

Eleventh
ANNUAL REPORT OF THE
NATIONAL
MEDIATION
BOARD

INCLUDING
THE REPORT OF THE
NATIONAL RAILROAD
ADJUSTMENT BOARD



For the Fiscal Year Ended JUNE 30, 1945

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For the Fiscal Year Ended JUNE 30, 1945

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NATIONAL MEDIATION BOARD

HARRY H. SCHWARTZ, *Chairman*

GEORGE A. COOK

FRANK P. DOUGLASS¹

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¹ Appointed July 3, 1944.

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LETTER OF TRANSMITTAL

NATIONAL MEDIATION BOARD,
OFFICE OF THE CHAIRMAN,
Washington, D. C., November 1, 1945.

*To the Senate and House of Representatives of the United States of
America in Congress assembled:*

Pursuant to the provisions of section 4, second, of Public, No. 442, approved June 21, 1934, I have the honor to submit the Eleventh Annual Report of the National Mediation Board for the fiscal year ended June 30, 1945, together with the annual report of the National Railroad Adjustment Board, as required by section 3, first (v), of the same act.

HARRY H. SCHWARTZ, *Chairman.*

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ELEVENTH ANNUAL REPORT
OF THE
NATIONAL MEDIATION BOARD

I. SUMMARY AND CONCLUSIONS

1. GENERAL

The National Mediation Board completed its eleventh year of operation on June 30, 1945, the fiscal year 1945 also marking the nineteenth year of the Railway Labor Act, which was approved May 20, 1926. The present Board was established under amendments to the original act which were approved June 21, 1934. The jurisdiction of the Board was extended to include air carriers and their employees under Title II of the act, which was added by an amendment approved April 10, 1936. This is the eleventh annual report of the National Mediation Board.

Although a few local and unauthorized work stoppages occurred during the year 1945, the great majority of labor disputes in the rail and air carrier industries were settled peaceably under the procedures of the Railway Labor Act. Only two authorized strikes occurred during the year, one involving an electric carrier in the middle western territory, and the other a small rail carrier in the Southeast. Both of these stoppages were due to wage disputes, in which the full procedures under the act had been utilized, including emergency boards set up under section 10 of the law. After short interruptions to the operations of the carriers, settlements were effected and service was renewed.

During the fiscal year a total of 631 applications for the Board's services were received, of which 544 were docketed as formal cases. In addition, 62 applications received during the year were closed through correspondence with the parties resulting in withdrawal or dismissal of such applications. At the close of the year 554 docketed cases had been disposed of. These figures compare with 431 cases docketed during the fiscal year 1944, and 357 dispositions during the same period. Of the 554 cases settled in 1945, 359 or approximately 64 percent, were disputes involving changes in rates of pay, rules, and working conditions, while 195, or about 36 percent, were representation disputes.

In its tenth annual report mention was made of the Board's urgent need for additional force, both in the field and office. A supplemental deficiency appropriation received during the latter months of the fiscal year permitted the employment of 4 additional field mediators. However, this assistance came too late to have a marked effect on the year's performance. The Board's backlog of open cases at the close of the year was 248, a decrease of 10 under the previous year.

Disputes involving representation of air line employees are increasing in number and intensity. Rules and wage disputes between the

air carriers and the organizations representing their employees have also shown a marked increase in number. The Board has attempted to handle applications for its services in order of receipt. This, of course, cannot be done in all instances. Each instance of handling an application out of its regular order serves only to add to the age of cases already docketed and awaiting handling. The Board has requested authority to employ eight additional field mediators during the fiscal year commencing July 1, 1946, with appropriate increase in its office staff to handle the additional work and it is hoped that this request will receive favorable consideration from the Congress. With the additional staff already employed, this further increase in its staff is vitally needed to insure more prompt handling of disputes referred to the Board, and enable it to effect some reduction in the heavy backlog of docketed cases. While the increased force will still not permit current handling of labor disputes, an improvement over the current delays in handling docketed cases is anticipated.

During the fiscal year 1945, the 4 divisions of the National Railroad Adjustment Board disposed of 3,074 disputes involving the interpretation or application of agreement rules and employee grievances. However, there were 4,921 open cases on the dockets of the 4 divisions at the close of the fiscal year, of which 4,720 were on the docket of the first division alone.

Thirteen arbitration boards were set up under the provisions of sections 7 and 8 of the Railway Labor Act to consider disputes involving rates of pay, rules, or working conditions. Eleven of these boards made awards during the fiscal year 1945. A total of 17 panel emergency boards were appointed from the National Railway Labor Panel during the year, 13 of which made their recommendations to the President prior to July 1, 1945. In addition, 15 emergency boards were appointed by the President under the provisions of section 10 of the act, all of them as a result of strike dates set by various organizations. Three of these boards had not reported to the President at the close of the fiscal year.

During the year several court decisions were handed down affecting procedure under the Railway Labor Act, and proceedings before the Board.

The Order of Railway Conductors appealed to the Supreme Court for a declaratory judgment and an injunction against the Pennsylvania Railroad and the Brotherhood of Railroad Trainmen in a dispute involving representation of road conductors on that carrier, as a result of an election among this craft or class conducted by the Board under its Case R-972 during 1942. The Order of Railway Conductors alleged unfair labor practices on the part of the carrier which tended to influence or coerce the employees in their choice of a representative, also illegal action on the part of the Board in declining to take jurisdiction over such charges and rule upon them. Judgment was sought among other things to vacate the Board's certification in Case R-972, restore representation rights to the Order of Railway Conductors, and to restrain the Board from holding any election among road conductors of the Pennsylvania Railroad until it had considered the alleged unfair labor practices and found that they do not amount to interference, influence, or coercion. The issues had previously been argued before the District Court and Court of Appeals of the District of Columbia, both courts having dismissed the complaints. In its

appeal to the Supreme Court the Order of Railway Conductors included only the carrier and the Brotherhood of Railroad Trainmen. The Supreme Court ruled, in an opinion handed down December 11, 1944, No. 200, October term 1944, that since this Board was not made a party in the appeal, the decision of the lower courts became final. The Court also dismissed the appeal with respect to the other items in the allegations.

In the case of *Bester William Steele v. Louisville and Nashville R. R. Co., Brotherhood of Locomotive Firemen and Enginemen* (No. 45, October term 1944) taken to the Supreme Court of the United States on writ of certiorari to the Supreme Court of the State of Alabama, the question posed to the Federal Supreme Court was whether the Railway Labor Act imposes on a labor organization, acting by authority of the statute as the exclusive bargaining representative of a craft or class of railway employees, the duty to represent all the employees in the craft without discrimination because of their race. The Court concluded that it is the duty of the bargaining representative of a craft or class of employees to exercise fairly the power conferred upon it in behalf of all those for whom it acts, without hostile discrimination against them, and to represent nonunion or minority union members of the craft fairly, impartially, and in good faith.

A similar question was considered by the Supreme Court in the case of *Tom Tunstall v. Brotherhood of Locomotive Firemen and Enginemen* (No. 37, October term, 1944) and similar conclusions were reached by the Court in this case.

A decision made by the Supreme Court June 11, 1945, in the case of *Elgin, Joliet & Eastern Ry. Co. v. G. W. Bailey, et al.*, No. 160, October term, 1944, involved the authority of a collective bargaining agent to either compromise and settle certain accrued monetary claims of 10 employees in connection with alleged violation of a "starting time" rule, or to submit them for determination by the National Railroad Adjustment Board, to the exclusion of the right of the affected employees, after the settlement and after the Board's adverse decision, to assert them in a suit brought for that purpose.

The District Court rendered summary judgment for the carrier, holding that the award of the National Railroad Adjustment Board, First Division, was a final adjudication of the claims, within the union's power to seek and the Board's power to make, precluding judicial review. The United States Circuit Court of Appeals for the Seventh Circuit reversed this judgment, holding that the question was one of fact whether the union had been authorized by the individual employees "to negotiate, compromise, and settle" the claims. In its decision the Court held that an award cannot be effective against the affected employee unless he is represented individually in the proceedings in accordance with the rights of notice and appearance or representation given to him by section 3, first (j). These rights were held to be separate and distinct from any the collective bargaining agent may have to represent the collective interest. It was held that for an award to affect the employee's rights, more must be shown than that the collective bargaining agent appeared and purported to act for him. It must appear that in some way legally sufficient the employee has authorized the agent to act in his behalf. The judgment of the Circuit Court was affirmed.

2. MEDIATION PROCEEDINGS

The mediation of disputes growing out of the making or revision of agreements under the Railway Labor Act is a major responsibility of the National Mediation Board. The act places prime emphasis on direct conferences between the parties as the first and most important step leading to the accomplishment of its purposes. The mediatory offices of the Board are required only after direct conferences, diligently and conscientiously conducted, have exhausted all possibility of effecting agreement between the parties.

In some instances the parties have not made a real effort to settle their dispute before invoking mediation. In such cases, further direct conferences are in order and are suggested to the parties. In other instances, mediation is requested in disputes involving revision of complete agreements with many rules shown in dispute. In these cases mediation should be reserved for issues not settled by the parties directly. In general, mediation under the Railway Labor Act is a means of keeping alive and furthering the conference method for the adjustment of disputes.

Chapter II of this report, under the caption "Mediation Disputes," outlines the Board's activities in mediation work during the fiscal year ending June 30, 1945, and describes some of the problems with which the Board was confronted. It also contains statistical tables reflecting the performance during the year compared with previous years of the Board's experience under the act.

3. REPRESENTATION DISPUTES

A basic requirement for the free negotiation and maintenance of satisfactory labor agreements is the right of the employees to choose their representative without influence or coercion on the part of management. This right is guaranteed employees under the 1934 amendments to the Railway Labor Act, which make it a duty of the Board to investigate representation disputes and to certify representatives of the employees for the purposes of the act.

It is an established policy of the Board to require applications for its services in representation disputes to be accompanied by a convincing presentation of authorizations from the employees involved. The authorizations serve as prima facie evidence of a dispute prior to accepting the application for investigation or determination. Where the Board has conducted elections and issued certifications it has followed the practice of not conducting repeat elections until the incumbent organization has had sufficient time and opportunity to function as the duly authorized representative of the employees. The policy of the Board in this matter derives from the law, which imposes upon the carrier and employees the duty of exerting every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions and to settle promptly all disputes, whether arising out of the application of such agreements or otherwise. Obviously this basic principle of the law cannot be realized if the representation issue is raised too frequently.

A detailed account of the number of representation cases handled during the past fiscal year will be found in chapter III of this report, as well as a description of various problems arising in connection with this phase of the Board's work.

4. CONTRACTS

Section 5, third (e), requires all carriers subject to Titles I and II of the Railway Labor Act to file with the Board a copy of each agreement with their employees covering rates of pay, rules, and working conditions. Any changes, revisions, and supplements to such agreements must also be filed with the Board.

As of June 30, 1945, the number of basic labor agreements on file with the Board was 4,665, which may be compared with 3,021 filed as of June 30, 1935. In addition to these basic contracts, there are filed with the Board each year many hundreds of supplemental agreements, revisions, and memoranda of understandings on special subjects.

Table 12 of this report, appearing in chapter VI, shows the increase in the number of such contracts from year to year since the effective date of the amended act.

5. NATIONAL RAILROAD ADJUSTMENT BOARD

The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on the date of approval of this act, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes.

The Adjustment Board is composed of four divisions, on each of which the carriers and employees are equally represented. Each division has jurisdiction over disputes arising among particular groups of employees, as defined in section 3, first (h), of the act.

In cases where the members of any division are unable to agree upon an award, they are required by law to attempt to agree upon a referee, to sit with the division as a member and render an award. When the division is unable to agree upon a referee, this fact is certified to the National Mediation Board, which then makes the appointment.

The annual reports of the Adjustment Board and each of its four divisions are carried in this report as appendix A. Table 15 also shows the number of cases docketed and disposed of by the Adjustment Board during the past five fiscal years.

6. CONTRACTS IN THE AIR TRANSPORT INDUSTRY

Disputes involving the air lines and their employees became subject to the Railway Labor Act except section 3 thereof by amendments approved in 1936.

During the past fiscal year organizational activities among air line employees increased appreciably, and many problems were encountered in the handling of representation disputes which are peculiar to the air transport industry. Most of these problems involved the question of the proper classification of the various groups for represen-

tation purposes. Hearings were conducted by the Board during the year, as a result of which determinations were made with respect to class or craft of the employees involved.

With the spread of representation among practically all groups of air line employees, an increasing portion of the Board's mediatory services has been required in the handling of disputes involving rates of pay, rules, and working conditions. Such requests for the Board's services will increase materially in number as more complete representation is established among the various air line employee groups.

7. AMENDMENT TO STABILIZATION ACT OF 1942

To provide for finality as to the inflationary tendencies in determinations made by arbitration or emergency boards under the Railway Labor Act, without the need for approval by authorities created under the Stabilization Act, the Congress passed an amendment to the Stabilization Act of 1942, giving any agency provided for by the Railway Labor Act the power to certify that wage or salary changes effected under the machinery of the Railway Labor Act are consistent with such standards as may be legally in effect for controlling inflationary tendencies. The amendment to the Stabilization Act, approved June 30, 1944, is quoted below.

SEC. 202. Section 4 of such Act of October 2, 1942, as amended, is amended by adding at the end thereof the following new paragraph:

"In any dispute between employees and carriers subject to the Railway Labor Act, as amended, as to changes affecting wage or salary payments, the procedures of such Act shall be followed for the purpose of bringing about a settlement of such dispute. Any agency provided for by such Act, as a prerequisite to effecting or recommending a settlement of any such dispute, shall make a specific finding and certification that the changes proposed by such settlement or recommended settlement are consistent with such standards as may be then in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies. Where such finding and certification are made by such agency, they shall be conclusive, and it shall be lawful for the employees and carriers, by agreement, to put into effect the changes proposed by the settlement or recommended settlement with respect to which such findings and certification were made."

II. RECORD OF CASES

1. CASES HANDLED BY THE BOARD

During the fiscal year 1945 the Board received the largest number of applications for its services in any year of its history under the amended Railway Labor Act. As of June 30, 1945, a total of 631 applications had been received during the year. Of this number 544 were formally docketed as mediation or representation cases, also the greatest number in the Board's experience. Following its usual practice of preliminary investigation of all applications prior to docketing, a total of 62 applications were closed by withdrawal or dismissal. At the close of the fiscal year, 55 applications for the services of the Board were under investigation and undocketed. The number of cases docketed during the year, 544, represents an increase of 113 over the previous year, when 431 cases were entered on the docket of the Board.

During the year ending June 30, 1945, a total of 554 docketed cases were disposed of, also an all-time high in the Board's experience. This figure is an increase of 197 over the previous year, when 357 dispositions were effected. Adding to the 554 docketed cases settled the 62 applications closed by correspondence prior to docketing, the Board disposed during the year 1945 of a grand total of 606 applications for its services under the act.

On July 1, 1944, the beginning of the fiscal year covered by this report, there were 258 docketed cases pending and unsettled. Adding these to the 554 cases docketed during the year produces a total of 802 docketed cases requiring the Board's services. The 554 settlements effected during the year left a total of 248 docketed cases and 55 undocketed applications pending and unsettled as of June 30, 1945.

A reduction of 10 in the pending and unsettled docketed cases at the end of the fiscal year, and the reduction of 38 in undocketed applications as of the same date, represents an over-all reduction of 48 applications in the backlog at the end of the year compared with the performance in the fiscal year 1934. However, the total backlog of 303 docketed and undocketed applications as of June 30, 1945, was the second largest number in the Board's history. Four additional field mediators were added to the Board's staff during the closing days of the fiscal year. This increase in force will no doubt be reflected in a corresponding reduction in the Board's backlog of cases during the ensuing fiscal year. However, additional force is yet needed to effect a still further decrease in the Board's docket, and to bring its work more nearly current. Prompt service given to applications filed with the Board is of the utmost importance during the period of reconversion to a peacetime industrial basis.

Labor disputes subject to the jurisdiction of the National Mediation Board fall generally into three separate categories:

(1) Disputes involving representation of employees by various labor organizations for the purposes of collective bargaining.

TABLE 1.—Number of cases received and disposed of, fiscal years 1935-45

Status of cases	11-year period	All types of cases										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Cases pending and unsettled at beginning of period.....	96	258	184	154	105	101	89	145	148	185	182	96
New cases docketed.....	3,543	544	431	455	419	307	293	179	238	222	203	252
Total number of cases on hand and received.....	3,639	802	615	609	524	408	382	324	386	407	385	348
Cases disposed of.....	3,391	554	357	425	370	303	281	235	241	259	200	166
Cases pending and unsettled at end of 11-year period.....	248	248	258	184	154	105	101	89	145	148	185	182

Status of cases	11-year period	Representation cases										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Cases pending and unsettled at beginning of period.....	24	74	51	40	29	26	24	27	53	47	65	24
New cases docketed.....	1,468	186	162	201	152	132	97	83	112	107	99	137
Total number of cases on hand and received.....	1,492	260	213	241	181	158	121	110	165	154	164	161
Cases disposed of.....	1,427	195	139	190	141	129	95	86	138	101	117	96
Cases pending and unsettled at end of 11-year period.....	65	74	74	51	40	29	26	24	27	53	47	65

Status of cases	11-year period	Mediation cases										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Cases pending and unadjusted at beginning of period.....	72	184	133	113	76	73	64	117	95	138	117	72
New cases docketed.....	2,060	358	268	254	265	174	191	95	123	115	102	115
Total number of cases on hand and received.....	2,132	542	401	367	341	247	255	212	218	253	219	187
Cases disposed of.....	1,949	359	217	234	228	171	182	148	101	158	81	70
Cases pending and unsettled at end of 11-year period.....	183	183	184	133	113	76	73	64	117	95	138	117

Status of cases	11-year period	Interpretation cases										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Cases pending and unadjusted at beginning of period.....	0	0	0	1	0	2	1	1	0	0	0	0
New cases docketed.....	15	0	1	0	2	1	5	1	3	0	2	0
Total number of cases on hand and received.....	15	0	1	1	2	3	6	2	3	0	2	0
Cases disposed of.....	15	0	1	1	1	3	4	1	2	0	2	0
Cases pending and unsettled at end of 11 year period.....	0	0	0	0	---	0	2	1	1	0	0	0

(2) Disputes between carriers and their employees concerning changes in rates of pay, rules, or working conditions not adjusted by the parties in conference.

(3) The interpretation of agreements reached through mediation, where disputes arise between the parties as to the meaning or application of such agreements.

These three categories of disputes are designated for the purposes of the Board's records as "representation," "mediation," and "interpretation" cases, respectively.

Table 1 contains a summary of the various types of cases received and disposed of from July 21, 1934, when the present Board commenced operations, through June 30, 1945. During this period a total of 3,543 new cases were docketed. An additional 96 cases were inherited from the former United States Board of Mediation, making a grand total of 3,639 cases requiring the present Board's services since its inception. During the 11-year period just completed the issues were resolved as shown in table 1, and dockets closed in 3,391 docketed disputes. The number of mediation cases docketed during the past 11 years was 2,060 compared with 1,468 representation disputes. Dispositions of these 2 types during the period named numbered 1,949 and 1,427 respectively. During the past 11 years 15 interpretation cases were docketed, or considerably less than 1 percent of the number of mediation cases disposed of.

As shown in table 1, a larger number of mediation cases have been docketed and settled during the past 11 years than representation disputes. The following tabulation shows the number of mediation and representation cases docketed and disposed of since July 21, 1934, and the percentage of each total to the grand total of both types:

	Docketed		Disposed of	
	Number	Percent of total	Number	Percent of total
Mediation.....	2,060	58.4	1,949	57.4
Representation.....	1,468	41.6	1,427	42.6
Totals.....	3,528	100	3,376	100

Representation disputes continue to account for a large part of the Board's efforts under the law. The number docketed during the fiscal year, 186, is exceeded only by the 201 cases docketed in 1943, while the 195 representation cases settled in 1945 is the largest number of any year in the Board's history.

2. DISPOSITION OF CASES

During the year ended June 30, 1945, the Board settled a total of 544 docketed cases, and 62 other undocketed applications were closed as a result of correspondence conducted from the Board's office. This total of 544 docketed cases included 195 representation disputes and 359 mediation cases. No interpretation cases were handled during the fiscal year.

Table 2 summarizes, by methods of disposition, all docketed cases brought to a conclusion since July 21, 1934.

REPRESENTATION DISPUTES

Of the 195 representation disputes settled during the year, secret ballot elections were conducted in 122 cases. Thirty-three of these elections were conducted entirely by United States mail. As a general rule, mail ballots have been taken where the employees concerned are too widely scattered, or too few in number to make a personal ballot practical or economical. Ballot box voting has been considered preferable where the employees are concentrated in large numbers at voting points, or where the class of employees involved might have difficulty in properly executing and returning mail ballots. The Board determines the procedure to be used after consideration of the circumstances in each case.

Twenty-nine representation disputes were disposed of by comparing employee signatures on authorization cards against authentic carrier records bearing the employees' signatures. These 29 cases represent approximately 14 percent of all representation cases settled during the year, as compared with 28 cases, or 20 percent, settled in the same manner during 1944. This method of disposition is usually authorized by the Board only in cases where the employees have no representation, and where no other organization is competing for the right to represent them.

TABLE 2.—Number of cases disposed of, by type of case and method of disposition fiscal years, 1935-45.

