

Twelfth
ANNUAL REPORT OF THE
NATIONAL
MEDIATION
BOARD

INCLUDING
THE REPORT OF THE
NATIONAL RAILROAD
ADJUSTMENT BOARD



For the Fiscal Year Ended JUNE 30, 1946

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UNITED STATES
GOVERNMENT PRINTING OFFICE
WASHINGTON : 1947

For sale by the Superintendent of Documents
U. S. Government Printing Office, Washington 25, D. C.
Price 20 cents : paper cover

NATIONAL MEDIATION BOARD

HARRY H. SCHWARTZ, *Chairman*

FRANK P. DOUGLASS

GEORGE A. COOK

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LETTER OF TRANSMITTAL

NATIONAL MEDIATION BOARD,
OFFICE OF THE CHAIRMAN,
Washington, D. C., November 1, 1946.

*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 Twelfth Annual Report of the National Mediation Board for the fiscal year ended June 30, 1946, together with the annual report of the National Railroad Adjustment Board, as required by section 3, first (v), of the same act.

FRANK P. DOUGLASS, *Chairman.*

TWELFTH ANNUAL REPORT
OF THE
NATIONAL MEDIATION BOARD

I. SUMMARY AND CONCLUSIONS

1. GENERAL

The fiscal year ended June 30, 1946, marks the twelfth year of the National Mediation Board and the twentieth year of the Railway Labor Act. The National Mediation Board was created in 1934 by amendments to the original act of 1926. The jurisdiction of the Board, originally confined to carriers by railroad, was extended to include common carriers by air under title II of the act by amendments approved April 10, 1936.

During the past year when strikes, threatened strikes or lockouts have been more numerous than ever before in industry generally, carriers and employees under the Railway Labor Act have not been spared from interruptions in usual peaceful relations. Because of these relatively few labor troubles, it has been asserted in some quarters that the Railway Labor Act has outlived its usefulness and should be replaced by new legislation of one form or another. These proposals take no cognizance of the act's past and current day-by-day settlement of disputes arising between rail and air carriers and their employees.

In 1946 the number of cases settled by mediation was 221, which was higher by 9 percent than in any previous year since the law was enacted in 1926. In other cases adjusted during the year, disputes already on the Board's docket were referred back to the parties and adjusted through further negotiations between the carrier and the employees on the property. In still additional cases, the parties were induced to make settlements by resort to binding arbitration. All this was accomplished despite the fact that the year 1946 was marked by prolonged and costly strikes in many other industries.

By far the most disruptive tie-up in the history of American Railroads occurred at 4 p. m. on May 23, 1946, when locomotive engineers, trainmen, and yardmen left their jobs and operation of our giant networks of railways came to a halt. The effect was immediate, paralyzing, and Nation-wide. The strike was terminated after 48 hours, and the men started back to work at 4 p. m. May 25, 1946.

The strike which affected virtually all of the Nation's railroads was called by the Brotherhood of Locomotive Engineers and the Brotherhood of Railroad Trainmen after exhausting all procedures of the Railway Labor Act in progressing their wage and rules demands which were served on the carriers on July 24, 1945. These two organizations represent a majority of the locomotive engineers, road

trainmen, and yardmen, a total of approximately 250,000 employees or about 18 percent of the railroad employees of the country. The remaining railroad employees are represented by 18 other labor unions which also served notices for wage increases and rules changes. Due to the basic similarity of the disputed issues arising out of these notices and the importance of achieving a peaceful settlement, if at all possible, concurrent mediation proceedings were conducted by the entire Board. As a result, the 18 organizations agreed to forego their rules demands and confined their dispute to wages alone. In addition, the Board was able to secure agreements between these organizations and the carriers to submit their dispute to arbitration under the terms of the Railway Labor Act. The trainmen and engineers' brotherhoods, however, insisted on separate mediation proceedings and were unwilling to submit their dispute to arbitration. In addition, they held steadfastly for settlement of both their wage and rules demands. Following the Board's failure to achieve a settlement through mediation or arbitration these two brotherhoods set a strike date for March 11, 1946. To avert the strike, as required by section 10 of the act, the Board reported the threatened emergency to the President who in turn created an emergency board to investigate the dispute.

The arbitration awards as well as the recommendations of the emergency board were for settlement of the wage dispute on the basis of a general railroad wage increase of 16 cents per hour. The 18 brotherhoods viewed this settlement with dissatisfaction but having submitted their dispute to arbitration they accepted the awards. They did, however, announce their intention to immediately start proceedings for securing additional wage increases for their employees, under the provisions of the agreement to arbitrate.

Not being bound by the law to accept the emergency board recommendations the trainmen and engineers set a strike date for May 18, 1946. To avert the threatened tie-up the President, by Executive order, placed the railroads under control of the Government effective May 17, 1946. This action by the President resulted in the strike date being postponed to May 23, 1946. Further efforts by the White House to avert the strike were unsuccessful and as stated above the walkout occurred on this date. However, as a compromise for settlement of the entire dispute the President recommended an additional increase of $2\frac{1}{2}$ cents per hour. The 18 organizations accepted this amount in settlement of their demands. The Brotherhood of Railroad Trainmen and the Brotherhood of Locomotive Engineers also accepted these terms in settlement of the strike and signed agreements to this effect.

Aside from the national railroad strike there were three other important stoppages on carriers under the act. One strike is still in progress and involves employees of the Toledo, Peoria & Western Railroad Co.

Another strike of major concern involved employees of the Monongahela Connecting Railroad and came as an aftermath of the settlement of the national railroad strike. The employees contended that the terms of the national settlement were not applicable to them and demanded more favorable consideration. Although the strike was contrary to provisions of the law, an effort was made to mediate but

without success. While the strike affected only 250 employees directly, the railroad serves a large steel plant in the Pittsburgh area which was unable to operate during the strike and thus 11,000 of its employees were forced into idleness. The strike began on June 10, 1946, and continued until June 14, when an Executive order for Federal seizure and operation of the railroad caused the employees to return to their jobs.

A strike which came as an aftermath of the national railroad strike settlement resulted from failure of the Hudson & Manhattan Railroad Co. to put into effect the terms of the national settlement. The strike was called by the Brotherhood of Railroad Trainmen and Brotherhood of Locomotive Engineers and began on May 30, 1946. A presidential emergency board under the act was designated to investigate the dispute. Although the strike persisted throughout the period of the investigation the Board's recommendations were accepted as a basis for settlement of the strike. An agreement made between the carrier and unions on June 22, 1946, finally resulted in a termination of the strike. On the future effectiveness of the Railway Labor Act consideration is invited to the following quotation from the report of June 20, 1946, of the President's Emergency Board in the Hudson & Manhattan dispute:

The merit of the Railway Labor Act has been stated many times. The absence of compulsion upon either employer or employee is noteworthy. In exchange for the preservation of the right to strike in the aggravated case, the employees were made subject to the obligation to delay the strike action until the nature of the alleged aggravation could be discovered. The basic premise is that the American people are fair and reasonable and intend that all citizens, and working men and women in particular, shall have a fair and square deal. The act is sound in its assumption that if the facts are disclosed there is great likelihood that the fair and square thing will be done. But in order for public opinion and the general intentment of fair-dealing to become effective time must be taken to ascertain and make known the facts.

It is particularly important in a time like the present to demonstrate that a noncompulsive law, built on the concepts of balancing rights against responsibilities and preserving the maximum of freedom of action, will work, not only in the easy periods, but in times of stress and crisis and misunderstanding and aggravation. Such are the times when the particular form of the law is of great importance.

We speak as persons who distrust proposals for compulsion and prohibitions as means of overcoming difficulties which have arisen in the field of employer-employee relations. We believe it is greatly in the interests of the employees subject to the Railway Labor Act to help to make it work as intended.

In addition to the strikes discussed above, there were a few minor stoppages during 1946 on carriers covered by the act. All were of short duration, some lasting no more than a few hours. Some violated procedures provided by the law and when these were explained the Board was usually able to persuade the striking employees to return to work and allow their dispute to be settled peaceably under the orderly processes of the law.

Although there were more strikes among employees covered by the Railway Labor Act during the fiscal year 1946 than in any previous year during the history of the Railway Labor Act, there were also more peaceful settlements achieved than in any other year. In addition, there were scores of threatened strikes which were canceled as a result of action by the Board under the provisions of the law. In all, a total of 589 cases were disposed of during the year which is a gain

of 6 percent over 1945 and 70 percent over the average number disposed of annually during the 5-year period 1940-44. The effectiveness of mediation as a means of achieving peaceful settlement is shown by the fact that of the 379 disputes over changes in rates of pay, rules, or working conditions disposed of under the law in 1946, a total of 257 or 68 percent were settled through mediation. An additional 16 disputes were settled peaceably by securing agreements of the parties to submit their dispute to arbitration. Thus, a total of 273 disputes or 72 percent of the total were settled through the processes of mediation or arbitration.

During the year a total of 504 applications were received for services of the Board, and of this number 436 were docketed as formal cases. The remaining 68 applications were closed through correspondence by withdrawal or dismissal of such applications. Compared with 1945 there was a decrease of 20 percent in the number of cases docketed and a gain of 6 percent in cases closed. The larger number of cases closed out during the year was accomplished in part by additions to the staff of mediators during the early part of the year. The combined effect of a fewer number of cases received and a larger number of cases closed has resulted in reducing the backlog of pending cases from 247 at the start of the fiscal year to 94 at the end of the year. By comparison, during 1946, the backlog was reduced from the second highest in history of the Board to the second lowest in Board's history as the fiscal year ended on June 30, 1946. The present small number of pending cases means that no longer is it necessary to subject disputes to long delay as previously for assignment of a mediator. The Board desires to keep its pending case load low in order to provide mediation promptly as contemplated by the terms of the act.

Promptness is of basic importance in effecting peaceful settlements through mediation. While the parties to a dispute may willingly accept a reasonable delay awaiting an available mediator they can scarcely be expected to stand by patiently an unreasonable length of time as was necessary at the start of the fiscal year 1946.

During the past year strikes were threatened in cases where the strike action was called not so much on the issues in dispute as to secure services of a mediator. Such a situation is undesirable and the practical solution is a sufficient staff of mediators. Peaceful settlements are difficult enough to achieve without having to contend with the complications which arise out of an inadequate staff of mediators.

During the fiscal year 1946, two court decisions were rendered affecting procedure under the Railway Labor Act and proceedings before the Board. The United States Supreme Court reviewed its decision of June 11, 1945¹ in the case of *Elgin, Joliet & Eastern Railway Co. v. G. W. Burley et al.*, which pertained to the authority of a union to represent an employee before the National Railroad Adjustment Board. The decision of June 11, 1945, 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. Following rehearing, the court on March 25, 1946, affirmed its judgment of June 11, 1945.

¹ 325 versus 711.

In a case involving the *Texas Pacific Railway Company v. Brotherhood of Railroad Trainmen*² the court held that section 2, ninth, of the Railway Labor Act, does not give the National Mediation Board jurisdiction in a controversy involving rivalry between two groups of employees who are all members of the same union where one faction claims that its constitutional rights have been violated by the union.

2. MEDIATION PROCEEDINGS

As provided in section 5, first, of the Railway Labor Act, the most important task of the National Mediation Board is the mediation of differences between carriers and their employees in disputes over changes in rates of pay, rules or working conditions. As detailed in subsequent sections of this report, activities of the Board during the fiscal year 1946 resulted in the consummation of the largest number of mediation agreements during any single year of the Board's existence.

The primary duty of carriers and their employees under the terms of the Railway Labor Act is to exert every reasonable effort to make and maintain labor agreements and to settle all disputes involving such agreements with all expedition in conference between representatives duly designated and authorized to speak for their principals. The law, therefore, places prime emphasis on direct conferences between the parties as the first and most important step leading to the accomplishment of the purposes of the act. The mediatory services of the Board are only in order and forthcoming where direct negotiations between the parties have exhausted all possibility of effecting agreement between them. Mediation thus operates to continue the negotiations under auspices of the Board and with the help of its representatives. It may be said, therefore, that mediation by the Board under the terms of the Railway Labor Act and in keeping with the methods and practices it has developed, operates to promote and extend the process of adjusting disputes by conferences between and with the parties directly concerned.

As contemplated by the law most disputes over changes in rates of pay, rules, or working conditions are settled in direct negotiations. Thus, mediation becomes necessary in only the more difficult controversies. These constitute only a small proportion of the total number.

In mediating disputes, the Board has found that in some instances the parties have not made a real effort to settle the dispute prior to invoking mediation. This is contrary to the intent of the law which contemplates every reasonable effort between representatives of the disputing parties. Naturally where mediation is undertaken without thorough consideration of the issues in previous direct negotiations, much of the mediator's time is consumed in effecting a settlement. In such cases it frequently happens that the disputing parties do not have a thorough knowledge of the issues of the controversy or the views of the other party. For the mediator to effect a thorough development of the opposing views requires time which could be used in effecting an earlier settlement. This difficulty arises chiefly in disputes involving a number of issues such as the general revision of a rules agreement. In such cases mediation should be reserved for dis-

² DC. La 1945—60 F. Supp. 263.

posal of the residue of issues that cannot be settled by the parties directly.

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, 1946. It also contains statistical tables reflecting the performance during the year compared with previous years of the Board's experience under the act.

Section 7 of the Railway Labor Act provides that when a dispute cannot be settled by mediation the Board will use its best efforts to induce the parties to submit their dispute to arbitration.

While there is much to be said to the credit of arbitration as a means of settling labor disputes peaceably, mediation is the more desirable of the two methods. A settlement through mediation represents a compromise agreed to by the disputants themselves after a full and frank presentation of the issues. In this way, they have, with the help of a mediator experienced in such matters, settled their own dispute. Such settlements could be achieved only by a true meeting of minds and as evidence of this, subsequent disputes over the terms of mediated settlements are rare. For example, in the Board's 12 years of operation it has been necessary to make interpretations in only 15 cases out of a total of 1,263 mediation agreements made under the Railway Labor Act.

The act itself, in providing for arbitration only after mediation has failed, recognizes the merit of both methods in achieving peaceful settlements. Where a mediation agreement represents a settlement on terms acceptable to the parties themselves an agreement to arbitrate signifies their failure to agree on the terms of settlement but does show their willingness to accept an award by a Board of Arbitration rather than resort to economic force. In 1946, 221 cases were settled by mediation agreements and agreements to arbitrate were obtained in settlement of 16 disputes. A summary of these arbitration agreements is presented in chapter V.

While mediation settlements may be preferred to arbitration agreements it matters little from a public point of view in what manner a peaceful settlement is achieved as long as the dispute is settled. This is the true measure of effectiveness. Thus, in cases which do not lend themselves to settlement through mediation the Board endeavors to induce the parties to arbitrate.

Section 10 of the Railway Labor Act provides for the creation of emergency boards when strikes are threatened which, if made effective, would deprive any section of the country of essential transportation service. Under these provisions of the law 10 emergency boards were created during the year 1946. Seven of the boards were successful in averting the threatened strikes, and in two cases strikes later resulted despite the efforts of the emergency boards. In one case, the Hudson and Manhattan dispute, discussed previously, the employees were on strike when the emergency board was appointed. In this case, however, the Board was able to develop a plan which finally resulted in settlement of the dispute.

In addition to section 10 emergency boards, Executive Order 9172 provides for establishment of emergency boards by the Chairman of the National Railway Labor Panel under the following conditions:

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.

A total of 14 emergency boards created under this procedure reported during the fiscal year 1946. A review of the disputes investigated by these boards as well as the section 10 boards is presented in chapter V.

3. REPRESENTATION DISPUTES

Under the Railway Labor Act employees are free to join, organize, or assist in organizing the labor organization of their choice and, in exercising these rights, they are protected against carrier influence or discrimination. The law provides a procedure for settlement of disputes between employees as to who are duly authorized representatives. In case such a controversy arises, the Board is required to investigate and if a dispute exists, to take a secret ballot or use any other appropriate method for determining the majority choice of the employees, and to certify the name of the organization or individual authorized to represent the particular craft or class.

During the 12 years these provisions of the law have been in effect practically all crafts or classes of employees on the principal rail carriers have designated representatives. However, the number of representation disputes settled by the Board continues large year after year. During 1946 more such disputes were disposed of than any previous year, the number being 210. This compares with 195 representation disputes settled in 1945. The average for the 5-year period 1940-44 is 139.

The large number of such disputes is due to a number of factors. First, the protective features of the amended Railway Labor Act enable employees to organize and designate collective bargaining representatives on many carriers which formerly denied their employees such rights. As knowledge of the law has become more widespread, classes of employees not previously organized have exercised their rights under the law by designating representatives for the first time. During recent years, among railroad employees, this has been especially true of railway police or patrolmen, supervisory, technical, and engineering employees.

The year 1946 saw extensive organizing efforts among airline employees. This particularly applies to mechanics, stores, cargo, clerical, and commissary employees. Representation disputes among airline employees amounted to more than 11 percent of all representation disputes settled during the year. With increased activity on the part of labor organizations among airline employees, an increasingly larger portion of the Board's efforts are devoted to this branch of the country's transportation. At the present time, there is considerable organizational activity among airline employees by organizations not heretofore interested in that field. New problems, particularly relating to craft or class, will require further consideration and determination by the Board during the coming year. Changes in representation usually carry with them the desire for changes and revisions in existing working agreements, and an increase in requests for the Board's mediation services in the airline industry has already become evident.

On airlines as well as on railroads by far the largest number of representation disputes were not cases where employees were attempting to secure collective bargaining representation for the first time. Instead, they were contests between national labor organizations competing for the representation rights of employees.

The established policy of the Board is to require applications for its services in representation disputes to be supported by sufficient authorizations from the employees involved to establish the existence of a dispute. The authorizations serve as prima facie evidence of a dispute and if verified by an investigation by one of the Board's mediators, he is directed to conduct an election or use other appropriate means to ascertain the duly designated and authorized representative of the employees.

After the Board has issued certifications it is the policy of the Board not to conduct repeat elections until the incumbent organization has had time and opportunity to function as the representative of the employees. Normally, a repeat election would not be held for at least 1 year. The policy of the Board in this matter derives from the law which imposes upon both carriers and employees the duty of exerting every reasonable effort to make and maintain agreements. Obviously this basic purpose of the law cannot be realized if the representation issue is raised too frequently.

In conducting representation elections the Board has formulated rules to govern such elections, however, as authorized by the act, the Board seeks agreement of the contesting parties on certain details of voting. The advantages of this policy have been demonstrated many times in avoiding subsequent objections over the list of eligible voters, the manner in which the balloting was conducted or other details of elections. But where agreement cannot be effected, decisions are made by the mediator on controversial points. All decisions of the mediator govern in the immediate conduct of the election but may be appealed to the Board.

4. NATIONAL RAILROAD ADJUSTMENT BOARD

The 1934 amendments to the Railway Labor Act created the National Railroad Adjustment Board to hear and decide disputes involving employee grievances and controversies over the application and interpretation agreements.

The Adjustment Board is composed of four divisions, on which the carriers and the employees are equally represented. The jurisdiction of each division is described specifically in section 3, first (h), of the act. The headquarters of the Adjustment Board are established by the law in Chicago, Ill.

When any divisions are unable to agree upon an award because of a deadlock among its members, the law requires the division to attempt to select a referee to sit with it as a member and render an award. Failing to agree upon the selection of a referee, this fact may be certified to the National Mediation Board, which is then required to make the appointment.

The work of the Adjustment Board is reviewed in chapter VII and annual reports of the four divisions are given in appendix A to this report. In addition, table 15 shows the number of cases docketed and disposed of for the past 5 fiscal years.

The Second, Third, and Fourth Divisions of the Adjustment Board have discharged their functions with commendable promptness during the 12 years since their creation in 1934.

Unfortunately, the First Division, which is called upon to handle more than four times the number of cases disposed of by the other three divisions combined, has been unable for a number of years to keep current their docket of cases. During the past year the large backlog of pending disputes awaiting consideration by the First Division has delayed making awards on cases currently filed. This has caused some of the transportation organizations either to withdraw pending cases or decline to present new ones to this division, with the view of disposing of them in further direct negotiations between the parties on the carriers involved. When such negotiations fail, strike votes are sometimes spread, thereby creating a labor emergency under the provisions of section 5, first, of the Railway Labor Act. In such cases the Mediation Board, in its effort to avoid interruption to commerce, proffers its mediatory services, and has had some success in adjusting the disputes.

In five instances during the current year failure to secure complete settlements in direct negotiations between the parties or through mediation, resulted in renewal of strike threats and the appointment of emergency boards by the President to investigate and report to him on the disputes. Such emergency boards frequently bring about settlements of the disputes; however, this extraordinary procedure has caused emergency boards to point out that employee organizations should not resort to the use of a strike ballot to create an emergency, the effect of which violated those provisions of the act designed to handle grievances and interpretations of existing agreements. The observations of one emergency board was stated in the following language:

If this should become a practice, the general plan of handling railroad labor disputes at present would be gravely jeopardized.

The fact that there is a present delay in processing claims through the First Division of the Adjustment Board, does not justify the failure to file with that Division claims properly within its jurisdiction. Instead both parties should exert every effort to overcome such delay and to remedy the situation.

