



2022

NATIONAL MEDIATION BOARD

ANNUAL PERFORMANCE AND ACCOUNTABILITY REPORT

CHAIRMAN'S LETTER

NOVEMBER 15, 2022



When the National Mediation Board was established 88 years ago, its mission was to prevent the interruption of interstate commerce in the rail and airline industries. In 2022, the Agency's mission remains an essential element to the stability of these two industries and the nation's economy. The Railway Labor Act's statutory authority is the underpinning of the Agency's work in the areas of Labor/Management Relations including mediation, representation and arbitration services. Critical to the Agency's success is its work in the promotion of harmonious labor/management relationships.

In FY 2022, the Board provided Mediation Services on 93 labor contract cases with 46 cases brought to a successful conclusion without any interruption to service. Compounding the success in this area was the Board's Alternative Dispute Resolution (ADR) efforts which uses non-traditional mediation techniques to resolve contract and grievance related issues. Our NMB Mediators were successful in working on 49 ADR cases which resolved multiple contract issues and thousands of grievances. One such ADR program, the Ambassador Program, pairs NMB Mediators with rail labor and management teams to resolve grievances in an effort to avoid more costly arbitration. This increasingly popular program promotes the concept that settlements crafted by the parties are more durable than arbitration decisions because they resolve core issues which precepted the grievance.

In FY 2022, the Agency's Legal Staff closed a total of 31 Representation cases. Despite the pivot to mail ballot elections, out of these cases, the NMB held 20 representation elections, the most since 2017. These 20 elections resulted in 15 certifications.

The Office of Arbitration Services focused its attention on reducing the number of cases requiring arbitration by recommending Grievance Mediation to the parties and coordinating with the Office of Mediation Services to provide Mediator assistance. The arbitration staff continued the Board's practice of removing cases from the arbitration docket that had not been progressed to arbitration by the parties within 2 years of established guidelines. At the conclusion of FY 2022, a total of 3,803 arbitration cases were decided and closed.

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

In FY 2022, the Office of Administration, which is responsible for human resources management and office space management, focused its attention on the hiring and training of NMB personnel as well as a cloud based management of inventory and assets. Training plans, both through individual training plans (IDP) and the department training plans, enhanced the skill level of our employees.

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

The NMB Office of Fiscal Services includes services for budget formulation and execution, accounting and financial reporting, audit services, payroll, employee travel administration as well as contracting and interagency agreement services. In FY 2022 the NMB continued its commitment to sound financial management by utilizing the Bureau of Fiscal Services (BFS) for financial reporting requirements, accounting and contracting services as well as e-travel. In addition, the NMB continued its use of other federal government shared service providers including the Department of Interior Personnel, Payroll, Human Resources and Related Systems and Services as well as the General Services Administration (GSA) for agency purchase and travel credit cards. In FY 2022 the NMB continued its use of the cloud based Concur Government Edition (CGE) Travel Services.

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

As FY 2022 comes to a close, the Agency is well positioned to meet the challenges that lie ahead.



LINDA A. PUCHALA

Chairman

TABLE OF CONTENTS

1. MANAGEMENT'S DISCUSSION AND ANALYSIS (MD&A)

ABOUT THE NMB

- 04| Mission Statement
- 05| NMB Structure
- 07| NMB Board Members and Directors
- 11| Registry of Board Members

PROGRAM OFFICES OVERVIEW

- 13| Office of Mediation Services
- 13| Mediation Overview
- 17| ADR Overview
- 19| Office of Legal Affairs
- 19| Representation Overview
- 23| Presidential Emergency Board (PEB) Overview
- 25| Office of Arbitration Services

RAILROAD GRIEVANCE ARBITRATION

- 29| NRAB Board Members and Referees
- 30| Section 3 Tribunals

SUPPORTING REPORTS & TABLES

- 33| Case Tables
- 38| Case Records

SUPPORT OFFICES OVERVIEW

- 48| Office of Administration
- 49| Office of Information Services
- 50| Office of Fiscal Services

BRIEF ANALYSIS OF FINANCIAL STATEMENTS

- 51| Limitations of Financial Statements

MANAGEMENT ASSURANCES

- 52| FMFIA Assurance Statement

2. MEASURING PERFORMANCE: KEY RESULTS FOR FY 2022

- 55| Program Offices
- 58| Support Offices

3. FINANCIAL INFORMATION

- 65| Letter from the Chief Financial Officer
- 66| NMB Audit of Financial Statements

4. OTHER INFORMATION

- 89| Summary of Financial Statement Audit and Management Assurances (unaudited)
- 90| Improper Payments Information Act
- 90| Government Charge Card Programs

5. APPENDIX

- 93| Glossary
- 96| Acronyms

MANAGEMENT'S
DISCUSSION
AND ANALYSIS
(MD&A)

01.



ABOUT THE NATIONAL MEDIATION BOARD

04

MISSION STATEMENT

05

NMB STRUCTURE

07

NMB BOARD MEMBERS AND DIRECTORS

11

REGISTRY OF BOARD MEMBERS

MISSION

The National Mediation Board was established by the 1934 amendments to the Railway Labor Act* of 1926. It is an independent, federal agency performing a central role in facilitating harmonious labor-management relations within two of the nation's key transportation sectors: railroads and airlines.

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

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

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

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

**The Railway Labor Act provides a comprehensive statutory framework for the resolution of labor-management disputes in the railroad and airline 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 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.*

NMB STRUCTURE

CHAIRMAN AND MEMBERS OF THE BOARD

Linda A. Puchala¹
Chairman

Gerald W. Fauth, III²
Member

Deirdre Hamilton³
Member

Nancy Guiden
Confidential Assistant

Ernie Fleischer⁴
Confidential Assistant

PROGRAM OFFICES

OFFICE OF LEGAL AFFAIRS

Maria-Kate Dowling⁵
General Counsel

Norman Graber⁶
Counsel

Eileen Hennessey
Counsel

Andres Yoder
Counsel

Josie G.M. Bautista
Counsel

John S.F. Gross
Counsel

Keith Hussong
Program Support Specialist

OFFICE OF MEDIATION SERVICES

John Livingood⁷
Acting Director

Patricia Sims⁸

Anthony Tosi
Mediator

Gerry McGuckin
Mediator

James Mackenzie
Mediator

Michael Kelliher
Mediator

Eva Durham
Mediator

Jane Allen
Mediator

Connor M. Parker⁹
Mediator

Jack Stephan¹⁰
Mediator

OFFICE OF ARBITRATION SERVICES

Terri D. Brown
Director

Elijah Crayton
Lead Management &
Program Analyst

Linda Gathings
Arbitration Program Specialist
(Chicago)

Michaela Guyton
Arbitration Program Specialist
(Chicago)

Dexter Batts, Jr.
Arbitration Program Specialist



SUPPORT OFFICES

OFFICE OF FISCAL SERVICES

Michael Jerger
Chief Financial Officer

Denise Murdock
Program & Management
Analyst

Eric B. Johnson
Budget & Financial Analyst

OFFICE OF INFORMATION SERVICES

William Fumey
Chief Information Officer

Taha Sadeghi
Information Technology
Specialist (INFOSEC)

Amy Anderson
Information Technology
Specialist (INFOSEC)

Nathan Jones
Information Technology
Specialist (INFOSEC)

OFFICE OF ADMINISTRATION

Michael Jerger
Acting Director

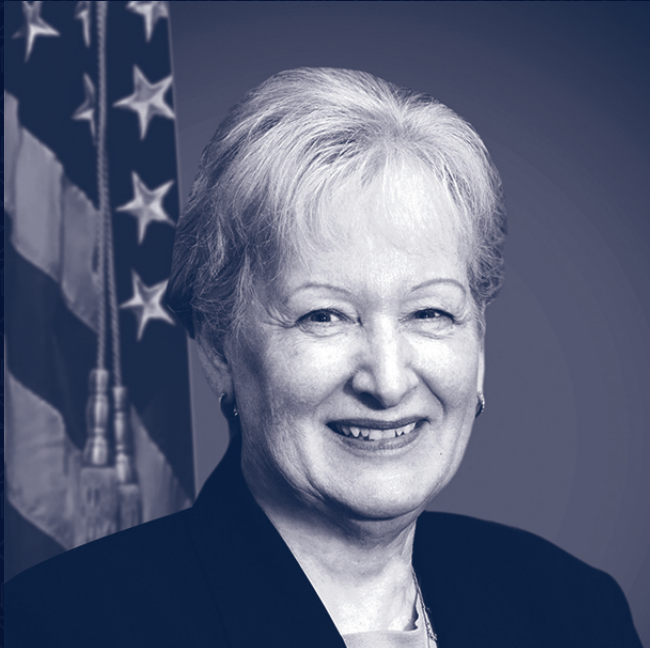
Bruce Conward, Jr.
Support Service Specialist

Terran C. Walker
Support Service Specialist

Footnotes:

1. Became Chairman on July 1, 2022.
2. Served as Chairman from July 1, 2021 through June 30, 2022.
3. Became Member of the Board on January 25, 2022.
4. Joined NMB on September 4, 2022.
5. Promoted to General Counsel on September 11, 2022.
6. Retired from NMB on December 31, 2021.
7. Appointed as Acting Director of Mediation Services on August 4, 2022.
8. Retired from NMB on July 30, 2022.
9. Selected as a Mediator on August 14, 2022.
10. Joined NMB on September 11, 2022.

BOARD CHAIRMAN



LINDA A. PUCHALA

Chairman

Chairman Puchala was first confirmed as a Member of the National Mediation Board by the United States Senate on May 21, 2009. Ms. Puchala previously served as Chairman from May 2009 through June 30, 2009; July 1, 2011 through June 30, 2012; July 1, 2013 through June 30, 2014; July 1, 2016 through June 30, 2017; and July 1, 2019 through June 30, 2020. Her most recent Senate confirmation came on November 2, 2017. She has been re-nominated to her position by the Biden-Harris Administration.

Puchala has held various positions at the NMB during her 23-year tenure. Prior to serving as a Board Member for 13 years, Ms. Puchala served 10 years at the NMB first as a Mediator and then as Sr. Mediator (ADR), and the Associate Director of Alternative Dispute Resolution Services. Ms. Puchala's prior labor relations experience includes serving in various elected union positions before becoming the International President of the Association of Flight Attendants — CWA, AFL-CIO. Ms. Puchala also served as Staff Director, Michigan State Employees Association, AFSCME, AFL-CIO which represents members in the labor and trades and safety and regulatory fields.

A native of Michigan's Upper Peninsula, Ms. Puchala now resides in Glen Burnie, Maryland. She holds a Bachelor's degree in Business Administration from Cleary University in Howell, Michigan.

BOARD MEMBERS



GERALD W. FAUTH, III

Member

Gerald W. Fauth, III, was confirmed by the United States Senate on November 2, 2017, and assumed his position as a Board Member. Mr. Fauth served as Chairman of the National Mediation Board from November 9, 2017, through June 30, 2018; and from July 1, 2021 through June 30, 2022. Mr. Fauth has 40 years of experience in the private sector and federal government working on economic, regulatory, public policy, and legislative issues related to transportation.

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

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

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



DEIRDRE HAMILTON

Member

Ms. Deirdre Hamilton was confirmed by the United States Senate as a Member of the National Mediation Board on December 7, 2022.

Prior to becoming a Member, Ms. Hamilton worked as a staff attorney at the International Brotherhood of Teamsters (IBT), working exclusively with the IBT's Airline Division. At the IBT she represented most of the crafts or classes within the airline industry—including pilots, flight attendants, technicians, and aircraft cleaners – at both commercial and cargo air carriers. Before that, Ms. Hamilton was a staff attorney at the Association of Flight Attendants. In her career, she has handled a wide range of legal matters including National Mediation Board elections and mediation, collective bargaining support, contract enforcement, and litigation of Railway Labor Act issues. Ms. Hamilton began her career as a legal fellow in the General Counsel's office at the International Association of Machinists and Aerospace Workers.

Ms. Hamilton has been an active member of the Railway Labor Act legal community. She has served as a panelist at meetings of the American Bar Association's Labor and Employment Law Committee and the Railway and Airline Labor Law Committee. She has also served as a Senior Editor for the ABA Railway Labor Act Treatise.

Ms. Hamilton is a graduate of Oberlin College and the University of Michigan Law School.

DIRECTORS



MARIA-KATE DOWLING

General Counsel

Maria-Kate Dowling is General Counsel of the National Mediation Board. Ms. Dowling was selected as the new General Counsel in September 2022. She was appointed as Acting General Counsel in October 2020. Ms. Dowling joined the NMB as Associate General Counsel in 2003.

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. Dowling provides legal advice to the Board Members and agency staff. In addition, she ensures compliance with the Freedom of Information Act, Government in the Sunshine Act, and other statutes.

Ms. Dowling received a B.S. degree in Computer Science and a B.A. degree in English from the University of Maryland, where she was elected to Phi Beta Kappa. She earned a J.D. with honors from the George Washington University National Law Center. Ms. Dowling is a member of the Maryland Bar.



JOHN LIVINGOOD

Acting Director, Office of Mediation Services

John M. Livingood joined the National Mediation Board in April 2000, as a Mediator, working on both airline and railroad cases. Mr. Livingood has served as a Senior Mediator since August 3, 2020.

Prior to joining the Board, Mr. Livingood had over 19 years of experience in Labor Relations in the rail industry, including at National Railroad Passenger Corporation (AMTRAK) and Consolidated Rail Corporation (Conrail). Additionally, he has 3 years of experience in private practice as a mediator and arbitrator.

Mr. Livingood holds a Bachelor of Arts degree from Villanova University, a Juris Doctor from Villanova Law School, and an LL.M. from Temple University Law School.



TERRI D. BROWN

Director, Office of Arbitration Services

Terri D. Brown is the Director, Office of Arbitration Services at the National Mediation Board, where she is responsible for all aspects of grievance and interest arbitration in the airline and railroad industries. Ms. Brown was selected as the new Director of Arbitration Services in March 2020. She joined the NMB in 2002 as a Mediator and was subsequently promoted to Senior Mediator in 2010. Ms. Brown has more than 25 years of experience in labor relations, mediation, arbitration, and dispute resolution. During her tenure as an NMB mediator she successfully mediated many complex cases in both the airline and railroad industries. Since 2010, she has served as one of the two Ombudsmen under the NMB's internal Conflict Prevention and Resolution Policy.

Ms. Brown has an MBA from the University of Baltimore, a JD from Howard University and a BA from Chatham University.



MICHAEL JERGER

Chief Financial Officer

Acting Director, Office of Administration

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

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

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



WILLIAM FUMEY

Chief Information Officer

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

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

REGISTRY OF BOARD MEMBERS

| NAME | START DATE | END DATE |
|----------------------------|------------|-----------------------|
| Deirdre Hamilton | 01-25-22 | Active ¹ |
| Gerald W. Fauth, III | 11-09-17 | Active ² |
| Linda A. Puchala | 05-26-09 | Active ³ |
| Kyle Fortson | 11-13-17 | 11-22-21 ⁴ |
| Harry R. Hoglander | 08-06-02 | 11-09-17 |
| Nicholas C. Geale | 08-19-13 | 02-15-17 |
| Elizabeth Dougherty | 12-13-06 | 06-02-12 |
| Read Van de Water | 12-11-03 | 05-22-09 |
| Edward J. Fitzmaurice, Jr. | 08-02-02 | 12-13-06 |
| Francis J. Duggan | 11-22-99 | 11-21-03 |
| Magdalena G. Jacobsen | 12-01-93 | 08-02-02 |
| Ernest W. DuBester | 11-15-93 | 08-01-01 |
| Kenneth B. Hipp | 05-19-95 | 12-31-98 |
| Kimberly A. Madigan | 08-20-90 | 11-30-93 |
| Patrick J. Cleary | 12-04-89 | 01-31-95 |
| Joshua M. Javits | 01-19-88 | 11-14-93 |
| Charles L. Woods | 01-09-86 | 01-15-88 |
| Helen M. Witt | 11-18-83 | 09-18-88 |
| Walter C. Wallace | 10-12-82 | 07-01-90 |
| Robert J. Brown | 08-20-79 | 06-01-82 |
| Robert O. Harris | 08-03-77 | 07-31-84 |
| Kay McMurray | 10-05-72 | 07-01-77 |
| Peter C. Benedict | 08-09-71 | 04-12-72 |
| David H. Stowe | 12-10-70 | 07-01-79 |
| George S. Ives | 09-19-69 | 09-01-81 |
| Howard G. Gamser | 03-11-63 | 05-31-69 |
| Robert O. Boyd | 12-28-53 | 10-14-62 |
| Leverett Edwards | 04-21-50 | 07-31-70 |
| John Thad Scott, Jr. | 03-05-48 | 07-31-53 |
| Francis A. O'Neill, Jr. | 04-01-47 | 04-30-71 |
| Frank P. Douglass | 07-03-44 | 03-01-50 |
| William M. Leiserson | 03-01-43 | 05-31-44 |
| Harry H. Schwartz | 02-26-43 | 01-31-47 |
| David J. Lewis | 06-03-39 | 02-05-43 |
| George A. Cook | 01-07-38 | 08-01-46 |
| Otto S. Beyer | 02-11-36 | 02-11-43 |
| John M. Carmody | 07-21-34 | 09-30-35 |
| James W. Carmalt | 07-21-34 | 12-02-37 |
| William M. Leiserson | 07-21-34 | 05-31-39 |

¹ Term ended July 1, 2022.

² Term ended July 1, 2020.

³ Term ended July 1, 2018.

⁴ Resigned from the Board on November 22, 2021.

PROGRAM OFFICES OVERVIEW

13

OFFICE OF MEDIATION SERVICES

19

OFFICE OF LEGAL AFFAIRS

25

OFFICE OF ARBITRATION SERVICES

OFFICE OF MEDIATION SERVICES

The Office of Mediation Services (OMS) manages mandatory mediation of collective bargaining disputes pursuant to statutory authority under Section 5 of the RLA, which is applicable to both the airline and railroad industries. The Alternative Dispute Resolution (ADR) component of OMS offers voluntary dispute resolution programs to the parties including training, facilitation, grievance mediation, and other dispute resolution efforts.

MEDIATION OVERVIEW

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

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

A flow-chart of mediation procedures can be found in the Mediation section of the NMB website at nmb.gov. An application for NMB Mediation Services may be obtained from the Agency's website at https://nmb.gov/NMB_Application/index.php/mediation-application/

MEDIATION HIGHLIGHTS

Mediation for collective bargaining agreements has been successful in FY 2022. Mediators effectively used their skills to assist parties in finding ways to bridge their disputes and reach agreement. Agreements were mediated in the airline sector with passenger and freight carriers, and in the rail sector with freight and commuter lines. Challenges at the bargaining table included both the severe COVID-19 related financial impact on certain carriers and dealing with health care changes.