Type of case and method of disposition	11-year period	Fiscal year ending June 30—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Grand total.....	3,391	554	357	425	370	303	281	235	241	259	200	166
Representation cases, total.....	1,427	195	139	190	141	129	95	86	138	101	117	96
Elections.....	832	122	75	103	62	67	65	51	94	55	82	56
Checks of authorizations.....	322	29	28	59	52	36	15	12	18	20	20	33
Representatives recognized without formal certification.....	60	9	14	3	7	2	2	2	7	8	2	4
Withdrawn during investigation.....	128	12	9	11	14	10	9	11	8	9	9	1
Withdrawn prior to investigation.....	17	9	8	4	0	7	1	2	4	4	2	1
Dismissal.....	46	6	3	5	2	4	3	8	7	5	2	1
Closed without certification.....	22	8	2	5	4	3	—	—	—	—	—	—
Mediation cases, total.....	1,949	359	217	234	228	171	182	148	101	158	81	70
Mediation agreements.....	1,042	198	137	105	132	115	93	76	63	62	36	24
Arbitration agreements.....	47	10	13	5	4	4	2	3	1	3	1	—
Referred to emergency boards constituted under section 10 of Railway Labor Act.....	26	8	0	0	2	7	—	2	1	6	—	—
Referred to Panel Emergency Board constituted under Executive Order 9172.....	42	18	4	20	—	—	—	—	—	—	—	—
Withdrawn during mediation.....	337	34	32	46	56	24	36	33	21	36	17	20
Withdrawn prior to mediation.....	248	48	27	17	17	12	39	15	9	34	10	20
Closed to Board after refusal to arbitrate by—												
Carriers.....	109	28	1	16	12	5	6	8	4	14	13	2
Employees.....	16	5	0	4	2	3	—	1	—	—	1	—
Both parties.....	43	7	1	18	3	1	4	7	1	1	—	—
Dismissal.....	15	0	0	1	0	—	1	3	1	2	3	4
Closed by Board action.....	4	2	—	—	—	—	—	—	—	—	—	—
Interpretations of mediation agreements.....	15	0	1	1	1	3	4	1	2	—	2	—

¹ Includes 1 mediation agreement and arbitration declined.

² Includes 2 mediation and arbitration agreements.

³ Includes 1 mediation and arbitration agreement.

⁴ Includes 1 case closed on request of the President that Board cancel proceedings and 1 case closed on account of appointment by President of Special Emergency Board.

⁵ Includes 6 mediation and arbitration agreements.

In nine representation disputes settled during 1945, the carrier voluntarily recognized the applicant organization as the representative of the employees concerned, making further action by the Board unnecessary. Twelve cases were withdrawn by the applicant after the mediator's investigation was started, and nine cases were withdrawn by the organizations prior to such investigation. Six cases were dismissed by the Board, when its investigation showed no representation dispute existing among the employees.

As shown in table 2, a grand total of 1,427 representation cases have been disposed of during the past 11 year period. Of this number, 1,154, or approximately 80 percent, were closed by the issuance of certifications after elections or checks of authorizations. In 60 cases the applicants were voluntarily recognized by the carriers as representing the employees without issuance of certification. Therefore, in 1,214 representation cases disposed of by the Board, representation rights were established, this figure being 84 percent of the grand total of 1,427 such cases settled.

MEDIATION DISPUTES

In the past 11 years of this Board's experience, it has been found that the most satisfactory method of settling controversies which involve rates of pay, rules or working conditions, is through the processes of mediation. Disposition of such disputes through mediation reflects the success of the mediator as an intermediary between the disputants, as well as a recognition of the value of the mediatory process by the parties as a means of settling their differences. One of the most important contributions of mediation is the injection of suggestions and ideas into the discussions by the mediator. Mediation settlements also usually bring about a better feeling between the disputing parties, which aids in the disposition of future controversies through direct negotiations.

Another method of disposing of such disputes is the withdrawal of applications for mediation. Such withdrawals are sometimes made after an agreement has been reached before or during mediation. In other instances, withdrawals are made without prejudice to permit the resumption of direct negotiations. Regardless of the particular reason prompting such withdrawals, the outstanding fact is that means have been found to peaceably settle the dispute, as contemplated under the act.

During the fiscal year 1945, a total of 359 mediation cases were settled. Of this number, 199, or about 55 percent, were disposed of by mediation agreements. This is the largest number of mediation agreements secured in any one of the 11 years of the present Board's history.

As shown in table 2, 8 cases were referred to emergency boards created under section 10 of the Railway Labor Act. A total of 18 cases were also submitted to panel emergency boards set up under Executive Orders 9172 and 9299.

Thirty-four cases were withdrawn by the invoking parties during mediation, and 48 were withdrawn prior to mediation. A total of 40 cases not later considered by emergency boards created under section 10 of the law, or appointed from the National Railway Labor Panel were closed during the fiscal year 1945 account refusal of the

parties to accept arbitration, after efforts to settle the disputes in mediation were unsuccessful. Of this total, 28 cases were closed after refusal of arbitration by the carriers; 5 cases were closed account refusal of arbitration by the employees; and in the remaining 7, both parties refused to arbitrate the disputed issues.

When in the judgment of the Board mediation efforts are unsuccessful, it is then required by the act to endeavor to induce the parties to the dispute to submit the controversy to arbitration. The law provides that acceptance of arbitration by the parties is optional. During the year 1945 10 agreements to arbitrate were obtained by the Board's representatives. These agreements brought to a total of 47 the number of cases submitted to arbitration boards during the 11 year period of the Board's activities.

The mediation process, including mediation agreements, withdrawals during mediation, and agreements to arbitrate are an index to the measure of efficiency of the Railway Labor Act in the settlement of disputes. During the past year 243 dispositions were effected through these 3 methods, or approximately 70 percent of the total number of cases settled. The percentage of dispositions by these 3 methods over the 11 year period is 74.

PROBLEMS IN MEDIATION

Although the parties to many mediation disputes have generally recognized the obligation imposed upon them by the Railway Labor Act to make every reasonable effort to compose their differences prior to invoking the services of this Board, many situations have arisen where the direct conferences on numerous and important questions have been concluded in a few hours or days. Experience has demonstrated that complete negotiations in such instances cannot be conducted in short periods of time. In many situations of this nature, the Board has urged resumption of conferences, either prior to or after the commencement of mediation. These efforts have resulted in considerable reductions in the number of items remaining to be mediated, and in some cases agreements have been reached by the parties without further need for the Board's services. The desirability of thorough exploration of all issues in such disputes prior to their submission to this Board cannot be too strongly emphasized.

During the past year much time of the Board and its representatives has been spent on issues involving conflicting jurisdictional claims of various organizations. These cases are most difficult to settle, as any settlement effected will mean a change or concession in matters which each organization claims to be basic and vital to it. On many past occasions, the Board has urged organizations concerned in such questions to settle their jurisdictional differences.

3. CARRIERS INVOLVED IN DISPUTES

Table 3 indicates the distribution of the Board's services among the various classes of carriers. During 1945 there were 135 class I carriers reporting to the Interstate Commerce Commission. Approximately 95 percent of the Nation's railroad workers are employed by these carriers, and the services of the Board were principally occupied on such carriers.

Of the 135 class I rail carriers, 125 were parties to either representation or mediation cases. Switching and terminal companies reporting to the Interstate Commerce Commission numbered 211 during 1945, and of this number 116 participated in cases handled by the Board.

TABLE 3.—Number of different carriers involved in cases¹ by classes of carriers, with percentages, fiscal year 1945

Classes of carriers	Total carriers		Different carriers involved in—							
			All cases		Representation cases		Mediation cases		Interpretation cases	
	Number	Percent	Number	Percent	Number	Percent	Number	Percent	Number	Percent
Class I railroads.....	135	100	125	92	62	45	119	88	-----	-----
Class II railroads.....	171	100	65	38	8	5	62	36	-----	-----
Class III railroads.....	190	100	17	9	4	2	13	7	-----	-----
Switching and terminal companies.....	211	100	116	55	30	14	102	48	-----	-----
Electric railways.....	72	100	17	23	7	7	16	22	-----	-----
Miscellaneous carriers.....	(2)	(2)	20	(2)	3	(2)	18	(2)	-----	-----
Air carriers.....	19	100	10	52	9	47	7	36	-----	-----

¹ Carriers reporting to the Interstate Commerce Commission during 1945, except for air carriers, the latter being the number of operating companies as of June 30, 1945.

² Not available.

4. MAJOR GROUPS OF EMPLOYEES INVOLVED IN CASES

Table 4 reflects the number of mediation and representation cases settled during the fiscal year 1945, divided among the major occupational groups of employees involved. As in the past for many years, the train, engine, and yard service groups of rail employees accounted for the largest number of cases handled. The maintenance of equipment, clerical, office, station and storehouse, and the maintenance of way employee groups followed in the order named, which also conforms to the Board's past experience. Cases involving dispatchers and telegraphers, and railway police employees showed a slight reduction under the previous year. The other groups listed in the table show little variation from the case figures for the previous year except the category of air line employees. In the latter group 28 cases were handled during the year 1945 as compared with 11 in 1944.

TABLE 4.—Number of cases disposed of, by major groups of employees, fiscal year 1945

Major groups of employees	Number of—			
	All types of cases	Representation cases	Mediation cases	Interpretation cases
Total all groups of employees.....	554	195	359	0
Combined groups.....	10	2	8	-----
Train, engine, and yard service.....	208	78	130	-----
Maintenance of equipment.....	119	34	85	-----
Clerical, office, station, and storehouse.....	70	6	64	-----
Redcaps.....	2	1	1	-----
Maintenance of way and signal.....	47	13	35	-----
Dispatchers and telegraphers.....	23	8	15	-----
Pullman and train porters and dining car.....	13	9	4	-----
Railway patrolmen and police.....	15	13	2	-----
Marine service.....	13	8	4	-----
Air-line employees.....	28	17	11	-----
Miscellaneous employees.....	6	6	-----	-----

III. REPRESENTATION DISPUTES—ELECTIONS

1. ELECTIONS AND CERTIFICATION OF REPRESENTATIVES

During the fiscal year 1945 a total of 186 representation cases were received and docketed. This number, added to the 74 cases on hand at the beginning of the year, produced a total of 260 such cases requiring the Board's services during the year. Of this total, 195 cases were settled and closed, leaving a backlog of 65 unsettled representation cases on the Board's docket as of June 30, 1945. The 186 cases docketed during the year were 24 more than the previous year. In addition to the 65 docketed representation cases open at the end of the period, there were 16 applications for representation elections undocketed and under investigation, or a total of 81 open and unsettled representation disputes.

Dispositions of representation cases, 195 in number, were 56 more than in the previous fiscal year, the 1945 figure being the highest reached in any year of the Board's operations.

Section 2, ninth, of the Railway Labor Act requires the Board to determine and certify the choice of employee representatives by craft or class. Accordingly, the actual number of such determinations is considerably in excess of the number of representation cases. Table 5 shows that there were 234 crafts or classes included in the 195 representation cases disposed of during 1945. The number of cases and crafts or classes involved in such cases disposed of during 1944 were 139 and 177 respectively.

A grand total of 35,097 employees were involved in the 195 representation disputes settled during 1945. The corresponding figures for the year 1944 were 139 and 38,192. The average annual number of employees concerned in representation disputes for the 11 year period since July 21, 1934, when the present Board commenced operations, is 47,073. The average number of employees involved per case in 1945 was 180, as compared with 275 in the year 1944. The average number of employees per case for the 11-year period is 363. In the fiscal year 1935 the average number per case was 877.

Over the 11-year period of the Board's experience, the shop craft, clerical, and maintenance of way groups have accounted for the majority of employees concerned in representation disputes. From 1935 to 1939, the handling of representation cases consumed a large portion of the Board's efforts. However, representation in these larger groups has now become fairly well stabilized.

Of the 195 cases involving 234 cumulative crafts or classes, certifications were issued by the Board in 151 cases, establishing representation for 181 cumulative crafts or classes. Certifications for 146 crafts were based on the results of secret elections, while 35 crafts were certified on the basis of checks of signed authorizations. In 9 additional cases, involving 11 crafts or classes, representation was acknowledged voluntarily by the carriers. In all, representation rights

were established during the fiscal year 1945 for a total of 192 cumulative crafts or classes, embracing 28,012 employees.

During 1945, 12 representation cases were withdrawn by the applicants during investigation by the mediator. In 9 other cases, the applications were withdrawn prior to the commencement of investigation. Six cases were dismissed by the Board, after investigation disclosed that no bona fide representation dispute existed. Eight cases were closed without certification, after elections in which no organization received a majority of legal votes cast. The 35 cases discussed in this paragraph comprised a total of 42 crafts or classes.

During the fiscal year 1945, 87 percent of all employees eligible to vote cast their ballots in the representation elections conducted by the Board. The over-all percentage for the 11 year period of the Board's operations is 88.

Table 5, below, shows for the 11 year period ending June 30, 1945, the number of representation cases, the number of crafts or classes involved, and the number of employees participating in representation elections, subdivided by methods of disposition.

TABLE 5.—Number of cases, crafts or classes and employees involved in representation disputes, by method of disposition, fiscal years 1935-45

Method of disposition	11- year pe- riod	Number of cases											11- year pe- riod	Number of crafts or classes										
		Fiscal year—												Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Total, all cases	1, 427	195	139	190	141	129	95	86	138	101	117	96	2, 209	234	177	233	196	174	115	152	244	168	209	304
Elections.....	833	122	76	103	62	67	65	51	94	55	82	56	1, 362	146	104	120	94	105	84	94	173	80	153	209
Checks of authorizations.....	321	29	27	59	52	36	15	12	18	20	20	33	488	35	30	84	74	40	16	15	30	43	39	82
Representatives recognized without formal certification.....	60	9	14	3	7	2	2	2	7	8	2	4	79	11	18	3	8	2	2	2	9	17	3	4
Withdrawn during investigation.....	103	12	9	11	14	10	9	11	8	9	9	1	137	14	9	12	14	10	9	21	15	17	9	7
Withdrawn prior to investigation.....	42	9	8	4	7	1	2	4	4	2	1	60	14	12	4	10	1	8	4	4	2	1	1	1
Dismissed.....	46	6	3	5	2	4	3	8	7	5	2	1	20	6	2	5	2	4	3	12	13	7	3	1
Closed without certification.....	22	8	2	5	4	3							22	8	2	5	4	3						

Method of disposition	11-year period	Number of employees involved										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Total, all cases	517, 797	35, 097	38, 192	31, 012	42, 385	26, 708	19, 137	65, 909	52, 167	57, 923	65, 059	84, 208
Elections.....	409, 296	26, 166	31, 822	21, 074	36, 932	22, 685	16, 543	52, 793	46, 569	25, 255	60, 905	68, 552
Checks of authorizations.....	35, 238	571	733	4, 678	3, 314	1, 944	600	863	3, 459	2, 225	3, 279	13, 572
Representatives recognized without formal certification.....	26, 084	1, 275	392	74	602	107	160	69	426	22, 633	45	301
Withdrawn during investigation.....	25, 602	4, 380	3, 146	1, 418	1, 187	1, 382	1, 412	4, 672	691	4, 970	644	1, 700
Withdrawn prior to investigation.....	6, 482	471	1, 575	3, 340		202	35	168	337	297	50	7
Dismissed.....	13, 887	1, 577	461	213	229	236	387	7, 344	685	2, 543	136	76
Closed without certification.....	1, 208	657	63	215	121	152						

TABLE 5.—*Number of cases, crafts or classes and employees involved in representation disputes, by method of disposition, fiscal years 1935-45—*
Continued

Method of disposition	11-year period	Number of employees participating										
		Fiscal year—										
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Total, all cases.....	383,330	23,832	27,916	20,766	34,898	21,769	15,855	47,438	43,036	23,678	55,760	68,382
Elections.....	300,073	22,942	27,330	18,285	32,594	20,304	15,416	46,828	40,965	22,240	53,613	59,556
Checks of authorizations.....	35,272	416	533	2,273	2,185	1,319	439	610	2,071	1,438	2,147	8,826
Representatives recognized without formal certification.....												
Withdrawn during investigation.....												
Withdrawn prior to investigation.....												
Dismissed.....												
Closed without certification.....	1,000	474	53	208	119	146						

2. MAJOR GROUPS OF EMPLOYEES INVOLVED IN REPRESENTATION DISPUTES

Table 6 shows the number of crafts or classes and the number of employees, divided according to major occupational groups, involved in all representation cases disposed of during the fiscal year 1945.

TABLE NO. 6.—*Number of crafts or classes and number of employees involved in representation cases, by major groups of employees, fiscal year 1945*

	Number of cases	Number of crafts or classes	Employees involved	
			Number	Percent
All groups.....	195	234	35,097	100
Engine, train, and yard service.....	78	91	20,260	58
Maintenance of equipment.....	35	52	4,666	13
Clerical, office, station, and storehouse.....	6	6	530	2
Redcaps.....	1	1	4	(1)
Maintenance of way and signal.....	13	14	920	3
Dispatchers and telegraphers.....	8	8	763	2
Pullman, and train porters and dining car.....	9	9	1,005	3
Railway patrolmen and police.....	13	13	513	2
Marine service.....	8	8	1,150	3
Miscellaneous rail employees.....	7	9	186	1
Air-line employees.....	17	23	5,110	14

¹ Less than one-half of 1 percent.

As in several years past, the train, engine, and yard service employees, commonly known as the "operating" group, accounted during 1945 for the largest number of representation cases handled during the year, as well as the largest number of cumulative crafts or classes involved, these figures being 78 and 91 respectively. During 1944 the corresponding figures were 42 and 52. The increase was brought about largely by a number of disputes involving the representation of road conductors.

The following tabulation shows the number of cases, crafts or classes, and employees, with percents to totals, of engine, train, and yard-service employees involved in representation disputes during the period 1938-45.

Fiscal year	Cases		Crafts or classes		Employees	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
1945.....	78	40	91	39	20,260	57
1944.....	42	30	52	28	5,162	13
1943.....	78	41	86	37	11,186	36
1942.....	33	23	36	28	9,400	22
1941.....	37	29	45	26	3,280	12
1940.....	32	33	33	28	2,304	12
1939.....	29	31	36	23	5,266	8
1938.....	40	29	53	22	3,394	7

In its reports for previous years, the Board has on several occasions called attention to the disproportionate amount of time and effort spent by its members and staff of mediators in handling representation disputes between national organizations competing for the right to

represent the various crafts or classes of engine, train, and yard-service employees. In addition to the time spent in the actual conduct of elections among these groups, it has been necessary for the Board to make many special investigations, hold numerous formal hearings, prepare findings of fact, and make definite rulings on the employees eligible to participate in the elections, all of which have consumed a great deal of time and effort which has been diverted from the mediation of labor disputes—the Board's most important duty under the law. Most of these disputes would never have arisen had the organizations involved exerted the same efforts to agree among themselves on interunion matters that the act enjoins upon carriers and employees in the making and maintaining of labor agreements.

An outstanding feature in connection with this type of representation dispute is the large number of cases in which no change in representation has resulted—the challenging organization losing the election. The Board's experience has shown that of the total number of employees participating in these elections, well over one-half have expressed themselves as desiring no change in the organization which had theretofore represented their interests. Such disputes are regrettable, not only from the standpoint of continued friction and ill feeling among the employees involved, but also for the demoralizing effect they exert on the cooperative efforts of men and management, and the morale of the service in the transportation industry.

In addition to the deterioration of employee interunion relationships resulting from these representation disputes, the controversies so aroused are often carried over into matters coming before the Board for mediation. In such instances, which may truly be described as jurisdictional cases, settlements in mediation are extremely difficult, if not impossible, to obtain, and such issues have gone before emergency boards, due to strike threats made by one or another of the organizations. During the past fiscal year it became necessary to set up three emergency boards under section 10 of the act to consider matters which were in the most part jurisdictional disputes between two national organizations. It is the Board's earnest hope that the futility of such disputes will become so apparent to the membership of the organizations that they will gradually disappear.

The next largest number of cases handled involved employees in the maintenance of equipment, or shop crafts, group, there being 35 cases involving such employees. The total number of employees concerned in this group, 4,666, shows that most of them were in the category of "clean-up" cases.

The third largest number of cases handled, 17, involving the second largest total of employees, or 5,100, occurred among the air line employee group.

Of the 195 representation cases settled during 1945, the 35 maintenance of equipment cases constituted about 18 percent. These cases accounted for 52, or approximately 22 percent, of the total cumulative crafts or classes, and 4,666, or about 13 percent of the total employees involved in all representation cases. The following tabulation shows the trend, over the period 1938-45, of representation

disputes involving maintenance of equipment employees, as compared with all representation cases.

Fiscal year	Cases		Crafts or classes		Employees	
	Number	Percent	Number	Percent of total	Number	Percent of total
1945.....	35	18	52	22	4,666	13
1944.....	15	11	34	19	20,977	55
1943.....	28	15	60	26	6,867	22
1942.....	26	18	69	35	22,359	52
1941.....	33	26	66	38	16,000	60
1940.....	21	22	39	34	9,948	52
1939.....	28	33	86	57	55,604	84
1938.....	40	29	128	52	28,478	55

3. TYPES OF REPRESENTATION DISPUTES

Representation disputes, for the purposes of this section, may be divided into two major categories: first, those between national organizations and system associations, local organizations, and groups of unorganized employees; and, second, interorganization disputes between two national organizations, a national organization and a local union, or between two local unions.

Table 7 shows the distribution of all representation cases disposed of, by types of organizations, with the number of crafts or classes and the number of employees involved, for the 11 year period 1935-45.

The percentage of employees involved in the first category mentioned above during the fiscal year 1945 was about 23, as compared with 67 percent for the year 1944, and about 80 percent for the 10 year period 1935-44. This indicates that representation by national organizations is practically complete, and such disputes are now confined mainly to small groups hitherto unorganized, or still represented by system associations.

