

Fifteenth
ANNUAL REPORT OF THE
NATIONAL
MEDIATION
BOARD

INCLUDING
THE REPORT OF THE
NATIONAL RAILROAD
ADJUSTMENT BOARD



For the Fiscal Year Ended JUNE 30, 1949

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NATIONAL MEDIATION BOARD

FRANCIS A. O'NEILL, Jr., *Chairman*

FRANK P. DOUGLASS

JOHN THAD SCOTT, Jr.

ROBERT F. COLE, *Secretary**

*Succeeded by Thomas E. Bickers July 1, 1949.

LETTER OF TRANSMITTAL

NATIONAL MEDIATION BOARD,
OFFICE OF THE CHAIRMAN,
Washington, D. C., November 1, 1949.

*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 Fifteenth Annual Report of the National Mediation Board for the fiscal year ended June 30, 1949, together with the annual report of the National Railroad Adjustment Board, as required by section 3, first (v), of the same act.

FRANCIS A. O'NEILL, Jr.,
Chairman.

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FIFTEENTH ANNUAL REPORT
OF THE
NATIONAL MEDIATION BOARD

I. SUMMARY AND CONCLUSIONS

1. GENERAL

At the close of the fiscal year on June 30, 1949, the National Mediation Board completed 15 years of administration under the amended Railway Labor Act. It was established in 1935 by amendments to the original act of 1926. Jurisdiction of the Board, originally confined to common carrier railroads, express, and pullman companies, was extended to common carriers by air, by the addition of title II approved April 10, 1936.

It is the duty of the National Mediation Board to aid in maintaining industrial peace in the railroad and air-line industries and thereby preventing interruptions to the free flow of commerce between the States. There are approximately 1,000 separate operating carriers employing more than 1,500,000 workers covered by more than 5,000 labor agreements subject to the dispute-settling procedures of the Act. In discharging its duty under the law, work of the Board falls into two general categories:

(1) Mediating disputes involving changes in rates of pay, rules or working conditions.

(2) Designating collective bargaining agents when disputes concerning representation arise among employees.

The tension in labor relations which has characterized the railroad and air-line industries in the postwar years did not lessen during 1949. Threats of strikes frequently occurred. The underlying factors in each such threat raised many novel and perplexing problems which required patient, continuous effort before a solution was found. It can be reported therefore that in the vast majority of cases the Board was able to avert the threatened stoppages by mediation and the other procedures for settlement provided in the Act. There were 309 cases mediated and only 6 reportable strikes during the year. As will be seen in the summary below, 2 of these were relatively minor stoppages of less than 24 hours.

In the major disputes of the past year the Act continued to fulfill its basic purpose; i. e., prevent work stoppages by making and maintaining agreements through orderly processes of collective bargaining. Attention is particularly invited to the fact that the Railway Labor Act contains a procedural pattern aimed at resolving every type of labor-management controversy. The segment of controversies placed in the domain of the National Mediation Board involve changes in wages, hours, and conditions of employment. Unlike any other

labor legislation brought to our attention, procedural steps are outlined to effectuate a change in a contract. Wages and working conditions in basic agreements do not automatically terminate. Written notice must be served of a desired change, and within 30 days it is incumbent upon the party receiving the notice to meet and confer with the applicant. It is at this stage that the mandate of the statute to use every effort to make and maintain agreements exerts its greatest influence on the parties. Thousands of such notices are served and agreements reached each year without ever being brought to the attention of the Board. Assuming, however, that the parties fail to resolve their differences in direct conferences, they may, either jointly or separately, apply for the services of the Board. When the Board assumes jurisdiction in such a case, the parties are enjoined from putting into effect any change in existing agreements or practices during the period found necessary by the Board to carry out its duty to adjust the dispute. In other words, the status quo must be maintained during the period of Board jurisdiction. If the Board is unsuccessful in bringing the parties together, it must use its best efforts to have the parties agree to arbitration and again no change in existing agreements or practices may be made until 30 days after notice from the Board that there has been a refusal to arbitrate by one or both of the parties. Even when all these steps have been completed, there is a further procedure provided by section 10 of the Act under which disputes which threaten to seriously interrupt interstate commerce are brought to the attention of the President. If, in his discretion, the President appoints an emergency board, a further period of 60 days must elapse before a work stoppage can be made effective.

In the railroad industry there exists a long history of labor-management relationship. By and large it has been a very stable relationship and both sides are fully cognizant of the effects of even a minor work stoppage. Both the operating and nonoperating employees and the organizations representing them have trained themselves down through the years to observe the procedures outlined above. The Act provides no sanctions for a violation in the established method of procedure but the case is rare, indeed, where either party to a controversy has been charged with an infraction of the letter or spirit of the Act. In cases involving changes on a nation-wide basis there has never been a departure from this procedure.

The air-line industry is expanding rapidly and by reason of this expansion it has not attained that measure of stability in employer-employee relationships experienced by the railroads. In the last fiscal year, however, an increasing degree of harmony has been exhibited due, in large measure, to a better understanding of the bargaining procedures under the Act. This should not be construed as an indication that the Board is entirely satisfied with the progress being made by the parties themselves in direct negotiations. In too many disputes, the Board is called upon for mediation service in cases involving the making or changing of complete agreements. Such requests reflect the failure of the parties to use their best efforts in negotiating directly for the purpose of making and maintaining agreements. Under the law mediation is in order only after exhaustive direct negotiations fail to produce a settlement. Mediation should not be requested in cases where the parties have made only a perfunctory effort to settle their dispute.

In fiscal 1949 the wage disputes involving the train and engine service employees on more than 99 percent of the Nation's railroad mileage were settled in direct negotiations. A major dispute between the rail carriers and the nonoperating employees was settled by negotiations following recommendations of an emergency board appointed by the President under section 10 of the Act. This latter agreement also included a wage increase and is of particular far-reaching significance in that it established the 40-hour workweek for approximately 1,000,000 railroad workers. This is the most important advance made by railroad workers since 1916 when 8 hours was established as the basic workday for train and engine service employees. It should be noted that congressional action¹ finally became necessary to prevent an interruption to interstate commerce when the 8-hour day was established. In the recent case, however, the 40-hour week dispute was settled in direct negotiations along the lines recommended by a Presidential Emergency Board.

By far the most serious problem met by the Board in the past year is the number of threatened strikes arising out of unsettled grievance disputes involving train and engine service employees. In most cases settlements were effected through mediation and the strike threats canceled, but in one case the men actually withdrew from the service. This problem is referred to briefly here as it relates to strikes, but the problems related to the functioning of the First Division of the National Railroad Adjustment Board are discussed in more detail in a later section of this chapter.

The case referred to above completely immobilized the Wabash Railway System for a period of 8 days from March 15 to 23, 1949. This system, comprising the Wabash and Ann Arbor Railroads, operates some 2,700 miles of road serving eight of the more populous midwest and eastern States. This strike which occurred while mediation was still in progress resulted in the appointment of an Emergency Board and was later settled.

Other strikes which occurred during the fiscal year were:

(a) Train and engine service employees of the New York, Ontario & Western Railway resulting from carrier's refusal to grant increase of 10 cents per hour as had been agreed to by other class I carriers of the country. This road was in receivership, and in view of continued losses in revenue consideration was being given by the trustees and bondholders to seeking authority for abandonment. The strike occurred on April 18, 1949, after all the procedural provisions of the Act had been exhausted. However, as a result of further mediation efforts an arrangement was agreed upon under which the strike was terminated on April 29, 1949, for a period of 6 months, during which time a study of the plant, equipment, and operating practices would be made by a neutral person. Such neutral was appointed and the study commenced, but it had not been concluded at the end of the year.

(b) Flight radio officers of the Pan American Airways resulting from management's decision not to use flight radio officers on a new type of aircraft. This stoppage which took place April 1, 1949, and lasted for 24 hours occurred while mediation efforts were being exerted. The mediator, however, continued his efforts and assisted the parties in effecting an agreement. Strikes during the process of mediation are contrary to the spirit and intent of the Act.

¹ Adamson Act (45 U. S. C., Sec. 65-66).

(c) Railway Express Agency employees in the New York City area. These employees were covered by a national agreement between the Railway Express Agency and the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees. Basic questions such as hours of service have been handled on a national basis. In this case a uniform request for a 40-hour workweek and an increase in wages was served on management, no distinction being made in such request for employees in the New York area. Mediation was undertaken, but owing to the fact that the 40-hour and wage question for railroads nationally was in the process of negotiations, little or no progress could be made until the outcome of those negotiations became known. After intensive mediation efforts management agreed to apply the principles of the settlement on the railroads, which it had vigorously opposed on the basis that its operational requirements were different. The employees in the New York area left the service and refused to return unless the effective date was more favorable than that agreed to on the railroads. There was no remaining dispute as to the effective date of the 40-hour week insofar as other employees throughout the Nation were concerned. In view of the fact that management would not agree to give more favorable consideration to employees in the New York area and refusal of the organization to sign an agreement unless more favorable treatment was accorded the New York employees, mediation efforts were terminated. An Emergency Board was appointed under section 10 of the Act, the employees returned to work, and an agreement was reached on the basis of the Emergency Board report.

(d) The strike among pilots of National Airlines, which extended for some 10 months, was finally settled on November 24, 1948. A Presidential Emergency Board which investigated the dispute issued its report on July 9, 1948, and recommended terms on which the strike should be settled. In its report the Board was critical of the carrier in failing to fulfill its procedural obligation in carrying out the purposes of the law. Although no action was taken by the carrier for some time following issuance of the report the strike was eventually settled in substantial accord with the Board's recommendations.

(e) Yardmen employed by the Peoria & Pekin Union Railroad represented by the Brotherhood of Railroad Trainmen. These men performed important switching operations at Peoria, Ill. The dispute involved issues over the application of certain awards of the NRAB. Stoppage occurred without prior advice to the Board and mediation service which was promptly proffered proved effective and service was restored in a few hours.

In addition to the foregoing there were brief stoppages of work involving small groups on the Hudson & Manhattan Railway and Colonial Airlines of a "wild cat" and unauthorized nature.

In addition to actual stoppages there were a number of threatened strikes involving disputes which were disposed of before an interruption to service occurred.

By and large the number of individual cases disposed of peaceably during the past year were not under the pressure of a strike threat, which supports the Board's feeling that full utilization of the steps provided in the law, coupled with its intention that every reasonable effort be exerted by the parties to settle their differences, can operate to hold such threats or stoppages to a minimum. The Board, therefore, continues to urge full utilization of and compliance with the

procedural steps which have been so thoroughly grounded in the transportation industry, and to point out that deliberate and reasoned judgment in these matters will in many instances avoid strikes which are costly not only to the employer and employees but to the public at large.

The protective and procedural rights of the Act are regarded as almost sacred by the parties but it should also be observed that with such rights go obligations which must be observed if the procedures of the law are to remain effective in peaceful settlement of labor disputes.

As stated above in the major tests the Act proved its value in providing procedures for peaceful settlement of labor disputes. More than 300 disputes were so settled during 1949. Against this total the above few instances in which work stoppages caused interruptions to commerce should stand out as sound evaluation of the benefits of successful use of the Act's procedures as compared to the loss and hardship which so quickly follows when essential commerce is suspended.

2. HISTORY OF THE ACT AND DEVELOPMENTS DURING 1949

The Railway Labor Act is the product of a series of laws commencing in 1888 which deal with the methods of conciliation and arbitration for preserving peace in the transportation industry. The inconvenience and danger to the public welfare resulting from strikes and the cessation of railroad operations had been recognized by the public and the Congress for many years. The early legislation provided only for voluntary arbitration and fact finding. These methods not proving adequate, the process of conciliation and mediation was used in a limited manner. Some disputes were settled by conciliation, but progress along these lines was suspended during the First World War, when the Director General of Railroads issued orders as to wages and working conditions and bipartisan Boards of Adjustment decided disputes between the carriers and their employees as to interpretation or application of agreements. Government participation in labor disputes was continued after the railroads emerged from Federal control in 1920 until 1926, through the functioning of a tripartite agency known as the United States Railroad Labor Board established by the Transportation Act, 1920. The public was represented by a third of its membership, the balance being representatives of the carriers and the labor organizations representing the employees. All types of disputes were heard and decided by that Board.

After several years' experience, dissatisfaction with this method of adjusting disputes in the railroad industry arose which culminated in the abolishment of the labor provisions of the Transportation Act, 1920, and the enactment of the Railway Labor Act, 1926, establishing the Board of Mediation. This law was sponsored jointly by the carriers and employees, and revived on a more definite scale practices of mediation and voluntary arbitration in the settlement of labor disputes in the railroad industry. Under the 1926 law, it was the duty of the Board of Mediation to mediate grievances, as well as disputes involving changes in rules and rates of pay. However, after 8 years' experience, it became evident in view of the expanding activity of labor organization that the Mediation Board could not continue to successfully handle both categories of controversies.

Although the Railway Labor Act of 1926 provided for the creation of local or regional boards of adjustment to handle grievance cases, this system proved ineffective, and the Board of Mediation became burdened with the duty of mediating grievances. This situation, which brought about the creation of the National Railroad Adjustment Board in the 1934 amendments, is clearly and succinctly described in the following quotation from the decision of the Supreme Court of the United States in the case of *Elgin, Joliet and Eastern Railway Company, Petitioner, v. G. W. Burley, et al.*, 325 U. S. 711, 725:

Prior to 1934 the parties were free at all times to go to court to settle these disputes. Notwithstanding the contrary intent of the 1926 Act, each also had the power, if not the right, to defeat the intended settlement of grievances by declining to join in creating the local boards of adjustment provided for by that Act. They exercised this power to the limit. Deadlock became the common practice, making decision impossible. The result was a complete breakdown in the practical working of the machinery. Grievances accumulated and stagnated until the mass assumed the proportions of a major dispute. Several organizations took strike ballots and thus threatened to interrupt traffic, a factor which among others induced the Coordinator of Transportation to become the principal author and advocate of the amendments. The sponsor in the House insisted that Congress act upon them before adjournment for fear that if no action were taken a railroad crisis might take place. The old Mediation Board was helpless. To break this log jam, and at the same time to get grievances out of the way of the settling of major disputes through the functioning of the Mediation Board, the Adjustment Board was created and given power to decide them.

The procedure adopted is not one of mediation and conciliation only, like that provided for major disputes under the auspices of the Mediation Board. Another tribunal of very different character is established with jurisdiction to determine grievances and make awards concerning them. Each party to the dispute may submit it for decision, whether or not the other is willing, provided he has himself discharged the initial duty of negotiation. Sec. 3 First (i). Rights of notice, hearing, and participation or representation are given. Sec. 3 First (j). In some instances judicial review and enforcement of awards are expressly provided or are contemplated. Sec. 3 First (p); cf. Sec. 3 First (m). When this is not done, the Act purports to make the Board's decisions final and binding. Sec. 3 First (m).

The procedure is in terms and purpose very different from the preexisting system of local boards. That system was in fact and effect nothing more than one for what respondents call voluntary arbitration. No dispute could be settled unless submitted by agreement of all parties. When one was submitted, deadlock was common and there was no way of escape. The Adjustment Board was created to remove the settlement of grievances from this stagnating process and bring them within a general and inclusive plan of decision. The aim was not to dispense with agreement. It was to add decision where agreement fails and thus to safeguard the public as well as private interests against the harmful effects of the preexisting scheme.

By the 1934 amendments, the Congress recognized that the functions of negotiation, mediation, and arbitration are of paramount importance in the settlement of major disputes over the making of or changes in agreements covering wages and rules, and attempted to confine the duties of the present National Mediation Board, created under those amendments, to such matters, and the added duty to determine collective bargaining representation where disputes arise among employees. This division of functions worked fairly well for a number of years but later dissatisfaction arose among the train and engine service employees on account of long delays in securing awards from the First Division of the National Railroad Adjustment Board; further that in cases where the Division has established a precedent they should not be required to again submit such issue to the Adjustment Board as "repeater cases." The question as to

when an award constitutes a precedent has been a matter of sharp conflict between the carriers and the organizations. The fact remains, however, that large dockets of grievances have accumulated and in many instances strikes were threatened which the National Mediation Board had to take cognizance of because of the potential emergency. A large amount of time of the Board Members and its mediators has been spent in the past 4 years on such matters not contemplated when the Act was amended in 1934. Mediation efforts have prevented stoppages in many instances, but the continued necessity for the use of the mediation processes in matters so clearly intended to be handled by adjustment board machinery will result in a weakening of the over-all procedural structure of the Act. The Board has counseled all parties to devise methods to promote more prompt disposition of grievances.

The Board has continued to emphasize the value of "at-home" bargaining and to exert every reasonable effort to compose their differences before seeking outside assistance. As a general rule this is done, but there have been numerous situations where the "at-home" conferences have been largely perfunctory, and the services of the Board sought in connection with many matters. There has been no detailed discussion by and between the parties. The "short-circuiting" of negotiations to secure governmental assistance is contrary to the procedural purposes of the law.

During the year the provisions of section 10 were invoked in several cases of national scope, such as the 40-hour-week dispute involving railroad nonoperating employees and the Diesel locomotive disputes.

The questions in these cases involved matters of national concern to carriers, employees and the public and it is understandable why matters of this nature required the full utilization of the procedural provisions of the Act. There were, however, a number of other instances where the other procedures of the law should have been adequate without the necessity of the President of the United States declaring an emergency. It should be realized that an indiscriminate use of section 10 will seriously weaken the proven value of the other procedures in the Act.

The noncompulsion features of the Act are likewise applicable to reports of Presidential Emergency Boards. However, in keeping with the spirit and intent of the law it was contemplated that a report of such a board would command the support of public opinion and be accepted by the disputants as a basis on which their differences would be resolved. In some cases, the Emergency Board acts as a mediatory body, and brings about a settlement by the parties without having to make formal recommendations. In the majority of instances, however, recommendations are made in the report of the Emergency Board to the President.

To summarize, it may be stated that the basic intent of the law to settle controversies and avoid strikes in the rail and air transportation industries can best be fulfilled: first, by settling as many disputes as possible in direct negotiations and real collective bargaining; second, through the assistance of mediation in effecting a meeting of the minds; and third, in issues not so resolved, through the voluntary acceptance of arbitration by both parties. These three steps should operate to hold to a minimum the necessity for the use of the Emergency Board procedure, and the rights of both employers and

employees would be amply protected. The Board feels that both the carriers and the organizations want to see the Railway Labor Act function successfully, but its basic purpose will be defeated unless there is a stricter observance to its procedural requirements. Agreements freely made through genuine collective bargaining, assisted when necessary by mediation, and the voluntary acceptance of arbitration on real and valid issues which cannot be settled otherwise are the real guideposts to industrial peace in the far-flung transportation industry in which the general public is so vitally concerned.

During the fiscal year 1949, 12 Emergency Boards were created by executive order of the President under section 10 of the Act. A recapitulation of the disputes investigated and the recommendations made by the Emergency Boards will be found in chapter V of this report.

Chapter II, under the caption "Mediation Disputes," recounts the Board's mediation activities during the past fiscal year, and outlines a few of the problems in mediation which were encountered. It also contains statistical tables indicating the performance in the settlement of mediation disputes, compared with the past years in the Board's experience under the amended Act.

3. REPRESENTATION CASES

Employees subject to the Railway Labor Act are free to join, organize, or assist in organizing a labor union of their choice. In exercising these rights the law protects employees against interference, influence, or discrimination by management.

The Act provides for settlement of disputes between employees as to who are the duly authorized collective bargaining representatives. Where such disputes arise, the Board, on application of either party to the dispute, is required to investigate. The Board requires applications for its services in representation disputes to be supported by a sufficient number of signed authorizations from the employees involved to establish the existence of a dispute. Such authorizations serve as prima facie evidence of a dispute and if verified by an on-the-ground investigation by one of the Board's mediators he is directed to conduct an election or use any other appropriate means for ascertaining the duly authorized representative of the employees. Having determined the individual or organization designated and authorized by a majority of the employees the Board is required to certify the name of the representative to the employees and the carrier. The statute directs the carrier to treat with the certified representative for the purpose of effecting prompt settlement of all disputes respecting rates of pay, rules, and working conditions.

After certifications are issued it is the policy of the Board not to conduct another election until the organization certified has had a reasonable period to function as the duly authorized representative of the employees. Under rules promulgated May 1, 1947, the Board has found a period of 2 years to be reasonable. Obviously the basic purpose of the law cannot be realized if the representation issue is raised too frequently. In addition, representation elections and the organizing campaigns which necessarily precede them cause unsettled labor conditions and in many cases disturb employees in the performance of their duties.

The collective-bargaining unit under the Railway Labor Act is the

craft or class. In representation cases a question occasionally develops over the particular occupations to be included in the craft or class for the purpose of determining who shall participate in the election. In thus determining craft or class issues the Board gives consideration to all relevant factors most important of which are the intent and purpose of the law. Over the years most of the main craft or class issues for railroad employees have been resolved. Out of the Board's action in determining such questions there has evolved a rather extensive body of precedent which serves to settle many such questions without the necessity of hearings.

It was observed in the Board's fourteenth report that over the years most of the main craft or class issues for railroad employees have been resolved. Thus, for the most part, determinations in recent years for railroad employees have dealt with fringe issues such as whether border-line occupations fall into one craft or class or another. The notable exception to this generalization concerned railroad marine service employees. Whereas crafts or classes for other railroad employees had become well established the Board had never established principles of craft or class for railroad marine workers. Instead, when the issue arose the Board has recognized the lack of a uniform craft or class pattern in the industry and then proceeded to make a determination to fit the facts in a particular dispute. Over the years the result has been a patchwork of craft or class determinations for railroad marine workers.

During the past fiscal year the Board endeavored to correct this situation in a craft or class determination involving captains and unlicensed marine employees of four rail carriers having extensive tug and ferry operations in New York harbor.² In all four cases the Board determined that captains should be voted separately from unlicensed deck personnel for purposes of the Act.

The value in uniform craft or class groupings has long been recognized by the Board. During the year this policy was sustained in a group of representation disputes among employees of the Hudson & Manhattan Railroad.³ The employees of this carrier had not previously been organized along the craft or class lines which prevail on rail carriers generally. In these case the Board was confronted with varying requests to depart from well recognized craft or class lines in designating employees eligible to participate in representation elections. In ruling upon such requests it was found that there is very little difference between the operation of the Hudson and Manhattan and other small standard rail carriers. Accordingly, the Board concluded the craft or class groupings which prevail in the railroad industry generally should apply in these cases.

One of the most novel determinations⁴ issued during the year dealt with the question of whether the Board had jurisdiction to resolve a representation dispute among employees of a United States certificated air carrier, all of whom performed services in foreign countries. The question is of considerable importance in view of the extensive foreign operations of many of the United States certificated air lines. Since its creation in 1934, the Board has consistently held that the only employees of common carriers by rail who were eligible to participate in elections conducted under its auspices were those who

² R-2081, et al., Erie, Long Island, Lehigh Valley, and Central Railroad of New Jersey.

³ R-2176, et al.

⁴ R-2139, Pan American-Grace Airways, Inc.

actually worked within the continental United States or its Territories. Thus, railroad employees of Mexico were not included in representation elections conducted under provisions of section 2, ninth, of the Act. Similarly, in elections involving Canadian rail carriers operating in the United States, the only employees permitted to cast a ballot were those stationed on this side of the border. The language of section 1, first, of the Act when read with the provisions of the Interstate Commerce Act provide abundant support for the determinations reached by the Board involving employees of carriers by rail.

In 1936, the scope of the Railway Labor Act was broadened by addition of title II, which extended provisions of the Act to common carriers by air and their employees. Since that time there has been a marked increase in the extent of self-organization on the part of employees in the air-line industry as well as an expansion of air routes by American-flag carriers to all parts of the world. As a consequence of this expansion, problems have arisen from time to time involving United States air-line employees in foreign countries. In the course of investigating such cases the Board sought and obtained advice from the Attorney General as to the construction that should be placed on the statute. In reply, the Attorney General reviewed the legislative history of title II of the Act and concluded as follows:

The legislative history of Title II of the Act thus indicates neither a reason nor a congressional intention to extend, by Title II, to air carriers and their employees a coverage broader than that already extended by the Railway Labor Act (Title I) to carriers by rail and their employees.

