

Twenty-fourth
ANNUAL REPORT OF THE
NATIONAL
MEDIATION
BOARD

INCLUDING
THE REPORT OF THE
NATIONAL RAILROAD
ADJUSTMENT BOARD



For the Fiscal Year Ended JUNE 30, 1958

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UNITED STATES
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NATIONAL MEDIATION BOARD

Fiscal Year Ended June 30, 1958

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

LEVERETT EDWARDS

ROBERT O. BOYD

EUGENE C. THOMPSON, *Executive Secretary*

THOMAS A. TRACY, *Assistant Executive Secretary*

BINDING INSTRUCTIONS

See Reverse for Explanations

PRELIMINARY WORK TO BE PERFORMED IN GPO

☒ Class A ☐ Class B ☐ Class C

SPECIFIC PRELIMINARY WORK

PREPARATORY

☐ Collate ☐ Fold; maps, etc. ☐ Guard or stub ☐ Hinge sheets
☐ Join sheets ☐ Trim (to equalize varying sizes) ☐ Pad out
Mount (on): ☐ Muslin ☐ Paper ☐ Tissue

ARRANGEMENT

☒ Bind as arranged ☐ Rearrange as indicated ☐ Covers and ads as they are
☐ Remove covers ☐ Remove ads ☐ Save covers and ads ☐ Bind covers and ads in back

REPAIRING

☐ Tip loose leaves ☐ Mend torn leaves ☐ Replace missing parts of leaves
☐ Reinforce sheet edges ☐ Remove cellulose tape ☐ Remove wire staples
☐ Smooth out wrinkled sheets ☐ Straighten folded corners

ADDITIONAL INSTRUCTIONS

STYLE OF BINDING

☒ Full ☐ Half ☐ Quarter ☐ Cut flush, Flat back ☐ -----
☐ Cased ☐ Elite ☐ Laced ☐ Flexible ☐ Make pocket ☐ Replace in old cover
☐ Make box if too old to bind ☐ Trim ☐ Do not trim ☐ Make dummy

MATERIALS

☐ Cloth ☐ Fabrikoid ☒ Buckram ☐ Duck ☐ Sheep ☐ Cowhide ☐ Morocco
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☐ Match sample ☒ Match dummy ☐ Old covers pasted on board

PLEASE RETURN DUMMY

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Marble: ☐ Agate ☐ Comb ☐ Italian ☐ ----- ☐ Gold ☐ Burnish

(See other side)

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LETTERING

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☒ Gold ☐ Ink or foil—Color ----- ☐ No lettering
☐ Leather labels ☐ See sample ☒ See dummy ☐ See ruboff

HORIZONTAL TITLES

**Annual Reports
of
National Mediation Board**

1958 - 1964

Vol. 4

seal

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(Lengthwise titles will be placed on book in same direction as typed or written in this space)

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EXPLANATION OF TERMS USED ON FACE OF THIS FORM

Terms used are common in GPO but may differ in other localities

PRELIMINARY WORK TO BE PERFORMED IN GPO

Class A.—All work necessary to perform a first-class job. Any operations marked under Specific Preliminary Work will be performed in addition to repairs considered necessary by GPO. Arrangement should be indicated.

Class B.—*Specific preliminary work.*—Only such items as are checked under Repairing, Preparatory, and Arrangement will be performed.

Class C.—Bind "as is." No repairs; no rearrangement. Resew only if necessary.

PREPARATORY

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Fold: Maps, etc.—Either tipped in or inserted in pockets or envelopes. Often require refolding to fit pocket or book. Narrow-margin sheets: When book is to be trimmed any leaves with narrow margins should be folded in to avoid cutting into the printing. Extended sheets: Leaves extending beyond trimmed edge of book should be folded in slightly smaller than size of book. Explain under "Additional Instructions."

Guard or stub.—Additional paper in the form of narrow strips placed in the binding edge of the book to compensate for extra thickness caused by folded maps, pockets, irregular sizes, additional sheets to be inserted later, etc.

Hinge sheets.—Attach a cloth or paper strip to the binding margin of sheet to form a hinge. Advisable when sheet is very stiff or has insufficient binding margin.

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Trim (to equalize varying sizes).—This can only be done when margins of larger sizes permit trimming to the smaller size.

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ARRANGEMENT

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Rearrange as indicated.—Indicate under "Additional Instructions."

Covers and ads as they are.—Self-explanatory.

Remove covers.—Applies to covers on individual sections to be bound together.

Remove ads.—If this is checked, all ads not appearing on the same pages with text matter will be thrown away unless the following box is also checked.

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Bind covers and ads in back.—Strike out either word if not applicable.

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Replace missing parts of leaves.—Missing parts filled in with blank paper.

Reinforce sheet edges.—When leaves are brittle and beginning to tear, they can sometimes be preserved by stripping the edges with paper or cloth.

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Books for binding should be handled carefully, not placed in mail bags.

Remove wire staples.—All stitches and staples except those in binding edge of a wire-stitched pamphlet. (These are included in basic binding operations.)

Smooth out wrinkled sheets.—Straighten out any sheets which are wrinkled or crumpled. Usually involves dampening and pressing the sheets.

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ADDITIONAL INSTRUCTIONS

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STYLE OF BINDING

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Half.—Back and corners covered with the principal binding material. Sides covered with another, usually cheaper material. Normally recommended only for leather binding or for large volumes, such as newspapers.

Quarter.—A narrow strip of material on the backbone of book. Usually used only on cut-flush books.

Cut flush, flat back.—Not rounded or backed; cover flush with text, binding material not turned in. This style with quarter buckram or cloth is commonly known as Library of Congress style.

Cased.—Rounded and backed; cover extended beyond trimmed edge of text, binding material turned in on all sides. Muslin joints, pasted waste leaves. Recommended for light weight books and those which will not receive hard usage.

Elite.—A recently developed style similar to cased but stronger and more durable because of stronger backlining materials and superior adhesives. Recommended for all full cloth, fabrikoid, or buckram books where strength and durability are desired. All elite books more than 2-inches thick will be reinforced with cord in the heads.

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Make pocket.—For maps or other insertions.

Replace in old cover.—Use only when present cover is in good condition.

Make box if too old to bind.—When paper in books is old and too brittle to bind, a box covered with binding material and suitably lettered will protect the volume and present a good appearance.

Trim—Do not trim.—Normally, all library bindings should be trimmed lightly except books which have narrow margins or special edges which the library wishes to preserve. If neither item is marked, GPO judgment will prevail.

Make dummy.—To show style for future bindings.

MATERIALS

Refer to GPO sample book of binding materials. Please give both color and property number to avoid errors even if dummy or sample is furnished.

EDGING

Edges will be left plain if no edging is specified.

LETTER OF TRANSMITTAL

NATIONAL MEDIATION BOARD,
OFFICE OF THE CHAIRMAN,
Washington, D. C., November 1, 1958.

*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 Twenty-fourth Annual Report of the National Mediation Board for the fiscal year ended June 30, 1958, together with the annual report of the National Railroad Adjustment Board, as required by section 3, first (v), of the same act.

LEVERETT EDWARDS,
Chairman.

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I. SUMMARY AND OBSERVATIONS

The fiscal year ended June 30, 1958 completed the 24th year of the operations of the National Mediation Board under the Railway Labor Act as amended in 1934 and the 32d year since the original act became effective in 1926. The work of the Board under the 1926 law was confined to common carriers by rail, express and sleeping car companies, but by an amendment to the act approved April 10, 1936, jurisdiction of the Board was extended to include common carriers by air. This amendment is known as Title II of the Railway Labor Act, Title I, being the original law passed in 1926 and amended in 1934.

The railroad and airline industries constitute the vital arteries for the flow of the Nation's commerce and their continuous operation at all times is of paramount importance to the welfare of the country as a whole. Because of the dependency of other industries and the general public on these national transportation facilities and because of the peculiar problems encountered in these industries labor relations have for many years been subject to special and separate legislation. The present Railway Labor Act, as amended, is the result of more than 70 years' experience with legislation designed to promote harmonious relations between employers and employees engaged in serving the transportation needs of the Nation.¹

The general purposes of the act are described in section 2 as follows:

(1) To avoid any interruption to commerce or to the operation of any carrier engaged therein; (2) to forbid any limitation upon freedom of association among employees or any denial, as a condition of employment or otherwise, of the right of employees to join a labor organization; (3) to provide for the complete independence of carriers and of employees in the matter of self-organization; (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules, or working conditions; (5) to provide for the prompt and orderly settlement of all disputes growing out of grievances or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

To promote the fulfillment of these general purposes, legal rights are established and legal duties and obligations are imposed on labor and management. The act provides "that representatives of both sides are to be designated by the respective parties without interference, influence or coercion by either party over the designation by the other" and "all disputes between a carrier or carriers and its or their employees shall be considered and if possible decided with all expedition in conference between authorized representatives of the parties. The principle of collective bargaining is aided by the provision that "it shall be the duty of all carriers, their officers, agents and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules and working conditions."

In the administration of the act, two major duties are imposed on the National Mediation Board, viz:

(1) The mediation of disputes between carriers and the labor organizations representing their employees, relating to the

¹ Act of 1888, Erdman Act 1898, Newlands Act 1913, Labor Relations under Federal Control 1917-20 Transportation Act of 1920, Railway Labor Act 1926, and amendments of 1934, 1936, and 1951.

making of new agreements or the changing of existing agreements, affecting rates of pay, rules, and working conditions, after the parties have been unsuccessful in their at-home bargaining efforts to compose their differences. These disputes are sometimes referred to as "major disputes." Disputes of this nature hold the greatest potential for interrupting commerce.

(2) The duty of ascertaining and certifying the representative of any craft or class of employees to the carrier after investigation through secret-ballot elections or other appropriate methods of employees' representation choice. This type of dispute is confined to controversies among employees over the choice of a collective bargaining agent. The carrier is not a party to such disputes. Under section 2, ninth of the act the Board is given authority to make final determination of this type of dispute.

In addition to these major duties, the Board has other duties imposed by law among which are: The interpretation of agreements made under its mediatory auspices; the appointment of neutral referees when requested by the various divisions of the National Railroad Adjustment Board to make awards in cases that have reached deadlock; the appointment of neutrals when necessary in arbitrations held under the act; the appointment of neutrals when requested to sit with System and Special Boards of Adjustment; certain duties prescribed by the act in connection with the eligibility of labor organizations to participate in the selection of the membership of the National Railroad Adjustment Board, and also the duty of notifying the President of the United States when labor disputes which in the judgment of the Board threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service. In such cases the President may in his discretion appoint an emergency board to investigate and report to him on the dispute.

The Railway Labor Act contemplates that its purposes to prevent interruption to commerce will be achieved by prescribing a series of step-by-step procedures to be followed by carriers and their employees in endeavoring to resolve all types of disputes.

The design of these procedures is to provide methods to insure that all elements and issues of a dispute will be thoroughly considered and that all avenues of possible settlement will be explored. The procedures provided by the act for the handling of the two broad categories of disputes between carriers and their employees is outlined below followed by brief comments on the application and the historical development of these different procedures:

<i>Major disputes</i> (Formulating agreement terms)	<i>Minor disputes</i> (Interpreting or applying agreement terms)
Notice to make or change agreement Conference between parties Mediation (National Mediation Board) Voluntary Arbitration Emergency Board investigation	Submission of complaint Conference and progression through hearing and appeal procedure on individual carriers Adjustment Board procedure (National RR Adjustment Board or System or Special Boards)

The following excerpts from the decision of the Supreme Court in *Elgin, Joliet & Eastern Railway Company v. Burley* (325 U. S. 711), (1945) clearly outline how the procedures of the act are to be applied in dealing with "major" and "minor" disputes:

The difference between (minor) disputes over grievances and (major) disputes concerning the making of collective bargaining agreements is traditional in railway labor affairs. It has assumed large importance in the Railway Labor Act of 1934, substantively and procedurally. It divides the jurisdiction and functions of the Adjustment Board from those of the Mediation Board, giving them their distinct characters. It also affects the parts to be played by the collective agent and the represented employees, first in negotiation for settlement in conference and later in the quite different procedures which the Act creates for disposing of the two types of dispute. Cf. sections 3 and 4 * * *."

Section 6 Notice and Conferences for Making or Changing Agreements (Major Disputes)

During the fiscal year, the Board received approximately 1,600 agreements covering revisions or changes in employment agreements. These were concluded by the parties in direct negotiations, without governmental assistance, which indicates the effectiveness of the primary duty imposed on the parties by the act "to exert every reasonable effort to make and maintain agreements," before resorting to other procedures of the act.

Formal procedure is initiated under section 6 of the act when an intended change in agreement is contemplated. This section provides that either party shall give at least 30 days written notice of such intended change, and specifies that arrangements for conference shall be made within 10 days after the receipt of such notice, and that the time for conference shall be within the 30 days provided in the notice. During these conferences the parties are required to exert every reasonable effort to reach agreement and the carrier is forbidden to alter the rates of pay, rules, or working conditions under consideration, while the dispute is being progressed through the procedures of the act, except as outlined therein.

In the railroad and airlines industries, the importance of these conferences for full consideration of the proposals cannot be over-emphasized. This is particularly true when the proposals involve change of complex rules, or entire revision of agreement. In the latter case the employment contract may contain as many as 100 provisions or rules, dealing with rates of pay, hours of service, and the many and varied conditions affecting working assignments. A proposed change of a single rule often develops numerous issues between the parties. The necessity of exhaustive efforts by the parties themselves in direct negotiations to settle, if possible, all disputes or reduce to a minimum the differences or issues, is essential where the proposals involve contemplated changes in a great number of working rules, otherwise the succeeding procedural methods of mediation, arbitration or emergency board proceedings are handicapped by the necessity to consider voluminous and detailed testimony, exhibits and other evidence pro and con with relation to costs, administration problems, etc., involved in the proposals. The agreements and the individual rules are deeply rooted in tradition and meaning, having been developed over many years to their present-day form and status through the processes of collective bargaining, mediation proceedings, arbitration and adjustment board awards, and emergency board recommendations.

Operations of carriers vary depending on the type of service offered. Some are small short-line operations or "feeder" lines with relatively few employees. Others like the huge trunklines are far-flung enterprises extending over great areas of the Nation and in some instances a single trunkline rail carrier may have as many as 80,000 workers.

Expert knowledge and experience is required for proper consideration of proposals to change rules relating to work performance, and the most satisfactory results are obtained if the parties directly concerned, who are familiar with the technical aspects of the operation and elements of the dispute, work out settlements which they can understand and translate into everyday practice for the efficient operation of the particular facility involved.

If the parties are unsuccessful in composing the differences in direct negotiations, and it is intended to progress the proposals, then the other procedures of the act for handling this type of dispute come into play.

Again quoting from the Supreme Court's decision (*EJE RR v. Burley*)

Beyond the initial stages of negotiation and conference, however, the procedures diverge. "Major disputes" go first to mediation under the auspices of the National Mediation Board; if that fails, then to acceptance or rejection of arbitration, cf. sec. 7; *Trainmen v. Toledo P. & W. R. Co.* 321 U. S. 50; and finally to possible presidential intervention to secure adjustment. Sec. 10. For their settlement the statutory scheme retains throughout the traditional voluntary processes of negotiation, mediation, voluntary arbitration, and conciliation. Every facility for bringing about agreement is provided and pressures for mobilizing public opinion are applied. The parties are required to submit to the successive procedures designed to induce agreement. Sec. 5 first (b). But compulsions go only to insure that those procedures are exhausted before resort can be had to self-help. No authority is empowered to decide the dispute and no such power is intended, unless the parties themselves agree to arbitration.

Conferences for Consideration of Grievances, or Disputes Over the Interpretation or Application of Agreements (Minor Disputes)

Generally this type of dispute is initiated through submission of "time claims" by the individual employees or submission of complaints in other forms, claiming a violation of the existing employment agreement. Cases in this category also involve disciplinary action by carriers against individual employees. These are considered under the established grievance procedure outlined in the employment agreement, which usually specifies consideration of the issue at the local level, with right of appeal to higher and final authority on the individual property. The act provides that these controversies "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 National Railroad Adjustment Board with a full statement of facts and all supporting data bearing upon the dispute." While jurisdiction of NRAB extends only to disputes involving railroad employees, under Title II of the act adopted in 1936 airline carriers and their employees are required to establish system or other boards of adjustment, pending the establishment of a National Board of Adjustment. As to this type of dispute the Supreme Court (*EJE RR v. Burley*) observed:

The course prescribed for the settlement of grievances is very different beyond the initial stage. Thereafter the Act does not leave the parties wholly free, at their own will, to agree or not to agree. On the contrary one of the main purposes of the 1934 amendments was to provide a more effective process of settlement * * *. 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) * * *.

The creation of the National Railroad Adjustment Board to decide disputes (by a special form of arbitration) was one of the major changes made in the Railway Labor Act by the 1934 amendments for handling of this type of dispute in the railroad industry. This amendment makes provision that either party to such dispute may submit controversies which have failed of adjustment on the individual property to the Adjustment Board, thereby providing a means for progressing grievances to a final decision without the requirement of concurrence of both parties, which had been a "stumbling block" prior to this amendment in reaching final decision of disputes of this nature.