The largest number of cases handled in the first category, 86, indicates the continued activity of national organizations in securing representation of unorganized employees. The 86 cases of this description involve a total of 5,060 employees. These figures may be compared with 62 cases and 2,306 employees in the previous fiscal year. The average number of employees per case in 1945 was 59, as compared with 37 and 55 in the fiscal years 1944 and 1943, respectively. Cases of disputes between national organizations and system associations declined in 1945 to 17, the lowest figure since the Board commenced operation in 1934. Only 3,224 employees were involved in these 17 cases, for an average of approximately 190 employees per case. The average number of employees involved in such cases for the 11 year period 1934-45 was 1,094.

In the second category of representation cases the most important classification is that of disputes between national organizations. During 1945 there were 77 such cases involving 26,592 employees. These figures may be compared with 45 cases and 11,679 employees for the previous year. The average number of such cases per year for the 11 year period 1934-45 was approximately 39. The average number of employees engaging in such disputes for the 10 year period

TABLE 7.—Number of crafts or classes and number of employees involved in representation cases, by types of dispute, fiscal years 1935-45

Types of disputes	11- year period	Number of cases												11- year period	Number of crafts or classes											
		Fiscal year—													Fiscal year—											
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935	1945		1944	1943	1942	1941	1940	1939	1938	1937	1936	1935		
Grand total, all types.....	1, 427	195	139	190	141	129	95	86	138	101	117	96	2, 208	234	180	232	196	174	115	152	244	168	209	304		
Total, national organizations versus system associations or unorganized employees.....	902	105	89	125	96	79	56	50	85	70	73	74	1, 555	132	111	162	141	109	75	111	161	134	150	269		
National organizations' versus system associations.....	320	17	26	21	19	26	24	30	45	26	39	47	764	18	35	31	33	51	42	78	98	52	86	240		
National organizations versus unorganized employees.....	554	86	62	102	76	52	29	17	39	40	26	25	761	112	75	129	107	57	30	29	62	78	55	27		
Local unions versus system associations.....	6	0	0	0				1	1	2	2		8	0	0	0				2	1	2	3			
Local unions versus unorganized employees.....	17	0	0	0	1	1	3	2		2	6	2	17	0	0	0	1	1	3	2		2	6	2		
System associations versus unorganized employees.....	5	2	1	2									5	2	1	2										
Total interunion disputes.....	524	90	50	65	45	50	39	36	52	31	44	22	652	102	69	70	55	65	40	41	82	34	59	35		
National organizations versus national organizations.....	426	77	45	58	30	30	31	31	34	27	42	21	524	85	63	62	33	36	31	35	58	30	57	34		
National organizations versus local unions.....	94	13	5	7	13	19	8	5	18	4	2		122	17	6	8	20	26	9	6	24	4	2			
Local unions versus local unions.....	4	0	0	0	2	1						1	6	0	0	0	2	3						1		
System associations versus system associations.....	1	0	0	0					1				1	0	0	0					1					

TABLE 7.—Number of crafts or classes and number of employees involved in representation cases, by types of dispute, fiscal years 1935-45—Con.

Types of disputes	11- year period	Number of employees involved												11- year period	Percent of employees involved											
		Fiscal year—													Fiscal year—											
		1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935	1945		1944	1943	1942	1941	1940	1939	1938	1937	1936	1935		
Grand total, all types.....	517,794	35,097	38,192	31,005	42,385	26,705	19,137	65,909	52,167	57,923	65,059	84,208	100	100	100	100	100	100	100	100	100	100	100	100		
Total, national organizations or local unions versus system associations or unorganized employees..	397,123	8,284	26,506	15,870	24,093	21,919	15,577	58,533	38,947	52,066	54,972	80,456	74	24	69	51	57	82	81	89	75	90	84	96		
National organizations versus system associations.....	350,260	3,224	24,200	10,284	17,975	18,879	13,021	56,977	34,456	44,581	49,020	77,643	64	9	63	33	43	70	68	87	66	77	75	92		
National organization versus unorganized employees.....	41,786	5,060	2,306	5,586	6,100	2,868	2,409	1,303	4,204	6,034	3,524	2,392	9	15	6	18	14	11	13	2	8	10	5	3		
Local union versus system associations.....	3,270	-----	-----	-----	-----	-----	-----	107	287	1,117	1,759	-----	1	-----	-----	-----	-----	-----	(1)	1	2	3	-----	-----		
Local unions versus unorganized employees.....	1,907	-----	-----	-----	18	172	147	146	-----	334	669	421	(1)	-----	-----	(1)	(1)	1	(1)	-----	-----	1	1	1		
System associations versus unorganized employees.....	228	221	7	-----	-----	-----	-----	-----	-----	-----	-----	-----	(1)	(1)	(1)	(1)	-----	-----	-----	-----	-----	-----	-----	-----		
Total interunion disputes.....	120,280	26,592	11,679	15,135	18,292	4,789	3,560	7,376	13,161	5,857	10,087	3,752	26	76	31	49	43	18	19	11	25	10	16	4		
National organizations versus national organizations.....	93,793	23,885	10,935	14,263	10,494	2,018	2,306	6,024	6,874	4,928	8,425	3,641	20	68	29	46	25	8	12	9	13	8	13	4		
National organizations versus local unions.....	25,837	2,707	744	872	7,482	2,548	1,254	1,352	6,287	929	1,662	-----	6	8	2	3	17	9	7	2	12	2	3	-----		
Local unions versus local unions.....	650	-----	-----	-----	316	223	-----	-----	-----	-----	-----	-----	111	(1)	-----	-----	1	1	-----	-----	-----	-----	-----	-----		
System associations versus system associations.....	59	-----	-----	-----	-----	-----	-----	-----	59	-----	-----	-----	(1)	-----	-----	-----	(1)	(1)	-----	-----	(1)	-----	-----	-----		

¹ Less than ½ of 1 percent.

preceding 1945¹ was 6,991. The great majority of these disputes occurred among employees in train, engine, and yard service.

During the fiscal year 1945 there were 13 representation disputes between national organizations and local unions, an increase of 8 over the previous year. Employees concerned in such disputes in 1945 numbered 2,707, as compared with 744 in 1944. There were no representation disputes in 1945 between local unions.

4. CERTIFICATIONS ISSUED

Table 8 shows the distribution of representation rights acquired by various types of organizations through certifications issued by the Board during the fiscal year 1945.

TABLE 8.—Number of crafts or classes certified and votes ¹ cast for various types of labor organizations in representation cases ² by types of disputes, fiscal year 1945

Types of disputes	Number of crafts or classes certified to and votes cast for—								Number of votes cast for others
	All organiza- tions		National organizations		Local unions		System asso- ciations		
	Crafts or classes	Votes	Crafts or classes	Votes	Crafts or classes	Votes	Crafts or classes	Votes	
Grand total, all types.....	182	23,327	171	21,869	4	527	7	681	250
Elections.....	147	22,911	137	21,484	4	527	6	650	250
Proved authoriza- tions.....	35	416	34	385	-----	-----	1	31	-----
Total, national organiza- tions or local unions versus system associa- tions or unorganized employees.....	100	4,695	97	4,000	-----	-----	4	469	226
National organizations versus system associations.....	15	2,172	11	1,694	-----	-----	4	469	9
Elections.....	15	2,172	11	1,694	-----	-----	4	469	9
Proved authorizations.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
National organizations versus unorganized employees.....	85	2,523	85	2,306	-----	-----	-----	-----	217
Elections.....	51	2,138	51	1,921	-----	-----	-----	-----	217
Proved authorizations.....	34	385	34	385	-----	-----	-----	-----	-----
Local unions versus system asso- ciations.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
Elections.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
Proved authorizations.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
Total, interunion dis- putes.....	82	18,632	75	17,869	4	527	3	212	24
National organizations versus national organizations.....	66	16,981	66	16,957	-----	-----	-----	-----	24
Elections.....	66	16,981	66	16,957	-----	-----	-----	-----	24
Proved authorizations.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
National organizations versus local unions.....	13	1,439	9	912	4	527	-----	-----	-----
Elections.....	13	1,439	9	912	4	527	-----	-----	-----
Proved authorizations.....	-----	-----	-----	-----	-----	-----	-----	-----	-----
System associations versus sys- tem associations or unorgan- ized employees.....	3	212	-----	-----	-----	-----	3	212	-----
Elections.....	2	181	-----	-----	-----	-----	2	181	-----
Proved authorizations.....	1	31	-----	-----	-----	-----	1	31	-----

¹ Or proved authorizations. Does not include void ballots.

² Includes only cases in which elections or checks of authorizations were held and certifications issued. See table 6 for distribution of all representation cases.

Of the 182 cumulative crafts or classes for which certifications were issued, 171, or approximately 94 percent, were in favor of national organizations. The national organizations certified received a total of 21,869 votes, or about 93 percent of the total ballots.

TABLE 9.—*Number of crafts or classes certified and employees involved in representation cases,¹ by types of results, fiscal year 1945*

Results	Total		Certifications issued to—					
			National organizations		Closed unions		System associations	
	Crafts or classes	Em- ployees in- volved	Crafts or classes	Em- ployees in- volved	Crafts or classes	Em- ployees in- volved	Crafts or classes	Em- ployees in- volved
Grand total, 152 cases.....	182	26,720	171	25,758	4	365	7	597
Elections.....	146	26,149	136	25,242	4	365	6	542
Proved authorizations.....	36	571	35	516	—	—	1	55
Representation acquired.....	90	3,721	87	3,445	—	—	3	276
Elections.....	55	3,177	53	2,956	—	—	2	221
Proved authorizations.....	35	544	34	489	—	—	1	55
Representation changed.....	53	12,325	51	12,293	1	14	1	18
Elections.....	52	12,298	50	12,266	1	14	1	18
Proved authorizations.....	1	27	1	27	—	—	—	—
Representation unchanged.....	39	10,674	33	10,020	3	351	3	303
Elections.....	39	10,674	33	10,020	3	351	3	303
Proved authorizations.....	—	—	—	—	—	—	—	—

	Percentage distribution of—							
	Number of employees involved in representation cases according to types of organizations certified to represent them, by types of results				Number of employees certified to various types of labor organizations by types of results ²			
	Certifications issued to—				Certifications issued to—			
	Total	National organizations	Local unions	System associations	Total	National organizations	Local unions	System associations
Grand total, 152 cases.....	100	97	1	2	100	100	100	100
Elections.....	98	95	1	2	98	98	100	90
Proved authorizations.....	2	2	—	—	2	2	—	10
Representation acquired.....	13	12	—	1	14	12	—	46
Elections.....	11	10	—	1	12	12	—	37
Proved authorizations.....	2	2	—	(²)	2	2	—	9
Representation changed.....	50	50	(²)	(²)	50	50	(²)	3
Elections.....	50	50	(²)	(²)	50	50	(²)	3
Proved authorizations.....	—	(²)	—	—	(²)	(²)	—	—
Representation unchanged.....	42	40	1	1	40	40	100	50
Elections.....	42	40	1	1	40	40	100	—
Proved authorizations.....	—	—	—	—	—	—	—	—

¹ Or proved authorizations.

² Less than one-half of 1 percent.

In disputes between national organizations and system associations, the former were certified in 11 of a total of 15 crafts or classes involved in such cases, the system associations being certified in the remaining 4. National organizations received a total of 1,694 ballots, or approximately 80 percent, and the system associations received 469 ballots, or about 20 percent of the total ballots.

National organizations were certified as representing cumulative 85 crafts or classes in disputes involving unorganized employees.

Table 9 shows the distribution of representation rights among national organizations, local unions, and system associations, by crafts or classes, number of employees involved, with appropriate percentages in all representation cases disposed of by the Board during the fiscal year 1945, in which the Board issued certifications. A total of 126 cases were disposed of by elections and checks of authorizations during the year, the number of each type of disposition being 96 and 30 respectively. In these 126 cases, representation rights were definitely established for 182 cumulative crafts or classes. Of this total, representation was acquired for the first time for 90, was changed for 53, and remained unchanged for 39 crafts or classes. The percentages of employees involved in these 3 categories were 14, 46, and 40, respectively. National organizations were certified in all cases where representation was acquired for the first time.

5. EXTENT AND NATURE OF LABOR REPRESENTATION

Table 10, carried below, shows by organizations and crafts or classes the number and mileage of principal rail carriers whose employees were represented by various organizations as of June 30, 1945. The table also includes, for comparative purposes, columns showing the percentages of the mileages of selected carriers on which employees were represented by the organizations listed below during the fiscal years 1940-45, inclusive. This table indicates the continuing trend during the period covered toward more complete representation by the national organizations.

TABLE 10.—*Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1945*

Organization and craft or class	Extent of representation on June 30, 1945		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1945	1944	1943	1942	1941	1940	1936, 1937, 1938, 1939
Total.....	139	227, 608							
Brotherhood of Locomotive Engineers:									
Locomotive engineers.....	119	220, 529	97	96	96	98	98	98	98.
Locomotive firemen, hostlers and hostler helpers.....	3	652	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Brotherhood of Locomotive Firemen and Enginemen:									
Locomotive firemen, hostlers, and hostler helpers.....	131	225, 207	99	99	99	99	98	98	98.
Locomotive engineers.....	17	5, 667	2	3	2	1	1	1	1
Order of Railway Conductors of America:									
Conductors (road).....	112	194, 582	85	89	90	98	98	98	98.
Brakemen, flagmen, baggage men (road).....	4	501	(1)	(1)	(1)	(1)	(1)	(1)	(1)

¹ Less than ½ of 1 percent.

TABLE 10.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1945—Continued

Organization and craft or class	Extent of representation on June 30, 1945		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1945	1944	1943	1942	1941	1940	1936, 1937, 1938, 1939
Order of Railway Conductors of America—Continued									
Yard foremen, helpers, and switch-tenders	3	8,851	4	4	4	4	4	4	4
Yardmasters	7	11,585	5	5	5	6	6	6	5
Dining-car stewards	3	13,253	6	6	4	4	4	10	10
Dining-car cooks	4	23,316	10	10	10	10	6	6	6
Brotherhood of Railroad Trainmen:									
Brakemen, flagmen, baggagemen (road)	133	226,470	99	99	99	99	99	99	99
Conductors (road)	26	32,991	14	11	10	2	2	2	2
Yard foremen, helpers, and switch-tenders	124	208,312	92	91	92	93	92	92	92
Yardmasters	31	41,612	18	19	15	13	13	7	7
Dining-car stewards	44	157,926	69	67	72	70	71	63	59
Switchmen's Union of No. America:									
Yard foremen, helpers, and switch-tenders	12	18,882	8	8	8	7	10	10	10
Yardmasters	1	1,949	1	1	1	1	1	1	1
Railroad Yardmasters of America:									
Yardmasters	31	116,349	51	49	51	42	42	41	34
Stationmasters	2	4,547	2	(1)	(1)	(1)	(1)	(1)	(1)
Railroad Yardmasters of No. America:									
Yardmasters	7	10,619	5	5	5	5	5	5	4
Stationmasters	2	6,558	3	3	3	3	5	2	3
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express & Station Employees: Clerical, office, station and storehouse	128	225,579	99	99	98	98	98	96	96
United Transport Service Employees of America:									
Redcaps, ushers and station attendants	19	74,890	33	33	33	33	28	10	12
Coach, sleeping-car, parlor-car and club-car porters	5	16,384	7	(1)	(1)	(1)	(1)	-----	-----
Dining-car cooks & waiters	5	17,338	8	8	4	-----	-----	-----	-----
The Order of Railroad Telegraphers:									
Telegraphers, towermen, agents	127	225,759	99	99	99	99	99	99	98
Train dispatchers	6	3,225	1	6	2	2	2	2	2
Telegraph and telephone linemen	13	15,423	7	2	7	6	6	6	4
Brotherhood of Railroad Signalmen of America:									
Signal department employees	95	214,711	94	96	90	89	89	89	87
Telegraph and telephone linemen	5	4,892	2	2	1	1	1	1	-----
American Train Dispatchers Association:									
Train Dispatchers	100	206,116	90	83	80	79	78	78	78
Railway Employees' Department, A. F. L.: Supervisors of Mechanics	8	24,188	11	5	5	5	2	-----	-----
Brotherhood of Maintenance-of-Way Employees:									
Maintenance-of-Way employees	131	213,905	94	94	94	94	93	93	92
Shop laborers	3	1,274	1	1	1	3	4	4	3
International Association of Machinists: Machinists	127	215,482	95	95	87	87	86	82	81
International Brotherhood of Boilermakers, Iron Ship Builders, & Helpers of America: Boilermakers	127	215,293	95	95	89	86	83	80	76
International Brotherhood of Blacksmiths, Drop Forgers and Helpers' Blacksmiths	123	203,089	89	89	83	79	79	77	77
Sheet Metal Workers International Association: Sheet metal workers	123	214,701	94	94	88	86	86	83	76
International Brotherhood of Electrical Workers:									
Electrical workers	116	210,559	93	93	89	89	83	82	79
Telegraph and telephone linemen	28	95,577	40	41	38	37	30	20	-----
Signalmen	4	2,088	1	1	1	(1)	(1)	1	1
Brotherhood Railway Carmen of America: Carmen	127	207,668	91	94	88	86	86	83	78
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse, and Railway Shop Laborers: Powerhouse employees and Railway Shop Laborers	119	212,328	93	95	92	88	79	79	71

1 Less than 1/2 of 1 percent.

TABLE 10.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1945—Continued

Organization and craft or class	Extent of representation on June 30, 1945		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1945	1944	1943	1942	1941	1940	1936, 1937, 1938, 1939
Hotel and Restaurant Employees' International Alliance:									
Cooks and waiters.....	50	162,052	71	71	77	73	67	66	58
Coach, parlor-car and club-car porters.....	5	19,756	9	9	9	9	12	5	-----
American Railway Supervisors Association:									
Yardmasters.....	4	10,888	5	5	4	4	4	4	4
Supervisors of mechanics.....	19	65,182	29	20	19	18	13	14	6
Brotherhood of Sleeping Car Porters:									
Coach, sleeping-car, parlor-car and club-car porters.....	26	91,968	40	38	36	34	28	21	10
National Council Railway Patrolmen's Unions, A. P. L.: Railway patrolmen.....	38	98,413	43	38	23	17	5	-----	-----
Utility Workers Organizing Committee:									
Machinists.....	2	287	(1)	(1)	(1)	-----	-----	-----	-----
Boilermakers.....	2	287	(1)	(1)	(1)	-----	-----	-----	-----
Blacksmiths.....	1	190	(1)	(1)	(1)	-----	-----	-----	-----
Sheet-metal workers.....	1	190	(1)	(1)	(1)	-----	-----	-----	-----
Electrical workers.....	1	190	(1)	(1)	(1)	-----	-----	-----	-----
Carmen.....	1	190	(1)	(1)	(1)	-----	-----	-----	-----
Powerhouse employees and railway shop laborers.....	2	287	(1)	(1)	(1)	-----	-----	-----	-----
Brotherhood of Railroad Shop Crafts of America:									
Machinists.....	1	9,750	4	4	-----	-----	-----	-----	-----
Boilermakers.....	1	97,750	4	4	-----	-----	-----	-----	-----
Blacksmiths.....	2	14,505	6	7	-----	-----	-----	-----	-----
Sheet-metal workers.....	2	10,143	5	4	-----	-----	-----	-----	-----
Electrical workers.....	3	11,131	5	4	-----	-----	-----	-----	-----
Carmen.....	2	10,143	5	4	-----	-----	-----	-----	-----
Powerhouse employees and railway shop laborers.....	1	9,750	4	4	-----	-----	-----	-----	-----
System associations:									
Locomotive engineers.....	1	657	(1)	1	1	1	1	1	1
Firemen, hostlers and hostler helpers.....	1	682	(1)	1	1	2	2	1	2
Yardmasters.....	7	11,977	5	6	6	7	7	6	6
Clerical, office, station and storehouse.....	3	1,814	1	1	1	1	1	2	5
Telegraphers, towermen and agents.....	2	229	(1)	1	(1)	(1)	1	(1)	(1)
Telephone and telegraph linemen.....	2	4,491	2	5	4	4	4	13	-----
Dispatchers.....	6	7,563	3	9	11	11	11	11	11
Maintenance-of-way employees.....	3	13,115	6	6	6	6	7	7	8
Machinists.....	5	1,440	1	1	13	12	13	18	19
Boilermakers.....	5	1,391	1	1	11	14	16	19	23
Blacksmiths.....	7	8,729	4	3	16	21	21	22	23
Sheet-metal workers.....	4	1,255	1	1	11	13	13	16	22
Electrical workers.....	7	3,454	2	2	10	10	16	16	23
Carmen.....	7	7,623	3	1	11	14	14	16	22
Powerhouse employees and railway shop laborers.....	4	2,118	1	1	5	12	15	18	22
Dining car stewards.....	2	2,748	1	2	3	3	3	3	4
Cooks and waiters.....	2	4,003	2	2	5	8	16	15	15
Coach, sleeping-car, parlor-car, and club-car porters.....	4	13,337	6	5	5	5	6	7	14
Supervisors of mechanics.....	10	51,100	22	19	15	15	12	19	17
Railway patrolmen.....	6	15,000	7	6	7	7	(1)	-----	-----
Local unions:									
Cooks and waiters.....	2	10,316	5	5	5	4	-----	-----	-----
Coach, parlor-car and club-car porters.....	4	16,545	7	7	7	10	17	-----	-----
Supervisors of mechanics.....	2	1,623	1	1	1	(1)	3	-----	-----
Firemen, hostlers, and hostler helpers.....	2	337	(1)	1	1	2	2	1	2
Brakemen, flagmen and baggagemen.....	3	939	(1)	(1)	(1)	(1)	(1)	(1)	(1)
Yard foremen, helpers, and switch-tenders.....	3	939	(1)	(1)	(1)	(1)	(1)	(1)	(1)

1 Less than ½ of 1 percent.

Table 10-A, below, shows comparable information for Marine Department and related employees of the principal rail carriers which are included in table 10. Since the rail mileage of these carriers bears no direct relation to their marine operations, it is omitted from this section of the table.