It follows from the foregoing that the rule, heretofore applied by the Board in representation disputes involving railroad employees, "which provides that employees based in foreign countries will not be voted" is equally applicable to the employees of air carriers who are subject to Title II of the Act. Since I believe that this rule applies to all foreign-based employees, the question of their citizenship is immaterial.

On the basis of the advice of the Attorney General and its own independent investigation of this issue, the Board ruled in the earlier cases that employees based in foreign countries were ineligible to participate in elections conducted pursuant to section 2, ninth, of the Act.

The problem was again raised, however, during the past year in connection with efforts of the Air Line Dispatchers Association to establish collective-bargaining representation rights for dispatchers employed by Pan American-Grace Airways. The problem of United States employees being represented by United States labor unions is one of common interest to the entire air-line industry, particularly those air lines having operations in foreign countries. For this reason the Board conducted a hearing on the question and invited participation by all scheduled air lines and air-line labor organizations. Following a review of the record thus developed, the Board reaffirmed its previous position on the ground that "all legislation is *prima facie* territorial" and "extraterritorial effect may not be given to laws by implication."⁵ The Board's conclusion stated that:

There does not appear to the Board to be any constitutional impediment on the power of Congress to extend the rights, privileges, and duties of the Railway Labor Act to employees based in foreign countries employed by United States carriers by air; but, in the opinion of the Board, the Act as it presently exists does not grant such rights. The Board fails to find any specific direction in the Act, as amended, permitting it to extend its jurisdiction beyond the continental limits of the United States and its territories.

⁵ *American Banana Co. v. United Fruit Co.*, 213 U. S. 347, 357; *Blackmer v. U. S.*, 284 U. S. 421, 437; 50 Am. Jur. Statutes, par. 487, p. 510.

Attention is invited to the fact that the determination reached by the Board in that case was limited to its jurisdiction under section 2, ninth, of the Railway Labor Act. It did not find that it was divested of its mediatory jurisdiction involving disputes covering wages, hours, and conditions of employment between employees and an air carrier subject to the Act.

During 1949, a court decision was rendered in one case where a certification had been issued by the Mediation Board involving employees of the Atlantic Coast Line Railroad Co. In that case the Brotherhood of Locomotive Engineers sought court review of the certification under authority of the Administrative Procedures Act.⁶ The United States Court of Appeals for the District of Columbia ruled on April 19, 1948 (167 F. 2d 529), that certifications by the Board are not subject to judicial review on the authority of the decision by the United States Supreme Court in the *Switchmen's Union* case.⁷ A pertinent portion of the court of appeals opinion is as follows:

The Supreme Court decided in 1943 that certifications of bargaining representatives under Sec. 2, Ninth, of the Railway Labor Act are not subject to judicial review. The Court said in effect that the statute precludes review: "the intent seems plain—the dispute was to reach its last terminal point when the administrative finding was made. There was to be no dragging out of the controversy into other tribunals of law."

On October 18, 1948, the Supreme Court denied a petition for a writ of certiorari in that case. (335 U. S. 843)

During the 15-year period since the Railway Labor Act was amended to provide for settling representation disputes, the Board has disposed of 2,160 such disputes. In 84 percent, involving 743,562 employees, representation rights were established either by issuance of certifications or by voluntary recognition by the carrier managements involved.

During 1949, a total of 139 representation disputes were disposed of compared to 203 such cases disposed of during 1948, the lowest number of any year since 1944.

A more detailed discussion of the Board's work in the investigation of representation disputes is given in chapters II and III.

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 of 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 in Chicago, Ill., by the law.

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

⁶ Act of June 11, 1946, Public Law No. 404, as amended, 60 Stat. 237-244, 5 U. S. C. Sec. 1001 et seq.

⁷ *Switchmen's Union v. NMB*—320, U. S. 297, 305.

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 since the Board was created in 1934.

Nineteen hundred and forty-nine marks the fourth successive year in which the National Mediation Board reports that the failure of the First Division of the Adjustment Board to function as provided by the Act is the most serious administrative deficiency under the statute. The other three divisions have little difficulty in keeping abreast of their dockets. Unfortunately this is not true for the First Division. This is due primarily to the fact that the First Division has nearly four times as many cases coming before it as all of the other three divisions combined, and its problems involve many intricate operational practices and train and engine movements affecting individual crews or small groups of employees.

The backlog of pending disputes continues to grow year after year. For example, the First Division docketed 1,226 new cases during 1949 while disposing of 731 cases. As a result the backlog grew from 2,347 cases at the beginning of the year to 2,842 as of June 30, 1949. Based upon the number of cases closed during the past year the Board had on hand at year's end nearly 4 years' work. Nor do these figures tell the whole story for with the prospect of such long delays in getting cases considered and settled by the First Division many organization representatives have withdrawn pending cases and have declined to submit any new cases until the situation is corrected and threaten frequently to use economic strength in disposing of the cases. For this reason the 2,842 docketed cases probably represent only a small fraction of the total number of such disputes pending settlement on the railroads of the country.

With such a heavy docket it is unfortunate that the Division with its bipartisan membership has not long since set-up hearing panels or adopted other procedures to expedite the case handling process. The membership of the Division has never been able to agree upon needed procedural changes although efforts have repeatedly been made. Similarly committees representing the railroad and the labor organizations have tried repeatedly over the years to agree upon measures to break the log jam. Not until the past year did their efforts prove successful. Following a series of conferences the chief executive officers of the five train and engine service brotherhoods and of rail carriers of three regions representing virtually all of the class I railroads of the country made two notable agreements on May 19, 1949. One of these agreements revises procedural rules with respect to how submission will be prepared and submitted to the Division. The other agreement provides that:

Two supplemental boards of four men each will be set up under the provisions of Section 3 First (w) of the Railway Labor Act with authority to handle cases now on the docket of the First Division of the National Railroad Adjustment Board, assigned to them by such First Division, and such additional cases as may be assigned to them by such Division, as hereafter provided * * *

Both of these agreements should help greatly in enabling the First Division to dispose of a larger volume of cases. At the close of the year requested appropriation was pending before Congress and if approved the setting up of the supplemental boards should be effected promptly.

The National Mediation Board is hopeful that the revised procedures will prove effective in eliminating strikes and strike threats

resulting from large dockets of unsettled grievances. As another means of achieving a current case status for the First Division, it has been suggested that a panel of permanent referees be established with a tenure of office of such duration as to permit a thorough study and understanding of the nature and type of disputes coming before the Board and thereby create, by their awards, a series of precedents for future guidance. Under the present system, there is a constant flow of new men serving as referees, none of whom under the law, can be associated with railroads or organizations, and hence their familiarity with labor practices in the railroad industry is necessarily limited. It cannot be emphasized too strongly, however, that unless some such procedures succeed in effecting systematic peaceful disposal of such cases the entire structure of the Railway Labor Act is placed in jeopardy.

One of the most effective procedures which has evolved in the handling of such grievance dockets by direct negotiation or mediation is agreement of the parties to submit their docket of grievances to a special adjustment board or a single arbitrator. This, after all, is an adaptation of the adjustment function of the First Division and assures expeditious handling. During the past year such an arrangement was agreed to in direct negotiations on the Erie Railroad. That it proved a successful procedure is indicated by the fact that a similar procedure was later agreed to by the same carrier on another docket of grievances. The Board has also been able to effect settlement procedures of this kind through mediation, one of which involved a threatened strike of pullman conductors nationally.

The case of the Wabash Railroad on which an 8-day strike occurred illustrates the situations which have arisen in connection with large accumulations of grievances. The record shows that between 1944 and 1948 there had been accumulated some 1,600 unadjusted operational grievances. Of this number a total of 701 disputes had been progressed to formal demands on management by June, 1948. By the time the strike occurred all but 149 of these had been settled either by direct negotiations or mediation. In an analysis made by the President's Emergency Board it was found that most of the disputes involved matters that should have been processed and determined by the First Division. The report of the Board was critical of both sides for allowing such a situation to develop:

If it was the failure of management to give early attention and proper consideration to these claims as they arose, or if it was its fault in some other respect or respects, what happened here ought to be a warning to these and other carriers of the probable consequences of like failures and faults.

If it was the failure of the organization to take advantage of the legal processes of progressing claims to the Adjustment Board because of seeming delay entailed in the process, or some other fault, we think their judgment was fallacious. This Board is of the opinion that a strike to enforce claims without adjudication, where the law provides for adjudication, not only is hurtful to the general economy, but is also damaging to the cause of labor.

In the conferences between the parties during the strike there was a notable spirit of cooperative effort evidenced on both sides. It is unfortunate for the country as a whole and particularly that part which is served by the Wabash System that such a cooperative approach was lacking before the tie-up occurred. On this point the Emergency Board also commented:

The parties are to be congratulated on the full measure of their accomplishment. We commend the efforts of all of them. . We recommend a like effort in

the same spirit on other carriers where like or similar controversies exist or may arise, not, however, in the face of a strike or threat of strike, but in the interest of of justice and fair dealing, and in avoidance of temporary unemployment of untold numbers, and of regional economic paralysis.

Another example involved a threatened strike of yardmen on the Denver & Rio Grande Western Railroad over some 150 grievances. Following an unsuccessful effort by mediation a presidential emergency board was named to investigate and report on the dispute. This is another case where a strike date was set while mediation was in progress and before the mediator was able to give consideration to all the grievances in the strike docket.

The changes in procedure and the system of panels agreed to during 1949 should go far toward enabling the First Division to keep abreast of its heavy docket. This is not all of the problem, however, as indicated by our previous comments. The basic responsibility rests on the individual properties where both sides should exert more effort to arrive at settlements through negotiation. Methods could be devised to hold periodic conferences to consider pending disputes; awards previously made should be given full consideration for their precedent value.

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, 1949, there was a total of 5,060 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 10 of this report shows the increase in the number of such contracts from year to year since the act was amended in 1935.

II. RECORD OF CASES

1. CASES HANDLED BY THE BOARD

Labor disputes subject to the jurisdiction of the National Mediation Board are generally divided into three 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.

The total number of cases of all three kinds docketed and disposed of by the Board during the fiscal year 1949 did not vary materially from the totals of the previous year.

There was a reduction in the number of cases docketed in both mediation and representation categories. In mediation cases the number of cases docketed was 268 during the past year as compared with 301 in 1948. In representation cases the decline was from 167 in 1948 to 139 in 1949.

In cases disposed of the total of 449 in 1949 compares quite closely with the total of 464 in 1948. There was, however, quite a substantial change in the number of different types of cases settled. The number of mediation cases increased to 309 in 1949 over 259 disposed of in 1948. In representation cases, however, the number declined from 203 in 1948 to 139 during this year. This results from the assignment of additional mediators to mediation cases by which the backlog of pending disputes was reduced during the year from 111 to 70. The backlog of pending representation disputes totaled 23 as of June 30, 1949, unchanged from the total of such disputes pending at the close of the fiscal year 1948. During 1949, 1 interpretation case was docketed and disposed of before the year closed.

As in previous recent years a disproportionately large number of mediators was required in endeavoring to prevent work stoppages arising out of disputes over grievance cases which, under terms of the Railway Labor Act, are subject to settlement by the National Railroad Adjustment Board. Such disputes invariably include a large number of individual grievance dockets running into the hundreds. Endeavoring to achieve settlements through mediation requires individual consideration of each docket. Such cases usually occupy a mediator several months, which is very much greater than the time usually required to achieve settlements in regular mediation cases.

TABLE 1.—Number of cases received and disposed of, fiscal years 1935-49

Status of cases	All types of cases					
	15-year period	Fiscal year 1949	Fiscal year 1948	3-year period 1945-47 (average)	5-year period 1940-44 (average)	5-year period 1935-39 (average)
Cases pending and unsettled at beginning of period.....	96	134	129	200	126	151
New cases docketed.....	5,312	408	469	479	381	219
Total cases on hand and received....	5,408	542	598	679	507	370
Cases disposed of.....	5,315	449	464	522	347	220
Cases pending and unsettled at end of period.....	93	93	134	157	160	150
Representation cases						
Cases pending and unsettled at beginning of period.....	24	23	59	57	34	43
New cases docketed.....	2,159	139	167	190	149	108
Total cases on hand and received....	2,183	162	226	247	183	151
Cases disposed of.....	2,160	139	203	195	139	107
Cases pending and unsettled at end of period.....	23	23	23	52	44	44
Mediation cases						
Cases pending and unsettled at beginning of period.....	72	111	69	143	91	108
New cases docketed.....	3,132	268	301	288	230	110
Total cases on hand and received....	3,204	379	370	431	321	218
Cases disposed of.....	3,134	309	259	326	206	112
Cases pending and unsettled at end of period.....	70	70	111	105	115	106
Interpretation cases						
Cases pending and unsettled at beginning of period.....	0	0	1	0	1	0
New cases docketed.....	21	1	1	1	2	1
Total cases on hand and received....	21	1	2	1	3	1
Cases disposed of.....	21	1	2	1	2	1
Cases pending and unsettled at end of period.....	0	0	0	0	1	0

Before applications are formally docketed they are subjected to preliminary investigation with a view of developing necessary information. This procedure serves a dual purpose. First, in a considerable number of instances, preliminary investigation develops facts which show the application not in proper form for docketing. Thus the matter can be disposed of through correspondence without the need of on-the-ground investigation by a mediator. Second, this procedure serves to clarify obscure points and thus facilitates the work of the mediator in his handling of the case. During 1948, a total of 35 applications were disposed of by correspondence as a result of this preliminary investigation. Adding these to the 408 applications which were docketed, makes a grand total of 443 applications for Board services received during the year. This compares with a grand total of 520 in 1948 and 524 in 1947.

Table 1 summarizes the various types of cases received and disposed of from June 21, 1934, when the Board commenced operations

through June 30, 1949. During this 15-year period, 5,312 new cases were docketed. The inclusion of 19 pending disputes inherited from the former board (United States Board of Mediation) increases to 5,408 the total cases requiring services since the present board was created. As of June 30, 1949, settlements had been effected in 5,315 of these cases. Except in the first year of the Board's operation, the number of mediation cases has run consistently ahead of representation cases. Mediation cases docketed during the 15-year period total 3,132 as compared with 2,159 representation cases. The percentage ratio is 59 and 41 for the 2 types of cases. During the 15-year period, 21 interpretation cases have been disposed of by the Board. This number is considerably less than 1 percent of the total.

2. DISPOSITION OF CASES

During the fiscal year 1949, the Board disposed of 449 docketed disputes. This total includes 139 representation cases, 309 mediation cases and 1 interpretation case. Table 2 summarizes by method of disposition all cases handled to conclusion during the 15 years of the Board's operation. Data for the past 2 years are shown separately. Annual averages are shown for the 5-year periods 1935-39 and 1940-44 and for the 3-year period 1945-47.

TABLE 2.—*Number of cases disposed of, by type of case and method of disposition, fiscal years 1935-49*

Type of case and method of disposition	Fiscal year ended June 30—					
	15-year period 1935-49	1949	1948	3-year period 1945-47 average	5-year period 1940-44 average	5-year period 1935-39 average
Grand total.....	5,315	449	464	522	347	220
Representation cases, total.....	2,160	139	203	195	139	107
Certification based on—						
Elections.....	1,276	75	113	126	74	68
Check of authorizations.....	479	34	50	34	38	21
Representation recognized.....	62	1	1	3	6	4
Closed without certification.....	38	0	2	7	3	
Withdrawn after investigation.....	196	13	20	16	11	8
Withdrawn before investigation.....	35	6	7	4	4	2
Dismissal.....	74	10	10	5	3	4
Mediation cases, total.....	3,134	309	259	326	206	112
Mediation agreements.....	1,653	155	130	173	116	52
Arbitration agreements.....	115	9	18	17	6	2
Withdrawn after mediation.....	484	40	24	32	39	26
Withdrawn before mediation.....	325	11	13	34	22	18
Refusal to arbitrate by—						
Carriers.....	274	64	30	32	9	8
Employees.....	109	6	18	19	4	2
Both parties.....	148	19	24	17	9	2
Dismissal.....	26	5	2	2	1	2
Interpretation of mediation agreements.....	21	1	2	1	2	1

REPRESENTATION DISPUTES

In the investigation of representation disputes under section 2, ninth, of the Railway Labor Act the Board is authorized to conduct elections by secret ballot or to utilize any other appropriate method of ascertaining the name of the duly authorized employee representatives. The law specifies that any method employed by the Board

must insure the choice of representatives by the employees without interference, influence, or coercion exercised by the carrier.

Of the 139 representation disputes disposed of during the year, 75 were settled by secret elections. Twenty-three 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 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-four 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 in many cases where there is only one organization seeking representation of a group of employees. These 34 cases represent 24 percent of the total number of representation cases settled during 1949, or 22 percent for the 15-year period 1935-49.

Of the remaining 30 representation cases disposed of during the year, 6 were withdrawn prior to a mediator's investigation of the dispute and 13 were withdrawn after such an investigation. Withdrawals are usually made when investigation shows an insufficient number of employee authorizations to warrant an election under applicable rules and regulations. In one case the carrier voluntarily recognized the union without certification. The applications in 10 cases were dismissed. A more detailed discussion of cases closed under these various designations may be found in chapter III.

As shown in table 2, a grand total of 2,160 representation cases have been disposed of by the Board since 1934 when the Act was amended to provide for settlement of representation disputes. Of this number 1,755, or 81 percent, were closed by issuing certifications following elections or verifying signatures on employee authorization cards. In 62 additional cases carriers voluntarily recognized the applicant labor organizations as representing the employees without issuance of a certification. Thus collective bargaining representation has been established for a total of 743,562 employees, or 91 percent, of the total of employees involved in all representation disputes disposed of by the Board during the period 1934-49.

MEDIATION DISPUTES

Section 5, first, of the Railway Labor Act makes it the duty of the National Mediation Board to attempt to compose, through mediation, disputes arising between carriers and their employees on questions involving changes in rates of pay, rules, and working conditions, upon application for its services by either party, or both. The law also provides that the Board may proffer its mediatory services in situations which threaten to interrupt interstate commerce. Experience under the Act since its passage in 1926 has proven that agreements in mediation are the most satisfactory method of settling disputes of this

nature. An agreement reached in mediation is not made under any compulsion, and results from a voluntary meeting of the minds, which in turn implies that both sides have receded from their original positions at the start of the controversy. A successful mediator is often able to suggest compromises which may preserve the basic positions of the parties, and still result in an agreement being reached. A feeling of good will between the parties usually comes out of a voluntary agreement, and has a salutary effect on future negotiations.

Many times, however, there are items included in the dispute which neither party may feel able to compromise. In such cases, only two courses remain, first, submission of these questions to arbitration, or, second, the exercise of the so-called economic strength of employees. Of these alternatives, arbitration is always preferable. A strike benefits no one, and even when settled eventually by compromise, leaves aftereffects which influence the course of labor relations between the parties for a long time. There are very few, if any, issues which cannot be arbitrated, if that course becomes necessary. More use should be made of voluntary arbitration under the Railway Labor Act to settle disputes which cannot be composed in mediation.

In some cases, disputes are settled during mediation, and applications are withdrawn by the invoking party to avoid publicizing the terms of settlement in a mediation agreement. In other instances, withdrawals are made to preserve the status quo without prejudice to the position of either party, and to permit further direct negotiations at an appropriate time.

During the fiscal year 1949, a total of 309 mediation cases were disposed of by various methods. This figure was an increase of 50 over the previous year. Of the total of 309 cases, 155, or a little over 50 percent were settled by mediation agreements. The number of mediation agreements made in the fiscal year increased by 25 over the total mediation agreements made in the fiscal year 1948.

Applications for mediation were withdrawn by the invoking party in 40 cases while mediation was in progress or had been recessed temporarily, this being an increase of 16 cases over 1948. Eleven docketed applications were withdrawn prior to mediation, as compared with 13 during the previous year. A total of 89 cases were closed during the fiscal year 1949 after refusal of one or both parties to arbitrate the issues in dispute. This figure compares with 72 cases closed in this manner during the previous year, and shows an increase of 17 cases so closed out. This total of 89 cases is the largest number closed after refusal to arbitrate in the Board's history of 15 years under the amended Act. Included in this number were approximately 40 individual cases involving request of the Brotherhood of Locomotive Engineers for a second engineer on Diesel locomotives. These cases involved all major rail carriers which operate Diesel locomotives, and were later included in a general hearing on this subject before an Emergency Board created under section 10 of the Act. No interruption to interstate commerce occurred.

During the fiscal year 1949, only 9 arbitration agreements were consummated, compared with 18 during the previous year. This showing indicates a tendency to progress more and more disputes in such manner that they eventually come before an emergency board, the recommendations of which are not binding on the parties. The Board feels that greater use should be made of the arbitration procedure to dispose finally of issues which cannot be settled through

mediation. A grand total of 115 arbitration agreements have been made during the 15-year life of the present Board.

Peaceful settlement of disputes through the 3 methods, i.e., mediation agreements, arbitration agreements, and withdrawals during mediation number 204, as compared to 172 during the fiscal year 1948. This total of 204 settlements represents approximately 66 percent of the total of 309 mediation cases disposed of. The percentage of dispositions by these 3 procedures for the 15 years of this Board's experience is a little over 71.

PROBLEMS IN MEDIATION

It must be stated again that the most difficult problem in mediation has been found to be nonobservance of the duty placed by the law on both carriers and employees to make every effort to settle all disputes in direct negotiations. Many factors enter into this situation.

In localized disputes, many times it is necessary for a mediator to spend much time and effort in mediating the revision of an entire agreement, or the negotiation of a complete new agreement, when a great number of the rules in dispute could have been agreed upon by the parties if they had given sufficient time and effort to them during direct negotiations.

Second only to the problem stated above is the increasing tendency of certain organizations to set strike dates on disputes involving rules or working conditions upon which mediation should normally be invoked. In some instances only rules or rates are involved. In others, rules and working conditions are coupled in the strike docket with claims and grievances which should go before adjustment boards. In one or two instances, actual strikes have been called and the men have left their work without notification to the Board of such action, information reaching the Board later through outside sources. The Board urges that those concerned in such situations reconsider this course of action, and return to a normal use of the adjustment procedures of the law.

It is again necessary to comment upon the number of mediation cases on the Board's docket which involve questions of jurisdiction over work as between two or more organizations. Particular reference is made to the question of jurisdiction over work performed on teletype machines and other mechanical devices. There are also other jurisdictional questions arising from time to time which find their way to the Board through applications for mediation. Such applications are actually filed by only one of the organizations involved in the jurisdictional dispute, in connection with requests made upon carriers which, if granted, would conflict with agreements held by other organizations. Disputes of this character can be settled only by mediation which is participated in, if only informally, by the other organization, as the settlement must be made primarily between the two or more organizations concerned, with the concurrence of the carrier. A greater use is urged of existing machinery for the settlement of such questions among the organizations themselves. If no such machinery is in existence, final recourse to the courts for declaratory judgments may be the only means of settlement, unless voluntary arbitration is entered into by all parties concerned, including the carrier.

One type of case which has caused the Board some concern is the

attempt of either the carrier or the organization to prevent the cancellation of memorandum agreements (apart from the basic agreements) containing a definite cancellation clause at the end of a stated period or at the option of either party through the means of an application for mediation, in order to prevent cancellation under the status quo provisions of section 6 of the Act. There have been a number of such instances in the past 2 or 3 years, the invocation being made sometimes by the organization and in others by the carrier. Mediation of these cases is always difficult and involves questions of law which the Board is not prepared to pass on. Observance of a definite cancellation clause in such memoranda agreement, in the final analysis, depends upon the good faith of both parties in making and carrying it out. The entire question is recommended to the serious consideration of all parties who have made or intend to make, such agreements in the future.