The experience gained under Federal Control (1917-20) when the principle of Adjustment Board machinery for settlement of this type dispute was first established was helpful in formulating the present day Adjustment Board procedure under the act.

MEDIATION.—Under section 5, first (a) and (b) of the present act, the National Mediation Board on request of either party to a dispute involving changes in rates of pay, rules, or working conditions, or on its own motion in any labor emergency, is required to "promptly put itself in communication with the parties to such controversy, and * * * use its best efforts, by mediation, to bring them to agreement."

Mediation was first introduced as a method for facilitating peaceful settlements of railroad labor disputes by the Erdman Act of 1898, under which provision was made for a temporary board of mediation to act in each case. The Newlands Act of 1913 which supplanted the Erdman Act established a full-time Board of Mediation and Conciliation, and definitely placed main reliance for settlement of disputes upon the processes of mediation and this Board continued to function under the Newlands Act until January 1, 1917, when the Federal Government assumed control of the railroads and established its own procedures in the handling of labor relations. Because of the satisfactory results produced by mediation under the earlier legislation it was restored in the Railway Labor Act of 1926 as the primary method of Government intervention into labor disputes. The 1934 Amendment to the act retained the mediation process for settlement of disputes. Each of the three members of the Board and any of its staff may be authorized to act for the Board in the mediating capacity.

Through the mediatory assistance rendered under the auspices of the Board, there is added to the consideration of the dispute the interest of the public in a peaceful solution of the controversy and emphasis is placed on the responsibility of the parties to fulfill the obligations placed on them by the act "to exert every reasonable effort to make and maintain agreements * * *."

Mediation consists in offering friendly, practical assistance to the parties in attempting to harmonize the differences existing between the employer and employees and by inducing through tact and PERSUASION concessions, or changes of positions from each side to help them reach a voluntary agreement upon all the points at issue. Frequently a thorough study and review of all the issues will develop new approaches or ideas for resolving the dispute.

The Board or its mediators are without authority under the act to "decide" or make an "award" as to the particular settlement terms to be adopted by the parties in order to dispose of the dispute.

It may be assumed that in any given case, the mediators would naturally endeavor to induce the parties to come to a settlement on terms that would appear to them just and fair, but they have no authority or power to compel the parties to the controversy to yield to their views as mediators. The mediation proceedings, therefore, in no way partake of the nature of an arbitration, and the settlements brought about through mediation represent an agreement reached by the parties themselves facilitated and aided by Members of the Board or its mediators rather than an agreement imposed upon them by any third party.

ARBITRATION.—In the event that the mediation efforts of the Board are not successful in disposing of a dispute the act provides that as its final required action the Board shall endeavor to induce the parties to submit their controversy to arbitration. There is no mandatory requirement that the parties agree to this procedure, either or both parties are free to reject arbitration as a method of disposing of the dispute. However, if the parties agree to arbitration this means that the parties must accept the decision of the arbitration board as final and binding. Sections 7 and 8 of the act spell out in detail the arbitration procedures and the method of choosing members of an arbitration board, which may consist of 3 or 6 members, one-third of the members being appointed by each party to the dispute, who must then choose the remaining members. If they fail to do so within a time limit specified, the Board appoints the neutral members. Arbitration in the railroad industry was first sponsored by the Government in the act approved October 1, 1888. The Erdman Act of 1898 also contained a provision for voluntary arbitration of labor disputes. Over the years the step by step arbitration procedure has been developed. The Erdman Act spelled out in considerable detail the technique for arbitration proceedings which had not been included in the act of 1888. The Newlands Act of 1913, contained arbitration provisions with further refinements based upon the experiences gained under preceding legislation. It was from these beginnings that the present arbitration procedures in the Railway Labor Act evolved.

EMERGENCY BOARDS.—Mediation proceedings are terminated by the Board urging the parties to resolve their differences through arbitration. If this suggestion is refused the parties are notified that the mediatory efforts of the Board have failed and for 30 days thereafter no change shall be made in the rates of pay, rules or working conditions or established practices in effect prior to the time the dispute arose unless the parties in the intervening period agree to arbitrate or an emergency board is created.

Section 10 of the act provides that if a dispute has not been settled by the parties after the various provisions of the act have been applied and if in the *judgment* of the National Mediation Board, the dispute threatens *substantially* to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service the President shall be notified, who may thereupon, in his discretion, create a board to investigate and report respecting such dispute. The law provides that the Board shall be composed of such number of persons as seems desirable to the President. Generally a board of three is appointed to investigate the dispute and report thereon. The report must be submitted within thirty days from the date of appointment and for that period and thirty days

after, no change shall be made by the parties to the controversy in the conditions out of which the dispute arose. The emergency board provisions of the act is not automatically invoked in each instance where mediation efforts fail to resolve a controversy. The dispute must in the judgment of the National Mediation Board threaten substantially to interrupt interstate commerce to such a degree as to deprive any section of the country of essential transportation. If these factors are present the Board so notifies the President who may in his discretion appoint a board to investigate the dispute.

This provision like other sections of the act was developed to its present form from the experience gained in earlier legislation. The act of 1888 established the principle of investigation of labor disputes by a Presidential Commission. The principle was further developed under the Transportation Act of 1920, and the principle of the maintenance of the status quo or so-called cooling-off period, during investigation of the dispute by an Emergency Board and for 30 days following the issuance of its report to the President, derived from the Adamson Act of 1916.

In summary, it may be said 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 for adoption of an agreement or program for disposing of the controversy; and Third, through the voluntary acceptance of arbitration by both parties by which procedure, the parties agree to submit unresolved issues to an impartial third party for final and binding decision. These three steps should operate to hold to a minimum the necessity for the use of Emergency Board procedure. Such procedure was not designed as a substitute for collective bargaining or to provide a catchall for all disputes or a temporary refuge from the problems that should be faced and resolved by sincere and conscientious collective bargaining efforts, but was intended for use only in extreme situations where work stoppages on important transportation facilities would result in substantial disruption to business and impose extreme hardships on the traveling public in peacetime or retard or impede defense efforts in time of war or national emergencies.

During the past fiscal year the rail and air carriers encountered many problems due to technological improvements being introduced and expanded in these industries. In both industries new and modern techniques have been developed for the various phases of operations of the carriers, which have resulted in job security programs and other proposals being advanced by the organizations.

In the railroad industry development of electronically operated classification yards for the fast movement of freight from terminal to terminal, modernization of equipment for right-of-way maintenance, record keeping, communications work, etc. have resulted in displacement and reallocation of many workers.

In the airline industry the advent of faster jet planes with more complex equipment has stimulated proposals by labor organizations to give job security to their respective crafts or classes and to share in the anticipated benefits which are expected to flow from these new devices. In spite of this pressure, the representatives of the carriers and the organizations faced with these innovations have

indicated a statesman-like approach to the problems flowing from the "jet age" in the airlines and the "modernization" of the railroads.

Strikes and Threatened Strikes

There were fewer interruptions to rail and air transportation due to strikes or lockouts during the past fiscal year than in any year since 1947. Actual work stoppages totaled 7, 4 of which occurred on railroad operations and 3 involved airlines. Two of the work stoppages did not seriously affect usual operations. A few additional cases of 1 day or less duration occurred, which were settled by the parties without invoking the Board's services.

A tabulation of the strikes occurring during the fiscal year is shown as table 7 in the appendices.

Divided into main categories, the following tabulation shows the principal causes of the 7 strikes.

<i>Rail carriers</i>	
Wage and rules requests.....	1
Rules requests.....	2
Rules dispute.....	1
<i>Air carriers</i>	
Wage and rules requests.....	2
Rules dispute.....	1

Strikes on Rail Carriers

There was no interruption to any major rail facility during the fiscal year. The strikes that did occur involved relatively small operations and the adverse effects were confined to local areas. Two of the strikes occurred on relatively small switching facilities and lasted only several days. Another involved a small number of clerical employees at a single yard operation of the carrier. The longest strike, which is briefly outlined below, occurred on the Toledo Lakefront Dock Co., a coal and ore transfer facility on Lake Erie. Since there are other transfer facilities in the same area furnishing similar services, the adverse effects of the work stoppage were minimized.

CASE A-5386.—*District 50, United Mine Workers of America and Toledo, Lakefront Dock Company.*

A strike of 62 days' duration occurred on this coal and ore dock operation, located on Lake Erie, a facility which unloads great lakes ore boats and reloads them with coal. Transportation of the coal to, and the ore from, the dock is accomplished by rail.

The dispute on this facility, growing out of unsettled demands for increase in wages and improvement of working rules, together with similar disputes on two other transfer facilities of the same type in the area, were the subject of hearings and recommendations by Emergency Board No. 118, which issued its report to the President under date of June 7, 1957, as mentioned in the preceding annual report. However, the parties involved on this particular operation failed to reach a settlement of the dispute and the employees engaged in a strike commencing July 7, 1957.

Further mediation efforts were undertaken by the Board, commencing August 29, 1957, and continuing until September 13, 1957, on which date a settlement of the dispute was effected and the employees returned to work.

Strikes on Air Carriers

Of the 3 work stoppages occurring on airlines, 2 were of extended duration. These 2 cases are briefly outlined below.

The other work stoppage occurred on Central Airlines, Inc., a local or "feeder" service line, operating in the southwestern region of United States and followed disciplinary action taken by carrier against six employees who declined to work overtime. The work stoppage, however, did not interfere with regular flight operations of the carrier.

Prior to this work stoppage the parties had been in negotiations on proposals of the organization representing the employees and also proposals of the carrier, relating to changes in rates of pay, rules, and working conditions. Efforts to mediate the dispute were unsuccessful and the Board's proffer of arbitration was not accepted.

CASE A-5540 (E-121).—*Air Line Agents Association and National Airlines, Inc.*

A work stoppage of 37 days' duration occurred on National Airlines, a trunk line air carrier, operating principally along the Eastern seaboard and gulf areas of the United States and to Havana, Cuba.

The dispute involved proposals of both parties for changes in the Employment Agreement between the parties, affecting rates of pay, rules and working conditions.

The parties failed to settle the dispute in direct negotiations. Mediation proved unsuccessful and the carrier declined the Board's proffer of arbitration.

Following announcement by the Association that a strike date of August 9, 1957, had been set, the Board again proffered its services and the strike was postponed. However, on September 18, 1957, certain employees staged a "walkout" in New York at the Idlewild facility of the carrier and were discharged from employment. Several days later "walkouts" occurred at some of the carrier's facilities at Miami, Jacksonville, and Tampa, Fla., and in New Orleans, La., ostensibly in protest of this action. Following these developments, the carrier, on September 22, 1957, suspended customary operations. Meanwhile the Board continued its efforts to induce the parties to settle the dispute. Finally on October 23, 1957, the parties concluded an agreement in further direct conferences and restoration of the services of the airline followed.

CASE A-5625 and E-149.—*Airline Pilots Association, International and Western Air Lines, Inc.*

A strike of 99 days' duration occurred on Western Air Lines, an air carrier operating in the Western region of the United States, and to certain points in Canada and to Mexico City, Mexico.

The dispute involved request of the Association, served on carrier July 29, 1957, for renewal of existing contract with increases in rates of pay and other rules changes, applicable to Pilots and Co-pilots. The carrier also presented proposals for contract changes affecting rates of pay, rules and working conditions.

Following failure of direct negotiations, mediation was conducted in Los Angeles November 25 to December 6, 1957. The Board's proffer of arbitration was not accepted and the parties were advised on December 17, 1957 that the Board had exhausted its efforts in attempting to have the parties compose their differences. Upon advice that the Association had set a date of January 1, 1958, for

withdrawal from the service, the Board again proffered its services, and the threatened strike was postponed pending further mediation efforts, which were conducted by a member of the Board at its headquarters in Washington, D. C. These mediatory efforts were unsuccessful and the Association set 11:59 p. m. February 21, 1958, for the strike to become effective, causing a cessation of the carrier's operations.

During the period of strike, the Board kept constantly in touch with the situation and repeated efforts were made by members of the Board to resolve the dispute. Finally on May 31, 1958, after further extended mediation sessions the parties reached agreement to dispose of the controversy and restoration of service followed. The unresolved items in dispute were submitted to arbitration.

During the fiscal year, six emergency situations involving major transportation facilities developed requiring action under section 10 of the act, following failure of direct negotiations between the parties mediation, and declinations to arbitrate. One involved railroad marine operations in the New York Harbor and five involved trunkline air carriers. The Mediation Board notified the President in accordance with section 10 of the act and executive orders were issued by the President creating Emergency Boards to investigate and report on these disputes.

The Report to the President of one of these Emergency Boards (No. 119) covering the railroad marine case was issued September 20, 1957, and is summarized in chapter V of this report. The dispute in this instance was later settled in further negotiations between the parties, following issuance of the Emergency Board's Report.

The air carriers and labor organizations involved in the other five emergency situations where Emergency Boards were created by executive order of the President are as follows:

<i>Emergency Board No.</i>	<i>Parties</i>
120-----	Flight Engineers International Association, EAL Chapter and Eastern Air Lines, Inc.
121-----	Air Line Pilots Association, International and Eastern Air Lines, Inc.
122-----	International Association of Machinists and Eastern Air Lines, Inc., Trans World Airlines, Inc., Northwest Airlines, Inc., Northeast Airlines, Inc., Capital Airlines, Inc. and National Airlines, Inc.
123-----	Flight Engineers' International Association, TWA Chapter and Trans World Airlines, Inc.
124-----	Airline Pilots Association, International and American Airlines, Inc.

The Members of these Emergency Boards had initiated proceedings in these disputes but had not issued their Reports to the President as of the close of the fiscal year.

The number of emergency situations caused by labor disputes on the airlines was above average during the fiscal year. To some extent, this can be attributed to the fact that the time for "reopening" of many of the employment agreements, permitting the serving of proposals for changes in wages and rules, fell within the fiscal year. In addition to the many difficult and extremely complex problems

associated with such contract revisions, anticipated use of jet propelled aircraft raised the problem in some of these disputes as to wage structures for flight operating personnel of such new equipment, and in others, the question of "cockpit" crew complement on jet propelled aircraft was involved.

During the fiscal year, threatened strike actions against several large rail and air facilities were averted by the Board's reentering the disputes when emergency situations developed and after further mediation, the parties concluded agreements and the strike threats were withdrawn.

In one of these instances a strike was averted among 42,000 non-operating employees on the 13,000 mile "Santa Fe" Railroad System (Atchison, Topeka & Santa Fe Railway Co., Gulf Colorado & Santa Fe Railway Co., and Panhandle and Santa Fe Railway Co.) This dispute originated through a request served under date of February 5, 1951, upon the carriers involved by 15 Cooperating Railway Labor Organizations, representing the nonoperating employees on this major rail system, for a Union Shop and Check-off Agreement. The request in this case, along with identical requests on the major carriers of the country, had been the subject of mediation proceedings by the Board in Case (A-3744) and a Presidential Emergency Board (No. 98) investigation, report of which was issued February 14, 1952. In subsequent Court action brought by certain individual employees of these carriers in the Texas District Court, Potter County, organizations and carriers in this case were enjoined from entering into a Union Shop Agreement, pending the outcome of this litigation. Following the final determination of the issue by the Supreme Court of Texas,¹ the injunction was dissolved. During resumed negotiations the carrier was unwilling to adopt the proposals of the Organizations for a Union Shop Agreement, but made certain counter proposals which the Organizations rejected. Thereafter, on August 31, 1957, the carrier made application for the mediation services of the Board and the Organizations opposed consideration of the issue as a "new dispute" subject to being processed again through all the procedures of the act. However, the Organizations were agreeable to further settlement efforts of the Board without prejudice to their position.

Pending decision of the issue presented, the Board endeavored to have the parties compose their differences. These efforts proved unavailing, and the Board on October 11, 1957, advised the parties that it was of the opinion that the dispute was essentially the same as the issue involved in Case A-3744 which had already been handled through the machinery provided by the act including Emergency Board No. 98.

A "Petition for Reconsideration" was filed with the Board by the carriers, under date of October 15, 1957, and the Board conducted a hearing in Chicago, Ill., on November 1, 1957, during which the parties in interest were afforded opportunity to present their respective positions. On November 6, 1957, the Board advised the parties that after carefully reviewing the proceedings in the controversy, it failed to find any error in its conclusion as stated in its letter to the parties under date of October 11, 1957.

Since strike action was imminent, the Members of the Board continued their efforts to induce the parties to settle the controversy, and

¹ *Sandsberry, et al., and Gulf, Colorado and Santa Fe Ry. et al., v. International Association of Machinists* 295 S. W. 2d 412, certiorari denied 353 U. S. 918 (March 25, 1957).

several days prior to the strike deadline a settlement was reached disposing of the dispute and the strike threat was withdrawn.

Occasionally the Board's services are invoked to forestall an anticipated or announced change by a carrier in the method of work performance by its employees, rearrangement of work assignments, or changes in other conditions of employment. Generally in such instances the representative of the employees will contend that the carrier is changing or intends to change "working conditions" without complying with the procedures outlined in section 6 of the act.

Inquiry into these situations reveals usually a difference between the parties as to the interpretation of the employment agreement or intent of section 6 of the act, which reads as follows:

SEC. 6. Carriers and representatives of the employees shall give at least thirty days' written notice of an intended *change in agreements* affecting rates of pay, rules, or working conditions, and the time and place for the beginning of conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Mediation Board have been requested by either party, or said Board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon as required by section 5 of the act, by the Mediation Board, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Mediation Board.