TABLE 10-A. *Representation of marine department and related miscellaneous groups of employees, by organization and crafts or classes*

Organization and craft or class	Number of railroads as of June 30									
	1945	1944	1943	1942	1941	1940	1939	1938	1937	1936
National Organization Masters, Mates and Pilots:										
Licensed deck.....	22	23	25	23	21	22	23	20	27	22
Unlicensed deck.....	9	10	12	6	7	6	4	3	2	1
Float watchmen.....	3	4	4	3	2					
National Marine Engineers' Beneficial Association:										
Licensed engine.....	20	20	20	20	19	19	19	18	18	15
Unlicensed engine.....	1	1	3	2	1	3	1	1		
Seafarers' International Union of North America:										
Unlicensed deck.....		2	2	2	1	4	7	8	4	4
Unlicensed engine.....		3	4	4	3	4	4	6	5	5
Marine cooks and stewards.....		2	2	2	1	3	4	4	4	4
International Longshoremen's Association:										
Licensed deck.....	3	3	4	3	5	6	9	10	9	8
Licensed engine.....	3	5	3	3	3	3	5	6		
Unlicensed deck.....	2	5	7	7	5	5	6	8	2	
Unlicensed engine.....	3	4	4	2	4	4	5	7		
Coal dumper employees.....	5	5	5	5	5	5	1			
Float watchmen.....	2	3	3	2	2	3	1	1	1	1
National Maritime Union:										
Unlicensed deck.....	6	3	1	1	1					
Unlicensed engine.....	7	3	1	1	1					
Marine cooks and stewards.....	3									
United Mine Workers—(District 50):										
Licensed deck.....	2									
Licensed engine.....	2									
Unlicensed deck.....	2									
Unlicensed engine.....	2									
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse, and Railway Shop Laborers:										
Unlicensed deck.....	1	1	1	1	1	1				
Unlicensed engine.....	1	1	1	1	1	1				
System associations:										
Licensed deck.....	1	1	2	2	2	1		4	4	4
Licensed engine.....	2	2	2	2	2	3	1	7	7	7
Unlicensed deck.....	1	1	2	1	1	1		1	2	3
Unlicensed engine.....	2	2	2	1	1	1		1	4	3
Coal dumper employees.....	1	1	1	1	1	1				
Local unions:										
Licensed deck.....	1	2								
Licensed engine.....	1	1								
Unlicensed deck.....	4	6								
Unlicensed engine.....	7	9								
Marine cooks and stewards.....	1	2								

IV. DISPUTES MEDIATED—SETTLEMENTS

During the fiscal year 1945, a total of 358 mediation cases were docketed, the greatest number of any year in the Board's history. With 358 new cases docketed, 359 mediation cases were settled during the year, leaving a total of 183 open cases on the docket as of June 30, 1945.

1. MEDIATION AND ARBITRATION AGREEMENTS

Of the 359 mediation disputes disposed of during the year, 328, or 91 percent, were settled either by mediation agreements, agreements to arbitrate, or withdrawal prior to or during mediation. Eight disputes were referred to emergency boards created under section 10 of the Railway Labor Act, and 18 were referred to panel emergency boards set up under the terms of Executive Order 9172.

The proportion of mediation agreements to total mediation cases for the 11 years of the Board's operation is approximately 54 percent. This percentage during the fiscal year 1945 is 55. The number of disputes settled by mediation agreements indicates that both carriers and organizations have recognized the value of the mediatory process as a means of settling their difficulties.

TABLE 11.—*Issues involved in cases disposed of by meditation agreement, fiscal years, 1935-45*

Issues involved	11-year period	1945	1944	1943	1942	1941	1940	1939	1938	1937	1936	1935
Total, all cases.....	1,050	199	137	106	132	115	93	76	63	62	43	24
Negotiation of new agreements covering rates of pay, rules, and working conditions.....	147	15	17	15	15	17	9	12	13	15	14	5
Changes in rates of pay.....	413	95	55	33	69	41	51	23	27	5	10	4
Changes and revisions in rules of existing agreements.....	441	86	48	54	43	53	32	36	22	42	17	8
Miscellaneous cases.....	49	3	17	4	5	4	1	5	1	---	2	7

¹ Includes 6 cases partially disposed of by mediation agreements and partially by arbitration agreements.

² Includes 6 cases disposed of by agreements negotiated directly by the parties after mediation, but not signed as mediation agreements and 1 case disposed of by an arbitration agreement.

³ Includes 1 case partially disposed of by mediation agreement and partially by arbitration agreement.

As in previous years, a classification of the issues involved in mediation settlements shows that the 2 principal categories of questions, in order of number of cases, are, first, changes and revisions in rules; and, second, changes in rates of pay. During the fiscal year 1945, 10 mediation cases were settled by inducing the parties to submit their differences to arbitration, as provided in section 7 of the Railway Labor Act. A résumé of the awards made during the current fiscal year is given in chapter V of this report.

2. OTHER ADJUSTMENTS OF MEDIATION CASES

Of the 359 mediation cases settled during the past year, 150 were disposed of by other means than by mediation agreements or agreements to arbitrate. The largest number in this group was 48 cases in which the invoking party withdrew its application prior to mediation. In 34 other cases the applications were withdrawn during the process of mediation. A total of 40 cases were closed following refusal of either or both parties to submit the disputed issues to arbitration. In 28 cases of this total the carrier declined to arbitrate. Arbitration was declined by the employees in 5 cases, while in 7 others both parties refused arbitration. Eight cases were referred to emergency boards under section 10 of the act, while 18 cases were referred to panel emergency boards created under Executive Order 9172. Two other cases were closed by Board action. The cases referred to the 2 types of emergency boards are discussed in chapter V.

3. AIR-LINE MEDIATION CASES

Included in the total of 359 mediation cases settled during the fiscal year 1945, were 11 involving the commercial air lines and their employees. In addition to the 11 mediation cases, 17 representation disputes among air line employees were disposed of during the fiscal year 1945. A total of 40 mediation cases involving air line employees have been disposed of since the approval of title II of the Railway Labor Act in 1936.

V. ARBITRATION AND EMERGENCY BOARDS

1. ARBITRATION BOARDS

In cases where the Board has been unable to effect a settlement through mediation, its duty under the Railway Labor Act is then to use its best efforts to induce the parties to submit their dispute to arbitration, under the provisions of section 7 of the act. While acceptance of arbitration is not compulsory on either party, the Board feels that substantially the same effort should be made to get the parties to arbitrate their difficulties as is exerted during the mediation proceedings. It does not consider that a perfunctory proffer of arbitration satisfies the obligation to make every effort to induce the parties to settle their disputes amicably.

During the fiscal year 1945, 10 agreements to arbitrate were made. During the 11 year period of the present Board's history, a total of 47 arbitration agreements have been consummated.

Awards made during the current fiscal year are briefly summarized below.

Case A-1653, Arb. 38

Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, The Order of Railroad Telegraphers, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees, Brotherhood of Railroad Signalmen of America, Brotherhood of Maintenance of Way Employees, Railway Employees' Department, A. F. L., representing International Association of Machinists, International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America, International Brotherhood of Blacksmiths, Shop Forgers and Helpers, Sheet Metal Workers International Association, International Brotherhood of Electrical Workers, Brotherhood of Railway Carmen of America, International Brotherhood of Firemen and Oilers, Helpers, Roundhouse and Railway Shop Laborers

and

Southern Pacific Co. (Pacific lines)

Members of the arbitration board were Hon. Leif Erickson, of Helena, Mont.; Mr. Grady Lewis of Washington, D. C.; Mr. M. H. Barney, vice president, Order of Railway Conductors; Mr. G. E. Leighty, vice president, Order of Railroad Telegraphers; Mr. L. B. McDonald, vice president, and Mr. J. G. Torian, manager, personnel, of the Southern Pacific Co.

The party arbitrators selected by the organizations and the carrier being unable to agree upon the two neutral arbitrators, the National Mediation Board designated Messrs. Erickson and Lewis as the neutral members of the arbitration board. The arbitration board elected Hon. Leif Erickson to serve as chairman.

Eight questions in dispute were considered by the arbitration board, having to do with the membership and control of the Board of Managers of the Southern Pacific Hospital Department, hospitalization of company employees injured while on duty, additional hospital facilities, and other matters primarily of interest to the carrier's employees. Arbitration hearings were held in San Francisco, Calif., from January 24, 1945, through February 20, 1945. The Board's award was issued March 2, 1945, to become effective on May 1, 1945.

The principal question in dispute, namely, control of the Hospital Department, was resolved by the creation, under the award, of a Board of Managers, 13 in number, 7 to be selected by the employees, and 6 by the carrier.

Case A-1766, Arb. 39

Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen
and

Carriers represented by Western, Eastern, and Southeastern Carriers' Conference Committees

Members of the arbitration board were Mr. Walter Clephane, of Washington, D. C.; Mr. Frank M. Swacker, of New York, N. Y.; Mr. Alvanley Johnston, grand chief engineer, Brotherhood of Locomotive Engineers; Mr. W. P. Kennedy, vice president, Brotherhood of Railroad Trainmen; Mr. L. W. Horning, vice president, personnel, New York Central Railroad Co.; and Mr. J. Y. McLean, director of labor relations, Chicago, Rock Island & Pacific Railway Co.

The party arbitrators selected by the organizations and the carriers' committees being unable to agree upon the two neutral arbitrators, the National Mediation Board designated Messrs. Clephane and Swacker as the neutral members of the arbitration board. The arbitration board elected Mr. Frank M. Swacker to serve as chairman.

The question in dispute involved the interpretation of an award made on December 27, 1943, by the President of the United States, granting employees in engine and train service a vacation of 1 week a year with pay. Arbitration hearings were held in Chicago, Ill., from August 21, 1944, through August 31, 1944, the board's award being issued on the latter date. The vacation of 1 week was construed to mean 7 days and certain definite standards were set up for the payment of vacation allowances to regularly assigned employees, extra men, and furloughed employees.

Case A-1618, Arb. 40

Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees

and

Gulf Coast Lines, International-Great Northern Railroad Co., San Antonio, Uvalde & Gulf Railroad, Sugar Land Railway Co., and Asherton & Gulf Railway Co.

Members of the arbitration board were Hon. Ernest M. Tipton, of Jefferson City, Mo.; Mr. H. R. Lyons, vice grand president of the organization; and Mr. Tom M. Davis, of Houston, Tex.

The party arbitrators selected by the organization and the carriers being unable to agree upon a neutral arbitrator, the National Mediation Board designated Hon. Ernest M. Tipton as the neutral member of the arbitration board. The board elected Mr. Tipton to serve as chairman.

The questions in dispute included a large number of rules which the organization wished to have revised, and a request of the carrier for the cancellation of a memorandum agreement. Arbitration hearings commenced in Houston, Tex., on October 30, 1944, and the award was dated November 9, 1944. Among the matters covered by the award were revision of the title page of the agreement, the scope rule, a rule defining seniority districts, a rule covering promotions, assignments and displacements, as well as excepted positions, a sick leave rule, and others. The award granted the requests of the employees in part only. The request of the carrier was denied.

Both the organization and the carrier members dissented from parts of the arbitration award.

Case A-1500, Arb. 41

Railroad Yardmasters of America

and

Missouri Pacific Railroad Co.

Members of the arbitration board were Hon. John W. Yeager, of Lincoln, Nebr.; Mr. T. F. Bumcrots, vice president, Railroad Yardmasters of America; and Mr. O. M. Stevens, president and general manager of the American Refrigerator Transit Co. The party members of the arbitration board designated Hon. John W. Yeager as the neutral member and chairman of the board.

The question in dispute involved proposed revisions of the scope, hours of service and overtime, rest day, and seniority rules of the working agreement covering yardmasters, as well as a controversy in connection with proper rates of pay. Arbitration hearings commenced in St. Louis, Mo., on December 7, 1944, and the award was dated, December 20, 1944. The award granted a part of the employees' requests, and was signed by all three members of the arbitration board.

Case A-1726, Arb. 42

Brotherhood of Locomotive Firemen and Enginemen

and

Illinois Terminal Railroad Co.

Members of the arbitration board were Mr. Harry D. Pitchford, of Okmulgee, Okla., Mr. G. A. Meade, vice president, Brotherhood of Locomotive Firemen & Enginemen, and Mr. A. P. Titus, president and general manager of the Illinois Terminal Railroad.

The party arbitrators selected by the organization and the carrier being unable to agree upon a neutral arbitrator, the National Mediation Board designated Mr. Harry D. Pitchford as the neutral member of the arbitration board. Mr. Pitchford was elected by the arbitration board to serve as chairman.

The questions in dispute included a requested increase in pay for motormen, and the employment of a second man or helper on freight and switching electric locomotives. Arbitration hearings commenced in St. Louis, Mo., on February 6, 1945, and the award was dated February 20, 1945. The award granted certain increases to motormen in freight and passenger service. It also provided that no helpers be employed on electric locomotives in freight service except on those weighing 200,000 pounds or more on drivers. Helpers were required on locomotives in yard service except at one location, which was a combination road and yard job.

A dispute subsequently arose between the parties as to the proper interpretation of one section of the award. The arbitration board was thereupon reconvened on May 21, 1945, and issued an interpretation on that date, which was not concurred in by the organization arbitrator.

Case A-835, Arb. 44

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees

and

The Texarkana Union Station Trust, Texarkana, Tex.

Members of the arbitration board were Mr. Leverett Edwards, of Oklahoma City, Okla.; Mr. W. M. Crawford, general representative, Brotherhood of Railway

and Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. K. M. Post, general superintendent, St. Louis-Southwestern Railway Co.

The party members of the arbitration board being unable to agree upon the third arbitrator, the National Mediation Board designated Mr. Leverett Edwards as the neutral arbitrator and he was elected to serve as chairman of the Board.

The questions in dispute involved the revision of several rules in the working agreement covering clerical, office, station, and storehouse employees, among them being hours of service and meal period rule; overtime and calls; payment for Sunday and holiday work, and the basis of pay rules. Arbitration hearings commenced in Dallas, Tex., on February 8, 1945, and the award was dated February 13, 1945. The award of the arbitration board with respect to all disputed rules was unanimous.

Case A-1720, Arb. 45.

The Order of Railroad Telegraphers
and
Kansas City Terminal Railway Co.

Members of the arbitration board were Mr. Guy H. Horton of Stillwater, Okla. Mr. W. I. Christopher, deputy president, Order of Railroad Telegraphers; and Mr. J. V. Begley, assistant to president, Kansas City Terminal Railway Co.

The party members of the arbitration board being unable to agree upon the third arbitrator, the National Mediation Board designated Mr. Guy H. Horton as the neutral arbitrator, Mr. Horton being elected to serve as chairman.

The question in dispute involved a requested increase in pay of 2 cents per hour for certain employees based upon the alleged abrogation of a memorandum of agreement concerning vacation allowances. Arbitration hearings were commenced in Kansas City, Mo., on April 9, 1945, and the award was dated April 10, 1945. The award provided that the memorandum agreement was not abrogated, and denied the requested increase. The organization arbitrator declined to sign the award.

Cases A-1695 and A-1908, Arb. 46

United Steelworkers of America, C. I. O.
and
Conemaugh and Black Lick Railroad Co.

Members of the arbitration board were Hon. Curtis G. Shake, of Vincennes, Ind.; Mr. Jacob Mathos, president of Union Railroad Local No. 1913, United Steelworkers of America; and Mr. Clarence A. Miller, vice president and general counsel of the American Short Line Railroad Association.

The party members of the arbitration board being unable to agree upon the third arbitrator, the National Mediation Board designated Hon. Curtis G. Shake as the neutral arbitrator, and he was elected to serve as chairman of the Board.

The question in dispute included requested wage increases, clarification of rules pertaining to hours of work and overtime, and liberalization of vacation allowances. Arbitration hearings were commenced at Johnstown, Pa., on March 19, 1945, and were recessed on March 22, 1945, due to serious illness in the family of the chairman. On April 14, 1945, the parties agreed to extend the time for the Board to make and file its award for a period of 60 days after April 18, 1945. The Board reconvened in Jamestown, Pa., on May 15, 1945, and concluded its sessions there on May 16. The Board then recessed until May 23, 1945, when it resumed executive sessions in the offices of the National Mediation Board at Washington, D. C., such sessions being continued until May 28, 1945, on which date its award was issued.

Certain wage increases were granted by the arbitration board, as well as specific changes in scope, overtime, Sunday and holiday work, and vacation rules.

Subsequent to the making and filing of this award, certain differences arose between the parties as to the meaning and application of various provisions of the award dealing with pay increases, and a joint application was filed for the reconvening of the arbitration board to consider these questions. Arrangements were made to reconvene the Board to consider and decide these disputes.

Case A-1966, Arb. 48

Air Line Pilots Association, International
and
Transcontinental & Western Air, Inc.

Members of the arbitration board were Mr. Leverett Edwards of Oklahoma City, Okla.; Mr. T. S. Poquette, representing the Air Line Pilots Association, International, and Mr. W. A. Gorham, executive assistant, Transcontinental & Western Air, Inc.

The party arbitrators being unable to agree upon the third arbitrator, the National Mediation Board designated Mr. Leverett Edwards as the neutral arbitrator, and he was elected to serve as chairman of the Board.

The question in dispute was a request of the employees for additional compensation for pilots and copilots who are required to operate Boeing SA 307 B-1 equipment. Arbitration hearings were held in Kansas City, Mo., commencing on March 27, 1945, and the award was issued on April 10, 1945. Certain additional compensation was awarded pilots and copilots who are required to fly the Boeing equipment mentioned above.

Cases A-1747 and A-1762, Arb. 49

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees
and

Texas and New Orleans Railroad Co.

Members of the arbitration board were Hon. John W. Yeager of Lincoln, Nebr.; Hon. Q. D. Gibbs of Okmulgee, Okla.; Mr. H. R. Lyons, vice grand president, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; Mr. J. H. Crooker of Houston, Tex.; Mr. J. J. Moore, assistant general manager, Texas and New Orleans Railroad Co.; and Mr. Jesse A. Andrews of Houston, Tex.

The party arbitrators selected by the organization and the carrier being unable to agree upon the two neutral arbitrators, Hon. John W. Yeager and Hon. Q. D. Gibbs were designated as neutrals by the National Mediation Board, the arbitration board electing Mr. Yeager to serve as chairman.

Two questions were in dispute, first, a request of the employees for a wage adjustment for employees in various classifications, and second, request of the employees for a revision of the Sunday and holiday overtime rule. Arbitration hearings were held in Houston, Tex., from May 12, 1945, through June 6, 1945, and the award was issued June 15, 1945. The award granted an increase of 6 cents per hour to employees in certain classifications, 5 cents per hour to others, and denied any increase to still other employees involved in the dispute. It also granted the revision of the Sunday and holiday rule proposed by the

employees. The carrier arbitrators dissented from the award on the grounds that it was not consistent with the national wage stabilization policy.

Case A-1691, Arb. 50
Railroad Yardmasters of America
and

Terminal Railroad Association of St. Louis

Members of the arbitration board were Hon. Robert G. Simmons of Lincoln, Nebr., Mr. M. G. Schoch, president, Railroad Yardmasters of America; and Mr. Ira Davis, general superintendent, Terminal Railroad Association of America.

The party arbitrators designated Hon. Robert G. Simmons as the third arbitrator and chairman of the Board.

The questions in dispute included the provisions of the scope, seniority, time allowances and hours of service, rates of pay and effective date rules of a working agreement for yardmasters. Arbitration hearings were held in St. Louis, Mo., commencing May 28, 1945. The award of the board was dated June 2, 1945. The party arbitrator for the organization dissented from the award with respect to the rules setting up rates of pay and providing for the effective date of the agreement.

2. EMERGENCY BOARDS—SECTION 10, RAILWAY LABOR ACT

In the event a dispute is not disposed of by and a situation arises which, in the judgment of the Mediation Board, threatens substantially to interrupt interstate commerce to a degree such as to deprive a section of the country of essential transportation service, the Board, under section 10 of the act is required to notify the President, who may, in his discretion, create a special board to investigate the dispute and make a report thereon within 30 days. For 30 days after such a special board makes its report to the President, no change, except by agreement, may be made by the parties to the controversy in the conditions out of which the dispute arose. Boards of this kind are referred to as emergency boards.

Fifteen such emergency boards were appointed by the President during the fiscal year 1945. Three of these were appointed near the end of the fiscal year and their reports were transmitted to the President shortly after the close of the fiscal year. These are also included in this report. The reports to the President of these boards were printed for distribution. A summary of each of the 15 reports is given below:

Case—Undocketed

Brotherhood of Locomotive Firemen and Enginemen and Brotherhood of Railroad Trainmen

and

Union Railway of Memphis

The Emergency Proclamation of the President, dated September 19, 1944, resulted in the appointment of a Board composed of Mr. Frank M. Swacker, attorney, New York, N. Y., Mr. John A. Lapp, industrial relations consultant, Chicago, Ill., and Col. Walter C. Clephane, attorney, Washington, D. C.

The Board selected Mr. Swacker as chairman. Public hearings were held in Memphis, Tenn., beginning on September 25, 1944, and concluding September 27, 1944. The Board's report was made to the President on September 29, 1944.

The dispute in this case grew out of a difference of opinion between the carrier and organization as to the application and interpretation of award No. 8078 of the National Railroad Adjustment Board.

At the conclusion of the hearing, a settlement of the dispute was effected between the parties through the efforts of the Emergency Board in conferences held September 28 and 29, 1944.