The problem of subcontracting work, which was commented upon at more length in last year's report, has not assumed much importance in the year just completed. In its place, however, have arisen the questions of force reductions brought about by economy programs and technological improvements. One or two instances have occurred where the employees have threatened strike action to prevent straight force reductions, which are not prohibited in the working agreements. Such demands come close to the exercise of the functions of management, in the light of the operating and financial conditions of the carrier involved, and can be settled only in consideration of the particular circumstances in each case. The situation is noted, however, as an interesting recent development. Several cases involving reduction in personnel due to technological improvements and changes in methods of operation have occurred on various air lines, and the principle of severance pay is emerging in rather concrete form in such instances. It seems probable that there may be further developments in this respect as time passes.

3. CARRIERS INVOLVED IN DISPUTES

Table 3 indicates the distribution of the Board's services among the various classes of carriers. During the year, 127 class I carriers by railroad reported to the Interstate Commerce Commission. Approximately 97 percent of the Nation's railroad workers are employed on class I line haul and switching and terminal railroads. As would be expected it was on such carriers, rather than the smaller railroads, that most of the Board's services were utilized. Thus of the 127 class I carriers 109 or 86 percent were involved in disputes considered by the Board during the year.

It should also be noted that during 1949 the Board considered disputes involving employees of 35 different air lines. Table 3 shows the kind of disputes involving these air lines.

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. Other crafts or classes accounting for a large number of disputes are clerical, office station and storehouse employees, and maintenance-of-equipment employees.

TABLE 3.—Number of different carriers involved in cases by classes of carriers with percentages, fiscal year 1949

Class 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.....	¹ 127	100	109	86	32	25	105	83	1	1
Class II railroads.....	¹ 173	100	28	16	7	4	23	13	-----	-----
Switching and terminal com- panies.....	¹ 252	100	102	40	27	11	75	30	-----	-----
Electric railroads.....	¹ 63	100	11	17	6	10	7	11	-----	-----
Miscellaneous carriers.....	(²)	(²)	9	(²)	4	(²)	6	(²)	-----	-----
Air carriers.....	³ 35	100	35	100	25	71	27	77	-----	-----

¹ Carriers Reporting to Interstate Commerce Commission during 1947.

² Not available.

³ Air carriers included in this list are: Air Cargo, Inc., Air Line Transport Carriers, Alaska, All American, American, American Overseas, Braniff, Capitol, Caribbean Atlantic, Challenger, C & S, Colonial, Continental, Delta, Eastern, Empire, Florida Airways, Mid-Continent, Monarch, National, Northeast, Northwest, Pan American, Pan Arga, Piedmont, Pioneer, Slick, Trans Caribbean Air Cargo, Trans Texas, TWA, United, West Coast, Western Air, Willis-Rose, Wisconsin Central..

TABLE 4.—Number of cases disposed of by major group of employees, fiscal year 1949

Major groups of employees	Number of—			
	All types of cases	Representa- tion cases	Mediation cases	Interpreta- tion cases
Grand total, all groups of employees.....	439	139	307	1
Railroad—total.....	354	107	246	1
Combined groups, railroad.....	18	3	15	-----
Train, engine, and yard service.....	161	16	145	-----
Mechanical foremen.....	11	7	4	-----
Maintenance of equipment.....	21	13	8	-----
Clerical, office, station, and storehouse.....	30	8	22	-----
Yardmasters.....	20	14	6	-----
Maintenance-of-way and signal.....	24	9	15	-----
Subordinate officials in maintenance-of-way.....	5	5	0	-----
Agents, telegraphers, and towermen.....	19	2	16	-----
Train dispatchers.....	6	1	5	-----
Technical engineers, architects, draftsmen, etc.....	4	3	1	-----
Dining-car employees, train and pullman porters.....	11	4	7	-----
Patrolmen and special officers.....	1	1	0	-----
Marine service.....	13	13	0	-----
Miscellaneous railroad.....	10	8	2	-----
Air-line—total.....	95	32	63	-----
Combined air-line.....	1	1	0	-----
Mechanics.....	34	12	22	-----
Radio and teletype operators.....	15	9	6	-----
Clerical, office, stores, fleet and passenger service.....	9	2	7	-----
Stewards, stewardesses, and flight persons.....	14	2	12	-----
Pilots.....	7	1	6	-----
Dispatchers.....	9	2	7	-----
Mechanical foremen.....	1	1	0	-----
Meteorologists.....	1	0	1	-----
Navigators.....	3	1	2	-----
Flight engineers.....	1	1	0	-----

While disputes among railroad workers constitute the major portion of the Board's work, the rapid growth of air-line transportation since the end of World War II has been accompanied by a comparable growth in the number of labor disputes among employees of this industry. Thus, in 1949 air-lines employees accounted for 95 disputes, or 21 percent of the cases disposed of by the Board during the year. It should be noted, however, that in 1949 there

were only about one-half as many representation disputes as mediation cases whereas in 1949 the number of each type of dispute was about equal. These totals reflect the decline of organizational activity among air-line employees during the past year. The proportion of air-line cases to the total of all disputes has remained unchanged during the past 2 years but compares with 10 percent in 1946 and 5 percent in 1945. Growth in the number and size of air lines has been accompanied by an increase in the groups of air-line employees desiring to bargain collectively under terms of the law. Particularly noted among such groups during 1949 were navigators and mechanical foremen.

The year 1949 marked the first year since 1936 when commercial air lines were made subject to the Railway Labor Act that the total number of air-line cases handled by the Board decreased from the total of the previous year. Although there has been a sharp drop in the number of air line representation disputes on the air lines during 1949 there was a comparable increase in the number of mediation cases. Thus, the totals were practically unchanged for the two past years—95 in 1949 and 96 in 1948. These results reflect the fact that organization among most crafts or classes of air-line employees is virtually completed. However, there will continue to be disputes over representation resulting from organization efforts of rival unions. As more and more air-line employees become organized it is a natural development for more and more disputes over changes in rates of pay or rules to be referred to the Board for mediation.

The growth in the number of air-line disputes disposed of by the Board since air-line employees became subject to the Act is presented as follows:

Fiscal year	Representa- tion cases	Media- tion cases	Total	Fiscal year	Representa- tion cases	Media- tion cases	Total
1938.....	1	2	3	1945.....	17	11	28
1939.....	1	4	5	1946.....	24	33	57
1940.....	2	4	6	1947.....	42	36	78
1941.....	1	5	6	1948.....	46	50	96
1942.....	1	5	6	1949.....	32	63	95
1943.....	2	5	7				
1944.....	8	3	11	Total.....	177	221	398

III. REPRESENTATION DISPUTES

1. ELECTIONS AND CERTIFICATION OF REPRESENTATIVES

The Board received and docketed 139 representation disputes during the fiscal year 1949. Adding this number to the 23 disputes pending at the beginning of the year makes a total of 162 representation cases requiring service of the Board. Of this total, 139 cases were disposed of during the year, leaving the number of pending disputes unchanged as the year closed.

The number of representation cases docketed during 1949 was the smallest in any year since 1941. During and immediately following the war there was a sharp increase in the number of such disputes. A part of this increase, particularly since 1945, was due to extensive organizing activity among air-line employees. By 1949, much of this organizing work had been completed. Moreover, there has been a notable decrease during the past 2 years in the number of disputes between the standard train and engine service labor organizations for representation of railroad-operating employees. These factors have combined to effect a gradual reduction in the total of representation disputes referred to the Board for investigation.

The Board favors keeping its backlog of pending disputes low for this permits assignment of mediators to newly docketed cases with minimum delay. 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.

The 139 representation disputes docketed during 1949 is a reduction of 17 percent from the 167 cases docketed during the previous year and a decline of 27 percent from the average of 190 cases docketed annually during the 3-year period 1945-47.

In representation disputes disposed of the total was 139 in 1949 as compared to 203 disposed of in 1948. This decline was effected by reducing the number of mediators assigned to representation disputes and assigning them to mediation cases where the backlog of pending disputes was substantially larger. As a result the backlog of 23 representation cases remained as the year ended while the backlog of mediation cases was reduced from 111 at the beginning of the year to 70 as of June 30, 1949.

The Railway Labor Act requires that representation disputes be resolved by crafts or classes. Many docketed cases involve more than one craft or class and some involve as many as six or seven

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

separate crafts or classes. Thus, the number of crafts or classes involved in representation disputes during 1949 is greater than the number of cases settled. Table 5 shows a total of 167 crafts or classes in the 139 cases disposed of in 1949.

The number of employees involved in representation cases disposed of in 1949 did not vary materially from the previous year—34,911 in 1949 as compared to 37,284 in 1948. This result reflects the fact that in neither year were there any cases involving an abnormally large number of employees. During 1949 the largest representation election involved nearly 13,000 maintenance-of-way employees of the Atchison, Topeka & Santa Fe Railroad. Another fairly large representation election involved approximately 7,000 shop craft employees of the Pullman Co.

In the final analysis the number of employees involved in representation cases more accurately measures the volume of this phase of the Board's work than the number of cases closed. A case involving 20 to 40 employees usually can be disposed of by a single mediator within a few days. On the other hand, the *Santa Fe Maintenance of Way* case required the services of one mediator for over 3 months and during the time of the election, five additional mediators were assigned to assist in the balloting which extended for approximately 30 days.

Of the 139 representation cases disposed of during 1949, certifications were issued in 109 cases involving 133 separate crafts or classes. Representation rights were thus established under provisions of the Act for a total of 31,376 employees. Of the remaining 30 cases, representation rights of the union were recognized by the carrier in 1 case without the necessity of a certification. In 6 cases the applications were withdrawn prior to investigation by a mediator and in 13 cases the applications were withdrawn following a mediator's investigation. In 10 cases the applications were dismissed. Dismissals were made for various reasons. In two cases the questions in dispute were basically jurisdictional between two labor organizations which the Board urged be settled by negotiation. Pending efforts of the organizations to settle the dispute, the Board dismissed the applications from its docket. Three cases were dismissed when the results of elections showed less than a majority of the employees had cast valid ballots. Under the Board's rules a majority of eligible employees must cast valid ballots in representation cases before certifications are issued. In elections where less than a majority participates, the cases are dismissed without certification. In three cases it was determined that the applications covered only a part of an established craft or class. In view of the fact that the Board is not authorized to split an established craft or class under the Act and when the applicant organizations declined to withdraw, there was no alternative but to dismiss the applications.

In one case investigation showed an insufficient number of valid authorization cards to warrant a representation election. In such cases the applicant organization is usually given an opportunity to withdraw. In this case the suggestion to withdraw was declined and therefore the application was dismissed.

In one case the dismissal was issued because all employees covered by the application were found to be based outside the United States. Based upon a Board ruling that the Act has no extraterritorial effect, the application was dismissed.

TABLE 5.—Number of cases, crafts or classes, and employees involved in representation disputes, by method of disposition, fiscal years 1935-49

Method of disposition	15-year period 1935-49	Number of cases					15-year period 1935-49	Number of crafts or classes				
		Fiscal year—						Fiscal year—				
		1949	1948	Average for 3-year period 1945-47	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1949	1948	Average for 3-year period 1945-47	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Total, all cases.....	2, 160	139	203	195	139	107	3, 074	167	225	236	179	215
Elections.....	1, 276	75	113	126	74	69	1, 898	90	125	155	101	142
Check of authorizations.....	479	34	50	34	38	21	669	43	57	39	49	42
Representation recognized.....	62	1	1	3	6	4	81	1	1	4	7	7
Withdrawn after investigation.....	196	13	20	15	11	8	220	16	20	19	11	13
Withdrawn before investigation.....	35	6	7	5	4	2	78	6	7	6	5	4
Dismissal.....	74	10	10	5	3	4	90	11	13	5	3	7
Closed without certification.....	38	-----	2	7	3	-----	38	-----	2	8	3	-----

Method of disposition	15-year period 1935-49	Number of employees involved					15-year period 1935-49	Number of employees participating				
		Fiscal year—						Fiscal year—				
		1949	1948	Average for 3-year period 1945-47	Average for 5-year period 1940-44	Average for 5-year period 1935-39		1949	1948	Average for 3-year period 1945-47	Average for 5-year period 1940-44	Average for 5-year period 1935-39
Total, all cases.....	814, 117	34, 911	37, 289	86, 407	31, 486	65, 053	604, 278	28, 584	24, 704	63, 837	24, 241	47, 658
Elections.....	677, 074	30, 643	28, 452	78, 273	25, 811	50, 815	574, 480	27, 439	23, 098	62, 268	22, 786	44, 640
Check of authorizations.....	40, 386	733	1, 764	1, 074	2, 254	4, 679	25, 969	583	1, 222	744	1, 350	3, 018
Representation recognized.....	26, 102	5	13	425	267	4, 695	-----	-----	-----	-----	-----	-----
Withdrawn after investigation.....	35, 982	2, 026	2, 062	3, 557	1, 709	2, 535	-----	-----	-----	-----	-----	-----
Withdrawn before investigation.....	13, 184	300	3, 504	1, 123	1, 030	172	-----	-----	-----	-----	-----	-----
Dismissal.....	17, 173	1, 204	1, 158	834	305	2, 157	843	562	281	-----	-----	-----
Closed without certification.....	4, 216	-----	331	1, 121	110	-----	2, 986	-----	103	795	105	-----

During the fiscal year, 28,584 employees participated in cases where elections were conducted or authorizations were checked. This constitutes 82 percent of the employees involved in such cases. The percentage of employee participation has remained high throughout the years the Railway Labor Act has been in effect and shows the high regard employees generally have for exercising their right to select collective bargaining representatives.

Table 5 below shows, for the 15-year period 1935-49, the number of representation cases, crafts or classes, employees involved, and participating in elections, subdivided by methods of disposition.

2. MAJOR GROUPS OF EMPLOYEES INVOLVED IN REPRESENTATION DISPUTES

Table 6 summarizes representation disputes settled during the year according to major occupational groups. In previous years, train-, engine-, and yard-service employees accounted for the largest number of cases. However, the prevailing era of peace between the standard train- and engine-service organizations has virtually stopped raiding activities and has resulted in a material decline in representation disputes among such employees.

Table 6 shows maintenance-of-way and signal employees as accounting for the largest proportion of employees in representation cases. This unusual result arises from a single large case involving some 13,000 maintenance-of-way workers.

TABLE 6.—*Number of crafts or classes and number of employees involved in representation cases, by major groups of employees, fiscal year 1949*

Major groups of employees	Number of cases	Number of crafts or classes	Employees involved	
			Number	Percent
Grand total, all groups of employees.....	139	167	34,911	100
Railroad, total.....	107	131	30,374	87
Train, engine, and yard service.....	16	19	4,743	14
Mechanical foremen.....	7	7	780	(1)
Maintenance of equipment.....	13	19	7,907	23
Clerical, office, station, and storehouse.....	8	8	372	1
Yardmasters.....	14	14	670	2
Maintenance-of-way and signal.....	9	10	13,997	40
Subordinate officials, maintenance-of-way.....	5	5	366	1
Agents, telegraphers and towermen.....	2	55		(1)
Dispatchers.....	1	1	5	(1)
Technical engineers, architects, draftsmen, etc.....	3	3	142	(1)
Dining car employees, train and pullman porters.....	4	4	225	(1)
Patrolmen and special officers.....	1	1	5	(1)
Marine service.....	13	19	807	3
Combined groups, railroad.....	3	11	45	(1)
Miscellaneous railroad.....	8	8	255	(1)
Air-line, total.....	32	36	4,537	13
Mechanics.....	12	12	1,427	4
Radio and teletype operators.....	9	9	1,757	5
Clerical, office, stores, fleet, and passenger service.....	2	2	803	3
Steward, stewardesses, and pursers.....	2	2	53	(1)
Dispatchers.....	2	2	29	(1)
Pilots.....	1	1	25	(1)
Mechanical foremen.....	1	1	233	(1)
Navigators.....	1	1	4	(1)
Combined groups, air line.....	1	5	42	(1)
Flight engineers.....	1	1	164	(1)

¹ Less than 1 percent.

In past years maintenance of equipment employees have accounted for the major portion of employees involved in representation disputes. However, over the years since 1934, such employees have been gradually won over to the international shop-craft organizations functioning through the Railway Employees' Department, A. F. of L. By the end of 1949, these organizations represented some 95 percent of the Nation's railroad shop craft employees. As a result there has been a rather steady decline in the proportion of representation disputes involving such employees to the total settled by the Board each year. The following tabulation shows the trend over the period 1938-49 in representation cases involving maintenance of equipment employees as compared to other representation cases.

Fiscal year	Cases		Crafts or classes		Employees	
	Number	Percent of total	Number	Percent of total	Number	Percent of total
1949.....	13	9	19	11	7,907	23
1948.....	22	11	36	16	3,706	10
1947.....	16	9	37	17	65,924	67
1946.....	25	12	42	16	68,549	54
1945.....	35	18	52	22	4,566	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

The increase in representation disputes among air-line employees during 1947 and 1948 declined notably in 1949. The 32 cases involving 4,537 air-line employees during 1949 compares with 46 cases and 5,466 employees during the previous year. In 1949 the bulk of such cases involved air-line mechanics on feeder lines who were endeavoring to designate representatives for the first time. The nine representation cases involving radio and teletype operators were occasioned by disputes arising chiefly out of the union's change of affiliation.

3. CERTIFICATIONS ISSUED

Table 7 presents a distribution, by types of labor organizations, of certifications issued by the Board during the fiscal year 1949. The table shows, as in the previous years, that the vast majority of employees prefer representation by national labor organizations rather than by local unions or system associations. During the year certifications were issued for 31,376 employees and of this number, 98 percent designated national labor organizations.

The table also shows that of the 31,376 employees for whom certifications were issued, representation was changed as a result of elections for 30 percent of the employees and remained unchanged for 61 percent. Reflecting the almost complete organization of rail and air-line employees, the table shows that representation rights were acquired for only 7 percent of the employees covered by certifications issued during the year.

TABLE 7.—Number of crafts or classes certified and employees involved in representation cases by types of results, fiscal year 1949

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	
		Number	Percent		Number	Percent		Number	Percent		Number	Percent
Grand total, 109 cases.....	133	31,376	100	120	30,633	98	4	260	1	9	483	1
Elections.....	90	30,643	98	78	29,977	96	4	260	1	8	406	1
Proved authorizations.....	43	733	2	42	656	2				1	77	
Representation acquired.....	76	2,815	9	65	2,259	7	4	260	1	7	296	1
Elections.....	34	2,082	7	24	1,603	5	4	260	1	6	219	1
Proved authorizations.....	43	733	2	42	656	2				1	77	
Representation changed.....	34	6,443	30	33	9,385	30				1	58	
Elections.....	34	9,433	30	33	9,385	30				1	58	
Proved authorizations.....												
Representation unchanged.....	22	19,118	61	21	18,989	61				1	129	
Elections.....	22	19,118	61	21	18,989	61				1	129	
Proved authorizations.....												

4. EXTENT AND NATURE OF LABOR REPRESENTATION

Table 8 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, 1949. 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 12 on which table 8 is based.

TABLE 8.—*Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1949*

Organization and craft or class	Extent of representation on June 30, 1949		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) 1
Total	136	235, 578							
Brotherhood of Locomotive Engineers:									
Locomotive engineers.....	112	225, 529	96	95	95	95	97	97	98
Locomotive firemen, hostlers, and hostler helpers.....	1	165	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Brotherhood of Locomotive Firemen and Engineers:									
Locomotive firemen, hostlers, and hostler helpers.....	125	231, 358	98	98	99	98	99	99	98
Locomotive engineers.....	17	7, 039	3	3	3	3	2	2	1
United Mine Workers of America:									
Locomotive engineers.....				(2)	(2)				
Locomotive firemen, hostlers, and hostler helpers.....				(2)	(2)				
International Association of Railway Employees:									
Locomotive firemen, hostlers, and hostler helpers.....	2	575	(2)	(2)	(2)				
Railroad Industrial Union:									
Locomotive engineers.....	1	716	(2)						
Locomotive firemen, hostlers, and hostler helpers.....	1	716	(2)						
Order of Railway Conductors of America:									
Conductors (road).....	94	203, 648	87	85	85	85	85	95	
Brakemen, flagmen, baggagemen (road).....	6	710	(2)	(2)	(2)	(2)	(2)	(2)	(2)
Yard foremen, helpers, and switchtenders.....	2	8, 389	4	3	4	3	4	4	4
Yardmasters.....	5	9, 496	4	4	4	4	5	6	5
Dining-car stewards.....	1	8, 058	4	3	4	6	6	6	10
Dining-car cooks.....	4	16, 896	7	7	7	10	10	8	6
Parlor- and sleeping-car conductors.....			5	5					
Brotherhood of Railroad Trainmen:									
Conductors (road).....	35	33, 752	15	15	15	13	14	7	2
Brakemen, flagmen, baggagemen (road).....	123	231, 968	99	99	99	98	99	99	99
Yard foremen, helpers, and switchtenders.....	116	208, 375	89	89	89	87	92	92	92
Yardmasters.....	29	25, 049	11	12	11	19	18	13	7
Dining-car stewards.....	40	162, 283	69	73	73	67	69	69	59
Dining-car cooks and waiters.....	1	325	(2)	(2)					
Passenger Representatives.....	1	5, 569	3	6	5				
Taproom attendants.....			4	4					
Motorcar operators.....	1	1, 154	1	1	1				
Bus and/or truck drivers.....	1	4, 316	2	2	2				
Gatemen.....	1	8, 171	4	4	4				
Hump motorcar operators.....	1	9, 715	4	4	4				
Switchmen's Union of North America: Yard foremen, helpers, and switchtenders.....	10	23, 917	11	11	11	11	8	9	10
Railroad Yardmasters of America:									
Yardmasters.....	35	142, 627	61	62	64	49	51	45	34
Stationmasters.....	2	8, 907	4	4	4	2	2	(2)	(2)
Portmasters.....	1	10, 671	5	5					
Railroad Yardmasters of North America:									
Yardmasters.....	7	14, 605	6	6	6	6	5	5	4
Stationmasters.....	2	10, 743	5	5	5	5	3	3	3

See footnotes at end of table.