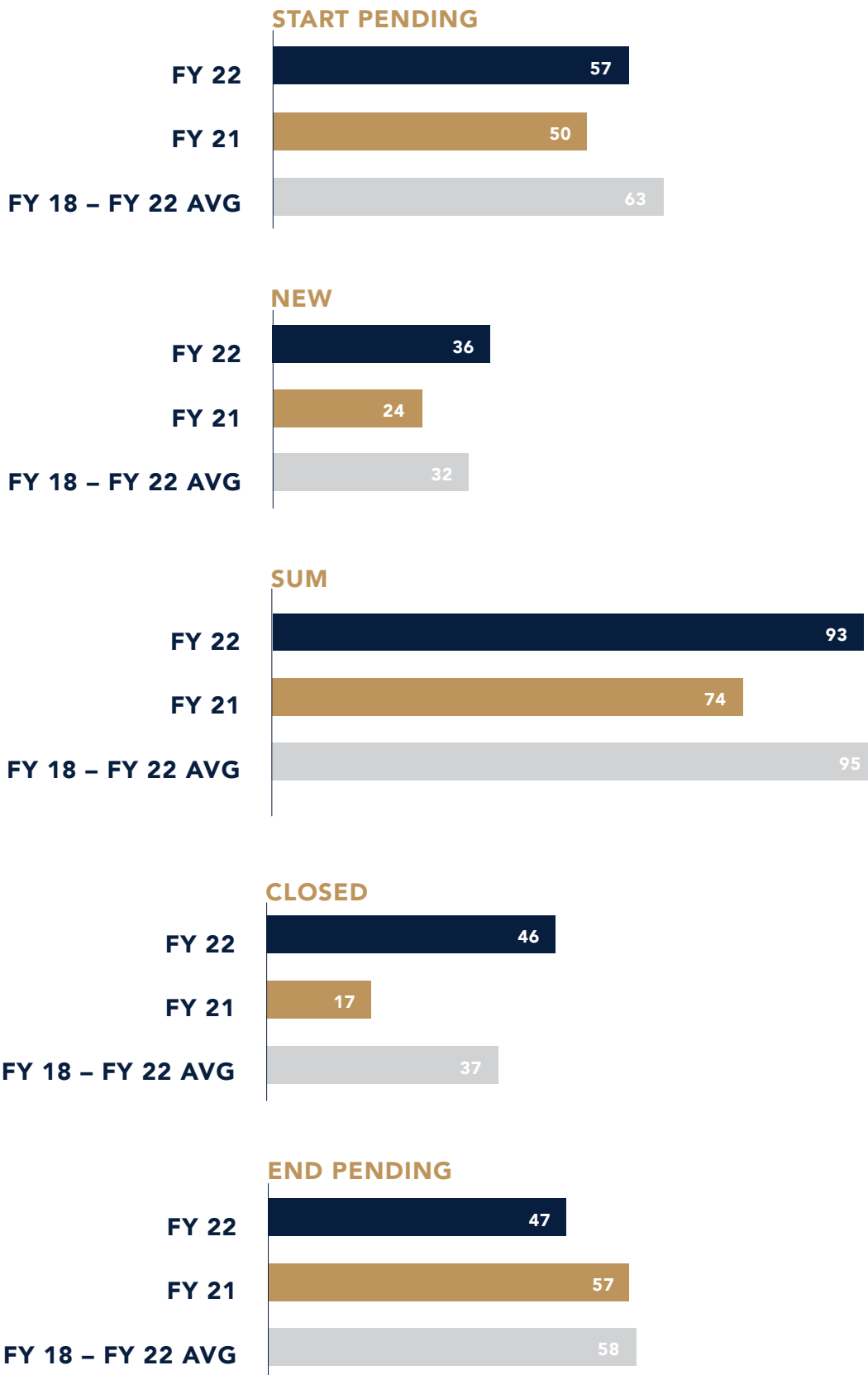
Settlements

Settlement were reached with United Air Lines/IBT Maintenance Controllers, Piedmont Airlines/AFA Flight Attendants, Envoy Air/TWU Fleet Service. In commuter rail service operations: Three settlements on PATH with the ATDA, Dispatchers, the RITU Shop Craft employees, and BRS Signalmen; fifteen settlements were reached on Metra with the TCU/IAM Clerical employees, Supervisors, and Carmen, the BMWED Maintenance of Way workers, the IAM Machinists, the Smart-TD Conductors, Assistant Conductors, and Yardmasters, the IBEW Engineering, Mechanical, Substation, and Communications Electricians, the BLET Locomotive Engineers, the NCFO Mechanical employees, and the MAP Police; two settlements were reached on MNRR with ACRE locomotive Engineers and Conductors, Yardmasters, and Assistant Station Masters; and one agreement was reached on NJT with their TWU carmen. In the freight rail operations, a number of settlements were reached: Terminal Railway Alabama State Docks/BMWED, Buffalo and Pittsburgh Railroad, Inc. (GW)/IBEW, DM&E(CP)/BLET, Illinois and Midland Railroad Inc. (G&W)/SMART-TD, Chicago, South Shore and South Bend Railroad/SMART-TD, and 2 settlements with New York, Susquehanna and Western Railway/BMWED, two settlements with York Railroad (GW)/SMART-TD, and 3 settlements with Central Maine & Quebec Railway (CP)/BMWED. After PEB 250, settlements were ratified in the NCCC cases with the TCU Clerks, TCU Carmen, and the IBEW.

Pending Cases

Forty-seven cases remained open at the close of FY 2022. COVID-19 financial repercussions continued in the airline industry, most adversely affecting the catering sector of the airline industry. In the airline catering sector, the NMB is working with Gate Gourmet/IBT-HERE and LSG Sky Chefs / UNITE HERE. Delta Air Lines/ALPA Pilots continued in mediation. Seven additional air carriers with their unions entered mediation this year: Air Wisconsin Airlines Corporation/TWU, Allied Aviation Services/IAM, Air Methods Corp./OPEIU, and Silver Airways/AFA, Air Alaska/ALPA, Southwest Airlines/TWU(FA), and Southwest Airlines/SWAPA. In the area of commuter rail, the NMB is working with PATH toward settling its remaining cases; Metro North/IBEW Electricians, and LIRR/BLET Locomotive Engineers, New Jersey Transit/BLET, Engineer, Assistant Engineers, and Locomotive Engineers Trainees continue in mediation; and two new cases were docketed, SEPTA/SAMART-TD and SEPTA/BLET. Regarding Railroad National Handling involving the NCCC and the coalition of BMWED and SMART MD that entered mediation in 2021, they were joined by ten additional unions in 2022; all unions in National Handling requested a release from mediation and were released; and their positions and those of the NCCC were presented to PEB 250 (three cases settled September 2022). The NCCC also entered mediation separately with three Carriers and SMART-TD involving Crew Consist. CSXT-ILA entered mediation. Regional and short-line carriers continued mediation and were joined in mediation by four additional Carriers and Unions, Gary Railway/SMART-TD, Soo Line (CP)/BLET, NYNJ Rail/SIU, and the Northern Missouri & Arkansas (GW)/SMART-TD.

A chart reflecting the actual mediation case numbers for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022, follows:





ADR OVERVIEW

In addition to statutory mediation and arbitration services under Sections 3 and 5 of the RLA, the NMB provides voluntary Alternative Dispute Resolution (ADR) services. ADR Services include training, facilitation, grievance mediation, and applying technology to the dispute resolution process.

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

The NMB established its ADR Services program with the conviction that use of ADR methods would result in fewer cases progressing to statutory mediation, reducing and narrowing the issues that the parties bring to mediation, and positively affecting working relationships among the parties.

A complete description of and an application for ADR Services may be found on the Agency's web site at www.nmb.gov.

ADR HIGHLIGHTS

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

Training

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

Facilitation

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

Grievance Mediation

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

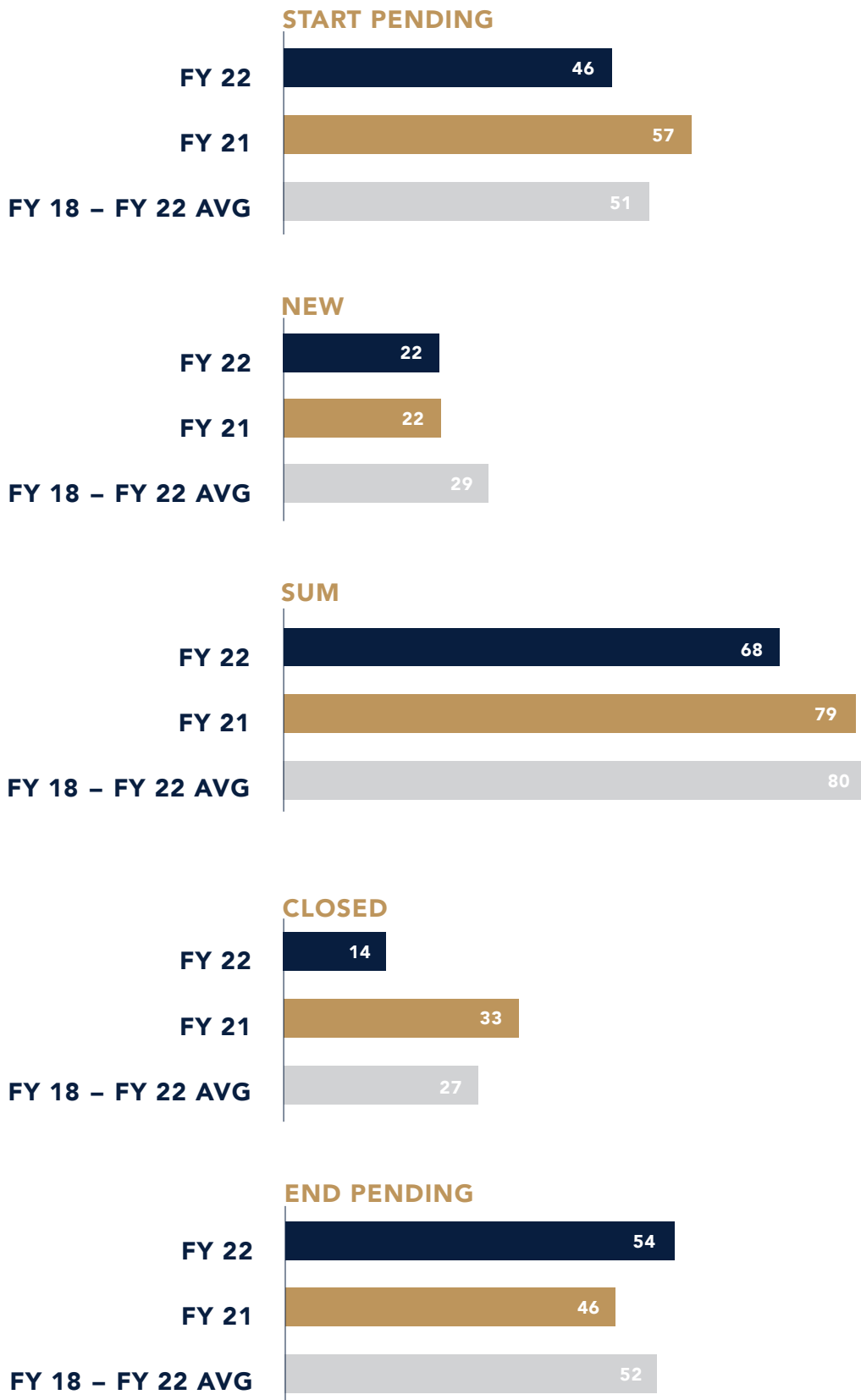
Technological Dispute Resolution

Technology continues to play an important role in resolving disputes in the air and rail industries. Especially during the pandemic when timing is critical, or when information exchange is beneficial, video conferencing technology has helped to provide virtual face to face meetings to allow Mediation sessions to continue.

Pending Cases

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

A chart reflecting the actual ADR case numbers for FY 2022, FY 2021, and the five-year average, FY 2018-FY 2022, follows:



OFFICE OF LEGAL AFFAIRS

REPRESENTATION OVERVIEW

Under the Railway Labor Act (RLA), employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining. Employees may also decline representation. An RLA representational unit is “craft or class,” which consists of the overall grouping of employees performing particular types of related duties and functions. The selection of a collective bargaining representative is accomplished on a system-wide basis, which includes all employees in the craft or class anywhere the carrier operates in the United States. Due to this requirement and the employment patterns in the airline and railroad industries, the Agency’s representation cases frequently involve numerous operating stations across the nation. An application for a representation investigation may be obtained from the Agency’s web site at nmb.gov.

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

In many instances, labor and management raise substantial issues relating to the composition of the electorate, jurisdictional challenges, allegations of election interference, and other complex matters which require careful investigations and ruling by the NMB.

The following chart reflects the actual case numbers for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022:

| | FY 2022 ACTUAL | FY 2021 ACTUAL | FY 2018 – FY 2022 FIVE-YEAR AVERAGE |
|------------------------|-------------------|-------------------|--|
| Cases Pending at Start | 14 | 10 | 8 |
| Cases Docketed | 29 | 17 | 19 |
| Cases Closed | 31 | 13 | 19 |
| Cases Pending at End | 12 | 14 | 9 |

HIGHLIGHTS DURING FISCAL YEAR 2022

The NMB 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.

In FY 2022, the OLA staff closed 31 cases and also docketed 29 cases.

CASE SUMMARIES

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.

In *Philippine Airlines*, 49 NMB 12 (2022), and *Alaska Airlines*, 49 NMB 37 (2022), the Board applied its longstanding accretion doctrine to find that the employees covered by the representation application were part of an existing, certified craft or class. Under *Ross Aviation*, 22 NMB 89 (1994), when a labor organization submits an application to represent employees who already belong to a craft or class it is certified to represent, it is the Board's established policy to dismiss the application on the grounds that an election is unnecessary. Instead, if the application is supported by the requisite 50 percent showing of interest, the NMB accretes the employees to the certified craft or class in which they belong.

The NMB also certified bargaining representatives by authorization card check in three cases: *Eulen America*, 49 NMB 67 (2022) (Fleet and Passenger Service Employees); *Eulen America*, 49 NMB 69 (2022) (Security Employees); and *Norse Atlantic Airways*, 49 NMB 139 (2022). As provided in Section 7 of the NMB's Representation Manual, the NMB will certify a representative by card check where the craft or class of employees is currently unrepresented and the labor organization and carrier agree in writing. The NMB will not accept authorization cards requesting a representation election as support for certification by card check.

In FY 2022, the Board conducted three decertification elections: *Northern Air Cargo*, 49 NMB 135 (2022) (Dispatchers), *Buffalo & Pittsburgh Railroad*, 49 NMB 131 (2022) (Machinists and Machinists Helpers), and *The Indiana Railroad Co.*, 49 NMB 150 (2022) (Maintenance of Way Employees). Each of these elections resulted in the decertification of the incumbent representative, the employees in the craft or class becoming unrepresented, and the application of the two-year election bar.

JURISDICTIONAL OPINIONS

In FY 2018, NMB reaffirmed its traditional two-part test for determining whether an entity is a derivate carrier subject to the RLA and its reliance on multiple factors to establish the required control by an air or rail carrier. *ABM-Onsite Services*, 45 NMB 27 (2018). In FY 2022, the NMB had three pending jurisdictional referrals from the National Labor Relations Board (NLRB). In view of the National Labor Relations Act's specific exemption of employers covered by the RLA, the NLRB follows a longstanding practice of referring cases to the NMB in instances where the jurisdictional issue is raised. In these cases, the NMB reviews the record provided by the NLRB and provides an opinion letter regarding whether the employer in question is, in the NMB's opinion, covered by the RLA.

The NMB also applies the two-part jurisdictional test to determine whether RLA jurisdiction exists in representation applications filed with the NMB. In *Aerostar Airport Holdings*, 49 NMB 73 (2022), the Board determined that Aerostar and its employees were not subject to the RLA. The application was filed by a labor organization, *Hemandad de Empleados de Oficina, Comercio y Ramas Anexas de Puerto Rico* seeking to represent the firefighter employees of Aerostar, a company with a 40-year lease to operate and maintain the Luis Munoz Marin International Airport (LMMIA). The NMB found that the record failed to establish that any air carrier exercised sufficient control over Aerostar's operations at LMMIA, including how it conducts its business or how its firefighter employees perform their work, to establish RLA jurisdiction. Accordingly, the NMB dismissed the application.

The following chart reflects the actual number of jurisdictional opinions* issued for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022:

| | FY 2022 ACTUAL | FY 2021 ACTUAL | FY 2018 – FY 2022 FIVE-YEAR AVERAGE |
|-------------------------|-------------------|-------------------|--|
| Jurisdictional Opinions | 1 | 0 | 3 |

*Jurisdictional opinions are considered separate and not reflected in the overall representation case numbers.

MAIL BALLOT VOTING

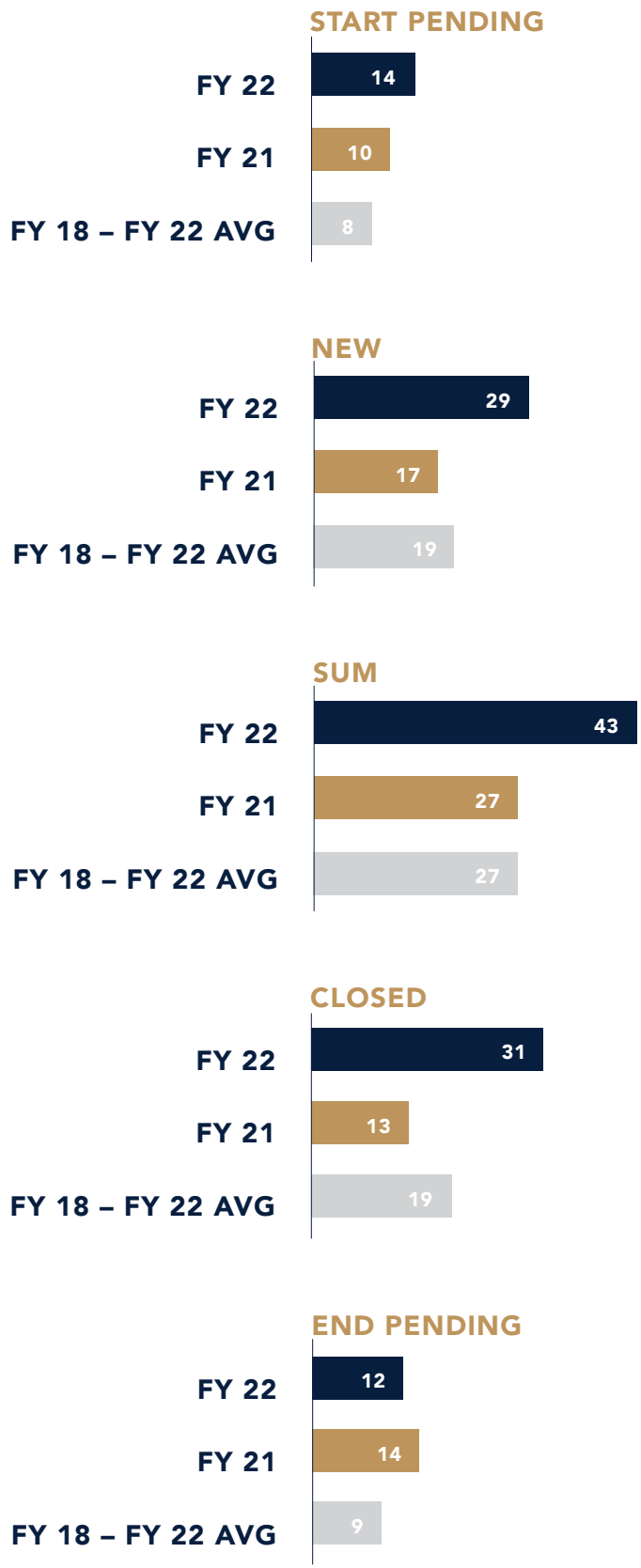
On September 3, 2021, the NMB announced that it would begin conducting representation elections by mail ballot for a period of time as the agency transitions to a new electronic voting system. Mail ballots have been used historically at NMB. All parties involved in elections will receive detailed instructions and guidance from the NMB Office of Legal Affairs regarding mail ballot participation.