In such instances, the carrier will take the position that the act does not require negotiations with representatives of the employees prior to making changes in working conditions which are not covered by the employment agreement, but has application only to those working conditions concerning which rules have been made by agreement with the representatives of employees, and by which agreement it has voluntarily restricted or limited its authority to direct the manner in which service shall be rendered by its employees. In other words, the carrier will contend that section 6 of the act applies only when a "change in agreements, affecting rates of pay, rules, or working conditions," is involved, and that the particular change in working conditions or method of performing certain work by employees now under consideration does not constitute a "change in the agreement."

In cases where strike threats occur in disputes of this nature, the Board will call attention of the parties to section 6 of the act. The responsibility for observance of the act and the employment agreement, rests with the parties.

In some instances the Board will find it necessary to assign a mediator to confer with the parties and develop detailed information to determine the type of dispute involved and the proper procedure under the act for its disposition. In many cases a mutually satisfactory settlement of the dispute is effected during these informal conferences.

The incidence of emergency situations created by threats of strike, on which the Board found it necessary to proffer its services under section 5, first (b) of the act, continued to decline during the fiscal year. In these instances, strike threats occurred following breakdown of negotiations and before the services of the Board are invoked. Usually in such cases, the Organization will postpone strike action pending mediatory efforts by the Board. A number of factors have undoubtedly contributed to this decline in emergency situations: (1) "Pattern settlement" contracts in the railroad industry extending until October 31, 1959, with moratorium provisions, have tended to

reduce new collective bargaining proposals, (2) clarification as to the requirements of certain procedures under the act by recent Court decisions, (3) increased understanding as to the procedures of the act and disposition of the representatives to avail themselves of the methods provided for the settlement of disputes.

In a number of cases where the Board has proffered its services, it is developed by the mediator that some of the issues involve time claims and grievances as well as requests for rules changes. As has been pointed out elsewhere in this report, time claims and grievances are matters properly referable to the National Railroad Adjustment Board under the act.

In the handling of cases of this type, the Board's practice and procedure is to treat the issues separately and to endeavor to have the parties submit time claims and grievances to the National Railroad Adjustment Board, or agree to submit them to a Special Board of Adjustment, if settlement is not otherwise effected. If it is found that the dispute also covers wage or rules change requests, such items are formally docketed and progressed through the regular channels of mediation, and if settlement is not effected, proffer of arbitration is made.

In practically all instances this year settlements in these emergency situations were effected by mediation agreements. In other instances, the parties were induced to submit the controversies to Special Boards of Adjustment.

ITEMS OF SPECIAL INTEREST

As mentioned in the preceding Annual Report, during the latter part of fiscal year 1956 and the early part of fiscal year 1957, agreements extending for a 3-year term, or until October 31, 1959, were entered into between all of the Standard Railway Labor Organizations, representing practically all of the operating and nonoperating employees of the major railroads of the country and the Eastern, Western and Southeastern Carriers' Conference Committees, representing the carriers.

All of these agreements provided for an initial wage increase in basic rates of pay, effective November 1, 1956, and additional specified basic wage increases on November 1, 1957, and November 1, 1958. In addition, all agreements contained a so-called escalator or cost of living clause providing for 1 cent per hour pay adjustments for each half point change in the Consumers' Price Index, compiled by the Bureau of Labor Statistics of the Department of Labor. Pay adjustments, if any, were to be made semi-annually on July 1 and November 1 of each succeeding year following the effective dates of the agreements based on the Consumers' Price Index figure published for the months of March and September, preceding the pay adjustment dates. The Index figure for September 1956 of 117.1 was adopted as the base for determining pay adjustments.

Pay adjustments based on these agreements (as of June 30, 1958) have been as follows:

Base month for determining pay adjustments	BLS CP Index	Pay adjustment date	Amount
			<i>Cents per hour increase</i>
March 1957.....	118.9	May 1, 1957	3
September 1957.....	121.1	Nov. 1, 1957	5
March 1958.....	123.3	May 1, 1958	4
Total.....			12

During the fiscal year several matters associated with the 1956-57 National settlement agreements have been the subject of handling and consideration by the Board, as briefly outlined below:

Under article IV of the National Agreement of November 20, 1956, as amended, between the Brotherhood of Locomotive Firemen and Enginemen and Eastern, Western and Southeastern Carriers' Conference Committees, the organization was given the option of accepting an increase in basic wage rates of 7 cents per hour effective November 1, 1958, or, in lieu thereof, have that amount paid by the carriers to a Health Security Fund to be established by agreement between the parties.

Application of this provision was the subject of negotiations between the parties and failing agreement, mediation was conducted under auspices of the Board (Case A-5679), resulting in an understanding being reached between the parties based on exchanges of Mediator's Memorandum of May 15, 1958, and Carriers' Conference Committees' letters of June 10, 1958, and July 24, 1958, to apply the 7 cents per hour increase to the basic rates of pay of employees represented by the Brotherhood of Locomotive Firemen and Enginemen rather than establishing a Health Security Plan.

In the National Agreements entered into separately between the Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Enginemen, Order of Railway Conductors and Brakemen, Brotherhood of Railroad Trainmen and Switchmens' Union of North America, and the Eastern, Western and Southeastern Carriers' Conference Committees, covering the 1956-57 "pattern settlements" in the railroad industry, provision was made in the event differences arose between representatives of the employees on individual carriers, as to the interpretation or application of any terms of these National Agreements, such controversies could be referred to a "Disputes Committee" for final determination. Each of the agreements above referred to contains a provision for the formation of the "Disputes Committee" and procedures for final disposition of controversies submitted to them.

During the past year preliminary correspondence in regard to applications for the mediation services of the Board, developed the fact that in many instances either the carrier or the organizations took the position that some or all issues involved in the request for the mediation services of the Board were barred from progression by the so-called moratorium provisions of the above mentioned agreements. This contention was disputed by the other party. Accordingly, the Board adopted a procedural policy with respect to these cases where this contention was made, to clarify and resolve, if possible, in mediation conferences the differences between the individual carriers and representatives of the employees as to the applicability or nonapplicability of the moratorium provisions of the particular bargaining proposals under consideration. Issues submitted by either or both parties to the "Disputes Committee" for adjudication were held in abeyance and not processed through mediation to a conclusion until such time as a decision had been handed down by the Committee.

The following matter relating to one of the National Agreements was the subject of Board consideration during the past fiscal year: Under date of October 11, 1957, a joint request was made on behalf of the Eastern, Western and Southeastern Carriers' Conference Committees and the Order of Railway Conductors and Brakemen, pursuant to

section 5 (b) Second of the act, for an interpretation by the Board of a Memorandum Agreement of June 12, 1957, entered into contemporaneously with the National settlement agreement between the parties.

Following hearings conducted by the Board May 20, 21, 22, and 23, 1958, Interpretation (No. 65) was issued, in which the Board concluded that the conductors represented by the Order of Railway Conductors and Brakemen were entitled under the Memorandum of Agreement above mentioned to the following percentage increases to be added to the basic rates agreed to in the National settlement between the parties on June 12, 1957.

Effective date	Percent increase due conductors	
	Passenger service	Through freight service
	Percent	Percent
Nov. 1, 1956.....	0.023	0.000
Nov. 1, 1957.....	.176	.034
Nov. 1, 1958.....	.328	.136

The Board's jurisdiction over foreign air carriers operating in the United States was at issue in the following cases originating under section 2, Ninth of the act, as well as an issue relating to the conduct of the election.

Following investigation under section 2, Ninth of the act, the Board on May 18, 1956, in Case R-2938 certified the International Association of Machinists, as the duly designated and authorized representative of the craft or class of airline mechanics, employes of Linea Aeropostal Venezulana (LAV). This certification was challenged by four mechanics of that carrier in the United States District Court for the District of Columbia, who sought a judicial declaration that (1) the representation election conducted by the Board was invalid, and (2) that the Railway Labor Act was inapplicable to LAV. The complainants sought further to enjoin LAV and the IAM from bargaining on behalf of them or others similarly situated. However, the District Court on November 6, 1957, dismissed the complaint.

Appeal was taken to the United States Court of Appeals for the District of Columbia where on June 26, 1958, the Court held under the decision in *Rutas Aereas Nacionales v. Edwards*, 100 U. S. App. DC 336 (244 F. 2d 784), dismissal by the district court of the question of the Board's jurisdiction over foreign air carriers was proper.

As to the question of judicial review of the Board's certification, it was held that the prohibition contained in *Switchmen's Union v. National Mediation Board 320 vs. 297* (reported in 10th Annual Report) applied in this case.

The decision of the district court, therefore, was affirmed.

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, or individuals, for the purpose 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.

Before applications are formally docketed they are subject to preliminary investigation to develop certain required 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 sometimes 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 facilitates the work of the mediator in his handling of the case. In certain instances facts developed by correspondence or on-the-ground investigation disclose that the dispute is properly referable to the National Railroad Adjustment Board.

The total number of all cases docketed during the fiscal year 1958 was 407. This represents a decrease of 72 cases over the previous year. The decrease occurred both in the number of mediation cases docketed—309 cases of this type docketed in 1958 contrasted with 343 in fiscal year 1957, and in representation disputes—92 contrasted with 122 in fiscal year 1957. Undoubtedly, the moratorium provision contained in most railroad agreements affected the number of mediation cases docketed. It is generally believed that the no raiding pacts between various labor organizations had the effect of reducing the number of representation disputes referable to this Board. Six interpretation cases were docketed during the past fiscal year, a decrease of eight over fiscal year 1957.

In November 1955, the Board began assigning an "E" number designation to certain type cases initiated when strike dates are set by labor organizations rather than assign them the usual "A" number designation assigned mediation cases.

2. DISPOSITION OF CASES

Table 1 shows that 305 mediation cases were disposed of during the fiscal year 1958, as contrasted with 263 during the previous year

and making a total of 5,661 mediation cases disposed of during the 24-year period of the Board's operation. Railroads were involved in 228 of the cases disposed of, while the 77 remaining cases pertained to airlines. Railroads accounted for 68 percent of cases disposed of during 1958, whereas in 1957 they accounted for 78 percent.

As shown by table 3, 75 of the 104 representation cases disposed of involved railroads, and 29 involved airlines. The Board has disposed of 3,268 representation cases since it began operation in 1934.

There were 10 interpretation cases disposed of in the past year: 7 pertained to railroads, and 3 pertained to airlines. This makes a total of 62 interpretation cases disposed of during the existence of the Board.

3. MAJOR GROUPS OF EMPLOYEES INVOLVED IN CASES

A total of 12,586 employees were involved in the 104 representation cases disposed of by the Board. Train, engine, and yard service employees accounted for 37 cases involving 5,516 employees; and marine service employees accounted for 10 cases involving 206 employees. In the airline industry, clerical employees accounted for 5 cases involving 1,982 employees, and the flight engineers accounted for 4 cases involving 819 employees.

Train, engine, and yard service employees accounted for 153 of the 228 mediation cases in the railroad industry; mechanics accounted for 14 mediation cases in the airline industry; and the pilots were involved in 21 of the total of 77 mediation cases in that industry.

4. RECORD OF MEDIATION CASES

During the fiscal year ending June 30, 1958, 309 mediation cases were docketed, a decrease of 34 from the previous year. These added to the 214 on hand at the beginning of the fiscal year make a total of 523 cases considered during the period. A total of 305 cases were disposed of during the year, leaving 218 unresolved cases on hand at the end of the year.

Class I railroads were involved in 153 mediation cases while switching and terminal railroads accounted for 28 cases of the total of 228 cases on rail carriers. The airline carriers were involved in 77 mediation cases.

One hundred sixty-eight cases were settled by mediation agreements—119 of these on railroads, 49 on airlines. Three arbitration agreements were completed, all in railroad cases. The parties withdrew their application for the services of the Board either before or during mediation in 67 cases. The Board dismissed 23 cases. In 44 cases either the carrier or employees, or both, refused to arbitrate the issue in controversy.

The major issues, as related in table 2, involve rates of pay and rules. Of 86 cases involving rates of pay, 51 were railroad and 35 airline. Seventy-two of these cases were settled by mediation agreements, 38 railroad and 34 airlines. Five cases were withdrawn, 4 railroad and 1 airline. Five railroad cases were closed on account of refusal to arbitrate, and 2 railroad cases were dismissed.

Two hundred and one cases involved rules changes, 162 railroad and 39 airline. Eighty-three cases were settled by mediation agreements, 71 railroad and 12 airline; one railroad case was closed based on an agreement to arbitrate; 61 were withdrawn, 54 railroad and 7

airline; 37 were closed account parties refused to arbitrate, 28 railroad and 9 airline; and 19 cases were dismissed.

Nine cases dealing with new agreements were disposed of, 7 railroad and 2 airline; and nine cases involving miscellaneous items were disposed of, 8 railroad and 1 airline.

5. ELECTIONS AND CERTIFICATION OF REPRESENTATIVES

The National Mediation Board investigates representation disputes pursuant to the authority granted by section 2, ninth, of the Railway Labor Act. This section of the act requires the Board to certify to the carrier the designated representative of the employees. Congress recognized the desirability of prompt disposition of representation disputes when it included in this section of the act provisions requiring the Board to investigate such disputes and issue certifications within 30 days after the receipt of applications for its services. Although the courts have held this requirement to be directory rather than mandatory, the Board strives to investigate such disputes as promptly as practicable in the interest of promoting stable labor relations.

During the past fiscal year the Board docketed 92 new representation cases. These added to the 29 on hand at the close of the previous fiscal year made a total of 121 cases considered during the period covered by this report. At the end of the fiscal year 17 cases were pending. Eighty-one of the 104 cases handled were disposed of by certification of a representative of the employees to the carrier. Ten cases were withdrawn by the applicant organization and in 13 cases the Board dismissed the organization's application. Dismissals are generally issued by the Board in those cases where the investigation on the property indicates that the applicant organization does not have sufficient authorizations to meet the requirements of the Board or where less than a majority of those eligible cast valid ballots in an election.

Railroads were involved in 75 of the cases disposed of by the Board. Certifications were issued in 59 cases involving 7,462 employees working in various crafts or classes.

In the airline industry 22 certifications were issued in 29 of the cases handled by the Board. These certifications covered 2,538 employees working in various crafts or classes.

Only 66 employees in the railroad industry acquired representation, while 7,362 employees in that industry were involved in representation disputes that challenged the existing representation. Representation was changed in various crafts or classes involving 560 employees. On the other hand, representation was not changed as a result of the Board's investigation in crafts or classes involving 6,810 employees.

In the airline industry 517 employees acquired representation rights. Representation was changed in crafts or classes involving 539 employees, while 1,482 employees were involved in disputes wherein the representation was challenged but was not changed.

Of the total of 12,586 employees involved in the 104 representation disputes disposed of in both industries, initial representation was acquired for only 583 employees. The remaining 12,003 employees were involved in disputes challenging the existing representation with the result of a change for only a total of 1,099 employees.

III. MEDIATION DISPUTES

Section 5, first, of the Railway Labor Act permits either party, carrier or labor organization, or both, to invoke the services of the National Mediation Board in disputes arising between carriers and their employees on questions involving changes in rates of pay, rules, and working conditions. This section of the act also permits the Board to proffer its services in case any labor emergency is found to exist at any time.

Experience has shown that agreements made between the carrier and labor organizations on a voluntary basis during the course of mediation creates an atmosphere of respect and understanding between the parties which is helpful in the day-to-day application of the agreement. Mediation agreements frequently are reached after suggestions have been advanced by the mediator which may preserve the basic position of the parties. A voluntary agreement reached in mediation implies that both sides have receded from their original position taken at the start of the controversy and, on the basis of a better understanding of the issues involved, a successful meeting of mind has been achieved.

Often, issues arise which neither party feels they are able to compromise. In such a situation, the Board is required under the law to urge and request the parties to submit the issue to arbitration. The alternative to arbitration is a test of economic strength between the parties. A considered appraisal of the immediate and long range effects of such a test, which eventually must be settled, indicates that arbitration is by far the preferable solution. There are few, if any, issues which cannot be arbitrated if that course becomes necessary. More use should be made of the voluntary arbitration procedure under the Railway Labor Act to settle disputes which cannot be composed in mediation.

1. PROBLEMS IN MEDIATION

The Railway Labor Act contemplates that representatives of carriers and employees will fulfill their obligation to exert every reasonable effort to make and maintain agreements. This obligation imposes the duty upon both parties to meet promptly in conference in an effort to dispose of disputes affecting rules, wages and working conditions.

In many instances prompt docketing of applications for the Board's services under section 5, first, of the act is delayed while the Board enters into correspondence with the parties to determine if the obligations required by the law have been fulfilled.

Applications for the mediation services of the Board may be made on printed forms NMB-2, copies of which may be obtained from the Executive Secretary of the Board. The application should show the exact nature of the dispute, number of employees involved, name of the carrier and name of the labor organization, date of agreement between the parties, if any, date and copy of notice served by the

invoking party to the other, and date of final conference between the parties.

Instructions for filing applications for mediation services of the Board call attention to the following provisions of the Railway Labor Act bearing directly on the procedure to be followed in handling disputes and invoking services of the Board.