TABLE 8.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1949—Continued

Organization and craft or class	Extent of representation on June 30, 1949		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) ¹
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees:									
Clerical, office, station, and storehouse.....	114	225,519	96	99	99	99	99	98	96
Redcaps, ushers, and station attendants.....	2	8,682	4	(2)	(2)				
Stationmasters.....	1	5,104	2	2	2				
Grain-elevator employees.....	2	16,722	7	7	7				
Coal pier foremen.....				2	2				
Coal cranemen.....	1	969	(2)	(2)	(2)				
Coal dumper employees.....	1	573	(2)	(2)	(2)				
Ore dock workers.....	3	13,104	6	6	6				
Gate-men.....	1	9,715	4	4	4				
Bus and/or truck drivers.....	1	7,644	3	3	3				
Laundry workers and/or seamstresses.....	1	9,726	4	7	4				
Hotel and restaurant employees.....	1	9,726	4	4	4				
Telegraphers, towermen and agents.....	1	191	(2)	(2)	(2)	(2)	(2)	(2)	(2)
United Transport Service Employees:									
Dining-car cooks and waiters.....	7	33,292	14	14	14	10	8	2	
Maids and chair-car attendants.....	1	4,754	2	2					
Train, coach, parlor, sleeping, and club-car porters.....	3	12,625	6	10	6	3	(2)	(2)	
Taproom attendants.....	1	1,815	1	1					
Redcaps, ushers, and station attendants.....	12	73,957	32	33	33	27	33	27	12
The Order of Railroad Telegraphers:									
Telegraphers, towermen, and agents.....	111	225,303	96	99	99	97	99	99	98
Train dispatchers.....	5	2,829	1	1	1	1	1	3	2
Telegraph and telephone linemen.....	6	10,645	5	6	5	4	7	5	4
Brotherhood of Railroad Signalmen of America:									
Signalmen.....	83	215,094	92	95	95	92	94	91	87
Telegraph and telephone linemen.....	5	5,921	2	2	2	2	2	1	
American Train Dispatchers Association:									
Train dispatchers.....	92	210,589	90	94	93	92	90	80	78
Boat dispatchers.....	2	14,941	6	4	4				
Power dispatchers.....	1	1,297	(2)	1	1				
Railway Employees' Department, A. F. of L.:									
Supervisors of mechanics.....	8	15,683	7	7	14	10	11	3	
Molders.....	1	6,202	3	3	3				
Laundry workers and/or seamstresses.....	1	8,171	4	4	4				
Motor car repairmen.....	1	1,195	(2)	(2)	(2)				
Brotherhood of Maintenance of Way Employees:									
Maintenance of way employees.....	114	212,289	90	94	94	94	94	94	92
Shop laborers.....	3	3,870	2	2	2	(2)	1	3	3
Stockyard employees.....	1	8,714	4	4	4				
Coal pier operators.....	1	969	(2)	(2)	(2)				
Drawbridge operators.....	2	3,392	2	2	2				
Foremen in electric traction department.....	1	9,715	4	4	4				
Crossing tenders.....	1	988	(2)	(2)	(2)				
Hoisting engineers.....	1	4,644	2	2	2				
International Association of Machinists; Machinists:									
International Brotherhood of Boilermakers, Iron Ship Builders and Helpers of America: Boilermakers.....	109	212,754	91	94	94	95	95	87	76
International Brotherhood of Blacksmiths, Drop Forgers and Helpers: Blacksmiths.....	107	208,176	88	89	89	89	89	81	77
Sheet Metal Workers International Association:									
Sheet metal workers.....	106	213,112	91	94	94	95	94	87	76
Molders.....	2	332	(2)	4	4				
Foundry employees.....	1	10,671	5	5	5				
Water service employees.....	2	9,532	4	1	1				
International Brotherhood of Electrical Workers:									
Electrical workers.....	101	210,599	89	93	93	93	93	87	79
Telegraph and telephone linemen.....	24	97,409	42	44	44	34	40	33	
Signalmen.....	5	2,570	1	1	1	1	1	1	1
Coal pier operators.....	3	6,183	3	3	3				
Coal dumper employees.....	1	5,104	2	2	2				
Substation operators.....	1	10,671	5	5	5				
Brotherhood Railway Carmen of America: Carmen, Helpers, Roundhouse and Railway Shop Laborers: Powerhouse employees and railway shop laborers.....	110	213,269	91	94	94	98	91	87	78
	108	214,531	91	94	94	94	93	87	71

See footnotes at end of table.

TABLE 8.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1949—Continued

Organization and craft or class	Extent of representation on June 30, 1949		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) ¹
Hotel and Restaurant Employees International Alliance and Bartenders Union:									
Cooks and waiters.....	40	137, 117	59	62	67	68	71	71	58
Coach, sleeping-car, parlor-car and club-car porters.....	7	37, 629	16	17	17	8	9	9	-----
Hotel and restaurant employees.....	2	9, 131	4	8	5	5	-----	-----	-----
Bartenders.....	3	24, 955	11	11	7	-----	-----	-----	-----
Maids and chair-car attendants.....	-----	-----	-----	(2)	(2)	-----	-----	-----	-----
Platform vendor service employees.....	1	6, 550	3	3	3	-----	-----	-----	-----
American Railway Supervisors Association:									
Yardmasters.....	4	10, 878	5	5	5	4	5	4	4
Supervisors of mechanics.....	21	69, 449	29	33	32	30	29	17	6
Wire chiefs.....	1	8, 058	4	4	4	-----	-----	-----	-----
Stationmasters.....	1	8, 058	4	4	4	-----	-----	-----	-----
Roadmasters.....	1	8, 058	4	4	4	-----	-----	-----	-----
Technical employees.....	3	4, 404	2	5	1	-----	-----	-----	-----
Subordinate officials in maintenance of way and structures department.....	6	19, 448	8	6	4	-----	-----	-----	-----
Brotherhood of Sleeping Car Porters:									
Coach, sleeping-car, parlor-car, and club-car porters.....	28	113, 089	48	49	48	40	40	31	10
Maids and chair car attendants.....	1	13, 103	6	8	8	-----	-----	-----	-----
Porter brakemen.....	1	13, 103	6	4	4	-----	-----	-----	-----
National Council Railway Patrolmen's Union, A. F. of L.: Railway patrolmen.....	27	84, 506	36	48	46	42	43	17	-----
Utility Workers Organizing Committee:									
Machinists.....	1	97	(2)	(2)	(2)	(2)	(2)	(2)	-----
Boilermakers.....	1	97	(2)	(2)	(2)	(2)	(2)	(2)	-----
Blacksmiths.....	-----	-----	-----	-----	-----	(2)	(2)	(2)	-----
Sheet metal workers.....	-----	-----	-----	-----	-----	(2)	(2)	(2)	-----
Electrical workers.....	-----	-----	-----	-----	-----	(2)	(2)	(2)	-----
Carmen.....	-----	-----	-----	-----	-----	(2)	(2)	(2)	-----
Powerhouse employees and railway shop laborers.....	-----	-----	-----	(2)	(2)	(2)	(2)	(2)	-----
Brotherhood of Railroad Shop Crafts of America:									
Machinists.....	1	9, 715	4	4	4	4	4	3 4	-----
Boilermakers.....	-----	-----	-----	-----	-----	-----	4	3 4	-----
Blacksmiths.....	2	10, 703	5	5	7	6	6	3 7	-----
Sheet metal workers.....	1	393	(2)	(2)	(2)	4	5	2 4	-----
Electrical workers.....	2	1, 381	(2)	(2)	(2)	4	5	3 4	-----
Carmen.....	1	393	(2)	(2)	(2)	4	5	3 4	-----
Bricklayers.....	1	9, 715	4	4	4	-----	-----	-----	-----
Powerhouse employees and railway shop laborers.....	-----	-----	-----	-----	-----	-----	4	3 4	-----
International Federation of Technical Engineers, Architects, and Draftsmen's Unions, A. F. of L.: Technical engineers, architects, draftsmen and allied workers.....	2	6, 401	3	4	4	-----	-----	-----	-----
International Union of Steam and Operating Engineers:									
Hoisting and portable engineers in stores department.....	1	1, 757	1	1	1	-----	-----	-----	-----
Hoisting engineers.....	2	8, 475	4	7	7	-----	-----	-----	-----
Grain-elevator employees.....	1	7, 139	3	-----	-----	-----	-----	-----	-----
International Longshoremen's Association:									
Wharf freight handlers.....	1	172	(2)	(2)	(2)	-----	-----	-----	-----
Grain elevator employees.....	1	172	(2)	(2)	(2)	-----	-----	-----	-----
Coal dumper employees.....	3	1, 633	(2)	1	1	-----	-----	-----	-----
Coal pier operators.....	2	5, 224	2	2	2	-----	-----	-----	-----
International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers: Bus and truck drivers.....	1	8, 333	4	4	4	-----	-----	-----	-----
American Brotherhood of Railway Police: Patrolmen.....	1	6, 630	3	3	3	-----	-----	-----	-----
United Railroad Workers of America:									
Boilermakers.....	1	9, 715	4	4	4	-----	-----	-----	-----
Blacksmiths.....	1	4, 754	2	2	2	-----	-----	-----	-----
Sheet metal workers.....	1	9, 715	4	4	4	-----	-----	-----	-----
Powerhouse employees and railway shop laborers.....	1	9, 715	4	4	4	-----	-----	-----	-----
Molders.....	-----	-----	-----	-----	-----	4	-----	-----	-----
Maintenance of way employees.....	1	13, 103	6	6	-----	-----	-----	-----	-----

See footnotes at end of table.

TABLE 8.—Number and mileage of principal carriers by railroad where employees are represented by various labor organizations, by crafts or classes, June 30, 1949—Continued

Organization and craft or class	Extent of representation on June 30, 1949		Percent of total mileage covered on June 30—						
	Number of carriers	Mileage covered	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) ¹
International Longshoremen and Warehousemen's Unions, CIO: Coal dumper employees	1	662	(2)	(2)	(2)				
Amalgamated Association Street, Electric Railway and Motor Coach Employees of America, A. F. of L.: Bus and/or truck drivers	1	596	(2)	(2)					
System associations:									
Locomotive engineers						(2)	(2)	1	1
Locomotive firemen, hostlers, and hostler helpers							(2)	1	2
Yardmasters	4	10,811	5	5	4	1	2	5	6
Clerical, office, station, and storehouse						1	1	1	5
Telegraphers, towermen, and agents	1	59	(2)	(2)	(2)	3	2	6	
Dispatchers	4	7,549	3	3	3	3	3	11	11
Maintenance of way employees					6		6	6	8
Machinists	3	1,229	(2)	(2)	(2)	1	1	11	19
Boilermakers	4	1,394	1	1	1	1	1	12	23
Blacksmiths	4	5,600	2	2	2	3	4	17	23
Sheet metal workers	3	1,284	(2)	(2)	(2)	1	1	11	22
Electrical workers	4	1,899	1	1	1	1	2	11	23
Carmen	4	1,394	1	1	1	1	3	11	22
Powerhouse employees and railway shop laborers	1	165	(2)	(2)	(2)	(2)	1	10	22
Dining-car stewards	2	4,651	2	1	1	1	1	3	4
Cooks and waiters	1	2,443	1	1	1	2	2	9	15
Coach, sleeping-car, parlor-car, and club-car porters					2	5	6	6	14
Supervisors of mechanics	9	50,500	22	23	23	22	22	16	17
Railway Patrolmen	5	14,051	6	7	7	6	7	4	
Stationmasters	2	10,108	4	4	4				
Foundry employees	1	7,644	3	3	3				
Printer	1	6,202	3	3	3				
Wire chief	1	214	(2)	(2)	(2)				
Coal dumper employees					(2)				
Technical engineers, architects, draftsmen, and allied workers	8	14,082	6	4	4				
Nurses				4	4				
Drawbridge operators				(2)	(2)				
Subordinate officials in maintenance of way and structures department	4	18,669	8	4	4				
Foremen in electric traction department	1	374	(2)	(2)	(2)				
Telephone and telegraph linemen				(2)	(2)				
Local unions:									
Firemen and hostlers	2	1,045	(2)	(2)	(2)	(2)	(2)	1	2
Brakemen, flagmen, and baggagemen	2	1,045	(2)	1	(2)	(2)	(2)	(2)	(2)
Yard foremen, helpers, and switchtenders	3	1,661	(2)	1	(2)	(2)	(2)	(2)	
Cooks and waiters	4	13,144	6	6	(2)	4	5	4	
Coach, parlor-car, club-car, and sleeping-car porters	2	6,746	3	3	3	6	7	8	
Supervisors of mechanics	1	214	(2)	1	1	1	1	1	
Technical engineers, architects, draftsmen, and allied workers	1	1,500	(2)	1					
Wharf freight handlers	1	6,630	3	3	3				
Car riders	1	662	(2)	(2)	(2)				
Subordinate officials in maintenance of way and structures department	3	9,834	4	4					

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

² Less than 1/2 of 1 percent.

³ For fiscal year ended June 30, 1944 only.

⁴ For three-year period only—1942, 1943, and 1944.

Table 8A shows comparable information for marine and related employees of rail carriers included in table 8. Since the rail mileage of these carriers bears no relation to their marine operation it is omitted from this section of the table.

TABLE 8A.—*Representation of marine department and related miscellaneous groups of employees, by organization and crafts or classes, June 30, 1949*

Organization and craft or class	Number of railroads as of June 30—						
	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) ¹
National Organization Masters, Mates, and Pilots:							
Licensed deck.....	20	22	22	22	22	23	23
Unlicensed deck.....	9	9	9	9	9	8	3
Float watchmen.....	4	5	5	5	3	3	-----
National Marine Engineers' Beneficial Association:							
Licensed engine.....	17	19	19	19	20	20	18
Unlicensed engine.....				1	1	2	1
Seafarers' International Union of North America:							
Unlicensed deck.....						2	6
Unlicensed engine.....	1	1	1	1		4	5
Marine cooks and stewards.....						2	4
International Longshoremen's Association:							
Licensed deck.....	2	2	2	3	3	4	9
Licensed engine.....	2	2	2	2	3	3	16
Unlicensed deck.....	1	1	1	1	2	6	15
Unlicensed engine.....	1	2	2	2	3	6	16
Coal dumper employees.....		1	1	4	5	5	41
Fighter captains.....	6	7	6				
Flat watchmen.....	1	1	1	1	2	3	1
Longshoremen.....	2	2	2				
Marine shop employees.....	1	1	1				
Holisting engineers.....	1	1	1				
National Maritime Union:							
Unlicensed deck.....	5	5	5	6	6	1	
Unlicensed engine.....	5	5	5	5	7	1	
Marine cooks and stewards.....	3	3	3	3	3		
Float watchmen.....		1	1				
Grain-elevator employees.....	1	1	1				
United Mine Workers, District 50:							
Licensed deck.....	3	3	3	2	2		
Licensed engine.....		2	3	3	2		
Unlicensed deck.....		3	2	2	2		
Unlicensed engine.....		1	2	2	2		
Float watchmen.....		3	3				
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Labor- ers:							
Unlicensed deck.....	1	1	1	1	1	1	
Unlicensed engine.....	1	1	1	1	1	1	
United Railroad Workers of America, C. I. O.:							
Licensed deck.....	1	1	1				
Licensed engine.....	5	3	2				
Unlicensed deck.....	5	2	2				
Unlicensed engine.....	5	8	5				
Lighter captains.....	1	1	1				
Boat dispatchers.....	1	1	1				
Foremen's Association of America:							
Licensed deck.....	2						
Licensed engine.....	3	1					
Order of Railroad Telegraphers: Purser-radio oper- ators.....	1	1	1				
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employ- ees: Purser and assistants.....	1	1	1				
Inlandboatmen's Union of the Pacific:							
Unlicensed deck.....	1	1	1				
Unlicensed engine.....	1	1	1				
Utility Workers Organizing Committee: Marine shop employees.....		1	1				
International Association of Railway Employees:							
Unlicensed deck.....	1	1	1				
Unlicensed engine.....	1	1	1				
Hotel and Restaurant Employees and Bartenders International Alliance: Marine chefs, cooks, and waiters.....	1	1	1				

See footnotes at end of table.

TABLE 8A.—*Representation of marine department and related miscellaneous groups of employees, by organization and crafts or classes, June 30, 1949—Continued*

Organization and craft or class	Number of railroads as of June 30—						
	1949	1948	1947	1946	1945	5-year period 1940-44 (average)	4-year period 1936-39 (average) ¹
System associations:							
Licensed deck.....	1	1	1	1	1	2	3
Licensed engine.....	1	1	1	2	2	2	6
Unlicensed deck.....	1	1	1	1	1	1	1
Unlicensed engine.....	2	2	3	2	2	1	2
Coal dumper employees.....				1	1	1	
Local unions:							
Licensed deck.....				1	1	2	
Licensed engine.....				1	1	1	
Unlicensed deck.....	3	3	3	4	4	6	
Unlicensed engine.....	3	3	3	7	7	9	
Marine cooks and stewards.....	1	1	1	1	1	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, 1938, and 1939, only.

⁴ For fiscal year ended June 30, 1939, only.

⁵ For fiscal year ended June 30, 1944, only.

IV. MEDIATION DISPUTES

Dispositions of mediation cases made during the fiscal year 1949 amounted to 309, or an increase of 50 over the previous year. Mediation cases docketed during the fiscal year 1949 totaled 268, which was a decrease of 33 under the fiscal year 1948, and also a decrease of 20 under the 3-year average for 1945-47 of 288. This decrease is probably due to both operating and nonoperating railroad employee groups being occupied during the latter part of 1948 and early 1949 on national wage and rules movements. The operating organizations completed agreements on wage and rules movements in November 1948 after several months of negotiations, and the nonoperating organizations, after hearings before an Emergency Board on the 40-hour week and a wage increase in late 1948, were engaged in further negotiations on the 40-hour-week issue which finally culminated in an agreement on March 19, 1949. After this agreement was reached, several other organizations representing groups of employees not included in the national 40-hour-week agreement conducted negotiations with the conference committees of the carriers and also worked out 40-hour week and wage-increase agreements.

As of June 30, 1949, there were 70 mediation cases on the Board's docket open and unsettled, as compared with 111 on this date in 1948.

1. MEDIATION AND ARBITRATION AGREEMENTS

During the fiscal year 1949 a total of 215 mediation cases were disposed of by mediation agreements, arbitration agreements, or being withdrawn during or prior to mediation. This figure is approximately 70 percent of the total dispositions of mediation cases, 309. A total of 88 docketed cases were referred to Emergency Boards created under Section 10 of the Act after arbitration had been refused by one or both of the parties.

In the 15-year existence of the present Board the percentage of mediation agreements executed to the total number of mediation cases disposed of amounts to about 52.7 percent. This percentage has remained practically constant for the past several years. The percentage of mediation agreements secured in 1949 to the total cases disposed of was a little over 50, which equals the percentage in the previous year. Again, the time consumed by mediation of strike dockets involving claims and grievances is reflected in the reduction of this percentage under the 15-year average.

Since the Board commenced operations in 1934, the two categories of changes and revisions in rules, and changes in rates of pay have accounted for a large majority of mediation cases handled. Negotiation of new and complete working agreements is now practically confined to the air-line groups in view of the stabilized representation on the railroads which has existed for several years, as reflected in the statistical tables in chapter III. Table 9 shows the division of mediation cases handled among the four principal categories of such disputes.

During the year 1949, arbitration agreements disposed of nine cases under the provisions of section 7 of the Act. Chapter V contains a brief description of the issues covered by each of these agreements and a summary of the awards of the arbitration boards.

TABLE 9.—*Issues involved in cases disposed of by mediation agreements, fiscal years 1935-49*

Issues involved	15-year period	1949	1948	Average for 3-year period, 1945-47	Average for 5-year period, 1940-44	Average for 5-year period, 1935-39
Total, all cases.....	1,671	159	130	177	117	54
Negotiation of new agreements, etc.....	212	24	12	15	15	12
Changes in rates of pay.....	543	20	26	60	50	14
Changes and revisions in rules, etc.....	830	100	77	99	46	25
Miscellaneous cases.....	86	15	15	3	6	3

2. OTHER DISPOSITION OF MEDIATION CASES

Deducting the total of 215 mediation cases disposed of by mediation agreements, arbitration agreements, and withdrawals, there were left 94 cases which were removed from the Board's docket by other means. Of this number, 89 were closed after rejection of arbitration by one or both parties to the dispute. In 64 cases, arbitration was declined by the carriers. This number includes cases involving the second engineer on Diesel locomotives mentioned above. The employees declined arbitration in 6 cases, and in 19 cases, both employees and carriers refused to arbitrate the disputed issues. A total of 5 cases were dismissed by Board action, after the situations which had originally brought about the applications had ceased to exist.

3. AIR-LINE MEDIATION CASES

During the fiscal year 1949 the Board handled and disposed of a total of 63 cases involving commercial air lines and various groups of their employees. This figure is about 20 percent of the total mediation cases handled. This percentage, however, does not represent the amount of time consumed in the handling of these disputes, which was approximately one-third of the total time devoted to mediation efforts. Representation of air-line employees is still far from stabilized. This situation has resulted in protracted mediation proceedings in the negotiation of new agreements covering wages and working conditions. Another factor tending to take more of the Board's mediation efforts on the air-line cases than the percentage to total cases would indicate is the prevailing custom of making air-line agreements for practically all crafts "closed" agreements from year to year, with a "reopening" period of 30 days prior to the anniversary date of the agreement. This practice has resulted in the various organizations submitting a great number of rules changes and wage demands annually, during the "reopening" period, which has made it necessary to spend considerable amounts of mediation time in each of such cases.

Technological improvements in air-line operation, particularly in the handling of communications on aircraft in flight, have also created situations which have been the subject of several mediation cases.

During the fiscal year 1949, representation cases among air-line employees numbered 32, as compared with 46 during the previous year. The 63 mediation cases on the air lines in 1949 is an increase of 13 over the 50 cases handled in 1949. The grand total of air line mediation cases disposed of from 1934 to June 30, 1949, is 224.

V. ARBITRATION AND EMERGENCY BOARDS

1. ARBITRATION BOARDS

In disputes where the National Mediation Board or its representatives are unable to effect a settlement through mediation, the Board's next duty under the Railway Labor Act is to use its best efforts to induce the parties to submit their controversies to arbitration under the provisions of section 7 of the Act. While there is no compulsion on either party to agree to arbitrate, the Mediation Board emphasizes the spirit and intent of the law to settle disputes peaceably. The Board, however, does not consider the proffer of arbitration as a perfunctory action, but rather that efforts to induce the parties to submit their differences to arbitration should be equally as intensive as those made in attempting to secure settlement by mediation. Arbitration under the Act has the additional advantage of providing a definite and legally enforceable decision under which both parties to a dispute may operate in the future.

Awards made by arbitration boards during the fiscal year 1949 totalled 15 and are briefly summarized below:

CASE A-2751, ARB. 103.—*The Northern Pacific Terminal Co. of Oregon and Brotherhood of Maintenance of Way Employees*

Members of the Arbitration Board were Mr. John D. Galey, attorney of Sweet Home, Ore.; Mr. E. B. Stanton, vice president and general manager, Spokane, Portland & Seattle Railway, Portland, Ore., representing the carrier; and Mr. Louis Vogland, of Minneapolis, Minn., representing the organization. The party arbitrators being unable to agree upon the third arbitrator, the National Mediation Board designated Mr. Galey and he was elected chairman.

The question submitted to arbitration involved a step rate of pay for trackmen. Hearings were held in Portland, Ore., commencing July 27, 1948; award was dated July 30, 1948. The board unanimously awarded the step rates of pay requested.

CASE A-2686, ARB. 104.—*Braniff Airways, Inc., and Air Line Communications Employees Association, ACA-CIO.*

Members of the Arbitration Board were Mr. I. L. Broadwin, counsellor at law, New York City; Mr. Malcolm Harrison, personnel manager, Braniff Airways, Inc., Dallas, Tex.; and Mr. Mil Senior, vice president, Air Line Communications Employees Association, New York City, representing the organization. The party arbitrators were unable to agree upon the third arbitrator, and the National Mediation Board named Mr. Broadwin as the neutral arbitrator, and he was elected chairman of the board.

The questions in this dispute involved increase in rates of pay of radio and teletype operators; whether certain former employees would be entitled to benefit from pay increases, if any awarded; and the

effective date and terminal date of agreement between the parties dated February 25, 1948.

Arbitration proceedings were held in Dallas, Tex., commencing June 30, 1948, and the award, dated August 19, 1948, granted an across-the-board 18.8 percent increase in wage rates to all radio and teletype operators in the company's employ, to be paid retroactively to September 4, 1947; this increase also to be paid to certain former employees who had left service after that date, if not discharged for cause. The effective date of the agreement in question was established as September 1, 1948, with terminal date June 1, 1949.

CASE A-2625, ARB. 106.—*Interpretation. The New York Central Railroad Co. (Buffalo and East) and The Order of Railroad Telegraphers*

Members of the Arbitration Board were Dr. William M. Leiserson, former Member of the National Mediation Board, of Washington, D. C.; Mr. W. G. Abriel representing the carrier; and Mr. N. D. Pritchett representing the organization. Dr. Leiserson was chosen by the party arbitrators as neutral arbitrator and he was designated as chairman. The Board made its award on June 24, 1948, as summarized in the fourteenth annual report. However, differences arose as to the meaning or application of certain provisions of the award, and the Arbitration Board was reconvened in Washington, D. C., beginning January 10, 1949, and its interpretation was made on January 15, 1949, covering three questions raised by the carrier, two of which required interpretation of article I of the award and one requiring interpretation of article 22.