The carriers and the brotherhoods may justly feel proud of the successful operation of the method provided by the Railway Labor Act for the orderly settlement of their disputes. We feel sure that neither would now willingly tear down the successful operation of that plan, which they have spent years in perfecting. Stricter and more careful observance of the specific provisions of the act will tend to avoid this undesirable result. We strongly urge such observance.

The Mediation Board believes that representatives of the carriers and the employees should by mutual agreement make a determined effort to speed up the settlement of disputes referable to the First Division, preferably through permissible improved procedures, but, if necessary, through the presentation to the Congress of agreed-upon proposals for changes in the act.

5. LABOR CONTRACTS

Section 5, third (e) of the Railway Labor Act requires all carriers subject to the law to file with the Board a copy of each contract with employees covering rates of pay, rules or working conditions. The

law also requires that changes, revisions, or supplements to such contracts shall be filed with the Board.

As of June 30, 1946, there was a total of 4,833 basic labor agreements on file with the Board. To note the increase in the number of agreements covering employees under the act it is interesting to compare the above total with 3,021 which is the number of such contracts on file on June 30, 1935. In addition to the basic contracts there are filed each year with the Board hundreds of supplemental agreements, revisions, and memoranda of understanding on various subjects.

Table 12 of this report shows the increase in the number of such contracts from year to year since the act was amended in 1934.

6. 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 1946 a larger number of cases were disposed of under the Railway Labor Act than during any previous year since the law was amended in 1934. The total of cases disposed of was 589 and by reason of a substantial reduction in new cases docketed the Board was able to reduce its backlog of pending cases to 94 as of the close of the fiscal year 1946. This situation is in contrast to the 247 open cases on the Board's docket when the year started on July 1, 1945.

The larger number of cases disposed of during 1946 was made possible chiefly by the employment of four additional mediators during the fiscal year.

In only one previous year in the Board's experience has the backlog been lower than in 1946. That was in 1939 when the number was 89. Thus, the Board started the fiscal year 1946 with the second highest number of pending cases on its docket in 12 years, and ended the year with the second lowest number of pending cases during any fiscal year in this period.

Because mediation is more effective in securing the peaceful settlement of disputes, if available promptly, the Board considers its present low backlog highly desirable.

The number of new cases docketed during 1946 was 436 as compared to 544 in 1945. Although this is a substantial reduction, it should be observed that the number docketed in 1945 was abnormally high in that it amounted to a gain of 26 percent over 1944 and was 30 percent greater than 381.

This growth is also apparent in comparing the cases disposed of over the years. Thus, during the first 5 years (1935-39) an average of 220 cases was settled annually, and this average increased to 347 during the period 1940-44. During 1945 the number of cases settled increased sharply to 554, a gain of 60 percent over the average for the previous 5 years. And in 1946 the number settled was still higher at 589, a gain of 6 percent over 1945 and 70 percent over the average for the period 1940-44.

Before applications are formally docketed they are subjected to preliminary investigation with a view of developing all pertinent information. This procedure serves a dual purpose. First, a considerable number of applications are closed out through correspondence. Second, in cases which are docketed following such preliminary investigation, this procedure serves to clarify obscure points and facilitates the work of mediators in the field. During the fiscal year 1946, a total of 68 applications was disposed of through correspondence. Adding these applications to those received during the year, which were docketed, makes a grand total of 504 applications for the Board's services received during the fiscal year 1946. This compares to a

total of 606 applications received during 1945 and 580 during 1944.

Labor disputes subject to the jurisdiction of the National Mediation Board are generally divided into three different groups:

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

(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.

Disputes in the above three categories are designated for purposes of the Board's records as representation, mediation, and interpretation cases, respectively.

Table 1 summarizes the various types of cases received and disposed of from June 21, 1934, when the Board commenced operations, through June 30, 1946. During this 12-year period a total of 3,977

TABLE 1.—Number of cases received and disposed of, fiscal years 1935-46

Status of cases	All types of cases				
	12-year period	Fiscal year 1946	Fiscal year 1945	5-year period 1940-44 (average)	5-year period 1935-39 (average)
Cases pending and unsettled at beginning of period.....	96	¹ 247	258	126	151
New cases docketed.....	3,977	436	544	381	219
Total cases on hand and received.....	4,073	683	802	507	370
Cases disposed of.....	3,979	589	554	347	220
Cases pending and unsettled at end of period.....	94	94	248	160	150
	Representation cases				
Cases pending and unsettled at beginning of period.....	24	65	74	34	43
New cases docketed.....	1,644	176	186	149	108
Total cases on hand and received.....	1,668	241	260	183	151
Cases disposed of.....	1,637	210	195	139	107
Cases pending and unsettled at end of period.....	31	31	65	44	44
	Mediation cases				
Cases pending and unsettled at beginning of period.....	72	¹ 182	184	91	108
New cases docketed.....	2,318	280	358	230	110
Total cases on hand and received.....	2,390	442	542	321	218
Cases disposed of.....	2,327	379	359	206	112
Cases pending and unsettled at end of period.....	63	63	183	115	106
	Interpretation cases				
Cases pending and unsettled at beginning of period.....	0	0	0	1	0
New cases docketed.....	15	0	0	2	1
Total cases on hand and received.....	15	0	0	3	1
Cases disposed of.....	15	0	0	2	1
Cases pending and unsettled at end of period.....	0	0	0	1	0

¹ Number of cases adjusted account recount of cases pending July 1, 1945.

new cases were docketed. The inclusion of 96 pending disputes inherited from the United States Board of Mediation increases to 4,073, the total of cases requiring services since the Board began operation in 1934. As of June 30, 1946, settlements had been effected in 3,979 of these cases. Consistently through the years the number of mediation cases requiring services of the Board has been larger than representation cases. Mediation cases docketed during the 12-year period totaled 2,318 as compared to 1,668 representation cases. Similarly, during this period, 2,327 mediation cases were disposed of as compared with 1,637 representation cases. The percentage ratio is 59 and 41, respectively, for the two types of cases.

During the 12-year period only 15 interpretation cases have been disposed of by the Board, which is considerably less than 1 percent of the total.

2. DISPOSITION OF CASES

During the fiscal year 1946, the Board disposed of 589 docketed cases and 68 additional applications for its services were closed out through correspondence. The total of 589 docketed cases settled includes 379 mediation cases and 210 representation disputes. There were no interpretation cases disposed of during the fiscal year 1946. Table 2 summarizes by methods of disposition all cases handled to conclusion by the Board during the 12-year period of its operation. Data for the years 1945 and 1946 are shown individually and 5-year averages are shown for the period 1935-39 and 1940-44.

REPRESENTATION DISPUTES

Of the 210 representation disputes disposed of during the year, 137 were by secret elections. Forty-six of these elections were conducted exclusively by United States mail. In practically all elections it is necessary to send out some ballots by mail in order to afford voting opportunity to those eligible employees who are off work due to sickness, vacations, or other reasons and are thus unable to vote at the polling place. In general, elections are conducted entirely by United States mail among groups where employees are too widely scattered to make a personal ballot-box election practicable. Usually, a personal ballot is preferable where the concentration of employees is rather large at the various voting points, or where the class of employees involved might have difficulty in executing a mail ballot. The method is determined by the Board in each case after consideration of the circumstances.

Thirty-eight representation disputes were settled by checking signatures on authorization cards against signatures of employees as shown on carrier records such as canceled pay checks. This procedure is used only in cases where there is only one organization seeking representation of a group of employees and is usually confined to groups which have not previously been represented for collective bargaining purposes. These 38 cases represent 18 percent of the total number of representation cases settled during 1946. The ratio of cases settled by checks of signatures varies slightly from year to year but generally is near 20 percent. The ratio for the 12-year period 1935-46 is 22 percent.

TABLE 2.—Number of cases disposed of, by type of case and method of disposition fiscal years, 1935-46

Type of case and method of disposition	12-year period 1935-46	Fiscal year ended June 30—			
		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Grand total.....	3,980	589	554	347	220
Representation cases, total.....	1,637	210	195	139	107
Elections.....	969	137	122	74	68
Checks of authorizations.....	360	38	29	38	21
Representatives recognized without formal certification.....	60	9	9	6	4
Withdrawn during investigation.....	147	19	12	11	8
Withdrawn prior to investigation.....	21	4	9	4	2
Dismissal.....	51	5	6	3	4
Closed without certification.....	29	7	8	3	—
Mediation cases, total.....	2,328	379	359	206	112
Mediation agreements.....	1,263	221	199	116	52
Arbitration agreements.....	63	18	10	6	2
Referred to emergency boards constituted under section 10 of Railway Labor Act.....	30	4	8	2	2
Referred to Panel Emergency Board constituted under Executive Order 9172.....	44	2	18	5	—
Withdrawn during mediation.....	393	36	34	39	25
Withdrawn prior to mediation.....	280	32	48	22	18
Closed by Board after refusal to arbitrate by—					
Carriers.....	144	35	28	8	8
Employees.....	27	11	5	1	—
Both parties.....	64	21	7	7	2
Dismissal.....	16	1	0	—	3
Closed by Board action.....	4	0	6	—	—
Interpretation of mediation agreements.....	15	—	0	2	1

¹ Includes 6 mediation and arbitration agreements.

² Includes 1 mediation agreement and arbitration declined (year 1943).

³ Includes 1 case in which parties made arbitration agreement disposing of part of issues and arbitration declined on remaining issues.

⁴ Includes 2 mediation and arbitration agreements (years 1940, 1944).

⁵ Includes 1 mediation and arbitration agreement (years 1937, 1939).

⁶ 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.

Nineteen applications for the Board's services in representation disputes were withdrawn during 1946 while the disputes were under investigation. In 4 cases, the applications were withdrawn before the investigation was started. Five applications were dismissed when investigation showed that no representation dispute existed among the employees. In 7 cases the Board's files were closed without certification when the count of ballots at the conclusion of representation elections revealed that less than a majority of employees eligible to vote had cast valid ballots.

As shown in table 2, a grand total of 1,637 representation disputes was disposed of during the 12-year period from 1935 to 1946. Of this number, 1,329, or 81 percent, were closed by the issuance of certifications following elections or checks of signatures on authorization cards. In 60 additional cases carriers voluntarily recognized the applicants as representing the employees without the issuance of a certification. Thus, representation rights have been established in 85 percent of the representation disputes investigated by the Board under the amended Railway Labor Act.

MEDIATION DISPUTES

The experience of the National Mediation Board during the past 12 years has shown that the most satisfactory method of settling controversies between management and labor involving changes in rates of pay, rules, and working conditions is through the mediatory process. Such disposition has usually been found by both parties to be more satisfactory than adjudication by an arbitrator or reference to an emergency board. Many times the mediator is able to offer suggestions which may become the basis of a settlement, and such disposition of disputes of this nature usually produces a better feeling between the disputing parties which is reflected in their ability to compose future controversies through the means of direct negotiations.

Quite often disputes concerning rates and rules are disposed of by withdrawal of the application for mediation. Such withdrawals are sometimes made when an agreement has been reached between the parties either before or during the process of mediation. In other cases withdrawals are made to permit the resumption of direct negotiations.

During the fiscal year 1946, a total of 379 mediation cases were settled. Of this number, 221, or approximately 58 percent, were disposed of by mediation agreements. This is the largest number of mediation agreements secured in any 1 of the 12 years of the existence of the present Board.

As shown in table 2, 4 cases were referred to emergency boards created under section 10 of the Railway Labor Act. In addition, 2 cases were submitted to panel emergency boards set up under the provisions of Executive Orders 9172 and 9299.

Thirty-six cases were withdrawn by the invoking parties during mediation and 32 were withdrawn prior to mediation. A total of 67 cases were closed during the fiscal year 1946 account refusal of the parties to arbitrate, which were not referred to emergency boards created either under section 10 of the act or from the National Railway Labor Panel. Of this number 35 cases were closed after refusal of the carriers to arbitrate; 11 cases were closed due to refusal of arbitration by the employees; and in the remaining 21 cases both parties declined to arbitrate the disputed issues.

When in the judgment of the Board mediation is unsuccessful in composing a dispute, it is then required by the law to endeavor to induce the parties to submit their controversy to arbitration. The act provides that acceptance of arbitration is optional. During the year 1946 a total of 16 arbitration agreements were obtained by the Board and its mediators. These agreements produced a grand total of 63 cases submitted to arbitration boards during the 12 years of the present Board's history.

The mediation process as a whole, which includes mediation agreements, withdrawals during mediation, and agreements to arbitrate, affords an index to the efficiency of the Railway Labor Act in the settlement of disputes concerning wages, rules, and working conditions. During the past year a total of 273 dispositions were effected through these 3 methods, this number being approximately 72 percent

of the total number of mediation cases disposed of. The percentage of dispositions by these three methods during the entire 12-year period is approximately 74.

PROBLEMS IN MEDIATION

In the Board's report for the fiscal year 1945 attention was drawn to the importance of both labor and management representations following the injunction laid down in the act to make every reasonable effort to compose their differences in direct negotiations. During the past fiscal year the Board has again received many applications for its mediation services in cases where direct negotiations have been only perfunctory or entirely lacking. Many applications of this nature were remanded to the parties for the fulfillment of their obligation of bona fide direct negotiation, and such action has resulted in the reduction of the number of issues in such cases remaining in dispute when mediation was undertaken. The importance of real direct negotiations between the parties cannot be overemphasized. In some cases resumption of direct negotiations resulted in settlements without the need of mediation. Much time of the parties and representatives of this Board can be saved if full and complete consideration of all issues is given by the parties prior to applying for mediation.

During the year 1946, a growing tendency has been noted which, if continued, will seriously affect the methods of handling labor disputes provided under the Railway Labor Act. The law contemplates two distinct classes of disputes, and has provided separate means for disposing of each of them. The first class comprises those which involve changes in rates of pay, rules, and working conditions. These are commonly known as mediation disputes, and were intended by the law to be handled by the National Mediation Board, in addition to representation cases. The second major class of disputes is that embracing employee grievances, and controversies concerning the interpretation or application of agreement rules. Section 3 of the act created the National Railroad Adjustment Board for the specific purpose of considering and deciding such cases, and also gives that Board the power of final decision in such matters, subject to court review under certain conditions.

This section of the act, while not compelling the parties to take such cases before the various divisions of the Adjustment Board, created adjustment procedure which was lacking in the Railway Labor Act of 1926, and which has been almost uniformly accepted and used by labor organizations and carriers since the passage of the amended act in 1934. At the present time, those classes of employees over which jurisdiction was given to Divisions 2, 3, and 4 of the National Railroad Adjustment Board, have taken their controversies involving grievances and rules application to these three divisions with a marked degree of uniformity. It is regretted that the same statement cannot be made with respect to certain of the train and engine service organizations whose disputes of this nature come before Division 1.

For many months past, only a few new cases have come before the First Division of the Adjustment Board. Rather than take the course indicated by section 3 of the law, some of the organizations have recently pursued the method of spreading strike ballots on large

dockets which include many cases of grievances and rules interpretations. This course of action has produced a twofold effect. First, it has caused the creation of emergency boards under section 10 of the act, which have felt compelled by the circumstances to consider and make recommendations on matters for which the Railway Labor Act has provided another tribunal. Second, such strike action has in recent months caused the National Mediation Board to feel that it should attempt to settle the issues covered in these strike ballots through mediation, although section 3 of the act was made law for the specific purpose of relieving this Board of the duty of mediating grievances, which it had under the original Railway Labor Act of 1926. During the fiscal year 1946, seven emergency boards were created under section 10 of the Railway Labor Act as the direct result of strike dates set by the organizations on dockets involving large numbers of grievance and rules interpretation cases. The National Mediation Board does not feel that the makers of the law intended the use of section 10 in this manner. Most of these emergency boards have pointed out in their recommendations that the Act provides machinery for the final adjustment of such cases, namely, through the First Division of the National Railroad Adjustment Board. The National Mediation Board earnestly commends the use of section 3 of the law to the train and engine service organizations for the disposition of grievances and disputes concerning application or interpretation of agreement rules. It further suggests that, if the present conditions continue as described above, the situation respecting the First Division of the National Railroad Adjustment Board receive the prompt attention of the Congress, with the view of changes in the present law, if such are found to be advisable.

3. CARRIERS INVOLVED IN DISPUTES

Table 3 indicates the distribution of the Board's services among the various classes of carriers. During the fiscal year there were 131 class I carriers reporting to the Interstate Commerce Commission. Approximately 95 percent of the Nation's railroad workers are employed on these carriers and as would be expected the services of the

TABLE 3.—*Number of different carriers involved in cases¹ by classes of carriers, with percentages, fiscal year 1946*

Classes of carriers	Total carriers		Different carriers involved in—							
			All cases		Representa- tion cases		Mediation cases		Interpreta- tion cases	
	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent	Num- ber	Per- cent
Class I railroads.....	131	100	131	100	74	57	119	91	-----	-----
Class II railroads.....	171	100	53	31	9	53	48	29	-----	-----
Class III railroads.....	190	100	6	32	2	11	4	21	-----	-----
Switching and terminal companies.....	251	100	82	33	28	12	69	28	-----	-----
Electric railways.....	77	100	14	19	6	7	10	13	-----	-----
Miscellaneous carriers.....	(2)	(2)	17	-----	6	-----	13	-----	-----	-----
Air carriers.....	(2)	(2)	16	-----	11	-----	15	-----	-----	-----

¹ Carriers reporting to Interstate Commerce Commission during 1944.

² Not available.

Board were principally occupied on such carriers. During 1946, all class I carriers were involved in cases considered by the Board.

With the rapid increase in the number of airlines starting operations during the fiscal year 1946, no figures are available on the total number of such carriers subject to the Railway Labor Act. It will be noted, however, in table 3 that a total of 16 airlines was involved in cases disposed of under the act during 1946. This number includes practically all of the Nation's major airlines.

4. MAJOR GROUPS OF EMPLOYEES INVOLVED IN CASES

Table 4 shows the number of cases settled during the year classified according to the major groups of employees involved. As in previous years, train, engine, and yard service employees accounted for the largest number of disputes among railroad workers, with maintenance of equipment employees and clerical, office, station, and storehouse personnel following in the order named.

While disputes involving railroad employees still constitute the major portion of the Board's work, the number of airline labor disputes comprised almost 10 percent of cases disposed of by the Board in 1946. It will be noted in table 3 that mechanics accounted for the largest number of disputes among airline employees. In addition to the 3 representation cases involving airline mechanics, these employees were also involved in 8 of the cases shown for combined airline employees. Thus, in all, airline mechanics accounted for 20 of the total of 57 airline labor disputes disposed of during 1946 under the act.

TABLE 4.—Number of cases disposed of by major groups of employees, fiscal year 1946

Major groups of employees	Number of—			
	All types of cases	Representation cases	Mediation cases	Interpretation cases
Grand total, all groups of employees.....	591	210	381	0
Railroad—total.....	534	186	348	
Combined groups, railroad.....	13	1	12	
Train, engine, and yard service.....	168	73	95	
Maintenance of equipment.....	81	25	56	
Clerical, office, station, and storehouse.....	63	8	55	
Station masters.....	4	4	0	
Maintenance of way and signal.....	53	15	38	
Red caps.....	6	0	6	
Dispatchers and telegraphers.....	54	23	31	
Technical engineers, architects, draftsmen, etc.....	5	2	3	
Pullman, train porters, and dining car.....	28	10	18	
Patrolmen and special officers.....	22	12	10	
Marine service.....	8	6	2	
Miscellaneous railroad.....	29	7	22	
Airline—total.....	57	24	33	
Combined airline.....	10	8	2	
Pilots.....	7	0	7	
Mechanics.....	12	3	9	
Radio and teletype operators.....	7	2	5	
Navigators.....	5	0	5	
Clerical, office, and related.....	4	1	3	
Cargo, commissary, and stores.....	2	2	0	
Stewardesses.....	1	0	1	
Miscellaneous airline.....	9	8	1	

III. REPRESENTATION DISPUTES—ELECTIONS

1. ELECTIONS AND CERTIFICATION OF REPRESENTATIVES

The Board received and docketed 176 representation cases during the fiscal year 1946. This number added to the 65 on hand at the start of the year made a total of 241 such cases requiring the Board's services. Of this total, 210 cases were disposed of during the year leaving a balance of 31 representation disputes on the Board's docket on June 30, 1946.

This number of pending representation disputes is less than one-half of the number pending at the end of the fiscal year 1945 and is somewhat less than average number pending at the close of each year during the period 1940-44. The small number pending disputes as of June 30, 1946, reflects the fact that the Board is practically current with its work and no longer is it necessary to allow disputes to accumulate on the docket awaiting the availability of a mediator.

The desirability of prompt investigation of representation disputes was recognized by the Congress by including in section 2, ninth, of the Railway Labor Act, provisions requiring the Board to investigate such disputes and issue certifications within 30 days after receipt of applications for service. Although the courts have held this requirement to be directory rather than mandatory,¹ the Board strives to investigate such disputes as promptly as practicable in the interest of promoting stable labor relations on carriers under the act. For these reasons the Board favors keeping its backlog of pending disputes small and thus be in position to assign mediators to newly docketed cases with minimum delay.