Notice of Intended Change

"SEC. 6. Carriers and representatives of the employees shall give at least thirty days' written notice of an intended change in agreements affecting rates of pay, rules, or working conditions, and the time and place for the beginning of conference between the representatives of the parties interested in such intended changes shall be agreed upon within ten days after the receipt of said notice, and said time shall be within the thirty days provided in the notice. * * *"

Conference Between the Parties

"SEC. 2. Second. All disputes between a carrier or carriers and it or their employees shall be considered, and, if possible, decided, with all expedition, in conference between representatives designated and authorized so to confer, respectively, by the carrier or carriers and by the employees thereof interested in the dispute."

Services of Mediation Board

"SEC. 5. First. The parties, or either party, to a dispute between an employee or group of employees and a carrier may invoke the services of the Mediation Board in any of the following cases:

"(a) A dispute concerning changes in rates of pay, rules, or working conditions not adjusted by the parties in conference. * * *"

Status Quo Provisions

"SEC. 6. * * * In every case where such notice of intended change has been given, or conferences are being held with reference thereto, or the services of the Mediation Board have been requested by either party, or said Board has proffered its services, rates of pay, rules, or working conditions shall not be altered by the carrier until the controversy has been finally acted upon as required by section 5 of this Act, by the Mediation Board, unless a period of ten days has elapsed after termination of conferences without request for or proffer of the services of the Mediation Board."

Instructions also state that the specific question in dispute should be clearly stated, and special care exercised to see that it is in accord with the notice or request of the party serving same, as well as in harmony with the basis upon which direct negotiations were conducted. If the question is stated in general terms, the details of the proposed rates or rules found to be in dispute after conclusion of direct negotiations should be attached in an appropriate exhibit referred to in the question. This will save the time of all concerned in developing the essential facts through correspondence by the office or preliminary investigation by a mediator, upon which the Board may determine its jurisdiction. The importance of having the specific question in dispute clearly stated is especially apparent when

mediation is unsuccessful and the parties agree to submit such question to arbitration.

Threatened labor emergencies brought about by threats to use economic strength to settle issues in dispute handicap the Board in assigning, in an orderly manner, mediators to handle docketed cases. During the past fiscal year 53 cases were assigned in the "E" number series. These are cases where the Board's mediation services are proffered under the emergency clause of section 5 of the Railway Labor Act. During the past year the Board disposed of 63 cases in this category.

IV. REPRESENTATION DISPUTES

Number three of the "General Purposes" of the Railway Labor Act reads as follows: "To provide for the complete independence of carriers and of employees in the manner of self-organization." To accomplish this purpose the Act places certain statutory duties upon the carriers and their employees. The first duty contained in section 2 requires, "It shall be the duty of all carriers, their officers, agents, and employees to exert every reasonable effort to make and maintain agreements concerning rates of pay, rules, and working conditions, and to settle all disputes, whether arising out of the application of such agreements or otherwise, in order to avoid any interruption to commerce. * * *" The second duty requires that all disputes shall be considered in conference between representatives of the carrier and the employees. The third duty very explicitly requires that representatives shall be designated by the respective parties without interference, influence, or coercion by either party over the designation of representatives by the other.

Under section 2, fourth, employees are granted the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class has the right to determine the representative of the craft or class.

The services of the board can be invoked by any organization or individual filing an NMB-3, "Application for Investigation of Representation Dispute," and accompanied by sufficient evidence that a dispute exists. This evidence usually is in the form of authorization cards. These cards must have been signed by the individual employees within a 12-month period, and must authorize the applicant organization or individual to represent the employee who signed the authorization card.

In disputes where employees are already represented, the applicant must file authorization cards in support of the application from at least a majority of the craft or class of employees involved. In disputes where the employees are unrepresented, at least a showing of 35 percent authorization cards from the employees in the craft or class is required.

Upon receipt of the application a preliminary investigation is made from the Board's office. If, as a result of the preliminary investigation, the application appears in order, it is docketed and a mediator is subsequently assigned to make a field investigation.

Parties to representation disputes, in cases where two or more unions are involved, are the groups of employees favoring each union. In a dispute where only one union is involved, the dispute is between the employees seeking organization by the applicant and those not desiring representation. Carriers are not considered parties to representation disputes.

Frequently, controversies arise concerning the eligibility of employees to participate in the selection of the representative. In the

craft or class at the time the representative is to be selected. In the majority of cases these questions are disposed of through the efforts of the mediator. However, the controversy is occasionally of such a nature that it is necessary for the Board to conduct a public hearing at which time the parties are given full opportunity to present their respective positions. The carrier is usually invited to attend the hearing to present factual information.

In determining the representative of the employees, the Board may take a secret ballot among the employees concerned, or utilize any other appropriate method of ascertaining the names of such representatives, in such manner that the choice of the employees is exercised without interference, influence, or coercion on the part of the carrier. Aside from the secret ballot, the other method most commonly used is a check of signatures appearing on authorization cards against the signatures of the employees in the carrier's records.

1. Rules and Regulations

The rules and regulations applying to representation disputes are set forth below.

1. *Run-off elections.*

(a) If in an election among any craft or class no organization or individual receives a majority of the legal votes cast, or in the event of a tie vote, a second or run-off election shall be held forthwith, provided that a written request by an individual or organization entitled to appear on the run-off ballot is submitted to the Board within ten (10) days after the date of the report of results of the first election.

(b) In the event a run-off election is authorized by the Board, the names of the two individuals or organizations which received the highest number of votes cast in the first election shall be placed on the run-off ballot, and no blank line on which voters may write in the name of any organization or individual will be provided on the run-off ballot.

(c) Employees who were eligible to vote at the conclusion of the first election shall be eligible to vote in the run-off election except (1) those employees whose employment relationship has terminated, and (2) those employees who are no longer employed in the craft or class.

2. *Percentage of valid authorizations required to determine existence of a representation dispute.*

(a) Where the employees involved in a representation dispute are represented by an individual or labor organization, either local or national in scope, and are covered by a valid existing contract between such representative and the carrier, a showing of proved authorizations (checked and verified as to date, signature, and employment status) from at least a majority of the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of Section 2, Ninth, of the Railway Labor Act.

(b) Where the employees involved in a representation dispute are unrepresented, a showing of proved authorizations from at least thirty-five (35) percent of the employees in the craft or class must be made before the National Mediation Board will authorize an election or otherwise determine the representation desires of the employees under the provisions of Section 2, Ninth, of the Railway Labor Act.

3. *Age of authorization cards.*

Authorizations must be signed and dated in the employee's own handwriting or witnessed mark. No authorizations will be accepted by the National Mediation Board in any employee representation dispute which bear a date prior to one year before the date of the application for the investigation of such dispute.

4. *Time limit on applications.*

(a) The National Mediation Board will not accept an application for the investigation of a representation dispute for a period of two (2) years from the date of a certification covering the same craft or class of employees on the same carrier in which a representative was certified, except in unusual or extraordinary circumstances.

(b) Except in unusual or extraordinary circumstances, the National Mediation Board will not accept for investigation under Section 2, Ninth, of the Railway Labor Act an application for its services covering a craft or class of employees on a carrier for a period of one (1) year after the date on which—

(1) An election among the same craft or class on the same carrier has been conducted and no certification was issued account less than a majority of eligible voters participated in the election; or

(2) A docketed representation dispute among the same craft or class on the same carrier has been dismissed by the Board account no dispute existed as defined in Rule 2 of these Rules and Regulations; or

(3) The applicant has withdrawn an application covering the same craft or class on the same carrier which has been formally docketed for investigation.

Rule 4 (b) will not apply to employees of a craft or class who are not represented for purposes of collective bargaining.

5. Necessary evidence of intervenor's interest in a representation dispute.

In any representation dispute under the provisions of Section 2, Ninth, of the Railway Labor Act, an intervening individual or organization must produce proved authorizations from at least thirty-five (35) percent of the craft or class of employees involved to warrant placing the name of the intervenor on the ballot.

6. Eligibility of dismissed employees to vote.

Dismissed employees whose requests for reinstatement account of wrongful dismissal are pending before proper authorities, which includes the National Railroad Adjustment Board or other appropriate adjustment board, are eligible to participate in elections among the craft or class of employees in which they are employed at time of dismissal. This does not include dismissed employees whose guilt has been determined, and who are seeking reinstatement on a leniency basis.

7. Construction of rules.

These Rules and Regulations shall be liberally construed to effectuate the purposes and provisions of the Act.

8. Amendment of rescission of rules.

(a) Any rule or regulation may be amended or rescinded by the Board at any time.

(b) Any interested person may petition the Board, in writing, for the issuance, amendment, or repeal of a rule or regulation. An original and three copies of such petition shall be filed with the Board in Washington, D. C., and shall state the rule or regulation proposed to be issued, amended, or repealed, together with a statement of grounds in support of such petition.

(c) Upon the filing of such petition, the Board shall consider the same, and may thereupon either grant or deny the petition in whole or in part, conduct an appropriate hearing thereon or make other disposition of the petition. Should the petition be denied in whole or in part, prompt notice shall be given of the denial, accompanied by a simple statement of the grounds unless the denial is self-explanatory.

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 the controversy to arbitration under the provisions of section 7 of the act.

Arbitration is one of the important procedures made available to the parties for peacefully disposing of disputes. Generally this provision of the act is used for disposing of so called major disputes, i. e., those growing out of making or changing of contracts covering rates of pay, rules or working conditions, but it is not unusual for the parties to agree on the arbitration procedure in certain instances to dispose of other types of disputes, for example, the so called minor disputes, i. e., those arising out of grievances or interpretation or application of existing working agreements.

Both sides must agree to arbitrate if the dispute is to be settled in this manner, as the parties are not compelled by any requirement of the act to arbitrate. The agreement to arbitrate contains provisions as required by the act to the effect that the signatures of a majority of the board of arbitration affixed to their award shall be competent to constitute a valid and binding award; that the award and the evidence of the proceedings relating thereto when certified and filed in the clerk's office of the district court of the United States for the district wherein the controversy arose or the arbitration was entered into, shall be final and conclusive upon the parties as to the facts determined by the award and as to the merits of the controversy decided; and that the respective parties to the award will each faithfully execute the same.

The purpose of this section is to insure a definite and final determination of the controversy. Over the years, arbitration proceedings have proved extremely beneficial in disposing of disputes involving fundamental differences between disputants, and instances of court actions to impeach awards have been rare. Specific limitations are provided in the act governing such procedure.

An arbitration board is set up for each dispute. In other words the arbitration boards under this provision of the act are not permanently established but are convened for the purpose of disposing of the specific issues in the particular dispute submitted to them by the parties.

While the act provides for arbitration boards of either 3 or 6 members, 6-member boards are seldom used and generally these boards are composed of 3 members. Each party to the dispute appoints one member and these two members are required by the act to endeavor to agree upon the third or neutral member. Should they fail to agree in this respect, the act provides that the neutral member shall be selected by the National Mediation Board.

The act also provides that "it shall be the duty of the Mediation Board in naming such arbitrators, to appoint only those whom the board shall deem wholly disinterested in the controversy to be arbitrated and impartial and without bias as between the parties to such arbitration."

Summarized below are 11 awards rendered during the fiscal year 1958 on disputes submitted to arbitration, three of which were on cases covered by arbitration agreements entered into during the preceding fiscal year, but the awards were not rendered until the present fiscal year. There is also included in the following listing another case which was withdrawn from arbitration by the parties after reaching agreement settling the controversy, before the formation of an arbitration board.

ARB. 221 (Case A-5382).—*Missouri Pacific Railroad Co., Gulf District, and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were G. W. Johnson, representing the carrier; A. E. Strelau, representing the Brotherhood and Dudley E. Whiting, neutral member, named by the National Mediation Board. Mr. Whiting was selected chairman of the Board.

Hearings commenced September 24, 1957, and the award signed by a majority of the Board members was rendered September 26, 1957.

The dispute submitted for decision in this proceeding, involved the question of proper application of Award 8098 of First Division, National Railroad Adjustment Board, particularly with relation to the filling of positions of yard foremen at certain locations on the "Gulf District" lines of this carrier.

In its award on Question No. 1 submitted by the parties, the Board held:

Award 8098 of First Division, National Railroad Adjustment Board, does not require any additional or different action on the part of the carrier in order to comply with its provisions.

and as to the pertinent part of Question No. 2, the Award of the Board was as follows:

The requirement of Award 8098 was that employes in service on April 4, 1935, holding the positions specified in the letter agreement of that date and employes then holding seniority rights to such positions thereunder were entitled to standard rates of pay, rules and working conditions established by the International-Great Northern Railroad Company for the same service.

ARB. 223 (Case A-4962).—*Northwest Airlines, Inc. and The Air Line Stewards and Stewardesses Association, International*

Members of the Arbitration Board were Homer R. Kinney, representing the carrier; Lee Leibik, representing the Association; and Francis J. Robertson, neutral member, appointed by the National Mediation Board. Mr. Robertson was selected chairman of the Board.

Hearings commenced June 18, 1957, and the award was rendered October 21, 1957.

The dispute involved proposals of the carrier to amend the "Recognition and Scope Rule" of its agreement with the Association to reserve to the carrier certain rights with respect to the employment and assignment of foreign nationals as flight service personnel on certain of its international flights.

The award, signed by a majority of the members of the Board, granted in part and denied in part the proposals of the carrier. The

award set forth the following specific language for a new "Recognition and Scope Rule" to be incorporated into the agreement between the parties:

(a) In accordance with the certification (R-1747), made by the National Mediation Board on December 17, 1946, and as amended by the National Mediation Board on October 22, 1948 (R-2079), and June 20, 1950 (R-2295), the Company hereby recognizes the Air Line Stewards and Stewardesses Association, International, as the duly designated and authorized representative of the flight pursers, the flight service attendants, and the stewardesses in the employ of the Company for the purposes of the Railway Labor Act, as amended.

(b) This Agreement covers all flight pursers, flight service attendants and stewardesses in the employ of the Company who are employed and assigned within the continental limits of the United States and its territories, and of employees in such positions when assigned to those segments of the Company's International passenger flights which originate or terminate in the United States and its territories, and, also, of employees in such positions when assigned at the discretion of the Company on other international passenger flights except as specifically limited herein.

(1) The Company shall have the right to assign foreign nationals to all cabin attendant positions on all international passenger flights operating over all international routes south and west of Japan including but not limited to the routes to and from Japan to points in Korea, Okinawa, Formosa, the Philippine Islands, Hong Kong, and to and from any other foreign station that the Company may be certificated to serve, except that one employee covered by this agreement in a classification to be selected by the Company will be assigned to such passenger flights.

(2) Foreign national cabin attendants assigned to flights under paragraph (1) of this section will not come within the jurisdiction or scope of this agreement, nor shall any such foreign national employees be covered by nor subject to any provisions of this agreement.

The award also provided for amendments in other contract rules as proposed by the carrier to reflect changes associated with the awarded rule.

The member of the Board representing the Association filed a dissenting opinion.

ARB. 226 (Case A-5360).—*South Buffalo Railway Company and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were A. J. Merkley, representing the carrier; Eugene J. Nassoiiy, representing the Brotherhood; and Francis J. Robertson, neutral member, named by the parties. Mr. Robertson was selected chairman of the Board.

Hearings commenced June 26, 1957, and the Award was rendered August 12, 1957.

The specific question submitted to the Board for decision was as follows:

Shall the request of the Brotherhood that 'All crews who are compelled to answer the radio telephone and take orders over same are to receive an additional \$2.00 per man' be granted in whole or in part or be denied?

The award signed by a majority of the members of the Board denied the request.

The Member representing the Brotherhood filed a dissenting opinion.

ARB. 227 (Case A-5580).—*St. Louis Southwestern Railway Company and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were M. L. Erwin, representing the carrier; J. A. Rash, representing the Brotherhood; and Mortimer Stone, neutral member, named by the National Mediation Board. Mr. Stone was selected chairman of the Board.

Hearings commenced December 12, 1957, and the award was rendered December 16, 1957.

This dispute involved an unsettled item on the request of the Brotherhood for designation of certain freight assignments as "road switchers" and an upward adjustment in basic daily rates for such assignments.

After reaching agreement during mediation proceedings on the assignments to be designated as "road switchers" and an increase in the basic daily rates for such assignments, the parties also agreed to submit to arbitration the remaining unresolved issue, as to whether or not the "car handling differential" provided in article 1 (a) of the May 26, 1955, agreement (amended June 16, 1955) made on a national basis and applicable to the parties in this case, should be made applicable to the agreed-upon rate for "road switcher" assignments.

The award of the Board answered the question in the negative.

ARB. 228 (Case A-5514).—*The Peoria and Pekin Union Railway Company and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were G. J. Willingham, representing the carrier; C. J. Jenkins, representing the Brotherhood; and H. Raymond Cluster, neutral member, named by the parties. Mr. Cluster was selected chairman of the Board.

Hearings commenced January 28, 1958, and the award was rendered March 31, 1958.

This dispute arose as a result of carrier relocating certain operational facilities from Peoria, Ill. (located on the west side of the Illinois River to East Peoria on the other side of the river), and proposal of carrier to change the starting and relieving point of work assignments of certain yard crews to the new location. Failing to adjust the controversy in conference, the parties agreed to submit the following alternative requests of the Brotherhood to arbitration:

No. (1) A minimum of two (2) hours pay at pro-rate in addition to all other compensation earned on that day for all assignments starting and terminating their tour of duty at East Peoria yards, with employees furnishing their own transportation to and from East Peoria Yard. (Or)

No. (2) Adequate transportation to be furnished by the company from Bridge Junction to East Peoria and return, with time starting and terminating at Bridge Junction.