The Order of Railroad Telegraphers contended that the questions in dispute were properly referable to the National Railroad Adjustment Board since they involved interpretation of a contract made pursuant to the award, rather than interpretation of the award itself. The arbitrator representing the organization did not sign the interpretation but made a separate statement outlining the position of the organization with respect to their contention that the reconvened Arbitration Board had no jurisdiction as to the three questions in dispute. Court proceedings in connection therewith were later instituted by the Order of Railroad Telegraphers which had not been heard at the close of this fiscal year.

CASE NO. A-2799, ARB. 109.—*Chicago, Milwaukee, St. Paul & Pacific Railroad Co. and Order of Railway Conductors*

The Arbitration Board was composed of Mr. L. F. Donald, general manager, Chicago, Milwaukee, St. Paul & Pacific Railroad Co.; Mr. F. H. Nemitz, senior vice president, Order of Railway Conductors; and Judge Curtis G. Shake, former member of the Supreme Court of Indiana, of Vincennes, Ind., the latter having been selected by the party arbitrators as the third arbitrator and was designated to serve as chairman.

Hearings commenced in Chicago, Ill., on September 13, 1948. The question submitted to arbitration related to conductor and optional operations and involved the matter of assignment of sleeping and parlor car conductors employed by the carrier to sleeping and parlor car operations conducted by the carrier. The award was rendered on October 30, 1948, an extension of time having been stipulated. The award established for the sleeping car conductors employed by the carrier the same practices that prevail upon the Pullman System with respect to the matters in controversy. The carrier arbitrator dissented from the award.

CASE A-2671, ARB. 111.—*Northwest Airlines, Inc., and Air Line Communications Employees Association, ACA-CIO*

Members of the Arbitration Board were Dr. John A. Lapp of Chicago, Ill.,

Mr. Arnold R. Erickson of St. Paul, Minn., representing the carrier; Mr. Henry Krass of St. Paul, Minn., representing the organization. The party members being unable to agree upon the third arbitrator, Dr. John A. Lapp was designated by the National Mediation Board as neutral arbitrator, and he was elected to serve as chairman of the board.

Hearings were commenced in St. Paul, Minn., on September 16, 1948. The question submitted to arbitration related to time in excess of 6 months served by employees in the classification of junior radio operator prior to June 1, 1946, to be considered in calculating automatic wage progression as senior radio operator. The award of the board, dated October 4, 1948, held that time so spent by junior radio operators should not be considered as time spent as senior radio operator under contract effective June 1, 1946. The organization arbitrator did not sign the award but refrained from filing a dissent.

CASE A-2893, ARB. 112.—*Capital Airlines, Inc., and International Association of Machinists*

Members of the Arbitration Board were Prof. Nate P. Feinsinger of the University of Wisconsin; Mr. R. P. Wright of Washington, D. C., designated by the carrier; and Mr. J. W. Ramsey of Washington, D. C., designated by the organization. Prof. Nate P. Feinsinger was selected by the parties as third arbitrator and he was named to serve as chairman.

The dispute involved increase in basic rates of pay of inspectors, mechanics, ground-service employees, plant-maintenance helpers, plant servicemen, cleaners, and radio field engineers. Hearings commenced in Washington, D. C., October 14, 1948, and the award was made October 23, 1948. An increase of 11 cents across the board in the basic rates of pay of employees coming under the current agreement was awarded, effective June 1, 1948.

CASE A-2918, ARB. 113.—*Missouri Pacific Railroad Co. and Texas & Pacific Railway Co. and Brotherhood of Railroad Trainmen*

The members of the Arbitration Board were Mr. Floyd McGown of San Antonio, Tex.; Mr. M. E. Clinton of Dallas, Tex., representing the carriers; and Mr. R. E. Powell of Temple, Tex., representing the organization. The party arbitrators being unable to agree upon a third arbitrator, Mr. Floyd McGown was designated by the National Mediation Board as the neutral arbitrator, and he was elected to serve as chairman of the board.

The question submitted for arbitration related to proposed change in agreement dated June 2, 1927, with respect to yardmen of the Missouri Pacific Railroad Co. and the Texas & Pacific Railway Co. employed in the yards at Alexandria and Addis, La. Hearings commenced at Dallas, Tex., on December 6, 1948, and the unanimous award was rendered on December 16, 1948, in which the request of the organization to change the agreement of June 2, 1927, was denied; the said agreement was cancelled effective December 31, 1948; and the parties were to put into effect as of January 1, 1949, a new agreement with respect to these employees, to remain in effect until December 31, 1949, and thereafter until changed in accordance with the provisions of the Railway Labor Act.

ARB. 114.—*Erie Railroad Co. and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were Mr. Frank M. Swacker, an attorney of New York City, N. Y.; Mr. H. Van Houten, of Little Falls, N. J., secretary of the Erie general committee, Brotherhood of Railroad Trainmen, selected by the organization; and Mr. F. X. Garland, assistant superintendent, Erie Railroad Co., Youngstown, Ohio, selected by the carrier.

This controversy involved a large docket of grievances which would ordinarily have been referred to the First Division of National Railroad Adjustment Board. In direct negotiations between the parties, however, an agreement to arbitrate the unsettled claims was signed on October 14, 1948, in which Mr. Frank M. Swacker was designated as the third arbitrator.

Hearings were commenced in Cleveland, Ohio, on November 30, 1948, and the unanimous award was made on February 7, 1949. The time for making the award was extended by stipulation of the parties, due to the length of time necessary to hear and decide the numerous claims.

CASE C-1657, ARB. 115.—*Pennsylvania Railroad Co. (Central and Western Lines) and Brotherhood of Railroad Trainmen*

The members of the Arbitration Board were Judge Ernest M. Tipton of the Supreme Court of Missouri, Jefferson City, Mo.; Mr. M. L. Long, assistant chief of personnel, Pennsylvania Railroad Co., Philadelphia, Pa., representing the carrier; and Mr. H. F. Sites, general chairman, Brotherhood of Railroad Trainmen, representing the organization. The party arbitrators being unable to agree upon the third arbitrator, Judge Ernest M. Tipton was designated by the National Mediation Board to serve as the neutral arbitrator, and he was elected chairman of the board.

Hearings were held in Chicago, Ill., beginning December 1, 1948. The dispute involved several grievance claims which had been covered by a strike ballot. The Arbitration Board's unanimous award was made on December 9, 1948, some of the claims being denied, some granted, and others modified.

CASE A-2915, ARB. 116.—*Braniff Airways, Inc., and Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees*

The members of the Arbitration Board were Mr. A. Langley Coffey, attorney, of Tulsa, Okla.; Mr. Malcolm Harrison, personnel manager, Braniff Airways, Dallas, Tex., as carrier member; and Mr. H. R. Lyons, vice grand president of the organization, named as the organization member. The party arbitrators being unable to agree upon the third arbitrator, Mr. A. Langley Coffey was designated by the National Mediation Board as the neutral member of the board.

Hearings were held in Dallas, Tex., beginning January 10, 1949. The questions at issue related to wage increases and continuance of existing wage adjustment plans. The board made its unanimous award on February 4, 1949, providing for a general across-the-board increase of 16 cents per hour in hourly rated classifications, and an equivalent increase of \$27.73 per month for monthly rated classifications. It further specified that the existing practice of the carrier with respect to wage adjustments should continue in full force and effect.

CASE A-2869, ARB. 117.—*Chicago, Rock Island & Pacific Railroad Co. and The Order of Railroad Telegraphers*

Members of the Arbitration Board were Mr. Hugo Sonnenschein, Jr., attorney of Chicago, Ill.; Mr. Bruce E. Dwinnell of Parkersburg, W. Va., representing the carrier; and Mr. B. N. Kinkead of Chicago, Ill., representing the organization. The party arbitrators were unable to agree upon a third arbitrator, and Mr. Hugo Sonnenschein, Jr., was designated by the National Mediation Board as the third member of the arbitration board. He was elected to serve as chairman.

This dispute involved a request of the employees for a wage increase of 20 cents per hour for manager-wire chiefs, wire chiefs, traffic chiefs, and repeater attendants, effective July 1, 1946. Hearings commenced in Chicago on February 11, 1949, and the award was made

on March 10, 1949, with the organization representative dissenting. An increase of 3 cents per hour, effective September 1, 1946, was awarded.

CASE A-3022, ARB. 118.—*Monarch Air Lines, Inc., and International Association of Machinists*

Members of the Arbitration Board were Mr. A. Langley Coffey, an attorney of Tulsa, Okla.; Mr. Roy F. Vincent of Denver, Colo., representing the carrier; and Mr. G. B. Summers of Cheyenne, Wyo., representing the organization. The party arbitrators being unable to agree upon the third arbitrator, the National Mediation Board designated Mr. A. Langley Coffey to serve and he was elected by the Arbitration Board as the chairman.

Hearings commenced in Denver, Colo., on April 5, 1949. The questions in this case related to wage rates, severance pay, shift premiums, longevity allowance, sick leave, field service, and overtime, for inspectors, mechanics, cleaners, and janitors employed by the carrier. The award was rendered on May 14, 1949, in which the carrier representative dissented in part and the organization representative also dissented in part. The award provided for wage increase in varying amounts, for severance pay, shift premiums, sick leave benefits, payment for field service and the filling of temporary vacancies, and overtime payments. The request for longevity provisions was denied.

CASE A-3041, ARB. 119.—*Wisconsin Central Airlines, Inc., and International Association of Machinists*

Members of the Arbitration Board were Mr. Harold M. Gilden, attorney, Chicago, Ill.; Mr. Arthur E. Schwandt, Madison, Wis., representing the carrier; and Mr. Tom H. Temple of St. Paul, Minn., representing the organization. Mr. Harold M. Gilden was selected by the party arbitrators as the third arbitrator, and he was elected chairman.

Hearings were commenced in Madison, Wis., on March 22, 1949, and the board rendered its award on April 11, 1949. The question submitted to arbitration involved revision of wage scale for lead mechanics, inspectors, mechanics and ground-service men, and the award specified rates of pay for employees in these classifications, including increases in varying amounts.

ARB. 120.—*Erie Railroad Co. and Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen*

Members of the Arbitration Board were Mr. Frank M. Swacker, attorney, New York City, N. Y.; Messrs. G. C. White of Ridgewood, N. J., and F. L. Van Schaick of Port Jervis, N. Y., representing the carrier; Mr. S. W. Sherwood of Hornell, N. Y., representing the Brotherhood of Locomotive Engineers, and Mr. F. A. Mossbarger of Marion, Ohio, representing the Brotherhood of Locomotive Firemen and Enginemen.

This dispute involved numerous grievances covering unsettled time and mileage claims which would ordinarily have been referred to the First Division of the National Railroad Adjustment Board. In direct negotiations between the parties, however, an agreement to arbitrate the claims was signed on March 31, 1949, providing for four party arbitrators and designating Mr. Frank M. Swacker as the fifth arbitrator. Hearings commenced in Cleveland, Ohio, on May 9, 1949, and the unanimous award was made on June 6, 1949, an extension of 10 days having been provided for by stipulation of the parties.

An agreement between the parties dated May 16, 1949, created a special board of adjustment consisting of three members—one to represent each of the parties, and the third to be chosen by the two party representatives. If they failed to agree, the third member to be chosen by the National Mediation Board. The special board was given jurisdiction to hear and render awards with respect to grievances over alleged violations of rules—such as ordinarily referable to the First Division of the National Railroad Adjustment Board.

The party members failing to agree, the National Mediation Board named Mr. Frank M. Swacker as the third member, under certificate dated June 8, 1949. Other members of the board were H. A. Scandrett, representing the carrier, and F. H. Nemitz, representing the Order of Railway Conductors of America. Hearings were held in Chicago and an award disposing of the grievances was rendered on July 1, 1949.

2. EMERGENCY BOARDS—SECTION 10, RAILWAY LABOR ACT

If a dispute between a carrier and its employees is not adjusted 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 any section of the country of essential transportation service, the Mediation Board is required, under section 10 of the Act, to notify the President who may, in his discretion, create a board to investigate and report respecting such dispute within 30 days.

After the creation of such board, and for 30 days after its report has been made 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.

During the fiscal year ended June 30, 1949, 12 such emergency boards were created by the President. A summary of the reports made by emergency boards during the fiscal year follows:

CASE A-2791, EMERGENCY BOARD No. 61 (reconvened).—*Brotherhood of Locomotive Firemen and Enginemen and Pennsylvania Railroad Co.*

An Executive order of the President dated April 10, 1948, resulted in the appointment of a board composed of Mr. Andrew Jackson, labor relations consultant, New York, N. Y.; Hon. James H. Wolfe, justice of the Supreme Court of Utah, Salt Lake City, Utah; and Prof. E. Wight Bakke, New Haven, Conn. Mr. Andrew Jackson served as chairman.

The board's report to the President, dated June 9, 1948, was summarized in the Fourteenth Annual Report. The board was reconvened by the President on August 23, 1948, to interpret its recommendations of June 9, 1948, for settlement of the dispute.

Hearings before the reconvened board were held in Philadelphia, Pa., and report was made to the President on August 26, 1948. The board found that the parties did not differ as to its recommendation that a fireman (helper) should be employed on all Diesel-electric locomotives used in yard service regardless of weight, and that a contract had been negotiated between the parties requiring the employment of firemen (helpers) on all Diesel-electric locomotives used in the carrier's yard service. It was found, however, that the parties did not agree as to the meaning of recommendations with respect to provisions of an anticipated agreement which may result from the third national Diesel movement, and the board expressed the con-

viction that the employment of firemen on Diesels should be governed by an agreement arrived at after careful and adequate consideration of the merits of such employment.

CASE A-2707, EMERGENCY BOARD No. 62.—*Air Line Pilots Association, International, and International Association of Machinists, and National Airlines, Inc.*

An Executive order of the President dated May 15, 1948, resulted in the appointment of a board composed of Col. Grady Lewis, attorney, of Washington, D. C.; Prof. Walter V. Schaefer of Northwestern University, Chicago, Ill.; and Judge Curtis W. Roll of Indiana.

Colonel Lewis was selected by the board as chairman. Public hearings were held in Washington, D. C., from May 25, 1948, through June 4, 1948, on the issues in dispute between the carrier and the Air Line Pilots Association, International. On June 3, 1948, an amendatory Executive order was issued which directed the inclusion of a dispute between the carrier and the International Association of Machinists. Hearings recessed on June 4, 1948; resumed June 21, 1948, concluding July 1, 1948. An extension of time until July 30, 1948, within which the board's report might be filed was allowed by the President. The board's report to the President was dated July 9, 1948.

The issue in dispute between the Air Line Pilots Association and the carrier involved proposed methods of breaking a deadlock in their System Board of Adjustment, occasioned by a discipline case covering the discharge of a pilot. The controversy between the carrier and the International Association of Machinists related to rates of pay, hours, and working conditions for clerical, office, stores, fleet and passenger service employees, particularly with respect to the right of the carrier to subcontract work.

The board recommended that the striking pilots be reinstated as working employees and that the agreement between the parties be amended and supplemented to provide for appointment of a neutral referee by the National Mediation Board, upon request of either party, in the event of a deadlock in the System Board of Adjustment. The board also recommended that the pilot's discipline case which occasioned the strike of the pilots be finally determined by the System Board of Adjustment augmented by a neutral member to be appointed by the National Mediation Board.

In the dispute involving the employees represented by the International Association of Machinists, the board recommended the resumption of negotiations between the parties, with the assistance of the National Mediation Board; and if such negotiations did not result in an agreement, that the issue be submitted to arbitration.

CASE No. A-2801, A-2802, A-2803, and A-2804, EMERGENCY BOARD No. 63.—*National Maritime Union of America-CIO and Grand Trunk Western Railroad Co., Chesapeake & Ohio Railway Co., Wabash Railroad Co., and The Ann Arbor Railroad Co.*

Executive order of the President dated June 23, 1948, resulted in the appointment of a board consisting of Hon. Robert G. Simmons of Lincoln, Nebr., chief justice of the Supreme Court of Nebraska; Hon. Thomas F. Gallagher of Minneapolis, associate justice of the Minnesota Supreme Court; and Mr. Joseph L. Miller of Washington, D. C., labor relations consultant.

Judge Simmons was selected as chairman. Hearings were held in Detroit, Mich., beginning July 7, 1948. The dispute related to wages and working rules for unlicensed personnel employed on the railroad car ferries operated on Lake Michigan and the Detroit River by the four carriers involved.

During the proceedings before the emergency board, and under its supervision, the parties were able to reach agreement of all matters in dispute. No recommendations, therefore, were made by the board, in its report to the President dated July 20, 1948.

FILE NO. C-1645, EMERGENCY BOARD No. 64.—*Brotherhood of Railroad Trainmen and Pittsburgh & West Virginia Railway Co.*

Executive order of the President dated August 26, 1948, resulted in the appointment of a board composed of Hon. John W. Yeager, justice of the Supreme Court of Nebraska, Lincoln, Nebr.; Mr. John T. McCann of New York City, N. Y.; and Mr. Thomas J. Reynolds of Bernardsville, N. J.

Judge Yeager was selected as chairman. Hearings were held in Pittsburgh, Pa., September 8, 9, and 10, 1948. At the conclusion of the hearings, mediation conferences were conducted by the emergency board, which resulted in the issues between the parties being resolved by agreement. The dispute involved the reinstatement and back pay of a trainman. The board's report to the President was dated September 13, 1948, with recommendation that the case be closed.

FILE C-1646, EMERGENCY BOARD No. 65.—*Brotherhood of Locomotive Firemen and Enginemen, Brotherhood of Railroad Trainmen and Public Belt Railroad Commission, City of New Orleans*

Executive order of the President dated September 8, 1948, resulted in the appointment of a board consisting of Hon. Harry H. Schwartz, of Casper, Wyo., former member, National Mediation Board; Mr. Floyd McGown of Boerne, Tex.; and Mr. A. Langley Coffey, of Tulsa, Okla.

Mr. Schwartz was selected as chairman. Hearings were conducted in New Orleans, La., beginning September 15, 1948. The dispute concerned the application of an award of the First Division of the National Railroad Adjustment Board with respect to the reinstatement and back pay of a fireman discharged by the carrier in 1946. The board's report to the President was dated September 18, 1948, and a supplementary report dated September 23, 1948. In its first report, the board stated that it had attempted, by mediation, to arrive at a settlement of the dispute and that, in its opinion, none of the parties had demonstrated a willingness to comply fully with the Railway Labor Act. In its supplemental report, further mediation and conferences having been entered into, the board informed the President that all issues between the parties had been resolved by an agreement signed on September 22, 1948.

CASE A-2953, EMERGENCY BOARD No. 66.—*Sixteen Cooperating Railway Labor Organizations (nonoperating) and Akron & Barberton Belt Railroad Co., and other carriers*

An Executive order of the President dated October 18, 1948, resulted in the appointment of an emergency board composed of Dr. William M. Leiserson of Washington, D. C., and Hon. George A. Cook, of Sarasota, Fla., former members of the National Mediation Board; and Hon. David L. Cole, of Paterson, N. J. Dr. Leiserson was selected as chairman. Hearings were held in Chicago, Ill., beginning October 26, 1948, and continued until November 27, 1948. During the hearings, the parties entered into stipulation to extend the time for the board's report to be submitted to the President until December 17, 1948, and the extension was approved by the President. The record consists of 26 volumes, 4902 pages, and 73 exhibits. At the close of the hearings, the board proceeded to Washington to prepare its report.

This dispute involved approximately a million nonoperating employees and all the class I railroads as well as some smaller carriers which together handle more than 95 percent of the rail transportation of the country. The issues related to reduction of the workweek from 48 to 40 hours with no reduction in weekly pay; additional pay for work performed on Saturdays, Sundays, and holidays; and numerous rules changes, as well as a general increase in rates of pay.

The board's report to the President was dated December 17, 1948, and recommended the establishment of a 40-hour workweek for all nonoperating employees with the exception of dining-car employees, certain marine employees, and yardmasters. In connection with this shorter workweek, an increase of 20 percent in basic rates of pay was recommended, and the request for punitive pay on Saturdays, Sundays, and holidays was denied. With respect to rules changes, it was recommended that necessary rules revisions be made through direct

negotiations, before September 1, 1949, to make them conform to the staggered 40-hour workweek. A general wage increase of 7 cents per hour or 56 cents per day, effective October 1, 1948, was recommended, and that all monthly, weekly or other rates were to be adjusted accordingly. With respect to dining-car employees, and certain marine employees on monthly basis, reductions in hours in workmonth, effective September 1, 1949, without reduction in their present monthly wages were recommended; for yardmasters, no change in the workweek was recommended, with a general wage increase of 10 cents per hour.

In February, 1949, the conference committees representing the carriers and the 16 cooperating labor organizations requested the members of this emergency board to meet with them in Chicago for the purpose of clarifying certain points in the board's recommendations, the parties having been unable to agree upon the application of some of the recommendations.

CASE NO. A-2913, EMERGENCY BOARD NO. 67.—*International Association of Machinists and Northwest Airlines Inc.*

Executive order of the President dated January 19, 1949, resulted in the appointment of an emergency board composed of Hon. Harry H. Schwartz of Casper, Wyo., former member of National Mediation Board; Mr. Aaron Horvitz of New York City, N. Y.; and Mr. Robert O. Boyd, an attorney of Portland, Oreg.

Hearings were held in St. Paul, Minn., beginning January 31, 1949, and Mr. Schwartz was selected as chairman.

The question in dispute concerned increase in rates of pay for employees represented by the organization. Through the mediatory efforts of the board, the parties reached an agreement, settling all matters in dispute subject to ratification by vote of the employees. In order to allow sufficient time for ratification, an extension of 30 days in which the board might report was approved by the President. The report of the board was dated March 10, 1949, in which the amicable settlement, duly approved by the employees, was reported.

CASE NO. A-2920, EMERGENCY BOARD NO. 68.—*Brotherhood of Locomotive Engineers and Akron, Canton & Youngstown Railroad Co. and 79 other carriers*

Executive order of the President dated January 28, 1949, resulted in the appointment of a board composed of Prof. George W. Taylor of the University of Pennsylvania; Prof. George E. Osborne, Leland Stanford University; and Col. Grady Lewis, attorney, of Washington, D. C. Professor Taylor was selected as chairman. Hearings were held in Chicago, Ill., beginning February 7, 1949.

The issue in this case was the employment of an additional engineer on Diesel-electric locomotives. An extension of 45 days in the time in which the board's report was to be made was stipulated by the parties and approved by the President, permitting the board to file its report not later than April 13, 1949. The board's report is dated April 11, 1949, and recommended against the amendment in existing schedules requested by the organization so as to insure the employment of a second or additional engineer in the engine room of Diesel-electric locomotives.

CASE A-3066, EMERGENCY BOARD NO. 69.—*Switchmen's Union of North America and Denver & Rio Grande Western Railroad Co.*

The Executive order of the President dated February 14, 1949, resulted in the appointment of a board composed of Mr. Frank M. Swacker of New York City; Mr. Leverett Edwards of Oklahoma City, Okla.; and Judge Adolph E. Wenke, justice of the Supreme Court of Nebraska.

Mr. Swacker was selected as chairman, and hearings began in Denver, Colo., on February 1, 1949.

The dispute in this case involved approximately 150 grievance claims submitted by the switchmen on which agreement had not been reached, which were referable to the First Division of the National Railroad Adjustment Board. The board made its report to the President on March 7, 1949. The board reported that it had besought the parties to arbitrate the disputes but that the union had refused to do so. It criticized the growing practice of utilizing strike votes for the purpose of procuring the creation of emergency boards, avoiding the regular processes available for settlement of disputes provided by the Railway Labor Act. The report remitted the disputes to the parties for handling in accordance with the provisions of the Act, recommending arbitration.