The 176 cases docketed during 1946 is 10 less than the number docketed in 1945, but is somewhat higher than 149, the average number docketed annually during the 5-year period 1940-44. It will be noted by reference to table 2 that the 210 representation cases disposed of during 1946 is the largest number of such disputes settled during any year of the Board's operation. It represents a gain of 15 or nearly 8 percent over the number settled in 1945, and a gain of 71 or 51 percent over the average number disposed of during the 5-year period 1940-44. This gain is accounted for by the fact that the Board's staff of mediators was increased by 4 during the early part of the fiscal year 1946. Had funds not been provided for these additions to the staff, it is quite certain that the Board's backlog of pending disputes would have increased rather than decreased since a number of large elections were conducted during the year.

Sections 2, fourth, and 2, ninth, of the act require the Board to determine and certify representatives of employees by crafts or classes. Some cases involve more than a single craft or class and thus the number of determinations runs considerably greater than the

¹ District Court of the United States for Eastern District of Virginia, Equity No. 329, *System Federation No 40 v. Virginian Ry.*, decided July. 24, 1935.

number of cases. Table 5 shows that the 210 representation cases settled during 1946 involved a total of 256 separate crafts or classes. Here again this is the largest number in the Board's history and compares with 234 in 1945 and an average of 179 during the period 1940-44.

A grand total of 126,025 employees was involved in the 210 representation cases disposed of during 1946. This is more than three times the number of employees involved in cases settled during 1945. For the period 1940-44 the average number of employees in representation cases settled each year was 31,486. As indicated above, the unusually large number of employees involved in 1946 cases was due to elections on the Pennsylvania Railroad and the Atchison, Topeka & Santa Fe, as well as a number of other elections involving from 2,000 to 3,000 employees.

Of the 210 cases settled during 1946 involving 256 crafts or classes certifications were issued in 176 cases involving a total of 215 crafts or classes. Thus, during 1946, representation rights were established for a total of 117,236 employees under the provisions of the Railway Labor Act. Applications in the remaining 34 cases involving 41 crafts or classes were withdrawn or the cases were closed without certification when, following elections, the count of ballots revealed that an insufficient number of valid ballots was cast to constitute a legal majority.

During the fiscal year 87,605 or 70 percent of the employees involved in representation disputes cast ballots in elections conducted by the Board. This compares with 68 percent participation during 1945 and a percentage of 75 for the 12-year period 1935-46. One explanation of the lower participation in recent years is the large number of mail ballots sent to employees who at the time of the elections were serving in the armed forces in various parts of the world. For example, the Pennsylvania Railroad shop crafts' election involved over 62,000 employees and of this number mail ballots were sent to a total of 14,092. Of this number, only 3,136 valid ballots were returned. This constitutes a return of less than 32 percent. Failure of such employees to vote by mail is most likely due to their ballots not reaching them in time to vote within the date limits of the election rather than indifference to its outcome.

Table 5 below, shows, for the 12-year period ending June 30, 1946, the numbers of representation cases, crafts or classes, and employees involved and participating in election, subdivided by methods of disposition.

2. MAJOR GROUPS OF EMPLOYEES INVOLVED IN REPRESENTATION DISPUTES

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

As in previous years train, engine, and yard service employees accounted for the largest number of disputes but maintenance of equipment employees accounted for the largest number of employees. Where train, engine, and yard employees accounted for 58 percent of the employees involved in representation disputes in 1945, this ratio dropped to 9 percent in 1946. This is due in part to an actual

TABLE 5.—Number of cases, crafts or classes and employees involved in representation disputes, by method of disposition, fiscal years 1935-46

Method of disposition	12-year period 1935-46	Number of cases				12-year period 1935-46	Number of crafts or classes			
		Fiscal year—					Fiscal year—			
		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Total, all cases	1,637	210	195	139	107	2,465	256	234	179	215
Elections	969	137	122	75	68	1,533	171	146	101	142
Check of authorizations	360	38	29	38	21	532	44	35	49	42
Representatives recognized without formal certification	60	9	9	5	4	79	11	11	7	7
Withdrawn during investigation	147	19	12	11	8	161	24	14	11	13
Withdrawn prior to investigation	21	4	9	4	2	64	4	14	5	4
Dismissed	51	5	6	3	4	25	5	6	3	7
Closed without certification	29	7	8	3	3	30	8	8	3	-----

Method of disposition	12-year period 1935-46	Number of employees involved				12-year period 1935-46	Number of employees participating			
		Fiscal year—					Fiscal year—			
		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Total, all cases	643,822	126,025	35,097	31,486	65,053	483,950	87,605	23,832	24,241	47,658
Elections	525,341	116,045	26,166	25,811	50,815	446,515	86,442	22,942	22,786	44,640
Check of authorizations	36,429	1,191	571	2,254	4,679	36,106	834	416	1,350	3,018
Representatives recognized without formal certification	26,084	-----	1,275	267	4,695	-----	-----	-----	-----	-----
Withdrawn during investigation	30,516	4,914	4,380	1,709	2,535	-----	-----	-----	-----	-----
Withdrawn prior to investigation	9,321	2,839	471	1,030	172	-----	-----	-----	-----	-----
Dismissed	14,222	335	1,577	305	2,157	-----	-----	-----	-----	-----
Closed without certification	1,909	701	657	110	-----	1,329	329	474	105	-----

decline in the number of such employees involved in representation disputes, but the ratio is affected chiefly by the election of Pennsylvania Railroad shop craft employees referred to previously.

TABLE 6.—*Number of crafts or classes and number of employees involved in representation cases, by major groups of employees, fiscal year 1946*

Major groups of employees	Number of cases	Number of crafts or classes	Employees involved	
			Number	Percent
Grand total, all groups of employees	210	256	126,025	100
Railroad, total	186	220	102,845	82
Train, engine, and yard	73	88	10,850	9
Maintenance of equipment	25	42	68,549	54
Clerical, office, station, and storehouse	8	8	2,603	3
Maintenance of way and signal	15	15	14,294	11
Dispatchers and telegraphers	23	23	1,164	1
Pullman and train porters and dining car	10	10	2,919	2
Railway patrolmen and police	12	12	1,636	1
Marine service	6	6	345	(1)
Technical employees, architects, and draftsmen	2	2	212	(1)
Station masters	4	5	21	(1)
Combined railroad	1	2	15	(1)
Miscellaneous railroad	7	7	237	(1)
Airline, total	24	36	23,180	18
Mechanics	3	3	1,757	1
Radio and teletype operators	2	2	246	(1)
Clerical, office, and related	1	1	3,506	3
Cargo, commissary, and store	2	2	929	(1)
Combined airline	8	19	15,495	12
Miscellaneous airline	8	9	1,247	1

¹ Less than one-half of 1 percent.

The following tabulation shows the trend, over the period 1938-46 in representation disputes involving maintenance of equipment employees as compared with other representation cases:

Fiscal year	Cases		Crafts or classes		Employees	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
1946	25	12	42	16	68,549	54
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

In previous years representation disputes involving airline employees have been included under a general classification in table 6. During 1946, however, such disputes accounted for 11 percent of the cases, 14 percent of the crafts or classes, and 18 percent of the employees involved. Accordingly, such cases have been classified in the table according to major occupational groups.

During the past year there has been a great deal of organizing

among airline mechanical employees and cargo, commissary, and stores personnel. This is reflected by the fact that these groups account for the major portion of airline employees involved in representation disputes. In addition to separate classification in table 6 for these groups, they also account for most of the cases classified as "combined airline." This is due to the fact that frequently both groups are voted in a single case. This is evidenced by the fact that the 8 combined airline cases shown in the table account for 19 crafts or classes.

3. TYPES OF REPRESENTATION DISPUTES

For purposes of this report, representation disputes may be divided into two major groups. First, are those between national organizations or local unions on the one hand, and system associations, or unorganized employees. Second, are the interorganizational disputes between two national organizations or two local unions or between a national organization and a local union.

Table 7 shows the distribution of all representation cases disposed of during 1946, by types of organizations, with the number of crafts or classes and employees involved, for the 12-year period 1935-46.

Approximately 74 percent of employees involved in representation disputes during the year were included in first category referred to above. This ratio is contrary to the trend during recent years as organization among railroad employees by national organizations has approached completion. Here again, however, the statistical picture for 1946 is distorted by reason of the large election involving Pennsylvania Railroad shop craft employees. Eliminating this case from table 7 reduces the ratio of employees involved in cases of the first category to 24 percent, which is the same as for 1945. It will be noted that there has been a steady decline in such cases from an average 88 percent during 1935-39, the first years of the amended Railway Labor Act, to 24 percent for each of the past 2 years.

As unionization of employees under the law has approached completion, there has been a shift to cases of the second category. In general, this shift represents competition between national organizations for representation of employees. This competition largely involves disputes between standard railroad labor organizations representing train, engine, and yard employees. The Board has, in past reports, called attention to the undesirability of such contests and has, at various times, attempted to persuade the organizations to discontinue such tactics. Despite these efforts, interunion strife between these organizations has not lessened. On the contrary any restraint which may have been exercised by the standard train and engine brotherhoods in previous years appears to have been abandoned entirely.

It is important to note, however, that not all interunion strife on the railroads is between these organizations. The movement of CIO organizations and District 50 of the United Mine Workers of America into the railroad industry has accounted for a considerable number of the interunion disputes recorded in table 7. In addition, there is considerable competition between A. F. of L. and C. I. O. organizations for representation of airline employees.

TABLE 7.—Number of crafts or classes and number of employees involved in representation cases, by types of dispute, fiscal year 1935-46

Types of disputes	12-year period 1935-46	Number of cases				12-year period 1935-46	Number of crafts or classes			
		Fiscal year—					Fiscal year—			
		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Grand total, all types.....	1, 637	210	195	139	107	2, 464	256	234	179	215
Total, national organizations versus system associations or unorganized employees.....	1, 015	113	105	89	70	1, 694	139	132	119	165
National organizations versus system associations.....	338	18	17	23	37	788	24	18	38	111
National organizations versus unorganized employees.....	638	84	86	64	30	853	92	112	100	50
Local unions versus system associations.....	8	2	0	0	1	16	8	0	0	2
Local unions versus unorganized employees.....	26	9	0	1	2	32	15	0	1	2
System associations versus unorganized employees.....	5	0	2	1	-----	5	0	2	-----	-----
Total interunion disputes.....	621	97	90	49	37	769	117	102	60	50
National organizations versus national organizations.....	511	85	77	39	31	621	97	85	45	43
National organizations versus local unions.....	103	9	13	10	6	139	17	17	14	17
Local unions versus local unions.....	7	3	0	1	-----	9	3	0	1	-----
System associations versus system associations.....	1	0	0	-----	(1)	1	0	0	1	(1)

¹ One case only (1938).

TABLE 7—Number of crafts or classes and number of employees involved in representation cases, by types of dispute, fiscal year 1935-46—Con.

Types of disputes	12-year period 1935-46	Number of employees involved				12-year period 1935-46	Percent of employees involved			
		Fiscal year—					Fiscal year—			
		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Grand total, all types.....	643, 822	126, 025	35, 097	31, 486	65, 053	100	100	100	100	100
Total, national organizations versus system associations or unorganized employees.....	475, 851	78, 621	8, 284	20, 793	56, 994	74	62	24	66	88
National organizations versus system associations.....	355, 542	5, 275	3, 224	16, 872	52, 535	55	4	9	54	81
National organizations versus unorganized employees.....	52, 514	10, 728	5, 060	3, 854	3, 491	8	9	15	12	6
Local unions versus system associations.....	65, 596	62, 326			654	10	49			1
Local unions versus unorganized employees.....	2, 199	292		67	314	1	(1)		(1)	(1)
System associations versus unorganized employees.....	228	0	221	2		(1)	(1)	(1)	(1)	
Total interunion disputes.....	167, 684	47, 404	26, 592	10, 691	8, 047	26	38	76	34	12
National organizations versus system associations.....	122, 007	28, 214	23, 885	8, 003	5, 979	19	23	68	26	9
National organizations versus local unions.....	44, 827	18, 990	2, 707	2, 580	2, 046	7	15	8	8	3
Local unions versus local unions.....	850	200		108	22	(1)	(1)		(1)	(1)
System associations versus system associations.....	59	0			12	(1)				(1)

¹ Less than one-half of 1 percent.

4. CERTIFICATIONS ISSUED

Table 8 shows the distribution, by types of labor organizations, of representation rights acquired through certifications issued by the Board during the fiscal year 1946.

TABLE 8.—Number of crafts or classes certified and votes¹ cast for various types of labor organizations in representation cases² by types of disputes, fiscal year 1946

Types of disputes	Number of crafts or classes certified to and votes cast for—								Number of votes cast for others
	All organiza-tions		National organiza-tions		Local Unions		System associa-tions		
	Crafts or classes	Votes	Crafts or classes	Votes	Crafts or classes	Votes	Crafts or classes	Votes	
Grand total, all types	215	84,093	197	55,585	13	25,215	5	1,304	1,989
Elections	171	83,259	155	54,863	12	25,106	4	1,301	1,989
Proved authoriza-tions	44	834	42	722	1	109	1	3	
Total, national organ-izations or local unions versus system associations or unorganized employees	112	10,104	108	7,298			4	1,301	1,505
National organization ver-sus system associations	18	3,385	14	2,082			4	1,301	2
Elections	18	3,385	14	2,082			4	1,301	2
Proved authorizations									
National organizations ver-sus unorganized employees	94	6,719	94	5,216					1,503
Elections	57	6,049	57	4,546					1,503
Proved authorizations	37	670	37	670					
Local unions versus system associations									
Elections									
Proved authorizations									
Total, interunion dis-putes	112	73,986	89	48,287	13	25,215			484
National organizations ver-sus national organizations	78	26,860	78	26,519					341
Elections	74	26,815	74	26,474					341
Proved authorizations	4	45	4	45					
National organizations ver-sus local unions	24	47,126	11	21,768	13	25,215			143
Elections	22	47,010	10	21,761	12	25,106			143
Proved authorizations	2	116	1	7	1	109			
System associations versus system associations or un-organized employees	1	3					1	3	
Elections									
Proved authorizations	1	3					1	3	

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.

During the year certifications were issued for 215 separate crafts or classes of employees. Of these, 197, or 91 percent, were certified to national organizations which received 66 percent of the votes cast or authorizations checked in these cases.

Referring again to the two categories discussed previously, national organizations were certified for 108 crafts or classes of previously unorganized employees or those represented by system associations.

Table 9 shows the distribution of representation rights among

TABLE 9.—Number of crafts or classes certified and employees involved in representation cases,¹ by types of results, fiscal year 1946

Results	Total		Certifications issued to—					
			National organizations		Local unions		System associations	
	Crafts or classes	Employees involved	Crafts or classes	Employees involved	Crafts or classes	Employees involved	Crafts or classes	Employees involved
Grand total, 176 cases	215	88,858	199	54,256	3	306	13	34,296
Elections	171	87,667	157	53,259	2	115	12	34,293
Proved authorizations	44	1,191	42	997	1	191	1	3
Representation acquired	92	9,729	91	9,729			1	3
Elections	55	8,871	55	8,871				
Proved authorizations	37	858	36	858			1	3
Representation changed	83	26,090	77	25,449	3	306	3	335
Elections	76	25,760	71	25,310	2	115	3	335
Proved authorizations	7	330	6	139	1	191		
Representation unchanged	40	53,036	31	19,078			9	33,958
Elections	40	53,036	31	19,078			9	33,958
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			
	Total	Certifications issued to—			Total	Certifications issued to—		
		National organizations	Local unions	System associations		National organizations	Local unions	System associations
Grand total, 176 cases	100	61	(²)	39	100	100	100	100
Elections	99	60	(²)	39	99	98	38	100
Proved authorizations	1	1	(²)	(²)	1	2	62	(²)
Representation acquired	11	11		(²)	11	18		(²)
Elections	10	10		(²)	10	16		
Proved authorizations	1	1		(²)	1	2		(²)
Representation changed	29	29	(²)	(²)	29	47	100	1
Elections	29	29	(²)	(²)	29	47	38	1
Proved authorizations	(¹)	(²)	(²)	(²)	(²)	(¹)	62	
Representation unchanged	60	21		39	60	35		99
Elections	60	21		39	60	35		99
Proved authorizations								

¹ Or proved authorizations.

² Less than ½ of 1 percent.

national organizations, local union and system associations by crafts or classes, number of employees involved, with percentages, for all representation cases disposed of by certifications during the fiscal year 1946. During the year a total of 176 cases were settled by issuance of certifications. Representatives were determined by elections in 138 of these cases and, in the remaining 38, authorization cards submitted by the applicant organization were checked against carrier records for the purpose of verifying the authenticity of signatures.

In the 176 cases, representation rights were established for 215 crafts or classes involving a total of 88,858 employees. Of this latter number, representation was acquired for the first time by 9,729, was changed for 26,090 and remained unchanged for 53,036 employees. The percentages of employees involved in these three categories are 11, 29, and 60, respectively.

National organizations won representation for 93 percent of the crafts or classes and 61 percent of the employees involved in cases for which certifications were issued.

5. EXTENT AND NATURE OF LABOR REPRESENTATION

Table 10 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, 1946. The table also includes for comparative purposes the percentages, in previous years, of mileage of carriers on which employees were represented by organizations. The total mileage used in this table is derived by adding the mileages of carriers listed in table 14 on which table 10 is based.

TABLE 10.—*Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1946*

Organization and craft or class	Extent of representation on June 30, 1946		Percent of total mileage covered on June 30—			
	Number of carriers	Mileage covered	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average)
Total.....	138	232,761	-----	-----	-----	-----
Brotherhood of Locomotive Engineers:						
Locomotive engineers.....	114	222,155	95	97	97	98
Locomotive firemen, hostlers and hostler helpers.....	1	165	(2)	(2)	(2)	(2)
Brotherhood of Locomotive Firemen and Engineers:						
Locomotive firemen, hostlers, and hostler helpers.....	118	228,473	98	99	99	98
Locomotive engineers.....	16	6,951	3	2	2	1
Order of Railway Conductors of America:						
Conductors (road).....	104	198,570	85	85	95	-----
Brakemen, flagmen, baggagemen (road).....	6	713	(2)	(2)	(2)	(2)
Yard foremen, helpers, and switch-tenders.....	3	8,386	3	4	4	4
Yardmasters.....	5	9,535	4	5	6	5
Dining-car stewards.....	3	13,251	6	6	6	10
Dining-car cooks.....	4	23,316	10	10	8	6
Brotherhood of Railroad Trainmen:						
Brakemen, flagmen, baggagemen (road).....	125	228,771	98	99	99	99
Conductors (road).....	28	31,894	13	14	7	2
Yard foremen, helpers, and switch-tenders.....	117	203,609	87	92	92	92
Yardmasters.....	32	44,792	19	18	13	7
Dining-car stewards.....	36	156,288	67	69	69	59
Switchmen's Union of North America:						
Yard foremen, helpers, and switch-tenders.....	11	25,862	11	8	9	10
Yardmasters.....	1	1,949	1	1	1	1

See footnotes at end of table.

TABLE 10.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1946—Continued

Organization and craft or class	Extent of representation on June 30, 1946		Percent of total mileage covered on June 30—			
	Number of carriers	Mileage covered	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average)
Railroad Yardmasters of America:						
Yardmasters.....	28	114,424	49	51	45	34
Stationmasters.....	1	4,170	18	2	(2)	(2)
Railroad Yardmasters of North America:						
Yardmasters.....	8	15,249	6	5	5	4
Stationmasters.....	1	10,746	5	3	3	3
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express, and Station Employees: Clerical, office, station, and storehouse.....	129	230,752	99	99	98	96
United Transport Service Employees of America: Redcaps, ushers and station attendants.....	13	62,674	27	33	27	12
Coach, sleeping-car, parlor car and club-car porters.....	3	8,561	3	(2)	(2)	-----
Dining-car cooks and waiters.....	6	23,404	10	8	2	-----
The Order of Railroad Telegraphers:						
Telegraphers, towermen, agents.....	127	225,372	97	99	99	98
Train dispatchers.....	5	2,627	1	1	3	2
Telegraph and telephone linemen.....	7	10,771	4	7	5	4
Brotherhood of Railroad Signalmen of America: Signal department employees.....	99	215,044	92	94	91	87
Telegraph and telephone linemen.....	5	4,990	2	2	1	-----
American Train Dispatchers Association: Train dispatchers.....	105	215,418	92	90	80	78
Railway Employees' Dept., A. F. of L.: Supervisors of mechanics.....	8	23,505	10	11	3	-----
Brotherhood of Maintenance of Way Employees: Maintenance of way employees.....	129	219,217	94	94	94	92
Shop laborers.....	3	1,276	(2)	1	3	3
International Association of Machinists: Machinists.....	126	220,631	95	95	87	81
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America: Boiler makers.....	126	220,452	95	95	87	76
International Brotherhood of Blacksmiths, Drop Forgers and Helpers: Blacksmiths.....	122	208,230	89	89	81	77
Sheet Metal Workers International Association: Sheet metal workers.....	122	220,669	95	94	87	76
International Brotherhood of Electrical Workers: Electrical Workers.....	115	216,310	93	93	87	79
Telegraph and Telephone linemen.....	24	80,783	34	40	33	-----
Signalmen.....	4	2,083	1	1	1	1
Brotherhood Railway Carmen of American: Car men.....	127	228,207	98	91	87	78
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse, and Railway Shop Laborers: Powerhouse employees and railway shop laborers.....	120	218,718	94	93	87	71
Hotel and Restaurant Employees International Alliance:						
Cooks and waiters.....	50	159,182	68	71	71	58
Coach, parlor-car, and club-car porters.....	5	18,722	8	9	9	-----
American Railway Supervisors Association:						
Yardmasters.....	4	10,886	4	5	4	4
Supervisors of mechanics.....	20	70,181	30	29	17	6
Brotherhood of Sleeping Car Porters: Coach, sleeping-car, parlor-car, and club-car porters.....	28	93,970	40	40	31	10
National Council Railway Patrolmen's Unions, A. F. of L.: Railway patrolmen.....	37	98,774	42	43	17	-----
Utility Workers Organizing Committee:						
Machinists.....	2	287	(2)	(2)	(2)	-----
Boilermakers.....	2	287	(2)	(2)	(2)	-----
Blacksmiths.....	1	190	(2)	(2)	(2)	-----
Sheet-metal workers.....	1	190	(2)	(2)	(2)	-----
Electrical workers.....	1	190	(2)	(2)	(2)	-----
Carmen.....	1	190	(2)	(2)	(2)	-----
Powerhouse employees and railway shop laborers.....	2	287	(2)	(2)	(2)	-----

See footnotes at end of table.