Cases A-1697 and A-1698

Brotherhood of Locomotive Firemen & Enginemen and Brotherhood of Railroad Trainmen

and

Chicago, Aurora and Elgin Railroad Co. and Chicago, North Shore and Milwaukee Railroad

The Emergency Proclamation dated September 19, 1944, resulted in the appointment of a Board composed of Hon. H. B. Rudolph, Justice, Supreme Court of South Dakota, Pierre, S. Dak., Mr. W. H. Spencer, Dean School of Business, University of Chicago, Chicago, Ill., and Hon. E. M. Tipton, Justice, Supreme Court of Missouri, Jefferson City, Mo.

The Board selected Judge Rudolph as its chairman. Public hearings were held in Chicago, Ill., from September 25 to September 28, 1944, inclusive, followed by informal conferences with the parties on September 28 and 29, 1944, in an effort to compose the dispute by agreement, which proved unsuccessful. The Board's report to the President was made on October 4, 1944.

The disputes which necessitated the appointment of this Board grew out of requests of the organizations filed on the carriers involved under date of February 4, 1944, and April 6, 1944, for application of the 9-cent per hour increase in pay allowed operating employees of railroads generally in the national wage agreements of December 27, 1943, and January 14, 1944.

In its report to the President the Board recommended an increase of 5 cents per hour on a straight-time basis. In making this recommendation the Board took into consideration an increase in pay applied to the employees involved as a result of an Emergency Board recommendation, several months prior to the national wage agreements of December 27, 1943, and January 4, 1944, and that the 5 cents per hour increase as recommended, would serve to equalize the percentage of increase to the employees involved in this case with that received by other railroad operating employees as a result of the national wage agreements.

The recommendation of the Board was first rejected by the organizations but finally accepted on November 25, 1944, after a work stoppage of 15 days.

Case A-1700

Brotherhood of Locomotive Firemen & Enginemen

and

Bingham and Garfield Railway Co.

The Emergency Proclamation dated November 8, 1944, resulted in the appointment of a board composed of Hon. Richard F. Mitchell, associate justice, Supreme Court, Fort Dodge, Iowa, Col. Walter C. Clephane, attorney, Washington, D. C., and Dr. A. G. Crane, of Cheyenne, Wyo.

The Board selected Mr. Mitchell as chairman. Public hearings were held in Salt Lake City, Utah, on Tuesday, November 21, 1944. The Board's report to the President was made on November 25, 1944.

The dispute in this case grew out of a request of the employees for employment of a fireman (or helper) in addition to the engineer or motorman on electric locomotives of the carrier.

At the conclusion of the hearing, efforts of the Board to adjust the dispute by agreement were unavailing. The Board's report to the President denied the request of the organization. Upon threat of strike, the road was placed under Federal control, which was still in effect at the close of the fiscal year.

Case A-1304

Brotherhood of Locomotive Firemen and Enginemen and Brotherhood of Railroad Trainmen

and

Steelton and Highspire Railroad

The Emergency Proclamation dated December 12, 1944, resulted in the appointment of a board composed of Dr. I. L. Sharfman, professor of economics, University of Michigan, Ann Arbor, Mich.; Leif Erickson, judge Supreme Court of Montana, Helena, Mont.; and Col. Grady Lewis, attorney, Washington, D. C.

The Board selected Dr. Sharfman as chairman. Public hearings were held in Harrisburg, Pa., from December 18 to December 22, 1944, inclusive. The Board's report to the President was made on December 30, 1944.

The dispute in this case arose out of the failure of the organizations and carrier to agree on several rules of proposed agreements covering rates of pay, rules and working conditions, principally, the number of employees to be used on diesel locomotives and the consist of yard crews.

At the conclusion of hearings, efforts to compose the differences of the parties by agreement, proved unsuccessful. The Board recommended employment of an additional employee (fireman) on certain types of diesel locomotives of the carrier and disapproved it on others. It also recommended a formula to govern the number of brakemen to compromise yard crews.

The recommendation of the Board was accepted by the organizations and applied by the carrier.

Case A-1574

Brotherhood of Locomotive Firemen and Enginemen

and

Seaboard Air Line Railway

The Emergency Proclamation dated December 14, 1944, resulted in the appointment of a board composed of Mr. Houston Thompson, attorney, Washington, D. C.; Hon. David J. Lewis, former member of Congress, Washington, D. C.; and Maj. Gen. William H. Tschappat, retired, Falls Church, Va.

The Board selected Mr. Thompson as chairman. Public hearings were held in Washington, D. C., from December 18 to December 20, 1944, inclusive. The Brotherhood of Locomotive Engineers requested and was granted permission to intervene as an interested party, representing and holding the agreement covering engineers on this carrier.

Informal conferences in an effort to adjust the dispute between the parties were held January 9 to 11, 1945, inclusive, without success. The Board's report to the President was made January 17, 1945.

This case arose over a dispute as to the handling of grievance cases involving "clemency reinstatement" of discharged or suspended engineers, i. e., whether or not concurrence of the organization holding the agreement covering engineers was necessary to secure reinstatement.

The Board's report to the President recommended a proposed rule of agreement providing that neither organization would have veto

power over cases of reinstatement to employment originating with the other.

The recommendation of the Emergency Board was accepted by the organization and applied by the carrier.

Case (undocketed)

Brotherhood of Railroad Trainmen
and

Kentucky and Indiana Terminal Railway

The Emergency Proclamation dated February 6, 1945, resulted in the appointment of a board composed of Hon. Ernest M. Tipton, Justice of Supreme Court of Missouri, Jefferson City, Mo.; Brig. Gen. H. S. Hawkins, Washington, D. C.; and Mr. Arthur E. Whittemore, attorney, Boston, Mass.

The Board selected Mr. Tipton as chairman. Public hearings were held in Louisville, Ky., from February 13 to February 18, 1945, inclusive. This Board's report to the President was made February 20, 1945.

The case involved an unsettled award of the National Railroad Adjustment Board and several claims of individual employees arising under the existing working agreement which the organization claimed should be settled on precedents of previous Adjustment Board awards.

Failing to secure settlement of the disputes by agreement between the parties, the board in its report to the President, recommended immediate settlement by carrier of the award of the National Railroad Adjustment Board and settlement of a claim similar to that involved in the award. It declined recommendation on the merits of the remaining claims as being matters coming under the jurisdiction of the National Railroad Adjustment Board.

Case (undocketed)

Brotherhood of Railroad Trainmen and Order of Railway Conductors
and

Central of Georgia Railway

The Emergency Proclamation dated February 8, 1945, resulted in the appointment of a board composed of Hon. H. Nathan Swaim, former Judge Supreme Court, Indianapolis, Ind.; Hon. Ridgeley P. Melvin, judge, Maryland Court of Appeals, Annapolis, Md.; and Mr. Russell Wolfe, attorney, Philadelphia, Pa.

The Board selected Judge Swaim as chairman. Public hearings were held in Savannah, Ga., from February 14 to February 21, 1945. The board's report to the President was made February 24, 1945.

The dispute grew out of request of employees for changes in various rules of agreements and settlement of grievances.

At the conclusion of the hearings a settlement was effected between the parties through the efforts of the Emergency Board, which disposed of the controversy.

Cases A-1770 and A-1771

Brotherhood of Locomotive Engineers and Brotherhood of Railroad Trainmen
and

Des Moines and Central Iowa Railroad

The Emergency Proclamation dated March 7, 1945, resulted in the appointment of a board composed of Hon. H. Nathan Swaim, former judge, Indiana Supreme Court, Indianapolis, Ind.; Hon. John W. Yeager, Judge, Supreme Court of Nebraska, Lincoln, Nebr.; and Col. Grady Lewis, attorney, Washington, D. C.

The Board selected Judge Swaim as chairman. Public hearings were held in Des Moines, Iowa, from March 13 to March 20, 1945, inclusive. The Board's report to the President was made March 28, 1945.

This dispute involved request of the organization for increased wages and vacation rule.

At the conclusion of the hearings, a settlement was effected between the parties through the efforts of the Emergency Board, which disposed of the controversy.

Case (undocketed)

Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen & Enginemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen and Switchmen's Union of North America

and

Denver & Rio Grande Western Railroad

The Emergency Proclamation dated March 8, 1945, resulted in the appointment of a board composed of Hon. Leif Erickson, associate justice, Montana Supreme Court, Helena, Mont.; Hon. Ridgeley P. Melvin, judge, Maryland Court of Appeals, Annapolis, Md.; and Mr. Russell Wolfe, attorney, Philadelphia, Pa.

The Board selected Judge Erickson as chairman. Public hearings were held in Denver, Colo., from March 14 to March 23, 1945. The Board's report to the President was made March 29, 1945.

This case involved a number of disputes between the organizations and carrier over interpretations and application of National Railroad Adjustment Board awards.

Through the efforts of the Emergency Board in conferences with the parties a number of the disputed awards were disposed of by agreement between the parties and the recommendation of the board for settlement of the remaining awards was accepted by the organizations and applied by the carrier.

Case A-2008

Brotherhood of Locomotive Firemen and Enginemen

and

Missouri Pacific Railroad

The Emergency Proclamation dated April 5, 1945, resulted in the appointment of a board composed of Hon. H. Nathan Swaim, former judge, Indiana Supreme Court, Indianapolis, Ind.; Hon. Leif Erickson, associate justice, Montana Supreme Court, Helena, Mont.; and Mr. Robert W. Woolley, attorney, Washington, D. C.

The Board selected Judge Swaim as chairman. Public hearings were held in St. Louis, Mo., from April 12 to April 28, 1945, inclusive. The Board's report to the President was made May 5, 1945.

This case involved a number of disputes between the organization and carrier covering rules of agreement, time claims and other grievances.

Efforts of the Board to have parties settle the disputes by agreement were unavailing. The recommendations for settlement of the disputes as contained in the Board's report to the President were accepted by the organization and applied by the carrier.

Cases A-1765, A-1838, and A-1842

Brotherhood of Locomotive Firemen and Enginemen and Brotherhood of Railroad Trainmen
and
Colorado & Wyoming Railway

The Emergency Proclamation dated May 16, 1945, resulted in the appointment of a board composed of Hon. H. Nathan Swaim, former Judge, Indiana Supreme Court, Indianapolis, Ind.; Hon. Ridgeley P. Melvin, Judge, Maryland Court of Appeals, Annapolis, Md.; and Hon. Eugene L. Padberg, judge, Circuit Court, St. Louis, Mo.

The Board selected Judge Swaim as chairman. Public hearings were held in Denver, Colo., from May 24 to May 29, 1945, inclusive. The Board's report to the President was made June 7, 1945.

This dispute grew out of requests of the organization for application of the National Wage Agreement of January 14, 1945, covering increases in wages and vacations with pay to certain employees known as "plant facility men" which request was declined by carrier on the ground that the employees involved were not employees of the carrier.

Efforts of the Board to effect agreement between the parties were unavailing. The Board in its report to the President found that the employees involved were not subject to the Railway Labor Act and denied the wage increase and vacation request of the organizations.

Case (undocketed)

Brotherhood of Locomotive Engineers and Brotherhood of Railroad Trainmen
and
River Terminal Railway Co.

The Emergency Proclamation dated May 22, 1945, resulted in the appointment of a board composed of Hon. Richard F. Mitchell, judge, Supreme Court of Iowa, Fort Dodge, Iowa; Hon. Roger I. McDonough, judge, Supreme Court of Utah, Salt Lake City, Utah; and Mr. Robert W. Woolley, attorney, Washington, D. C.

The Board selected Judge Mitchell as chairman. Public hearings were held in Cleveland, Ohio, from May 29, 1945, to June 6, 1945. The Board's report to the President was made June 13, 1945.

The case involved several disputes arising out of discipline administered an employee, time claims and interpretation of agreement rules. In its report to the President the Board made recommendations for settlement of the dispute but pointed out that all of the matters in dispute, should have been progressed by the employees through the National Railroad Adjustment Board as provided by the Railway Labor Act.

The recommendations of the Board were accepted by the organizations and applied by the carrier.

Case (undocketed)

Brotherhood of Locomotive Firemen & Enginemen
and
Illinois Central Railroad

The Emergency Proclamation dated May 24, 1945, resulted in the appointment of a board composed of Mr. Houston Thompson, attorney, Washington, D. C.; Col. Grady Lewis, attorney, Washington, D. C.; and Hon. Curtis G. Shake, judge, Indiana Supreme Court, Vincennes, Ind.

The Board selected Mr. Thompson as chairman. Public hearings were held in Chicago, Ill., on May 31 and June 1, 1945, were resumed June 25, and were continuing June 30, at the close of the fiscal year.

Case A-2068

Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brotherhood of Railroad Trainmen
and

Georgia and Florida Railroad

The Emergency Proclamation dated June 16, 1945, resulted in the appointment of a board composed of Mr. James P. Hughes, attorney, Greencastle, Ind.; Mr. Russell Wolfe, attorney, Philadelphia, Pa.; and Hon. Eugene L. Padberg, judge, Circuit Court, St. Louis, Mo.

The Board selected Mr. Hughes as chairman. Public hearings were held in Augusta, Ga., from June 22 to June 30, 1945. The Board's report to the President had not been made at the close of the fiscal year.

This dispute arose out of a request by the employees that wages of engine, train and yard service employees be advanced to the standard paid by certain other carriers in the southeastern territory.

The request was declined by the receiver of the road on the ground of financial inability of the carrier to meet the demands, and a strike date was set. Mediation proved unsuccessful and arbitration was declined by both parties, followed by the appointment of this Emergency Board.

Case A-2091

Brotherhood of Railroad Trainmen
and

Erie Railroad

The Emergency Proclamation dated June 28, 1945, resulted in the appointment of a board composed of Hon. Leif Erickson, Judge, Supreme Court of Montana, Helena, Mont.; Hon. Ridgeley P. Melvin, Judge, Maryland Court of Appeals, Annapolis, Md.; and Hon. Robert G. Simmons, Chief Justice, Nebraska Supreme Court, Lincoln, Nebr.

This case covered nine items in dispute on which a strike ballot was circulated among the employees. Seven items involved unsettled awards of the National Railroad Adjustment Board. Two involved request of employees for changes in rules of agreement. On the latter, mediation proved unsuccessful. Offer of arbitration was accepted by carrier but declined by employees. The board had not commenced hearings at the end of the fiscal year.

3. EMERGENCY BOARDS—NATIONAL RAILWAY LABOR PANEL

As noted in earlier annual reports of the Board (for the fiscal years 1942, 1943, and 1944), the National Railway Labor Panel was created under authority of Executive Order 9172 (May 22, 1942), to supplement the procedures under section 10 of the Railway Labor Act during the period of wartime emergency by making available the services of panel emergency boards in dispute cases wherein the employee organizations refrain from taking strike votes or resorting to strikes after the parties have followed the provisions of sections 5, 6, 7, 8, and 9 of the Railway Labor Act and have not succeeded in resolving their disputes. Executive Order 9299 (February 4, 1943) assigned to the Chairman of the Panel responsibility for determining the permissibility, under the stabilization program, of nondisputed wage or salary adjustments proposed "as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise."

Under section 202 of the Stabilization Extension Act of 1944 (Public Law 383, 78th Cong.) arbitration and emergency boards, in dispute cases affecting wage or salary payments, "as a prerequisite to effecting or recommending a settlement of any such dispute," are required to make "a specific finding and certification that the changes proposed by such settlement or recommended settlement are consistent with such standards as may be then in effect, established by or pursuant to law, for the purpose of controlling inflationary tendencies." The act further provides that such findings and certifications shall be conclusive, and that "it shall be lawful for the employees and carriers, by agreement, to put into effect the changes proposed by the settlement or recommended settlement with respect to which such findings and certification were made."

During the fiscal year 1945, 17 separate designations of emergency boards were made by the chairman of the National Railway Labor Panel from among the persons appointed to the Panel by the President. Thirteen of the boards reported prior to June 30, 1945, the end of the fiscal year. Fourteen of the designations were made under the provisions of Executive Order 9172 for the purpose of investigating disputes not adjusted by the mediation and arbitration procedures of the Railway Labor Act, and in which the employee organizations had abided by their wartime no-strike pledge. The remaining 3 designations were issued, pursuant to requirement of paragraph 3 of Executive Order 9299, to investigate the permissibility, under the Government's economic stabilization program, of wage and salary adjustments proposed jointly by employee organizations and the management of certain carriers as a result of collective bargaining agreements. These latter 3 cases represented the first instances in which emergency boards were appointed for the investigation of nondispute cases.

The National Railway Labor Panel consisted of the following persons, appointed by the President:

H. H. Schwartz, Chairman

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|---|---|
| Robert D. Calkins, dean, School of Business, Columbia University. | Walter Gilkyson, attorney, New Hartford, Conn. |
| Walter C. Clephane, attorney, Washington, D. C. | James P. Hughes, former justice, Supreme Court of Indiana. |
| A. G. Crane, former president, Wyoming State University, Cheyenne, Wyo. | John A. Lapp, industrial relations consultant, Chicago, Ill. |
| Thomas Hopkinson Eliot, attorney, Washington, D. C. | William M. Leiserson, director, Labor Organization Study, Johns Hopkins University. |
| Leif Erickson, former justice, Supreme Court of Montana. | Grady Lewis, attorney, Washington, D. C. |
| Walter T. Fisher, attorney, Chicago, Ill. | Roger I. McDonough, justice, Supreme Court of Utah. |
| John A. Fitch, professor of social work, New York School of Social Work, Columbia University. | Ridgely P. Melvin, justice, Maryland Court of Appeals. |
| | Richard F. Mitchell, justice, Supreme Court of Iowa. |

Eugene L. Padberg, justice, St. Louis Circuit Court.	Frank M. Swacker, attorney, New York City.
Herbert B. Rudolph, justice, Supreme Court of South Dakota.	Ernest M. Tipton, chief justice, Supreme Court of Missouri.
Curtis G. Shake, former justice, Supreme Court of Indiana.	Norman J. Ware, labor relations consultant, Hartford, Conn.
I. L. Sharfman, professor of economics, University of Michigan.	Gordon S. Watkins, dean, College of Letters and Science, University of California, Los Angeles.
William H. Spencer, dean, School of Business, University of Chicago.	Edwin E. Witte, public member, National War Labor Board.
Walter P. Stacy, chief justice, Supreme Court of North Carolina.	James H. Wolfe, chief justice, Supreme Court of Utah.
George W. Stocking, professor of economics, University of Texas.	Robert Wickliffe Woolley, attorney, Washington, D. C.
	John W. Yeager, justice, Supreme Court of Nebraska.

Brief summaries of the issues and recommendations of Panel emergency boards reporting prior to July 1, 1945, follow. Except in a few instances, the parties subsequently incorporated the recommendations of emergency boards into their written agreements.

National Mediation Board Case A-1603

Pacific Electric Railway Co.

and

Brotherhood of Railroad Trainmen

An emergency board was appointed December 6, 1944, composed of James H. Wolfe (chairman), A. G. Crane, and Walter Gilkyson, to consider a dispute involving demands of passenger service operating employees for an increase in pay, retroactive to March 1, 1943. On December 29, 1944, the Board recommended an increase of 3 cents per hour in basic rates, plus 5 cents per hour in lieu of claims for time and one-half pay for time over 40 hours per week, the new rates to become effective as of January 1, 1945.

National Mediation Board Case A-1313

The Lake Terminal Railroad Co.

and

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees

An emergency board, consisting of Richard F. Mitchell (chairman), A. G. Crane, and Walter Gilkyson, was appointed December 26, 1944, to investigate a dispute arising out of refusal of the carrier to conclude a working agreement with the Brotherhood of Railway Clerks, following voluntary recognition of that organization as the bargaining representative of the carrier's clerical and station employees. The carrier's refusal to conclude the negotiations, which were begun soon after the act of recognition, was based upon successive representations to the carrier by two other organizations that each of these organizations in fact represented a majority of the clerical and station employees. In its report of January 13, 1945, the Board held that the carrier was under obligation to complete negotiations with the recognized representative of the employees involved, and recommended that the carrier and the Brotherhood immediately adopt the agreement and memorandum of understanding reached by the parties as a result of the Board's mediatory efforts.

National Mediation Board Cases A-790 and A-1368

*Missouri-Kansas-Texas Railroad Co.**Missouri-Kansas-Texas Railroad Co. of Texas*

and

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees

An emergency board, comprising James H. Wolfe (chairman), John A. Lapp and A. G. Crane, was appointed January 15, 1945, to consider unadjusted disputes relating to working rules and to the equalization of rates of pay of certain positions. Under date of February 13, 1945, the Board recommended approval of the Brotherhood's proposal that employees called to work on Sundays and specified holidays be allowed a minimum of 8 hours at time and one-half rate. Other proposed rule changes were composed by the parties, in some cases on the basis of modifications recommended by the Board. The wage issue was settled in accordance with a formula recommended by the Board and agreed to by the parties.

National Mediation Board Case A-1667

*Missouri-Kansas-Texas Railroad Co.**Missouri-Kansas-Texas Railroad Co. of Texas*

and

Brotherhood of Railroad Signalmen of America

An emergency board, comprising James H. Wolfe (chairman), John A. Lapp, and A. G. Crane, was constituted January 15, 1945, to investigate a dispute concerning the request of the Brotherhood that the wage rate for foremen be established at 5 cents per hour above the existing rate for lead signalmen and lead signal maintainers. On February 13, 1945, the Board recommended adoption of the Brotherhood's request.

National Mediation Board Case A-1443

Texas Electric Railway Co.

and

Brotherhood of Maintenance of Way Employees

On January 25, 1945, an emergency board, consisting of Frank M. Swacker (chairman), John A. Lapp, and A. G. Crane, was empaneled to investigate a dispute concerning the negotiation of working rules to be embodied in a collective agreement between the parties. On February 24, 1945, the Board reported that its mediatory services had resulted in an agreement between the parties, thereby settling the controversy.

