	Mechanical Employees
Stillwater Central Railroad	UTU	Train and Engine Service Employees
Timber Rock Railroad	TRRU-UTU	Train and Engine Service Employees
Trans-Global Solutions	UTU	Train and Engine Service Employees

APPENDIX B: CASE RECORD

3C. AIRLINE REPRESENTATION CASES CLOSED

Carrier	Union	Craft/Class	Disposition
Aeko Kula (d/b/a Aloha Air Cargo)	IBT-IAM	Fleet Services Employees	Certification
Aeko Kula (d/b/a Aloha Air Cargo)	MC-IAM	Mechanics and Related	Dismissal
Aeko Kula (d/b/a Aloha Air Cargo)	IBT-IAM	Stock Clerks	Dismissal
Atlas Air/Polar Air Cargo	IBT-ALPA	Flight Deck Crew Members	Certification
Atlas Air/Polar Air Cargo	IBT	Flight Dispatchers	Certification
Center for Emergency Medicine	IAM	Mechanics and Related	Dismissal
Colgan Air	ALPA	Flight Deck Crew Members	Certification
Comair	TWU	Flight Dispatchers	Dismissal
Delta Air Lines/ Northwest Airlines	ALPA	Flight Deck Crew Members	FUI-Certification
Delta Air Lines/ Northwest Airlines	PAFCA-TWU	Flight Dispatchers	Certification
Delta Air Lines/ Northwest Airlines	NAMA	Meteorologists	Dismissal
Great Lakes Aviation	UTU-IBT	Flight Attendants	Certification
Great Lakes Aviation	UTU-IBT	Pilots	Certification
Horizon Air Industries	IBT-AMFA	Mechanics and Related	Certification
JetBlue Airways	JBPA	Cockpit Crew Members	Dismissal
Lynx Aviation	AFA-CWA	Flight Attendants	Certification
Lynx Aviation	UTU	Pilots	Certification
Mercy Air Service	NEMSA	Flight Nurses and Flight Medics	Dismissal-WDI
OpenSkies	IBT	Flight Attendants	Dismissal-WDI
Ryan International Airlines	AFA-CWA	Flight Attendants	Certification
Swissport, USA	RWDSU	Cargo Employees	Dismissal-WDI
US Airways	TWU	Airport Services Training Instructors	Dismissal

APPENDIX B: CASE RECORD



3D. RAILROAD REPRESENTATION CASES CLOSED

Carrier	Union	Craft/Class	Disposition
Alabama & Gulf Coast Railway	UTU	Maintenance of Way	Certification
Amtrak	ATDA	Supervisor – Commuter Operations	Dismissal-ISI
Aramark Rail Services, LLC	IBT/HERE	Kitchen, Commissary Catering and Related	Certification
Dakota, Minnesota & Eastern Railroad	BRS	Signalmen	Certification
Iowa, Chicago & Eastern Railroad	UTU-BLET	Train and Engine Service	Certification
Iowa Northern Railway	UTU	Train and Engine Service	Certification
Jefferson Warrior Railroad	USW	Non-Operating Employees	Dismissal
Jefferson Warrior Railroad	USW	Operating Employees	Certification
Progressive Rail	UTU	Train and Engine Service	Certification
San Diego & Imperial Valley Railroad	BLET	Train and Engine Service	Dismissal-WDI
South Central Florida Express	IAM	Office Clerical Employees	Certification
South Central Florida Express	IAM	Operating Employees	Certification
South Central Florida Express	IAM	Maintenance of Way	Certification
South Central Florida Express	IAM	Mechanical Employees	Certification
Stillwater Central Railroad	UTU	Train and Engine Service	Certification
Timber Rock Railroad	TRRU-UTU	Train and Engine Service	Certification
Trans-Global Solutions	UTU	Train and Engine Service	Dismissal-WDI
Western New York & Pennsylvania Railroad	BLET	Train and Engine Service	Certification

APPENDIX C: GLOSSARY & 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.

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.

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)

CFO Act Chief Financial Officer's Act.

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 "self help" under the RLA.

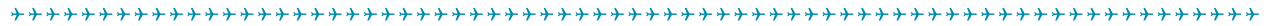
Craft or Class A group of employees deemed by the NMB to share a community of work and interest for the purpose of collective bargaining under the RLA.

Direct Negotiations Negotiations between the parties to a collective bargaining dispute before or apart from NMB mediation.

E-business The conduct of business on the Internet.

E-filing An electronic method for submitting documents.

APPENDIX C: GLOSSARY & ACRONYMS



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

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

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

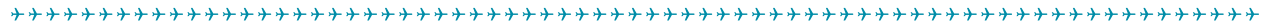
Legacy Carrier A major, traditional and hub-based airline versus point-to-point carriers.

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.

APPENDIX C: GLOSSARY & ACRONYMS



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.

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.

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 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 (PLB) 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.

APPENDIX C: GLOSSARY & ACRONYMS



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 9a 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.