TABLE 10.—*Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1946—Continued*

Organization and craft or class	Extent of representation on June 30, 1946		Percent of total mileage covered on June 30—			
	Number of carriers	Mileage covered	1946	1945	5-year period 1940-44 (average)	4-year period ¹ 1936-39 (average)
Brotherhood of Railroad Shop Crafts of America:						
Machinists.....	1	9,745	4	4	3.4	-----
Boilermakers.....				4	3.4	-----
Blacksmiths.....	2	14,504	6	6	3.7	-----
Sheet-metal workers.....	2	10,138	4	5	3.4	-----
Electrical workers.....	3	11,126	4	5	3.4	-----
Carmen.....	2	10,138	4	5	3.4	-----
Powerhouse employees and railway shop laborers.....				4	3.4	-----
System associations:						
Locomotive engineers.....	1	657	(2)	(2)	1	1
Firemen, hostlers, and hostler helpers.....	2	1,339	1	(2)	1	2
Yardmasters.....	4	6,685	2	5	6	6
Clerical, office, station, and storehouse.....	2	1,772	1	1	1	5
Telegraphers, towermen, and agents.....	2	229	(2)	(2)	(2)	(2)
Telephone and telegraph linemen.....	2	8,843	3	2	6	-----
Dispatchers.....	6	7,566	3	3	11	11
Maintenance of way employees.....				6	6	8
Machinists.....	5	1,439	1	1	11	19
Boilermakers.....	5	1,390	1	1	12	23
Blacksmiths.....	7	8,733	3	4	17	23
Sheet-metal workers.....	4	1,254	1	1	11	22
Electrical workers.....	6	2,857	1	2	11	23
Carmen.....	6	2,353	1	3	11	22
Powerhouse employees and railway shop laborers.....						
Dining-car stewards.....	2	884	(2)	1	10	22
Cooks and waiters.....	2	2,723	1	1	3	4
Coach, sleeping-car, parlor-car, and club-car porters.....	2	4,003	2	2	9	15
Supervisors of mechanics.....	4	11,888	5	6	6	14
Railway patrolmen.....	9	51,934	22	22	16	17
Local unions:	6	14,995	6	7	4	-----
Cooks and waiters.....	2	10,310	4	5	4.5	-----
Coach, parlor-car, and club-car porters.....	2	14,420	6	7	8	-----
Supervisors of mechanics.....	2	1,623	1	1	1	-----
Firemen, hostlers, and hostler helpers.....	2	337	(2)	(2)	1	2
Brakemen, flagmen, and baggagemen.....	3	943	(2)	(2)	(2)	(2)
Yard foremen, helpers, and switchtenders.....	3	943	(2)	(2)	(2)	(2)

¹ Figures not available for fiscal year ended June 30, 1935.² Less than ½ of 1 percent.³ For fiscal year ended June 30, 1944, only.⁴ For 3-year period only—1942, 43, 44.

Table 10-A shows comparable information for marine and related employees of rail carriers included in table 10. Since the rail mileage of these carriers bears no relation to their marine operation 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			
	1946	1945	5-year period 1940-44 (average)	4-year period ¹ 1936-39 (average)
National Organization Masters, Mates, and Pilots:				
Licensed deck.....	22	22	23	23
Unlicensed deck.....	9	9	8	3
Float watchmen.....	5	3	3	-----
National Marine Engineers' Beneficial Association:				
Licensed engine.....	19	20	20	18
Unlicensed engine.....	1	1	2	1
Seafarers' International Union of North America:				
Unlicensed deck.....	-----	-----	2	6
Unlicensed engine.....	1	-----	4	5
Marine cooks and stewards.....	-----	-----	2	4
International Longshoremen's Association:				
Licensed deck.....	3	3	4	9
Licensed engine.....	2	3	3	2 6
Unlicensed deck.....	1	2	6	3 5
Unlicensed engine.....	2	3	6	2 6
Coal dumper employees.....	4	5	5	4 1
Float watchmen.....	1	2	3	1
National Maritime Union:				
Unlicensed deck.....	6	6	1	-----
Unlicensed engine.....	5	7	1	-----
Marine cooks and stewards.....	3	3	-----	-----
United Mine Workers (District 50):				
Licensed deck.....	2	2	-----	-----
Licensed engine.....	3	2	-----	-----
Unlicensed deck.....	2	2	-----	-----
Unlicensed engine.....	2	2	-----	-----
International Brotherhood of Firemen, Oilers, Helpers, Round- house, and Railway Shop Laborers:				
Unlicensed deck.....	1	1	1	-----
Unlicensed engine.....	1	1	1	-----
System associations:				
Licensed deck.....	1	1	2	3
Licensed engine.....	2	2	2	6
Unlicensed deck.....	1	1	1	2
Unlicensed engine.....	2	2	1	2
Coal dumper employees.....	1	1	1	-----
Local unions:				
Licensed deck.....	1	1	2 2	-----
Licensed engine.....	1	1	2 1	-----
Unlicensed deck.....	4	4	6 6	-----
Unlicensed engine.....	7	7	9 9	-----
Marine cooks and stewards.....	1	1	2 2	-----

¹ Figures not available for fiscal year ended June 30, 1935.

² For fiscal years ended June 30, 1938 and 1939 only.

³ For fiscal years ended June 30, 1937-38-39, only.

⁴ For fiscal year ended June 30, 1939 only.

⁵ For fiscal year ended June 30, 1944 only.

IV. DISPUTES MEDIATED—SETTLEMENTS

During the fiscal year 1946, mediation cases disposed of totalled 379, the largest number since the Board commenced operation in 1934. Mediation cases docketed during the year numbered 260, a decrease of 90 under the fiscal year 1945. At the close of the fiscal year 1946, only 63 open mediation cases remained on the docket, as compared with 183 cases on hand as of June 30, 1945.

1. MEDIATION AND ARBITRATION AGREEMENTS

Of the 379 mediation cases disposed of during the year, 305, or approximately 80 percent, were settled either by mediation agreements, arbitration agreements, or withdrawals prior to or during mediation. Four disputes were referred to emergency boards created under section 10 of the Railway Labor Act, and 2 were referred to panel emergency boards set up under the provisions of Executive Order 9172.

The percentage of mediation agreements to total mediation cases for the 12 years of the Board's operation is slightly more than 54. This percentage during the fiscal year 1946 was approximately 60, indicating an increased recognition by both carriers and organizations of the mediation process as a means of settling their controversies.

TABLE 11.—*Issues involved in cases disposed of by mediation agreements, fiscal years 1935-46*

Issues involved	12-year period	1946	1945	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Total, all cases.....	1, 277	1 227	2 199	117	2 54
Negotiation of new agreements covering rates of pay, rules, and working conditions.....	169	22	15	15	12
Changes in rates of pay.....	461	48	95	50	14
Changes and revisions in rules of existing agreements.....	597	156	86	4 46	25
Miscellaneous cases.....	50	1	3	6	3

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

² Includes 6 cases partially disposed of by mediation agreements and partially by arbitration agreements.

³ 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.

⁴ 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 two 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 1946, 16 cases were settled by arbitration of the issues involved, as provided in section 7 of the Railway Labor Act. A résumé of the awards made during the fiscal year is given in chapter V of this report.

2. OTHER ADJUSTMENTS OF MEDIATION CASES

Of the 379 mediation cases settled during the past year, 142 were disposed of by means other than mediation or arbitration agreements. The largest number in this group was 36 cases withdrawn during the process of mediation. A total of 67 cases was closed following refusal of either or both parties to submit the dispute to arbitration. In 35 cases of this total, arbitration was declined by the carriers. The employees declined arbitration in 11 cases, and in 21 cases both parties refused arbitration. Four cases were referred to emergency boards created under section 10 of the act, while 2 cases were referred to panel emergency boards created under Executive Order 9172. Thirty-two cases were withdrawn by the invoking party prior to mediation, and 1 case was dismissed by Board action.

3. AIRLINE MEDIATION CASES

Included in the total of 379 mediation cases settled during the year 1946 were 33 involving the commercial airlines and their employees. In addition, 24 representation disputes among airline employees were disposed of during the year. A total of 73 mediation cases involving airline employees have been disposed of since the approval of title II of the Railway Labor Act in 1936. The number of airline mediation cases disposed of from 1936-45 was 40.

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 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 1946, 16 agreements to arbitrate were made and a total of 63 arbitration agreements has been consummated during the 12-year period of the present Board's history.

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

Case A-1489, Arb. 30

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

and

Denver and Rio Grande Western Railroad Co.

Members of the arbitration board were Hon. John W. Yeager, of Lincoln, Nebr.; Mr. H. R. Lyons, vice grand president, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. R. K. Bradford, executive assistant to trustees, Denver and Rio Grande Western Railroad. The party members designated Hon. John W. Yeager as the neutral member and chairman of the Board.

The question in dispute was the employees' proposal to cancel a memorandum agreement dated June 1, 1941, covering short-hour and split trick assignments of mail and baggage handlers. Arbitration hearings commenced in Denver, Colo., September 10, 1945, and the award was dated September 15, 1945. The arbitration board denied the request that the memorandum agreement be canceled.

Case A-1508, Arb. 31

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

and

Denver Union Terminal Railway Co.

Members of the arbitration board were Hon. John W. Yeager, of Lincoln, Nebr.; Mr. H. R. Lyons, vice grand president, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. R. K. Bradford, executive assistant to trustees, Denver & Rio Grande Western Railroad. The party members designated Hon. John W. Yeager as the neutral member and chairman of the board.

The question in dispute was the employees' proposal to cancel a memorandum of agreement dated June 1, 1941, covering short-hour and split trick assignments of mail and baggage handlers. Arbitration hearings commenced in Denver, Colo., September 10, 1945, and the award was dated September 15, 1945. The arbitration board denied the request of the employees.

Case A-1653, Arb. 38—Interpretation

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 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.

The arbitration board rendered its award in the above case March 2, 1945, the award being reported in this Board's Eleventh Annual Report. On July 23, 1945, the carrier requested the reconvening of the arbitration board to interpret the award as it related to two questions, one involving the authority of the carrier, when appointing the Chief Surgeon of the Hospital Department to fix his compensation, and the other involving the retroactive effect of the award. The arbitration board was reconvened on August 7, 1945, and rendered its interpretation August 9, 1945. The reconvened board found that the carrier has the authority to fix the compensation of the Chief Surgeon, and that the original award had no retroactive effect.

Case A-1766, Arb. 39—Interpretation

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. D. P. Loomis, chairman, Western Carriers' Conference Committee.

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 arbitration board rendered its award in the above case August 31, 1944, the award being reported in this Board's Eleventh Annual Report. On October 19, 1945, the parties jointly requested the reconvening of the arbitration board for the purpose of rendering interpretations on questions concerning which the parties had been unable to agree. Due to the decease of Mr. J. Y. McLean, a carrier arbitrator, the carriers appointed Mr. D. P. Loomis, chairman, Western Carriers' Conference Committee, to fill the vacancy.

The reconvened board commenced hearings in Chicago, Ill., January 7, 1946, and rendered its interpretation on January 10, 1946. Awards were made in seven separate dockets, each involving principles of general application in the execution of the original vacation award.

Cases A-1554, A-1627-Arb. 43 and Interpretation

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

and

Missouri Pacific Railroad Co.

Members of the arbitration board were Hon Richard F. Mitchell, of Fort Dodge, Iowa; Mr. H. R. Lyons, vice grand president, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. O. M. Stevens, president, American Refrigerator Transit Co.

The arbitrators selected by the parties designated Hon. Richard F. Mitchell as the neutral member of the arbitration board, and he was elected to serve as chairman.

Case A-1554 involved the carrier's notice to the employees of withdrawal of a letter dated January 29, 1940, written by the former Assistant General Manager, concerning performance of weighmaster's duties by clerical forces. Case A-1627 involved request of the employees that the Saturday afternoon agreement of February 3, 1922, be amended to require the payment for time worked on Saturday afternoons at the overtime rate in offices where it had been the practice to allow employees the afternoon off without deduction in pay.

The arbitration board commenced hearings in St. Louis, Mo., August 13, 1945, and rendered its award August 21, 1945. In Case A-1554 the arbitration board decided that the work of weighing cars is work coming properly under the scope rule of the clerks' agreement, but further decided that at points where clerical forces are employed but not on duty, the carrier shall not be required to call a clerical employee for weighing unless he resides within 1 mile from the office where employed and has telephone facilities in his residence through which he may be called. In Case A-1627, the arbitration board denied the rule change requested by the employees, and retained the current practice in effect.

On December 18, 1945, the employees requested that the arbitration board be reconvened for the purpose of interpreting the award as applied to four specific questions which were in dispute between the carrier and the organization. Three of these questions related to exer-

cise of the judgment of the management as to the necessity of requiring certain employees to work Saturday afternoons, and the need of performing certain kinds of work. The fourth question again brought up the subject of additional compensation for the employees required to perform Saturday afternoon work.

The reconvened arbitration board commenced hearings in St. Louis, Mo., June 24, 1946, and rendered its interpretation June 28, 1946. The board affirmed its belief that since railroad service is a continuous operation, a certain amount of Saturday afternoon work is necessary, and that such work must be assigned in accordance with the considered judgment of the responsible officer or supervisor in charge of the office or department.

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

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 arbitration board rendered its award in the above case on May 28, 1945, the award being reported in this Board's Eleventh Annual Report. On September 19, 1945, the attorneys for the parties jointly requested the reconvening of the arbitration board to interpret the award as applied to certain differences between them. These differences consisted of disputes as to the proper amount of pay increases due various classes of employees covered by the award.

The reconvened board commenced hearings in Chicago, Ill., on December 4, 1945, and rendered its interpretation on February 13, 1946. The interpretation named specific amounts of increases due the employees, and covered the effective date of such increases.

Case A-1797, Arb. 47

Switchmen's Union of North America

and

Denver & Rio Grande Western Railroad Co.

Members of the arbitration board were Dr. I. L. Sharfman, of Ann Arbor, Mich.; Mr. C. E. McDaniels, acting vice president, Switchmen's Union of North America; and Mr. R. K. Bradford, executive assistant to trustees, Denver & Rio Grande Western Railroad.

The arbitrators selected by the parties designated Dr. I. L. Sharfman as the neutral member of the arbitration board, and he was elected to serve as chairman.

The question in dispute was the request of the employees for the termination of a memorandum of agreement dated January 2, 1943, under which the schedule of rules and rates of pay for switchmen was agreed not to apply to the Colorado Springs yard. Switching in this yard was performed by a combination road and yard crew represented by the Brotherhood of Railroad Trainmen. The arbitration board

commenced hearings in Denver, Colo., on July 17, 1945, and rendered its report July 21, 1945. The award denied the request of the employees for the termination of the above-mentioned agreement.

Case A-1801, Arb. 51

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

and

The Texas & Pacific Railway Co.

Members of the arbitration board were Mr. Frank M. Swacker, of New York, N. Y.; Mr. W. M. Crawford, general representative, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. M. E. Clinton, Dallas, Tex.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Mr. Frank M. Swacker as the neutral member of the arbitration board, and he was elected to serve as chairman.

The questions in dispute consisted of ten rules upon which the parties had been unable to agree in mediation of a complete schedule revision. The arbitration board commenced hearings in Dallas, Tex., September 17, 1945, and rendered its award October 16, 1945. The award consisted of a compromise between the positions of the two parties on the various questions in dispute.

Case A-2022, Arb. 52

Order of Railroad Telegraphers

and

Central of Georgia Railway

Members of the arbitration board were Mr. Frank M. Swacker, of New York, N. Y.; Mr. N. D. Pritchett, deputy president, Order of Railroad Telegraphers; and Mr. D. W. Brantley, car accountant, Central of Georgia Railway.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Mr. Frank M. Swacker as the neutral member of the arbitration board, and he was elected to serve as chairman.

The question in dispute was a request of the employees for a rule giving them leaves of absence with pay in excess of bona fide illnesses. Arbitration hearings were commenced at Savannah, Ga., December 3, 1945. During the arbitration proceedings the parties came to an agreement on the question in dispute and it was, accordingly, withdrawn from arbitration.

Case A-2043, Arb. 53

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

and

Norfolk & Portsmouth Belt Line Railroad Co.

Members of the arbitration board were Judge Walter P. Stacey, of North Carolina; Mr. C. B. Moore, special representative, Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express and Station Employees; and Mr. Thomas H. Wilcox, general counsel, Norfolk & Portsmouth Belt Line Railroad Co.

The party arbitrators selected Judge Walter P. Stacey as a neutral member. However, Judge Stacey declined to serve on account of other commitments.

The question in dispute was a request of the employees for the cancellation, effective April 3, 1945, of a memorandum of agreement dated March 26, 1943, which provided that rule 3 (a) of an agreement between the parties governing hours of service and working conditions should not be applicable to positions necessary to the continuous operation of the carrier (positions assigned to work 7 full days per week).

After it was found that Judge Stacey was unable to serve as the neutral member and prior to the selection of another neutral, the parties to the dispute came to an agreement and withdrew the question from arbitration.

Case A-2110, Arb. 54

Brotherhood of Railroad Trainmen

and

Chicago, South Shore & South Bend Railroad

Members of the arbitration board were Mr. Leverett Edwards, of Oklahoma City, Okla.; Mr. Charles O. Lund, deputy president, Brotherhood of Railroad Trainmen; and Mr. Charles H. Jones, vice president and general manager, Chicago, South Shore & South Bend Railroad.

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

The question in dispute involved proposals of the organization and the carrier to revise numerous rules in the agreement covering rates of pay, rules and working conditions; among the disputed items being the rates of pay rule, basic day, overtime guarantee, extra service, switching time, home terminals, dead-heading, vacation runs and the investigation rule. Arbitration hearings were commenced in Michigan City, Ind., October 15, 1945, and the award was dated October 19, 1945. The award was in the nature of a compromise between the positions of the respective parties on the various rules.

Case A-2032, Arb. 55

Brotherhood of Railroad Trainmen

and

Longview, Portland & Northern Railway Co.

Members of the arbitration board were Dr. A. G. Crane, of Cheyenne, Wyo.; Mr. Glenn D. Houser, deputy president, Brotherhood of Railroad Trainmen; and Mr. Edward P. Stamm, of Portland, Oreg.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Dr. A. G. Crane as the neutral member of the arbitration board, and he was elected to serve as chairman.

The questions in dispute included a negotiation of two rules in the agreement covering rates of pay and working conditions. Arbitration hearings commenced in Longview, Wash., December 10, 1945, and the award was dated December 15, 1945. The rules contended for by the Brotherhood, which include conditions of assignment and dumping logs, were granted by the award.

Case A-1935, Arb. 56

Railroad Yardmasters of America

and

Chesapeake and Ohio Railway Co.

Members of the arbitration board were Judge Ernest M. Tipton, of Jefferson City, Mo.; Mr. M. G. Schoch, president, Railroad Yardmasters of America; and Mr. I. C. Clark, chief of personnel, Chesapeake & Ohio Railway Co.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Judge Ernest M. Tipton as the neutral member of the arbitration board, and he was elected to serve as chairman.

The questions in dispute were certain changes requested by the employees in the rest day rule of the current working agreement. A request covering the allowance of one rest day each week without loss of pay, as compared with the previous rest allowance of 2 days per month. Arbitration hearings commenced in Richmond, Va., October 25, 1945, and the award was dated October 30, 1945. The award granted the yardmasters one rest day each week without loss of pay and a dissent was registered by the carrier arbitrator.

Case A-1848, Arb. 57

Railroad Yardmasters of America

and

The Atchison, Topeka & Santa Fe Railway Co.; Gulf, Colorado & Santa Fe Railway Co., and Panhandle & Santa Fe Railway Co.

Members of the arbitration board were Judge George E. Bushnell, of Lansing Mich.; Mr. M. G. Schoch, president, Railroad Yardmasters of America; and Mr. S. C. Kirkpatrick, assistant to vice president, the Atchison, Topeka & Santa Fe Railway System.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Judge George E. Bushnell as the neutral member of the arbitration board, and he was elected to serve as chairman.

The question in dispute covered a variety of rules remaining at issue after the negotiation of a complete schedule of rates of pay, rules and working conditions. Arbitration hearings commenced in Chicago, Ill., March 6, 1946, and the award was dated March 21, 1946. The award granted some of the employees' contentions and denied others, particularly their contention that general yardmasters should be included in the scope rule of the working agreement.