CASE A-3045, EMERGENCY BOARD No. 70.—*Brotherhood of Locomotive Firemen and Enginemen and Carriers represented by Eastern Carriers' Conference Committee, Western Carriers' Conference Committee and Southeastern Carriers' Conference Committee*

An Executive order signed by the President on February 15, 1949, resulted in the appointment of a board composed of Prof. George W. Taylor of the University of Pennsylvania; Prof. George E. Osborne of Leland Stanford University, and Col. Grady Lewis, attorney, of Washington, D. C.

The board met on February 23, 1949, and selected Prof. George W. Taylor as chairman, and recessed until June 27, 1949, to allow the members of this board to complete its work in connection with Emergency Board No. 68. Hearings began in New York City on June 27, 1949, and an extension of time in which to report was approved by the President, allowing until September 19, 1949, for the report to be made. This case also has reference to manning of Diesel-electric locomotives, and the hearings were continuing at the close of this fiscal year. Accordingly, the summary of the board's report will be carried in annual report for fiscal year ending June 30, 1950.

CASE No. A-3028.—EMERGENCY BOARD No. 71.—*Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen & Enginemen, Order of Railway Conductors, Brotherhood of Railroad Trainmen, and Wabash Railroad Co. and The Ann Arbor Railroad Co.*

An Executive order of the President dated March 15, 1949, resulted in the appointment of a board consisting of Hon. Roger I. McDonough, justice of the Supreme Court of Utah; Hon. Curtis G. Shake, former justice of the Supreme Court of Indiana; and Hon. John W. Yeager, justice of the Supreme Court of Nebraska. Judge McDonough was selected as chairman. Hearings began in St. Louis, Mo., on March 21, 1949.

The dispute in this case involved numerous grievance claims which were incorporated in a strike ballot on November 1, 1948, 149 of which remained unsettled when a strike became effective on March 15, 1949. The cases covered time claims, grievances, run-around, and claims of like nature, properly referable to the First Division of the National Railroad Adjustment Board. Although section 10 of the Railway Labor Act provides that after the creation of an emergency board and for 30 days after such board has made its report to the President, no change except by agreement shall be made by the parties to the controversy in the conditions out of which the dispute arose, the work stoppage continued until March 23, when, by the efforts of the board, the employees agreed to resume service pending the determination of the matters in dispute and the parties agreed to resume direct conferences on the remaining issues, with the request that the emergency board stand by for consideration and recommendation on any disputes that might remain unsettled. In the board's report to the President, dated April 6, 1949, the final disposition and settlement of all matters in dispute, by the parties, was

reported. The board, in its report, warned against the hazard of permitting so many grievances to accumulate on the property of a carrier.

CASE NO. A-3016, EMERGENCY BOARD NO. 72.—*Brotherhood of Locomotive Firemen and Enginemen and Southern Pacific Co. (Pacific Lines)*

An Executive order of the President dated March 30, 1949, resulted in the appointment of a board composed of Hon. Harry H. Schwartz of Casper, Wyo.; Mr. Robert O. Boyd, an attorney, of Portland, Oreg.; and Mr. Daniel T. Valdes of Santa Fe, N. Mex. Senator Schwartz was selected as chairman. Hearings were held in San Francisco, Calif., beginning April 5, 1949.

The dispute related to grievance cases and interpretations of agreements between the parties, properly referable to the National Railroad Adjustment Board, Division I, and during the hearings the parties agreed to submit 75 of the 89 issues to the adjustment board. In its report to the President, dated April 29, 1949, the emergency board made recommendations for disposition of the remaining 14 issues in dispute.

Subsequently, both parties stated their willingness to accept the recommendations of the board, but were unable to agree over the meaning and intent of certain recommendations and requested that the board be reconvened. The President, accordingly, authorized the board to reconvene, June 22, 1949, and their interpretation of the report was dated June 29, 1949.

CASE NO. A-3102, EMERGENCY BOARD NO. 73.—*Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees and Railway Express Agency, Inc.*

An Executive order of the President dated April 9, 1949, resulted in the appointment of a board consisting of Mr. David L. Cole of Paterson, N. J.; Mr. Leverett Edwards of Oklahoma City, Okla.; and Mr. Aaron Horvitz of New York City, N. Y. Hearings were held in Washington, D. C., beginning April 14, 1949, Mr. David L. Cole having been selected as chairman.

This dispute involved the request of the organization for a 40-hour workweek and a general wage increase, rules changes and improved vacation benefits, for some 60,000 employees. When the board was appointed on April 9, the operations of the agency in the New York area had been shut down for more than a month. The board worked out an agreement on April 14 by which work was resumed.

The board's report to the President was dated May 6, 1949, the major recommendations being for a 40-hour week instead of 44-hour week, with no loss in earnings; a wage increase of 7 cents per hour retroactive to October 1, 1948; and the revision of numerous working rules to make the shorter workweek effective. The board recommended withdrawal of the request for longer vacations, additional wage increases and other rules changes.

CASE NO. A-3075, EMERGENCY BOARD NO. 74.—*Brotherhood of Railroad Trainmen and the Aliquippa and Southern Railroad Co.*

An Executive order of the President dated April 15, 1949, resulted in the appointment of a board composed of Mr. Andrew Jackson, of New York, N. Y.; Mr. Leif Erickson of Helena, Mont.; and Mr. Elmer T. Bell of Washington, D. C. Mr. Andrew Jackson was selected as chairman.

Hearings were held in Pittsburgh, Pa., beginning April 25, 1949. The dispute was with respect to proposed changes in the current agreement between the parties, and the displacement of employees of the

carrier following transfer of certain trackage by the railroad to its parent corporation, the Jones & Laughlin Steel Co.

The board's report to the President was dated May 18, 1949, an extension of time having been approved by the President. The board recommended that in the future no tracks of the carrier be sold to any industry which would result in the displacement of employees of the carrier, and made specific recommendations regarding the other 22 issues involved.

CASE NO. A-3083, EMERGENCY BOARD NO. 75.—*Brotherhood of Railroad Trainmen and Union Railroad Co. (of Pittsburgh, Pa.)*

An Executive order of the President dated May 12, 1949, resulted in the appointment of a board composed of Mr. Andrew Jackson of New York, N. Y.; Judge Leif Erickson of Helena, Mont.; and Judge Elmer T. Bell of Washington, D. C.

The members of the emergency board met and organized, Mr. Andrew Jackson being selected as chairman. Due to lack of funds to pay the expenses of the board, the President approved a 30-day extension of time, allowing the board until July 9, 1949, to file its report; and a second 30-day extension was later approved, extending the time to August 10, 1949. The report of this board will, therefore, be summarized in the annual report for fiscal year ending June 30, 1950.

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.

I. 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, 1949, there was on file with this Board a total of 5,060 such agreements, or an increase of 58 new agreements received during the year. Of this increase, 33 new agreements cover air-line employees and the remainder are applicable to railroad employees. Table 10 shows for the 15-year period 1935-49 the number of agreements filed with the Board, subdivided by classes of carriers, and by types of labor organizations.

In addition to the formal agreements recorded in table 10, the Board also receives each year many supplemental agreements and amendments to existing agreements. During the fiscal year ended June 30, 1949, a total of 1,439 such revisions and supplements was filed with the Board. Of this total 1,418 were revised or amended agreements.

Four 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 1,439 revised and supplemental agreements to the 58 new basic agreements produces a total of 1,497 agreements of all types received in the Board's office during the fiscal year 1949.

TABLE 10.—Number of labor agreements on file with the National Mediation Board according to type of labor organizations, by class of carriers, fiscal years 1935-49

Types of labor organizations and fiscal year—	All carriers	Class I	Class II	Class III	Switching and terminal	Electric	Express and pull-man	Miscellaneous carriers	Air-line carriers
All organizations:									
1949.....	5,060	3,084	636	114	747	159	13	83	224
1948.....	5,002	3,068	634	113	743	159	13	81	191
1947.....	4,937	3,044	629	112	735	158	13	78	168
1946.....	4,833	3,002	627	112	724	153	8	68	139
1945.....	4,665	2,913	623	112	705	150	8	56	98
1944.....	4,563	2,858	618	112	697	143	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	319	18	334	0	5	0	0
National organizations:									
1949.....	4,432	2,764	546	97	650	132	10	69	164
1948.....	4,378	2,748	544	96	646	132	10	67	135
1947.....	4,324	2,728	539	96	638	131	10	65	117
1946.....	4,227	2,688	537	96	627	126	5	56	92
1945.....	4,070	2,600	533	96	610	123	6	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:									
1949.....	537	266	88	15	79	23	3	14	49
1948.....	534	266	88	15	79	23	3	14	46
1947.....	528	266	88	15	79	23	3	13	41
1946.....	524	265	88	15	79	23	3	12	39
1945.....	515	265	88	15	77	23	2	9	36
1944.....	503	261	88	15	76	23	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
Local unions:									
1949.....	91	54	2	2	18	4	0	0	11
1948.....	90	54	2	2	18	4	0	0	10
1947.....	85	50	2	1	18	4	0	0	10
1946.....	82	49	2	1	18	4	0	0	8
1945.....	80	48	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.....	69	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

2. CLASSES OF EMPLOYEES COVERED BY AGREEMENTS

Table 11 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 12A, and indicate the scope of representation by the various national labor organizations.

TABLE 11.—*Number of agreements between 136¹ carriers and their employees by crafts or classes of employees, according to types of labor organizations holding the agreements, June 30, 1949*

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.....	135	—	—	1	—
Firemen and hostlers.....	135	—	2	1	—
Conductors.....	135	—	—	1	—
Brakemen, flagmen, and baggagemen.....	134	—	3	1	—
Yard foremen, helpers, and switchtenders.....	130	—	3	1	4
Yardmasters.....	92	4	—	20	17
Machinists.....	129	3	—	3	1
Boilermakers.....	128	4	—	1	3
Blacksmiths.....	112	4	—	2	4
Sheet metal workers.....	126	3	—	3	5
Electrical workers.....	121	4	—	6	5
Carmen.....	131	4	—	1	—
Powerhouse employees and railway shop laborers.....	128	1	—	6	1
Clerical, office, station, and storehouse.....	131	—	—	5	—
Maintenance of way employees.....	133	—	—	3	—
Telegraphers.....	128	1	—	4	2
Signalmen.....	105	—	—	9	22
Dispatchers.....	115	4	—	10	7
Dining-car stewards.....	50	2	—	4	80
Dining-car cooks and waiters.....	60	1	4	8	66
Marine service:					
Licensed deck.....	26	1	—	1	108
Licensed engine.....	26	2	—	2	107
Other marine employees.....	23	2	3	3	106

¹ See table 12.

3. AGREEMENTS ON PRINCIPAL CARRIERS

Tables 12A and 12B present a summary of the collective bargaining agreements in effect as of June 30, 1949, on carriers subject to the Railway Labor Act. It will be noted that table 12A is devoted to agreements on class I railroads while table 12B summarizes agreements in effect on the Pullman Co. and the Railway Express Agency, Inc. Similar information respecting labor agreements on the major scheduled air lines subject to the Railway Labor Act is presented in table 12C.

Opposite the name of each carrier shown in the tables 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 tables carry all current agreements for the carriers named which are on file with the Board with effective dates not later than June 30, 1949.

FOOTNOTES TO TABLES 12A AND 12B

- ¹ Train, coach, parlor, sleeping, and club car porters.
- ² Unlicensed deck personnel.
- ³ Unlicensed engine personnel.
- ⁴ Marine cooks and stewards.
- ⁵ System agreement.
- ⁶ Hotel and restaurant employees.
- ⁷ Supervisors of mechanics.
- ⁸ Molders.
- ⁹ Ore dock workers.
- ¹⁰ Printers.
- ¹¹ Wire chiefs.
- ¹² Wharf freight handlers.
- ¹³ Taproom attendants.
- ¹⁴ Coal dumper employees.
- ¹⁵ Longshoremen.
- ¹⁶ Redcaps, ushers, and station attendants.
- ¹⁷ Roadmasters.
- ¹⁸ Nurses.
- ¹⁹ Float watchmen, bridgemen, and bridge operators.
- ²⁰ Not an operating class I carrier but included to show extent of system agreements.
- ²¹ Stationmasters.
- ²² Technical engineers, architects, draftsmen, and allied workers.
- ²³ Hoisting engineers.
- ²⁴ Bricklayers.
- ²⁵ Grain elevator employees.
- ²⁶ Foundry employees.
- ²⁷ Bus and/or truck drivers.
- ²⁸ Formerly class I but now class II carrier.
- ²⁹ Foremen only.
- ³⁰ Powerhouse employees only.
- ³¹ Shop laborers.
- ³² Hump motorcar operators.
- ³³ Crossing tenders.
- ³⁴ Motorcar operators.
- ³⁵ Police department employees.
- ³⁶ Firemen only.
- ³⁷ Hostlers.
- ³⁸ Telephone and telegraph linemen.
- ³⁹ Substation operators.
- ⁴⁰ Lighter captains.
- ⁴¹ Stockyard employees.
- ⁴² Cooks only.
- ⁴³ Waiters only.
- ⁴⁴ Coal pier operators.
- ⁴⁵ Water service employees.
- ⁴⁶ Pursers and assistants.
- ⁴⁷ Bartenders.
- ⁴⁸ Laundry workers and seamstresses.
- ⁴⁹ Gatemen.
- ⁵⁰ Drawbridge operators.
- ⁵¹ Coal pier foremen.
- ⁵² Car riders.
- ⁵³ Foremen in electric traction department.
- ⁵⁴ Purser-radio operator.
- ⁵⁵ Marine shop employees.
- ⁵⁶ Maids and chair-car attendants.
- ⁵⁷ Hoisting and portable engineers in stores department.
- ⁵⁸ Parlor- and sleeping-car conductors.
- ⁵⁹ Coal cranimen.
- ⁶⁰ Subordinate officials in maintenance of way and structures department.
- ⁶¹ Passenger representatives.
- ⁶² Platform vendor service employees.
- ⁶³ Power dispatchers.
- ⁶⁴ Boat dispatchers.
- ⁶⁵ Motorcar repairmen.
- ⁶⁶ Porter brakemen.
- ⁶⁷ Marine chefs, cooks, and waiters.
- ⁶⁸ Baggage men not included.
- ⁶⁹ Portinaster.

SYMBOLS FOR TABLES 12A AND 12B

(*)	Carrier reports no employees in this craft or class.
(x)	Some employees in this craft or class but not covered by agreement.
(#)	Included in system agreement.
AASER	Amalgamated Association Street, Electric Railway and Motor Coach Employees of America, A. F. of L.
ABRP	American Brotherhood of Railway Police.
ARSA	American Railway Supervisors Association.
ATDA	American Train Dispatchers Association.
BLE	Brotherhood of Locomotive Engineers.
BLF&E	Brotherhood of Locomotive Firemen and Enginemen.
BMW	Brotherhood of Maintenance-of-Way Employees.
BRC	Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.
BRCA	Brotherhood Railway Carmen of America.
BRSCA	Brotherhood of Railroad Shop Crafts of America.
BRSA	Brotherhood of Railroad Signalmen of America.
BRT	Brotherhood of Railroad Trainmen.
BSCP	Brotherhood of Sleeping Car Porters.
FAA	Foremen's Association of America.
HRE	Hotel and Restaurant Employees and Bartenders International Union.
IAM	International Association of Machinists.
IARE	International Association of Railway Employees.
IBBDF	International Brotherhood of Blacksmiths, Drop Forgers and Helpers.
IBBISB	International Brotherhood of Boilermakers, Iron Ship Builders, and Helpers of America.
IBEW	International Brotherhood of Electrical Workers.
IBFO	International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers, A. F. of L.
IBTCW&H	International Brotherhood of Teamsters, Chauffeurs, Warehousemen, and Helpers, A. F. of L.
IFTEA&DU	International Federation of Technical Engineers, Architects, and Draftsmen's Unions, A. F. of L.
ILA	International Longshoremen's Association.
IL&WU	International Longshoremen and Warehousemen's Unions, C. I. O.
ISOE	International Union of Steam and Operating Engineers.
IUP	Inlandboatmen's Union of the Pacific.
LU	Local Union.
MEBA	National Marine Engineers Beneficial Association.
MMP	National Organization Masters, Mates, and Pilots of America.
NMU	National Maritime Union.
ORC	Order of Railway Conductors of America.
ORT	The Order of Railroad Telegraphers.
RED	Railway Employees' Department, A. F. of L.
RIU	Railroad Industrial Union.
RPU	National Council Railway Patrolmen's Union, A. F. of L.
RYA	Railroad Yardmasters of America, A. F. of L.
RYNA	Railroad Yardmasters of North America.
SA	System Association, committee or individual.
SIUNA	Seafarers' International Union of North America.
SMWIA	Sheet Metal Workers International Association.
SUNA	Switchmen's Union of North America.
TWU	Transport Workers Union, C. I. O.
UAW	United Automobile, Aircraft, and Agricultural Implement Workers of America, C. I. O.
UMWA	District 50, United Mine Workers of America.
URRWA	United Railroad Workers of America merged with Industrial Union of Marine and Shipbuilding Workers of America.
USA	United Steelworkers of America.
UTSE	United Transport Service Employees, C. I. O.
UWOC	Utility Workers Organizing Committee, C. I. O.

TABLE 12A.—Collective labor agreements and employee representation on 136 selected rail carriers as of June 30, 1949

[illegible]

TABLE 12B.—*Collective labor agreements and employee representation on pullman and express companies as of June 30, 1949*

Carrier	Sleeping-car conductors	Sleeping-car porters, attendants, and maids	Machinists	Black-smiths	Sheetmetal workers	Electrical workers	Carmen	Powerhouse employees and railway shop laborers	Chauffeurs, helpers, and garagemen	Agents	Clerical, office, station, and storehouse employees	Miscellaneous
Railway Express Agency, Inc.	(*)-----	(*)-----	IAM....	IBBDF...	(*)-----	(*)-----	(*)-----	(*)-----	BRC; IBTCW&H..	ORT..	BRC-----	
The Pullman Co....	ORC-----	BSCP; UTSE ⁴⁸ ..	IAM....	IBBDF...	SMWIA..	IBEW..	BRCA..	IBFO-----	(*)-----	(*)-----	SA; BSCP..	ARSA. ⁷

TABLE 12C.—Collective labor agreements and employee representation on principal air-line carriers as of June 30, 1949

Carrier	Pilots	Flight en- gineers	Radio and teletype operators	Flight navi- gators	Mechanics	Flight dis- patchers	Clerical, office, stores, fleet and passenger service	Stewards and stewardesses	Guards- watch- men	Miscellaneous
American Airlines, Inc.-----	ALPA....	ACFEA	{ALCEA ARA	-----	TWUA	-----	TWUA ⁴	ALS&SA ¹³	IAM....	TWUA, ^{10 11}
American Overseas Airlines, Inc.-----	ALPA....	ALFEA	FCOA	AAN	TWUA ¹	ALDA	-----	FP&SA ¹⁴	IAM....	
Braniff Airways, Inc.-----	ALPA....	-----	{ALCEA ARA	-----	UAW	ALDA	BRC	ALS&SA	UAW	SAM, ¹⁶
Capital Airlines, Inc. (for- merly Pennsylvania-Central Airlines).-----	ALPA....	-----	{ALCEA ARA	-----	IAM	ALDA	BRC	ALS&SA ¹³	-----	UTSEA, ^{8 15} IAM. ²⁰
Chicago & Southern Air Lines, Inc.-----	ALPA	-----	ACCOA	-----	UAW ¹²¹	ALDA	-----	ALS&SA ¹³	-----	SAM, ¹⁶
Colonial Airlines, Inc.-----	ALPA	-----	-----	-----	IAM	-----	IAM	ALS&SA ¹³	-----	
Continental Air Lines, Inc.-----	ALPA	-----	-----	-----	UAW ^{1 2}	ALDA	-----	ALS&SA ¹³	IAM	
Delta Air Lines, Inc.-----	ALPA	-----	-----	-----	UAW	-----	-----	ALS&SA	-----	
Eastern Air Lines, Inc.-----	ALPA	ALFEA	-----	-----	IAM ⁷	-----	-----	ALS&SA	-----	UAW, ¹⁹
Inland Air Lines, Inc.-----	ALPA	-----	{ALCEA ARA	-----	UAW	ALDA	BRC	ALSA ¹³	-----	
Mid-Continent Airlines, Inc.-----	ALPA	-----	{ALCEA ARA	-----	UAW ³	ALDA	BRC	ALS&SA ¹³	-----	UAW; ¹⁸ SA. ⁶
National Airlines, Inc.-----	ALPA	-----	IAM	-----	IAM	ALDA	IAM	ALS&SA ¹³	-----	
Northeast Airlines, Inc.-----	ALPA	-----	ROU	-----	IAM	ALDA	BRC	ALS&SA ¹³	-----	IBTCHW&H; ¹⁰ IAM; ^{11 15} SAM. ¹⁶
Northwest Airlines, Inc.-----	ALPA	-----	{ALCEA ARA	ALNA TWUA	IAM ¹	ALDA	BRC ¹⁷	ALS&SA	UAW	
Pan American Airways, Inc.-----	ALPA	FOEA	TWUA	TWUA	TWUA	ALDA	{BRC ⁴ IAM ⁵	TWUA	TWUA	TWUA; ^{9 11 15} AMA; ¹⁶ UTSEA. ¹²
Transcontinental & Western Air, Inc.-----	ALPA	FEIA	{ALCEA ARA	ALNA TWUA	IAM ^{14 7}	ALDA	-----	ALS&SA	IAM	SAM; ¹⁶ IAM. ¹¹
United Air Lines, Inc.-----	ALPA	SA	{ALCEA ARA	TWUA	IAM	ALDA	IAM ^{7 10}	ALSA ¹³	-----	
Western Air Lines, Inc.-----	ALPA	-----	{ALCEA ARA	-----	UAW	ALDA	BRC	ALSA ¹³	-----	UAW. ¹⁹
Hawaiian Air Lines, Ltd.-----	ALPA	-----	SA	-----	SA	SA	SA	SA ¹³	-----	

SYMBOLS

AAN	Association of Air Navigators.	FEIA	Flight Engineers International Association.
ACCOA	Air Carrier Communication Operators Association.	FEOA	Flight Engineer Officers Association.
ACFEA	Air Carrier Flight Engineers Association.	FP&SA	Flight Purser and Stewardesses Association.
ALCEA	Air Line Communication Employees Association, A. R. A.-C. I. O.	FROA	Flight Radio Officers Association.
ALDA	Air Line Dispatchers' Association, A. F. of L.	IAM	International Association of Machinists.
ALFEA	Air Line Flight Engineers Association, Inc., A. F. of L.	IBTCW&H	International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers, A. F. of L.
ALNA	Airline Navigators Association, T. W. U.-A. F. of L.	ROU	Radio Officers Union of the Commercial Telegraphers Union, A. F. of L.
ALPA	Air Line Pilots Association, A. F. of L.	TWUA	Transport Workers Union of America, C. I. O.
ALSA	Air Line Stewardesses Association.	UAW	United Automobile, Aircraft, Agricultural Implement Workers of America, C. I. O.
ALS&SA	Air Line Stewards and Stewardesses Association.	UTSEA	United Transport Service Employees of America, C. I. O.
AMA	Airline Meteorologists Association.	SA	System Association, committee or individual.
BRC	Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees.		
FCOA	Flight Communication Officers' Association.		

FOOTNOTES

- ¹ Also represents stockroom personnel.
- ² Separate agreement covers modification plant employees.
- ³ An amendment to agreement covers modification plant employees.
- ⁴ Includes teletype operators.
- ⁵ Stockroom personnel only.
- ⁶ Station managers only.
- ⁷ Represents stockroom personnel and cargo handlers.
- ⁸ Redcaps, ushers, and porters.
- ⁹ Stationary firemen.
- ¹⁰ Truckdrivers.
- ¹¹ Restaurant and flight kitchen personnel.
- ¹² Marine terminal porters.
- ¹³ Stewardesses only.
- ¹⁴ Also represents commissary clerks.
- ¹⁵ Unskilled workers.
- ¹⁶ Meteorologists.
- ¹⁷ Transportation agents only.
- ¹⁸ Technical engineers, architects, and draftsmen below rank of officials.
- ¹⁹ Mechanical department foremen.
- ²⁰ District maintenance managers, maintenance foremen, and assistant foremen.
- ²¹ Includes cleaners, porters, and utility men.