APPENDIX C: GLOSSARY & ACRONYMS



ACRONYMS

AA	American Airlines
ABA	American Bar Association
ABX	Airborne Express
A-case	An NMB designation for a Mediation case
ACR	Association for Conflict Resolution
ADR	Alternative Dispute Resolution
ADRS	Alternative Dispute Resolution Services
AFA	Association of Flight Attendants
AFL-CIO	The American Federation of Labor and Congress of Industrial Organizations
AFSCME	American Federation of State, County and Municipal Employees
AIRCON	Airline Industrial Relations Conference
ALPA	Air Line Pilots Association
ALRA	Association of Labor Relations Agencies
AMFA	Aircraft Mechanics Fraternal Association
AMTRAK	National Railroad Passenger Corporation
APA	Allied Pilots Association
APFA	Association of Professional Flight Attendants
APG	Amerijet Pilots Group
ARASA	American Railway & Airway Supervisors Association
ATDD	American Train Dispatchers
ATSA	Aircraft Technical Support Association
BLET	Brotherhood of Locomotive Engineers and Trainmen
BMWE/D	Brotherhood of Maintenance of Way Employes
BRC	Brotherhood of Railway Carmen
BNSF	Burlington Northern Santa Fe
BRS	Brotherhood of Railroad Signalmen
CAPA	Cape Air Pilots Association
CBA	Collective Bargaining Agreement
CFO	Chief Financial Officer
CIO	Chief Information Officer
CLE	Continuing Legal Education
COOP	Continuity of Operations Plan
CP	Canadian Pacific
CSX/CSXT	CSX Transportation, Inc.

APPENDIX C: GLOSSARY & ACRONYMS

CWA	Communication Workers of America
DEU	Delegating Examining Activities
EEOC	Equal Employment Opportunity Commission
F-case	An ADR designation for Facilitation cases (F and F-ODR)
FFMIA	Federal Financial Management Improvement Act
FISMA	Federal Information Security Management Act
FMFIA	Federal Managers' Financial Integrity Act of 1982
FUI	Findings Upon Investigation
FY	Fiscal Year
GM	Grievance Mediation
GM-case	An ADR designation for Grievance Mediation cases (GM and GM-ODR)
GPRA	Government Performance and Results Act
HERE	Hotel Employees & Restaurant Employees International Union
IAM	International Association of Machinists & Aerospace Workers
IBB	Interest Based Bargaining
IBB	International Brotherhood of Boilermakers...
IBEW	International Brotherhood of Electrical Workers
IBT	International Brotherhood of Teamsters
IT	Information Technology
JBPA	JetBlue Pilots Association
JCC	Joint Council of Carmen
JD	Juris Doctor (Doctor of Law)
KCS	Kansas City Southern
MC	Mechanics Committee
MNR	Metro-North Railroad (MTA)
NAMA	Northwest Airlines Meteorologists Association
NARA	National Archives and Records Administration
NCFO	National Conference of Firemen and Oilers
NEMSA	National Emergency Services Association
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
NMB	National Mediation Board
NRAB	National Railroad Adjustment Board
NRLC	National Railway Labor Conference
NRPC	National Railroad Passenger Corporation (Amtrak)
NS	Norfolk Southern
OA	Office of Administration

APPENDIX C: GLOSSARY & ACRONYMS

ODR	Online Dispute Resolution
OLA	Office of Legal Affairs
OMB	Office of Management and Budget
OP	Outreach and Promotion
OP-case	An ADR designation for Outreach OP and OP-ODR cases
OPEIU	Office and Professional Employees International Union
OPM	Office of Personnel Management
OVC	Online Video Conferencing
PACFA	Professional Airline Flight Control Association
PAR	Performance and Accountability Report
PEB	Presidential Emergency Board
PHL	Philadelphia International Airport
PLB	Public Law Board
R-case	An NMB designation for a Representation case
RITU	Railway Independent Transit Union
RLA	Railway Labor Act
RR	Railroad
RWDSU	Retail, Wholesale & Department Store Union
SBA	Special Board of Adjustment or System Board of Adjustment
SEPTA	Southeastern Pennsylvania Transportation Authority
SMWIA	Sheet Metal Workers International Union
SOP	Standard Operating Procedures
SWAPA	Southwest Airlines Pilots Association
T-case	An ADR designation for Training cases (T and T-ODR)
TCU/TCIU	Transportation Communications International Union
TEV	Telephone Electronic Voting
TIC	Trusted Internet Connections
TRRU	Timber Rock Represented Union
TSA	Transportation Safety Administration
TWA	Trans World Airlines
TWU	Transport Workers Union of America
UMASS	University of Massachusetts - Amherst
USAPA	US Airline Pilots Association
USWA	United Steelworkers of America
UTU	United Transportation Union

APPENDIX D: REGISTRY OF BOARD MEMBERS



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

1. Ms. Puchala was a Senior Mediator (ADR) of the NMB at the time for her appointment as Member. Her current term expires July 1, 2012.

2. Current term expires July 1, 2010.

3. Current term expires July 1, 2011.

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