Case A-2109, Arb. 58

Order of Railway Conductors, Brotherhood of Railroad Trainmen

and

Norfolk and Western Railway Co.

Members of the arbitration board were Dr. Wm. M. Leiserson, of Washington, D. C.; Mr. W. D. Johnson, vice president, Order of Railway Conductors; and Mr. H. O. Hewitt, supervisor of wages and working conditions, Norfolk & Western Railway Co.

The party arbitrators designated Dr. Wm. M. Leiserson as the neutral member of the arbitration board, and he was elected to serve as chairman.

The question in dispute covered the request of the employees to abrogate memorandum of agreement dated June 18, 1917, covering the handling of certain inter-district passenger runs on the Eastern

District of the Norfolk & Western. Arbitration hearings were commenced at Roanoke, Va., December 13, 1945, and the award was rendered on the same day. The award ruled that the memorandum agreement should be cancelled in accordance with the provisions of Award No. 9686, Docket No. 18923, issued by the First Division of the National Railroad Adjustment Board on August 31, 1944.

Case A-2189, Arb. 60

Flight Engineer Officers Association
and

Pan American Airways, Inc.

Members of the arbitration board were Judge James H. Wolfe, of Salt Lake City, Utah; Mr. Sylvan L. Hanauer, of New York, N. Y.; and Mr. Richard L. Barnes, of San Francisco, Calif., representing the Pan American Airways, Inc.

The party arbitrators designated Judge James H. Wolfe as the neutral member of the arbitration board, and he was elected to serve as chairman.

The questions in dispute included a number of rules upon which the parties had failed to agree when negotiating a schedule of rates of pay and working conditions; the disagreed rules covering rates of pay, vacations, termination date and disability benefits. Arbitration hearings were commenced in New York City, February 25, 1946, and the award was dated March 6, 1946. The award represented a compromise between the respective positions of the contending parties.

Case A-2215, Arb. 61

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

and

Eastern, Western, and Southeastern Carriers' Conference Committees

Members of the arbitration board were Judge Richard F. Mitchell, of Fort Dodge, Iowa; Mr. C. J. Goff, assistant president, Brotherhood of Locomotive Firemen and Enginemen; and Mr. R. W. Brown, president, Reading Co.

The party arbitrators being unable to agree upon a neutral, the National Mediation Board designated Judge Richard F. Mitchell as the neutral member of the arbitration board, and he was elected to serve as chairman.

The questions in dispute covered the requests of the three organizations for an increase in all existing basic daily wage rates of \$2.50 per day. Arbitration hearings were commenced in Chicago, Ill., on February 18, 1946, and the award was dated April 3, 1946. The award granted an increase in the amount of \$1.28 per basic day to all employees of the carriers represented by the three labor organizations, all signatory to the arbitration agreement. The award of the arbitration board was rejected by the employees and a final settlement of this wage dispute was effected through an agreement dated May 25, 1946, under which an additional 2½-cent-per-hour increase was granted the employees.

Case A-2215, Arb. 62

Employes' National Conference Committee, Fifteen Cooperating Railway Labor Organizations (nonoperating)

and

Eastern, Western, and Southeastern Carriers' Conference Committees

Members of the arbitration board were Judge Herbert B. Rudolph, of Pierre, S. Dak.; Judge Ernest M. Tipton, of Jefferson City, Mo.; Mr. Felix Knight, general president, Brotherhood Railway Carmen of America; Mr. E. E. Milli-

man, president, Brotherhood of Maintenance of Way Employees; Mr. Ralph Budd, president, Chicago, Burlington & Quincy Railroad Co.; and Mr. J. Carter Fort, vice president and general counsel, Association of American Railroads.

The party arbitrators being unable to agree upon the neutral members, the National Mediation Board designated Judge Herbert B. Rudolph and Judge Ernest M. Tipton as the neutral members of the arbitration board, and Judge Tipton was elected to serve as chairman.

The question in dispute was the request of the employees for an increase of 30 cents per hour to all existing rates of pay. Arbitration hearings commenced in Chicago, Ill., February 18, 1946, and the award was dated April 3, 1946. The award granted an increase of 16 cents per hour to the employees involved. In addition to this increase, an additional $2\frac{1}{2}$ cents per hour was given the employees under the terms of the national wage settlement, covering nonoperating employees, made in Washington, D. C., on May 25, 1946.

Case A-2148, Arb. 63

Railway Employes' Department, A. F. L., System Federation No. 150

and

The Cincinnati Union Terminal Co.

The arbitration agreement in this case was signed February 27, 1946, and the issues in dispute were withdrawn from arbitration by the parties under the terms of a settlement reached between them on March 11, 1946.

Case A-2201, Arb. 65

Railroad Yardmasters of North America, Inc.

and

Indiana Harbor Belt Railroad Co.

The arbitration agreement in this case was signed by the parties on April 1, 1946, and Mr. J. P. Falk, superintendent of the Chicago, Burlington & Quincy Railroad, was appointed as the carrier arbitrator. However, an agreement between the parties disposing of the questions at issue was signed June 10, 1946, prior to the naming of the organization arbitrator and the entire matter was withdrawn from arbitration.

2. EMERGENCY BOARDS—SECTION 10, RAILWAY LABOR ACT

In the event a dispute is not disposed of 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.

Ten such emergency boards were appointed by the President during the fiscal year 1946. A summary of the reports of these boards follows:

Cases A-1941 and A-1942

*Brotherhood of Locomotive Firemen and Enginemen Brotherhood of Railroad
Trainmen
and
Chicago, North Shore & Milwaukee Railroad Co., Chicago, Aurora & Elgin
Railroad Co.*

The Executive order signed July 6, 1945, resulted in the appointment of a board composed of Hon. Roger I. McDonough, judge, Supreme Court of Utah, Salt Lake City, Utah; Hon. John W. Yeager, judge, Supreme Court of Nebraska, Lincoln, Nebr.; and Hon. Robert W. Woolley, attorney, of Washington, D. C.

The Board selected Judge McDonough as chairman. Public hearings and conferences were held in Chicago, Ill., beginning July 16, 1945, and concluding July 27, 1945. The Board's report to the President was made July 31, 1945.

The dispute in these cases grew out of requests made by the organization upon the two carriers for hourly increases in pay ranging from 12¼ to 16¼ cents, these increases being demanded to bring the wage rates of train service employees to what the Brotherhoods designated as "standard railroad wages." During the course of the hearings and conferences, a settlement of the controversies was reached between the Brotherhoods and the carriers, under which the employees involved received an increase of 4 cents per hour, effective December 28, 1944.

Cases A-2013 and A-2035

*International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers
of America
and
Railway Express Agency, Inc.*

The Executive order of the President, dated October 5, 1945, resulted in the appointment of a Board composed of Hon. H. Nathan Swaim, former justice, Supreme Court of Indiana, Indianapolis, Ind.; Hon. Eugene L. Padberg, justice, Supreme Court of Missouri, St. Louis, Mo.; and Hon. Henri Burque, justice, Supreme Court of New Hampshire, Nashua, N. H.

The Board selected Judge Swaim as chairman. Public hearings were held in Washington, D. C., beginning October 16, 1945, and concluding October 25, 1945. The Board's report was made to the President October 31, 1945.

The dispute in Case A-2013 involved requests of the organization for a wage increase of 20 percent for all vehicle employees of the Railway Express Agency represented in the New York metropolitan area, and for a wage increase of 10 cents per hour for vehicle employees represented by them in Cincinnati, Ohio; Cleveland, Ohio; Newark, N. J.; Philadelphia, Pa.; St. Louis, Mo.; San Francisco, Calif.; and Chicago, Ill. These demands had been progressed through mediation without settlement, and had subsequently been considered by a Panel Emergency Board created under the provisions of Executive Order 9172, that Board consisting of Hon. Walter P. Stacey, Dr. I. L. Sharfman, and Dr. John A. Lapp. The Panel Emergency Board reported to the President August 25, 1945, their conclusions being that under the existing wage stabilization laws and regulations, no increases for the employees could be recommended.

The Teamsters rejected the recommendations of the Panel emergency board and voted to strike. The Swaim emergency board found that under the terms of Executive Order 9599, dated August 18, 1945, the wage stabilization regulations had been relaxed sufficiently that

certain inequities and maladjustments claimed by the employees justified a recommendation of a flat wage increase of 10 cents per hour to all vehicle employees represented by the Teamsters' organization, including those in the New York metropolitan district. This recommendation was accepted by both parties to the dispute.

In Case A-2035 the Teamsters had requested a number of changes in their rules agreement with the Railway Express Agency covering the New York metropolitan district. The Agency had also made certain counter-proposals on rules changes. Many of the rules changes proposed by the organization were of a major character, and some of them involved jurisdictional disputes with other organizations. The Swaim emergency board declined to recommend any rules changes except where it could be shown that the present rules were working hardships or inequities, and accordingly, recommended only a few minor changes in the working agreement.

Case A-2098

Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen, Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, Brotherhood of Railroad Signalmen of America, International Association of Machinists, International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America, International Association of Sheet Metal Workers, International Brotherhood of Electrical Workers, Brotherhood Railway Carmen of America, International Brotherhood of Firemen and Oilers, Helpers, Roundhouse and Railway Shop Laborers, Brotherhood of Maintenance of Way Employees, and the Order of Railroad Telegraphers

and

Texas and New Orleans Railway Co. and Hospital Association of the Southern Pacific Lines in Texas and Louisiana

The Executive order signed November 30, 1945, resulted in the appointment of a board consisting of Hon. Richard F. Mitchell, judge, Supreme Court of Iowa, Fort Dodge, Iowa; Hon. Ernest M. Tipton, judge, Supreme Court of Missouri, Jefferson City, Mo.; and Hon. John W. Yeager, judge, Supreme Court of Nebraska, Lincoln, Nebr.

The board selected Judge Mitchell as chairman. Public hearings were held in Houston, Tex., beginning December 10, 1945, and concluding December 14, 1945. The board's report was made to the President January 5, 1946.

The dispute concerned the proposal of the organizations representing the various groups of employees that—

1. The hospital association bylaws be changed to provide a majority representation by the employees;
2. That the T. & N. O. Ry. pay the hospital association a fair proportion of the hospital expenses of employees injured on duty;
3. A certified audit be made of the hospital funds by a firm of certified public accountants for the period 1914 to 1939;
4. That members of the hospital association be furnished on request with copy of diagnoses and findings made in connection with their physical condition; and
5. That the practice of divulging medical history of association members to the carrier's claim department and other officials be discontinued.

The Emergency Board's recommendations included all of the above five items. It recommended a board of managers of seven, three of whom should be carrier representatives and four representing the various classes of employees. Regarding item 2 above, the Board

recommended that the carrier continue to furnish ground buildings, and physical facilities rent free, the association to pay the taxes and maintenance costs; the carrier to continue the collection of hospital association dues without charge, to continue the issuance of free transportation to association personnel, and to contribute \$750 monthly to the association revenues, the association to have a 3-year option to purchase the physical plant from the carrier. Regarding item 3, it was agreed that an audit made by the carrier auditor as of October 31, 1945, was correct, and that an audit by a firm of certified public accountants should be paid for by the association, if one is desired. Item 4 was found to relate particularly to train and engine service employees. The Board recommended that the organizations and the carrier make a separate agreement under which the physician's report would be furnished to men held out of service account physical disability. Re item 5, it was found that the practice complained of by the employees had been discontinued, and the Board recommended that it be not revived.

Case A-1959

Brotherhood of Railroad Trainmen

and

St. Louis-San Francisco Railway Co., St. Louis-San Francisco and Texas Ry. Co.

The Executive order of the President, dated January 5, 1946, resulted in the appointment of a Board composed of Hon. Robert G. Simmons, judge, Supreme Court of Nebraska, Lincoln, Nebr.; Hon. Henri A. Burque, judge, Supreme Court of New Hampshire, Concord, N. H.; and Hon. Luther W. Youngdahl, judge, Supreme Court of Minnesota, St. Paul, Minn.

The Board selected Judge Simmons as chairman. Public hearings were held in St. Louis, Mo., beginning January 11, 1946, and concluding January 18, 1946. The Board's report was made to the President January 24, 1946.

The dispute in this case grew out of notice served upon the carrier to cancel an agreement dated March 25, 1939, effective April 16, 1939, covering performance of yard switching by road crews. Mediation of this issue was unsuccessful and arbitration was declined by both parties. Subsequently, the organization set a strike date for January 6, 1946, including in the strike ballot 11 grievance cases, all properly referable to the National Railroad Adjustment Board, but none of which had been taken before that tribunal. Also included were requests of the organization for the abrogation of other special agreements, entered into March 25, 1939, with reference to reduction of forces of yardmen and trainmen, which requests had not been handled by the organization in accordance with provisions of the Railway Labor Act.

In its recommendations, the emergency board found that the switching agreement of April 26, 1939, was abrogated, since all the provisions of the law had been complied with. However, the Board recommended that the Brotherhood permit the agreement to remain in effect temporarily, and enter into negotiations with the carriers in an effort to reach a satisfactory and workable agreement on the subject. These recommendations were followed by the parties. Regarding abrogation of the other special agreements, the Board found that since the procedures of the Railway Labor Act had not been followed, they should remain in effect. With reference to the 11 grievance matters, the emergency board declined to make specific

recommendations, since all were matters coming legally under the jurisdiction of the National Railroad Adjustment Board, and suggested that they be taken before that tribunal.

Case A-2204

*Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen
and*

Texas & New Orleans Railroad Co.

The Executive order of the President, dated March 1, 1946, resulted in the appointment of a board composed of Hon. H. Nathan Swaim, former judge, Supreme Court of Indiana, Indianapolis, Ind.; Hon. Eugene L. Padberg, judge, Supreme Court of Missouri, St. Louis, Mo.; and Col. Grady Lewis, attorney, Washington, D. C.

The Board selected Judge Swaim as chairman. Public hearings and conferences were held in Houston, Tex., commencing March 6, 1946, and concluding March 28, 1946. The Board's report was made to the President March 30, 1946.

The disputes involved in this case grew out of a strike ballot spread by the 2 organizations which included 383 numbered items, 61 of which were questions that could properly be mediated under the Railway Labor Act, but which had not been progressed through the procedures of the law, the remainder being grievances, claims, and protests that previous awards of the National Railroad Adjustment Board had not been complied with. In all, the strike ballot contained 707 separate requests, complaints, and grievances.

The items which could be mediated were so handled in extensive mediation proceedings running a total of 65 days. During this handling 47 of the mediable items were disposed of. It was necessary to offer arbitration on the others, which was declined by both parties. Subsequently the organizations set a strike date of March 2, 1946, on all unsettled cases.

The brotherhoods advised the Emergency Board that they were not appearing before it officially, but only as a matter of courtesy. After intimations that further direct negotiations might result in the settlement of many of these disputes, the parties entered into joint meetings, being counseled from time to time by the Emergency Board, and on March 28, 1946, arrived at a complete settlement of all issues. The Board, therefore, made no formal recommendations in this case.

CASE A-2215

*Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen
and*

The Alton Railroad and other carriers

The Executive order of the President, dated March 8, 1946, resulted in the appointment of a board composed of Hon. Leif Erickson, former judge, Supreme Court of Montana, Helena, Mont.; Mr. Frank M. Swacker, attorney, New York, N. Y.; and Dean Gordon S. Watkins, of the University of California at Los Angeles, Los Angeles, Calif.

The Board selected Judge Erickson as chairman. Public hearings and conferences were held in Chicago, Ill., beginning March 12, 1946, and concluding April 8, 1946. The Board's report was made to the President on April 18, 1946.

The dispute in this case grew out of a general notice served by the 2 organizations on virtually all rail carriers with which they held agreements under date of July 24, 1945, for a wage increase of 25 percent, with a minimum increase of \$2.50 per day, and changes in

44 rules governing working conditions, together with rules pertaining particularly to yardmasters and dining car stewards. Many of the carriers receiving these demands served counter proposals for rules changes on the 2 organizations.

This dispute was mediated by the full membership of the National Mediation Board, together with wage and rules demands from 18 other operating and nonoperating rail labor organizations, without success. The organizations declined arbitration, and set a strike date for March 11, 1946.

The Emergency Board, after lengthy hearings and further attempts to mediate, finally recommended an increase of 16 cents per hour, based on the difference between increases received since 1941 and the cost of living index increase between 1941 and the date of its report. The Board found itself unable to make any recommendations on working rules for yardmasters and dining car stewards, due to insufficient time to consider all employment conditions and bases of compensation for these groups. However, the Board did make specific recommendations with respect to several of the 44 rules changes proposed by the employees, and the counter proposals of the carriers.

The recommendations of the Emergency Board respecting both wage increase and rules changes were rejected in their entirety by the two organizations, which then proceeded with their plans for a national strike. This strike occurred May 23, 1946, the employees returning to work May 25, 1946, after a settlement made with the carriers at the instance of the President of the United States.

Case (undocketed)

Brotherhood of Railroad Trainmen

and

Chicago, Rock Island & Pacific Railway Co.

The Executive order dated April 17, 1946, resulted in the appointment of a board composed of Col. Grady Lewis, attorney, Washington, D. C.; Hon. Henri A. Burque, judge, Supreme Court of New Hampshire; and Hon. Roger I. McDonough, judge, Supreme Court of Utah, Salt Lake City, Utah.

Colonel Lewis was selected as chairman. Public hearings were held in Chicago, Ill., beginning April 29, 1946, and concluding May 1, 1946. The Board's report was made to the President May 6, 1946.

The dispute in this case grew out of a strike ballot spread by the organization after the carrier had refused to settle to the satisfaction of the employees a docket of 18 grievances, which both parties agreed were all referable to the National Railroad Adjustment Board. Instead of taking these cases to the Adjustment Board, the organization set a strike date for 6 p. m., April 17, 1946.

Although recognizing that these 18 grievances should have been taken to the Adjustment Board, both parties asked the Emergency Board to consider and make recommendations in the several cases presented. This was done. In 1 case involving the application of an award of the First Division of the Adjustment Board, the Emergency Board declined to interpret the award, and recommended that an interpretation be sought from the First Division. In 16 other cases, the Emergency Board made specific recommendations for or against the claims of the organization. The eighteenth case involved an

attempt by the organization to rescind a settlement made by one of its vice presidents in 1937, due to the repudiation of the settlement by its board of appeals. The Emergency Board recommended against reopening this settlement on the grounds that it had been made in good faith between the carrier and a responsible officer of the organization which was recognized as the legal collective bargaining agent for the employees involved.

In the conclusion of the Emergency Board's report to the President, the Board took occasion to call attention to the fact that the National Railroad Adjustment Board has been created under the Railway Labor Act to adjudicate disputes such as those included in the strike ballot in this case, and that Emergency Boards created under section 10 of the act are not and cannot be endowed with power properly to dispose of cases-referable to the Adjustment Board. It recommended strict observance of the specific provisions of the Railway Labor Act by all parties affected.

Case A-2273

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, International Association of Machinists, International Brotherhood of Blacksmiths, Drop Forgers and Helpers of America

and

Railway Express Agency, Inc.

The executive order of the President, dated April 24, 1946, resulted in the appointment of a Board composed of Hon. Robert W. Woolley, attorney, of Washington, D. C.; Dr. I. L. Sharfman, professor of economics, University of Michigan, Ann Arbor, Mich.; and Mr. Leverett Edwards, attorney, of Oklahoma City, Okla.

The Board selected Mr. Woolley as chairman. Public hearings were held in Washington, D. C., beginning May 2, 1946, and concluding May 17, 1946. The Board's report to the President was dated May 23, 1946.

The dispute in this case grew out of a request of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees for an increase in pay of 30 cents per hour. Similar demands had been made by the Machinists and Blacksmiths for employees of the Agency represented by those organizations. The Machinists, in addition, demanded shift differential payments of 10 cents per hour for the second shift and 15 cents per hour for the third shift.

The Emergency Board recommended an increase of 16 cents per hour for all employees involved, following the recommendations made by the Emergency Board in Case A-2215, reported above. It also recommended that the shift differential demands be withdrawn by the Machinists, since such differentials are not the practice in the railroad industry, with which the Railway Express Agency is closely connected. After the final settlement of the railroad wage demands, a supplemental increase of 2½ cents per hour to Express employees involved in this dispute was made by agreement.

Cases A-2219, 2231, 2241, 2242, 2243, 2244, 2245, 2246, 2247, 2248, 2249, 2250, and 2251

Air Line Pilots Association, International

and

Transcontinental & Western Air, Inc.; American Airlines, Inc.; American Overseas Airlines, Inc.; Braniff Airways, Inc.; Chicago and Southern Air Lines, Inc.; Delta Air Corp.; Eastern Air Lines, Inc.; National Airlines, Inc.; Northeast Airlines, Inc.; Northwest Airlines, Inc.; Pennsylvania-Central Airlines Corp.; United Air Lines, Inc.; Western Air Lines, Inc.

The Executive order dated May 7, 1946, resulted in the appointment of a Board composed of Hon. George E. Bushnell, judge, Supreme Court of Michigan, Detroit, Mich.; Dr. Wm. M. Leiserson, director, Labor Organization Study, Johns Hopkins University, Washington, D. C.; and Dr. John A. Lapp, industrial relations consultant, Chicago, Ill.