The award of the Board signed by a majority of its members was:

No part of the request of the Brotherhood * * * shall be granted.

The member of the Board representing the Brotherhood filed a dissenting opinion.

ARB. 229 (Case A-None).—*Gulf, Mobile and Ohio Railroad and American Train Dispatchers Association*

Members of the Arbitration Board were V. J. Thompson, representing the carrier; A. Covington, representing the Association; and Mortimer Stone neutral member named by the National Mediation Board. Mr. Stone was selected chairman of the Board.

Hearings commenced November 21, 1957, and the award, signed by a majority of the members of the Board, was rendered November 27, 1957.

The specific question submitted to the Board for decision was as follows:

Is the agreement applicable to train dispatchers violated by the carrier having other than train dispatchers handle crew boards; at locations where train dispatchers had previously handled such boards?

In its award, the Board answered the question in the negative. It found that the language of the scope rule of the agreement between the parties did not make provision for the handling of crew boards by train dispatchers. The Board also found no merit in the contention of the Association that the work of handling crew boards by train dispatchers at certain locations was brought within the agreement on the basis of "past practice."

The member of the Board representing the Association declined to sign the award.

ARB. 230 (Case A-5521).—*The Canadian Pacific Railway Company and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were F. A. Pouliot, representing the carrier; F. A. Collin, representing the Brotherhood; and H. Raymond Cluster, neutral member, named by the parties. Mr. Cluster was selected chairman of the Board.

Hearings commenced February 19, 1958, and the award was rendered April 21, 1958.

This dispute arose in connection with the decision of carrier to put a Budd rail diesel car into service on its lines in the United States. Prior to placing this equipment in service, request was made on the Organization by carrier for a modification of the crew consist rule to permit the carrier to operate Budd cars with less crew members than is required by the agreement in effect between the parties.

The Organization proposed that in return for agreeing to the modification as requested, the carrier grant it the Initial Terminal Delay Rules in effect in its Canadian territory.

Following failure of these negotiations and a threatened strike resulting from carrier establishing the service without agreement, further efforts were made in mediation proceedings and a settlement was reached under which the proposals of both sides with respect to the request for rules changes were submitted to arbitration, with latitude permitting the arbitration board to grant the request in whole or in part or deny the same.

In its award the Board:

(1) Granted the modification of the crew consist rule as requested by carrier. The effective date, however, was fixed by the board as April 1, 1958, instead of an earlier date requested by the carrier.

(2) In lieu of the request of the Brotherhood for the Initial Terminal Delay rules in effect on carrier's Canadian Lines, the Board granted the so-called American Standard Initial Terminal Delay rules as contained in articles 4 and 5 of the May 25, 1951 agreement between the railroad represented by the Eastern, Western and Southeastern Carriers' Conference Committees and the employees represented by the Brotherhood of Railroad Trainmen, the said rule to become effective April 1, 1958. The award also provided that rule 41—(Calling) of the collective agreement between the parties dated December 1, 1945, be retained.

ARB. 231 (Case A-5657).—*Erie Railroad and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were J. M. Moonshower, representing the carrier; J. P. Cahill, representing the Brotherhood; and Harold M. Gilden, neutral member, selected by the parties. Mr. Gilden was selected chairman of the Board.

Hearings commenced March 25, 1958. The award was rendered on May 19, 1958.

The first question submitted to the Board for decision involved a controversy as to the validity of a one-page typewritten paper. The Organization contended that it was a valid and binding agreement, and the carrier contended otherwise. The document in question purported

to outline rules relating to performance of work applicable to crews in interdivisional or interdistrict freight service. Provision was made in the arbitration agreement, so that in the event the Board decided against the validity of the typewritten document above referred to, it would then decide other questions posed dealing with the performance of interdivisional or interdistrict freight service.

On the first issue, the Board held that the one-page typewritten paper was not a valid and binding agreement.

With respect to the question dealing with interdivisional or interdistrict freight service, the award provided, in general, that First District pool or extra crews will not be permitted to pick up cars from any point on the Second District and set off said cars at another point on the Second District, and said First District pool and extra crews will not be permitted to make a setoff at more than one point in the Second District, but said First District pool or extra crews may pick up at one station or yard in the Second District of cars destined to the First District or beyond. Like restrictions were placed on Second District pool or extra crews working in the First District. Also, station switching is prohibited to the respective district crews working within the confines of the other district. However, certain exceptions were made to these provisions. All pending time claims were withdrawn and, in the event of a violation of the award, a penalty of 50 miles was provided.

The organization member dissented to the first part of the award but concurred in the second part.

ARB. 232 (Case A-5610).—*St. Louis Southwestern Railway Company and Brotherhood of Locomotive Engineers, Brotherhood of Locomotive Firemen and Engineers, Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were M. L. Erwin, representing the carrier; J. A. Rash, representing the Brotherhoods; and Allen E. Barrow, neutral member, named by the National Mediation Board. Mr. Barrow was selected chairman of the Board.

Hearings commenced March 24, 1958, and the award was rendered May 5, 1958.

The specific question submitted to the Board for decision was as follows:

Shall the language contained in section 7 of the Memorandum of Agreement dated September 18, 1953, be understood to give either party to the agreement the right to cancel said agreement upon giving 30 days' notice in writing to the others, or shall the procedure set forth in section 6 of the Railway Labor Act, as amended, be followed.

The Award of the Board was as follows:

Under the circumstances, the evidence submitted, and testimony heard, it is held that under this contract the proceedings set forth in section 6 of the Railway Labor Act, as amended, must be followed in cancelling the agreement between the parties dated September 18, 1953.

ARB. 233 (Case A-5248).—*Georgia Railroad and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were E. J. Haley, representing the carrier; D. H. Dyches, representing the Brotherhood; and LeRoy A. Rader, neutral member, named by the National Mediation Board. Mr. Rader was selected chairman of the Board.

Hearings commenced February 19, 1958, and the award was rendered March 20, 1958.

This dispute was submitted to arbitration in accordance with paragraph (e) of article VIII of mediation agreement, case A-5248, dated

April 5, 1957, between railroads represented by the Eastern, Western and Southeastern Carriers' Conference Committees and employees represented by the Brotherhood of Railroad Trainmen, following failure of the parties to reach agreement in negotiations on request of the Brotherhood for designation of a freight assignment known as the Atlanta-Stone Mountain local, as "road switcher" and an increase in rates of pay for the train crew working on such assignment. The Brotherhood's request was based on the contention that the work performed by the crew members on this assignment was preponderantly "switching service."

In opposition, the carrier contended that the type of "switching service" performed by the assignment did not bring it within the definition of "road switcher" specified in article VIII (e) of the agreement above referred to and under which this dispute was being handled.

The award signed by a majority of the members of the Board denied the request of the Brotherhood.

A dissent to the award was noted by the member representing the Brotherhood.

ARB. 234 (Case A-5163).—*The Pittsburgh and Lake Erie Railroad Company, The Lake Erie and Eastern Railroad Company and Brotherhood of Railroad Trainmen*

Members of the Arbitration Board were H. R. Richardson, representing the carrier; J. L. Sheridan, representing the Brotherhood; and Harold M. Gilden, neutral member, named by the parties. Mr. Gilden was selected chairman of the Board.

Hearings commenced Feb. 25, 1958, and the award was rendered June 16, 1958.

The question submitted to the Board for decision was whether or not the request of the Brotherhood made on carriers by letter of October 3, 1955, as amended on February 4, 1958, should be granted, to wit:

Basic daily rates of pay for switchtenders in effect on Oct. 3, 1955 shall be increased to the prevailing yard helper's rate of pay.

The agreement to arbitrate also provided that the question submitted for decision did not include switchtenders operating remote control switches and/or signals from the panel board in the hump crest building at Struthers, Ohio, as provided for in mediation agreement in October 31, 1957.

The award of the Board was that the request of the Brotherhood should not be granted.

ARB. 235 (Case A-5667).—*The Western Railway of Alabama and Railroad Yardmasters of America*

On February 7, 1958, the representatives of the parties entered into an agreement to submit to arbitration a dispute involving a request of the organization for an increase in the basic rates of pay.

Under date of May 1, 1958, the parties by joint communication advised the Board that agreement had been reached, settling the dispute and withdrawing the request for arbitration. Consequently, it was unnecessary to convene a Board of Arbitration.

2. EMERGENCY BOARDS—SECTION 10, RAILWAY LABOR ACT

If a labor dispute between a carrier and its employees is not adjusted in direct negotiations, or under the mediation or arbitration

procedures of the act, and a situation arises which, in the judgment of the National 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 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.

Emergency boards are not permanently established, as the act provides that "such boards shall be created separately in each instance." The act leaves to the discretion of the President, the actual number of appointees to the Board. Generally, these boards are composed of three members, although there have been several instances when such Boards have been composed of as many as five members. There is a requirement also in the act that "no member appointed shall be pecuniarily or otherwise interested in any organization of employees or any carrier."

In some cases, the emergency board acts as a mediatory body and brings about a settlement between the parties without having to make formal recommendations. In the majority of instances, however, recommendations for settlement of the issues involved in the dispute are made in the report of the emergency board to the President. In general the procedure followed by the emergency boards in making investigations is to conduct public hearings giving the parties involved the opportunity to present factual data and contentions in support of their respective positions. At the conclusion of these hearings the board prepares and transmits its report to the President.

The parties to the dispute are not compelled by any requirement of the act to adopt the recommendations of an emergency board. When the provision for emergency boards was included in the Railway Labor Act, it was felt that public opinion would supply the necessary influence on the parties to voluntarily accept the recommendations of such board or use them as a basis for resolving their differences. While there have been instances where the parties have declined to adopt emergency board recommendations and strike action has followed, the experience over the years has generally been favorable and the recommendations of the boards have been of great value in bringing about amicable settlements of disputes.

The President created 6 such emergency boards during the fiscal year ending June 30, 1958, but only one of these boards had issued its report at the close of the present fiscal year. The report of this board is summarized below.

The other 5 emergency boards, created to investigate unsettled disputes on several major air carriers and certain of their employees, had initiated proceedings in connection with these disputes, but at the close of the fiscal year had not issued their reports to the President. The reports of these boards will be covered in the next annual report.

EMERGENCY BOARD No. 119 (Case A-5435).—*International Organization of Masters, Mates and Pilots, Inc. and General Managers' Association of New York, representing the New York Central Railroad Company, New York, New Haven & Hartford Railroad Company, Brooklyn Eastern District Terminal, New York Dock Railway, Bush Terminal Railroad, Baltimore & Ohio Railroad Company, The Pennsylvania Railroad Company, Erie Railroad Company Reading Company, Delaware, Lackawanna & Western Railroad Company, and the Central Railroad Company of New Jersey*

The emergency board created under the President's executive order, dated August 6, 1957, was composed of James J. Healy, Boston, Massachusetts (chairman); Walter R. Johnson, Washington, D. C.; and Benjamin C. Roberts, New York, N. Y.

Hearings were conducted in New York City, N. Y., beginning August 14, 1957. The time limits within which the board was required to submit its report was extended by agreement of the parties by and with the approval of the President to September 26, 1957. The report to the President was issued September 20, 1957.

This dispute involved uniform demands served by the organization on 11 railroads having "marine operations" in the New York Harbor, for increases in rates of pay, hospitalization and welfare plan, premium pay for work performed on holidays, and other rules changes applicable to licensed and unlicensed deck personnel, engaged in the operation of tugboats, ferryboats, barges and other floating equipment of the railroads involved.

The railroads authorized the "General Managers' Association of New York" to represent the individual lines for the purposes of these negotiations.

The parties failed to reach settlement in direct negotiations. All attempts to mediate the dispute proved unsuccessful. The carrier expressed willingness to arbitrate the dispute, but the organization declined and thereafter set a date for a strike to become effective. In view of the importance of the transportation facilities furnished by the trunk line carriers involved, to shippers and the general public in this extensive and heavily populated area, the Board then certified the dispute to the President, who created an emergency board to investigate the dispute, as provided in section 10 of the act.

The chief issue in the dispute as presented to the board related to the proper "pattern" settlement to be adopted for this general wage and rules movement.

As a settlement proposal, the carriers had offered to apply the 1956-57 "pattern" settlement which had been adopted nationally by practically all unions representing nonoperating railroad employees, contending that in general, the organization representing "marine employees" involved in the case had for almost 20 years prior to 1955 joined in collective bargaining with or had subscribed to the settlements negotiated by the unions representing nonoperating employees on a national basis and that there had been no changes in the skill requirements or the nature of the operation which would justify treating these "marine employees" differently at the present time.

The organization on the other hand contended that in 1955 and since, it chose not to progress its general wage and rules movements in concert with other unions representing railroad nonoperating

employees for the reason that it felt that the employees in marine service which it represented were not comparable to railroad non-operating employees, because these marine employees are confronted with greater hazards, different working conditions and higher skill requirements.

The organization also contended that a more liberal settlement made in July 1957, by three of the carriers involved in these proceedings for their marine service employees in the Philadelphia Harbor, set the "pattern" that should be made applicable to the employees involved in this case.

In substance, the emergency board recommended the acceptance of the 1956-57 pattern settlement agreement in the railroad industry, i. e., 26½ cents an hour package increase for a 3-year term, with the same type cost of living escalator clause, and moratorium. In addition the board recommended increases in the captain's rate of pay of \$1.00 per day, effective December 21, 1956; 50 cents a day effective November 1, 1957, and an additional 50 cents a day effective November 1, 1958. The Board also found that there was justification for granting payment of double time for work performed on holidays, or at the option of the organization, to take a daily increase for all employees of 16 cents a day in lieu thereof.

The board did not recommend adoption of the other proposals of the organization.

The full text of the emergency board's recommendations on the economic issues, included in its report to the President, for the settlement of the dispute is reproduced below:

The board recommends that the parties enter into an agreement beginning from November 1, 1956, and remaining in effect through October 31, 1959, that embraces the following principles:

A. Wage increases

(1) Adoption of the wage proposal by the carriers, which includes (a) a \$0.80 per day adjustment in all daily rates, effective November 1, 1956, plus \$0.20 per day to be applied to health and welfare benefits or to the daily rates at the option of the organization; (b) a \$0.56 per day increase in all daily rates, effective November 1, 1957; (c) a \$0.56 per day increase in all daily rates, effective November 1, 1958; (d) a cost-of-living adjustment formula of the type adopted in the 1956-57 railroad pattern settlement.

(2) In addition to the increases provided for under (1) above, further increases in the daily rates for captains and pilots in the following amounts: (a) \$1.00 per day effective December 21, 1956; (b) \$0.50 per day effective November 1, 1957, and (c) \$0.50 per day effective November 1, 1958.

B. Premium payment for holidays worked

Provision for the payment of double time for work required on the contractually designated holidays or in lieu thereof an additional increase in basic daily rates for all employees of 16 cents per day, effective December 21, 1956, the option to be exercised by the Organization.

C. The adoption of a 3-year moratorium clause of the type proposed by the carriers.

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.

Section 5, third (e), of the Railway Labor Act requires all carriers subject to this law to file with the Board copies of each working agreement with employees covering rates of pay, rules, or working conditions. If no contract with any craft or class of its employees has been entered into, the carrier is required by this section to file with the National Mediation Board a statement of that fact, including also a statement of the rates of pay, rules, or working conditions applicable to the employees in the craft or class. The law further requires that copies of all changes, revisions, or supplements to working agreements or the statements just referred to also be filed with this Board.

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

Table 8 shows the number of agreements subdivided by class of carrier and type of labor organization which have been filed with the Board during the 24-year period 1935-58. During the last fiscal year 9 additional new agreements were filed with the Board, 7 in the railroad and 2 in the airline industry. All of these new agreements were made with labor organizations classified as national. There were no new agreements made with local unions or system associations filed during the past fiscal year with the Board.

In addition to the new agreements indicated above the Board received 1,578 revisions and supplements to the agreements previously filed with the Board.

VII. INTERPRETATION AND APPLICATION OF AGREEMENTS

Agreements or contracts made in accordance with the Railway Labor Act governing rates of pay, rules and working conditions are consummated in two manners, first, and the most frequent, are those arrived at through direct negotiations between carriers and representatives of their employees; and, second, mediation agreements made by the same parties but assisted by and under the auspices of the National Mediation Board. Frequently differences arise between the parties as to the interpretation or application of these two types of agreements. The act, in such cases, provides separate procedures for disposing of these disputes. These tribunals are briefly outlined below.

1. NATIONAL RAILROAD ADJUSTMENT BOARD

Under the 1934 amendment to the Railway Labor Act, the National Railroad Adjustment Board was created to hear and decide disputes involving railway employee grievances and questions concerning the application and interpretation of agreement rules.

The Adjustment Board is composed of four divisions on which the carriers and the organizations representing the employees are equally represented. The jurisdiction of each division is described in section 3, first, paragraph (b) of the act. The law establishes the headquarters of the Adjustment Board at Chicago, Ill.