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.

TABLE 13.—Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1935-49, inclusive

ALL DIVISIONS						
Cases	15-year period 1935-49	1949	1948	1947	1946	1945
Open and on hand at beginning of period.....		2,722	2,590	3,371	4,921	5,320
New cases docketed.....	31,179	1,875	1,573	1,142	1,011	2,675
Total number of cases on hand and docketed.....	31,179	4,597	4,163	4,513	5,932	7,995
Cases disposed of.....	27,908	1,326	1,339	1,923	2,561	3,074
Decided without referee.....	9,086	242	174	425	189	851
Decided with referee.....	8,842	818	909	692	248	704
Withdrawn.....	9,980	266	256	806	2,124	1,519
Open cases on hand close of period.....	3,271	3,271	2,824	2,590	3,371	4,921
Heard.....	1,340	1,340	1,431	933	1,200	1,258
Not heard.....	1,931	1,931	1,393	1,657	2,171	3,663

FIRST DIVISION						
Open and on hand at beginning of period.....		2,347	2,321	3,143	4,720	5,138
New cases docketed.....	24,471	1,226	954	620	573	2,233
Total number of cases on hand and docketed.....	24,471	3,573	3,275	3,763	5,293	7,371
Cases disposed of.....	21,629	731	826	1,442	2,150	2,651
Decided without referee.....	7,762	165	96	355	141	810
Decided with referee.....	5,062	389	528	347	-----	411
Withdrawn.....	8,805	177	202	740	2,009	1,430
Open cases on hand close of period.....	2,842	2,842	2,449	2,321	3,143	4,720
Heard.....	1,062	1,062	1,204	786	1,073	1,152
Not heard.....	1,780	1,780	1,245	1,535	2,070	3,568

¹ Includes 102 cases received, not docketed.

TABLE 13.—*Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1935-49, inclusive—Continued*

SECOND DIVISION

Cases	15-year period 1935-49	1949	1948	1947	1946	1945
Open and on hand at beginning of period.....	-----	34	16	18	28	17
New cases docketed.....	1,352	63	69	54	44	83
Total number of cases on hand and docketed.....	1,352	97	85	72	72	100
Cases disposed of.....	1,318	63	51	56	54	72
Decided without referee.....	510	10	12	7	8	17
Decided with referee.....	558	43	36	43	29	44
Withdrawn.....	250	10	3	6	17	11
Open cases on hand close of period.....	34	34	34	16	18	28
Heard.....	24	24	19	9	16	18
Not heard.....	10	10	15	7	2	10

THIRD DIVISION

Open and on hand at beginning of period.....	-----	338	245	204	166	164
New cases docketed.....	4,773	495	467	387	337	335
Total number of cases on hand and docketed.....	4,773	833	712	591	503	499
Cases disposed of.....	4,411	471	374	346	299	333
Decided without referee.....	634	42	37	38	29	20
Decided with referee.....	2,636	358	297	255	190	238
Withdrawn.....	841	71	40	53	80	75
Open cases on hand close of period.....	362	362	338	245	204	166
Heard.....	235	235	205	136	110	87
Not heard.....	127	127	133	109	94	79

FOURTH DIVISION

Open and on hand at beginning of period.....	-----	3	8	6	7	1
New cases docketed.....	583	91	83	81	57	24
Total number of cases on hand and docketed.....	583	94	91	87	64	25
Cases disposed of.....	550	61	88	79	58	18
Decided without referee.....	180	25	29	25	11	4
Decided with referee.....	286	28	48	47	29	11
Withdrawn.....	84	8	11	7	18	3
Open cases on hand close of period.....	33	33	3	8	6	7
Heard.....	19	19	3	2	1	1
Not heard.....	14	14	0	6	5	6

I. 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 1949 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, above, is a tabulation of the cases handled by divisions for the years 1935-49. Included in the table is a recapitulation of the cases handled by the four divisions since its creation in 1935.

It will be noted that of the 31,179 cases docketed by the Board since it began operation, 24,471 or 78 percent have been docketed by the First Division.

When the members of any of the four divisions of the Adjustment Board were 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 indicated by his designation in the Act as a "neutral person." In the appointment of referees the National Mediation Board is bound by the same provisions of the law that apply in 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.

The following tabulation gives the names and residences of all persons appointed for service as referees on the Adjustment Board during the past year:

FIRST DIVISION

Referee		Date of appointment	Number of cases for which appointed
Name	Residence		
Wenke, Adolph E.....	Lincoln, Nebr.....	Sept. 21, 1948	47
Roll, Curtis W.....	Kokomo, Ind.....	Sept. 23, 1948	36
Edwards, Leverett.....	Oklahoma City, Okla.....	Oct. 14, 1948	43
Bushnell, George E.....	Detroit, Mich.....	Oct. 25, 1948	48
Blattner, George W.....	Vienna, Va.....	Dec. 7, 1948	46
Jackson, Andrew.....	New York, N. Y.....	Dec. 13, 1948	48
Shake, Curtis G.....	Vincennes, Ind.....	Dec. 22, 1948	11
Thaxter, Sidney St. F.....	Portland, Maine.....	Jan. 14, 1949	42
O'Malley, Mart J.....	Huntington, Ind.....	Jan. 14, 1949	46
Klamon, Joseph M. ¹	University City, Mo.....	June 16, 1949	44
Rudolph, Herbert B.....	Pierre, S. Dak.....	June 16, 1949	46

SECOND DIVISION

Gilden, Harold M. ²	Chicago, Ill.....	Nov. 24, 1948	18
Do ³	do.....	Dec. 8, 1948	4

THIRD DIVISION

Swaim, H. Nathan ³	Indianapolis, Ind.....	July 13, 1948	31
Robertson, Francis J. ²	Washington, D. C.....	Aug. 17, 1948	33
Do ³	do.....	Dec. 6, 1948	27
Do ³	do.....	Feb. 4, 1949	36
Rader, LeRoy A. ²	Storm Lake, Iowa.....	Oct. 14, 1948	34
Carter, Edward F. ³	Lincoln, Nebr.....	Oct. 25, 1948	30
Shake, Curtis G. ³	Vincennes, Ind.....	Nov. 9, 1948	19
Do ³	do.....	Dec. 6, 1948	1
Elkouri, Frank.....	Oklahoma City, Okla.....	Jan. 12, 1949	34
Carter, Edward F. ⁴	Lincoln, Nebr.....	Jan. 19, 1949	1
Do ³	do.....	Mar. 8, 1949	41
Do ³	do.....	June 23, 1949	31
Wenke, Adolph E. ²	Lincoln, Nebr.....	April 5, 1949	54

See footnotes at end of table

FOURTH DIVISION

Referee		Date of appointment	Number of cases for which appointed
Name	Residence		
Abernathy, Byron R. ¹ -----	Lubbock, Tex.-----	July 19, 1948	3
Thaxter, Sidney St. F.-----	Portland, Maine-----	Sept. 21, 1948	^a 11
Elkouri, Frank ² -----	Oklahoma City, Okla.-----	Nov. 15, 1948	^a 6
Rader, LeRoy A.-----	Storm Lake, Iowa-----	Jan. 28, 1949	8
Munro, Angus ³ -----	Dallas, Tex.-----	June 16, 1949	19

¹ Appointed by the National Mediation Board to render an interpretation of an award handed down by the Division without previous assistance of a referee.

² Appointed for first time during fiscal year 1949.

³ Selected by the National Railroad Adjustment Board Division.

^a Selected by the Division to render an interpretation of award.

^b Rendered also an interpretation of an award of 1 case.

2. AIRLINE ADJUSTMENT BOARDS

There is no National Adjustment Board for settlement of grievances of air-line employees as for railway workers. Section 205 of the amended Act provides for establishment of such a board when it shall be necessary in the judgment of the National Mediation Board. Although these provisions have been in effect since 1936 the Board does not feel such a national board is necessary at this time.

Gradually over the years as more and more crafts or classes of air-line employees have established collective bargaining relationships, the employees and carriers have agreed upon grievance handling procedures with final jurisdiction resting with a system board of adjustment. Such agreements usually provide for designation of neutral referees to break deadlocks. Where the parties are unable to agree upon a neutral to serve as referee the National Mediation Board is frequently called upon to name such neutrals. Such referees serve without cost to the government and although the Board is not required to make such appointments under the law, it does so in the interest of promoting stable labor relations on the air lines. With the extension of collective bargaining relationships to most air-line workers the requests upon the Board to designate referees have increased very considerably. In the fiscal year 1949 the Board nominated referees to sit with air line adjustment boards in 12 separate instances. In addition, 3 arbitrators were named to sit with a special board created to rule on grievances under provisions of the strike settlement agreement of November 24, 1948, negotiated between the Air Line Pilots Association and National Airlines, Inc.

3. INTERPRETATION OF MEDIATION AGREEMENTS

Under section 5, second, of the Railway Labor Act, the National Mediation Board has the duty of making interpretation of the specific terms of mediation agreements. Applications for such interpretations may be made by either party to mediation agreements, or by both parties jointly. The law provides that interpretations must be made by the Board within 30 days following a public hearing, at which both parties may present and defend their respective positions.

In making such interpretations, the National Mediation Board can consider only the meaning of the specific terms of the mediation

agreement. The Board does not and cannot attempt to interpret the application of the terms of a mediation agreement to particular situations. This restriction in making interpretations under section 5, second, is necessary to prevent infringement on the duties and responsibilities of the National Railroad Adjustment Board under section 3 of title I of the Railway Labor Act, and any adjustment boards set up under the provisions of section 204 of title II of the Act in the air-line industry. These sections of the law make it the duty of such adjustment boards to decide disputes arising out of employee grievances, and out of the interpretation or application of agreement rules.

In many instances mediation has resulted in the negotiation of new basic working agreements, and complete revisions of existing working agreements. It has been the view of this Board that disputes growing out of the application or interpretation of the rules of such agreements should be made by the appropriate adjustment boards, and not by the National Mediation Board under section 5, second, of the Act.

During the fiscal year 1949, this Board was called upon to interpret the terms of one mediation agreement. The mediation agreement in controversy was made on September 19, 1947, between the Delaware, Lackawanna & Western Railroad Co. and the Order of Railroad Telegraphers, in the Board's case A-2534. The mediation agreement covered a general revision of the working agreement governing rates of pay, rules, and working conditions of the employees represented by the organization. The specific question on which an interpretation was requested by the employees was item 8 (c) of a memorandum agreement made in mediation which required the carrier to survey the duties of a number of positions claimed by the organization to come properly under the revised scope rule, and reclassify any of such positions for the purpose of conforming to the classifications of the new scope rule. Some of the positions in question were represented by other organizations.

In its request for the interpretation, the organization asked that the National Mediation Board review the duties of a number of positions claimed by them as belonging under the scope rule, and decide whether they should be placed under the scope rule as contended. The carrier, on the other hand, took the position that its obligation had been discharged when the survey of the contested positions had been made, as required by the memorandum of agreement. Following a public hearing held in the Board's offices on November 9, 1948, the Board's interpretation was issued on December 15, 1948. In its conclusions, the Board held that the carrier's obligation under the terms of the memorandum of agreement had been fulfilled by making the survey called for therein. The Board further concluded that it could not attempt to decide whether the duties of any of these positions would place them under the scope rule of the telegraphers' agreement, since such decisions would be tantamount to interpreting the application of the provisions of the scope rule itself, which is a function of the appropriate division of the National Railroad Adjustment Board.

VIII. ORGANIZATION AND FINANCES OF THE NATIONAL MEDIATION BOARD

1. ORGANIZATION

The National Mediation Board replaced the United States Board of Mediation and was established in June 1934 under authority of the Railway Labor Act, as amended.¹

The 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 year. The act makes no provision for holding over beyond that date and requires that the Board shall annually designate 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 General Services 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 Washington, by far the larger portion of mediation services is performed in the field. Services of the Board consist of mediating 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 election or otherwise. These services as required by the Act are performed by 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 and other issues which arise in its investigation of such disputes. The Board also conducts hearings in connection with the interpretation of mediation agreements, and appoints neutral referees and arbitrators as required.

The staff of mediators, all of whom have been selected through Civil Service, is as follows:

Ross R. Barr.
Thomas E. Bickers.
Clarence G. Eddy.
Lawrence Farmer.
Ross J. Foran.
Patrick D. Harvey.
James M. Holaren.
Cornelius E. Hurley.
Matthew E. Kearney.
James P. Kiernan.
Warren S. Lane.
Albert L. Lohm.

Geo. 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.
Frank K. Switzer.
Eugene C. Thompson.
John W. Walsh.

¹ 45 U. S. C. A 151 et seq., 44 Stat. 577.

2. FINANCIAL STATEMENT

Accounting of all moneys appropriated by Congress for the fiscal year 1949, 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	\$343, 300
Total operating expenses	343, 300
Salaries and expenses, arbitration and emergency boards	136, 900
Grand total	480, 200
Obligations:	
Salaries, National Mediation Board	266, 869
Expenses incident to travel	56, 550
Printing and reproduction	7, 500
Other operating expenses	12, 381
Total operating expenses	343, 300
Expenses of arbitration, and emergency boards	120, 000
Grand total	463, 300
Unobligated balances:	
Salaries and expenses, National Mediation Board	0
Expenses of arbitration and emergency boards	16, 900
Total unobligated	16, 900

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.

APPENDIX A

NATIONAL RAILROAD ADJUSTMENT BOARD

(Created June 21, 1934)

H. J. REESER, *Chairman*

B. C. JOHNSON, *Vice Chairman*

ALLISON, R. H.
ANDERSON, J. A.
BISHOP, WILLIAM.¹
BLAKE, R. W.
BOWEN, A. C.
CANNON, C. S.
CANTLEY, C. W.²
CARR, H. J.³
COOK, C. C.
DUGAN, C. P.
DUGAN, Geo. H.
ERNST, HUGO.⁴
GREEN, T. L.
GREER, H. E.
HALE, N. J.⁴
Hassett, M. W.
HELT, D. W.⁵

HEMENWAY, HARRY.
HOGLUND, H. J.⁶
HOLMES, W. O.
JONES, A. H.
KEALEY, C. W.
KEISER, W. C.
LOSEY, T. E.
PECK, C. E.
PRINCE, S. R., Jr.
PURCELL, T. F.
RAY, R. F.
SCHOCH, M. G.
SWAN, O. E.
SYLVESTER, J. H.
WALTHER, A. G.
WALTON, R. A.
WRIGHT, GEORGE.

STATEMENT

On June 21, 1934, by enactment of Public, No. 442, Seventy-third Congress, the National Railroad Adjustment Board was created to consider and make awards in the following classes of disputes:

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.

Accounting of all moneys appropriated by Congress for the fiscal year 1949, 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.....	\$374, 200. 00
Printing and binding.....	48, 000. 00

Deficiency appropriation:

Salaries and expenses, National Railroad Adjustment Board,	
National Mediation Board.....	37, 600. 00

Total appropriated, fiscal year 1949.....	459, 800. 00
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¹ Deceased. Replaced by F. W. Coyle.

² Replaced by Roger Sarchet.

³ Retired. Replaced by E. W. Wiesner.

⁴ Replaced by C. E. Poland.

⁵ Retired. Replaced by Gerald Orndorff.

⁶ Replaced by H. W. Burness.

Accounting of all moneys appropriated by Congress for the fiscal year 1949, pursuant to the authority conferred by "an act to amend the Railway Labor Act approved May 20, 1926" (approved June 21, 1934)—Continued

Expenditures:

Salaries of employees.....	\$184,675.50
Salaries and expenses of referees.....	74,876.12
Travel expenses.....	1,606.08
Transportation of things.....	134.62
Communication services.....	3,704.03
Rent.....	103,788.00
Electric service.....	2,285.43
Printing and binding.....	47,972.57
Other contractual services.....	1,796.07
Supplies and materials.....	7,129.20
Equipment.....	9,257.41

Total expenditures..... \$437,225.03

Unexpended balances:

Salaries and expenses.....	22,547.54
Printing and binding.....	27.43

Total unexpended..... 22,574.97

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

ADMINISTRATIVE

Name	Title	Salary paid	Duties
Howard, Leland.....	Administrative officer.	\$6,890.99	Subject to direction of Board, administers its governmental affairs.
Dillon, Mary E.....	Clerk-stenographer....	3,390.55	Secretarial, stenographic, and clerical.
Heizler, Sarah.....	Clerk-typist.....	2,011.39	Clerical.
Weinstein, Hazel.....	do.....	351.36	Do.
Siegel, Wayne H.....	Junior clerk.....	2,315.23	Do.

FIRST DIVISION

McFarland, Thomas S.....	Executive secretary....	\$6,730.91	Administration of affairs of division and subject to its direction.
Frohning, William C.....	Assistant executive secretary.	4,862.17	Assists executive secretary.
Killeen, Bert F.....	Principal clerk-stenographer.	3,729.17	Digests and briefs cases and awards, takes hearings, etc.
Fostof, Evelyn F.....	Clerk-stenographer....	3,732.55	Secretarial, stenographic, and clerical.
Smith, Margaret J.....	do.....	3,732.55	Do.
Blee, Ruth W.....	do.....	3,593.71	Do.
Ellwanger, Dorothy M.....	do.....	3,424.29	Do.
Israel, Bertha.....	do.....	757.82	Do.
Kalicek, Mae J.....	do.....	3,400.19	Do.
Bychowski, Dorothy R.....	do.....	1,380.58	Do.
Karl, Beverly R.....	do.....	3,187.06	Do.
Schnase, Julia T.....	do.....	3,167.74	Do.
Schroeter, Marie A.....	do.....	3,211.21	Do.
Barnes, Walter C.....	do.....	1,770.86	Do.
Johnson, Charlene M.....	do.....	3,046.62	Do.
Catanzaro, Lilly T.....	do.....	1,958.50	Do.
Daniel, Nancy J.....	do.....	1,681.82	Do.
Gates, Shirley V.....	do.....	2,858.40	Do.
Meehan, Elizabeth E.....	do.....	710.99	Stenographic and clerical.
Murphy, Rita.....	do.....	1,047.27	Do.
Ryan, Mary L.....	Clerk-typist.....	1,086.19	Clerical.
Bender, Francis W.....	File clerk.....	153.11	Maintaining files, etc.
Fox, Doris S.....	do.....	35.14	Do.
Moczydlowski, Helen P.....	do.....	1,959.36	Do.

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

FIRST DIVISION—Continued

Name	Title	Salary paid	Duties
REFEREES			
Blattner, George W., 79¾ days at \$50 per day.	-----	\$3,987.50	Sat with division as member to make awards upon failure of division to agree or secure majority vote.
Boyd, Robert O., 40¾ days at \$50 per day.	-----	2,037.50	Do.
Bushnell, George E., 35¼ days at \$50 per day.	-----	1,762.50	Do.
Edwards, Leverett, 46¼ days at \$50 per day.	-----	2,312.50	Do.
Jackson, Andrew, 81¼ days at \$50 per day.	-----	4,062.50	Do.
Klamon, Joseph M., 11¾ days at \$50 per day.	-----	587.50	Do.
Lattimore, Hal S., 21½ days at \$50 per day.	-----	1,075.00	Do.
O'Malley, Mart J., 83 days at \$50 per day.	-----	4,150.00	Do.
Roll, Curtis W., 71¾ days at \$50 per day.	-----	3,587.50	Do.
Rudolph, Herbert B., 11¼ days at \$50 per day.	-----	562.50	Do.
Shake, Curtis G., 1 day at \$50 per day.	-----	50.00	Do.
Spencer, William H., 25 days at \$50 per day.	-----	1,250.00	Do.
Thaxter, Sidney St. F., 26 days at \$50 per day.	-----	1,300.00	Do.
Wenke, Adolph E., 38¼ days at \$50 per day.	-----	1,912.50	Do.

SECOND DIVISION

Mindling, John L.-----	Executive secretary...	\$6,890.99	Administration of affairs of division and subject to its direction.
Bodenbender, H. J.-----	Clerk-stenographer....	3,623.13	Secretarial, stenographic, and clerical.
Feldman, Ellie D.-----	do.....	3,101.81	Do.
Glenn, Allise N.-----	do.....	3,732.55	Do.
Lindberg, Robt. L.-----	do.....	3,732.55	Do.
Morrison, Margaret E.-----	do.....	3,732.55	Do.
Shaughnessy, M. V.-----	do.....	3,732.55	Do.
Stomner, Mary A.-----	do.....	3,732.55	Do.
Williams, Dorothy M.-----	do.....	3,732.55	Do.
Vought, Marcella R.-----	do.....	3,593.71	Do.
Sturman, Alta M.-----	do.....	3,196.72	Do.
Watson, Muriel G.-----	do.....	3,114.61	Do.
Fountaine, D. T.-----	do.....	91.52	Do.
REFEREES			
Gilden, Harold M., 38 days at \$50 per day.	-----	1,900.00	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Wenke, Adolph E., 15¼ days at \$50 per day.	-----	762.50	Do.

THIRD DIVISION

Johnson, Howard A.-----	Executive secretary...	\$712.03	Administration of affairs of Division and subject to its direction.
Tummon, A. Ivan.-----	Assistant executive secretary.	4,366.33	Assists executive secretary.
Groble, Agatha E.-----	Clerk-stenographer....	3,732.55	Secretarial, stenographic, and clerical.
Lightner, Hazel I.-----	do.....	3,732.55	Do.
Morse, Frances.-----	do.....	3,732.55	Do.
Anderson, Loreto C.-----	do.....	3,593.71	Do.
Balskey, C. V.-----	do.....	3,497.11	Do.
Sanford, Jewel C.-----	do.....	3,497.11	Do.
Anderson, Louise S.-----	do.....	3,467.67	Do.
Miller, Kellogg B.-----	do.....	3,346.68	Do.
Smith, Lois E.-----	do.....	3,245.46	Do.
Killeen, Eugene A.-----	do.....	3,008.06	Do.
Karlcek, Blanche R.-----	do.....	2,425.49	Do.
Keating, Patrick J.-----	Junior clerk.....	2,327.93	Clerical.

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

THIRD DIVISION—Continued

Name	Title	Salary paid	Duties
REFEREES			
Carter, Edward F., 102 days at \$50 per day.	-----	\$5,100.00	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Douglas, James M., 19¼ days at \$50 per day.	-----	962.50	Do.
Elkouri, Frank, 64¼ days at \$50 per day.	-----	3,212.50	Do.
Fox, Fred L., 40¾ days at \$50 per day.	-----	2,037.50	Do.
Miller, Joseph L., 2½ days at \$50 per day.	-----	125.00	Do.
Parker, Jay S., 51 days at \$50 per day.	-----	2,550.00	Do.
Rader, LeRoy A., 74¼ days at \$50 per day.	-----	3,725.00	Do.
Robertson, Francis J., 166¼ days at \$50 per day.	-----	8,325.00	Do.
Shake, Curtis G., 22¾ days at \$50 per day.	-----	1,137.50	Do.
Swaim, H. Nathan, 45¼ days at \$50 per day.	-----	2,262.50	Do.
Wenke, Adolph E., 26¾ days at \$50 per day.	-----	1,337.50	Do.