The Board selected Judge Bushnell as chairman. Public hearings were held in New York, N. Y., beginning May 17, 1946, and concluding June 19, 1946. The Board's report to the President was dated July 8, 1946.

The dispute in these cases involved rates of pay for pilots and copilots flying 4-engine planes known as Douglas Skymaster (DC-4) and Lockheed Constellations, and working rules relating to the operation of these planes in domestic and international service, for such planes operated by the T. & W. A. and all the other 13 airlines mentioned above. The emergency which brought about the creation of this Board was the threat of pilots and copilots employed by Transcontinental & Western Air, Inc., to strike on May 7, 1946. The Air Line Pilots Association contended throughout the proceedings that only Case A-2219, involving Transcontinental & Western Air, Inc., was properly before the Emergency Board, and refused to present evidence on the merits of the other cases included in the Executive order, confining their statements to the status of the negotiations in each case, from their viewpoint.

The Emergency Board heard all evidence in Case A-2219, and then called up the other cases in order. The carriers rested their presentation on that made in A-2219, except for a small amount of supplementary testimony in some of the other cases. The Air Line Pilots Association had demanded substantial increases in basic, mileage, and hourly pay factors, a limitation of 900 hours of flying per year, and a 22,000 mile limitation per month. In addition, they demanded a monthly flying guarantee of 70 hours per month in international service. Similar requests were made for increases for copilots, who are now paid a flat monthly salary graduated upward on the longevity basis.

The recommendations of the Emergency Board, generally stated, were that the present rates of base and hourly pay should be continued without change, but that the hourly pay brackets be extended to cover the present higher operating speeds of four-engine planes. The Board also recommended an increase in the mileage pay of one-half cent per mile applied to mileage flown of 12,000 miles or over per month at speeds in excess of 100 miles per hour. An increase of \$750 per year was recommended for first pilots assigned to international service. No change in the present basis of compensating additionally for flying over hazardous terrain was recommended. The Board did not recommend any change in the present statute limitation of 85

hours flying per month, nor was any guaranteed number of flying hours recommended. With respect to copilots, the Board recommended 1 cent per mile be paid for monthly mileages of 12,000 or over in excess of 100 miles per hour for international service, and one-half cent per mile for such mileage in domestic service. No change in the base rates for copilots was recommended, nor was any hourly pay for copilots included in the Board's recommendations. An allowance of \$25.00 per month was recommended for copilots in international service who qualify as navigators. The Board also made a number of recommendations for new rules and working conditions for pilots in international service.

The basic dispute between the carriers and the Air Line Pilots Association in these cases concerned the method of collective bargaining, that is, whether it should be industry-wide, between the Air Lines Negotiating Committee representing all the carriers involved, or whether it should be conducted by each airline, bargaining separately. The carriers contended for the industry-wide basis, while the Association desired to continue bargaining with each airline separately, and for each new type of equipment. The Association contended that except for A-2219 and A-2231, all of the remaining cases had not been properly progressed under the Railway Labor Act, and therefore were not properly before the Emergency Board. The Emergency Board did not recommend that the association bargain on an industry-wide basis, and stated that the right of the various carriers to designate the Air Lines Negotiating Committee to represent them cannot be questioned by the association.

The Emergency Board further recommended that Case A-2231 be remanded to the parties for further negotiations and possibly further mediation. With respect to Cases A-2241-51 inclusive, the Board found that the provisions of the various agreements concerning changes in their terms had not been complied with, nor had the provisions of the Railway Labor Act regarding direct negotiations been carried out. The Board therefore concluded that its recommendations in Case A-2219 should not be applied to Cases A-2241-51, but that these disputes be referred back to the parties for further handling under the terms of the various contracts and the law.

Case A-2343

*Brotherhood of Locomotive Engineers, Brotherhood of Railroad Trainmen
and*

Hudson and Manhattan Railroad Co.

The Executive order dated May 29, 1946, resulted in the appointment of a Board composed of Dr. John A. Fitch, professor of social work, Columbia University, New York, N. Y.; Mr. Arthur E. Whittemore, attorney, Boston, Mass.; and Mr. Russell Wolfe, attorney, Philadelphia, Pa.

The Board selected Dr. Fitch as chairman. Public hearings were held in New York City beginning June 6, 1946, and concluding June 11, 1946. The Board's report to the President was dated June 20, 1946.

The dispute which caused the creation of this Board was the demand of the two organizations that the carrier apply the wage increase of 18½ cents per hour to the employees represented by them in accordance with the terms of the general wage settlement made with operating employees of the nation's rail carriers on May 25, 1946. The

employees of the Hudson and Manhattan involved in this case went on strike May 30, 1946, to enforce their demands, and remained on strike throughout the Board's handling of the dispute.

During the hearings conducted by the Emergency Board June 6 through June 11, 1946, no appearance was made on behalf of the employees. However, on June 18, 1946, a representative of the two organizations appeared before the Board and presented a statement of their position.

In its report, the Emergency Board found that the Hudson and Manhattan should apply the terms of the national wage settlement to the employees represented by the two Brotherhoods, disclaiming any compulsion due to the strike then in progress. A settlement of the strike was effected between the carrier and the organizations on June 22, 1946, placing the Emergency Board's recommendations in effect.

3. EMERGENCY BOARDS—NATIONAL RAILWAY LABOR PANEL

As noted in earlier annual reports of the Board (for the fiscal years 1942, 1943, 1944, and 1945), 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," were 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 certification 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."

Executive Order 9599 (August 18, 1945) further defined, for the reconversion period, the authority of officials charged with the settlement of labor disputes by stating that "labor disputes which would interrupt work contributing to the production of military supplies or interfere with effective transition to a peacetime economy are disputes which interrupt work contributing to the effective prosecution of the war."

During the fiscal year 1946, 10 separate emergency boards were designated by the chairman of the National Railway Labor Panel

from among the persons appointed to the Panel by the President. All of these boards reported prior to June 30, 1946, the end of the fiscal year. Four emergency boards designated prior to June 30, 1945, reported during the present fiscal year. All 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 National Railway Labor Panel consisted of the following persons, appointed by the President:

H. H. Schwartz, Chairman.

Robert D. Calkins, dean, School of Business, Columbia University.

Walter C. Clephane, attorney, Washington, D. C.

A. G. Crane, former president of Wyoming State University.

Thomas Hopkinson Eliot, attorney, Boston, Mass.

Leif Erickson, former justice, Supreme Court of Montana.

Walter T. Fisher, attorney, Chicago, Ill.

John A. Fitch, professor of social work, New York School of Social Work, Columbia University.

Walter Gilkysen, attorney, New Hartford, Conn.

James P. Hughes, former justice, Supreme Court of Indiana.

John A. Lapp, industrial relations consultant, Chicago, Ill.

William M. Leiserson, director, Labor Organization Study, Johns Hopkins University.

Grady Lewis, attorney, Washington, D. C.

Roger I. McDonough, justice, Supreme Court of Utah.

Richard F. Mitchell, justice, Supreme Court of Iowa.

Eugene L. Padberg, judge, St. Louis Circuit Court.

Herbert B. Rudolph, justice, Supreme Court of South Dakota.

Curtis G. Shake, former justice, Supreme Court of Indiana.

I. L. Sharfman, professor of economics, University of Michigan.

William H. Spencer, professor, School of Business, University of Chicago.

Walter P. Stacy, justice, Supreme Court of North Carolina.

George W. Stocking, professor of economics, University of Texas.

Frank M. Swacker, attorney, New York City.

Ernest M. Tipton, justice, Supreme Court of Missouri.

Norman J. Ware, labor relations consultant, Hartford, Conn.

Gordon S. Watkins, dean, College of Letters and Science, University of California, Los Angeles.

Robert Wickliffe Woolley, attorney, Washington, D. C.

Edwin E. Witte, professor, University of Wisconsin.

James H. Wolfe, justice, Supreme Court of Utah.

John W. Yeager, justice, Supreme Court of Nebraska.

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

Southern Pacific Company (Pacific lines)

and

Brotherhood of Locomotive Engineers

An emergency board, consisting of James H. Wolfe, Gordon S. Watkins, and A. G. Crane, was appointed on 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.

The board elected James H. Wolfe as its chairman and conducted its hearings in San Francisco, beginning April 18, 1945. During the hearing, the Brotherhood of Locomotive Firemen and Enginemen was permitted to enter the case under a

plea that the interests of its membership would be affected adversely by the adoption of four rule changes proposed by the Brotherhood of Locomotive Engineers.

In its report, dated July 12, 1945, the board denied most of the Brotherhood's proposals but recommended adoption of several of their requests in either their original form or with some modification. It found that some of the proposed changes were not warranted by actual operating experience, and that other proposed rules would be prejudicial to another organization of railroad employees and therefore contrary to the intent of the Railway Labor Act. A proposed increase in the minimum daily guarantee for engineers in passenger service, and extension of the guarantee to cover all classes of road and yard service, was denied by the board without prejudice to reopening at some date after relaxation of wage stabilization controls.

The recommendations of the board were placed in effect by the carrier.

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

and

Air Line Communication Employees Association

An emergency board, comprising Norman J. Ware, Robert D. Calkins, and John A. Fitch, was designated on April 25, 1945, 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 in each case upon the finding that the proposed increases would result in salary rates exceeding the stabilized "going" rates for such work in the air-line industry.

The board elected Norman J. Ware as its chairman and conducted its hearings in New York City, commencing May 14, 1945.

On July 18, 1945, the board reported its finding that certain modified salary increases were warranted by application of the "Little Steel" formula, such increases being certified by the board as consistent with existing standards for controlling inflationary tendencies. The board's recommendations were approved by the Economic Stabilization Director under date of August 21, 1945.

Pan American Airways System

and

International Association of Machinists

On May 18, 1945, Norman J. Ware, Robert D. Calkins, and John A. Fitch were designated to serve as an emergency board, pursuant to paragraph 3 of Executive Order 9299, to review the Panel Chairman's denial of collectively bargained salary increases for armed guards and lead guards employed by the Atlantic Division of Pan American Airways, Inc., at La Guardia Field, New York. The Chairman's denial had been based upon the finding that the proposed increases would produce salary rates in excess of the stabilized "going" rates for such work in the air transport industry.

The board elected Norman J. Ware as its chairman and conducted its hearings in New York City, starting on May 28, 1945.

On July 18, 1945, the board reported its finding that increases up to the "sound and tested" bracket rates established by the Regional War Labor Board for armed guards in the New York area would be consistent with existing standards for controlling inflationary tendencies. The Economic Stabilization Director approved the board's recommendations on August 21, 1945.

National Mediation Board Case A-2069

Washington, Idaho & Montana Railway Co.

and

United Brotherhood of Carpenters and Joiners of America

An emergency board, consisting of Richard F. Mitchell, Herbert B. Rudolph, and Ernest M. Tipton, was appointed on June 22, 1945, to investigate a dispute concerning demands of the carrier's employees for a general wage increase based

upon a proposed minimum wage rate of 82½ cents per hour and for shortening the basic workweek to 40 hours. The two proposals were similar to adjustments 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 elected Richard F. Mitchell as its chairman and conducted its hearings in Spokane, Wash., commencing July 9, 1945.

The board, in its report of July 16, 1945, reported it could not certify the proposed increases in rates of pay as being consistent with existing standards for controlling inflationary tendencies; also, that it found the proposed 40-hour basic workweek not in accord with the practice of other interstate common-carrier railroads. The board, therefore, recommended denial of both demands.

National Mediation Board Cases A-2013 and A-2035

Railway Express Agency, Inc.

and

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

An emergency board, composed of Walter P. Stacy, I. L. Sharfman, and John A. Lapp, was appointed on July 12, 1945, to investigate two unadjusted disputes between the parties. One case involved the Brotherhood's request for modification of its "national agreement" with the Express Agency to provide a wage increase of 10 cents per hour for employees in localities other than the New York area; the other related to proposed modifications of the parties' "local agreement," covering the New York Metropolitan District, to provide a wage increase of 20 percent, more liberal paid vacations, and changes in numerous working rules.

The board elected Walter P. Stacy as chairman and conducted hearings in New York City, beginning on July 26, 1945.

In its report of August 24, 1945, the board recommended denial of most of the proposed modifications in working rules but recommended that the parties liberalize the existing vacation policy to conform to the standard vacation period for nonoperating railroad employments. In view of the Japanese surrender and of the Presidential announcement of a change in stabilization policy on August 18, 1945, the board declined to make a recommendation on the wage issues and suggested that the parties renegotiate after appraising the conditions in prospect for the reconversion period.

The organization rejected the board's recommendations and a second emergency board was later appointed by the President under section 10 of the Railway Labor Act.

National Mediation Board Cases A-1693, A-1974, A-1971, A-1928, A-1930, A-1929, and A-1927

Canadian Pacific Railway Co.

and

Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood of Maintenance of Way Employees; Railway Employees' Department; Brotherhood of Locomotive Firemen and Enginemen; Brotherhood of Railroad Trainmen; Order of Railway Conductors of America; and Brotherhood of Locomotive Engineers

On August 1, 1945, Frank M. Swacker, Walter C. Clephane, and Walter Gilkysen were appointed members of an emergency board to investigate unresolved wage disputes between the carrier and seven railroad labor organizations. In dispute were the proposals of the organizations to amend their respective system-wide agreements to provide for certain groups employed within the United States retroactive increases required to establish equality with wage rates paid in New England by the Canadian National Railway and with the "standard" rates for class I railroads in the Eastern Region, and, for other groups employed in this country, retroactive wage increases equal to the increases involved in national wage settlements with carriers in the United States since January 1, 1937.

The board elected Frank M. Swacker as its chairman and conducted hearings in Portland, Maine, commencing on August 13, 1945.

Reporting under date of August 22, 1945, the board held that the parties had not fully discharged their duty to bargain under the Railway Labor Act, and, therefore, recommended that the wage controversy be remanded to the parties. It was also recommended that the parties should except employees in the United States from the application of the carrier's existing system-wide agreements and establish separate agreements to cover their employment. In the form of a suggestion, the board outlined as a fair settlement of the wage disputes the equalizing of rates of pay with rates paid by the Central Vermont Railway to certain employee groups and with rates paid by the Canadian National to other classes of employees in New England, such equalization to be given current, rather than retroactive application.

The parties followed the procedural recommendation of the board and negotiated separate agreements covering employment in the United States.

National Mediation Board Case A-1816

Delaware, Lackawanna & Western Railway Co.

and

Utility Workers Organizing Committee

On August 9, 1945, an emergency board, comprising Herbert B. Rudolph, Norman J. Ware, and Ernest M. Tipton, was appointed to hear a dispute involving the negotiation of a collective agreement between the Delaware, Lackawanna & Western Railroad Co. and the Utility Workers Organizing Committee, C. I. O. The board elected Herbert B. Rudolph as its chairman and conducted its hearings in New York City, starting on August 20, 1945.

On August 24, 1945, the board reported that its mediatory services had resulted in agreement between the parties on all terms of a collective bargaining contract, except provision for the final steps in the procedure for settlement of grievance disputes arising under the contract. Expressing the opinion that the Railway Labor Act provides adequate machinery for the settlement of any future disputes that might arise under the collective agreement, the board recommended that no procedure for the settlement of disputes be written into the agreement other than the agreed provisions dealing with the progressing of grievance cases on the property.

The parties accepted the board's recommendation.

National Mediation Board Cases A-1729 and A-1946

Pacific Electric Railway Co.

and

Brotherhood of Railroad Trainmen

On November 2, 1945, an emergency board, consisting of Herbert B. Rudolph, John A. Lapp, and James P. Hughes, was appointed to investigate two disputes between the Pacific Electric Railway Co. and the Brotherhood of Railroad Trainmen. One controversy involved the contention of the Brotherhood that the carrier wrongfully treated the classification of service director as one covered by the scope of a collective agreement with the Brotherhood of Railway Clerks, rather than as one within the scope of the existing agreement with the Trainmen; the other was concerned with a promotion rule, proposed by the Brotherhood, to require preferential consideration of trainmen, in the order of their seniority, for the filling of such positions as terminal foreman, service director, trainmaster, yardmaster, and other supervisory personnel in the transportation department under the rank of superintendent.

The board elected Herbert B. Rudolph as its chairman and conducted its hearings in Los Angeles, beginning on November 13, 1945.

In its report of November 24, 1945, the board disclaimed jurisdiction over the dispute concerning the scope of existing agreements in regard to the position of service director, stating that jurisdiction lay with the National Railroad Adjustment Board. With reference to the other controversy, the board recommended

against adoption of the proposed promotion rule on the grounds that it would present administrative difficulties and would complicate the relationship between unions representing several classes or crafts of work.

National Mediation Board Case A-1654

Northern Pacific Railway Co.

and

Order of Railway Conductors

On November 26, 1945, Leif Erickson, Walter T. Fisher, and Eugene L. Padberg were selected to serve as an emergency board to investigate the dispute between the carrier and the Order of Railway Conductors concerning proposed changes in money rules affecting dining car chefs and cooks. The proposed changes, requested by the organization, included reduction of the basic work month from 240 to 192 hours and compensation of overtime work at the rate of time and one-half instead of at the straight-time rate.

The board elected Leif Erickson as its chairman and conducted its hearings in St. Paul, Minn., beginning on December 4, 1945.

Based upon the finding that the parties to the current dispute were parties to the national wage agreement of January 1944, and that the instant controversy was pending and unresolved at the time of the 1944 national settlement, the board, in its report of December 12, 1945, concluded that the proposed rules changes were precluded by the terms of the 1944 agreement.

National Mediation Board Cases A-2085 and A-1940

Copper Range Railroad Co.

and

Brotherhood of Maintenance of Way Employees

On January 14, 1946, Richard F. Mitchell, Herbert B. Rudolph, and John A. Lapp were appointed as members of an emergency board to hear two disputes between the Copper Range Railroad Co. and the Brotherhood of Maintenance of Way Employees involving the Brotherhood's request for wage adjustments and liberalization of the vacation plan.

The board elected Richard F. Mitchell as its chairman and conducted its hearings in St. Paul, Minn., starting on January 22, 1946.

In its report of January 28, 1946, the board declined to recommend any wage increases, on the grounds that long-standing intercarrier wage differentials in the area, extending to all classes of employees, would thereby be disturbed. On the other hand, the board recommended that the carrier liberalize the vacation rule to grant those employees with 5 or more years of continuous service annual paid vacations of 12 days, in conformity with the provisions of the national vacation agreement of February 1945, accepted by railroads operating more than 90 per cent of the total miles of track in the United States.

National Mediation Board Case A-2096

Cowlitz, Chehalis and Cascade Railway Co.

and

Brotherhood of Railroad Trainmen

On February 28, 1946, an emergency board, composed of Frank M. Swacker, A. G. Crane, and John A. Lapp, was designated to investigate the dispute between the Cowlitz, Chehalis & Cascade Railway Co. and the Brotherhood of Railroad Trainmen concerning the Brotherhood's demand for a general wage increase of 76 cents per day.

The board elected Frank M. Swacker as its chairman and conducted its hearings in Seattle, Wash., starting on March 6, 1946.

On March 18, 1946, the board reported that its mediatory services had resulted in composing the dispute upon the basis of a general wage increase of 56 cents per day, retroactive to June 1, 1945, such adjustment to be without prejudice to the pending national wage demands.

National Mediation Board Cases A-2072, A-2152, A-1129, A-1125, and A-1132

Florida East Coast Railway Co.

and

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

An emergency board, consisting of Frank M. Swacker, Grady Lewis, and Walter Gilkyson, was appointed on May 24, 1946, to investigate five disputes between the carrier and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. The board elected Frank M. Swacker as its chairman and conducted its hearings in St. Augustine, Fla., beginning May 28, 1946.

On June 12, 1946, the board reported that four of the disputes, regarding certain proposed wage adjustments and rules governing hours of work and working conditions, had been composed by the parties through the board's mediatory services. The board found that the fifth dispute, involving requested adjustments in rates of pay for a larger number of positions, had not been processed completely by the parties under the Railway Labor Act, and recommended that this dispute be remanded to the parties for further negotiation.

The parties proceeded on the basis of the board's recommendation.

National Mediation Board Cases A-1413 and A-1584

Ogden Union Railway and Depot Co.

and

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

On May 29, 1946, an emergency board, consisting of Robert W. Woolley, James P. Hughes, and Norman J. Ware, was appointed to investigate two disputes between the carrier and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. The board elected Robert W. Woolley as its chairman and conducted hearings in Salt Lake City, beginning June 4, 1946.

With reference to the dispute concerning employment and compensation of part-time freight handlers, the board, in its report of June 19, 1946, recommended that the parties enter into a new agreement which should contain a suggested definition of "fluctuating and temporarily increased work" and which should specify the conditions of employment of part-time forces on such work; additionally, the board recommended retention of an existing memorandum agreement providing for an Extra Board for Freight Handlers.

In regard to the other dispute, the board recommended inclusion of certain key positions in several departments—e. g., stationmaster, baggage agent, ticket agent, and chief clerks in the offices of Auditor and Superintendent—within the scope of collective bargaining, on the grounds that such positions are covered by the provisions of the Railway Labor Act, amended. These positions, however, were to be exempted from the operation of rules establishing seniority as a factor in promotions and filling of vacancies.