As part of the ongoing federal government cybersecurity evaluation process, all agency IT systems in use are examined to ensure compliance with federal standards. NMB is committed to compliance with federal information security requirements. Pursuant to this evaluation process, the NMB requested certain IT information from its electronic voting contractor. Due to the failure of the contractor to provide the requested information during this past year, the NMB decided to stop operating elections under the existing contract, which expired on September 30, 2021. Further, the NMB’s recent solicitation for a contract resulted in no bids. Therefore, the agency is initiating a process to build a comparable electronic voting system internally.

The Board shares a unified commitment to return to internet voting as soon as possible. Electronic voting has been used in hundreds of past NMB elections where thousands of rail and air employees freely determined their chosen representatives or decided to end representation and deal directly with their employer. The Board also shares a commitment to build a new safe and secure electronic voting system that totally complies with all federal security standards.

In FY 2022, the NMB has conducted all of its representation elections by mail balloting while soliciting bids for the construction of a new electronic voting system. After reviewing and updating the mail ballot election procedures in the NMB’s Representation Manual, OLA began mail ballot elections in November 2021. In FY 2022, the Board held 20 mail ballot tallies. The number of eligible voters involved in these elections has ranged from 5 to 500.

A chart reflecting the actual representation case numbers for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022, follows:



PRESIDENTIAL EMERGENCY BOARDS

Overview of Fiscal Year 2022

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

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

If the NMB determines, pursuant to Section 160 of the RLA, that a dispute threatens substantially to interrupt interstate commerce to a degree that will deprive any section of the country of essential transportation service, the NMB notifies the President. The President may, at his discretion, establish a PEB to investigate and report upon such dispute.

Status-quo conditions must be maintained throughout the period that the PEB is impaneled and for 30 days following the PEB report to the President. If no agreement is reached, and there is no intervention by Congress, the parties are free to engage in self-help 30 days after the PEB reports to the President.

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

One PEB, PEB 250, was established during FY2022 under Section 10 to resolve a dispute between the major freight railroads and their 125,000 unionized employees.

Presidential Emergency Board 250

Over the period between November 2019 and January 2020, the National Carriers' Conference Committee (NCCC) of the National Railway Labor Conference representing certain Class I railroads and certain other railroads¹ and the Organizations² representing certain other employees served each other with formal notices for changes in current rates of pay, rules, and working conditions. They were unable to resolve the issues in dispute in direct negotiations and by February 1, 2022, all the Organizations had filed mediation applications with the NMB.

1. The NCCC represents five Class I railroads: Union Pacific Railroad; Burlington Northern Santa Fe Railway Company; CSX Transportation, Inc.; Norfolk Southern Corporation; and Kansas City Southern Railway Company, and the following railroads: Alameda Belt Line Railway; Alton & Southern Railway Company; The Belt Railway Company of Chicago; Bessemer and Lake Erie Railroad Company; Brownsville and Matamoros Bridge Company; Cedar River Railroad Company; Central California Traction Company; Consolidated Rail Corporation; Delaware & Hudson Railroad Company; Gary Railway Company; Grand Trunk Western Railroad Company; Idaho & Sedalia Transportation Company; Illinois Central Railroad Company; Indiana Harbor Belt Railroad Company; Kansas City Terminal Railroad Company; Longview Switching Company; Los Angeles Junction Railway Company; New Orleans Public Belt Railroad Corporation; Norfolk & Portsmouth Belt Line Railroad Company; Northeast Illinois Regional Commuter Railroad Corporation; Northern Indiana Commuter Transportation District; Palmetto Railways; Port Terminal Railroad Association; Port Terminal Railroad Company; Portland Terminal Railroad Company; Soo Line Railroad Company (Canadian Pacific); Terminal Railroad Association of St. Louis; Texas City Terminal Railway Company; Union Railroad Company; Western Fruit Express Company; Wichita Terminal Association; Winston-Salem Southbound Railway Company; and Wisconsin Central Ltd.

Following the applications for mediation, representatives of all parties worked with the NMB mediators and with Board Members of the NMB in an effort to reach agreements. Various proposals for settlement were discussed, considered, and rejected. On June 14, 2022, the NMB, in accordance with Section 5, First, of the RLA, urged the NCCC and the Organizations to enter into agreements to submit their collective bargaining disputes to arbitration as provided in Section 8 of the RLA (“proffer of arbitration”). On June 14, 15, and 16, 2022, the Organizations individually declined the NMB’s proffer of arbitration. On June 16, 2022, the NCCC accepted the NMB’s proffer of arbitration. On June 17, 2022, the NMB served notices that statutory mediation had been terminated under the provisions of Section 5, First, of the RLA. Accordingly, self-help became available at 12:01 a.m., Eastern Standard Time, on Monday, July 18, 2022.

Following termination of mediation services, the NMB advised the President, in accordance with Section 10 of the RLA, that in its judgment the disputes threatened substantially to interrupt interstate commerce to a degree that would deprive sections of the country of essential transportation services. The President, in his discretion, issued an Executive Order on July 15, 2022. Effective 12:01a.m., Eastern Daylight Time, July 18, 2022, the Executive Order created Presidential Emergency Board 250 to investigate and report concerning this dispute. The President appointed Ira F. Jaffe, as Chairman of the Board, and Barbara C. Deinhardt and David P. Twomey as members. The Board submitted its Report to the President on August 16, 2022.

Forecast for FY 2023, FY 2024, and Beyond

The NMB cannot predict precisely the number of PEBs that may be created during a given fiscal year. Estimates are based, among other factors, upon prior experience and knowledge of the contentiousness of the parties in the bargaining process and mediation, the number of cases, and the degree of impact of any dispute. For example, the release of the Massachusetts Bay Commuter Railroad (MBCR) parties created a high probability of 2 PEB’s during FY 2011, for which the agency appropriately prepared. In the end, the parties reached agreements during the cooling off period, with no PEB being created.

The following chart reflects the actual case numbers for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022.

| | FY 2022 ACTUAL | FY 2021 ACTUAL | FY 2018 – FY 2022 FIVE-YEAR AVERAGE |
|---------------------------|----------------|----------------|-------------------------------------|
| Emergency Board Sec. 160 | 1 | 0 | 0.2 |
| Emergency Board Sec. 159A | 0 | 0 | 0 |

2. Eleven labor organizations are bargaining together as the Coordinated Bargaining Coalition (CBC) (the American Train Dispatchers Association, the Brotherhood of Railroad Signalmen; the Brotherhood of Locomotive Engineers and Trainmen; the International Association of Machinists and Aerospace Workers; the International Brotherhood of Boilermakers, Iron Ship Builders, Forgers and Helpers; the International Brotherhood of Electrical Workers; the National Conference of Firemen & Oilers, District of Local 32BJ, SEIU; the International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division; the Transportation Communications Union/IAM; the Transportation Communications Union/IAM, Brotherhood of Railway Carmen Division; and the Transport Workers Union of America), representing train dispatchers, locomotive engineers, conductors, and trainmen, signalmen, machinists, boilermakers, electrical workers, foremen and oilers, yardmasters, yardmen, brakemen, clerks and carmen. The remaining labor organizations are bargaining together as the BMWED/SMART-MD Coalition (the International Association of Sheet Metal, Air, Rail and Transportation Workers – Railroad, Mechanical and Engineering Department, and the Brotherhood of Maintenance of Way Employees Division of the International Brotherhood of Teamsters), representing Mechanical Engineers and Maintenance of Way Employees.

OFFICE OF ARBITRATION SERVICES

ARBITRATION OVERVIEW

The RLA provides for both grievance and interest arbitration. Access to grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA. The Board has significant administrative responsibilities for the three sources of grievance arbitration in the railroad industry. These sources are the National Railroad Adjustment Board (NRAB) established under the RLA, as well as the arbitration panels established directly by the labor-management parties at each railroad Public Law Boards (PLB) and Special Boards of Adjustment (SBA). Grievance arbitration in the airline industry is accomplished at the various System Boards of Adjustment created jointly by airline labor and management. Airline arbitration is done entirely at the parties' expense. The Board furnishes panels of prospective arbitrators for the parties' selection in both the airline and railroad industries.

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

INTEREST ARBITRATION

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

ARBITRATION — SECTION 3 HIGHLIGHTS

At the beginning of FY 2022, 5,146 cases were pending in Section 3. Throughout the fiscal year, 4,194 new cases were added. At the conclusion of the fiscal year, a total of 3,803 cases were closed, while 5,537 cases remain pending.

FY 2022 saw a continuation of both remote work and remote arbitration. Despite these challenges, productivity remained high. The NRAB continues to use electronic procedures for filing Notices of Intent and the NMB designed a method for the parties to utilize Google to upload their submissions to a secure Google space, with a link sent to the appropriate Arbitration Staff Assistant, who used the secure link to download the submission and related case material to the appropriate docket file.

The Office of Arbitration continued its efforts in promoting a more efficient Section 3 process, and faster resolution of minor disputes (grievances). The OAS monitors the backlog of grievance arbitration cases and routinely recommends the use of alternative methods such as grievance mediation, which is done in partnership with the Office of Mediation Services.

The Office of Arbitration continues to work on increasing the diversity of arbitrators on the NMB roster. More women are on the roster and more of them are hearing cases.

The NMB continued its efforts to improve the arbitration of grievances under Section 3 of the Railway Labor Act by ensuring that: (1) the parties receive timely and outstanding arbitration services from the Board's staff and its contract arbitrators; (2) the Board uses technology to maximize efficiency; (3) Board procedures are improved through a process involving public input; (4) 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.

Removal of Non-progressed and Over-aged Cases

The NMB continues the practice of removing over-aged cases, which have been docketed but not assigned, from the NMB's case tracking system. Cases in our case management system which are not assigned to an arbitrator constitute an ongoing unfunded liability. The NMB's previous practice was to remove all cases three years and older which had not been progressed by the parties. During FY 2020, the NMB removed all non-progressed and over-aged cases that were two years and older. The NMB will periodically review its caseload and remove over-aged cases.

Alternative Dispute Resolution in The Railroad Industry

Grievance mediation remains a key dispute resolution tool to resolve grievances that do not have significant operational impact or involve serious disciplinary matters. The parties in general, are receptive to the process and many use it on a regular basis. However, this process was one of the many affected by the COVID pandemic and the abrupt switch to working remotely with a greater reliance on technology. Despite these challenges, grievance mediation continues to be a viable tool in the dispute resolution toolbox. While grievance mediation activity decreased due to COVID-19, interest in the program remains high because its benefits are indisputable. We continue to actively promote 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 labor organizations.

The COVID crisis eliminated the ability to attend annual meetings and present the case for grievance mediation. The NMB anticipates continuing and in some instances expanding upon these initiatives during FY 2023 and FY 2024.

Arbitrator Productivity

The NMB continued its efforts to increase arbitrator productivity as a result of strict adherence to the 60-90-120-day rule. Arbitrators who have not issued a decision within three months of a hearing are contacted monthly and encouraged to issue those decisions.

The NMB website continues to serve as a valuable source of information for the Section 3 community. The website is a vehicle to keep the parties and the public informed of Section 3 activities. Arbitrators, parties, and the public use the website to obtain information and forms instantaneously.

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

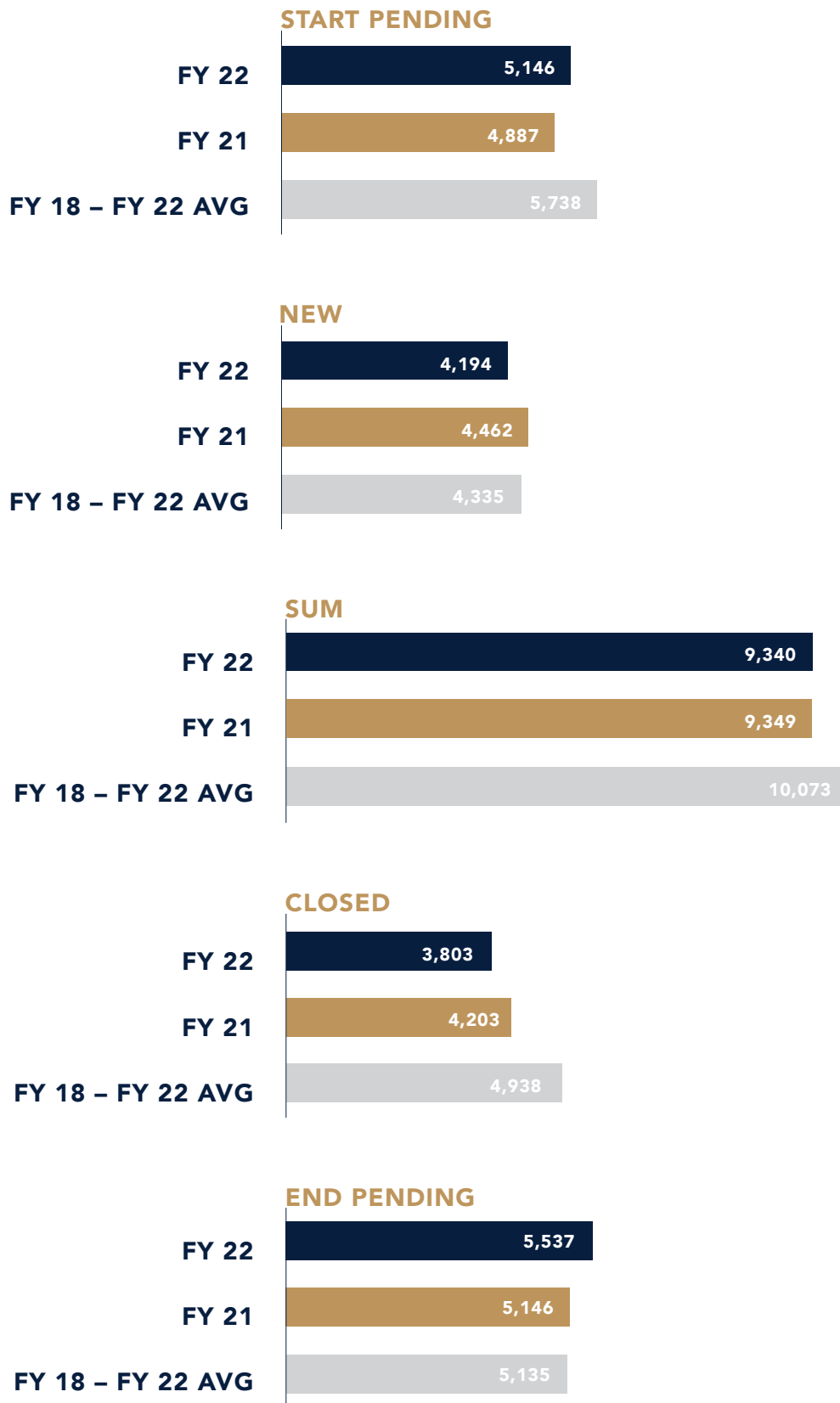
Enhanced Enforcement of the 60 Day, 90 Day and 120 Day Rules

During this fiscal year, the NMB continued enhanced enforcement of the 60 Day, 90 Day and 120 Day rules through the AWS. When a case is assigned to an arbitrator, within 60 days, one of the three must be initiated, (1) the case must have been decided, and the award submitted or (2) the case must be heard by an arbitrator or (3) the case must have been scheduled for a hearing. If the case is scheduled for a hearing, the scheduled date must be within 120 days of the date of assignment. Once the case has been heard, the arbitrator must render the award within 90 days of the hearing. When an arbitrator enters the AWS, the arbitrator is now notified when assigned cases have not been progressed in accordance with these rules. The arbitrator must bring those identified cases in compliance with the rules before the system will permit them to open and work on new cases.

Knowledge Store

Knowledge Store continues to be a critical resource for parties searching for arbitration decisions to support them in their advocacy. Awards are entered into the Knowledge Store at the same time that they are distributed to the parties. Parties also have the ability to enter awards into the Knowledge Store. In some instances, valid awards are entered within 24 hours of completion.