FOURTH DIVISION

Parkhurst, R. B.	Executive secretary....	\$6,890.99	Administration of affairs of division and subject to its direction.
Humfreville, M. L.	Clerk-stenographer....	3,732.55	Secretarial, stenographic, and clerical.
Zimmerman, R. Hazel....do.....	3,732.55	Do.
Adams, Henrietta V.do.....	3,443.57	Do.
REFEREES			
Abernethy, Byron R., 9 days at \$50 per day.	-----	450.00	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Elkouri, Frank, 12¾ days at \$50 per day.	-----	637.50	Do.
Rader, LeRoy A., 21¾ days at \$50 per day.	-----	1,087.50	Do.
Sharfman, I. L., 1 day at \$50 per day.	-----	50.00	Do.
Thaxter, Sidney St. F., 14¼ days at \$50 per day.	-----	725.00	Do.

FIRST DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

39 South La Salle Street, Chicago 3, Ill.

O. E. SWAN, <i>Chairman</i>	T. L. GREEN
B. C. JOHNSON, <i>Vice Chairman</i>	C. W. KEALEY
H. W. BURTNESS ¹	W. C. KEISER
FRANK W. COYLE ²	C. E. POLAND ³
GEORGE H. DUGAN	SYDNEY R. PRINCE, Jr.
T. S. McFARLAND, <i>Executive Secretary</i>	

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.

¹ Succeeded Mr. H. J. Hoglund, who resigned as chairman and member effective May 1, 1949.

² Succeeded William Bishop, deceased.

³ Succeeded Nathan J. Hale, resigned.

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.

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 as presently constituted 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.

On May 24, 1949, the following resolution was adopted creating two additional boards:

"RESOLUTION

"Whereas section 3, first (w) of the Railway Labor Act authorizes any division of the National Railroad Adjustment Board in its discretion to establish regional boards to act in its place and stead for such reasonable period as may be necessary and,

"Whereas the First Division of the National Railroad Adjustment Board finds that it is necessary that such boards be established: Therefore be it

"Resolved by the First Division of the National Railroad Adjustment Board, That two such boards be, and they are hereby, established, consistent with the spirit of the memorandum signed at Chicago, May 19, 1949, by the chiefs of the interested labor organizations and representatives of the railroads (attached, as an appendix, and made a part of this resolution) as follows:

"Two supplemental boards of four men each are established under the provisions of section 3, first (w) of the Railway Labor Act with authority to handle cases now on the docket of the First Division of the National Railroad Adjustment Board, assigned to them by such First Division, and such additional cases as may be assigned to them by such division, as hereafter provided. One board shall consist of one representative each appointed by the Brotherhood of Locomotive Engineers and Brotherhood of Locomotive Firemen and Enginemen, and two representatives appointed by the carriers. The other board shall consist of one representative each appointed by the Order of Railway Conductors and Brotherhood of Railroad Trainmen, and two representatives appointed by the carriers.

"The carrier members of such boards shall be designated in keeping with rules devised for this purpose by the carrier members of the adjustment board and the labor members shall be designated in keeping with rules devised for this purpose by the labor members of the adjustment board.

"Each of such boards shall, during the time for which it is appointed, have the same authority to conduct hearings, make findings upon disputes and adopt the same procedure as the division of the adjustment board appointing it, and its decisions shall be enforceable to the same extent and under the same processes. A neutral person, as referee, shall be appointed for service in connection with such adjustment boards in the same circumstances and the same manner as provided in section (3), first (1) of the Railway Labor Act.

"The members on such boards may be changed from time to time. Representatives from any railroad involved in cases assigned to such boards may be appointed as board members to handle cases coming from that railroad and members may be changed from time to time as the cases involve different railroads.

"Initially the First Division will assign cases which have not been certified for appointment of a referee from among railroad systems having ten or more cases on the docket involving employees represented by either or both of the organizations on each board, respectively.

"Thereafter, from time to time the First Division will assign, to such supplemental boards, cases from among railroad systems having ten or more cases docketed, in the same manner described in the preceding paragraph.

"Cases where the interest of an organization not represented on such supplemental board is asserted by either party or by a member of the First Division, shall be retained by the First Division and shall not be assigned to such supplemental board.

"Each of such boards shall be located in Chicago, Ill., meet regularly and continue in session so long as there is pending before it any case submitted for its consideration and which has not been disposed of.

"Each of said supplemental boards shall be established for a period of 1 year, and thereafter subject to termination upon request of the chief executive officers of the five operating organizations or the three regional carrier committees upon 90 days' notice."

These supplemental boards have not started functioning because funds for their operation have not yet been appropriated.

Cases docketed and disposed of during fiscal year 1948-49

Number of cases pending on docket July 1, 1948.....	2, 347
Number of cases received and docketed, July 1, 1948, to June 30, 1949....	1, 226
	<hr/> 3, 573
Number of cases decided by issuing awards:	
Without referee.....	165
With referee.....	389
Withdrawn (no awards issued).....	177
	<hr/> 731
Number pending June 30, 1949.....	¹ 2, 842
Number cases heard.....	440
Number cases deadlocked.....	446
Number cases heard and not decided (heard 1,062; hearing waived 1,659)....	2, 721
Number cases awaiting hearing.....	121
Total cases docketed June 30, 1949.....	24, 467

¹ This figure does not include 415 cases received but not docketed.

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

RAILROAD	Docketed	RAILROAD	Docketed
Ahnapee & Western Ry.....	1	Chicago, Milwaukee, St. Paul & Pacific—Kansas City Southern	
Alton & Southern R. R.....	1	Jt. Agency.....	1
Akron & Barberton Belt R. R....	3	Chicago River & Indiana R. R....	2
Atchison, Topeka & Santa Fe Ry.—coast.....	49	Chicago, Rock Island & Pacific R. R.....	8
Atchison, Topeka & Santa Fe Ry.—proper.....	4	Cincinnati Union Terminal Co.—Cleveland, Cincinnati, Chicago & St. Louis Ry.....	3
Atlanta & West Point R. R.....	3	& St. Louis Ry.....	8
Atlanta Joint Terminals.....	2	Denver & Rio Grande Western R. R.....	43
Atlantic Coast Line R. R.....	17	Delaware, Lackawanna & Western R. R.....	18
Baltimore & Ohio R. R.....	74	Delaware & Hudson Railroad Corp.....	22
Boston & Maine R. R.....	4	Duluth, Missabe & Iron Range Ry.....	28
Buffalo Creek R. R.....	4	Erie R. R.....	12
California State Belt.....	3	Florida East Coast Ry.....	1
Carolina Northwestern Ry.....	1	Fort Worth & Denver City Ry....	1
Central California Traction Co....	1	Georgia R. R.....	5
Central Railroad of New Jersey....	12	Georgia, Southern & Florida Ry....	1
Central of Georgia Railway.....	7	Grand Trunk Western Ry.....	4
Central Railroad of Pennsylvania.....	1	Great Northern Ry.....	4
Chesapeake and Ohio Ry.....	87	Gulf Coast Lines.....	1
Chicago & Eastern Illinois R. R....	17	Gulf, Colorado & Santa Fe Ry....	17
Chicago, Milwaukee, St. Paul & Pacific R. R.:.....		Gulf, Mobile & Ohio R. R.....	22
West.....	26	Illinois Central R. R.....	37
East.....	3	Illinois Terminal R. R. Co.....	7
Chicago & North Western Ry.....	2	Indiana Harbor Belt R. R.....	1
Chicago & Western Indiana R. R....	2	International-Great Northern R. R.....	8
Chicago, Burlington & Quincy R. R.....	3	Kansas City Southern Ry.....	19
Chicago Great Western Ry.....	11	Kentucky & Indiana Terminal R. R. Co.....	9
Chicago, Indianapolis & Louisville Ry.....	1		
Chicago, St. Paul, Minneapolis & Omaha Ry.....	13		

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

RAILROAD	Docketed	RAILROAD	Docketed
Lake Superior Terminal & Transfer Ry.....	6	Reading Co.....	38
Lehigh & New England R. R.....	4	Richmond, Fredericksburg & Potomac R. R.....	2
Lehigh Valley R. R.....	12	River Terminal Ry.....	1
Long Island R. R.....	17	St. Louis, Brownsville & Mexico Ry.....	4
Louisville & Nashville R. R.....	5	St. Louis-San Francisco Ry.....	9
Maine Central R. R.....	1	St. Louis Southwestern Ry.....	6
Manufacturers' Ry. (St. Louis).....	3	San Antonio, Uvalde & Gulf R. R.....	4
Michigan Central R. R.....	2	San Diego & Arizona Eastern Ry.....	3
Minneapolis, St. Paul & Sault Ste. Marie R. R.....	2	Seaboard Air Line R. R.....	8
Minneapolis and St. Louis Ry.....	3	Southern Ry.....	19
Missouri-Kansas-Texas R. R.....	3	Southern Pacific Co.—Pacific Lines.....	64
Monongahela Ry.....	4	Southern Pacific Co. of Mexico.....	1
Nashville, Chattanooga & St. Louis Ry.....	2	Southern Pacific Co. (Texas & Louisiana).....	13
New Orleans Public Belt.....	1	Staten Island Rapid Transit Ry.....	4
New Orleans, Texas & Mexico Ry.....	1	Tennessee Central Ry.....	2
New Orleans & Northeastern R. R.....	1	Terminal R. R. Association of St. Louis.....	6
New York Central R. R.:.....	29	Texas & New Orleans R. R.....	1
East.....	2	Texas & Pacific Ry.....	44
West.....	6	Texas & Pacific—Missouri Pacific Terminal R. R. of New Orleans.....	2
Ohio Central.....	6	Texas-Mexican Ry.....	2
New York, Chicago & St. Louis R. R.....	24	Union Pacific R. R.:.....	6
Norfolk & Portsmouth Belt Line R. R.....	1	Eastern District.....	73
Norfolk & Western Ry.....	8	South Central District.....	1
Norfolk Southern Ry.....	4	Southwestern District.....	1
Northern Pacific Ry.....	23	Northwestern District.....	1
Northwestern Pacific R. R.....	1	Union Ry—Memphis.....	1
Ogden Union Ry & Depot Co.....	8	Union Railroad (Pittsburgh).....	13
Oregon & Northwestern R. R.....	1	Virginian Ry.....	21
Paducah & Illinois R. R.....	1	Western Pacific R. R.....	29
Pennsylvania R. R.:.....	12	Wheeling & Lake Erie Ry.....	4
Lines east.....	19	Winston-Salem-South Bound Ry.....	1
Lines west.....	2		
Pittsburgh & Lake Erie R. R.....	2		
Portland Traction Co.....	1	Total.....	1, 226

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

ORGANIZATION			
	<i>Docketed</i>		<i>Docketed</i>
Engineers-firemen-conductors-trainmen-----	12	Trainmen-----	489
Engineers-firemen-----	46	Switchmen's Union of North America-----	40
Engineers-firemen-conductors-----	1	Colored Trainmen of America-----	2
Engineers-----	203	Association of Street Railway & Motor Coach Employees-----	1
Firemen-----	216		
Firemen-trainmen-----	1		
Conductors-----	194	Total-----	1, 226
Conductors-trainmen-----	21		

SECOND DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

C. S. CANNON, *Chairman*.
T. E. LOSEY, *Vice Chairman*.
J. A. ANDERSON.
R. W. BLAKE.
A. C. BOWEN.
H. J. CARR.

M. W. HASSETT.
C. E. PECK.
A. G. WALTHER.
E. W. WIESNER.¹
GEORGE WRIGHT.

J. L. MINDLING, *Executive Secretary*

JURISDICTION

Second Division: To have jurisdiction over disputes involving machinists, boilermakers, blacksmiths, sheet metal workers, electrical workers, carmen, the helpers and apprentices of all the foregoing, coach cleaners, powerhouse 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 ending June 30, 1949

	Number of cases		Number of cases
Docketed.....	63	Decided—Continued	
Heard.....	61	Decided without referee.....	20
Decided.....	63	Withdrawn.....	10
Decided with referee.....	43	Deadlocked.....	34

In addition to the regular docketed cases, this division has been called upon to handle a substantial volume of potential cases. Many of the communications received were from correspondents asking information as to the method and procedure necessary to properly present cases to the division. Others recited complaints of alleged violations of rules in existing agreements, while others made an attempt to file cases with the division from properties on which system boards of adjustment exist, and still others presented disputes that may develop into cases that should properly be referred to this division for adjudication.

These potential cases, 44 in number, developed during the fiscal year ending June 30, 1949, and in addition much correspondence was carried on in connection with similar potential cases listed in our report of the previous fiscal year. Many of these required special study and consideration which involved a great amount of correspondence and consumed a considerable portion of the time of the division in an effort to secure the information necessary to direct the proper presentation and/or handling of these matters to a conclusion.

The following list shows the parties involved in the potential cases originating during the fiscal year ending June 30, 1949.

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
American Refrigerator Transit Co.	2	Fort Worth & Denver City-Wichita Valley Ry. Co.	1
The Atchison, Topeka & Santa Fe Ry. Co.	8	Great Northern Ry. Co.	1
Atlanta & West Point R. R. Co.—The Western Railway of Alabama.	4	Gulf, Colorado & Santa Fe Ry. Co.	1
Illinois Central R. R. Co.	3		
Atlantic Coast Line R. R. Co.	2	Interstate R. R. Co.	1
Boston & Maine R. R.	1	Kansas City Southern Ry. Co.	1
Charleston & Western Carolina Ry. Co.	1	The Lake Terminal R. R. Co.	3
Chesapeake & Ohio Ry. Co.	2	Louisville & Nashville R. R. Co.	5
Chicago & Eastern Illinois R. R. Co.	1	Missouri Pacific R. R. Co.	2
Chicago & North Western Ry. Co.	1	The Nashville, Chattanooga & St. Louis Ry.	1
Chicago, Burlington & Quincy R. R. Co.	2	Southern Pacific Co. (Pacific Lines).	3
Chicago, Indianapolis & Louisville Ry. Co.	1	Tennessee Central Ry. Co.	1
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	1	The Texas & Pacific Ry. Co.	1
Chicago, Rock Island & Pacific R. R. Co.	1	The Toledo Terminal R. R. Co.	1
Erie R. R. Co.	2	Union Pacific R. R. Co.	3
Florida East Coast Ry. Co.	1	The Union Terminal Co.	1
		Wabash Ry. Co.	3
		The Wheeling & Lake Erie Ry. Co.	1
		Total.....	63

¹ Appointed to succeed H. J. Carr, January 5, 1949.

Report of cases handled by the Second Division, fiscal year ending June 30, 1949—Con.

ORGANIZATIONS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
International Association of Ma- chinists.....	15	Brotherhood Railway Carmen of America.....	26
International Brotherhood of Boilermakers, Iron Ship Build- ers and Helpers of America.....	1	International Brotherhood of Fire- men and Oilers, Roundhouse and Shop Laborers.....	7
International Brotherhood of Blacksmiths, Drop Forgers and Helpers.....	0	Federated trades.....	5
Sheet Metal Workers' International Association.....	1	Individually submitted cases, etc..	4
International Brotherhood of Elec- trical Workers.....	4	Total.....	63

THIRD DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

A. H. JONES, <i>Chairman.</i>	D. W. HELT. ²
W. G. CANTLEY, <i>Vice Chairman.</i> ¹	H. HEMENWAY. ³
R. H. ALLISON.	GERALD ORNDORFF.
C. C. COOK.	R. F. RAY.
C. P. DUGAN.	ROGER SARCHET.
HUGO ERNST.	J. H. SYLVESTER.

A. I. TUMMON, *Acting Executive Secretary.*⁴

¹ W. G. Cantley replaced by Roger Sarchet January 1, 1949.

² D. W. Helt replaced by Gerald Orndorff October 1, 1948.

³ H. Hemenway elected vice chairman vice W. G. Cantley January 1, 1949.

⁴ A. I. Tummon selected as acting secretary July 1, 1948.

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 1949

	Number of cases		Number of cases
Open and on hand, July 1, 1948....	338	Deadlocked.....	386
Docketed.....	495	Decided by referee.....	358
Heard.....	414	Open and on hand, June 30, 1949..	362
Decided..... ¹	473	Interpretations.....	7
Withdrawn.....	71		

¹ Award Nos. 3792 and 4221 on docket MW-3710; Award Nos. 4379 and 4423 on docket DC-4455.

CARRIERS PARTY TO CASES DOCKETED

	Number of cases		Number of cases
American Refrigerator Transit....	1	Chicago, Milwaukee, St. Paul & Pacific.....	14
Atchison, Topeka & Santa Fe.....	4	Chicago, Rock Island & Pacific....	21
Atlantic Coast Line.....	10	Chicago, St. Paul, Minneapolis & Omaha.....	7
Baltimore & Ohio.....	6	Chicago, South Shore & South Bend.....	1
Bangor & Aroostook.....	1	Chicago Union Station.....	1
Boston & Maine.....	7	Cincinnati, New Orleans & Texas Pacific.....	1
Central of Georgia.....	7	Colorado & Southern.....	3
Cheapeake & Ohio.....	7	Delaware & Hudson.....	18
Chicago & Eastern Illinois.....	5	Delaware, Lackawanna & Western..	16
Chicago & Illinois Western.....	1	Delray Connecting.....	1
Chicago & North Western.....	1		
Chicago, Burlington & Quincy....	2		
Chicago Great Western.....	4		
Chicago, Indianapolis & Louisville..	7		

Report of cases handled by the Third Division, fiscal year 1949—Continued

CARRIERS PARTY TO CASES DOCKETED—continued

	<i>Number of cases</i>		<i>Number of cases</i>
Denver & Rio Grande Western.....	6	Nashville, Chattanooga & St. Louis.....	1
Denver Union Stock Yards.....	1	New York Central.....	32
Duluth, Missabe & Iron Range.....	3	New York, Chicago & St. Louis.....	2
Elgin, Joliet & Eastern.....	1	New York, New Haven & Hartford.....	2
Erie.....	9	Norfolk & Western.....	6
Florida East Coast.....	4	Northern Pacific.....	4
Fort Worth & Denver City.....	2	Northwestern Pacific.....	1
Galveston Wharves.....	8	Pacific Electric.....	4
Georgia.....	1	Pennsylvania.....	42
Great Northern.....	5	Pennsylvania-Reading Seashore.....	1
Gulf Coast—IGN.....	9	Pullman.....	40
Gulf, Mobile & Ohio.....	4	Railway Express.....	1
Houston Belt & Terminal.....	2	Reading.....	8
Illinois Central.....	15	St. Louis-San Francisco.....	2
International Great Northern— Gulf Coast.....	3	St. Louis Southwestern.....	5
Jacksonville Terminal.....	1	Seaboard Air Line.....	2
Kansas City Southern.....	7	Southern.....	7
Kansas City Terminal.....	4	Southern Pacific:	
Lehigh Valley.....	1	Mexico.....	1
Long Island.....	3	Pacific Lines.....	6
Los Angeles Union Passenger Ter- minal.....	1	Texas & Louisiana.....	3
Louisiana & Arkansas.....	2	Tennessee Central.....	1
Louisville & Nashville.....	1	Terminal Railroad Association of St. Louis.....	16
Macon, Dublin & Savannah.....	1	Union Pacific.....	11
Minneapolis & St. Louis.....	3	Union Terminal (Dallas).....	1
Minneapolis, St. Paul & Sault Ste. Marie.....	1	Virginian.....	2
Missouri-Kansas-Texas.....	15	Western Pacific.....	9
Missouri Pacific Lines.....	3		
Missouri Pacific Railroad.....	23	Total.....	495

ORGANIZATIONS PARTY TO CASES DOCKETED

	<i>Number of cases</i>		<i>Number of cases</i>
American Train Dispatchers As- sociation.....	4	Dining Car & Railroad Food Work- ers Union.....	6
Brotherhood of Maintenance of Way Employees.....	124	Joint Council Dining Car Em- ployes.....	10
Brotherhood of Railroad Signalmen of America.....	19	Order of Railroad Telegraphers.....	101
Brotherhood of Railroad Trainmen.....	7	Order of Railway Conductors.....	2
Brotherhood of Railway and Steam- ship Clerks, Freight Handlers, Express, and Station Employees.....	176	Order of Railway Conductors (Pull- man System).....	26
Brotherhood of Sleeping Car Port- ers.....	15	United Transport Service Em- ployees of America.....	5
		Total.....	495

FOURTH DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

Fifteenth Annual Report for the Fiscal Year Ended June 30, 1949

H. J. REESER, *Chairman.*

W. O. HOLMES.

R. A. WALTON, *Vice Chairman.*

T. F. PURCELL.

L. B. FEE.

M. G. SCHOCH.

H. E. GREER.¹

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 ending June 30, 1949

	Number of cases		Number of cases
Open and on hand beginning fiscal year	3	Open cases on hand close of fiscal year	33
New cases docketed during fiscal year	91	Heard	19
Total number cases on hand and docketed during fiscal year	94	Not heard	14
Cases disposed of during fiscal year	61	Cases heard during fiscal year	58
Decided without referee	25	Cases deadlocked during fiscal year	44
Decided with referee	28	Interpretations issued during fiscal year	2
Withdrawn	8	Issued without referee	1
		Issued with referee	1

CARRIERS' PARTY TO CASES DOCKETED

Atchison, Topeka & Santa Fe Ry. Co.	2	Lehigh Valley R. R. Co.	1
Atlantic Coast Line R. R. Co.	1	Michigan Central R. R.	1
Baltimore & Ohio R. R. Co.	2	Missouri Pacific R. R. Co.	3
Boston and Maine R. R.	1	Nashville Terminals	1
California State Belt R. R.	1	New York Central R. R. Co.	3
Central R. R. Co., of New Jersey	1	Norfolk & Portsmouth Belt Line R. R.	1
Chesapeake & Ohio Ry. Co.	7	Northern Pacific Ry. Co.	4
Chicago & Eastern Illinois R. R. Co.	1	Northern Pacific Terminal Co. of Oregon	2
Chicago & North Western Ry. Co.	2	Ogden Union Ry. & Depot Co.	1
Chicago & West Pullman & Southern R. R. Co.	1	Pennsylvania R. R. Co.	11
Chicago, Burlington & Quincy R. R. Co.	7	Pullman Co.	1
Chicago, Milwaukee, St. Paul & Pacific R. R. Co.	1	Reading Co.	1
Chicago River & Indiana R. R. Co.	1	St. Louis-San Francisco Ry. Co.	1
Chicago, Rock Island & Pacific R. R. Co.	2	Santa Fe Coast Lines Hospital Association	2
Delaware & Hudson R. R. Corp.	1	South Buffalo Ry. Co.	1
Delaware, Lackawanna & Western R. R. Co.	2	Southern Pacific Co. (Pacific Lines)	6
Denver & Rio Grande Western R. R. Co.	1	Southern Railway Co.	1
Illinois Central R. R. Co.	9	Spokane, Portland & Seattle Ry. Co.	1
International-Great Northern R. R. Co.	1	Terminal Railroad Association of St. Louis	1
Kentucky & Indiana Terminal R. R. Co.	1	Texas & Pacific Ry. Co.	1
		Union Pacific R. R. Co.	2
		Total	91

¹ Resigned May 7, 1949; replaced by L. B. Fee June 20, 1949.

Edman

Report of cases handled by the Fourth Division for the fiscal year ending June 30, 1949—Continued

ORGANIZATION—EMPLOYEES PARTY TO CASES DOCKETED

American Brotherhood of Railroad Police.....	1	Order of Railway Conductors.....	1
American Railway Supervisors Association, Inc.....	6	Railroad Yardmasters of America.....	38
Association of Santa Fe Coast Lines Physicians.....	1	Railroad Yardmasters of North America, Inc.....	3
Brotherhood of Railroad Trainmen.....	9	Railway Employees Department, A. F. of L.—Foremen.....	1
Brotherhood of Sleeping Car Porters.....	11	Service and Maintenance Employees' Union, Local No. 300 (Hospital and Institutional Workers Division).....	1
Lighter Captains' Union, Local 996, I. L. A.....	1	Switchmen's Union of North America.....	1
Miscellaneous classes of employees.....	3		
National Council, Railway Patrolmen's Unions, A. F. of L.....	12	Total.....	91
Police Department Employees.....	2		