National Mediation Board Case A-1741

Railway Express Agency, Inc.

and

International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America

An emergency board, consisting of Richard F. Mitchell (chairman), Walter Gilkyson, and Norman J. Ware, was designated January 26, 1945, to investigate a dispute resulting from the proposal of the employees to equalize rates of pay for drivers in 13 New Jersey communities near New York City with rates in effect in the New York "Area." The Board, in its report of February 18, 1945, denied the proposed increases, holding that elimination of the existing differentials would upset a wage-rate structure maintained by the parties and by Government boards over a period of more than 20 years, and, therefore, could not be certified as consistent with existing stabilization directives.

Eastern Air Lines, Inc.

and

International Association of Machinists (District 100)

An emergency board consisting of Frank M. Swacker (chairman), Walter C. Clephane, and Norman J. Ware, was appointed on February 24, 1945, pursuant to paragraph 3 of Executive Order No. 9299, to review an action taken by the chairman of the panel, denying certain collectively bargained wage increases for mechanics and related classes of personnel engaged in maintenance and overhaul of planes operated by the carrier. The emergency board, reporting on March 16, 1945, upheld generally the panel chairman's conclusions regarding the application of stabilization regulations to proposals for increased rates of pay and adoption of longevity pay plan, but recommended adoption of the applicants' proposal to make within-grade increases in accordance with the pre-stabilization plan followed by the parties. The Director of Economic Stabilization interposed no objection to the Board's recommendations.

National Mediation Board Case A-1852

The Pullman Co.

and

Order of Railway Conductors

On February 28, 1945, an Emergency Board, consisting of Ernest M. Tipton (chairman), Herbert B. Rudolph, and John A. Lapp, was designated to investigate a controversy originating in proposals advanced by the organization for numerous amendments to working rules. None of the issues involved changes in basic "guaranteed" monthly compensation, but several of the proposed changes affected the method of calculating actual monthly pay. Of this group of proposals, one important issue related to a reduction in the basic work month from 240 to 210 hours. In this instance, the Board, in its report of April 23, 1945, recommended a reduction to 225 hours of service, with the time and one-half rate payable after 235 hours. Other issues included questions of the length and application of rest periods assignable to long runs for the purpose of determining compensable hours of service, mileage limitations in regular conductor assignments, and use of porters-in-charge in place of conductors.

National Mediation Board Cases A-1577 and A-1786

Sacramento Northern Railway

and

Brotherhood of Railroad Trainmen

On March 8, 1945, an Emergency Board, consisting of James H. Wolfe (chairman), Gordon B. Watkins, and A. G. Crane, was designated to investigate disputes resulting from the union's proposal to equalize the monthly salary rate for yardmasters in the Sacramento yard of the Sacramento Northern with the rate in effect in the South Sacramento yard of the parent Western Pacific Railroad Co., and relating to the organization's request for an increase in daily rates for conductors and brakemen and for certain changes in working rules. The report of the Board, dated April 4, 1945, denied the proposed increase for yardmasters on the finding of differences in the work and responsibility of yardmasters at the two yards. The Board also denied proposed changes in working rules, but recommended payment of standard yard rates to conductors and brakemen, on the ground that combination road and yard service should be compensated on the basis of the rate for the higher-paid component.

National Mediation Board Cases A-990, A-1084, A-1210, A-1370, A-1371, A-1516, and A-1594

Southern Pacific Co. (Pacific Lines)

and

Brotherhood of Locomotive Engineers

An emergency board, consisting of James H. Wolfe (chairman), Gordon S. Watkins, and A. G. Crane, was appointed March 28, 1945, to investigate a number

of unsettled disputes between the carrier and the Brotherhood of Locomotive Engineers. Involved were 27 new rules or changes in rules relating to such matters as health, safety, and comfort of engineers and the application of existing rules to certain work assignments and special operating circumstances. With respect to 4 proposals, the Brotherhood of Locomotive Firemen and Enginemen entered a plea that the interests of its membership would be affected adversely by the adoption of such rules. The Board had not reported prior to July 1, 1945.

National Mediation Board Cases A-692 and A-1600

Atlantic Coast Line Railroad Co.

and

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees

An emergency board, consisting of Frank M. Swacker (chairman), Norman J. Ware, and Walter Gilkyson, was appointed March 29, 1945, to consider a controversy over the coverage of the scope rule in the Clerks' agreement and also disputes involving a sick leave plan and a request that employees accustomed to being allowed off on Saturday afternoons be paid when required to work on Saturday afternoons. On April 14, 1945, the Board recommended that the carrier abandon its past practice of dealing with a large group of excepted employees on substantially different terms and conditions from those applicable to the clerical class generally under agreement, and that the scope rule of the existing agreement be broadened to cover most clerical employees. The Board denied pay for work performed on Saturday afternoons, holding that existing rates were based upon a scheduled 48-hour week and that the proposal, therefore, would result in double payment contrary to industry practice and could not be certified as conforming to existing stabilization regulations. Adoption of a sick leave rule, proposed by the carrier, was recommended.

American Airlines, Inc., Northwest Airlines, Inc., Braniff Airways

and

Air Line Communication Employees Association

On April 25, 1945, an emergency board, composed of Norman J. Ware (chairman), Robert D. Calkins, and John A. Fitch, was designated pursuant to paragraph 3 of Executive Order 9299, to review the panel chairman's denial of collectively bargained salary increases for certain classes of ground-station communications personnel. The chairman's denial had been based upon a finding in each case that the proposed increases would exceed the stabilized "going" rates for such work in the airline industry. The Board had not submitted its report at the close of the fiscal year.

Pan American Airways System

and

International Association of Machinists

An emergency board, consisting of Norman J. Ware (chairman), Robert D. Calkins, and John A. Fitch, was appointed May 18, 1945, pursuant to paragraph 3 of Executive Order 9299, to review the panel chairman's denial of collectively bargained salary increases for armed guards employed by the Atlantic Division of Pan American Airways at La Guardia Field, New York. The chairman's denial had been based upon a finding that the proposed increases would exceed the stabilized "going" rates for such work in the air transport industry. Its report to the President had not been submitted prior to June 30, 1945.

National Mediation Board Case A-1956

Missouri Pacific Railroad Co.

and

American Train Dispatchers' Association

On May 22, 1945, an emergency board, including Frank M. Swacker (chairman), Walter C. Clephane, and John A. Lapp, was designated to hear the parties

regarding a dispute concerning amendment of the scope rule and certain other rules in the agreement between the carrier and the American Train Dispatchers' Association. As a result of the mediatory efforts of the Board, the parties withdrew several disputed proposals and agreed upon an amended scope rule which provided that chief dispatchers should be covered by the agreement but should be subject only to certain rules relating to rest days, vacation, relief, filling of vacancies, and discharge or demotion. The substance of the rules to be applied to chief dispatchers comprised a part of the Board's recommendations, reported under date of June 22, 1945. The recommendation on the one remaining disputed issue provided the substance of a rule forbidding, except under specified circumstances, the "doubling of territory" for trick dispatchers.

National Mediation Board Case A-1360

Wabash Railroad Co.

and

American Train Dispatchers' Association

An emergency board, consisting of Frank M. Swacker (chairman), Walter C. Clephane and John A. Lapp, was designated on May 22, 1945, to investigate a dispute over rules proposed by the union, including a requested amendment of the scope rule to include chief dispatchers. Following hearings on a similar request covering dispatchers on the Missouri Pacific Railroad (Case A-1956 above), the American Train Dispatchers' Association requested the withdrawal, without prejudice, of its proposals covering the Wabash Railroad. This request was granted by the Board, which reported to the President June 19, 1945.

National Mediation Board Case A-1790

Terminal Railroad Association of St. Louis

and

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees

An emergency board, composed of Frank M. Swacker (chairman), Walter C. Clephane, and John A. Lapp, was designated June 14, 1945, to consider a dispute relating to action by the carrier in reducing the pay of red caps employed at Union Station, St. Louis, Mo., and represented by the Clerks' organization. The Board, in its report to the President, dated June 21, 1945, stated that the dispute had been composed by the parties, with the carrier withdrawing its proposal of April 12, 1944, and notice of May 8, 1945, calling for a reduction of 80 cents per day in the pay of its red caps.

National Mediation Board Case A-2069

Washington, Idaho and Montana Railway Co.

and

United Brotherhood of Carpenters & Joiners of America

An emergency board, consisting of Richard F. Mitchell (chairman), Herbert B. Rudolph, and Ernest M. Tipton, was appointed June 22, 1945, to investigate a dispute concerning demands of the carrier's employees for a basic minimum wage and a basic work week similar in each case to that directed by the West Coast Lumber Commission for employees of Potlatch Forests, Inc., a corporation of which the carrier is a wholly owned subsidiary. The Board had not reported at the close of the fiscal year.

VI. WAGE AND RULE AGREEMENTS

The Railway Labor Act makes it the duty of both the carriers and their employees to exert every reasonable effort to make and maintain agreements covering rates of pay, rules, and working conditions. The number of such agreements in effect is an indication of the extent to which labor relations on the rail and air carriers has been effectuated under the Railway Labor Act.

1. AGREEMENTS COVERING RATES OF PAY, RULES, AND WORKING CONDITIONS

Section 5, third (e) of the Railway Labor Act, as amended, requires all carriers subject thereto to file with the Board copies of all agreements covering rates of pay, rules, and working conditions. On June 30, 1945, the Board had on file a total of 4,665 such agreements, an increase of 102 new agreements received during the year. Of this increase, 14 new agreements covered air line employees, and the remainder, railroad and express workers. Table 12 shows for the 11-year period 1935-45 the number of agreements filed with the Board, subdivided by classes of carriers, and by types of labor organizations.

TABLE 12.—*Number of labor agreements on file with the National Mediation Board according to type of labor organizations, by class of carriers, fiscal years 1935-1945*

Types of labor organizations and fiscal years	All carriers	Class I	Class II	Class III	Switching and terminal	Electric	Express and Pullman	Miscellaneous carriers	Air-line carriers
All organizations:									
1945.....	4,665	2,913	623	112	703	156	8	56	98
1944.....	4,563	2,858	618	112	695	149	8	48	79
1943.....	4,466	2,807	614	107	672	135	8	46	77
1942.....	4,390	2,787	605	104	646	129	8	40	71
1941.....	4,292	2,745	591	102	627	121	8	39	59
1940.....	4,193	2,708	582	102	603	108	8	38	44
1939.....	4,095	2,666	573	101	578	98	8	37	34
1938.....	4,055	2,730	548	98	541	77	8	37	16
1937.....	3,836	2,698	471	98	501	47	6	11	4
1936.....	3,485	2,448	451	98	464	19	5	0	0
1935.....	3,021	2,335	329	18	334	0	5	0	0
National organizations:									
1945.....	4,072	2,600	533	96	610	123	8	47	55
1944.....	3,981	2,550	528	96	603	116	8	39	41
1943.....	3,897	2,507	525	91	580	108	8	38	40
1942.....	3,834	2,487	519	88	555	105	8	33	39
1941.....	3,761	2,456	508	86	538	99	8	32	34
1940.....	3,672	2,421	501	86	516	89	8	31	20
1939.....	3,570	2,367	492	86	491	81	8	31	14
1938.....	3,372	2,258	467	83	451	66	8	31	8
1937.....	3,125	2,184	389	83	414	36	6	11	2
1936.....	2,721	1,864	370	83	384	15	5	0	0
1935.....	2,222	1,652	265	6	294	0	5	0	0
System associations:									
1945.....	513	265	88	15	75	29	0	9	36
1944.....	503	261	88	15	74	29	0	9	31
1943.....	490	253	87	15	74	23	0	8	30
1942.....	479	253	84	15	73	20	0	7	27
1941.....	462	247	81	15	72	20	0	7	20
1940.....	456	247	79	15	72	17	0	7	19
1939.....	466	262	79	14	74	16	0	6	15
1938.....	571	380	79	14	76	10	0	6	6
1937.....	597	418	81	14	74	10	0	0	0
1936.....	651	487	81	14	65	4	0	0	0
1935.....	718	602	64	12	40	0	0	0	0

TABLE 12.—*Number of labor agreements on file with the National Mediation Board according to type of labor organizations, by class of carriers, fiscal years 1935-1945—Continued*

Types of labor organizations and fiscal years	All carriers	Class I	Class II	Class III	Switching and terminal	Electric	Express and Pullman	Miscellaneous carriers	Airline carriers
Local unions:									
1945.....	80	47	2	1	18	4	0	0	7
1944.....	79	47	2	1	18	4	0	0	7
1943.....	79	47	2	1	18	4	0	0	7
1942.....	77	47	2	1	18	4	0	0	5
1941.....	69	42	2	1	17	2	0	0	5
1940.....	65	40	2	1	15	2	0	0	5
1939.....	59	37	2	1	13	1	0	0	5
1938.....	112	92	2	1	14	1	0	0	2
1937.....	114	96	1	1	13	1	0	0	2
1936.....	113	97	0	1	15	0	0	0	0
1935.....	81	81	0	0	0	0	0	0	0

In addition to the formal agreements recorded in table 12, the Board also receives each year many supplements and amendments to existing agreements. During the fiscal year ended June 30, 1945, a total of 1,020 such supplements were filed with the Board. Of this total, 1,016 were revised or amended agreements.

Four of the supplemental agreements received during the year provided for the transfer of agreements in effect. Adding the 1,020 supplemental agreements to the 102 new basic agreements produces a total of 1,122 agreements of all types received during the fiscal year 1945.

2. CLASSES OF EMPLOYEES COVERED BY AGREEMENTS

Table 13 shows the extent of coverage by collective bargaining agreements for the various crafts or classes of employees on the principal rail carriers of the country. The data in this table summarizes the detailed information for the individual carriers shown in table 14, and indicates the breadth of the scope of representation by the national labor organizations.

TABLE 13.—*Number of agreements between 139¹ carriers and their employees by crafts or classes of employees, according to types of labor organizations holding the agreements, June 30, 1945*

Craft or class of employees	Number of carriers on which agreements are held by			No organization	Number of carriers employing no personnel in craft or class
	National labor organizations	System associations	Local unions		
Engineers.....	137	1	—	1	—
Firemen and hostlers.....	² 135	2	2	1	—
Conductors.....	138	—	—	1	—
Brakemen, flagmen, and baggagemen.....	137	—	1	1	—
Yard foremen, helpers, and switchtenders.....	⁴ 133	—	1	1	4
Yardmasters.....	81	7	—	35	16
Machinists.....	129	5	1	3	1
Boilermakers.....	130	5	—	1	3
Blacksmiths.....	126	7	—	2	4
Sheet-metal workers.....	126	4	—	4	5
Electrical workers.....	120	7	—	7	5
Carmen.....	130	7	1	1	—
Powerhouse employees and railway-shop laborers.....	125	4 ⁶	—	8	2
Clerical, office, station, and storehouse.....	² 128	—	2	9	—
Maintenance-of-way employees.....	⁶ 132	3	—	4	—
Telegraphers.....	128	2	—	7	2
Signalmen.....	99	—	—	16	24
Dispatchers.....	106	6	—	21	6
Dining-car stewards.....	48	2	—	5	84
Dining-car waiters and cooks.....	⁷ 58	2	1	10	68
Marine service:					
Licensed deck.....	⁸ 26	1	—	4	108
Licensed engine.....	⁸ 24	2	1	4	108
Other marine employees.....	⁸ 23	1	3	5	107

¹ See table 14.² Includes 1 carrier which has for this craft or class of employees 2 agreements—1 with a national organization and 1 with a system association.³ Includes 2 carriers which have for this craft or class of employees 2 agreements, both with national organizations.⁴ Includes 7 carriers which have for this craft or class of employees 2 agreements—5 having both with national organizations; 2 having 1 with a national organization and 1 with a local union.⁵ Includes 1 carrier which has for this craft or class of employees 2 agreements—both with national organizations.⁶ Includes carriers which have for this craft or class of employees 2 agreements—both with national organizations.⁷ Includes 5 carriers which have for this craft or class of employees 2 agreements; 3 of which have both with national organizations; 1 having 1 with a national organization and 1 with a system association; and 1 having 1 with a national organization and 1 with a local union.⁸ Includes 10 carriers which have agreements with 2 or more organizations.

3. AGREEMENTS ON PRINCIPAL CARRIERS

Table 14 presents a summary of the agreements in effect between the principal carriers and the organizations representing their employees. The list includes practically all class I, main line carriers, also several subsidiaries or leased roads, which have been included to show the extent of coverage by system agreements.

The summary of labor agreements in effect on the Pullman Co., and the Railway Express Agency, Inc., is shown in section B of this table. Those in effect on air line carriers are shown in section C.

Opposite the name of each carrier shown on the table are given the initials of the name of the organizations holding the agreement for each craft or class of employees. National organizations are shown by the initials of their names, local unions by the designation "LU," and system associations by the letters "SA." The table carries all current agreements for the carriers named which are on file with the Board with effective dates not later than June 30, 1945.

VII. INTERPRETATION AND APPLICATION OF AGREEMENTS

Agreements or contracts consummated between the carriers and the representatives of their employees under the provisions of the Railway Labor Act fall into two categories: First, those made as a result of direct negotiations between the parties; and, second, mediation agreements made by the same parties but effected with the assistance of a representative of the National Mediation Board. These two types of agreements deal generally with matters concerning rates of pay, rules, and working conditions of the employees thereunder. In some cases, the meaning, interpretation, or application of rules contained in these agreements are subjects of dispute and difference between the parties thereto.

1. INTERPRETATION OF WAGE AND RULE AGREEMENTS

Disputes involving the application or interpretation of agreements made through negotiation between the parties are subject to the jurisdiction of the National Railroad Adjustment Board, under the provisions of section 3 of the Railway Labor Act. How that Board, through its four divisions, discharged its functions during the fiscal year 1945 is described in the report of the Board and the separate reports of the divisions, which are reproduced as appendix A to this report. Table 15, below, is a tabulation of the cases handled by the First Division for the 5-year period 1941-45, inclusive, and by Divisions 2, 3, and 4 for the 3-year period 1943-45, inclusive.

TABLE 15.—*Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1941-45, inclusive*

	All divisions					First division				
	1945	1944	1943	1942	1941	1945	1944	1943	1942	1941
Open and on hand beginning of fiscal year.....	5,320	6,133	6,318	5,584	3,851	5,138	5,873	6,033	5,370	13,607
New cases docketed during year.....	2,675	2,467	2,545	2,814	3,446	2,233	2,050	2,018	2,151	2,923
Total number of cases on hand and docketed during year.....	7,995	8,600	8,863	8,398	7,297	7,371	7,923	8,051	7,521	6,530
Cases disposed of.....	3,074	3,280	2,730	2,080	1,713	2,651	2,785	2,178	1,488	1,160
Decided without referee.....	851	1,039	927	904	505	810	998	843	790	377
Decided with referee.....	704	713	571	835	819	411	375	283	445	489
Withdrawn.....	1,519	1,528	1,232	341	399	1,430	1,412	1,052	253	294
Open cases on hand—close of fiscal year.....	4,921	5,320	6,133	6,318	5,584	4,720	5,138	5,873	6,039	5,370
Heard.....	1,258	738	1,410	963	642	1,152	652	1,264	798	534
Not heard.....	3,663	4,582	4,723	5,355	4,942	3,568	4,486	4,609	5,235	4,836

¹ The figure "3,607" does not include 691 cases appearing in the Sixth Annual Report as the number received and not docketed.

TABLE 15.—*Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1943-45, inclusive—Continued*

Cases	Second Division			Third Division			Fourth Division		
	1945	1944	1943	1945	1944	1943	1945	1944	1943
Cases on hand beginning of fiscal year	17	41	46	164	216	216	1	3	23
New cases docketed during year	83	64	126	335	332	361	24	21	40
Total number of cases on hand and docketed during year	100	105	172	499	548	577	25	24	63
Cases disposed of	72	88	131	333	384	361	18	23	60
Decided without referee	17	14	36	20	24	24	4	3	24
Decided with referee	44	60	70	238	269	192	11	9	26
Withdrawn	11	14	25	75	91	145	3	11	10
Open cases on hand close of fiscal year	28	17	41	166	164	216	7	1	3
Heard	18	12	27	87	74	117	1	0	2
Not heard	10	5	14	79	90	99	6	1	1

When the members of any of the four divisions of the Adjustment Board are unable to agree upon an award in any dispute being considered, because of a deadlock or inability to secure a majority vote, they are required under section 3, first (1), of the act to attempt to agree upon and select a neutral person to sit with the division as a member and make an award. Failing to agree upon such neutral person within 10 days, the act provides that this situation may be certified to the National Mediation Board, whereupon the latter body selects the neutral person or referee.

The qualifications of the referee are well summarized by his official designation in the act as a "neutral person." In addition, the National Mediation Board is bound in the appointment of referees by the same provisions of the law that apply to the appointment of arbitrators. The law requires that appointees to such positions must be wholly disinterested in the controversy, impartial, and without bias as between the parties in dispute.

During the fiscal year 1945, referees were appointed by the Board in 31 separate instances. The following tabulation gives the names and residences of all persons appointed for service as referees on the Adjustment Board during the past year. The number of cases referred to referees during the year 1945 was 846, as compared with 640 during the fiscal year 1944.

During the fiscal year 1945 it was again necessary for the National Mediation Board to appoint all referees sitting with the First Division of the National Railroad Adjustment Board. The Second Division, as in several years previous, again selected referees in all its deadlocked cases. The Third Division selected referees to sit with it in the consideration of 80 percent of all its deadlocked cases. Referees were also selected by the Fourth Division in 60 percent of the cases deadlocked by the division during the fiscal year 1945.