A chart reflecting the actual arbitration case numbers for FY 2022, FY 2021, and the five-year average, FY 2018 – FY 2022, follows:



RAILROAD GRIEVANCE ARBITRATION

29

NRAB BOARD MEMBERS AND REFEREES

30

SECTION 3 TRIBUNALS

NATIONAL RAILROAD ADJUSTMENT BOARD

NRAB MEMBERS

NRAB

Marcus J. Ruef
BLET, Board Chairman

Kristin C. Beckner
NRLC, Board Vice Chairman

First Division Members

Douglas W. Davidson
BLET, Chairman

Michael P. Maratto
NRLC, Vice Chairman

Jamie Modesitt
SMART-TD

John Nilon
CSX

Nicole Parchem
IHB

Marcus J. Ruef
BLET

Mike Stuver
IIR

David Wier, Jr.
SMART-TD

Second Division Members

Alphonse Russo, Jr.
IBEW, Chairman

Kristin C. Beckner
NRLC, Vice Chairman

Joe Fraley
SMART

Larry Hicks
IIR

Carl Lakin
BRC

Kyle Loos
IAMAW

Jackie Newstadt
G&W

Jason Ringstad
BNSF

John Thacker
NCFO

Beth Wilderman
UP

Third Division Members

Zachary C. Voegel
BMWED, Chairman

Jeanie L. Barrere
NRLC, Vice Chairman

Donald Boyd
HERE

Jim Boyle
UP

Rory R. Broyles
ATDA

Brandon Elvey
BRS

Angela Heverling
AMTRAK

Macon Jones
CSX

Chance Kirbie
BNSF

Brian Shanahan
TCU

Fourth Division Members

Allison Dillon
ARASA, Chairman

Jeffrey F. Rodgers
NRLC, Vice Chairman

Chris Bartz
SMART

Kenneth Johnson
BNSF

Jennifer Manz
CSX

Robert Shanahan, Jr.
BMWED

NRAB REFEREES

First Division

Meeta A. Bass
Wendell A. Bell
Edwin H. Benn
Paul S. Betts
Patricia Bittel
Michael Capone
Jeanne Charles
James M. Darby
Barbara C. Deinhardt
Sarah Miller Espinosa
Robert A. Grey
Patrick Halter
Richard K. Hanft
Jeffrey W. Jacobs
Elizabeth Neumeier

Kenneth A. Perea
Michael D. Phillips
Andrew M. Strongin
Erica Tener
Kathryn A. Van Dagens
Elizabeth C. Wesman

Second Division

Edwin H. Benn

Third Division

Meeta A. Bass
Edwin H. Benn
Paul S. Betts
Patricia T. Bittel
Michael Capone
Joseph M. Fagnani
I.B. Helburn
Barry E. Simon
Pilar Vaile
Kathryn A. Van Dagens
Jacalyn J. Zimmerman

Fourth Division

Jeanne Charles
Joseph M. Fagnani

SECTION 3 TRIBUNALS ESTABLISHED IN FY 2022

| TYPE | NO. OF BOARDS |
|------------------------------|----------------|
| Public Law Boards | 27 |
| Special Boards of Adjustment | 3 |
| Arbitration Boards | 1 |
| Parties' Pay Boards | (7 PLB; 3 SBA) |
| TOTAL | 31 |

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

1A. CARRIERS

| | |
|--|---|
| Alabama & Gulf Coast Railway | New Orleans Public Belt Railroad |
| Belt Railway Company of Chicago | NJ Transit Rail Operations |
| BNSF Railway | Norfolk Southern Railway |
| Buffalo & Pittsburgh Railroad (G&W) | Northeast Illinois Regional Commuter Railroad Corporation (METRA) |
| Canadian National Railway | Northern Indiana Commuter Transportation District |
| Canadian Pacific Railway | Pacific Harbor Line (Anacostia) |
| Consolidated Rail Corporation | Paducah & Louisville Railway |
| CSX Transportation | Pan Am Railways |
| Delaware & Hudson Railway (CP) | Port Authority Trans-Hudson Corporation (PATH) |
| Delray Connecting Railroad Company | Providence and Worcester Railroad (G&W) |
| Duluth, Missabe and Iron Range Railway (CN) | Soo Line Railroad (CP) |
| Florida East Coast Railway | South Central Florida Express |
| Gary Railway Company (Transtar) | Southeastern Pennsylvania Transportation Authority |
| Grand Trunk Western Railroad Company (CN) | Terminal Railroad Association of St. Louis |
| Illinois Central Railroad (CN) | Terminal Railway Alabama State Docks (ASPA) |
| Indiana Harbor Belt Railroad | Texas Mexican Railway (KCS) |
| Kansas City Southern Railway Company | TransitAmerica Services |
| Keolis Commuter Services | Union Pacific Railroad |
| Keolis Rail Services Virginia | Union Railroad Company (Transtar) |
| Kiamichi Railroad (G&W) | Western Rail Road Company (Cemex US) |
| Long Island Rail Road (MTA) | Wheeling & Lake Erie Railway |
| Metro-North Railroad (MTA) | Wisconsin Central Ltd. (CN) |
| National Railroad Passenger Corporation (Amtrak) | |

1B. UNIONS

American Railway and Airway Supervisors Association (TCU/IAM)
American Train Dispatchers Association
Amtrak Service Workers Council
Brotherhood of Locomotive Engineers & Trainmen
Brotherhood of Maintenance of Way Employees Division
Brotherhood of Railroad Signalmen
Brotherhood of Railway Carmen (TCU/IAM)
International Association of Machinists and Aerospace Workers
International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
International Brotherhood of Electrical Workers
International Longshoremen's Association
National Conference of Firemen and Oilers
SMART Mechanical & Engineering Department
SMART Transportation Division
Transport Workers Union of America
Transportation Communications Union / IAM

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

| | | | |
|-----------------------|-------------------|---------------------|-----------------------|
| Earlene Baggett-Hayes | J. Warren Dent | Sidney Moreland | Erica Tener |
| Meeta A. Bass | Andrea L. Dooley | Cary Morgen | David Twomey |
| Wendell A. Bell | Joseph M. Fagnani | Margo R. Newman | Kathryn A. Van Dagens |
| Edwin H. Benn | Robert A. Grey | Robert M. O'Brien | M. David Vaughn |
| Paul S. Betts | Patrick Halter | Joan Parker | Jeanne Vonhof |
| Steven M. Bierig | Don A. Hampton | Michael D. Phillips | Gerald E. Wallin |
| John R. Binau | Richard K. Hanft | Richard K. Radek | Lamont M. Walton |
| Patricia T. Bittel | I.B. Helburn | David N. Ray | Alan L. Weed |
| Dennis J. Campagna | James K. Hurlburt | Thomas N. Rinaldo | Randy B. Weiss |
| Michael Capone | Jeffrey Jacobs | DeAndra Roache | Elizabeth C. Wesman |
| Jeanne Charles | Lisa S. Kohn | Sean J. Rogers | Michael G. Whelan |
| James M. Darby | Peter R. Meyers | Lynette A. Ross | Michael A. Wojcik |
| Barbara C. Deinhardt | William R. Miller | Barry E. Simon | Jacalyn J. Zimmermann |

2. LABOR PROTECTIVE PROVISIONS

N/A

3. UNION SHOPS

N/A

4. SYSTEM BOARDS OF ADJUSTMENT

N/A

SUPPORTING REPORTS & TABLES

33

CASE TABLES

40

CASE RECORDS

TABLE 1: NUMBER OF CASES RECEIVED AND CLOSED

| MEDIATION | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 | FY 2018 – 22 |
|------------------|----------------|----------------|----------------|----------------|----------------|---------------------|
| Start Pending | 57 | 50 | 66 | 69 | 72 | 63 |
| New | 36 | 24 | 25 | 33 | 42 | 32 |
| Sum | 93 | 74 | 91 | 102 | 114 | 95 |
| Closed | 46 | 17 | 41 | 36 | 44 | 37 |
| End Pending | 47 | 57 | 50 | 66 | 68 | 58 |

| ADR | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 | FY 2018 – 22 |
|---------------|----------------|----------------|----------------|----------------|----------------|---------------------|
| Start Pending | 46 | 57 | 54 | 52 | 48 | 51 |
| New | 22 | 22 | 29 | 32 | 38 | 29 |
| Sum | 68 | 79 | 83 | 84 | 86 | 80 |
| Closed | 14 | 33 | 26 | 30 | 34 | 27 |
| End Pending | 54 | 46 | 57 | 54 | 50 | 52 |

| REPRESENTATION | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 | FY 2018 – 22 |
|-----------------------|----------------|----------------|----------------|----------------|----------------|---------------------|
| Start Pending | 14 | 10 | 5 | 3 | 7 | 8 |
| New | 29 | 17 | 21 | 10 | 20 | 19 |
| Sum | 43 | 27 | 26 | 13 | 27 | 27 |
| Closed | 31 | 13 | 16 | 12 | 24 | 19 |
| End Pending | 12 | 14 | 10 | 5 | 3 | 9 |

| ARBITRATION | FY 2022 | FY 2021 | FY 2020 | FY 2019 | FY 2018 | FY 2018 – 22 |
|--------------------|----------------|----------------|----------------|----------------|----------------|---------------------|
| Start Pending | 5,146 | 4,887 | 3,698 | 6,408 | 8,550 | 5,738 |
| New | 4,194 | 4,462 | 4,881 | 3,859 | 4,280 | 4,335 |
| Sum | 9,340 | 9,349 | 8,579 | 10,267 | 12,830 | 10,073 |
| Closed | 3,803 | 4,203 | 3,692 | 6,569 | 6,422 | 4,938 |
| End Pending | 5,537 | 5,146 | 4,887 | 3,698 | 6,408 | 5,135 |

TABLE 2: REPRESENTATION ELECTION CASE DISPOSITIONS

| RAILROADS | NUMBER OF CASES | NUMBER OF CRAFTS/ CLASSES | NUMBER OF EMPLOYEES INVOLVED | NUMBER OF EMPLOYEES PARTICIPATING |
|----------------|-----------------|---------------------------|------------------------------|-----------------------------------|
| Certifications | 6 | 3 | 109 | 97 |
| Dismissals | 4 | 3 | 58 | 44 |
| Totals | 10 | 5* | 167 | 141 |

| AIRLINES | NUMBER OF CASES | NUMBER OF CRAFTS/ CLASSES | NUMBER OF EMPLOYEES INVOLVED | NUMBER OF EMPLOYEES PARTICIPATING |
|----------------|-----------------|---------------------------|------------------------------|-----------------------------------|
| Certifications | 9 | 4 | 1,212 | 839 |
| Dismissals | 1 | 1 | 8 | 7 |
| Totals | 10 | 5 | 1,220 | 846 |

| | | | | |
|--------------------------------------|-----------|-----------|--------------|------------|
| Totals Railroads and Airlines | 20 | 10 | 1,387 | 987 |
|--------------------------------------|-----------|-----------|--------------|------------|

*In FY 2022, there were a total of 5 railroad crafts/classes in election determinations: Fire Brigade Employees Below the Rank of Fire Chief; Machinists and Machinists Helpers; Maintenance of Way Employees; Operating/Non-Operating Employees; and Train and Engine Service Employees.

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

| RAILROADS | REPRESENTATION CASES |
|--|-----------------------------|
| Carmen | 0 |
| Clerical Office, Station, and Storehouse Employees | 0 |
| Electrical Workers | 0 |
| Engineers | 0 |
| Locomotive Engineers | 0 |
| Locomotive Firemen and Hostlers | 0 |
| Locomotive Mechanics | 0 |
| Machinists and Machinists Helpers | 1 |
| Maintenance of Way Employees | 1 |
| Non-Operating Employees | 0 |
| Operating Employees | 0 |
| Sheet Metal Workers | 0 |
| Signalmen | 0 |
| Train Dispatchers | 0 |
| Train and Engine Service Employees | 6 |
| Transportation Operations Employees | 0 |
| Yardmasters | 0 |
| Combined Groups, Railroad | 1 |
| Miscellaneous, Railroad | 1 |
| Railroad Total | 10 |
| AIRLINES | REPRESENTATION CASES |
| Cockpit Crew Members | 0 |
| Engineers and Related Employees | 0 |
| Fleet and Passenger Service Employees | 0 |
| Fleet Service Employees | 0 |
| Flight Attendants | 3 |
| Flight Crew Training Instructors | 0 |
| Flight Deck Crew Members | 2 |
| Flight Dispatchers | 1 |
| Flight Engineers | 0 |
| Flight Simulator Engineers | 0 |
| Ground School Instructors | 0 |
| Maintenance Training Specialists | 0 |
| Mechanics and Related Employees | 3 |
| Office Clerical Employees | 0 |
| Passenger Service Employees | 0 |
| Pilots | 1 |
| Stock and Stores Employees | 0 |
| Combined Groups, Airlines | 0 |
| Miscellaneous, Airlines | 0 |
| Airline Total | 10 |
| Total, Railroads and Airlines | 20 |

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

| RAILROADS | | | | |
|--|------------------------|---|----------------------------|--|
| | NUMBER OF CASES | NUMBER OF CRAFTS OR CLASS DETERMINATIONS | NUMBER OF EMPLOYEES | PERCENT¹ OF EMPLOYEES INVOLVED |
| Carmen | 0 | 0 | 0 | 0 |
| Clerical, Office, Station and Storehouse Employees | 0 | 0 | 0 | 0 |
| Electrical Workers | 0 | 0 | 0 | 0 |
| Engineers | 0 | 0 | 0 | 0 |
| Locomotive Engineers | 0 | 0 | 0 | 0 |
| Locomotive Firemen and Hostlers | 0 | 0 | 0 | 0 |
| Locomotive Mechanics | 0 | 0 | 0 | 0 |
| Machinists | 1 | 1 | 14 | – |
| Maintenance of Way Employees | 4 | 2 | 35 | – |
| Non-Operating Employees | 0 | 0 | 0 | 0 |
| Operating Employees | 0 | 0 | 0 | 0 |
| Sheet Metal Workers | 0 | 0 | 0 | 0 |
| Signalmen | 0 | 0 | 0 | 0 |
| Train Dispatchers | 2 | 1 | 29 | 0 |
| Train and Engine Service Employees | 8 | 6 | 129 | 2 |
| Transportation Operations Employees | 0 | 0 | 0 | 0 |
| Yardmasters | 0 | 0 | 0 | 0 |
| Combined Groups, Railroad | 1 | 1 | 9 | – |
| Miscellaneous, Railroad | 3 | 3 | 67 | 1 |
| Railroad Total | 19 | 14 | 283 | 4 |

¹Percent listing for each group represents the percentage of the 6,335 employees involved in all railroad and airline docketed and closed cases during fiscal year 2022. (–) Less than 1 percent.

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

| AIRLINES | | | | |
|--|------------------------|---|----------------------------|--|
| | NUMBER OF CASES | NUMBER OF CRAFTS OR CLASS DETERMINATIONS | NUMBER OF EMPLOYEES | PERCENT² OF EMPLOYEES INVOLVED |
| Cockpit Crew Members | 0 | 0 | 0 | 0 |
| Engineers and Related Employees | 0 | 0 | 0 | 0 |
| Fleet and Passenger Service Employees | 1 | 1 | 844 | 13 |
| Fleet Service Employees | 2 | 0 | 3,270 | 52 |
| Flight Attendants | 4 | 4 | 291 | 5 |
| Flight Crew Training Instructors | 0 | 0 | 0 | 0 |
| Flight Deck Crew Members | 2 | 2 | 108 | 2 |
| Flight Dispatchers | 3 | 1 | 158 | 2 |
| Flight Engineers | 0 | 0 | 0 | 0 |
| Flight Simulator Engineers | 0 | 0 | 0 | 0 |
| Instructors | 2 | 0 | 72 | 1 |
| Maintenance Controllers | 2 | 2 | 68 | 1 |
| Mechanics and Related Employees | 3 | 3 | 820 | 13 |
| Office Clerical Employees | 0 | 0 | 0 | 0 |
| Passenger Service Employees | 0 | 0 | 0 | 0 |
| Pilots | 2 | 1 | 228 | 4 |
| Stock and Stores Employees | 0 | 0 | 0 | 0 |
| Combined Groups, Airlines | 0 | 0 | 0 | 0 |
| Miscellaneous, Airline | 3 | 3 | 193 | 3 |
| Airline Total | 24 | 17 | 6,052 | 96 |
| Grand Total, Railroads and Airlines | 43 | 31 | 6,335 | 100 |

²Listing for each group represents the percentage of the 6,335 employees involved in all railroad and airline docketed and closed cases during fiscal year 2022. (-) Less than 1 percent.

CASE RECORDS

REPRESENTATION CASES DOCKETED

| RAILROAD REPRESENTATION CASES DOCKETED | | | |
|--|--|--------------------|------------------------------------|
| CASE | CARRIER | UNION | CRAFT OR CLASS |
| R-7569 | Midway Southern Railway | SMART-TD | Train and Engine Service Employees |
| R-7584 | Lake State Railway | SMART-TD | Train and Engine Service Employees |
| R-7590 | Long Island Rail Road (MTA) | TCU/IAM | Station Employees |
| R-7591 | Long Island Rail Road (MTA) | TCU/IAM | General Foremen |
| R-7592 | TransitAmerica Services, Inc. | ATU | Dispatchers |
| R-7593 | Republic Services d/b/a San Francisco Bay Railway, LLC | BMWED | Operating/Non-Operating Employees |
| R-7598 | Coos Bay Rail Line | SMART-TD | Train and Engine Service Employees |
| R-7600 | San Diego & Imperial Valley Railroad (G&W) | SMART-TD | Train and Engine Service Employees |
| R-7601 | Grand Elk Railroad (Watco) | SMART-TD | Maintenance of Way Employees |
| RD-7579 | Buffalo & Pittsburgh Railroad (G&W) | Individual & IAM | Machinists and Machinists Helpers |
| RD-7588 | The Indiana Rail Road | Individual & BMWED | Maintenance of Way Employees |
| RD-7595 | Louisiana Northwest Railroad (Patriot Rail) | Individual & BMWED | Maintenance of Way Employees |
| CR-7237 | Siemens Mobility, Inc. | SMART-TD | Dispatchers |

REPRESENTATION CASES DOCKETED

| AIRLINE REPRESENTATION CASES DOCKETED | | | |
|---------------------------------------|--|------------------|---------------------------------|
| CASE | CARRIER | UNION | CRAFT OR CLASS |
| R-7568 | Avelo Airlines | AFA-CWA | Flight Attendants |
| R-7574 | Swift Air, LLC d/b/a iAero Airways | ALPA | Pilots |
| R-7578 | Sun Country Airlines | AMFA | Mechanics and Related Employees |
| R-7581 | Eastern Airlines | AFA-CWA | Flight Attendants |
| R-7582 | Northern Pacific Airways, Inc. d/b/a Ravn Alaska | ALPA | Flight Deck Crew Members |
| R-7583 | Breeze Aviation Group, Inc. | ALPA | Flight Deck Crew Members |
| R-7587 | Spirit Airlines | AMFA | Mechanics and Related Employees |
| R-7589 | Federal Express d/b/a FedEx Express | TWU | Dispatchers |
| R-7594 | Omni Air International | TWU | Dispatchers |
| R-7596 | JetBlue Airways | TWU | Instructors |
| R-7597 | Norse Atlantic Airways | AFA-CWA | Flight Attendants |
| R-7599 | Air Methods Corporation | OPEIU | Instructors |
| R-7602 | JetBlue Airways | IAM | Fleet Service Employees |
| R-7603 | Sun Country Airlines | IBT | Fleet Service Employees |
| RD-7586 | Northern Air Cargo | Individual & IBT | Dispatchers |
| CR-7232 | North Memorial Health Care | OPEIU | Pilots |