The Board is composed of 36 members, 18 representing, chosen, and compensated by the carriers and 18 by the so-called standard railway labor organizations. The First, Second, and Third Divisions are composed of 10 members each equally divided between representatives of labor and management. The Fourth Division has six members also so divided.

When the members of any of the four divisions of the Adjustment Board are unable to agree upon an award in any dispute being considered, because of 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 that fact 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.

Lists of all persons serving as referees on the four divisions of the Adjustment Board are shown in appendix A.

During the 24 years the Adjustment Board has been in existence, the First Division has received a total of 35,423 cases, and has disposed of 32,893. At the close of the fiscal year 1958, the First Division had on hand an unadjusted 2,530 cases, which was an increase of 264 over those on hand at the close of the previous year. Reference to table 9 in this report shows that a total of 512 cases were disposed of by the Division during the fiscal year 1958 by decision, and that 152 were withdrawn. New cases received during fiscal 1958 numbered 928 compared with 662 in fiscal 1957.

During the fiscal year ending June 30, 1958, 71 special adjustment boards had been set up on the rail carriers which handled and disposed of approximately 1,408 cases. These cases normally would have been presented to the National Railroad Adjustment Board.

2. AIRLINE ADJUSTMENT BOARDS

There is no national adjustment board for settlement of grievances of airline 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 has not deemed a national board necessary.

Gradually, over the years, as more and more crafts or classes of airline 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 upon request in the interest of promoting stable labor relations on the airlines. With the extension of collective-bargaining relationships to most airline workers, the requests upon the Board to designate referees have increased considerably.

A list of all persons designated by the National Mediation Board to serve as referees with system boards of adjustment is shown in appendix B.

3. INTERPRETATION OF MEDIATION AGREEMENTS

Under section 5, second, of the Railway Labor Act, the National Mediation Board has the duty of interpreting the specific terms of mediation agreements. Requests 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 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 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 adjustment boards set up under the provisions of section 204 of title II of the act in the airline 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 1958, the Board was called upon to interpret the terms of 6 mediation agreements which added to the 12 requests on hand at the beginning of the fiscal year made a total of 18 under consideration. At the conclusion of the fiscal year 10 requests had been disposed of while 8 requests were pending. Since the passage of the 1934 amendment to the act, the Board has disposed of 62 cases under the provisions of section 5, second, of the Railway Labor Act as compared to a total of 3,188 mediation agreements completed during the same period.

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 the authority of the Railway Labor Act, as amended.

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 February 1 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 National Rifle Association Building, Washington 25, D. C. 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 executive secretary. While some mediation conferences are held in Washington, by far the larger portion of mediation services is performed in the field at the location of the disputes. 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 of 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
A. Alfred Della Corte
Chas. M. Dulen
Clarence G. Eddy
Lawrence Farmer
Eugene C. Frank
Arthur J. Glover
Edward F. Hampton
Raymond R. Hawkins
James M. Holaren
Matthew E. Kearney

Warren S. Lane
Geo. S. MacSwan
J. Earl Newlin
Michael J. O'Connell
C. Robert Roadley
Wallace G. Rupp
Tedford E. Schoonover
Frank K. Switzer
Charles F. Wahl
Luther G. Wyatt

2. FINANCIAL STATEMENT

Accounting of all moneys appropriated by Congress for the fiscal year 1958, pursuant to the authority conferred by "An act to amend the Railway Labor Act approved May 20, 1926" (approved June 21, 1934):

Appropriations:	
Salaries and expenses.....	\$520, 000
Arbitration and emergency boards.....	250, 000
Advanced procurement.....	750
Total appropriations.....	770, 750
Obligations:	
Salaries, National Mediation Board.....	345, 166
Travel expenses.....	115, 900
Other expenses.....	45, 300
Total operating expenses.....	506, 366
Expenses, arbitration and emergency boards.....	238, 436
Total expenses.....	744, 802
Transfer to National Railroad Adjustment Board.....	22, 734
Savings:	
Salaries and expenses.....	1, 230
Arbitration and emergency boards.....	1, 984
Total obligations.....	770, 750

Annual expenditures for arbitration and emergency boards cannot be accurately budgeted due to fluctuations in the need for such boards. The extent of the disputes arbitrated or considered by emergency boards is also a factor which makes it virtually impossible to budget expenses of such boards with any degree of accuracy. Since the needs for such boards cannot be accurately anticipated, it is necessary to have available adequate funds to meet such contingencies as may arise.

APPENDIX A

NATIONAL RAILROAD ADJUSTMENT BOARD

(Created June 21, 1934)

WIESNER, E. W., *Chairman*

BURTNES, H. W., *Vice Chairman*

ANDERSON, J. A.	HORSLEY, E. T.
BARNES, C. R.	JOHNSON, R. P.
BLAKE, R. W.	KEALEY, C. W.
BORDWELL, H. V.	KEMP, J. E.
BUTLER, R. M.	LOSEY, T. E.
CARTER, P. C.	MCDANIELS, C. E.
CASTLE, W. H.	MILLER, D. A.
CONWAY, C. A.	MULLEN, J. F.
COUTTS, R. C.	ORNDORFF, GERALD
DUGAN, C. P.	REESER, H. J.
DUGAN, G. H.	RYAN, W. J.
FERN, B. W.	SOMERLOTT, M. E. ¹
FITCHER, E. H.	SYLVESTER, J. H.
GOODLIN, C. E.	TAHNEY, J. P.
HAGERMAN, H. K.	WACHOWIAK, R. H. ¹
HICKS, D. H.	WHITEHOUSE, J. W.
HINKS, J. K.	ZINK, J. B.

STATEMENT

On June 21, 1934, by enactment of Public, No. 442, 73d 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 upon the disputes.

Accounting of all moneys appropriated by Congress for the fiscal year 1958, pursuant to the authority conferred by "An Act To Amend the Railway Labor Act, approved May 20, 1926." (approved June 21, 1934)

Regular appropriation:

Salaries and Expenses, National Railroad Adjustment Board,	
National Mediation Board.....	\$525, 000
Transferred from National Mediation Board.....	22, 734
Amount available for obligation.....	547, 734

Expenditures:

Salaries of employees.....	\$265, 989
Salaries of referees.....	139, 149
Travel expenses (including referees).....	27, 717
Transportation of things.....	164
Communication services.....	8, 931
Printing and reproduction.....	68, 376
Other contractual services.....	3, 586
Supplies and materials.....	6, 747
Equipment.....	8, 447
Contribution to retirement fund.....	16, 406
Taxes and assessments.....	2, 162
Total expenditures.....	547, 674
Unexpended balance.....	60

¹ Replaced Smith B. West

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

Name	Title	Salary Paid	Duties
Howard, Leland.....	Administrative officer.....	\$9,773.45	Subject to direction of Board, administers its governmental affairs. Secretarial, stenographic, accounting, and auditing. Clerical.
Dillon, Mary E.....	Secretary.....	5,609.10	
Larson, George.....	Clerk.....	865.08	

FIRST DIVISION

MacLeod, John M.....	Executive secretary.....	\$9,090.20	Administration of affairs of division and subject to its direction. Assists executive secretary.
Pope, Patrick V.....	Assistant executive secretary.....	3,271.90	
Smith, Margaret J.....	Secretary.....	5,609.10	Secretarial, stenographic, and clerical.
Blee, Ruth W.....	.....do.....	5,484.51	
Ellwanger, Dorothy M.....	.....do.....	5,484.51	Do.
Schroeter, Marie A.....	.....do.....	5,342.14	Do.
Meehan, Elizabeth E.....	.....do.....	5,199.71	Do.
Smith, Joan M.....	.....do.....	5,199.71	Do.
Roudebush, Ethel A.....	.....do.....	5,033.97	Do.
Williams, Margaret M.....	.....do.....	5,028.78	Do.
Fox, Doris S.....	.....do.....	4,886.32	Do.
Bathurst, Pauline E.....	.....do.....	3,258.00	Do.
Morgan, Ruth B.....	.....do.....	4,719.36	Do.
Key, Nancy E.....	Clerk-stenographer.....	3,902.98	Stenographic and clerical.
Siegel, Wayne H.....	Clerk.....	4,119.74	Clerical.
Morrow, Janice K.....	Clerk-typist.....	2,375.83	Typing and clerical.
Taglia, Marian.....	Secretary.....	808.25	Secretarial, stenographic, and clerical.

REFEREES

Begley, Thomas C., 27½ days at \$75 per day.....	.....	\$2,062.50	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Johnson, Walter R., 75 days at \$75 per day.....	.....	5,625.00	
McMahon, Donald F., 99¼ days at \$75 per day.....	.....	7,481.25	Do.
Rader, LeRoy A., 155 days at \$75 per day.....	.....	11,625.00	Do.
Stone, Mortimer, 106¼ days at \$75 per day.....	.....	8,006.25	Do.

SECOND DIVISION

Sassaman, Harry J.....	Executive secretary.....	\$8,863.66	Administration of affairs of division and subject to its direction.
Glenn, Allise N.....	Secretary.....	5,609.10	
Goble, Agatha E.....	.....do.....	4,282.13	Secretarial, stenographic, and clerical.
Lindberg, Robert L.....	.....do.....	5,609.10	
Morrison, Margaret E.....	.....do.....	5,609.10	Do.
Shaughnessy, Margaret V.....	.....do.....	5,609.10	Do.
Williams, Dorothy M.....	.....do.....	5,609.10	Do.
Vought, Marcella R.....	.....do.....	5,484.51	Do.
Sturman, Alta M.....	.....do.....	5,342.14	Do.
Watson, Muriel G.....	.....do.....	5,342.14	Do.
Fontaine, Dorothy T.....	.....do.....	5,199.71	Do.
Thomas, Cecelia G.....	.....do.....	5,199.71	Do.
Powers, Jeff.....	Clerk-typist.....	3,573.96	Typing and clerical.
Russell, Mae K.....	Secretary.....	348.44	Secretarial, stenographic, and clerical.

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

REFEREES

Name	Title	Salary Paid	Duties
Abrahams, Harry, 46 days at \$75 per day.	-----	\$3,450.00	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Begley, Thomas C., 55 days at \$75 per day.	-----	4,125.00	Do.
Burke, Thomas A., 7 days at \$75 per day.	-----	525.00	Do.
Carey, James P., Jr., 3 days at \$75 per day.	-----	225.00	Do.
Donaldson, J. Glenn, 14¼ days at \$75 per day.	-----	1,068.75	Do.
Ferguson, Emmett, 111½ days at \$75 per day.	-----	8,362.50	Do.
Kiernan, James P., 61¾ days at \$69.77 per day.	-----	4,308.30	Do.
Schedler, Carl R., 3¼ days at \$75 per day.	-----	243.75	Do.
Shake, Curtis G., 42 days at \$75 per day.	-----	3,150.00	Do.
Smith, Livingston, 56½ days at \$75 per day.	-----	4,237.50	Do.
Whiting, Dudley E., 26 days at \$75 per day.	-----	1,950.00	Do.

THIRD DIVISION

Tummon, A. Ivan.....	Executive secretary...	\$8,635.28	Administration of affairs of division and subject to its direction.
Morse, Frances.....	Secretary.....	5,609.10	Secretarial, stenographic, and clerical.
Anderson, Loreto C.....	do.....	5,484.51	Do.
Balskey, C. Virginia.....	do.....	5,484.51	Do.
Sanford, Jewel C.....	do.....	5,484.51	Do.
Killeen, Eugene A.....	do.....	5,332.77	Do.
Smith, Lois E.....	do.....	5,336.38	Do.
Frey, Catherine E.....	do.....	5,199.71	Do.
Johnson, Carol A.....	do.....	5,199.71	Do.
Swanson, Ronald A.....	do.....	5,045.57	Do.
Targett, Margaret F.....	do.....	5,080.19	Do.
Vorphal, Joan A.....	do.....	4,800.96	Do.
Bulls, Eugenia.....	Clerk-stenographer.....	3,946.86	Stenographic and clerical.
Paulos, Angelo W.....	Clerk.....	3,653.63	Clerical.

REFEREES

Bailer, Lloyd H., 54¼ days at \$75 per day.	-----	\$4,068.75	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Bakke, Norris C., 86 days at \$75 per day.	-----	6,450.00	Do.
Beatty, Marlon, 44 days at \$75 per day.	-----	3,300.00	Do.
Cluster, H. Raymond, 61 days at \$75 per day.	-----	4,575.00	Do.
Coburn, William H., 9½ days at \$75 per day.	-----	712.50	Do.
Coffey, A. Langley, 3 days at \$75 per day.	-----	225.00	Do.
Daugherty, Carroll R., 22½ days at \$75 per day.	-----	1,687.50	Do.
Elkouri, Frank, 52½ days at \$75 per day.	-----	3,965.63	Do.
Guthrie, Paul N., 67 days at \$75 per day.	-----	5,025.00	Do.
Johnson, Howard A., 52 days at \$75 per day.	-----	3,900.00	Do.

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

REFEREES—Continued

Name	Title	Salary Paid	Duties
Lynch, Edward A., 112½ days at \$75 per day.	-----	8,437.50	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
McCoy, Whitley P., 53¼ days at \$75 per day.	-----	3,993.75	Do.
McMahon, Donald F., 4¾ days at \$75 per day.	-----	356.25	Do.
Rader, LeRoy A., 6 days at \$75 per day.	-----	450.00	Do.
Sharpe, Edward M., 4 days at \$75 per day.	-----	300.00	Do.
Shugrue, Dwyer W., 9 days at \$75 per day.	-----	675.00	Do.
Smith, Livingston, 60¼ days at \$75 per day.	-----	4,518.75	Do.
Vokoun, Horace C., 29¼ days at \$75 per day.	-----	2,212.50	Do.
Wolff, Sidney A., 35¼ days at \$75 per day.	-----	2,681.25	Do.

FOURTH DIVISION

Pope, Patrick V.-----	Executive secretary--	\$3,876.64	Administration of affairs of division and subject to its direction.
Parkhurst, Raymond B.-----	do-----	4,374.66	Do.
Humfreville, M. L.-----	Secretary-----	5,609.10	Secretarial, stenographic, and clerical.
Zimmerman, R. Hazel-----	do-----	5,609.10	Do.
Adams, Henrietta V.-----	do-----	5,484.51	Do.

REFEREES

Cluster, H. Raymond, 1 day at \$75 per day.	-----	\$75.00	Sat with division as member to make awards, upon failure of division to agree or secure majority vote.
Coburn, William H., 40¾ days at \$75 per day.	-----	3,056.25	Do.
Merrifield, Leroy S., 17½ days at \$75 per day.	-----	1,312.50	Do.
Nabstoll, R. W., ½ day at \$75 per day.	-----	37.50	Do.
Sembower, John F., 65¾ days at \$75 per day.	-----	4,931.25	Do.
Shugrue, Dwyer W., 76¾ days at \$75 per day.	-----	5,756.25	Do.

**FIRST DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD
39 South La Salle Street, Chicago 3, Ill.**

ORGANIZATION OF THE DIVISION, FISCAL YEAR 1957-1958

	C. W. KEALEY, Chairman	
	H. V. BORDWELL, Vice Chairman	
H. W. BURTNESS	E. T. HORSLEY	
GEORGE H. DUGAN	C. E. MCDANIELS	
B. W. FERN	D. A. MILLER	
J. K. HINKS	H. J. REESER	
	J. M. MACLEOD, Executive Secretary	

JURISDICTION

In accordance with section 3 (h) of the Railway Labor Act, as amended, the First Division of the National Railroad Adjustment Board has jurisdiction over disputes between employees or groups of employees and carriers involving train and yard-service employees; that is, engineers, firemen, hostlers and outside hostler helpers, conductors, trainmen, and yard service employees.