Union Railroad Co. of Pittsburgh, Pa.

and

United Steelworkers of America (C. I. O.)

On June 12, 1946, an emergency board, consisting of Ernest M. Tipton, Grady Lewis, and John W. Yeager, was designated to investigate a controversy between the carrier and the United Steelworkers of America involving certain job and seniority rights of inside hostlers and outside hostler helpers. The board elected Ernest M. Tipton as its chairman and conducted its hearings in Pittsburgh, beginning June 17, 1946.

Following replacement in September 1945, of the United Steelworkers of America by the Brotherhood of Locomotive Engineers as bargaining representative for

inside hostlers and outside hostler helpers, as the result of an election conducted by the National Mediation Board, the Brotherhood negotiated a collective agreement with the carrier, providing that hostler and helper jobs could be held only by employees having a minimum of two years' seniority on the firemen's roster. Effectuation of this provision would have the effect of disqualifying some employees from continuing in their existing jobs.

The report of the board, dated June 25, 1946, recommended that an agreement be entered into between the carrier, the Brotherhood of Locomotive Engineers and the United Steelworkers of America, declaring that those employees who had held the position of inside hostlers retain such positions under the Brotherhood of Locomotive Engineers representation without impairment of their seniority rights.

Attempts by the parties to conclude the type of agreement recommended by the board were unsuccessful, and the parties later decided to submit the issues to the United States District Court.

VI. WAGE AND RULE AGREEMENTS

The Railway Labor Act places upon both the carriers and their employees the duty of exerting every reasonable effort to make and maintain agreements governing rates of pay, rules, and working conditions. The number of such agreements in existence indicates the wide extent to which this policy of the Act has become effective on both rail and air carriers.

1. *Agreements covering rates of pay, rules, and working conditions.*—Under section 5, third (e), all carriers subject to the Railway Labor Act are required to file with the National Mediation Board copies of all their agreements with employee representatives governing rates of pay, rules, and working conditions. As of June 30, 1946, there were on file with this Board a total of 4,833 such agreements, or an increase of 168 new agreements received during the year. Of this increase, 41 new agreements covered airline employees, the remainder dealing with railroad and express employees. Table 12 shows for the 12-year period 1935–46 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 1935–46*

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
All organizations:									
1946.....	4,833	3,002	627	112	722	159	8	68	139
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:									
1946.....	4,229	2,687	537	96	627	126	8	56	92
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:									
1946.....	521	265	88	15	77	29	0	12	39
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 1935-46—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:									
1946.....	82	48	2	1	18	4	0	0	8
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 supplemental agreements and amendments to existing agreements. During the fiscal year ended June 30, 1946, a total of 1,159 such revisions and supplements was filed with the Board. Of this total, 1,147 were revised or amended agreements.

Three of the supplemental agreements received during the year provided for the transfer of existing agreements from one organization to another, after changes in employee representation. Adding the 1,159 supplemental agreements to the 168 new basic agreements produces a total of 1,327 agreements of all types received in the Board's office during the fiscal year 1946.

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 United States. The data in this table summarize the detailed information for the individual carriers shown in table 14, and indicates the breadth of the scope of representation by the various national labor organizations.

TABLE 13.—*Number of agreements between 138¹ carriers and their employees by crafts or classes of employees, according to types of labor organizations holding the agreements, June 30, 1946*

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.....	136	1	—	1	—
Firemen and hostlers.....	133	2	2	1	—
Conductors.....	137	—	—	1	—
Brakemen, flagmen, and baggagemen.....	136	—	1	1	—
Yard foremen, helpers and switchtenders.....	132	—	1	1	4
Yardmasters.....	87	3	—	31	16
Machinists.....	129	5	—	3	1
Boilermakers.....	129	5	—	1	3
Blacksmiths.....	125	7	—	2	4
Sheet-metal workers.....	125	4	—	4	5
Electrical workers.....	120	6	—	7	5
Carmen.....	130	6	1	1	—
Powerhouse employees and railway shop laborers.....	126	2	—	8	2
Clerical, office, station, and storehouse.....	128	1	—	9	—
Maintenance of way employees.....	135	—	—	—	2
Telegraphers.....	128	2	—	6	2
Signalmen.....	103	3	—	9	23
Dispatchers.....	112	4	—	16	6
Dining-car stewards.....	48	2	—	5	83
Dining-car waiters and cooks.....	57	2	1	11	67
Marine service:					
Licensed deck.....	25	1	1	4	107
Licensed engine.....	23	2	1	5	107
Other marine employees.....	21	3	3	5	106

¹ See table 14.

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 airline 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, 1946.

(C) TABLE 14.—Collective labor agreements and employee representation on principal air line carriers as of June 30, 1946

Carrier	Pilots	Flight engineers	Flight radio operators	Flight navigators	Mechanics and ground service employees	Ground radio and teletype operators	Flight dispatchers	Clerical forces	Guards-watchmen	Miscellaneous
American Airlines, Inc.	ALPA	ALMD-UAW	ALCEA		ALMD-UAW	ALCEA	(x)	TWUA ⁸		
American Overseas Airlines, Inc.	ALPA	ALFEA	FCOA	AAN	ALMD-UAW ¹		ALDA		IAM	UTSEA ⁸ , ALMD-UAW ^{10 11}
Braniff Airways, Inc.	ALPA				ALMD-UAW	ALCEA	(x)	(x)		
Chicago & Southern Air Lines	ALPA		(x)		ALMD-UAW ¹	(x)	(x)	(x)		
Colonial Airlines, Inc.	ALPA		(x)		IAM ¹	(x)	ALDA	(x)		
Continental Air Lines, Inc.	ALPA		(x)		ALMD-UAW ²	(x)	ALDA	(x)		IAM ⁹
Delta Air Lines, Inc.	ALPA		(x)		ALMD-UAW	(x)	(x)	(x)		
Eastern Air Lines, Inc.	ALPA		(x)		IAM ¹	(x)	(x)	(x)		
Inland Air Lines	ALPA		(x)		ALMD-UAW ¹	(x)	ALDA	(x)		
Mid-Continent Airlines, Inc.	ALPA				ALMD-UAW ²	ALCEA	ALDA	SA ⁶		
National Airlines, Inc.	ALPA		(x)		IAM ¹	(x)	(x)	(x)		IAM ¹⁵
Northeast Airlines, Inc.	ALPA				IAM	ROU ⁴	ALDA	BRC		IBTCW&H ¹⁰
Northwest Airlines, Inc.	ALPA				IAM	ALCEA	ALDA	(x)		TWUA ^{11 13}
Pan American Airways, Inc.	ALPA	SA ²	SA	SA	TWUA-IAM ¹⁴	(x)	ALDA	BRC	UAW TWUA	UTSEA ¹² TWUA ^{11 13}
Pennsylvania-Central Airlines Corp.	ALPA									UTSEA ^{8 15}
Transcontinental & Western Air, Inc.	ALPA	ALFEA	SA	ALNA	IAM	ALCEA	ALDA	ALMD-UAW		
United Air Lines, Inc.	ALPA	SA			IAM	SA	(x)	IAM ^{6 7}		
Western Air Lines, Inc.	ALPA		FROA	ALNA		ALCEA	ALDA	ATEU ⁷		ALSA ¹³
Hawaiian Air Lines, Ltd.	SA				SA	SA	(x)	SA		

SYMBOLS

(x)	Some employees in this craft or class but not covered by agreement.
AAN	Association of Air Navigators.
ALCEA	Air Line Communications Employees Association, C. I. O.
ALDA	Air Line Dispatchers' Association, A. F. of L.
ALFEA	Air Line Flight Engineers Association, Inc.
ALPA	Air Line Pilots Association.
ALMD-UAW	Air Line Mechanics Dept., U. A. W.-C. I. O.
ALNA	Air Line Navigators Association.
ALSA	Air Line Stewardesses Association.
ATEU	Air Transport Employees Union—U. M. W. A.
BRC	Brotherhood of Railway & Steamship Clerks, Freight Handlers, Express & Station Employees.
FCOA	Flight Communication Officers' Association.
FROA	Flight Radio Officers Association.
IAM	International Association of Machinists.
IBTCW&H	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers.
ROU	Radio Officers Union of the Commercial Telegraphers Union, A. F. of L.
TWUA	Transport Workers Union of America, C. I. O.
UTSEA	United Transport Service Employees of America, C. I. O.
SA	System Association.

FOOTNOTES

- ¹ Also represents stockroom personnel.
² Separate agreement covers modification plant employees.
³ An amendment to agreement covers modification plant employees.
⁴ Radio operators only.
⁵ Stockroom personnel only.
⁶ Station managers only.
⁷ Represents stockroom personnel, also cargo handlers.
⁸ Covers red caps, ushers, and porters.
⁹ Covers stationary firemen.
¹⁰ Covers truck drivers.
¹¹ Covers restaurant employees.
¹² Covers marine porters.
¹³ Covers air-line stewardesses and stewards.
¹⁴ Separate agreement covering stockroom clerks.
¹⁵ Unskilled workers.

(A) TABLE 14.—COLLECTIVE LABOR AGREEMENTS AND EMPLOYEE REPRESENTATION ON 138 SELECTED CARRIERS AS OF JUNE 30, 1946

Line No.	Railroad	Engineers	Firemen and conductors	Brakemen, flagmen, and yardmen	Yard foremen, helpers, and switch tenders	Yardmasters	Machinists	Boiler-makers	Blacksmiths	Sheet-metal workers	Electrical workers	Carmen and coach cleaners	Powerhouse employees and railway shop laborers	Clerical office, station, and storehouse employees	Maintenance-of-way employees	Telegraphers	Signalmen	Dispatchers	Dining-car stewards	Dining-car cooks and waiters	Marine employees	Others	All other employees, miscellaneous groups	Line No.
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	
1	Akron, Canton & Youngstown Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	1
2	Alton R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	2
3	Ann Arbor R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	3
4	Atchafalaya & Santa Fe Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	4
5	Gulf, Colorado & Santa Fe Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	5
6	Parish & Santa Fe Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	6
7	Atlanta & West Point R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	7
8	Western Railway of Alabama	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	8
9	Atlantic Coast Line R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	9
10	Baltimore & Annapolis R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	10
11	Bangor & Aroostook R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	11
12	Barnes & Lake Erie R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	12
13	Boston & Maine R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	13
14	Burlington-Rock Island R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	14
15	Camden & Delaware R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	15
16	Canadian National Lines in New England	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	16
17	Canadian Pacific Lines in Maine and Vermont	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	17
18	Central of Georgia R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	18
19	Central R. Co. of New Jersey	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	19
20	Central Vermont Ry. Co., Inc.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	20
21	Charleston & Western Carolina Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	21
22	Chesapeake & Ohio Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	22
23	Chicago & Eastern Illinois Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	23
24	Chicago & Illinois Midland Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	24
25	Chicago & North Western Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	25
26	Chicago, Burlington & Quincy R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	26
27	Chicago Great Western R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	27
28	Chicago, Indianapolis & Louisville Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	28
29	Chicago, Milwaukee & St. Paul & Pacific R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	29
30	Chicago, Rock Island & Pacific Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	30
31	Chicago, St. Paul, Minneapolis & Omaha Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	31
32	Cincinnati & Northern Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	32
33	Colorado & Southern Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	33
34	Colorado & Wyoming Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	34
35	Columbus & Greenville Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	35
36	Delaware, Delaware & Potomac R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	36
37	Delaware, Lackawanna & Western R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	37
38	Denver & Rio Grande Western R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	38
39	Denver & Salt Lake R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	39
40	Detroit & Mackinac R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	40
41	Detroit & Toledo Shore Line R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	41
42	Detroit, Toledo & Iron Range Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	42
43	Duluth, Missabe & Iron Range Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	43
44	Duluth, South Shore & Atlantic Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	44
45	Duluth, Winnipeg & Pacific Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	45
46	Elgin, Joliet & Eastern Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	46
47	Erie R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	47
48	Florida East Coast Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	48
49	Fort Worth & Denver City Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	49
50	Georgia & Florida R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	50
51	Georgia Railroad, lessee organization	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	51
52	Grand Trunk Western R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	52
53	Great Northern Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	53
54	Green Bay & Western R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	54
55	Gulf, Mobile & Ohio R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	55
56	Illinois Central R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	56
57	Gulf & Ship Island R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	57
58	Yazoo & Mississippi Valley R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	58
59	Illinois Terminal R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	59
60	Kansas City Southern R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	60
61	Kansas, Oklahoma & Gulf Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	61
62	Lake Superior & Ishpeming R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	62
63	Lehigh & Hudson River Ry. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO	BRC	BMW	ORT	BSRA	ATDA	UTSEA	UTSEA	MMP	MEBA	UTSEA	63
64	Lehigh & New England R. Co.	BLE	BLF&E	BRT	BRT	BRT	BRT	IBBISB	IBBDF	SMWIA	IBEW	BRCA	IBFO											

VII. INTERPRETATION AND APPLICATION OF AGREEMENTS

Agreements or contracts made in accordance with the Railway Labor Act are of two kinds: first, those consummated as a result of direct negotiations between carriers and representatives of their employees establishing rates of pay, rules, and working conditions; second, mediation agreements made by the same parties and also dealing with rates of pay, rules, and working conditions, but consummated with the assistance and under the auspices of the National Mediation Board. These two types of agreements are generally designated respectively as "wage and rule agreements" and "mediation agreements." The meaning, application, or interpretation of these two types of agreements occasionally leads to differences between those who are parties to them.

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 1946 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 Divisions for the 4-year period 1943-46, inclusive.

TABLE 15.—*Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1943-46, inclusive*

	All divisions				First division			
	1946	1945	1944	1943	1946	1945	1944	1943
Open and on hand beginning of fiscal year.....	4,921	5,320	6,133	6,318	4,720	5,138	5,873	6,033
New cases docketed during year.....	1,011	2,675	2,467	2,545	573	2,233	2,050	2,018
Total number of cases on hand and docketed during year.....	5,932	7,995	8,600	8,863	5,293	7,371	7,923	8,051
Cases disposed of.....	2,561	3,074	3,280	2,730	2,150	2,651	2,785	2,178
Decided without referee.....	189	851	1,039	927	141	810	998	843
Decided with referee.....	248	704	713	571	411	411	375	283
Withdrawn.....	2,124	1,519	1,528	1,232	2,009	1,430	1,412	1,052
Open cases on hand—close of fiscal year.....	3,371	4,921	5,320	6,133	3,143	4,720	5,138	5,873
Heard.....	1,200	1,258	738	1,410	1,073	1,152	652	1,264
Not heard.....	2,171	3,663	4,582	4,723	2,070	3,568	4,486	4,609

TABLE 15.—*Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1943-46, inclusive—Continued*

Cases	Second Division				Third Division				Fourth Division			
	1946	1945	1944	1943	1946	1945	1944	1943	1946	1945	1944	1943
Cases on hand beginning of fiscal year.....	28	17	41	46	166	164	216	216	7	1	3	23
New cases docketed during year.....	44	83	64	126	337	335	332	361	57	24	21	40
Total number of cases on hand and docketed during year.....	72	100	105	172	503	499	548	477	64	25	24	63
Cases disposed of.....	54	72	88	131	299	333	384	361	58	18	23	60
Decided without referee.....	8	17	14	36	29	20	24	24	11	4	3	24
Decided with referee.....	29	44	60	70	190	238	269	192	29	11	9	26
Withdrawn.....	17	11	14	25	80	75	91	145	18	3	11	10
Open cases on hand close of fiscal year.....	18	28	17	41	204	166	164	216	6	7	1	3
Heard.....	16	18	12	27	110	87	74	117	1	1	0	2
Not heard.....	2	10	5	14	94	79	90	99	5	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 1946, referees were appointed by the Board in 21 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 1946 was 277, as compared with 846 during the fiscal year 1945.

In previous years most referees appointed by the National Mediation Board have been for the First Division. During most of the fiscal year 1946, however, the First Division did not function due to the employee members thereof declining to participate in considering disputes under procedures required by the decision of the United States Supreme Court in the case of "*Elgin, Joliet & Eastern vs. Burley*." Thus, the number of referees appointed for the First Division was reduced to 1 for 48 cases in 1946 as compared with 9 for 527 cases in 1945.

The following tabulation shows a summary of referee selections and appointments during the fiscal year 1946:

Referees appointed

FIRST DIVISION

Referee		Date of appointment	Number of cases for which appointed
Name	Residence		
Blake, Bruce.....	Olympia, Wash.....	Oct. 17, 1945	48

SECOND DIVISION

Thaxter, Sidney St. F. ¹	Portland, Maine.....	Jan. 28, 1946	27
Do. ¹	do.....	Jan. 31, 1946	2

THIRD DIVISION

Douglas, James M. ¹	Jefferson City, Mo.....	Oct. 5, 1945	10
Shake, Curtis G. ¹	Vincennes, Ind.....	Oct. 23, 1945	25
Do. ¹	do.....	Oct. 26, 1945	1
Do. ¹	do.....	Nov. 13, 1945	1
Youngdahl, Luther W. ¹	St. Paul, Minn.....	Nov. 5, 1945	13
Do. ¹	do.....	Jan. 16, 1946	21
Carter, Edward F. ¹	Lincoln, Nebr.....	Nov. 28, 1945	8
Do. ¹	do.....	Dec. 20, 1945	30
Do. ¹	do.....	Feb. 13, 1946	11
Do. ¹	do.....	Apr. 17, 1946	22
Do. ¹	do.....	May 10, 1946	13
Thaxter, Sidney St. F. ¹	Portland, Maine.....	Mar. 28, 1946	17

FOURTH DIVISION

Gallagher, Thomas ¹	St. Paul, Minn.....	Sept. 26, 1945	6
Do. ¹	do.....	Oct. 12, 1945	10
Do. ¹	do.....	Nov. 14, 1945	1
O'Malley, Mart J.....	Indianapolis, Ind.....	Jan. 31, 1946	6
Wenke, Adolph E.....	Lincoln, Nebr.....	Mar. 26, 1946	3
Parker, Jay S.....	Topeka, Kans.....	May 21, 1946	2

¹ 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 with 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 1946 for interpretation. Since July 21, 1934, the Board has made only 15 interpretations of questions growing out of a total of 1,263 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 Agency 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 larger portion of mediatory services is 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 employees 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, the Board conducts hearings when necessary in connection with representation disputes to determine employees eligible to participate in elections. The Board 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:

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

Warren S. Lane.
George S. MacSwan.
Wm. F. Mitchell, Jr.
John F. Murray.
James E. Newlin.
J. Joseph Noonan.
Alexander D. Penfold.
Wallace G. Rupp.
Tedford E. Schoonover.
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 1945 balance of \$9,739 was reappropriated and made available for the fiscal year 1946.

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 1946, pursuant to the authority conferred by "An act to amend the Railway Labor Act and approved May 20, 1926." [Approved June 21, 1934.]

Regular appropriations:	
Salaries and expenses	\$262, 900
Printing and binding	2, 500
Total operating expenses	265, 400
Salaries and expenses, arbitration, emergency and emergency panel boards ¹	191, 400
Cost of handling penalty mail	700
Grand total	457, 500
Expenditures:	
Salaries, National Mediation Board	193, 769
Expenses incident to travel	60, 611
Printing and binding	2, 500
Other operating expenses	8, 056
Total operating expenses	264, 936
Expenses of arbitration, emergency and emergency panel boards ..	185, 829
Cost of penalty mail	464
Grand total	451, 229
Unexpended balances:	
Salaries and expenses, National Mediation Board	464
Expenses of arbitration, emergency and emergency panel boards ..	5, 571
Cost of penalty mail	236
	6, 271

¹ \$30,000 received from Emergency Funds for the President.

3. TABLES OF CASES HANDLED

For the past several years, the Board's annual reports have carried as appendices B and C a catalog of individual mediation and representation cases settled during each fiscal year. A shortage of printing funds during the fiscal year 1946-47 makes it necessary to omit in this report the catalog of cases settled during the fiscal year 1946. This is the second year that printing funds have been insufficient for this purpose.

APPENDIX A

TWELFTH ANNUAL REPORT

OF THE

NATIONAL RAILROAD ADJUSTMENT BOARD

END OF FISCAL YEAR JUNE 30, 1946, CHICAGO, ILL.

(Created June 21, 1934)

H. J. CARR, *Chairman*
R. H. ALLISON, *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.¹
HASSETT, M. W.
HELT, D. W.
HEMENWAY, HARRY
HOLMES, W. O.

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

¹ Replaced by C. S. Matthews.

² Replaced by R. J. Tillery.

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.....	\$5,403.01	Under direction of Board, administers its governmental affairs.
More, Lala K.....	Clerk-stenographer.....	244.14	Secretarial, stenographic, and clerical.
Dillon, Mary E.....do.....	2,203.88	Do.
Karl, Beverly R.....do.....	847.98	Stenographic and clerical.
Johnson, John B.....	Clerk-typist.....	1,973.15	Clerical.
House, Beatrice E.....	Telephone operator.....	2,141.16	Operates switchboard and serves as information clerk.