REPRESENTATION CASES CLOSED

| RAILROAD REPRESENTATION CASES CLOSED | | | | |
|--------------------------------------|--|--------------------------|---|---------------|
| CASE | CARRIER | UNION | CRAFT OR CLASS | DISPOSITION |
| R-7563 | Meridian & Bigbee Railroad (G&W) | SMART-TD | Maintenance of Way Employees | Dismissal-WDI |
| R-7564 | Cicero Central Railroad (Watco) | SMART-TD | Train and Engine Service Employees | Certification |
| R-7566 | Arizona Eastern Railway (G&W) | SMART-TD | Train and Engine Service Employees | Certification |
| R-7569 | Midway Southern Railway | SMART-TD | Train and Engine Service Employees | Certification |
| R-7570 | Columbus & Greenville Railway (G&W) | SMART & TOPS | Train and Engine Service Employees | Dismissal |
| R-7571 | Ann Arbor Railroad (Watco) | SMART-TD | Train and Engine Service Employees | Dismissal |
| R-7584 | Lake State Railway | SMART-TD | Train and Engine Service Employees | Certification |
| R-7585 | Metro-North Railroad (MTA) | Metro-North Railroad PFA | Fire Brigade Employees Below the Rank of Fire Chief | Certification |
| R-7590 | Long Island Rail Road (MTA) | TCU/IAM | Station Employees | Dismissal-WDI |
| R-7591 | Long Island Rail Road (MTA) | TCU/IAM | General Foremen | Dismissal-WDI |
| R-7592 | TransitAmerica Services, Inc. | ATU | Dispatchers | Dismissal-WDI |
| R-7593 | Republic Services d/b/a San Francisco Bay Railway, LLC | BMWED | Operating/Non-Operating Employees | Certification |
| RD-7579 | Buffalo & Pittsburgh Railroad (G&W) | Individual & IAM | Machinists and Machinists Helpers | Dismissal |
| RD-7588 | The Indiana Rail Road | Individual & BMWED | Maintenance of Way Employees | Dismissal |

AIRLINE REPRESENTATION CASES CLOSED

| CASE | CARRIER | UNION | CRAFT OR CLASS | DISPOSITION |
|---------|---|------------------|-------------------------------------|------------------------|
| R-7565 | National Airlines | IAM | Flight Attendants | Certification |
| R-7567 | Lufthansa Technik Puerto Rico | IAM | Mechanics and Related Employees | Certification |
| R-7568 | Avelo Airlines | AFA-CWA | Flight Attendants | Certification |
| R-7572 | Alaska Airlines | AMFA | Maintenance Controllers | Dismissal-FUI |
| R-7573 | Philippine Airlines | IAM | Sales Representatives | Dismissal |
| R-7574 | Swift Air, LLC d/b/a iAero Airways | ALPA | Pilots | Certification |
| R-7575 | JetBlue Airways | AMFA | Maintenance Controllers | Dismissal-FUI |
| R-7576 | American Sales and Management Organization, LLC d/b/a Eulen America | SEIU | Fleet & Passenger Service Employees | Certification |
| R-7577 | American Sales and Management Organization, LLC d/b/a Eulen America | SEIU | Security Employees | Certification |
| R-7578 | Sun Country Airlines | AMFA | Mechanics and Related Employees | Certification |
| R-7580 | Aerostar Airport Holdings, LLC | HEO | Firefighters | Dismissal-Jurisdiction |
| R-7581 | Eastern Airlines | AFA-CWA | Flight Attendants | Certification |
| R-7582 | Northern Pacific Airways, Inc. d/b/a Ravn Alaska | ALPA | Flight Deck Crew Members | Certification |
| R-7583 | Breeze Aviation Group, Inc. | ALPA | Flight Deck Crew Members | Certification |
| R-7587 | Spirit Airlines | AMFA | Mechanics and Related Employees | Certification |
| R-7597 | Norse Atlantic Airways | AFA-CWA | Flight Attendants | Certification |
| RD-7586 | Northern Air Cargo | Individual & IBT | Dispatchers | Dismissal |

MEDIATION CASES DOCKETED AND CLOSED

RAILROAD CASES DOCKETED

| CARRIER | UNION | CRAFT / CLASS |
|---|----------|---|
| BNSF Railway | SMART-TD | Train & Engine Service Employees |
| Buffalo & Pittsburgh Railroad (G&W) | IAM | Machinists; Locomotive Mechanics |
| Central Maine & Quebec Railway (CP) | SMART-TD | Train & Engine Service Employees |
| Central Maine & Quebec Railway (CP) | SMART-TD | Engineering |
| Central Maine & Quebec Railway (CP) | SMART-TD | Mechanical Service |
| Chicago South Shore & South Bend Railroad | SMART-TD | Train & Engine Service Employees |
| CSX Transportation | ILA | Longshoremen |
| Dakota, Minnesota & Eastern Railroad (CP) | BLET | Locomotive Engineers, Conductors and Trainmen |
| Evansville Western Railway | SMART-TD | Engineers & Conductors |
| Gary Railway Company (Transtar) | SMART-TD | Yardmen; Yardmasters |
| Missouri & Northern Arkansas Railroad (G&W) | SMART-TD | Maintenance of Way Employees |
| National Carriers' Conference Committee | ATDA | Train Dispatchers |
| National Carriers' Conference Committee | BLET | Locomotive Engineers, Conductors and Trainmen |
| National Carriers' Conference Committee | BRS | Signalmen |
| National Carriers' Conference Committee | IAM | Machinists |
| National Carriers' Conference Committee | IBB | Boilermakers |
| National Carriers' Conference Committee | IBEW | Electrical Workers |
| National Carriers' Conference Committee | NFCO | Laborers |
| National Carriers' Conference Committee | SMART-TD | Conductors, Engineers, Yardmasters, Brakemen, and Yardmen |
| National Carriers' Conference Committee | TCU/IAM | Clerks |
| National Carriers' Conference Committee | TCU/IAM | Carmen |
| National Carriers' Conference Committee | TWU | Carmen |
| New York New Jersey Rail | SIU | Engineers, Conductors and Trainmen |
| Norfolk Southern Railway | SMART-TD | Train & Engine Service Employees |
| SEPTA | BLET | Locomotive Engineers |
| SEPTA | SMART-TD | Passenger Conductors & Assistant Conductors |
| Soo Line Railroad (CP) | BLET | Locomotive Engineers |
| Tacoma Rail | SMART-TD | Conductors |
| Union Pacific Railroad | SMART-TD | Train & Engine Service Employees |

RAILROAD CASES CLOSED

| CARRIER | UNION | CRAFT / CLASS |
|---|----------|---|
| Buffalo & Pittsburgh Railroad (G&W) | IAM | Machinists; Locomotive Mechanics |
| Buffalo & Pittsburgh Railroad (G&W) | IBEW | Electricians |
| Central Maine & Quebec Railway (CP) | SMART-TD | Engineering |
| Central Maine & Quebec Railway (CP) | SMART-TD | Mechanical Service |
| Central Maine & Quebec Railway (CP) | SMART-TD | Train & Engine Service Employees |
| Chicago South Shore & South Bend Railroad | SMART-TD | Train & Engine Service Employees |
| Dakota, Minnesota & Eastern Railroad (CP) | BLET | Locomotive Engineers, Conductors and Trainmen |
| Evansville Western Railway | IAM | Machinists |
| Evansville Western Railway | IBEW | Electrical Workers |
| Illinois & Midland Railroad (G&W) | SMART-TD | Maintenance of Way Employees; Signal Maintenance; Mechanical Department Employees |
| Metra | BLET | Locomotive Engineers |
| Metra | BMWED | Maintenance of Way Employees |
| Metra | IAM | Machinists |
| Metra | IBEW | Communication Electricians |
| Metra | IBEW | Engineering Department Electricians |
| Metra | IBEW | Mechanical Department Electricians |
| Metra | IBEW | Substation Electricians |
| Metra | MAP | Patrolmen |
| Metra | NCFO | Mechanical Department Laborers |
| Metra | SMART-M | Sheet Metal Workers |
| Metra | SMART-TD | Conductors |
| Metra | SMART-TD | Yardmasters |
| Metra | TCU/IAM | Carmen |
| Metra | TCU/IAM | Clerical Employees |
| Metra | TCU/IAM | Supervisors |
| Metro-North Railroad (MTA) | ACRE | Conductors; Yardmasters; Assistant Station Masters |
| Metro-North Railroad (MTA) | ACRE | Locomotive Engineers |
| National Carriers' Conference Committee | IBEW | Electrical Workers |
| National Carriers' Conference Committee | TCU/IAM | Carmen |
| National Carriers' Conference Committee | TCU/IAM | Clerks |
| New York, Susquehanna & Western Railway | BMWED | Locomotive Mechanics |
| New York, Susquehanna & Western Railway | BMWED | Maintenance of Way Employees |
| NJ Transit Rail Operations | TWU | Carmen; Car Appearance Maintainers |

RAILROAD CASES CLOSED, CONT.

| CARRIER | UNION | CRAFT / CLASS |
|--------------------------------------|----------|---------------------------------|
| PATH | ATDA | Train Dispatchers |
| PATH | BRS | Signalmen |
| PATH | RITU | Shop Crafts |
| Terminal Railway Alabama State Docks | BMWED | Maintenance of Way Employees |
| York Railway Company (G&W) | SMART-TD | Car Inspectors |
| York Railway Company (G&W) | SMART-TD | Engineers; Conductors; Brakemen |

AIRLINE CASES DOCKETED

| CARRIER | UNION | CRAFT / CLASS |
|----------------------------------|---------|---|
| Air Methods Corporation | OPEIU | Pilots |
| Air Wisconsin | TWU | Dispatchers |
| Alaska Airlines | ALPA | Pilots |
| Allied Aviation Services Company | IAM | Painters, Tank Farm, Mechanics, Fuelers, Utility, Ticket Clerks, et al. |
| Silver Airways | AFA-CWA | Flight Attendants |
| Southwest Airlines | SWAPA | Pilots |
| Southwest Airlines | TWU | Flight Attendants |

AIRLINE CASES CLOSED

| CARRIER | UNION | CRAFT / CLASS |
|-----------------------|------------|--|
| Atlas Air | IBT | Flight Deck Crew Members |
| El Al Israel Airlines | IAM | Mechanics & Related; Passenger Service Employees |
| ExpressJet Airlines | IBT | Mechanics & Related Employees |
| Piedmont Airlines | AFA-CWA | Flight Attendants |
| Southern Air | IBT | Flight Deck Crew Members |
| United Airlines | IBT | Maintenance Controllers |
| United Airlines | UNITE HERE | Flight Kitchen, Commissary, Catering and Related Employees |

ADR CASES DOCKETED AND CLOSED

ADR CASES DOCKETED

| CASE TYPE | CARRIER / EVENT | UNION | CRAFT / CLASS |
|-----------|--|---------|------------------------|
| F | Horizon Air | AMFA | Aircraft Mechanics |
| GM | American Airlines | TWU-IAM | Fleet Service |
| GM | CSX Transportation | BLET | Locomotive Engineers |
| GM | Envoy Air | ALPA | Pilots |
| GM | Hawaiian Airlines | AFA | Flight Attendants |
| GM | Portland & Western Railroad (G&W) | BLET | Engineers & Conductors |
| GM | Union Pacific Railroad | BLET | Locomotive Engineers |
| GM | Union Pacific Railroad | BLET | Locomotive Engineers |
| OP | ABA 2022 RLA Midwinter Meeting | – | – |
| OP | ALPA Board of Directors Meeting | – | – |
| OP | Dunlop II Meeting | – | – |
| OP | NARR 2022 Annual Conference | – | – |
| OP | Railroad Arbitrator Training | – | – |
| OP | Section 3 Briefing | – | – |
| T | American Airlines | CWA-IBT | Passenger Service |
| T | American Airlines | TWU-IAM | Fleet Service |
| T | Envoy Air | ALPA | Pilots |
| T | Hawaiian Airlines | AFA | Flight Attendants |
| T | Horizon Air | AMFA | Aircraft Mechanics |
| T | ALRA 2022 Virtual Conference | – | – |
| T | NMB Mediation Department Google Hangout Weekly Meetings | – | – |
| T | NMB New Mediator Training | – | – |

ADR CASES CLOSED

| CASE TYPE | CARRIER / EVENT | UNION | CRAFT / CLASS |
|-----------|--|---------|--------------------|
| OP | ABA 2022 RLA Midwinter Meeting | - | - |
| OP | ALPA Board of Directors Meeting | - | - |
| OP | Dunlop II Meeting | - | - |
| OP | NARR 2022 Annual Conference | - | - |
| OP | Railroad Arbitrator Training | - | - |
| OP | Section 3 Briefing | - | - |
| T | American Airlines | CWA-IBT | Passenger Service |
| T | American Airlines | TWU-IAM | Fleet Service |
| T | Envoy Air | ALPA | Pilots |
| T | Hawaiian Airlines | AFA | Flight Attendants |
| T | Horizon Air | AMFA | Aircraft Mechanics |
| T | ALRA 2022 Virtual Conference | - | - |
| T | NMB Mediation Department Google Hangout Weekly Meetings | - | - |
| T | NMB New Mediator Training | - | - |

SUPPORT OFFICES OVERVIEW

48

OFFICE OF ADMINISTRATION

49

OFFICE OF INFORMATION SERVICES

50

OFFICE OF FISCAL SERVICES

OFFICE OF ADMINISTRATION

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

HIGHLIGHTS OF ADMINISTRATION DURING FISCAL YEAR 2022

Human Capital

OA continues to utilize online services in the personnel arena. The NMB continues to use the E-verify system to ensure that all new appointees are eligible to work.

With an aging workforce at the NMB, succession planning continues to be a challenge, but the agency's new Succession and Workforce Plan analyzes the NMB's future staffing requirements and sets forth strategies for adequately recruiting, promoting, and retaining employees. Training plans, both through the Individual Development Plan's (IDP) and the department training plans, career development, including details and shadow assignments as a way to broaden skills and prepare for job transitions. The agency uses internal details when possible to broaden skills and to give staff exposure to a range of work possibilities within the agency. NMB made good progress in FY 2022 in hiring critical vacant positions in the Office of Mediation Services.

The NMB continues to devote attention and resources to training and has provided meaningful training program opportunities for our employees, many virtually in FY 2022 due to the ongoing pandemic and advanced technology. The NMB continues to provide subscriptions to Manager Advantage for supervisors and managers. Manager Advantage is an online information service for managers and supervisors. The information is based on case law, statutes, and regulations. It provides extensive federal policy and guidance for supervisors and managers. This information is obtained from the vendor LRP Publications' experienced attorney editors and senior editorial staff who have gathered and then converted the information in easy-to-understand major categories, key topics, scenario-based videos and more. Manager Advantage breaks down the complexities of federal civil service law to provide managers with practical, authoritative guidance in easy-to-understand terms while also providing essential tools for developing necessary leadership and managerial skills from one definitive source. OA is working with the Office of Personnel Management (OPM) and the Department of Interior (DOI) to improve the NMB's human capital operations. OA continues to ensure that all new NMB managers, supervisors, and employees receive the Telework Fundamentals-Managers Training and the Telework Fundamentals-Employee training.

Property and Space Management

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

Sustainability

The National Mediation Board is committed to reducing greenhouse gases in accordance with Executive Order 13514. The Agency provides Alternative Work Schedules (AWS) and Telework and Remote work programs to its employees to reduce the number of commuters.

Coronavirus Pandemic

The NMB remained actively involved in all facets of the pandemic in FY 2022, to date, and regularly participated in meetings with OMB and OPM. The Agency ensured that policies and procedures were adjusted and updated appropriately, and continues to follow all OMB and OPM pandemic and vaccination requirements and Executive Orders. The Agency issued a return to work plan policy in the Spring of 2022. The Policy is a two-phased approach and will be revisited at the end of September 2022.

OPM Audit

In 2021 the Office of Personnel Management conducted an audit of NMB's human capital programs. The audit included a review of the Agency's performance culture and talent management systems for their effectiveness and efficiency. In 2022 the NMB responded to OPM on their recommended actions and will continue to address these during the remainder of FY 2022 and into FY 2023.

OFFICE OF INFORMATION SERVICES

INFORMATION SERVICES OVERVIEW

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

HIGHLIGHTS OF INFORMATION SERVICES DURING FISCAL YEAR 2022

Arbitrator Workspace System

The NMB made enhancements to its Arbitrator Workspace System. These enhancements improved the functionality of the system and provides accurate reporting to users. NMB will continue to make enhancements in the next fiscal year.

Phone and Voicemail System

NMB replaced its legacy Phone and Voicemail system which had reached end-of-life. The new system is more reliable, is compliant with FISMA security requirements, and provides improved voicemail backup capabilities.

Information Security

NMB made strides in better securing its information technology by taking numerous actions to meet Federal IT security requirements and industry best practices. NMB staff upgraded legacy applications running on obsolete software and completed the development of system security plans for applications. NMB completed system security assessments and issued Authorization to Operate and Authorizations to Use for several of its systems.

Trusted Internet Connection (TIC)/Managed Trusted Internet Protocol Service (MTIPS)

NMB upgraded its network to be compliant with Trusted Internet Connect (TIC) requirements. Trusted Internet Connections (TIC) is a federal cybersecurity initiative intended to enhance network and data security across the Federal Government. The MTIPS Security Operations Center monitors all network traffic on NMB's network and is integrated with CISA's EINSTEIN system to detect and block cyberattacks on federal agency networks.

Personal Identity Verification (PIV) cards / Multifactor Authentication (MFA)

OIS deployed a solution to enable NMB users to login to their laptops using their PIV cards. This addresses requirements in HSPD-12 and OMB Memorandum M-19-17. OIS plans to expand this capability to NMB applications.

NMB Knowledge Store

NMB staff continued to build and improve the public archive of information available through the NMB Knowledge Store. Currently, the NMB Knowledge Store now contains over 150,000 documents in an easily searchable format, including arbitration awards, representation decisions, annual reports, PEB reports, and collective bargaining contracts.

Electronic Government

The NMB provides electronic access to all its policies, and the agency continues to use the NMB website to provide information to its internal and external customers. The website provides access to our internal customers by allowing them to access NMB forms and other pertinent information. NMB continued to update the website to improve reliability and to implement security measures.

OFFICE OF FISCAL SERVICES

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

FISCAL SERVICES HIGHLIGHTS

In FY 2022, the NMB continued to use the Bureau of Fiscal Services (BFS) for accounting and financial reporting requirements, contracting services, and E-travel. Using a federal Financial Management Line of Business Center of Excellence has significant benefits, including reduced overhead costs and shared knowledge of financial management practices throughout the Federal Government.

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

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

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

While travel was limited in FY 2022, the NMB continued its use of the Concur Government Edition (CGE) Travel Services. Concur is a cloud-based expense and travel management software solution that provides an electronic process for travel authorizations, vouchers, and reimbursement to travelers, and reduces the overall per-ticket cost for travelers.

In November 2022 the Agency received an unmodified “clean” audit opinion on its financial statements and notes to the statements. Additionally, in 2021 and 2022 the Government Accountability Office (GAO) conducted their bi-annual audit of the NMB. The NMB was able to close and address nearly 80% of findings and recommendations from previous GAO audits.