The following tabulation shows a summary of referee selections and appointments during the fiscal year 1945:

Referees appointed

FIRST DIVISION

Referee		Date of appointment	Number of cases for which appointed ¹
Name	Residence		
Bakke, Norris C.	Denver, Col.	Aug. 11, 1944	56
Simmons, Robert G.	Lincoln, Nebr.	Sept. 25, 1944	60
Burque, Henri A.	Nashua, N. H.	Oct. 10, 1944	63
Blake, Bruce	Olympia, Wash.	Nov. 30, 1944	61
Anderson, Albert	Helena, Mont.	Dec. 22, 1944	63
Fansler, Michael L.	Indianapolis, Ind.	Feb. 10, 1945	62
Sharpe, Edward M.	Bay City, Mich.	Feb. 12, 1945	38
Thaxter, Sidney St. F.	Portland, Maine	Apr. 6, 1945	62
Roll, Curtis W.	Indianapolis, Ind.	May 25, 1945	62

SECOND DIVISION

Rudolph, Herbert B. ²	Pierre, S. Dak.	Aug. 10, 1944	13
Mitchell, Richard F. ²	Fort Dodge, Iowa	Mar. 23, 1945	28
Do. ²	do.	Apr. 5, 1945	3

THIRD DIVISION

Shake, Curtis G. ²	Indianapolis, Ind.	July 12, 1944	9
Do. ²	do.	Aug. 10, 1944	24
Do. ²	do.	Jan. 19, 1945	19
Carter, Edward F. ²	Lincoln, Nebr.	Sept. 25, 1944	29
Do. ²	do.	May 18, 1945	34
Tipton, Ernest M. ²	Jefferson City, Mo.	Oct. 28, 1944	16
Do. ²	do.	Nov. 6, 1944	5
Mitchell, Richard F. ²	Fort Dodge, Iowa	Nov. 22, 1944	25
Parker, Jay S. ²	Topeka, Kans.	Dec. 16, 1944	34
Youngdahl, Luther W.	St. Paul, Minn.	Feb. 16, 1945	18
Tilford, Henry J.	Frankfort, Ky.	Mar. 16, 1945	16
Douglas, James M.	Jefferson City, Mo.	Mar. 26, 1945	4
Do. ²	do.	Apr. 3, 1945	15
O'Malley, Mart J.	Indianapolis, Ind.	May 2, 1945	15

FOURTH DIVISION

Roll, Curtis W. ²	Indianapolis, Ind.	Sept. 22, 1944	5
Do. ²	do.	Dec. 20, 1944	1
Chappell, E. B.	Lincoln, Nebr.	Apr. 14, 1945	4
Do. ²	do.	May 17, 1945	1
Gallagher, Thomas	St. Paul, Minn.	May 28, 1945	1

¹ Residue of 61 cases assigned to Referee Bruce Blake Nov. 30, 1944.

² Selected by National Railroad Adjustment Board Division.

2. INTERPRETATION OF MEDIATION AGREEMENTS

Under the provisions of section 5, second, of the Railway Labor Act, any controversies arising over the meaning or application of agreements reached through mediation may be resolved by interpretations of such agreements by the National Mediation Board. When such controversies occur, either of the parties to a mediation agreement may apply to the Board for an interpretation, which must be made within 30 days following an open hearing, at which both sides are accorded a full opportunity to present their respective cases.

In rendering such interpretations, the Board may consider only the specific terms of such agreements, and not the application of the agreement to specific situations. This restriction on the interpretive duties of the Board is necessary to prevent confusion and overlapping of its responsibilities in this respect and those of the National Railroad Adjustment Board, or any other adjustment board provided for by the law. The act makes it the specific duty of adjustment boards to decide disputes arising out of grievances of the employees, or out of the interpretation or application of agreements.

No mediation agreements were referred to the Board during the fiscal year 1945 for interpretation. Since July 21, 1934, the Board has made only 15 interpretations of questions growing out of a total of 1,042 mediation agreements.

VIII. ORGANIZATION AND FINANCES OF THE NATIONAL MEDIATION BOARD

1. ORGANIZATION

The National Mediation Board is composed of three members, appointed by the President, by and with the advice and consent of the Senate. The terms of office, except in case of a vacancy due to an unexpired term, are for 3 years, the term of one member expiring on January 31 of each calendar year. The Act makes no provision for holding over beyond that date. The Board annually designates one of its members to serve as chairman. Not more than two members may be of the same political party. The Board's headquarters and office staff are located in the Federal Works Building, Washington, D. C., at Eighteenth and F Streets NW. In addition to its office staff, the Board has a staff of mediators, who spend practically their entire time in field duty.

Subject to the Board's direction, administration of the Board's affairs is in charge of the secretary. While some mediation conferences are held in the Board's Washington offices, by far the largest portion of mediatory services are performed in the field. These services consist of the mediation of disputes between the carriers and the representatives of their employees over changes in rates of pay, rules, and working conditions. These services also include the investigation of representation disputes among carrier employee and the determination of such disputes by elections or otherwise. This field service is performed by the members of the Board, and its staff of mediators. In addition to the work just described, the Board conducts hearings. It also conducts hearings in connection with the interpretation of mediation agreements. The staff of mediators, all of whom have been selected through civil service, is as follows:

Ross R. Barr.
Thomas E. Bickers.
Otto F. Carpenter.
Lawrence Farmer.
Ross J. Foran.
Patrick D. Harvey.
James M. Holaren.
Cornelius E. Hurley.
Matthew E. Kearney.

George S. MacSwan.
William F. Mitchell, Jr.
John F. Murray.
J. Joseph Noonan.
Wallace G. Rupp.
Earl L. Smith.
H. Albert Smith.
Eugene C. Thompson.
John W. Walsh.

2. FINANCIAL STATEMENT

The unexpended balance for arbitration and emergency boards has been reappropriated from year to year. The unexpended 1944 balance of \$95,012 was reappropriated and made available for the fiscal year 1945.

Annual expenditures for arbitration and emergency boards cannot be accurately budgeted due to fluctuations in the need for such boards. Also, the expenses incurred by such boards vary greatly from year to year, depending upon the nature and extent of the disputes arbitrated or considered by emergency boards. Since the needs for such boards cannot be accurately anticipated, it is necessary to have available adequate funds to meet such contingencies.

Accounting of all moneys appropriated by Congress for the fiscal year 1945, pursuant to the authority conferred by "An act to amend the Railway Labor Act approved May 20, 1926" [Approved June 21, 1934.]

Regular appropriations:

Salaries and expenses.....	\$214, 400
Printing and binding.....	2, 500
Total operating expenses.....	216, 900
Salaries and expenses, arbitration and emergency boards.....	1 95, 012
Salaries and expenses, National Railway Labor Panel.....	65, 000
Cost of handling penalty mail.....	717
Grand total.....	377, 629

Expenditures:

Salaries, National Mediation Board.....	157, 873
Expenses incident to travel.....	51, 076
Printing and binding.....	2, 500
Other operating expenses.....	5, 451
Total operating expenses.....	216, 900
Expenses of arbitration and emergency boards.....	82, 326
Expenses of panel boards.....	67, 947
Cost of penalty mail.....	717
Grand total.....	367, 890

Unexpended balances:

Salaries and expenses, National Mediation Board.....	1, 011
Expenses of arbitration and emergency boards.....	8, 728
	9, 739

¹ Reappropriated.

3. TABLES OF CASES HANDLED

For the past several years, the Board's annual reports have carried as appendices B and C a description of individual mediation and representation cases handled during each fiscal year. Due to insufficient printing funds available in the fiscal year 1945-46, it has been necessary to omit these appendices covering cases disposed of during the fiscal year 1945 from this report. It is hoped to have them printed in the Board's Twelfth Annual Report.

APPENDIX A

NATIONAL RAILROAD ADJUSTMENT BOARD

(Created June 21, 1934)

C. E. PECK, *Chairman*

H. J. CARR, *Vice Chairman*

ALLISON, R. H.
ANDERSON, J. A.
BISHOP, WM.
BLAKE, R. W.
BOWEN, A. C.
CARTER, P. M.
COOK, C. C.
DUGAN, C. P.
ERNST, HUGO
FAHERTY, T. K.
FOWLER, E. W.
FOX, J. M.
GARBER, J. R.
HASSETT, M. W.
HELT, D. W.
HEMENWAY, HARRY
HOLMES, W. O.

HUDSON, W. C.
JONES, A. H.
KNOFF, R. A.
LEACH, M. G.
LOSEY, T. E.
MCDONALD, L. L.
MURDOCK, L. O.
PURCELL, T. F.¹
RAY, R. F.
REESER, H. J.
SWAN, O. E.
SYLVESTER, J. H.
WALTHER, A. G.
WALTON, R. A.
WILLIAMS, F. J.
WITHERSPOON, J. L.²
WRIGHT, GEORGE

¹ Replaced J. W. Cox.

² Replaced F. W. Lewis during period of illness.

STATEMENT

On June 21, 1934, by the passage of Public, No. 442, Seventy-third Congress, there was created the National Railroad Adjustment Board.

CLASSES OF DISPUTES TO BE HANDLED

The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on the date of approval of this act, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate divisions of the Adjustment Board with a full statement of the facts and all supporting data bearing upon the disputes.

Organization—National Railroad Adjustment Board, Government employees, salaries and duties

ADMINISTRATIVE

Name	Title	Salary paid	Duties
Howard, Leland.....	Administrative officer.....	\$5, 228. 16	Under direction of Board, admin- isters its governmental affairs.
More, Lala K.....	Clerk-stenographer.....	2, 889. 42	Secretarial, stenographic, and clerical.
Johnson, John B.....	Clerk-typist.....	323. 01	Clerical.
House, Beatrice E.....	Telephone operator.....	2, 098. 56	Operates switchboard and serves as information clerk.
Dever, William E.....	Junior clerk.....	459. 89	Clerical.
Murray, Joan F.....	do.....	146. 00	Do.
Nassos, Ernest.....	do.....	107. 06	Do.

Organization—National Railroad Adjustment Board, Government employees, salaries and duties—Continued

FIRST DIVISION

Name	Title	Salary paid	Duties
McFarland, Thomas S.-----	Executive secretary-----	\$5, 228. 16	Administration of affairs of division and subject to its direction.
Frohning, William C.-----	Assistant executive secretary.	159. 51	Assists executive secretary.
Young, Herbert W.-----	do-----	3, 931. 21	Do.
Frohning, William C.-----	Principal clerk-stenographer.	3, 117. 59	Digests and briefs cases and awards, takes hearings, etc.
Killeen, Bert F.-----	do-----	116. 59	Do.
Postof, Evelyn F.-----	Clerk-stenographer-----	2, 889. 42	Secretarial, stenographic and clerical.
Israel, Bertha-----	do-----	2, 828. 58	Do.
Klenzendorf, Frances E.-----	do-----	3, 084. 08	Do.
Miller, Velma-----	do-----	2, 859. 00	Do.
Smith, Margaret J.-----	do-----	2, 889. 42	Do.
Burdette, Mildred E.-----	do-----	2, 767. 74	Do.
DeGraaf, Lois-----	do-----	2, 646. 06	Do.
Blee, Ruth W.-----	do-----	2, 554. 80	Do.
Cummiskey, Ruby F.-----	do-----	993. 54	Do.
Ellwanger, Dorothy M.-----	do-----	1, 622. 08	Do.
Kalicek, Mae J.-----	do-----	1, 216. 56	Do.
Quandee, Margaret M.-----	do-----	2, 304. 72	Do.
Trattner, Joseph K.-----	do-----	811. 04	Do.
Bierne, James A.-----	do-----	1, 056. 62	Do.
LaSota, Dorothy R.-----	do-----	1, 806. 72	Do.
Powell, Betty A.-----	do-----	1, 478. 16	Do.
Wille, John-----	do-----	93. 07	Do.
Anderson, Ivy I.-----	Clerk-typist-----	476. 31	Clerical.
Crockett, Mildred V.-----	do-----	433. 13	Do.
Beckman, John G.-----	File clerk-----	146. 00	Maintaining files, etc.
Begley, William C.-----	do-----	175. 20	Do.
Hoglund, Evert C.-----	do-----	238. 46	Do.
Miller, Kellogg B.-----	do-----	1, 012. 26	Do.

REFEREES

Anderson, Albert, 86½ days @ \$50 per day.	-----	4, 325. 00	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Bakke, Norris C., 54 days @ \$50 per day.	-----	2, 700. 00	Do.
Blake, Bruce, 21 days @ \$50 per day.	-----	1, 050. 00	Do.
Burque, Henri A., 61¼ days @ \$50 per day.	-----	3, 062. 50	Do.
Fansler, Michael L., 70 days @ \$50 per day.	-----	3, 500. 00	Do.
Fox, Fred L., 25 days @ \$50 per day.	-----	1, 250. 00	Do.
Roll, Curtis W., 17 days @ \$50 per day.	-----	850. 00	Do.
Sharpe, Edward M., 35 days @ \$50 per day.	-----	1, 750. 00	Do.
Simmons, Robert G., 58½ days @ \$50 per day.	-----	2, 925. 00	Do.
Thaxter, Sidney St. F., 52 days @ \$50 per day.	-----	2, 600. 00	Do.
Wolfe, James H., 24 days @ \$50 per day.	-----	1, 200. 00	Do.

SECOND DIVISION

Mindling, John L.-----	Executive secretary-----	\$5, 228. 16	Administration of affairs of division and subject to its direction.
Feldmann, Ellie D.-----	Clerk-stenographer-----	1, 186. 18	Secretarial, stenographic, and clerical.
Williams, Dorothy M.-----	do-----	2, 889. 42	Do.
Glenn, Allie N.-----	do-----	2, 798. 16	Do.
Morrison, Margaret E.-----	do-----	2, 798. 16	Do.
Shaughnessy, Margaret V.-----	do-----	2, 767. 74	Do.
Simonsen, Helen A.-----	do-----	2, 767. 74	Do.
Stomner, Mary A.-----	do-----	2, 767. 74	Do.

Organization—National Railroad Adjustment Board, Government employees, salaries and duties—Continued

SECOND DIVISION—Continued

Name	Title	Salary paid	Duties
Bodenbender, Henry J.....	Clerk-stenographer.....	2,585.22	Secretarial, stenographic, and clerical.
Balskey, Clare Virginia.....	do.....	1,824.84	Do.
Leary, Mildred J.....	do.....	2,554.80	Do.
Vought, Marcella R.....	do.....	2,554.80	Do.
Bies, Marilyn D.....	do.....	736.69	Do.
Powell, Betty A.....	do.....	608.28	Do.
REFEREES			
Mitchell, Richard F., 57½ days @ \$50 per day.....		2,875.00	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Rudolph, Herbert B., 20 days @ \$50 per day.....		1,000.00	Do.

THIRD DIVISION

Johnson, Howard A.....	Executive secretary.....	\$5,228.16	Administration of affairs of division and subject to its direction.
Groble, Agatha E.....	Clerk-stenographer.....	2,889.42	Secretarial, stenographic, and clerical.
Lightner, Hazel I.....	do.....	2,889.42	Do.
Morse, Frances.....	do.....	2,889.42	Do.
Graham, John J.....	do.....	2,615.64	Do.
Heffern, Teresa G.....	do.....	2,615.64	Do.
Balskey, Clare Virginia.....	do.....	638.70	Do.
Harp, Rita M.....	do.....	2,554.80	Do.
Killeen, Bert F.....	do.....	2,357.09	Do.
Rochford, William J.....	do.....	1,809.65	Do.
Sanford, Jewel C.....	do.....	2,463.54	Do.
Anderson, Louise S.....	do.....	2,433.12	Do.
Hughes, Virginia M.....	do.....	2,433.12	Do.
Miller, Kellogg B.....	do.....	20.27	Do.
Dever, William E.....	Junior clerk.....	459.90	Clerical.
Murray, Joan F.....	do.....	146.00	Do.
Nassos, Ernest.....	do.....	389.34	Do.
REFEREES			
Burque, Henri A., 7 days @ \$50 per day.....		350.00	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Carter, Edward F., 56 days @ \$50 per day.....		2,800.00	Do.
Douglas, James M., 35¼ days @ \$50 per day.....		1,787.50	Do.
Mitchell, Richard F., 51½ days @ \$50 per day.....		2,575.00	Do.
O'Malley, Mart J., 19¼ days @ \$50 per day.....		987.50	Do.
Parker, Jay S., 53½ days @ \$50 per day.....		2,675.00	Do.
Shake, Curtis G., 92¼ days @ \$50 per day.....		4,612.50	Do.
Tipton, Ernest M., 24¼ days @ \$50 per day.....		1,237.50	Do.
Tilford, Henry J., 30½ days @ \$50 per day.....		1,525.00	Do.
Youngdahl, Luther W., 26¼ days @ \$50 per day.....		1,325.00	Do.

FOURTH DIVISION

Parkhurst, Raymond B.....	Executive secretary.....	\$5,228.16	Administration of affairs of division and subject to its direction.
Zimmerman, R. Hazel.....	Clerk-stenographer.....	2,889.42	Secretarial, stenographic, and clerical.
Humfreville, Muriel Long.....	do.....	2,767.74	Do.
Adams, Henrietta V.....	do.....	2,399.33	Do.
REFEREES			
Chappell, E. B., 10¼ days @ \$50 per day.....		512.50	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Roll, Curtis W., 14 days @ \$50 per day.....		700.00	Do.

FIRST DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

39 South LaSalle Street, Chicago 3, Ill.

L. O. MURDOCK, *Chairman*
 WM. BISHOP, *Vice Chairman*.
 PAUL M. CARTER.
 T. K. FAHERTY.
 R. A. KNOFF.

M. G. LEACH.
 L. L. McDONALD.
 O. E. SWAN.
 F. J. WILLIAMS.
 J. L. WITHERSPOON.¹

T. S. McFARLAND, *Executive Secretary*

ORGANIZATION

The First Division of the National Railroad Adjustment Board was established by Congress by amendment (Public, No. 442, 73d Cong.) to the Railway Labor Act.

Pursuant to, and in accordance with, section 3, subdivision (u), of said amendment, the First Division was organized on July 31, 1934, by the selection of a chairman, a vice chairman, and a secretary.

The First Division consists of 10 members—5 selected, designated, and paid by the carriers, and 5 selected, designated, and paid by 5 labor organizations of railroad employees, national in scope, in accordance with the provisions of the Railway Labor Act.

JURISDICTION

The First Division took over the work of the four regional train service boards, adding thereto the representation of many carriers not parties to any of the regional boards, and also the Switchmen's Union of North America as parties to the Division.

The First Division has jurisdiction over disputes involving train and yard-service employees of carriers; that is, engineers, firemen, hostlers, and outside hostler helpers, conductors, trainmen and yard-service employees.

Cases docketed and disposed of during fiscal year 1944-45

Number of cases pending on docket July 1, 1944.....		5, 138	
Number of cases received and docketed.....		2, 233	
			7, 371
Number decided by issuing awards:			
Without referee.....	810		
With referee.....	411		
		1, 221	
Withdrawn (no awards issued):			
Prior to docketing.....	186		
After docket numbers assigned.....	1, 244		
		1, 430	2, 651
Number pending June 30, 1945.....			4, 720
Number cases heard.....			179
Number cases deadlocked.....			489
Number cases heard and not decided.....			1, 152
Number cases awaiting hearing.....			3, 256
Number cases received, not docketed.....			312
Total cases docketed June 30, 1945.....			21, 097

¹ Acting in absence of Fred W. Lewis because of illness.