TABLE 1—Cases docketed fiscal year 1957–1958; classified according to carrier party to submission

Name of carrier	Number of cases docketed	Name of carrier	Number of cases docketed
Ann Arbor.....	2	Louisville & Nashville.....	37
Atchison, Topeka and Santa Fe.....	14	Milwaukee-Kansas City South- ern Joint Agency.....	1
Atlanta & West Point—Western Railway of Alabama.....	2	Minneapolis Eastern.....	1
Atlanta Joint Terminals.....	1	Minneapolis, St. Paul & Sault Ste. Marie.....	9
Atlantic Coast Line.....	2	Missouri-Kansas-Texas.....	5
Baltimore & Ohio.....	19	Missouri Pacific.....	8
Buffalo Creek.....	1	Monon.....	4
Butte, Anaconda & Pacific.....	1	Nashville, Chattanooga & St. Louis.....	1
Central of Georgia.....	4	New Orleans & Northeastern.....	2
Central Vermont.....	14	New Orleans Public Belt.....	5
Chesapeake & Ohio.....	14	New Orleans Terminal.....	1
Chicago, Burlington & Quincy.....	5	New York Central.....	10
Chicago & Eastern Illinois.....	1	New York, Chicago & St. Louis.....	16
Chicago & Illinois Midland.....	69	New York, New Haven & Hart- ford.....	1
Chicago, Milwaukee, St. Paul & Pacific.....	6	Norfolk & Portsmouth Belt.....	1
Chicago & North Western.....	7	Norfolk & Western.....	9
Chicago, Rock Island & Pacific.....	30	Norfolk Southern.....	1
Cincinnati, New Orleans & Texas Pacific.....	6	Northern Pacific.....	2
Clinchfield.....	1	Northern Pacific Terminal of Oregon.....	2
Colorado & Southern.....	1	Pacific Electric.....	1
Cuyahoga Valley.....	11	Pennsylvania.....	1
Delaware & Hudson.....	28	Pennsylvania-Reading Seashore.....	1
Delaware, Lackawanna & West- ern.....	36	Peoria & Pekin Union.....	22
Denver & Rio Grande Western.....	31	Philadelphia, Bethlehem & New England.....	6
Des Moines Union.....	2	Pittsburgh & Lake Erie.....	2
Duluth, Missabe & Iron Range.....	37	Pittsburgh & Ohio Valley.....	1
Duluth, Winnipeg & Pacific.....	5	Pittsburgh & West Virginia.....	1
Elgin, Joliet & Eastern.....	1	Port Terminal Railroad Associa- tion of Houston.....	2
Erie.....	12	Reading.....	68
Florida East Coast.....	21	St. Louis-San Francisco.....	12
Ft. Worth & Denver.....	4	St. Louis Southwestern.....	22
Georgia.....	1	San Diego & Arizona Eastern.....	1
Grand Trunk Western.....	1	Savannah & Atlanta.....	1
Great Northern.....	12	Seaboard Air Line.....	23
Green Bay & Western.....	2	South Buffalo.....	5
Gulf, Colorado & Santa Fe.....	9	Southern.....	42
Gulf, Mobile & Ohio.....	6	Southern Pacific—Pacific.....	62
Houston Belt & Terminal.....	1	Southern Pacific—T&L.....	4
Hudson & Manhattan.....	2	Spokane International.....	1
Illinois Central.....	6	Steelton & Highspire.....	1
Illinois Terminal.....	2	Tennessee Central.....	1
Indiana Harbor Belt.....	3	Toledo Terminal.....	2
Joint Texas Division of the Chicago, Rock Island & Pacific & Ft. Worth & Denver.....	2	Texas Pacific-Missouri Pacific Terminal, New Orleans.....	7
Kansas City Southern.....	4	Union Pacific.....	36
Kansas City Terminal.....	1	Virginian.....	1
Kansas, Oklahoma & Gulf.....	1	Wabash.....	12
Kentucky & Indiana Terminal.....	3	Western Maryland.....	9
Lake Superior Terminal & Trans- fer.....	1	Western Pacific.....	8
Lehigh & Hudson River.....	1	Youngstown & Northern.....	1
Long Island.....	1		
Los Angeles Junction.....	1		
Louisiana & Arkansas.....	8	Total.....	928

TABLE 2—Cases docketed fiscal year 1957-1958; classified according to organization party to submission

Name of organization	Number of cases docketed	Name of organization	Number of cases docketed
Engineers	92	Switchmen	136
Engineers—Firemen	7	Individual	29
Firemen	307	United Steel Workers	1
Firemen—Trainmen	8		
Conductors	55	Total	928
Conductors—Trainmen	2		
Trainmen	291		

SECOND DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD
220 South State Street, Chicago 4, Ill.

MEMBERSHIP

R. W. BLAKE, <i>Chairman</i>	R. P. JOHNSON
E. H. FITCHER, <i>Vice Chairman</i>	T. E. LOSEY
J. A. ANDERSON	M. E. SOMERLOTT
C. E. GOODLIN	E. W. WIESNER
D. H. HICKS	J. B. ZINK
HARRY J. SASSAMAN, <i>Executive Secretary</i>	

JURISDICTION

Second Division: To have jurisdiction over disputes involving machinists, boilermakers, blacksmiths, sheetmetal workers, electrical workers, carmen, the helpers and apprentices of all of the foregoing, coach cleaners, power-house employees, and railroad shop laborers.

MEMBERSHIP

The Division shall consist of 10 members, 5 of whom shall be selected by the carriers, and 5 by the national labor organizations of the employees.

CLASSES OF DISPUTES TO BE HANDLED

The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules, or working conditions, including cases pending and unadjusted on the date of approval of this act (June 21, 1934), shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the adjustment board with a full statement of the facts and all supporting data bearing upon the disputes.

TABLE 1.—Carriers party to cases docketed

	Number of cases
American Refrigerator Transit Company	1
Atchison, Topeka and Santa Fe Railway Company	9
Atlantic Coast Line Railroad Company	5
Baltimore and Ohio Railroad Company	10
Bessemer and Lake Erie Railroad Company	1
Birmingham Southern Railroad Company	1
Boston and Maine Railroad	5
Burlington Refrigerator Express Company	1
Central of Georgia Railway Company	3
Charleston & Western Carolina Railway Company	1
Chesapeake and Ohio Railway Company	8
Chicago & Eastern Illinois Railroad Company	1
Chicago and Northwestern Railway Company	3
Chicago, Burlington and Quincy Railroad Company	5

TABLE 1.—*Carriers party to cases docketed*—Continued

	<i>Number of cases</i>
Chicago, Milwaukee, St. Paul & Pacific Railroad Company.....	8
Chicago, Rock Island & Pacific Railroad Company.....	11
Chicago, St. Paul, Minneapolis & Omaha Railway Company.....	2
Cincinnati, New Orleans & Texas Pacific Railway.....	1
Cincinnati Union Terminal Company, The.....	31
Clinchfield Railroad Company.....	2
Denver and Rio Grande Western Railroad Company.....	2
Detroit and Toledo Shore Line Railroad Company.....	1
Donora Southern Railroad Company.....	5
Duluth, Missabe and Iron Range Railway.....	2
Duluth, Winnipeg & Pacific Railway.....	1
Fruit Growers Express Company.....	1
Gulf, Houston and Henderson Railroad Company.....	1
Great Northern Railway Company.....	54
Gulf, Colorado and Santa Fe Railway Company.....	1
Gulf, Mobile and Ohio Railroad Company.....	3
Illinois Central Railroad Company.....	21
Illinois Terminal Railroad Company.....	1
International-Great Northern Railroad Company.....	1
Kansas City Southern Railway Company.....	1
Kansas City Terminal Railway Company.....	1
Lakefront Dock & Railroad Terminal Company, The.....	1
Lake Terminal Railroad Company, The.....	1
Los Angeles Union Passenger Terminal.....	1
Louisville and Nashville Railroad Company.....	18
Midland Valley Railroad Company.....	1
Missouri-Illinois Railroad Company.....	1
Missouri-Kansas-Texas Railroad Company.....	6
Missouri Pacific Railroad Company.....	25
Montour Railroad Company, The.....	1
New Orleans & Northeastern Railroad Company.....	1
New York Central Railroad Company.....	4
New York, Chicago & St. Louis Railroad Company.....	5
New York, New Haven & Hartford Railroad Company, The.....	5
Northern Pacific Railway Company.....	1
Northern Pacific Terminal Company of Oregon.....	1
Pacific Fruit Express Company.....	1
Pennsylvania Railroad Company, The.....	9
Pennsylvania-Reading Seashore Lines.....	2
Pittsburgh & Lake Erie Railroad Company.....	11
Pullman Company, The.....	25
Reading Company, The.....	5
Richmond, Fredericksburg and Potomac Railroad Company.....	1
St. Louis Southwestern Railway Company.....	4
Southern Railway Company.....	6
Southern Pacific Company (Pacific Lines).....	14
Southern Pacific Lines in Texas and Louisiana (Texas and New Orleans Railroad Company).....	6
Spokane, Portland and Seattle Railway Company.....	1
Texas and Pacific Railway Company.....	2
Texas-Mexican Railway Company, The.....	1
Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans, The.....	2
Union Pacific Railroad Company.....	3
Wabash Railroad Company, The.....	2
Western Fruit Express Company.....	1
Western Maryland Railway Company.....	1
Western Pacific Railroad Company.....	2
Total.....	376

TABLE 2.—Organizations, etc., party to cases docketed

	<i>Number of cases</i>
Brotherhood Railway Carmen of America.....	166
International Brotherhood of Electrical Workers.....	63
International Association of Machinists.....	40
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers.....	23
Sheet Metal Workers' International Association.....	54
International Brotherhood of Boilermakers, Iron Ship Builders, Black- smiths, Forgers and Helpers.....	11
Transport Workers Union of America—Railroad Division.....	17
Individually submitted cases, etc.....	2
Total.....	376

THIRD DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD**220 South State Street, Chicago 4, Ill.**

C. R. BARNES, *Chairman*
 J. F. MULLEN, *Vice Chairman*
 R. M. BUTLER
 W. H. CASTLE
 A. COVINGTON ¹
 R. C. COUTTS ²

C. P. DUGAN
 J. E. KEMP
 GERALD ORNDORFF
 J. H. SYLVESTER
 J. W. WHITEHOUSE

A. IVAN TUMMON, *Executive Secretary***JURISDICTION**

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

¹ A. Covington served from August 1, 1957, to June 1, 1958.

² R. C. Coutts served July 1 to August 1, 1957; June 1 to July 1, 1958.

TABLE 1.—Carriers party to cases docketed

	Number of cases		Number of cases
Alabama Southern.....	3	Kansas City Terminal.....	2
Atchison, Topeka & Santa Fe...	12	Lake Superior Terminal & Trans-	
Atlanta & West Point.....	3	fer Company.....	1
Atlanta Joint Terminals.....	1	Lake Terminal.....	2
Atlantic Coast Line.....	7	Lehigh Valley.....	5
Baltimore and Ohio.....	22	Louisville & Nashville.....	10
Bessemer & Lake Erie.....	1	Maine Central-Portland Ter-	
Birmingham Terminal Co.-Chat-		minal.....	2
tanooga Term. Co.....	1	Minneapolis, St. Paul & Sault	
Boston and Maine.....	4	Ste. Marie.....	3
Boston Terminal.....	1	Missouri-Kansas-Texas.....	8
Brooklyn Eastern District Ter-		Missouri Pacific Railroad.....	13
minal.....	1	Missouri Pacific-Gulf District...	4
Central of Georgia.....	18	Monon.....	2
Central Railroad Company of		New Orleans Union Passenger	
New Jersey.....	13	Company.....	1
Chesapeake and Ohio.....	21	New York Central.....	25
Chicago and Eastern Illinois.....	8	New York, Chicago & St. Louis...	9
Chicago and Illinois Midland...	3	New York, New Haven & Hart-	
Chicago and North Western.....	6	ford.....	13
Chicago and Western Indiana...	2	Norfolk & Western.....	7
Chicago Great Western.....	14	Norfolk Southern.....	14
Chicago, Burlington & Quincy...	14	Northern Pacific.....	5
Chicago, Milwaukee, St. Paul &		Northern Pacific Terminal of	
Pacific.....	44	Oregon.....	4
Chicago, Rock Island & Pacific...	39	Pacific Electric.....	1
Cincinnati, New Orleans & Texas		Pennsylvania.....	24
Pacific.....	7	Peoria & Pekin.....	1
Cincinnati Union Station.....	1	Pittsburgh & Lake Erie.....	1
Clinchfield.....	7	Pullman Company.....	18
Colorado & Southern.....	5	Railway Express.....	1
Delaware and Hudson.....	10	Reading.....	3
Delaware, Lackawanna & West-		River Terminal Railway.....	1
ern.....	32	Sacramento Northern.....	1
Denver & Rio Grande Western...	4	San Diego & Arizona Eastern...	2
Denver Union Terminal.....	2	St. Louis-San Francisco.....	19
Donora Southern.....	1	St. Louis Southwestern.....	11
Duluth, Missabe & Iron Range...	2	Seaboard Air Line.....	6
Elgin, Joliet & Eastern.....	4	Southern.....	75
Erie.....	7	Southern Pacific (Pacific Lines)	16
Florida East Coast.....	4	Spokane, Portland & Seattle...	5
Georgia.....	4	Tennessee Central.....	8
Georgia, Southern & Florida...	3	Terminal Railroad Ass'n of St.	
Grand Trunk Western.....	5	Louis.....	1
Great Northern.....	6	Texas & Pacific.....	8
Gulf, Colorado and Santa Fe...	4	Toledo, Peoria & Western.....	2
Gulf, Mobile & Ohio.....	7	Union Pacific.....	8
Houston Belt & Terminal.....	3	Union Terminal (Dallas).....	2
Hudson & Manhattan.....	2	Wabash.....	10
Illinois Central.....	28	Washington Terminal Company...	1
Illinois Terminal.....	1	Western Fruit Express.....	1
Indiana Harbor Belt.....	3	Western Maryland.....	1
Indianapolis Union.....	1	Western Pacific.....	5
Jacksonville Terminal.....	2	Western Weighing & Inspection	
Joint Texas Div'n-Rock Island		Bureau.....	3
& Ft. Worth & Denver.....	1		
Kansas City Southern.....	4	Total.....	763

TABLE 2.—*Organizations party to cases docketed*

	<i>Number of cases</i>		
American Train Dispatchers Association-----	14	The Order of Railroad Telegraphers-----	238
Brotherhood of Maintenance of Way Employees-----	116	Order of Railway Conductors and Brakemen (Pullman Sys.)-----	15
Brotherhood of Railroad Signalmen of America-----	91	United Transport Service Employees of America-----	6
Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees-----	235	R. R. Div. Transport Workers Union of America (AFL-CIO)-----	1
Brotherhood of Sleeping Car Porters-----	10	Miscellaneous Class of Employees-----	3
Joint Council of Dining Car Employees-----	34		
		Total-----	763

FOURTH DIVISION—NATIONAL RAILROAD ADJUSTMENT BOARD

220 South State Street, Chicago 4, Ill.

J. P. TAHNEY, <i>Chairman</i>	W. J. RYAN
C. A. CONWAY, <i>Vice Chairman</i>	V. W. SMITH
P. C. CARTER	S. B. WEST ¹
H. K. HAGERMAN	R. H. WACHOWIAK ²

P. V. POPE, *Executive Secretary* ³**JURISDICTION**

Fourth Division: To have jurisdiction over disputes involving employees of carrier 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 6 members, 3 of whom shall be selected by the carriers and 3 by the national labor organizations of the employees (par. (h), sec. 3, First, Railway Labor Act, 1934).

¹ Appointed effective July 9, 1957, to replace V. W. Smith.² Appointed effective March 3, 1958, to replace S. B. West.³ Appointed effective January 10, 1958, to replace R. B. Parkhurst.

TABLE 1.—*Carriers party to cases docketed*

	<i>Number of cases</i>		<i>Number of cases</i>
Atchison, Topeka and Santa Fe Railway Company-----	2	Missouri-Kansas-Texas Railroad Company, Missouri-Kansas- Texas Railroad Company of Texas-----	7
Baltimore and Ohio Railroad Company-----	4	Missouri Pacific Railroad Com- pany-----	2
Chesapeake and Ohio Railway Company (P. M. District)---	1	New York Central Railroad Company-----	11
Chicago and North Western Rail- way Company-----	22	New York, New Haven and Hartford Railroad Company--	2
Chicago Great Western Railway Company-----	1	Northern Pacific Railway Com- pany-----	1
Chicago, Milwaukee, St. Paul and Pacific Railroad Com- pany-----	1	Pennsylvania Railroad Com- pany-----	4
Chicago, Rock Island and Pacific Railroad Company-----	3	Peoria and Pekin Union Rail- way Company-----	5
Delaware and Hudson Railroad Corporation-----	2	Pullman Company-----	1
Delaware, Lackawanna and Western Railroad Company--	1	Reading Company-----	1
Erie Railroad Company-----	2	Southern Pacific Hospital De- partment-----	1
Grand Trunk Western Railroad Company-----	1	Southern Railway Company----	1
Illinois Central Railroad Com- pany-----	1	Spokane, Portland and Seattle Railway Company-----	1
Kansas City Southern Railway Company-----	2	Terminal Railroad Association of St. Louis-----	9
Kansas City Terminal Railway Company-----	1	Toledo, Lorain and Fairport Dock Company-----	2
Lehigh Valley Railroad Com- pany-----	1	Union Pacific Railroad Com- pany-----	2
Louisiana and Arkansas Railway Company-----	1	Washington Terminal Com- pany-----	2
		Total-----	98

TABLE 2.—*Organizations—Employees party to cases docketed*

	<i>Number of cases</i>		<i>Number of cases</i>
American Railway Supervisors Association-----	17	Joint Council Dining Car Em- ployees Local 849-----	1
Brotherhood of Railway and Steamship Clerks-----	1	Miscellaneous Classes of Em- ployes-----	4
Brotherhood of Railroad Train- men-----	6	Railroad Yardmasters of Amer- ica-----	47
Brotherhood of Sleeping Car Porters-----	5	Railway Patrolmen's Interna- tional Union-----	12
Dining Car Employees Union, Local 372-----	2	United Mine Workers of Amer- ica, District 50-----	2
International Organization Mas- ters, Mates and Pilots-----	1	Total-----	98

APPENDIX B

Arbitrators appointed—Arbitration boards, fiscal year 1958

Name	Residence	Date of appointment	Arbitration and Case No.	Parties
Dudley E. Whiting ¹	Detroit, Mich.....	July 11, 1957	Arb. 221; Case A-5382.....	Missouri Pacific Railroad Company (Gulf District) and the Brotherhood of Railroad Trainmen.
Mortimer Stone.....	Denver, Colo.....	Oct. 3, 1957	Arb. 227; Case A-5580.....	St. Louis Southwestern Railroad Company and the Brotherhood of Railroad Trainmen.
Do.....	do.....	Oct. 31, 1957	Arb. 229.....	Gulf, Mobile and Ohio Railroad Company and the American Train Dispatchers Association.
H. Raymond Cluster.....	Baltimore, Md.....	Dec. 18, 1957	Arb. 230; Case A-5521.....	Canadian Pacific Railway Company and the Brotherhood of Railroad Trainmen.
Do.....	do.....	Jan. 10, 1958	Arb. 228; Case A-5514.....	The Peoria & Pekin Union Railway Company and the Brotherhood of Railroad Trainmen.
Harold M. Gilden.....	Chicago, Ill.....	Jan. 20, 1958	Arb. 231; Case A-5657.....	Erie Railroad Company and the Brotherhood of Railroad Trainmen.
Do.....	do.....	Feb. 12, 1958	Arb. 234; Case A-5163.....	The Pittsburgh and Lake Erie Railroad and The Lake Erie and Eastern Railroad Company and the Brotherhood of Railroad Trainmen.
Leroy A. Rader.....	Storm Lake, Iowa.....	Feb. 13, 1958	Arb. 233.....	Georgia Railroad and the Brotherhood of Railroad Trainmen.
Mortimer Stone ²	Denver, Colo.....	Feb. 20, 1958	Arb. 215; Case A-5101.....	Chicago Union Station Company and the Brotherhood of Railway and Steamship Clerks.
Allen Barrow.....	Tulsa, Okla.....	Feb. 25, 1958	Arb. 232; Case A-5610.....	St. Louis Southwestern Railway Company and the Brotherhood of Locomotive Engineers, the Brotherhood of Locomotive Firemen and Enginemen and the Brotherhood of Railroad Trainmen.
Edward A. Lynch.....	Pottsville, Pa.....	Mar. 6, 1958	Arb. 236.....	Baltimore & Ohio Railroad Company and the Brotherhood of Locomotive Firemen and Enginemen.
Paul H. Sanders.....	Nashville, Tenn.....	May 7, 1958	Arb. 237.....	Atlanta and West Point Rail Road Company and the Brotherhood of Railroad Trainmen.