BRIEF ANALYSIS OF FINANCIAL STATEMENTS

Underlying the NMB’s many achievements is its commitment to organizational excellence and sound financial management. NMB has a fiduciary and stewardship responsibility to manage its federal funds effectively and efficiently and comply with federal financial management guidance. As part of this responsibility, the agency prepares annual financial statements in accordance with Generally Accepted Accounting Principles. The principal financial statements have been prepared to report the financial position and results of operations for NMB. The FY 2022 financial statements and accompanying notes are presented in accordance with OMB Circular A-136, Financial Reporting Requirements, and are shown in comparative formats.

To ensure the integrity and reliability of the annual financial statements, NMB subjects them to an annual independent audit. Figure 1 below summarizes the financial position for FY 2022 and FY 2021.

Figure 1: NMB FY 2022 & FY 2021 Financial Position

| NET FINANCIAL CONDITION | FY 2022 | FY 2021 |
|-------------------------|--------------|--------------|
| Assets | \$10,601,009 | \$11,002,318 |
| Liabilities | \$2,233,062 | \$3,199,163 |
| Net Position | \$8,367,947 | \$7,803,155 |
| Net Cost | \$12,769,842 | \$15,173,007 |

LIMITATIONS OF FINANCIAL STATEMENTS

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

MANAGEMENT ASSURANCES

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

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

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

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

FMFIA ASSURANCE STATEMENT

The NMB's management is responsible for establishing and maintaining effective internal controls that meet the obligations of FMFIA within their areas of responsibility. Based on the Chairman's knowledge of daily operations and other management reviews, and in accordance with the Office of Management and Budget Circular A-123, Management's Responsibility for Enterprise Risk Management and Internal Control, the NMB is able to provide reasonable assurance that, as of September 30, 2022, its internal controls over the effectiveness and efficiency of operations and reporting were compliant with applicable laws and regulations, and no material weaknesses were found in the design or operation of the internal controls.

Respectfully submitted,



LINDA A. PUCHALA

Chairman

National Mediation Board

MEASURING
PERFORMANCE:
KEY RESULTS
FOR FY 2022

55

PROGRAM OFFICES

58

SUPPORT OFFICES

02.



FY 2022 PROGRAM OFFICES PERFORMANCE GOALS

OFFICE OF MEDIATION SERVICES

MEDIATION STRATEGIC GOAL

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

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

FY 2022 Accomplishments

NMB standards applicable to processing and managing cases involving major disputes were consistently met in FY 2022. The NMB will continue to refine case processing with enhancements to the Agency's Mediation Case Management System to track cases from application to closure. Case management was accomplished as planned with Mediators utilizing appropriate techniques at the table with support from Senior Mediators acting as advisors in an oversight role. Quarterly reviews of cases one year old or older by Board Members and senior mediation management insured that parties to the process received assistance appropriate for their cases.

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

FY 2022 Accomplishments

Through the use of Individual Development Plans (IDPs), each Mediator participated in training and development that met her or his individual needs. In addition, training covering industry-specific topics was conducted during each mediator meeting. Mediators attended virtual conferences as offered. Each of these provided targeted information and training that enhanced the skills Mediators bring to the table.

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

FY 2022 Accomplishments

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

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

FY 2022 Accomplishments

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

OFFICE OF LEGAL AFFAIRS

REPRESENTATION STRATEGIC GOAL

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

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

FY 2022 Accomplishments

In most cases, OLA responded to representation applications within two business days of receipt by the NMB; assigned an investigator within two business days of receipt of the application; determined showing of interest within 45 days of docketing an application and issued a certification or dismissal the next business day after the ballot count. OLA has fully transitioned to mail ballot elections and has authorized 21 elections and completed 18 tallies. OLA continues to work with the NMB's Office of Information Services on the procurement and planning of a new electronic voting system.

GOAL 2: Enhance training and development of OLA staff.

FY 2022 Accomplishments

Each OLA staff member updated their Individual Development Plan (IDP). Each year OLA employees meet with their manager to update or develop a plan to enhance career related skills. In Fiscal Year 2022 OLA staff took classes related to the Freedom of Information Act (FOIA), records management, government ethics, the Railway Labor Act, federal sector personnel law, conflict resolution and employment law.

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

FY 2022 Accomplishments

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

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

FY 2022 Accomplishments

All OLA staff members are trained on Emergency Board Procedures. OLA maintained continuous industry and agency communication at a level that provided for early preparation for potential Presidential Emergency Boards. OLA attorneys served as counsel to Presidential Emergency Board 250 involving the freight railroads and the unions representing their employees.

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

FY 2022 Accomplishments

OLA conducts semi-annual reviews of the Representation Manual and web site, updating where appropriate. In FY2022 OLA revised and updated the manual provisions applicable to mail ballot elections and developed an appeal process for situations where a voter’s intent was unclear from markings on a determinative ballot.

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

FY 2022 Accomplishments

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

The NMB has initiated the process to build a comparable electronic voting system internally, working in collaboration with NMB Office of Information Services and Fiscal Services. In the interim, elections are now conducted by mail-in ballot. In response to recurrent Covid surges, OLA has leveraged web-based video conferencing to conduct mail ballot tallies.

OFFICE OF ARBITRATION SERVICES

ARBITRATION STRATEGIC GOAL

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

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

FY 2022 Accomplishments

Recent accomplishments: An audit was conducted of the administrative caseload processes, and procedures governing public law boards and system boards of adjustments were reviewed with the goal of continuous improvement of service delivery.

GOAL 2: Increase the diversity of active arbitrators serving the airline and railroad industries.

FY 2022 Accomplishments

Recent accomplishments: NMB is collaborating with the FMCS, AAA and NAA to discuss opportunities to partner on initiatives aimed at improving diverse representation on the arbitrator roster.

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

FY 2022 Accomplishments

Recent accomplishments: A joint labor-management committee revised the NMB Subject Codes. The new codes are streamlined and reflect the current state of operations in the railroad industry. These codes will be used to provide data to the parties on the predominant issues being sent to arbitration for resolution.

SUPPORT OFFICES PERFORMANCE GOALS

OFFICE OF ADMINISTRATION

ADMINISTRATION STRATEGIC GOAL

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

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

FY 2022 Accomplishments

The Office of Administration responded to all requests for assistance or service from internal and external customers as soon as received.

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

FY 2022 Accomplishments

The NMB worked with the Department of Interior to ensure that each vacancy announcement reflects the technical and professional skills needed. The Office of Administration collaborated with the Office of Mediation to hire critical Mediator positions in FY 2022, and will continue to backfill the remaining vacancies in FY 2023.

GOAL 3: Ensure all COVID-19 policies and procedures are followed.

FY 2022 Accomplishments

The NMB has diligently been following all COVID-19 protocols from OMB, OPM, and the CDC. The Office of Administration ensures all Staff are properly alerted, trained, and cooperate with all Federal and building policies, protocols, and procedures.

OFFICE OF FISCAL SERVICES

FISCAL SERVICES STRATEGIC GOAL

Support the missions of the agency and provide outstanding financial and accounting services, including payroll, audits, travel, and procurement.

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

FY 2022 Accomplishments

The NMB continues to work with the Bureau of the Fiscal Service (BFS), a bureau within the U.S. Department of Treasury, to ensure that required financial reporting is prepared and submitted timely. The NMB worked with BFS to ensure that over 99% of payments were paid timely and accurately thus far in FY 2022. All Office of Management and Budget financial reports and data collections in FY 2022 were submitted in a timely manner. The Office of Fiscal Services is committed to responding to timely requests from our internal and external customers. In November 2022, the NMB received another unmodified "clean" opinion on its financial statement and notes from the Agency's independent auditor.

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

FY 2022 Accomplishments

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

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

FY 2022 Accomplishments

The NMB submitted all applicable financial reports, to date, and has continued to adhere to OMB Circulars A-11, A-123, and A-136. In FY 2022 the Agency received another "Green" scorecard from the U.S. Department of Treasury for various reporting and reconciliation requirements and analyses.

GOAL 4: Enhance Training and Development of Fiscal Services Staff

FY 2022 Accomplishments

Each OFS staff member updated their Individual Development Plan (IDP). Each year OFS employees meet with their manager to update or develop a plan to enhance career related skills. Training in records management, travel, federal financial management, and contracting courses were completed.

OFFICE OF INFORMATION SERVICES

INFORMATION SERVICES STRATEGIC GOAL

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

GOAL 1: Ensure compliance with regulations from the Cybersecurity and Infrastructure Security Agency and the National Archives.

FY 2022 Accomplishments

Recent accomplishments: The Office of Information Services (OIS) completed several actions related to Cybersecurity and Infrastructure Security Agency (CISA) Emergency Directives, as well as compliance with several actions related to the bi-annual Federal Information Security Modernization Act (FISMA) metrics. In addition, the agency conducted an IT security assessment utilizing the DHS OIG Metrics. This assessment resulted in several recommendations and action items that will improve the agency's maturity per the Cybersecurity Framework. In FY 2023, NMB will work to develop a secure electronic voting system. In the long term, NMB will need to meet Electronic Records Management requirements. NMB will need to acquire or develop a records management system to ensure that records contain appropriate metadata and are formatted correctly for transfer to NARA per OMB Memorandum M-19-21.

GOAL 2: Maintain and update internal policies.

FY 2022 Accomplishments

Recent accomplishments: NMB completed a comprehensive set of IT policies and procedures. NMB has now reached a maturity level of 'Defined' in all 8 Function Domain areas as required by the Cybersecurity Framework. NMB will continue its work to refine and update its policies and procedures.

GOAL 3: Maintain hardware/software architecture and configuration.

FY 2022 Accomplishments

Recent accomplishments: To improve the security and maintainability of its office network, the NMB implemented security patches to its network hardware and endpoints. The agency also completed a hardware refresh of all NMB computers using a secure baseline operating system image based on the Defense Information Systems Agency (DISA) Security Technical Implementation Guides (STIGs). The new NMB computers replaced older models that had reached end of support.

GOAL 4: Improve agency efficiency and public communications through cost-effective information and communications technology improvements, including implementing Enterprise Architecture (design, secure, and document) the emerging cloud, mobile, and other mechanisms.

FY 2022 Accomplishments

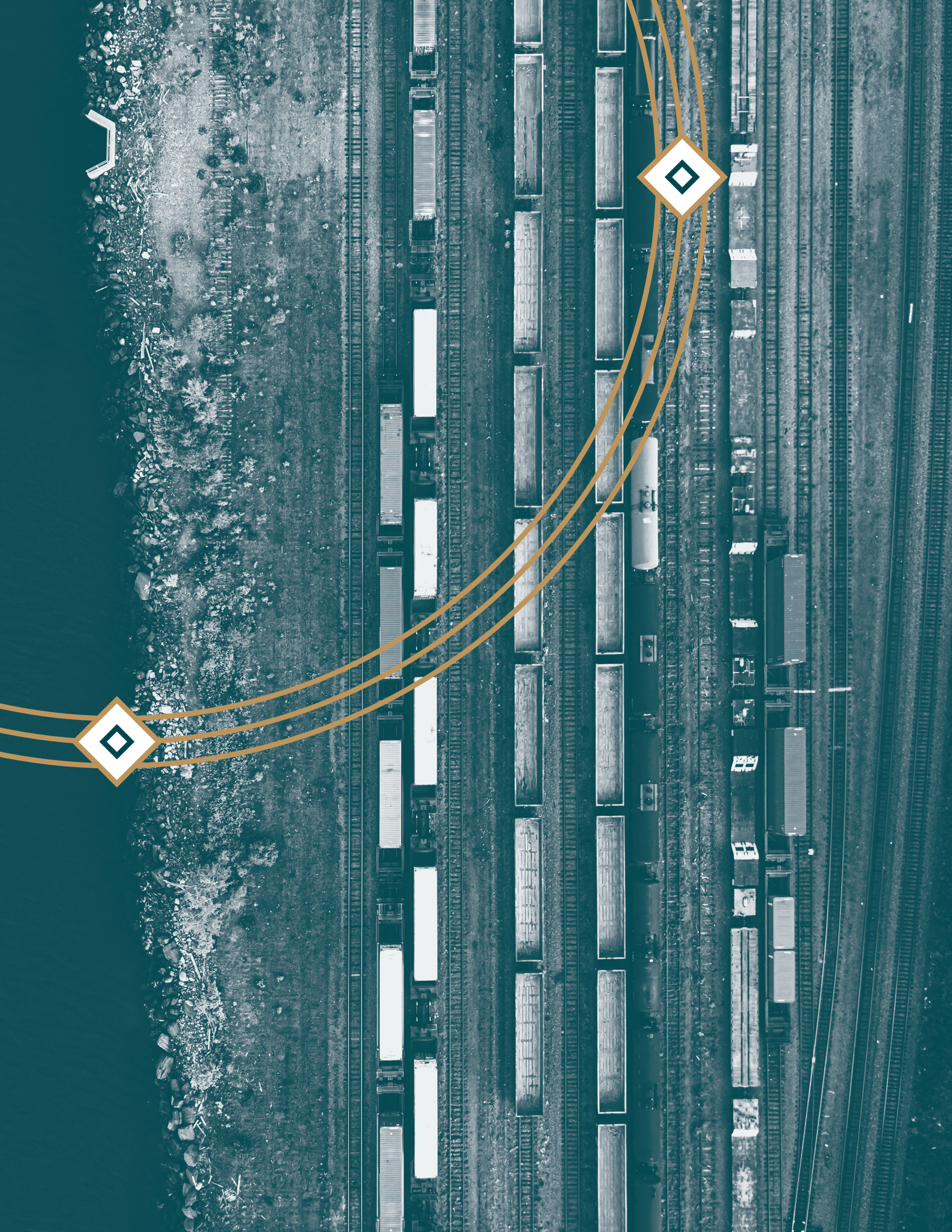
Recent accomplishments: NMB deployed a new phone and voicemail system and made enhancements to its Arbitrator Workspace System. Through these new technology upgrades, NMB improved the reliability and security of its information technology to better serve the public. NMB will continue to ensure it is maintaining its configuration baselines on all endpoints and also manage its mobile devices and workstations.

GOAL 5: Continue to ensure that NMB Information is secure while maintaining a government-leading information and communication technology program.

FY 2022 Accomplishments

Recent accomplishments: NMB implemented several emergency patches and upgrades to its information technology hardware and software. The NMB also completed system security plans and security assessments to issue Authorizations to Operate and is in the process of deploying technology to better manage computer software upgrades and configuration baselines. NMB also upgraded its network to meet Trusted Internet Connection requirements and implemented PIV/MFA logins for its computers. In FY 2023, NMB will work to obtain funding for Multifactor Authentication and Zero Trust Architecture requirements as required by Executive Order 14028, "Improving the Nation's Cybersecurity". NMB will also work to mature and maintain a Standardized Cybersecurity Vulnerabilities and Incident Response Program per OMB Memorandum M-20-32, as well as improve its IT logging, encryption, and enterprise Identity, Credential, and Access Management (ICAM) capabilities, consistent with OMB Memorandum M-19-17.

NMB also implemented IPv6 for its nmb.gov and Knowledge Store sites to address Office of Management and Budget (OMB) memo M-21-07 (Completing the Transition to Internet Protocol Version 6 (IPv6)). NMB plans to continue work to meet all M-21-07 requirements in FY23.



FINANCIAL INFORMATION

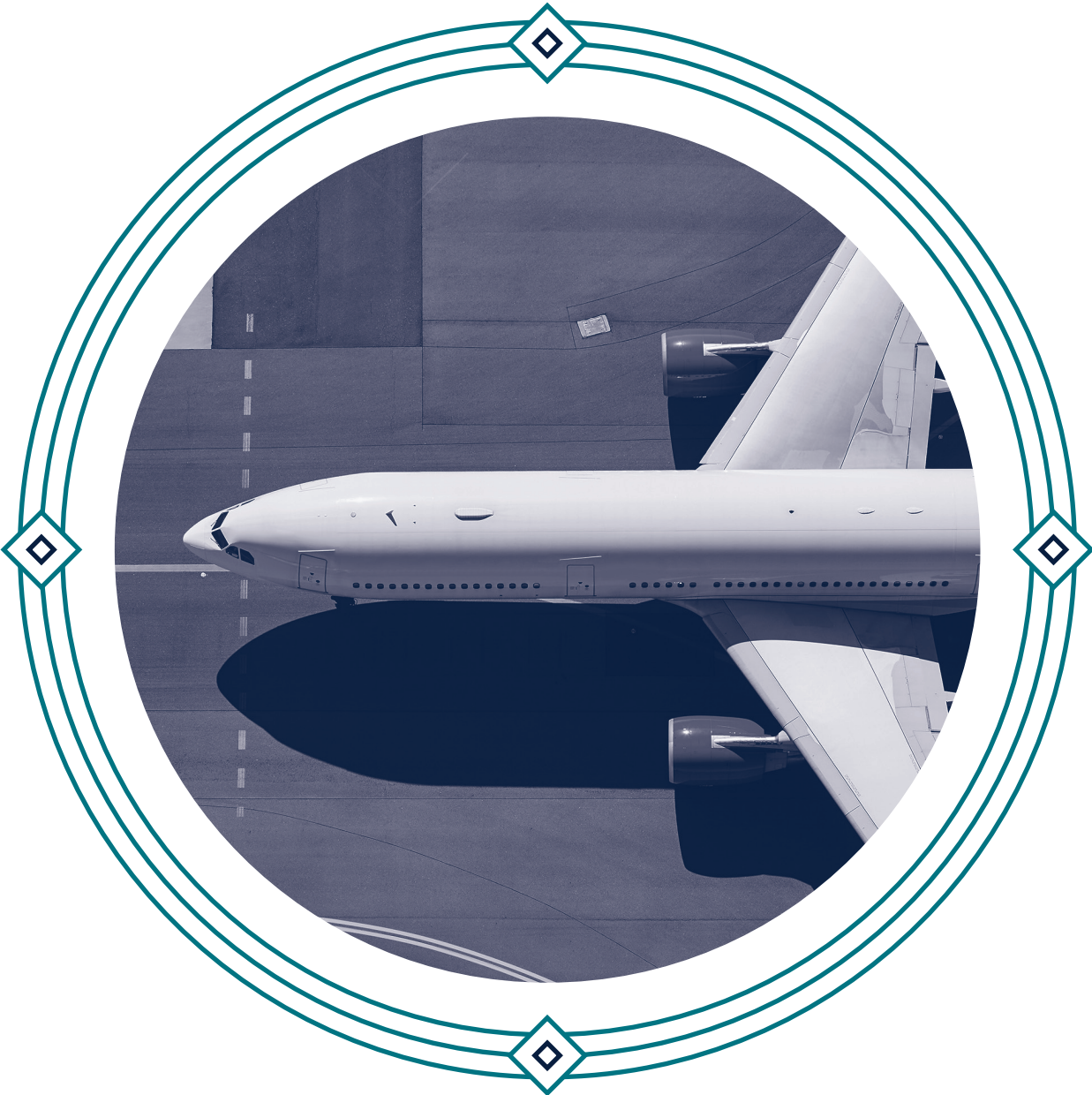
65

LETTER FROM THE CHIEF FINANCIAL OFFICER

66

NMB AUDIT OF FINANCIAL STATEMENTS

03.