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

FIRST DIVISION

Name	Title	Salary paid	Duties
McFarland, Thomas S.....	Executive secretary.....	\$5,403.01	Administration of affairs of division and subject to its direction. Assists executive secretary.
Frohning, William C.....	Assistant executive secretary.	3,717.17	
Killeen, Bert F.....	Principal clerk-stenographer.	2,730.60	Digests and briefs cases and awards, takes hearings, etc.
Fostof, Evelyn F.....	Clerk-stenographer.....	2,888.03	Secretarial, stenographic, and clerical.
Israel, Bertha.....	do.....	2,864.88	Do.
Miller, Velma.....	do.....	2,882.30	Do.
Smith, Margaret J.....	do.....	2,919.87	Do.
Burdette, Mildred E.....	do.....	2,806.74	Do.
DeGraaff, Lois.....	do.....	1,256.49	Do.
Blee, Ruth W.....	do.....	2,598.53	Do.
Ellwanger, Dorothy M.....	do.....	2,445.41	Do.
Karlcek, Mac J.....	do.....	2,430.95	Do.
Quandec, Margaret M.....	do.....	2,466.90	Do.
LaSota, Dorothy R.....	do.....	1,998.45	Do.
Moss, Mary L.....	do.....	1,963.04	Do.
O'Leary, Mary L.....	Clerk-typist.....	1,544.07	Clerical.
Anderson, Ivy I.....	do.....	384.48	Do.
Schnase, Julia T.....	Clerk-stenographer.....	1,378.27	Stenographic and clerical.
Gillespie, Vincent E.....	File clerk.....	888.36	Maintaining files, etc.
Crockett, Mildred V.....	Clerk-typist.....	240.82	Clerical.
Hoglund, Evert C.....	File clerk.....	956.28	Maintaining files, etc.
REFEREES			
Roll, Curtis W., 3 days @ \$50 per day.		150.00	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Thaxter, Sidney St. F., 6 days @ \$50 per day.		300.00	Do.

SECOND DIVISION

Mindling, John L.....	Executive secretary.....	\$5,382.10	Administration of affairs of division and subject to its direction.
Lindberg, Robert L.....	Clerk-stenographer.....	1,898.53	Secretarial, stenographic, and clerical.
Williams, Dorothy M.....	do.....	2,919.87	Do.
Feldmann, Ellie D.....	do.....	1,613.47	Do.
Glenn, Allise N.....	do.....	2,839.50	Do.
Morrison, Margaret E.....	do.....	2,839.50	Do.
Shaugbnessy, Margaret V.....	do.....	2,806.74	Do.
Simonsen, Helen A.....	do.....	2,806.74	Do.
Stomner, Mary A.....	do.....	2,806.74	Do.
Bodenbender, Henry J.....	do.....	2,638.57	Do.
Leary, Mildred J.....	do.....	918.27	Do.
Vought, Marcella R.....	do.....	2,613.19	Do.
Powell, Betty A.....	do.....	2,412.26	Do.
Bies, Marilyn D.....	do.....	780.74	Do.
REFEREES			
Thaxter, Sidney St. F., 36 days @ \$50 per day.		1,800.00	Sat with division as member to make awards upon failure of division to agree or secure majority vote.

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

THIRD DIVISION

Name	Title	Salary paid	Duties
Johnson, Howard A.	Executive secretary	\$5,396.04	Administration of affairs of division and subject to its direction.
Groble, Agatha E.	Clerk-stenographer	2,903.95	Secretarial, stenographic, and clerical.
Lightner, Hazel I.	do.	2,903.95	Do.
Morse, Frances	do.	2,919.87	Do.
Tummon, A. Ivan	do.	1,600.51	Do.
Gardiner, James L.	do.	743.04	Do.
Anderson, Loreto C.	do.	2,095.45	Do.
Balskey, Clare Virginia	do.	2,518.42	Do.
Graham, John J.	do.	1,602.08	Do.
Harp, Rita M.	do.	649.62	Do.
Heffern, Teresa G.	do.	437.14	Do.
Sanford, Jewel C.	do.	2,525.44	Do.
Anderson, Louise S.	do.	2,479.02	Do.
Hughes, Virginia M.	do.	920.58	Do.
Jones, Robert E.	Clerk-stenographer	910.14	Do.
Miller, Kollogg B.	do.	2,386.88	Do.
Smith, Lois E.	do.	1,124.29	Do.
Callan, Francis E.	Junior clerk	963.81	Clerical.
Nassos, Ernest	do.	854.23	Do.
REFEREES			
Carter, Edward F., 98¾ days @ \$50 per day.		4,937.50	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Douglas, James M., 19¾ days @ \$50 per day.		987.50	Do.
O'Malley, Mart J., 3 days @ \$50 per day.		150.00	Do.
Shake, Curtis G., 37¼ days @ \$50 per day.		1,862.50	Do.
Thaxter, Sidney St. F., 39 days @ \$50 per day.		1,950.00	Do.
Tilford, Henry J., 1¾ days @ \$50 per day.		87.50	Do.
Youngdahl, Luther W., 52 days @ \$50 per day.		2,600.00	Do.

FOURTH DIVISION

Parkhurst, Raymond B.	Executive secretary	\$5,382.10	Administration of affairs of division and subject to its direction.
Zimmerman, R. Hazel	Clerk-stenographer	2,919.87	Secretarial, stenographic, and clerical.
Humfreville, Muriel Long	do.	2,806.74	Do.
Adams, Henrietta V.	do.	2,462.33	Do.
REFEREES			
Gallagher, Thomas F., 29¼ days @ \$50 per day.		1,462.50	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
O'Malley, Mart J., 9¼ days @ \$50 per day.		462.50	Do.
Parker, Jay S., 7 days @ \$50 per day.		350.00	Do.
Wenke, Adolph E., 7¾ days @ \$50 per day.		387.50	Do.

Accounting of all moneys appropriated by Congress for the fiscal year 1946, 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.....	\$252, 400. 00
Printing and binding.....	17, 500. 00

Deficiency appropriations:

Salaries and expenses, National Railroad Adjustment Board, National Mediation Board.....	23, 850. 00
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Total appropriated, fiscal year 1946.....	<u>293, 750. 00</u>
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Expenditures:

Salaries of employees.....	\$144, 359. 69
Salaries and expenses of referees.....	20, 990. 39
Travel expenses.....	1, 107. 65
Transportation of things.....	113. 54
Communication services.....	2, 522. 93
Rent.....	47, 988. 00
Electric service.....	1, 896. 65
Printing and binding.....	17, 468. 15
Other contractual services.....	2, 049. 79
Supplies and materials.....	2, 557. 51
Equipment.....	<u>3, 601. 42</u>

Total expenditures.....	<u>244, 655. 72</u>
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Unexpended balances:

Salaries and expenses.....	49, 062. 43
Printing and binding.....	31. 85

Total unexpended.....	<u>49, 094. 28</u>
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FIRST DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

39 South La Salle Street, Chicago 3, Illinois

WM. BISHOP, *Chairman*.
 R. A. KNOFF, *Vice Chairman*.
 PAUL M. CARTER.
 T. K. FAHERTY.
 M. G. LEACH.
 F. W. LEWIS.

L. L. McDONALD.
 L. O. MURDOCK.
 O. E. SWAN.
 J. L. WITHERSPOON.¹
 R. J. TILLERY.²
 F. J. WILLIAMS.

T. S. MCFARLAND, *Executive Secretary*.

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

² Successor to F. W. Lewis, resigned.

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 1945-46

Number of cases pending on docket July 1, 1945.....	4, 720
Number of cases received and docketed.....	573
	<hr/> 5, 293
Number of cases decided by issuing awards:	
Without referee.....	141
With referee.....	None
Withdrawn (no awards issued).....	2, 009
	<hr/> 2, 150
Number pending June 30, 1946.....	<hr/> 3, 143
Number of cases heard.....	None
Number of cases deadlocked.....	48
Number cases heard and not decided—heard 128; hearing waived 945.....	1, 073
Number of cases awaiting hearing.....	1, 968
Total cases docketed June 30, 1946.....	<hr/> 21, 667

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

Railroad	Docketed	Railroad	Docketed
Alton R. R.-----	6	Missouri-Kansas-Texas R. R.-----	5
Alton & Southern R. R.-----	1	Missouri Pacific R. R.-----	3
Atchison, Topeka & Santa Fe Ry. (Coast)-----	4	Nashville, Chattanooga & St. Louis Ry.-----	2
Atlanta & West Point R. R.-----	1	New Orleans, Texas & Mexico Ry.-----	2
Atlantic Coast Line R. R.-----	10	New York Central R. R. (East)-----	6
Baltimore & Ohio R. R.-----	7	New York Central R. R. (Ohio Central)-----	4
Bangor & Aroostook R. R.-----	3	New York, Chicago & St. Louis R. R.-----	10
Boston & Maine R. R.-----	1	Norfolk & Portsmouth Belt R. R.-----	2
Central of Georgia Ry.-----	17	Norfolk & Western Ry.-----	3
Central R. R. of New Jersey-----	1	Norfolk Southern Ry.-----	1
Chesapeake & Ohio Ry.-----	39	Northern Pacific R. R.-----	40
Chicago & Illinois Midland Ry.-----	3	Oakland Terminal Ry.-----	1
Chicago & Northwestern Ry.-----	5	Ogden Union Railway & Depot Co.-----	1
Chicago, Milwaukee, St. Paul & Pacific R. R. (West)-----	78	Pennsylvania R. R. (Central)-----	4
Chicago, North Shore & Milwaukee R. R.-----	2	Pennsylvania R. R. (Eastern)-----	5
Chicago, Rock Island & Pacific Ry.-----	1	Pennsylvania R. R. (N. Y. Zone)-----	1
Chicago, St. Paul, Minneapolis & Omaha Ry.-----	1	Pennsylvania R. R. (Western)-----	30
Cincinnati, New Orleans & Texas Pacific Ry.-----	1	Public Belt Ry. (New Orleans)-----	1
Cincinnati Union Terminal Co.-----	1	Sacramento Northern Ry.-----	9
Cleveland, Cincinnati, Chicago & St. Louis Ry.-----	1	St. Louis, Brownsville & Mexico Ry.-----	2
Columbus & Greenville Ry.-----	1	St. Louis-San Francisco Ry.-----	19
Delaware & Hudson R. R.-----	14	St. Louis-Southwestern Ry.-----	5
Delaware, Lackawanna & Western R. R.-----	4	San Antonio, Uvalde & Gulf R. R.-----	2
Denver & Rio Grande Western R. R.-----	30	San Diego & Arizona Eastern Ry.-----	3
Duluth, Missabe & Iron Range Ry.-----	24	Seaboard Air Line Ry.-----	5
Erie R. R.-----	3	Southern Pacific Co. (Pacific)-----	15
Georgia & Florida R. R.-----	1	Southern Ry.-----	2
Georgia, Southern & Florida Ry.-----	1	Spokane, Portland & Seattle Ry.-----	3
Great Northern R. R.-----	3	Terminal R. R. Association of St. Louis-----	1
Green Bay & Western R. R.-----	4	Texas & Pacific Ry.-----	15
Gulf Coast Lines-----	2	Texas Electric Ry.-----	1
Gulf, Colorado & Santa Fe Ry.-----	6	Union Pacific (South Central Dis- trict)-----	2
Gulf, Mobile & Ohio R. R.-----	1	Union Pacific (Southwestern Dis- trict)-----	4
Indiana Harbor Belt R. R.-----	1	Union R. R. (Pittsburgh)-----	4
International-Great Northern R. R.-----	8	Virginian Ry.-----	1
Kansas City Southern Ry.-----	3	Wabash R. R.-----	20
Kansas City Terminal Ry.-----	4	Western Pacific R. R.-----	15
Kewaunee, Green Bay & Western R. R.-----	1	Wheeling & Lake Erie Ry.-----	7
Louisville & Nashville R. R.-----	2	Wichita Falls & Southern R. R.-----	1
Maine Central R. R.-----	1	Youngstown & Northern R. R.-----	1
Michigan Central R. R.-----	17		
Minneapolis, St. Paul & Sault Ste. Marie R. R.-----	1	Total-----	573

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

Organization	Docketed	Organization	Docketed
Engineers-Firemen-Conductors- Trainmen-----	4	Conductors-----	108
Engineers-Firemen-----	52	Conductors-Trainmen-----	29
Engineers-----	83	Trainmen-----	143
Firemen-----	142	Switchmen's Union of North Amer- ica-----	10
Firemen-Switchmen's Union of North America-----	1	C. I. O.-----	1
		Total-----	573

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.¹
 T. E. LOSEY.
 A. G. WALTHER.
 GEORGE WRIGHT.

J. L. MINDLING, *Executive Secretary*.

¹ Retired May 31, 1946.

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 employes, 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 employes.

Report of cases handled by the Second Division, fiscal year ended June 30, 1946

	Number of cases		Number of cases
Docketed.....	44	Decided—Continued.	
Heard.....	45	Decided without referee.....	25
Decided.....	54	Withdrawn.....	17
Decided with referee.....	29	Deadlocked.....	29

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
Atlantic Coast Line R. R.....	4	Florida East Coast Ry.....	1
The Alton R. R. Co.....	1	Georgia R. R.....	2
Boston and Maine R. R.....	3	Great Northern Ry.....	1
Charleston & Western Carolina Ry. Co.....	1	Illinois Central R. R. Co.....	1
Chicago, Burlington and Quincy R. R.....	4	Kansas City Terminal Ry. Co.....	1
The Chicago, Rock Island & Pacific Ry. Co.....	3	Lehigh Valley R. R.....	7
Clinchfield R. R. Co.....	1	Louisville & Nashville R. R. Co.....	1
The Delaware & Hudson R. R. Corp.....	1	Missouri Pacific R. R.....	1
The Delaware, Lackawanna and Western R. R. Co.....	1	Monongahela Connecting R. R.....	1
The Denver & Rio Grande Western R. R. Co.....	2	The New York Central R. R. Co.....	1
		Norfolk & Western Ry. Co.....	2
		St. Louis-San Francisco Ry. Co.....	2
		Union Pacific R. R. Co.....	1
		Wabash R. R. Co.....	1
		Total.....	44

ORGANIZATIONS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
International Association of Ma- chinists.....	10	Brotherhood Railway Carmen of America.....	17
International Brotherhood of Boil- ermakers, Iron Ship Builders and Helpers of America.....	2	International Brotherhood of Fire- men and Oilers, Roundhouse and Shop Laborers.....	3
International Brotherhood of Black- smiths, Drop Forgers and Helpers.....	0	Federated Trades.....	2
Sheet Metal Workers' Interna- tional Association.....	0	Individually submitted cases, etc..	1
International Brotherhood of Elec- trical Workers.....	9	Total.....	44

THIRD DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

J. H. SYLVESTER, *Chairman*.
 R. H. ALLISON, *Vice Chairman*.
 C. C. COOK.
 C. P. DUGAN.
 Hugo ERNST.
 JOHN R. GARBER.¹

D. W. HELT.
 H. HEMENWAY.
 A. H. JONES.
 C. S. MATTHEWS.
 R. F. RAY.
 H. A. JOHNSON,
Executive Secretary.

¹ John R. Garber replaced by C. S. Matthews, June 17, 1946.

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).

Report of cases handled by the Third Division, fiscal year 1946

	Number of cases		Number of cases
Open and on hand July 1, 1945	166	Deadlocked	198
Docketed	337	Decided by referee	190
Heard	245	Open and on hand June 30, 1946	204
Decided	¹ 300	Interpretations	4
Withdrawn	80		

¹ Award Nos. 2869 and 3130 on Docket No. MW-2012.

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
Alabama Great Southern	3	Colorado & Southern	1
Atchison, Topeka & Santa Fe	14	Delaware & Hudson	11
Atlanta & West Point	1	Delaware, Lackawanna & Western	12
Atlantic Coast Line	4	Denver & Rio Grande Western	8
Boston & Albany	2	Denver & Salt Lake	1
Boston & Maine	1	Detroit & Toledo Shore Line	1
Brooklyn Eastern District Terminal	1	Erie	11
Central of Georgia	2	Grand Trunk Western	1
Charleston & Western Carolina	1	Great Northern	4
Charleston Union Station	1	Gulf Coast—IGN	16
Chesapeake & Ohio	6	Gulf, Mobile & Ohio	2
Chesapeake & Ohio and Nickel-plate	1	Illinois Central	6
Chicago, Burlington & Quincy	5	Jacksonville Terminal	1
Chicago & Eastern Illinois	1	Kansas City Terminal	1
Chicago Great Western	1	Lake Terminal	1
Chicago & Illinois Midland	1	Lehigh Valley	23
Chicago, Indianapolis & Louisville	1	Long Island	1
Chicago, Milwaukee, St. Paul & Pacific	3	Los Angeles Union Passenger Terminal	2
Chicago, North Shore & Milwaukee	1	Louisville & Nashville	1
Chicago & North Western	2	Minnesota Transfer	1
Chicago, Rock Island & Pacific	13	Missouri-Kansas-Texas	1
		Missouri Pacific	17
		Missouri Pacific Lines	12
		Nashville, Chattanooga & St. Louis	1

CARRIERS PARTY TO CASES DOCKETED—continued

	Number of cases		Number of cases
New York Central.....	13	Southern Pacific (Texas & Louisiana).....	2
Norfolk & Western.....	2	Terminal Railroad Ass'n of St. Louis.....	2
Northern Pacific.....	7	Texas Mexican.....	2
Northern Pacific Terminal.....	1	Texas & Pacific.....	1
Ogden Union Railway & Depot.....	1	Union Pacific.....	3
Pennsylvania.....	11	Union Terminal and St. Joseph Belt.....	1
Pullman Co.....	48	Wabash.....	3
Reading.....	4	Western Pacific.....	1
Sacramento Northern.....	1	Wheeling & Lake Erie.....	2
Seaboard Air Line.....	6		
St. Louis-San Francisco.....	1	Total.....	337
St. Louis Southwestern.....	5		
Southern.....	2		
Southern Pacific (Pacific Lines).....	17		

ORGANIZATIONS PARTY TO CASES DOCKETED

American Train Dispatchers Association.....	18	Joint Council of Dining Car Employees.....	14
Brotherhood of Maintenance of Way Employees.....	47	Order of Railroad Telegraphers.....	54
Brotherhood of Railroad Signalmen of America.....	28	Order of Railway Conductors.....	1
Brotherhood of Railroad Trainmen.....	4	Order of Railway Conductors (Pullman System).....	4
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.....	119	United Transport Service Employees of America.....	4
Brotherhood of Sleeping Car Porters.....	44	Total.....	337

FOURTH DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

Twelfth annual report for the fiscal year ended June 30, 1946

R. A. WALTON, *Chairman.* J. M. FOX.
H. J. REESER, *Vice Chairman.* W. O. HOLMES.
E. W. FOWLER. T. F. PURCELL.
R. B. PARKHURST, *Executive Secretary*

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 ended June 30, 1946

	Number of cases
Open and on hand beginning fiscal year.....	7
New cases docketed during fiscal year.....	57
Total number cases on hand and docketed during fiscal year.....	64
Cases disposed of during fiscal year.....	58
Decided without referee.....	11
Decided with referee.....	29
Withdrawn.....	18
Open cases on hand close of fiscal year.....	6

*Report of cases handled by the Fourth Division for the fiscal year
ended June 30, 1946—Continued*

	<i>Number of cases</i>
Heard.....	1
Not heard.....	5
Cases heard during fiscal year.....	39
Cases deadlocked during fiscal year.....	28

CARRIERS PARTY TO CASES DOCKETED

Alton R. R.	1
Atchison, Topeka and Santa Fe Ry. Co. (Coast Lines)	1
Atchison, Topeka and Santa Fe Ry. Co. (Eastern Lines)	2
Atlantic Coast Line R. R. Co.	1
Baltimore and Ohio Chicago Terminal R. R. Co.	1
Central R. R. Co. of New Jersey	1
Chesapeake and Ohio Ry. Co.	8
Chicago and Illinois Midland Ry. Co.	1
Chicago and North Western Ry. Co.	2
Chicago River and Indiana R. R. Co.	1
Chicago, Rock Island and Pacific Ry. Co.	2
Erie R. R. Co.	2
Gulf, Colorado and Santa Fe Ry. Co.	1
Illinois Central R. R. Co.	1
Indiana Harbor Belt R. R. Co.	1
Long Island R. R. Co.	2
Louisville and Nashville R. R. Co.	1
Missouri Pacific R. R. Co.	1
Nashville Terminals	1
New York Central R. R. Co.	1
Northern Pacific Ry. Co.	1
Northern Pacific Terminal Co. of Oregon	1
Pennsylvania R. R. Co.	12
Southern Pacific Co. (Pacific Lines)	4
Southern Ry. Co.	1
The Cincinnati, New Orleans and Texas Pacific Ry. Co.	
Alabama Great Southern R. R. Co.	
New Orleans and Northeastern R. R. Co.	
New Orleans Terminal Co.	
Georgia Southern and Florida Ry. Co.	
Southern Ry. Co. (Knoxville-John Sevier Terminals)	1
Terminal R. R. Association of St. Louis	2
Union Pacific R. R. Co.	3

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ORGANIZATIONS PARTY TO CASES DOCKETED

American Railway Supervisors' Association, Inc.	4
Brotherhood of Sleeping Car Porters	5
National Council, Railway Patrolmen's Unions, A. F. of L.	9
Police Department Employees	1
Railroad Yardmasters of America	34
Railroad Yardmasters of North America, Inc.	2
Railway Employees' Department, A. F. of L.	1
Sheet Metal Workers (Molders)—System Federation No. 42.	
Railway Patrolmen's Union, A. F. of L.	1

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