TABLE 1.—Number of cases docketed during the fiscal year by the First Division, classified as to carriers

Railroad	Docketed	Railroad	Docketed
Alton R. R.-----	9	Illinois Central R. R.-----	8
Ann Arbor R. R.-----	4	Illinois Terminal R. R.-----	4
Atchison, Topeka & Santa Fe (Coast)-----	15	Indiana Harbor Belt-----	9
Atchison, Topeka & Santa Fe (Proper)-----	2	International-Great Northern-----	64
Atlanta & St. Andrews Bay Ry.	1	Kansas City Southern Ry.-----	13
Atlanta, Birmingham & Coast R. R.-----	6	Kansas Oklahoma & Gulf Ry.-----	2
Atlantic Coast Lines R. R.-----	6	Kentucky & Indiana Terminal R. R.-----	46
Baltimore & Ohio R. R.-----	23	Kewaunee, Green Bay & Western R. R.-----	1
Baltimore & Ohio Chicago Terminal R. R.-----	10	Lehigh Valley R. R.-----	35
Bangor & Aroostook R. R.-----	10	Long Island R. R.-----	6
Bingham & Garfield Ry.-----	2	Longview, Portland & Northern Ry.-----	1
Boston & Albany R. R.-----	3	Maine Central R. R.-----	13
Boston & Maine R. R.-----	41	Michigan Central R. R.-----	8
Bush Terminal R. R.-----	1	Midland Valley R. R.-----	1
California State Belt-----	3	Minneapolis & St. Louis R. R.-----	8
Camas Prairie-----	1	Minneapolis, St. Paul & Saulte Ste. Marie Ry.-----	6
Central R. R. of New Jersey-----	6	Missouri Arkansas Ry.-----	1
Central of Georgia R. R.-----	12	Missouri-Kansas-Texas R. R.-----	13
Chesapeake & Ohio Ry.-----	143	Missouri Pacific R. R.-----	56
Chicago & Eastern Illinois R. R.-----	5	Municipal Belt Ry., Tacoma-----	2
Chicago & North Western Ry.-----	48	Nashville, Chattanooga & St. Louis Ry.-----	12
Chicago, Burlington & Quincy R. R.-----	14	New Orleans, Texas & Mexico Ry.-----	2
Chicago Great Western Ry.-----	7	New York, Chicago & St. Louis R. R.-----	36
Chicago, Milwaukee, St. Paul & Pacific (East)-----	4	New York Central R. R., West-----	1
Chicago, Milwaukee, St. Paul & Pacific (West)-----	69	New York Central R. R., East-----	14
Chicago, North Shore & Milwaukee R. R.-----	14	New York Central R. R., Ohio Lines-----	11
Chicago, Rock Island & Pacific Ry.-----	1	Norfolk & Western Ry.-----	20
Chicago, St. Paul, Minneapolis & Omaha Ry.-----	13	Norfolk Southern Ry.-----	12
Cincinnati, New Orleans & Texas Pacific Ry.-----	4	Northern Pacific Ry.-----	59
Colorado & Southern Ry.-----	4	Northwestern Pacific R. R.-----	1
Davenport, Rock Island & Northwestern Ry.-----	1	Ogden Union Railway & Depot-----	1
Delaware & Hudson R. R.-----	97	Oklahoma City-Ada-Atoka Ry.-----	1
Delaware, Lackawanna & Western R. R.-----	67	Pennsylvania R. R.-----	44
Denver & Rio Grande Western R. R.-----	13	Pennsylvania-Reading Seashore-----	2
Denver & Salt Lake Ry.-----	1	Pere Marquette Ry.-----	1
Detroit, Toledo & Ironton R. R.-----	22	Philadelphia, Bethlehem & New England R. R.-----	2
Duluth, Missabe & Iron Range Ry.-----	9	Portland Terminal Co.-----	1
Elgin, Joliet & Eastern Ry.-----	2	Public Belt R. R.-----	1
Erie R. R.-----	15	Pullman R. R.-----	1
Florida East Coast Ry.-----	1	Reading Co.-----	8
Ft. Worth & Denver City Ry.-----	6	Sacramento Northern Ry.-----	2
Georgia R. R.-----	10	St. Louis, Brownsville & Mexico Ry.-----	6
Grand Trunk Western Ry.-----	14	St. Louis, San Francisco & Texas Ry.-----	1
Great Northern Ry.-----	18	St. Louis-San Francisco Ry.-----	7
Gulf Coast Lines-----	11	St. Louis, Southwestern Ry.-----	6
Gulf Colorado & Santa Fe-----	19	San Antonio, Uvalde & Gulf R. R.-----	72
Gulf Mobile & Ohio R. R.-----	8	Seaboard Air Lines Ry.-----	33
Hudson & Manhattan R. R.-----	3	South Buffalo Ry.-----	2
		Southern Pacific (Pacific)-----	375
		Southern Pacific (T. and L.)-----	2
		Southern Ry.-----	14

TABLE 1.—Number of cases docketed during the fiscal year by the First Division, classified as to carriers—Continued

Railroad	Docketed	Railroad	Docketed
Tennessee Central Ry.....	28	Union Ry—Pittsburgh.....	25
Terminal R. R. Association of St. Louis.....	9	Virginian Ry.....	40
Texas & Pacific Ry.....	51	Wabash R. R.....	86
Texas-Pacific-Missouri Pacific		Wheeling & Lake Erie Ry.....	22
Terminal R. R. of N. O.....	2	Western Pacific R. R.....	5
Texas-Mexican Ry.....	5	Yazoo & Mississippi Valley R. R.....	1
Texas & New Mexico Ry.....	1	Youngstown & Northern R. R.....	1
Toledo Terminal R. R.....	1		
Union Pacific R. R.....	111	Total.....	2, 233

TABLE II.—Number of cases docketed during the fiscal year by the First Division, classified as to organizations

Organization	Docketed	Organization	Docketed
Engineers - Firemen - Conduc - tors-Trainmen.....	18	Firemen-Conductors-Trainmen..	1
Engineers-Firemen-Trainmen.....	2	Firemen-Trainmen.....	5
Engineers-Firemen.....	93	Conductors.....	535
Engineers.....	207	Conductors-Trainmen.....	104
Engineers - Firemen - Switch - men's Union.....	3	Trainmen.....	838
Firemen.....	391	Switchmen's Union.....	36
		Total.....	2, 233

SECOND DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

HARRY J. CARR, *Chairman*.
C. E. PECK, *Vice Chairman*.
J. A. ANDERSON.
R. W. BLAKE.
A. C. BOWEN.

M. W. HASSETT.
W. C. HUDSON.
T. E. LOSEY.
A. G. WALTHER.
GEORGE WRIGHT.

J. L. MINDLING, *Executive Secretary*.

JURISDICTION

Second Division: To have jurisdiction over disputes involving machinists, boilermakers, blacksmiths, sheet metal workers, electrical workers, carmen, the helpers and apprentices of all the foregoing, coach cleaners, powerhouse employees, and railroad shop laborers. This division shall consist of 10 members, 5 of whom shall be selected by the carriers and 5 by the national labor organizations of the employees.

Report of cases handled by the Second Division, fiscal year ending June 30, 1945

	Number of cases
Docketed.....	83
Heard.....	60
Decided.....	72
Decided with referee.....	44
Decided without referee.....	28
Withdrawn.....	11
Deadlocked.....	44

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
Atlantic Coast Line R. R. Co.....	2	Kansas City Southern Ry.....	2
Baltimore and Ohio R. R.....	1	Lehigh Valley, R. R.....	5
Boston and Maine R. R.....	3	Louisville and Nashville R. R. Co..	2
Charleston and Western Carolina Ry..	1	Minneapolis and St. Louis Ry. Co..	1
Chicago and North Western Ry.....	3	Missouri Pacific R. R. Co.....	4
Chicago, Burlington and Quincy R. R. Co.....	3	Nashville, Chattanooga and St. Louis Ry.....	1
Chicago Great Western Ry.....	1	New York Central System.....	1
Chicago, Rock Island and Pacific Ry. Co.....	6	New York, New Haven and Hart- ford R. R. Co.....	4
Cincinnati, New Orleans & Texas Pacific Ry.....	3	Norfolk Southern Ry. Co.....	1
Cleveland, Cincinnati, Chicago and St. Louis Ry.....	3	Norfolk and Western Ry.....	2
Delaware and Hudson R. R.....	1	Northern Pacific Ry.....	1
Denver and Rio Grande Western R. R. Co.....	4	St. Louis-San Francisco Ry. Co....	3
Denver and Salt Lake Ry. Co.....	1	St. Louis Southwestern Ry Lines..	5
Erie R. R.....	3	Southern Pacific Lines in Texas and Louisiana (Texas and New Orleans R. R. Co.).....	4
Fort Dodge, Des Moines and South- ern Ry.....	1	Southern Ry. Co.....	1
Illinois Central System.....	3	Tennessee Central Ry. Co.....	1
International-Great Northern R. R., San Antonio, Uvalde, and Gulf R. R. Co., Gulf Coast Lines....	3	Wabash R. R. Co.....	1
		Wheeling and Lake Erie R. R. Co..	2
		Total.....	83

ORGANIZATIONS PARTY TO CASES DOCKETED

	Number of cases
International Association of Machinists.....	18
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America.....	4
International Brotherhood of Blacksmiths, Drop Forgers and Helpers....	0
Sheet Metal Workers' International Association.....	0
International Brotherhood of Electrical Workers.....	8
Brotherhood Railway Carmen of America.....	43
International Brotherhood of Firemen and Oilers, Roundhouse and Shop Laborers.....	4
Federated trades.....	6
Individually submitted cases.....	0
Total.....	83

THIRD DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

C. P. DUGAN, <i>Chairman</i> .	A. M. GORMAN. ²
J. H. SYLVESTER, <i>Vice Chairman</i> .	JOHN R. GARBER.
R. H. ALLISON.	D. W. HELT.
C. C. COOK.	H. HEMENWAY.
R. A. DAVIS. ¹	A. H. JONES.
HUGO ERNST.	R. F. RAY.
H. A. JOHNSON, <i>Executive Secretary</i> .	

JURISDICTION

Third Division: To have jurisdiction over disputes involving station, tower and telegraph employees, train dispatchers, maintenance of way men, clerical employees, freight handlers, express, station and store employees, signalmen, sleeping car conductors, sleeping car porters and maids, and dining car employees. This division shall consist of 10 members, 5 of whom shall be selected by the carriers and 5 by the national labor organizations of employees (pars. (h) and (c), sec. 3, first, Railway Labor Act, 1934).

¹ R. A. Davis replaced by A. M. Gorman September 1, 1944.

² A. M. Gorman replaced by John R. Garber November 1, 1944.

Report of cases handled by the Third Division, fiscal year 1945

	Number of cases		Number of cases
Open and on hand July 1, 1944	164	Deadlocked	262
Docketed	335	Decided by referee	238
Heard	258	Open and on hand June 30, 1945	166
Decided	333	Interpretations	5
Withdrawn	75		

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
Alabama Great Southern	1	Kansas, Oklahoma & Gulf	2
American Refrigerator Transit	1	Lehigh Valley	3
Atchison, Topeka & Santa Fe	6	Litchfield & Madison	1
Atlantic Coast Line	1	Long Island	1
Baltimore & Ohio	1	Missouri-Kansas-Texas	5
Bangor & Aroostook	1	Missouri Pacific R. R.	11
Boston & Maine	5	Missouri Pacific Lines	3
Brooklyn Eastern District Ter- minal	1	New York Central	3
Burlington-Rock Island	1	New York, Chicago & St. Louis	1
Central of Georgia	1	New York, New Haven & Hartford	4
Chesapeake & Ohio	1	Norfolk & Western	1
Chicago, Burlington & Quincy	10	Northern Pacific	2
Chicago & Eastern Illinois	1	Ogden Union Railway & Depot	5
Chicago Great Western	1	Pacific Electric	1
Chicago, Indianapolis & Louisville	2	Pennsylvania	5
Chicago, Milwaukee, St. Paul & Pacific	5	Pullman Co.	39
Chicago & North Western	5	Reading	2
Chicago, Rock Island & Pacific	15	Sacramento Northern	1
Chicago, St. Paul, Minneapolis & Omaha	2	St. Joseph Union Depot	1
Chicago Union Station	1	St. Louis-San Francisco	4
Delaware & Hudson	4	St. Louis Southwestern	2
Delaware, Lackawanna & West- ern	18	Seaboard Air Line	3
Denver & Rio Grande Western	17	Southern	7
Erie	16	Southern Pacific (Pac. Lines)	26
Fort Worth & Denver City	1	Southern Pacific (Texas & Louisi- ana)	13
Fred Harvey (AT & SF)	1	Stock Yards District Agency	1
Georgia	1	Tennessee Central	1
Great Northern	8	Terminal R. R. of St. Louis	4
Gulf Coast-IGN	3	Texas Mexican	4
Gulf, Mobile & Ohio	5	Union Belt of Detroit	1
Illinois Central	7	Union Pacific	2
Indiana Harbor Belt	1	Wabash	6
Kansas City Terminal	15	Western Pacific	11
		Total	335

ORGANIZATIONS PARTY TO CASES DOCKETED

American Train Dispatchers Asso- ciation	15	Brotherhood of Sleeping Car Por- ters	38
Brotherhood of Maintenance of Way Employees	60	Joint Council of Dining Car Em- ployees	13
Brotherhood of Railroad Signalmen of America	21	Order of Railroad Telegraphers	53
Brotherhood of Railroad Trainmen	2	Order of Railway Conductors (Pull- man System)	3
Brotherhood of Railway and Steam- ship Clerks, Freight Handlers, Express and Station Employees	129	United Transport Service Employ- ees of America	1
		Total	335

FOURTH DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

Eleventh annual report for the fiscal year ended June 30, 1945

H. J. REESER, <i>Chairman.</i>	J. M. FOX.
R. A. WALTON, <i>Vice Chairman.</i>	W. O. HOLMES.
J. W. COX. ¹	E. MURRIN. ²
E. W. FOWLER.	T. F. PURCELL.
R. B. PARKHURST, <i>Executive Secretary.</i>	

JURISDICTION

Fourth Division: To have jurisdiction over disputes involving employees of carriers directly or indirectly engaged in transportation of passengers or property by water, and all other employees of carriers over which jurisdiction is not given to the First, Second, and Third Divisions. This division shall consist of six members, three of whom shall be selected by the carriers and three by the national labor organizations of the employees (par. (h), sec. 3, first, Railway Labor Act, 1934).

Report of cases handled by the Fourth Division for the fiscal year ending June 30, 1945

	<i>Number of cases</i>
Open and on hand beginning fiscal year.....	1
New cases docketed during fiscal year.....	24
Total number cases on hand and docketed during fiscal year.....	25
Cases disposed of during fiscal year.....	18
Decided without referee.....	7
Decided with referee.....	11
Withdrawn.....	3
Open cases on hand close of fiscal year.....	7
Heard.....	1
Not heard.....	6
Cases heard during fiscal year.....	16
Cases deadlocked during fiscal year.....	12
Interpretations issued during fiscal year.....	2
Issued without referee.....	0
Issued with referee.....	2

CARRIERS PARTY TO CASES DOCKETED

Alabama Great Southern R. R. Co.....	1
Bessemer and Lake Erie R. R. Co.....	1
Chicago, Burlington and Quincy R. R. Co.....	1
Chicago, Rock Island and Pacific Ry. Co.....	2
Delaware, Lackawanna and Western R. R. Co.....	1
Illinois Central R. R. Co.....	1
Northern Pacific Terminal Co. of Oregon.....	1
Pennsylvania R. R. Co.....	6
St. Louis-San Francisco Ry. Co.....	2
Southern Pacific Co. (Pacific Lines).....	4
Union Pacific R. R. Co.....	4
	24

ORGANIZATIONS PARTY TO CASES DOCKETED

Brotherhood of Sleeping Car Porters.....	4
National Council, Railway Patrolmen's Unions, A. F. of L.....	8
Railroad Yardmasters of America.....	12
	24

¹ Resigned; replaced by T. F. Purcell, December 1, 1944.² Deceased; replaced by E. W. Fowler, July 1, 1944.

Accounting of all moneys appropriated by Congress for the fiscal year 1945, pursuant to the authority conferred by "An act to amend the railway labor act approved May 20, 1926" [Approved June 21, 1934]

Regular Appropriations:

Salaries and expenses, National Railroad Adjustment Board,	
National Mediation Board.....	\$272, 000. 00
Printing and binding.....	17, 500. 00
Total appropriated, fiscal year 1945.....	<u>289, 500. 00</u>

Expenditures:

Salaries of employees.....	142, 373. 94
Salaries and expenses of referees.....	57, 058. 73
Travel expenses.....	531. 30
Transportation of things.....	179. 42
Communication services.....	2, 324. 06
Rent.....	44, 761. 68
Electric service.....	1, 922. 17
Printing and binding.....	15, 531. 08
Other contractual services.....	2, 676. 47
Supplies and materials.....	3, 475. 94
Equipment.....	7, 087. 97
Total expenditures.....	<u>277, 922. 76</u>

Unexpended balances:

Salaries and Expenses.....	9, 608. 32
Printing and Binding.....	1, 968. 92
Total unexpended.....	<u>11, 577. 24</u>

APPENDIX B

EXECUTIVE ORDER 9172, ESTABLISHING A PANEL FOR THE CREATION OF EMERGENCY BOARDS FOR THE ADJUSTMENT OF RAILWAY LABOR DISPUTES

Whereas, section 5 of the Railway Labor Act, as amended (ch. 8, title 45, U. S. C.) provides that for a period of thirty days after mediatory efforts of the National Mediation Board have failed to settle a dispute "no change shall be made in the rates of pay, rules, or working conditions or established practices in effect prior to the time the dispute arose;" and

Whereas, duly designated and authorized representatives of employees may, during this thirty-day period, take a strike vote and fix a date for the strike to become effective; and

Whereas, section 10 of the said Railway Labor Act requires the National Mediation Board to notify the President if an unadjusted dispute threatens, in its judgment, substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service; and provides that upon receipt of such notification the President may, in his discretion, create a board to investigate and report respecting such dispute; and

Whereas, the national interest demands that for the effective prosecution of the war there shall be no strike votes taken, or dates fixed for the beginning of strikes, or strikes, lock-outs, embargoes put into effect, which would affect the transportation industry covered by the Railway Labor Act.

Now, therefore, by virtue of the authority vested in me by the Constitution and the Statutes of the United States, and in order to adjust the policies and procedures under the said Act to the requirements of the war emergency, it is hereby ordered as follows:

1. There is hereby created, for the duration of the war and six months thereafter, a National Railway Labor Panel of nine members, hereinafter referred to as the Panel, to be appointed by the President, and to be qualified as to membership thereon in the same manner as provided in section 10 of the Railway Labor Act for membership on emergency boards. The President shall designate a chairman from the members of the Panel and shall fill vacancies thereon as they may occur. The Chairman of the Panel shall receive such compensation, together with necessary traveling expenses, as the President may prescribe. The members of the Panel shall receive necessary travel expenses and subsistence expenses or per diem allowances in lieu thereof on such days as they are actually engaged in performance of duties pursuant to this Order.

2. Whenever a dispute between a carrier or carriers and its or their employees concerning changes in rates of pay, rules, or working conditions, or whenever any other dispute not referable to the National Railroad Adjustment Board, is not adjusted or settled under the provisions of Sections 5, 6, 7, 8, and 9 of the Railway Labor Act, the duly designated and authorized representatives of employees involved in such dispute may, prior to notice by the National Mediation Board to the President of a threatened interruption to commerce, notify the Chairman of the Panel of the failure of the parties to adjust the dispute and of their desire to avoid the taking of a strike vote and the setting of a strike date. If, in the judgment of the Chairman of the Panel, the dispute is such that if unadjusted, even in the absence of a strike vote, it may interfere with the prosecution of the war, he may thereupon select three members of the Panel to serve as an emergency board to investigate such dispute and to report thereon to the President. Subject to the provisions of section 10, such board shall have exclusive and final jurisdiction of the dispute and shall make every reasonable effort to settle such dispute.

3. The National Mediation Board shall furnish the Panel stenographic, investigative, and such other facilities as may be necessary; and within the limits of the funds provided, and upon the certification of the Chairman of the Panel, shall make such other disbursements as are necessary to effectuate this order.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
May 22, 1942.

APPENDIX C

EXECUTIVE ORDER 9299, PRESCRIBING REGULATIONS AND PROCEDURE WITH RESPECT TO WAGE AND SALARY ADJUSTMENTS FOR EMPLOYEES SUBJECT TO THE RAILWAY LABOR ACT

By virtue of the authority vested in me by the Constitution and statutes of the United States, and more particularly by the act of October 2, 1942 (Public Law 729, 77th Congress), it is hereby ordered:

1. No increases in the wage rates or salary of any employee subject to the provisions of the Railway Labor Act, whether granted as a result of voluntary agreement, collective bargaining, conciliation, arbitration, or otherwise, and no decreases in such wage rates or salary, shall be made except in accordance with the provisions of this order; provided, however, that nothing contained in this order or Executive Order No. 9250 shall be construed as affecting the procedure or limiting the jurisdiction of either the National Mediation Board, as defined in the Railway Labor Act, or the National Railway Labor Panel, as defined in Executive Order No. 9172, except as herein specifically set forth.

2. No carrier shall make any change in wage rates, except such changes as by general order of the National War Labor Board, or by regulations of the Commissioner of Internal Revenue, are permitted to be made without the specific approval of the Board or the Commissioner, as the case may be, unless notice of such proposed change shall have been filed with the Chairman of the National Railway Labor Panel, created by Executive Order No. 9172, and shall have been permitted to become effective as hereinafter provided.

Notwithstanding section 4001.2 of the Regulations of the Economic Stabilization Director, for the purpose of determining what wage and salary adjustments may be made without any specific approval, the general orders of the National War Labor Board shall be applicable to all employees subject to the Railway Labor Act, except those receiving salaries at the rate of \$5,000 or more per annum in regard to whom the regulations of the Commissioner of Internal Revenue shall apply. But any adjustment of salary under \$5,000 heretofore approved by the Commissioner shall not be affected by this order.

3. If the chairman of the National Railway Labor Panel has reason to believe that the proposed change, in wage rates or salary, may not conform to the standards prescribed in Executive Order No. 9250, or to the general stabilization program made effective thereunder, or to the directives on policy issued by the Economic Stabilization Director thereunder and the proposed change is not modified to conform to such standards, program, and directives, he shall designate three members of the Panel as an Emergency Board to investigate the proposed change and to report to the President. Otherwise, the Chairman of the Panel may permit the proposed change to become effective.

4. Emergency Boards, whether designated pursuant to the Railway Labor Act, Executive Order No. 9172, or section 3 of this order, in reporting to the President shall certify that their recommendations in regard to any proposed change affecting wage and salary payments conform with the standards prescribed in Executive Order No. 9250, the general stabilization program made effective thereunder, and with the directives on policy issued by the Economic Stabilization Director thereunder.

5. Copies of the report with recommendations made to the President by any Emergency Board under section 4 of this order shall be filed by the Board forthwith with the Economic Stabilization Director, the National War Labor Board and the Commissioner of Internal Revenue. The Economic Stabilization Director may on behalf of himself or other departments and agencies concerned, report to the President the effect of the recommendations on the general stabilization program. Unless and except to the extent that the Economic Stabilization Director shall otherwise direct, the recommendations of the Emergency Board in regard to proposed changes affecting wages and salary payments shall, upon the expiration of thirty days after the report is filed with the President, become effective.

6. The National War Labor Board and the Commissioner of Internal Revenue shall either rule on any application for approval of wage and salary adjustments

now before the Board and the Commissioner or transfer it to the Chairman of the National Railway Labor Panel. The Board and the Commissioner shall not rule on any application hereafter made.

FRANKLIN D. ROOSEVELT.

THE WHITE HOUSE,
February 4, 1943.

(Executive Order No. 9299)