LETTER FROM THE CHIEF FINANCIAL OFFICER

NOVEMBER 2, 2022

On behalf of the National Mediation Board (NMB), it is my pleasure to join with the Board in presenting the NMB's FY 2022 Performance and Accountability Report. This report is an integrated presentation of our programmatic, administrative, and financial achievements during the past year. The principal financial statements and notes that follow explain the NMB's financial position as of September 30, 2022 and 2021, respectively, as well as detail the use of Agency resources to achieve our performance results.

The independent audit of our financial statements has been completed, and I am pleased to report that the NMB received another unmodified opinion. This is evidence of the organization's continued emphasis on reviewing and strengthening internal controls in accordance with requirements from central regulatory bodies of the federal government such as the U.S. Treasury and OMB. This validates our confidence that our financial and performance data are complete, accurate, and reliable.

In FY 2022 there were no significant changes or issues in the Board's financial operations or systems. We continued our successful partnership with the U.S. Department of Treasury – Bureau of Fiscal Services (BFS) for our accounting, financial, contractual, and reporting services. The ability to partner with one of the Centers of Excellence designated by OMB affords us the opportunity to receive the numerous benefits a shared service provider can offer, at affordable costs.

In FY 2023 we will continue to seek out opportunities to further improve our financial and human resource operations by exploring automation and other electronic options. These enhancements will offer additional efficiencies and customer service to our internal and external customers.

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

Sincerely,



MICHAEL JERGER

Chief Financial Officer



INDEPENDENT AUDITORS' REPORT

BOARD MEMBERS, NATIONAL MEDIATION BOARD: REPORT ON THE FINANCIAL STATEMENTS

Opinion

Pursuant to the Accountability of Tax Dollars Act of 2002, we have audited the accompanying financial statements of the National Mediation Board (NMB), which comprise the balance sheets as of September 30, 2022 and 2021; the related statements of net cost, changes in net position, and budgetary resources for the fiscal years then ended; and the related notes to the financial statements (hereinafter referred to as the financial statements).

In our opinion, NMB's financial statements present fairly, in all material respects, NMB's financial position as of September 30, 2022 and 2021, and its net cost of operations, changes in net position, and budgetary resources for the fiscal years then in accordance with U.S. generally accepted accounting principles.

Basis for Opinion

We conducted our audits in accordance with auditing standards generally accepted in the United States of America (GAAS); the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States; and Office of Management and Budget (OMB) Bulletin No. 22-01, Audit Requirements for Federal Financial Statements. Our responsibilities under those standards and OMB Bulletin No. 22-01 are further described in the Auditor's Responsibilities for the Audit of the Financial Statements section of our report. We are required to be independent of NMB and to meet our other ethical responsibilities, in accordance with the relevant ethical requirements relating to our audit. We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Responsibilities of Management for the Financial Statements

NMB management is responsible for (1) the preparation and fair presentation of these financial statements accounting principles generally accepted in the United States of America; (2) preparing, measuring, and presenting Required Supplementary Information (RSI) in accordance with U.S. generally accepted accounting principles; (3) preparing and presenting other information included in NMB's Performance and Accountability Report and ensuring the consistency of that information with the audited financial statements and the RSI; and (4) designing, implementing, and maintaining effective internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for the Audit of the Financial Statements

Our objectives are to obtain reasonable assurance about whether the financial statements as a whole are free from material misstatement, whether due to fraud or error, and to issue an auditor's report that includes our opinion. Reasonable assurance is a high level of assurance but is not absolute assurance and therefore is not a guarantee that an audit conducted in accordance with GAAS, generally accepted government auditing standards (GAGAS), and OMB Bulletin No. 22-01 will always detect a material misstatement when it exists.



The risk of not detecting a material misstatement resulting from fraud is higher than for one resulting from error, as fraud may involve collusion, forgery, intentional omissions, misrepresentations, or the override of internal control. Misstatements, including omissions, are considered to be material if there is a substantial likelihood that, individually or in the aggregate, they would influence the judgment made by a reasonable user based on the financial statements.

In performing an audit in accordance with GAAS, GAGAS, and OMB Bulletin No. 22-01, our responsibilities are to exercise professional judgment and maintain professional skepticism throughout the audit, identify and assess risks of material misstatement of the financial statements, whether due to fraud or error, and design and perform audit procedures that are responsive to those risks. Such procedures include examining, on a test basis, evidence regarding the amounts and disclosures in the financial statements in order to obtain audit evidence that is sufficient and appropriate to provide a basis for our opinion. In addition, in making those risk assessments, we obtain an understanding of internal control relevant to an audit of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of NMB's internal control. Accordingly, we express no such opinion.

An audit also includes evaluating the appropriateness of the accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements, and performing other procedures we consider necessary in the circumstances. We are required to communicate with those charged with governance regarding, among other matters, the planned scope of and timing of the audit, significant audit findings, and certain internal control-related matters that we identified during the financial statement audit.

Required Supplementary Information (RSI)

U.S. generally accepted accounting principles issued by the Federal Accounting Standards Advisory Board (FASAB) require that the information in the RSI be presented to supplement the financial statements. Such information is the responsibility of management and, although not a part of the financial statements, is required by FASAB, which considers it to be an essential part of financial reporting for placing the financial statements in appropriate operational, economic, or historical context. We have applied certain limited procedures to the RSI in accordance with U.S. generally accepted government auditing standards, which consisted of inquiries of management about the methods of preparing the RSI and comparing the information for consistency with management's responses to our inquiries, the financial statements, and other knowledge we obtained during the audit of the NMB's financial statements, in order to report omissions or material departures from FASAB guidelines, if any, identified by these limited procedures. We did not audit and we do not express an opinion or provide any assurance on the RSI because the limited procedures we applied do not provide sufficient evidence to express an opinion or provide any assurance.

Other Information

NMB's other information contains a wide range of information, some of which is not directly related to the financial statements. This information is presented for purposes of additional analysis and is not a required part of the financial statements or the RSI. Management is responsible for the other information included in NMB's Performance Accountability Report. The other information comprises the Chairman's Letter, Management and Discussion Analysis, Measuring Performance: Key Results for FY2022, and Other Information sections but does not include the financial statements and our auditor's report thereon. Our opinion on the financial statements does not cover the other information, and we do not express an opinion or any form of assurance thereon.



In connection with our audit of the financial statements, our responsibility is to read the other information and consider whether a material inconsistency exist between the other information and the financial statements, or the other information otherwise appears to be materially misstated. If, based on the work performed, we conclude that an uncorrected material misstatement of the other information exists, we are required to describe it in our report.

REPORT ON INTERNAL CONTROL OVER FINANCIAL REPORTING

In connection with our audits of NMB's financial statements as of and for the year ended September 30, 2022, we considered NMB's internal control over financial reporting, consistent with the auditor's responsibilities discussed below.

Results of Our Consideration of Internal Control over Financial Reporting

Our consideration of internal control was for the limited purpose described below, and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies¹ or to express an opinion on the effectiveness of NMB's internal control over financial reporting. Accordingly, we do not express an opinion on the effectiveness of NMB's internal control over financial reporting. Given these limitations, during our audit, we did not identify any deficiencies in internal control that we consider to be material weaknesses; however, material weaknesses or significant deficiencies may exist that have not been identified.

During our fiscal year 2022 audit, we identified a deficiency in NMB's internal control over financial reporting that we consider to be a significant deficiency. The deficiency is described in the accompanying Exhibit I, Findings and Recommendations, to this report. We considered this significant deficiency in determining the nature, timing, and extent of our audit procedures on NMB's fiscal year 2022 financial statements. Although the significant deficiency in internal control did not affect our opinion on NMB's fiscal year 2022 financial statements, misstatements may occur in unaudited financial information reported internally and externally by NMB because of this significant deficiency.

Basis for Results of Our Consideration of Internal Control over Financial Reporting

We performed our procedures related to NMB's internal control over financial reporting in accordance with U.S. generally accepted government auditing standards.

Responsibilities of Management for Internal Control over Financial Reporting

NMB management is responsible for designing, implementing, and maintaining effective internal control over financial reporting relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibilities for Internal Control over Financial Reporting

In planning and performing our audit of NMB's financial statements as of and for the fiscal year ended September 30, 2022, in accordance with U.S. generally accepted government auditing standards, we considered NMB's internal control relevant to the financial statement audit in order to design audit procedures that are appropriate in the circumstances, but not for

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



the purpose of expressing an opinion on the effectiveness of NMB's internal control over financial reporting. Accordingly, we do not express an opinion on NMB's internal control over financial reporting. We are required to report all deficiencies that are considered to be significant deficiencies or material weaknesses. We did not consider all internal controls relevant to operating objectives, such as those controls relevant to preparing performance information and ensuring efficient operations.

Definition and Inherent Limitations of Internal Control over Financial Reporting

An entity's internal control over financial reporting is a process effected by those charged with governance, management, and other personnel, the objectives of which are to provide reasonable assurance that (1) transactions are properly recorded, processed, and summarized to permit the preparation of financial statements in accordance with U.S. generally accepted accounting principles, and assets are safeguarded against loss from unauthorized acquisition, use, or disposition, and (2) transactions are executed in accordance with provisions of applicable laws, including those governing the use of budget authority, regulations, contracts, and grant agreements, noncompliance with which could have a material effect on the financial statements.

Because of its inherent limitations, internal control over financial reporting may not prevent, or detect and correct, misstatements due to fraud or error.

Intended Purpose of Report on Internal Control over Financial Reporting

The purpose of this report is solely to describe the scope of our consideration of NMB's internal control over financial reporting and the results of our procedures, and not to provide an opinion on the effectiveness of NMB's internal control over financial reporting. This report is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering internal control over financial reporting. Accordingly, this report on internal control over financial reporting is not suitable for any other purpose.

REPORT ON COMPLIANCE WITH LAWS, REGULATIONS, CONTRACTS, AND GRANT AGREEMENTS

In connection with our audits of NMB's financial statements, we tested compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements consistent with our auditor's responsibilities discussed below.

Results of Our Tests for Compliance with Laws, Regulations, Contracts, and Grant Agreements

Our tests for compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements disclosed no instances of noncompliance for fiscal year 2022 that would be reportable under U.S. generally accepted government auditing standards. However, the objective of our tests was not to provide an opinion on compliance with laws, regulations, contracts, and grant agreements applicable to NMB. Accordingly, we do not express such an opinion.

Basis for Results of Our Tests for Compliance with Laws, Regulations, Contracts, and Grant Agreements

We performed our tests of compliance in accordance with U.S. generally accepted government auditing standards. Our responsibilities under those standards are further described in the Auditor's Responsibilities for Tests of Compliance section below.



Responsibilities of Management for Compliance with Laws, Regulations, Contracts, and Grant Agreements

NMB management is responsible for complying with laws, regulations, contracts, and grant agreements applicable to NMB.

Auditor's Responsibilities for Tests of Compliance with Laws, Regulations, Contracts, and Grant Agreements

Our responsibility is to test compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements applicable to NMB that have a direct effect on the determination of material amounts and disclosures in NMB's financial statements, and to perform certain other limited procedures. Accordingly, we did not test compliance with all laws, regulations, contracts, and grant agreements applicable to NMB. We caution that noncompliance may occur and not be detected by these tests.

Intended Purpose of Report on Compliance with Laws, Regulations, Contracts, and Grant Agreements

The purpose of this report is solely to describe the scope of our testing of compliance with selected provisions of applicable laws, regulations, contracts, and grant agreements, and the results of that testing, and not to provide an opinion on compliance. This report is an integral part of an audit performed in accordance with U.S. generally accepted government auditing standards in considering compliance. Accordingly, this report on compliance with laws, regulations, contracts, and grant agreements is not suitable for any other purpose.

NMB's Response to Findings

NMB's response to the finding identified during our audit is described immediately following the auditors' recommendations in Exhibit I. NMB's responses were not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on them.

Allmond & Company, LLC

November 1, 2022



IMPROPER RECORDING OF UNFUNDED ANNUAL LEAVE LIABILITY ACCRUAL (2022-01)

CONDITION

The National Mediation Board (“NMB”) lacks sufficient internal controls to ensure the reliability of its Unfunded Annual Leave balance. Specifically, Unfunded Leave (USSGL Account 222000) and Future Funded Expenses (USSGL Account 680000) was overstated by \$592,070.70 as of September 30, 2022.

CRITERIA

The U.S Standard General Ledger (USSGL) Section III: Account Transactions, Transaction Code B420, states, “To record the liability for cost to be funded in the future. Comment: Reverse accruals at the beginning of the next accounting period.”

Budgetary Entry

None

Proprietary Entry

| | | |
|--------|---------|------------------------|
| Debit | 680,000 | Future Funded Expenses |
| Credit | 222,000 | Unfunded Leave |

The Government Accountability Office (GAO), Standards for Internal Controls in the Federal Government, (issued September 2014), Principle 10 – Design of Appropriate Types of Control Activities, 10.03, Accurate and Timely Recording of Transactions, states on page 54,

“Transactions are promptly recorded to maintain their relevance and value to management in controlling operations and making decisions. This applies to the entire process or life cycle of a transaction or event from its initiation and authorization through its final classification in summary records. In addition, management designs control activities so that all transactions are completely and accurately recorded.”

CAUSE

The updated payroll system used by NMB’s shared service provider, Treasury’s Bureau of Fiscal Service, Administrative Resource Center, does not properly perform accrual reversals for unfunded leave.

NMB personnel and personnel at NMB’s shared service provider did not perform a thorough review of the financial statement line item(s) to ensure amounts were accurately and properly recorded.



EFFECT

The lack of accrual reversals and the lack of sufficient internal controls over financial reporting leads to material misstatements in the financial statements. Specifically, Federal Employee and Veteran Benefits Payable, Gross Costs, and Cumulative Results of Operations were overstated by \$592,070.70 for the fiscal year ended 09/30/2022.

RECOMMENDATION

We recommend that NMB management independently verify the amounts recorded for the unfunded leave liability accrual by its shared service provider and examine the entries that the service provider has recorded in its general ledger to ensure it agrees with the information NMB provided.

MANAGEMENT RESPONSE

The NMB, through its shared service provider of the Department of Treasury – Bureau of Fiscal Services (BFS), will receive and independently verify the accrual entry for the unfunded leave liability.

AUDITOR RESPONSE

We will perform follow up procedures during FY 2023 to determine if corrective actions have been fully implemented.

BALANCE SHEET

AS OF SEPTEMBER 30, 2022 AND 2021 (IN DOLLARS)

| ASSETS | 2022 | 2021 |
|-------------------------------------|---------------------|---------------------|
| Intragovernmental | | |
| Fund Balance with Treasury (Note 2) | \$10,601,009 | \$11,002,318 |
| Total Intragovernmental | \$10,601,009 | \$11,002,318 |
| Total Assets | \$10,601,009 | \$11,002,318 |

| LIABILITIES (NOTE 4) | 2022 | 2021 |
|--|--------------------|--------------------|
| Intragovernmental | | |
| Accounts Payable | \$871,298 | \$462,222 |
| Other Liabilities (Note 6) | \$31,046 | \$87,676 |
| Total Intragovernmental | \$902,344 | \$549,898 |
| Other than Intragovernmental | | |
| Accounts Payable | \$713,220 | \$1,759,752 |
| Federal Employee and Veteran Benefits Payable (Note 6) | \$492,672 | \$597,695 |
| Other Liabilities (Note 6) | \$124,826 | \$291,818 |
| Total Other than Intragovernmental | \$1,330,718 | \$2,649,265 |
| Total Liabilities | \$2,233,062 | \$3,199,163 |

| COMMITMENTS AND CONTINGENCIES (NOTE 7) | 2022 | 2021 |
|--|---------------------|---------------------|
| Net Position | | |
| Unexpected Appropriations - Funds other than those from Dedicated Collections | \$8,856,585 | \$8,388,694 |
| Total Unexpended Appropriations (Consolidated) | \$8,856,585 | \$8,388,694 |
| Cumulative Results of Operations - Funds other than those from Dedicated Collections | (\$488,638) | (\$585,539) |
| Total Cumulative Results of Operations (Consolidated) | (\$488,638) | (\$585,539) |
| Total Net Position | \$8,367,947 | \$7,803,155 |
| Total Liabilities and Net Position | \$10,601,009 | \$11,002,318 |

STATEMENT OF NET COST

FOR THE YEARS ENDED SEPTEMBER 30, 2022 AND 2021
(IN DOLLARS)

| GROSS PROGRAM COSTS | 2022 | 2021 |
|-------------------------------------|---------------------|---------------------|
| Mediation/ADR | | |
| Gross Costs | \$8,140,352 | \$10,497,911 |
| Less: Earned Revenue | (\$91) | – |
| Net Program Costs | \$8,140,261 | \$10,497,911 |
| Representation | | |
| Gross Costs | \$1,706,659 | \$1,697,006 |
| Less: Earned Revenue | – | – |
| Net Program Costs | \$1,706,659 | \$1,697,006 |
| Arbitration | | |
| Gross Costs | \$2,650,187 | \$2,978,090 |
| Less: Earned Revenue | – | – |
| Net Program Costs | \$2,650,187 | \$2,978,090 |
| Presidential Emergency Board | | |
| Gross Costs | \$272,735 | – |
| Less: Earned Revenue | – | – |
| Net Program Costs | \$272,735 | – |
| | | |
| Net Cost of Operations | \$12,769,842 | \$15,173,007 |

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

STATEMENT OF CHANGES IN NET POSITION

FOR THE YEARS ENDED SEPTEMBER 30, 2022 AND 2021
(IN DOLLARS)

| | 2022 | 2021 |
|---|-----------------------|-----------------------|
| Unexpended Appropriations | | |
| Beginning Balances | \$8,388,694 | \$9,859,199 |
| Appropriations Received | \$14,729,000 | \$14,300,000 |
| Other Adjustments | (\$1,701,604) | (\$979,935) |
| Appropriations Used | (\$12,559,505) | (\$14,790,570) |
| Change in Unexpended Appropriations | \$467,891 | (\$1,470,505) |
| Total Unexpended Appropriations | \$8,856,585 | \$8,388,694 |
| Cumulative Results of Operations | | |
| Beginning Balances | (\$585,538) | (\$560,773) |
| Beginning Balance, as Adjusted | | |
| Appropriations Used | \$12,559,505 | \$14,790,570 |
| Imputed Financing (Note 13) | \$307,162 | \$357,670 |
| Other | \$75 | – |
| Net Cost of Operations | (\$12,769,842) | (\$15,173,007) |
| Net Change in Cumulative Results of Operations | \$96,900 | (\$24,766) |
| Cumulative Results of Operations | (\$488,638) | (\$585,539) |
| Net Position | \$8,367,947 | \$7,803,155 |

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

STATEMENT OF BUDGETARY RESOURCES

FOR THE YEARS ENDED SEPTEMBER 30, 2022 AND 2021
(IN DOLLARS)

| | 2022 | 2021 |
|--|---------------------|---------------------|
| Budgetary Resources | | |
| Unobligated Balance from Prior Year Budget Authority, Net (Discretionary and Mandatory) (Note 14) | \$5,177,592 | \$6,363,043 |
| Appropriations | \$14,729,000 | \$14,300,000 |
| Total Budgetary Resources | \$19,906,592 | \$20,663,043 |
| Status of Budgetary Resources | | |
| New Obligations and Upward Adjustments (Total) (Note 8) | \$14,844,762 | \$14,334,370 |
| Unobligated Balance, End of Year | | |
| Apportioned, Unexpired Accounts | \$85,724 | \$160,928 |
| Unexpired Unobligated Balance, End of Year | \$85,724 | \$160,928 |
| Expired Unobligated Balance, End of Year | \$4,976,106 | \$6,167,745 |
| Unobligated Balance, End of Year (Total) | \$5,061,830 | \$6,328,673 |
| Total Budgetary Resources | \$19,906,592 | \$20,663,043 |
| Outlays, Net and Disbursements, Net | | |
| Outlays, Net (Total) | \$13,428,706 | \$13,371,402 |
| Agency Outlays, Net | \$13,428,706 | \$13,371,402 |

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

NOTES TO PRINCIPAL STATEMENTS

September 30, 2022 and September 30, 2021

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Reporting Entity

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

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

NMB prepares its financial statements to be in conformity with generally accepted accounting principles. NMB does not hold any non-entity assets and has no funds from dedicated collections as described by the Statement of Federal Financial Accounting Standards (SFFAS) 43.

B. Basis of Presentation

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

C. Basis of Accounting

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

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

D. Classified Activities

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

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

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

E. Revenue and Other Financing Sources

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

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

F. Use of Estimates

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

G. Fund Balances with the US Department of Treasury

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

H. Accounts Receivable

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

I. Property and Equipment

Property and equipment is stated at cost less accumulated depreciation. NMB capitalizes property and equipment purchases with a cost greater than \$5,000, and a total useful life exceeding one year. Depreciation is calculated on a straight-line basis based on an estimated useful life of 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. 6, Accounting for Property, Plant, and Equipment, are met, NMB capitalizes the lease at the present value of minimum lease payment and amortizes the cost over the economic useful life of the asset.

J. Liabilities

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

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

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

K. Accrued Payroll and Benefits

Accrued payroll and benefits reflect salaries and benefits that have been earned, but not disbursed as of September 30, 2022. Accrued payroll and benefits are payable to employees and are therefore not classified as Intragovernmental.

L. Annual, Sick and Other Leave

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

M. Retirement Plans and Other Employee Benefits

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

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

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

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

N. Commitments and Contingencies

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

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

NOTE 2: FUND BALANCES WITH TREASURY

Fund Balance with Treasury account balances as of September 30, 2022 and 2021, were as follows:

| | 2022 | 2021 |
|---|---------------------|---------------------|
| Status of Fund Balance with Treasury | | |
| Unobligated Balance | | |
| Available | \$85,724 | \$160,928 |
| Unavailable | \$4,976,106 | \$6,167,745 |
| Obligated Balance Not Yet Disbursed | \$5,539,179 | \$4,673,645 |
| Total | \$10,601,009 | \$11,002,318 |

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

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

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

NOTE 3: ACCOUNTS RECEIVABLE, NET

Accounts receivable balances as of September 30, 2022 and 2021, were as follows:

| | 2022 | 2021 |
|-------------------------------------|------|------|
| Intragovernmental | | |
| Total Liabilities | – | – |
| Other than Intragovernmental | | |
| Total Accounts Receivable | – | – |

The accounts receivable is primarily made up of reimbursements due from employees. Historical experience has indicated that the majority of the receivables are collectible. There are no material uncollectible accounts as of September 30, 2022 and 2021.

NOTE 4: LIABILITIES NOT COVERED BY BUDGETARY RESOURCES

Liabilities covered and not covered by budgetary resources as of September 30, 2022 and 2021, consist of the following:

| | 2022 | 2021 |
|---|--------------------|--------------------|
| Intragovernmental–FECA Unfunded Leave | \$488,639 | \$585,373 |
| Total Liabilities Not Covered by Budgetary Resources | \$488,639 | \$585,373 |
| Total Liabilities Covered by Budgetary Resources | \$1,744,423 | \$2,613,624 |
| Total Liabilities Not Requiring Budgetary Resources | – | \$166 |
| Total Liabilities | \$2,233,062 | \$3,199,163 |

NOTE 5: LEASES

Operating Leases

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

| FISCAL YEAR | OFFICE SPACE | TOTAL FEDERAL |
|------------------------------|--------------------|--------------------|
| 2023 | \$1,295,985 | \$1,295,985 |
| 2024 | \$1,320,059 | \$1,320,059 |
| 2025 | \$1,344,855 | \$1,344,855 |
| 2026 | \$1,370,395 | \$1,370,395 |
| 2027 | \$106,486 | \$106,486 |
| Total Future Payments | \$5,437,780 | \$5,437,780 |

NOTE 6: OTHER LIABILITIES

Other liabilities account balances as of September 30, 2022 were as follows:

| 2022 | CURRENT | NON-CURRENT | TOTAL |
|---|------------------|-------------|------------------|
| Intragovernmental | | | |
| Employer Contributions and Payroll Taxes Payable (Without Reciprocal) | \$8,947 | – | \$8,947 |
| Employer Contributions and Payroll Taxes Payable | \$22,099 | – | \$22,099 |
| Total Intragovernmental Other Liabilities | \$31,046 | – | \$31,046 |
| Other than Intragovernmental | | | |
| Accrued Funded Payroll and Leave | \$124,826 | – | \$124,826 |
| Total Other than Intragovernmental Liabilities | \$124,826 | – | \$124,826 |
| Total Other Liabilities | \$155,872 | – | \$155,872 |

Other liabilities account balances as of September 30, 2021 were as follows:

| 2021 | CURRENT | NON-CURRENT | TOTAL |
|---|------------------|-------------|------------------|
| Intragovernmental | | | |
| Employer Contributions and Payroll Taxes Payable (Without Reciprocals) | \$20,072 | – | \$20,072 |
| Custodial Liability (to the General Fund) | (\$7) | – | (\$7) |
| Liability for Non-Entity Assets Not Reported on the Statement of Custodial Activity (to the General Fund) | \$113 | | \$113 |
| Employer Contributions and Payroll Taxes Payable | \$67,498 | – | \$67,498 |
| Total Intragovernmental Other Liabilities | \$87,676 | – | \$87,676 |
| Other than Intragovernmental | | | |
| Accrued Funded Payroll and Leave | \$291,759 | – | \$291,759 |
| Custodial Liability | \$60 | – | \$60 |
| Total Other than Intragovernmental Other Liabilities | \$291,819 | – | \$291,819 |
| Total Other Liabilities | \$379,495 | – | \$379,495 |

NOTE 7: COMMITMENTS AND CONTINGENCIES

Arbitrator Liabilities

The case is obligated. The number of cases not assigned to any arbitrators September 30, 2022 and 2021 is 2,625 and 2,079 respectively. If these cases were assigned, we estimate it would cost \$1,653,750 fiscal year 2022 and in fiscal year 2021 \$1,309,770 for arbitrators to hear and render an award on these cases.

NOTE 8: APPORTIONMENT CATEGORIES OF NEW OBLIGATIONS INCURRED AND UPWARD ADJUSTMENTS

Obligations incurred and reported in the Statement of Budgetary Resources in 2022 and 2021 consisted of the following:

| | 2022 | 2021 |
|---|---------------------|---------------------|
| Direct Obligations, Category A | \$14,572,027 | \$14,334,370 |
| Direct Obligations, Category B | \$272,735 | – |
| Total New Obligations and Upward Adjustments | \$14,844,762 | \$14,334,370 |

NOTE 9: UNDELIVERED ORDERS AT THE END OF THE PERIOD

As of September 30, 2022, budgetary resources obligated for undelivered orders were as follows:

| 2022 | FEDERAL | NON-FEDERAL | TOTAL |
|---------------------------------|------------------|--------------------|--------------------|
| Paid Undelivered Orders | – | – | – |
| Unpaid Undelivered Orders | \$293,206 | \$3,501,549 | \$3,794,755 |
| Total Undelivered Orders | \$293,206 | \$3,501,549 | \$3,794,755 |

As of September 30, 2021, budgetary resources obligated for undelivered orders were as follows:

| CURRENT YEAR | FEDERAL | NON-FEDERAL | TOTAL |
|---------------------------------|-----------------|--------------------|--------------------|
| Paid Undelivered Orders | – | – | – |
| Unpaid Undelivered Orders | \$99,830 | \$1,960,192 | \$2,060,022 |
| Total Undelivered Orders | \$99,830 | \$1,960,192 | \$2,060,022 |

NOTE 10: RECONCILIATION OF NET COST TO NET OUTLAYS

Budget and accrual reconciliation for the year ended September 30, 2022 (in dollars)

| | INTRA-GOVERNMENTAL | OTHER THAN INTRA-GOVERNMENTAL | TOTAL |
|---|--------------------|-------------------------------|---------------------|
| Net Operating Cost | \$4,437,408 | \$8,332,434 | \$12,769,842 |
| Components of Net Cost Not Part of the Budgetary Outlays | | | |
| (Increase)/Decrease in Liabilities | | | |
| Accounts Payable | (\$409,076) | \$1,046,532 | \$637,456 |
| Federal Employee and Veteran Benefits Payable | – | \$105,203 | \$105,203 |
| Other Liabilities | \$56,524 | \$166,843 | \$223,457 |
| Financing Sources | | | |
| Imputed Cost | (\$307,162) | – | (\$307,162) |
| Total Components of Net Operating Cost Not Part of the Budgetary Outlays | (\$659,714) | (\$1,318,578) | (\$658,864) |
| | | | |
| Total Net Outlays (Calculated Total) | \$3,777,694 | \$9,651,012 | \$13,428,706 |
| | | | |
| Budgetary Agency Outlays, Net (SBR 4210) | | | |
| Budgetary Agency Outlays, Net | | | \$13,428,706 |

Budget and accrual reconciliation for the year ended September 30, 2021 (in dollars)

| | INTRA- GOVERNMENTAL | OTHER THAN INTRA- GOVERNMENTAL | TOTAL |
|---|------------------------|--------------------------------------|----------------------|
| Net Operating Cost | \$3,928,341 | \$11,244,666 | \$15,173,007 |
| Components of Net Operating Cost Not Part of the Budget Outlays | | | |
| Increase/(Decrease) in Assets | | | |
| Accounts Receivable, Net | – | (\$2,439) | (\$2,439) |
| (Increase)/Decrease in Liabilities | | | |
| Accounts Payable | \$38,343 | (\$1,481,044) | (\$1,442,701) |
| Federal Employee and Veteran Benefits Payable | – | (\$23,907) | (\$23,907) |
| Other Liabilities | (\$9,679) | \$34,792 | \$25,113 |
| Financing Sources | | | |
| Imputed Cost | (\$357,671) | – | (\$357,671) |
| Total Components of Net Operating Cost Not Part of the Budgetary Outlays | (\$329,007) | (\$1,472,598) | (\$1,801,605) |
| | | | |
| Total Net Outlays (Calculated Total) | \$3,599,334 | \$9,772,068 | \$13,371,402 |
| | | | |
| Budgetary Agency Outlays, Net (SBR 4210) | | | |
| Budgetary Agency Outlays, Net | | | \$13,371,402 |

NOTE 11: EXPLANATION OF DIFFERENCES BETWEEN SBR AND THE BUDGET OF THE U.S. GOVERNMENT

The President’s Budget that will include fiscal year 2022 actual budgetary execution information has not yet been published. The President’s Budget is scheduled for publication in February 2023 and can be found at the OMB Web site: www.whitehouse.gov/omb/.

| | BUDGETARY RESOURCES | NEW OBLIGATIONS & UPWARD ADJUSTMENTS (TOTAL) | NET OUTLAYS |
|---|---------------------|--|---------------------|
| Combined Statement of Budgetary Resources | \$21,000,000 | \$14,000,000 | \$13,000,000 |
| Unobligated Balance Not Available | (\$7,000,000) | – | – |
| Budget of the U.S. Government | \$14,000,000 | \$14,000,000 | \$13,000,000 |

NOTE 12. CUSTODIAL REVENUES

The National Mediation Board’s custodial activity primarily consists of collection of Nonfederal receivables, fines, penalties, as well as Freedom of Information Act requests. While these collections are considered custodial, they are neither primary to the mission of the Board nor material to the overall financial statements. The Board’s total custodial collections are \$91 and \$0 for the periods ending September 30, 2022, and 2021, respectively.

NOTE 13. INTER-ENTITY COSTS

NMB recognizes certain inter-entity costs for goods and services that are received from other federal entities at no cost or at a cost less than the full cost. Certain costs of the providing entity that are not fully reimbursed are recognized as imputed cost and are offset by imputed revenue. Such imputed costs relate to employee benefits. NMB recognizes as inter-entity costs the amount of accrued pension and post-retirement benefit expenses for current employees. The assets and liabilities associated with such benefits are the responsibility of the administering agency, OPM. For the periods ended September 30, 2022 and 2021, respectively, inter-entity costs were as follows:

| | 2022 | 2021 |
|--|------------------|------------------|
| Office of Personnel Management | \$307,162 | \$357,670 |
| Total Imputed Financing Sources | \$307,162 | \$357,670 |

NOTE 14. NET ADJUSTMENTS TO UNOBLIGATED BALANCE, BROUGHT FORWARD, OCTOBER 1

The Unobligated Balance Brought Forward from the prior fiscal year has been adjusted for recoveries of prior year paid and unpaid obligations and other changes such as canceled authority. The Adjustments to Unobligated Balance Brought Forward, October 1, as of September 30, 2022, and 2021, consisted of the following:

| | 2022 | 2021 |
|--|--------------------|--------------------|
| Unobligated Balance Brought Forward, From Prior Year, October 1 | \$6,328,673 | \$6,666,016 |
| Recoveries of Prior Year Obligations | \$550,523 | \$676,962 |
| Other Changes in Unobligated Balances | (\$1,701,604) | (\$979,935) |
| Unobligated Balance From Prior Year Budget Authority, Net (Discretionary and Mandatory) | \$5,177,592 | \$6,363,043 |

OTHER INFORMATION

89

SUMMARY OF FINANCIAL STATEMENT AUDIT AND
MANAGEMENT ASSURANCES (UNAUDITED)

90

IMPROPER PAYMENTS INFORMATION ACT

90

GOVERNMENT CHARGE CARD PROGRAMS

04.



SUMMARY OF FINANCIAL STATEMENT AUDIT AND MANAGEMENT ASSURANCES

TABLE 1. SUMMARY OF FINANCIAL STATEMENT AUDIT

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

TABLE 2. SUMMARY OF MANAGEMENT ASSURANCES

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

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

IMPROPER PAYMENTS INFORMATION ACT

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

GOVERNMENT CHARGE CARD PROGRAMS

TRAVEL

In FY 2022, the NMB continued to be a full participant in the General Service Administration's (GSA's) Government Travel Charge Card program, and issued individually billed account (IBA) travel cards to employees whose official duties require frequent travel. The NMB also uses a Centrally Billed Account (CBA) for Agency-wide airfare and rail expenses.

The NMB continued to use the GSA SmartPay3 program, which is routinely monitored by the NMB and the Bureau of Fiscal Services (BFS), including monitoring each employee's use of the travel card to ensure only appropriate official government-related expenses are being charged on the card. Accounts are also monitored for any delinquency of payment of the account that may occur.

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

PURCHASE

In FY 2022, the NMB continued its use of the U.S. Government's purchase card program, which helps expedite the purchase of authorized supplies and services. The NMB Office of Fiscal Services reviews and approves all purchase requests prior to ordering supplies or services. All NMB purchase card holders are required to complete the GSA Government SmartPay Purchase cardholder training on an annual basis.

APPENDIX

93

GLOSSARY

95

ACRONYMS

05.



GLOSSARY

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

Act

The Railway Labor Act

Agency

The National Mediation Board

Alternative Dispute Resolution (ADR)

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

Amendable Contract

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

Annual Report

NMB's Annual Performance and Accountability Report

Arbitration

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

Arbitration Forum

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

Board

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

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

Carrier

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

CFO

Chief Financial Officer

Class I

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

Collective Bargaining Agreement

A labor contract between a union and a carrier.

Cooling-Off Period

A 30-day period of time preceding the right of parties to a collective bargaining dispute to engage in economic self-help under the RLA.

Craft or Class

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

Direct Negotiations

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

E-book

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

E-business

The conduct of business on the Internet.

E-filing

An electronic method for submitting documents.

E-verify

A system for online verification.

Facilitation

A process where a neutral helps the parties in a collective bargaining or grievance dispute use ADR problem-solving methods such as interest-based bargaining or grievance mediation.

Facilitated Problem-Solving

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

Grievances

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

Grievance Arbitration

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

Grievance Mediation

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

Impasse

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

Interest Arbitration

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

Interest-Based Negotiation

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

Internet Voting

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

Laboratory Conditions

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

Legacy Carriers

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

Major Disputes

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

Mediation

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

Minor Disputes

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

National Handling

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

National Labor Relations Act (NLRA)

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

National Railroad Adjustment Board

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

NMB Lyceum

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

Ombudsman

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

Online Arbitration

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

Online Dispute Resolution

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

Open Government Directive

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

Presidential Emergency Board

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

Proffer of Arbitration

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

Public Interest Meetings

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

Public Law Boards (PLBs)

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

Railway Labor Act (RLA)

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

Representation Dispute

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

Section 3

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

Section 3 Committee

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

Section 6

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

Section 7

Section 157 of the RLA pertaining to arbitration.

Section 9

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

Section 10

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

Self-Help

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

Showing-of-Interest

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

Special Boards of Adjustment (SBA)

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

Status Quo

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

Strike

A work stoppage action initiated by a union.

System Boards of Adjustment (SBA)

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

System-wide

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

Telephone Electronic Voting (TEV)

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

Work Stoppage

An interruption to the operations of an airline or railroad.

ACRONYMS

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

ACRONYMS

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



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