¹ Mr. Carroll Daugherty was appointed on April 4, 1957, but was unable to serve. Mr. Whiting was appointed in his place.

² Reconvened.

Arbitrators appointed—Special Board of Adjustment, fiscal year 1958

RAILROADS

Name	Residence	Date of appointment	Special Board No.	Number of awards	Parties
Dudley E. Whiting ²	Detroit, Mich.	July 1, 1957	200	1	The Wabash Railroad Co., The Ann Arbor Railroad Co. and Great Lakes Licensed Officer's Organization.
Hubert Wyckoff ¹	Watsonville, Calif.	July 3, 1957	194	7	St. Louis-San Francisco Railroad Co., St. Louis, San Francisco & Texas Railway Co. and Northern Railroad Co. and Brotherhood of Railway & Steamship Clerks.
Paul N. Guthrie ¹	Chapel Hill, N. C.	July 8, 1957	191	12	The Central Railroad Company of New Jersey and Brotherhood of Locomotive Firemen and Enginemen.
Livingston Smith ¹	Dallas, Tex.	July 12, 1957	117	24	The Missouri Pacific Railroad Company and The Order of Railroad Telegraphers.
Do. ¹	do	July 25, 1957	166	20	Missouri Pacific Railroad Company and the Brotherhood of Railway & Steamship Clerks.
David R. Douglass ¹	Oklahoma City, Okla.	Sept. 4, 1957	64	8	Texas and New Orleans Railroad Company and the Brotherhood of Locomotive Engineers.
Do. ¹	do	Sept. 6, 1957	88	45	Texas and New Orleans Railroad Company and the Brotherhood of Locomotive Firemen and Enginemen.
Do. ¹	do	Sept. 19, 1957	41	9	Texas and New Orleans Railroad Company and the Brotherhood of Railroad Trainmen.
Do. ¹	do	Sept. 20, 1957	179	95	Missouri Pacific Railroad Company (Gulf District) and Brotherhood of Railroad Trainmen.
Do. ¹	do	Sept. 24, 1957	108	55	Atchison, Topeka & Santa Fe Railway Company, Panhandle and Santa Fe Railway Company, Eastern and Western Lines, and the Order of Railway Conductors and Brakemen and Brotherhood of Railroad Trainmen.
R. W. Nahstoll ²	Portland, Oreg.	Oct. 2, 1957	202	1	Pacific & Arctic Railway and Navigation Company and the International Brotherhood of Longshorem, Local 38-181.
Mortimer Stone ¹	Denver, Colo.	Oct. 7, 1957	204	1	Central Railroad Company of New Jersey and the Order of Railway Conductors & Brakemen.
Francis J. Robertson ¹	Washington, D. C.	do	203	(*)	Boston and Maine Railroad and the Brotherhood of Railroad Trainmen.
Do. ¹	do	Oct. 14, 1957	201	(*)	Northeast Oklahoma Railroad Company and the Brotherhood of Railroad Trainmen.
Thomas G. Begley ¹	Cleveland, Ohio	Oct. 15, 1957	100	45	St. Louis Southwestern Railroad Company and the Brotherhood of Railroad Trainmen and the Order of Railroad Telegraphers.
Francis J. Robertson ¹	Washington, D. C.	Oct. 16, 1957	198	49	The Texas and Pacific Railway Company, its subsidiary Lines, Fort Worth Belt Railway Company, Texas Pacific-Missouri Pacific Terminal Railroad of New Orleans and the Brotherhood of Railroad Trainmen.
Do. ¹	do	Nov. 19, 1957	161	(*)	The Long Island Rail Road Company and the Brotherhood of Railroad Trainmen.
Thomas J. Mabry ¹	San Francisco, Calif.	Nov. 26, 1957	183	13	San Diego & Arizona Eastern Railway Company and the Brotherhood of Locomotive Engineers.

See footnotes at end of table.

Arbitrators appointed—Special Board of Adjustment, fiscal year 1958—Continued

RAILROADS—Continued

Name	Residence	Date of appointment	Special Board No.	Number of awards	Parties
Nathan Cayton ¹	Washington, D. C.	Dec. 10, 1957	215	2	Eastern, Western and Southeastern Carriers' Conference Committees and the Employes National Conference Committee.
Harold M. Gilden ¹	Chicago, Ill.	Dec. 12, 1957	214	9	The Monongahela Connecting Railroad Company and the Brotherhood of Railroad Trainmen.
Leroy A. Rader ¹	Storm Lake, Iowa	Dec. 13, 1957	210	24	Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas and the Brotherhood of Railroad Trainmen.
Francis J. Robertson ¹	Washington, D. C.	Dec. 16, 1957	217	5	Eastern, Western and Southeastern Carriers' Conference Committees and the Brotherhood of Railroad Trainmen.
A. Langley Coffey ¹	Tulsa, Okla.	Jan. 2, 1958	221	8	Western Pacific Railroad Company and the Brotherhood of Railroad Trainmen.
Peter M. Kelliher ¹	Chicago, Ill.	Jan. 3, 1958	216	(*)	Great Northern Railway Company and the Switchmen's Union of North America.
Leroy A. Rader ¹	Storm Lake, Iowa	Jan. 20, 1958	213	(*)	Union Pacific Railroad Company and the Brotherhood of Railroad Trainmen.
A. Langley Coffey ¹	Tulsa, Okla.	Feb. 4, 1958	223	7	Union Railroad Company and the Brotherhood of Locomotive Engineers.
Thomas G. Begley ²	Cleveland, Ohio	Feb. 5, 1958	205	(*)	Aliquippa and Southern Railroad Company and the Railroad Division, Transport Workers Union of America, AFL-CIO.
Francis J. Robertson ¹	Washington, D. C.	Feb. 7, 1958	225	(*)	The Pennsylvania Railroad Company and the Brotherhood of Railroad Trainmen.
Alfred A. Colby ¹	do	Feb. 10, 1958	220	(*)	Birmingham Southern Railroad and the United Steelworkers of America, AFL-CIO.
Daniel C. Rogers ¹	Fayette, Mo.	Feb. 14, 1958	226	(*)	Missouri-Kansas-Texas Railroad Company, Missouri-Kansas-Texas Railroad Company of Texas and the Order of Railroad Telegraphers.
H. Raymond Cluster ²	Baltimore, Md.	Feb. 19, 1958	219	(*)	Eastern, Western and Southeastern Carriers' Conference Committees and the Brotherhood of Locomotive Firemen and Enginemen.
Mart J. O'Malley ¹	Huntington, Ind.	Feb. 24, 1958	224	1	Pittsburgh & Ohio Valley Railroad Company and the Brotherhood of Locomotive Firemen and Enginemen.
Paul N. Guthrie ¹	Chapel Hill, N. C.	Mar. 12, 1958	227	(*)	Central of Georgia Railway Company and the Switchmen's Union of North America.
J. Glenn Donaldson ²	Denver, Colo.	Mar. 24, 1958	212	5	New York Central Railroad Company, Lines East, and the Brotherhood of Railroad Trainmen.
David R. Douglass ¹	Oklahoma City, Okla.	Mar. 25, 1958	228	(*)	Missouri Pacific Railroad Company (Gulf District) and the Brotherhood of Locomotive Firemen and Enginemen.
James P. Carey, Jr. ²	Chicago, Ill.	Mar. 26, 1958	229	2	Eastern, Western and Southeastern Carriers' Conference Committees and the Brotherhood of Railroad Trainmen.
Harold M. Gilden ¹	do	Apr. 1, 1958	239	(*)	The Long Island Rail Road Company and the Brotherhood of Locomotive Firemen and Enginemen.
David R. Douglass ¹	Oklahoma City, Okla.	Apr. 2, 1958	218	(*)	Kansas City Southern Railway Company, Louisiana & Arkansas Railway Company and the Brotherhood of Locomotive Firemen and Enginemen.

Francis J. Robertson ¹	Washington, D. C.....	Apr. 4, 1958	231	(*)	New York Central Railroad Company (Northern District) and the Brotherhood of Railroad Trainmen.
Curtis G. Shake ²	Vincennes, Ind.....	Apr. 7, 1958	232	(*)	Eastern, Western and Southeastern Carriers' Conference Committees and the Brotherhood of Locomotive Firemen and Enginemen.
David R. Douglass ¹	Oklahoma City, Okla.....	May 6, 1958	234	(*)	St. Louis-San Francisco Railway Company, St. Louis, San Francisco and Texas Railway Company and the Brotherhood of Railroad Trainmen.
John Thad Scott, Jr. ¹	Houston, Tex.....	May 8, 1958	222	(*)	Donora Southern Railroad Company and the Brotherhood of Railroad Trainmen.
Mortimer Stone ¹	Denver, Colo.....	May 22, 1958	237	(*)	Great Northern Railway Company and the Brotherhood of Locomotive Firemen and Enginemen.
A. Langley Coffey ¹	Tulsa, Okla.....	May 26, 1958	239	(*)	Missouri Pacific Railroad Company and the Brotherhood of Railway and Steamship Clerks.
Do. ¹	do.....	May 28, 1958	208	(*)	Missouri Pacific Railroad Company and the Brotherhood of Locomotive Engineers.
Donald F. McMahon ²	Oklahoma City, Okla.....	June 13, 1958	233	4	The Wabash Railroad Company and the Brotherhood of Railroad Trainmen.
David R. Douglass ¹	do.....	June 16, 1958	240	(*)	Missouri Pacific Railroad Company, Gulf District, and the Brotherhood of Locomotive Engineers.
Do. ¹	do.....	June 17, 1958	236	(*)	St. Louis-San Francisco Railway Company, St. Louis, San Francisco and Texas Railway Company, and the Brotherhood of Locomotive Firemen and Enginemen.
A. Langley Coffey ¹	Tulsa, Okla.....	do.....	235	(*)	Chicago and North Western Railway Company and the Brotherhood of Railroad Trainmen.

¹ Selected by parties.

² Selected by National Mediation Board.

³ Cases withdrawn.

*Number of awards not available.

Arbitrators appointed pursuant to union shop agreements, fiscal year 1958

Name	Residence	Date of appointment	Carrier	Organization	Individual involved
Patrick J. Fisher.....	Indianapolis, Ind.	July 17, 1957	The Pennsylvania Railroad Company.	United Railroad Workers Division, Transport Workers Union of America, AFL-CIO.	M. R. Thompson.
Marion Beatty.....	Kansas City, Kans.....	Sept. 16, 1957	San Francisco Railway Company.	Brotherhood of Railroad Trainmen.....	E. M. Gray.
H. Raymond Cluster.....	Baltimore, Md.....	Oct. 15, 1957	The Pennsylvania Railroad Company.	United Railroad Workers Division, Transport Workers Union of America, AFL-CIO.	M. R. Thompson.
David H. Stowe.....	Washington, D. C.....	Nov. 4, 1957	.....do.....	Brotherhood of Maintenance of Way Employees.	Various maintenance of way employees.
Do.....	.....do.....	Dec. 6, 1957	.....do.....	.....do.....	William Johnson.
Joseph L. Miller.....	.....do.....	Jan. 22, 1958	Southern Railway System.....	.....do.....	Various maintenance of way employees.
William S. Shea.....	New York, N. Y.....	Feb. 7, 1958	The Pennsylvania Railroad Company.	Brotherhood of Railroad Trainmen.....	A. R. Stepp.
James P. Kiernan.....	Venice, Fla.....	Mar. 7, 1958	Florida East Coast Railway...	International Brotherhood of Electrical Workers.	F. A. Willmont.
Paul H. Sanders.....	Nashville, Tenn.....	May 15, 1958	Clinchfield Railroad.....	Brotherhood of Railway and Steamship Clerks.	Marie L. Price.
Walter P. Coombs.....	Los Angeles, Calif.....	June 11, 1958	The Atchison, Topeka and Santa Fe Railway Company.	.....do.....	C. O. Thompson.

Referees appointed—System Board of Adjustment (Airline), fiscal year 1958

Name	Residence	Date of appointment	Parties
Livingston Smith.....	Dallas, Tex.....	July 9, 1957	Braniff Airways, Inc., and Brotherhood of Railway and Steamship Clerks.
Carl R. Schedler.....	Tulsa, Okla.....	July 17, 1957	Northwest Airlines, Inc., and International Association of Machinists.
Donald F. McMahon.....	Oklahoma City, Okla.....	do.....	Ozark Air Lines, Inc., and Air Line Pilots Association, International.
Arthur Stark.....	New York, N. Y.....	July 18, 1957	Pan American World Airways, Inc., and Brotherhood of Railway and Steamship Clerks.
Dudley E. Whiting.....	Detroit, Mich.....	Aug. 1, 1957	Braniff Airways, Inc., and International Association of Machinists.
Robert E. Simmons.....	Lincoln, Nebr.....	Aug. 2, 1957	Ozark Air Lines, Inc., and Air Line Pilots Association, International.
Paul H. Sanders.....	Nashville, Tenn.....	do.....	National Airlines, Inc., and Air Line Agents Association, International.
Paul H. Guthrie.....	Chapel Hill, N. C.....	Aug. 7, 1957	Eastern Air Lines and Air Line Pilots Association, International.
Saul Wallen.....	Boston, Mass.....	do.....	National Airlines, Inc., and Air Line Pilots Association, International.
Dudley E. Whiting.....	Detroit, Mich.....	Sept. 5, 1957	Trans World Airlines, Inc., and Air Line Stewards and Stewardesses Association.
Paul N. Guthrie.....	Chapel Hill, N. C.....	Oct. 31, 1957	Caribbean Atlantic Airlines, Inc., and Air Line Pilots Association, International.
R. W. Nahstoll.....	Portland, Oreg.....	Dec. 10, 1957	Transocean Air Lines and Air Line Pilots Association, International.
William S. Shea.....	New York, N. Y.....	Dec. 19, 1957	Pan American World Airways, Inc., and International Association of Machinists.
Do.....	do.....	Jan. 6, 1958	Pan American World Airways, Inc., and Transport Workers Union of America, AFL-CIO.
Jack Kehoe.....	Miami, Fla.....	Feb. 12, 1958	National Airlines, Inc., and Air Line Dispatchers Association.
Harold M. Weston.....	New York, N. Y.....	Mar. 7, 1958	Pan American World Airways, Inc., and International Association of Machinists.
Hamilton Douglas.....	Atlanta, Ga.....	Mar. 17, 1958	Southern Airways, Inc., and Air Carrier Mechanics Association, International.
James P. Carey, Jr.....	Chicago, Ill.....	Mar. 21, 1958	Northwest Airlines, Inc., and Air Line Pilots Association.
James F. Kiernan.....	Venice, Fla.....	Mar. 31, 1958	National Airlines, Inc., and Air Line Agents Association, International.
Paul H. Sanders.....	Nashville, Tenn.....	Apr. 1, 1958	Eastern Air Lines and Air Line Pilots Association, International.
Jack Kehoe.....	Miami, Fla.....	Apr. 3, 1958	National Airlines, Inc., and Air Line Stewards and Stewardesses Association, International.
Livingston Smith.....	Dallas, Tex.....	May 26, 1958	Braniff Airways, Inc., and Air Line Pilots Association.
James C. Vadakin.....	Coral Gables, Fla.....	do.....	Pan American World Airways, Inc., and Brotherhood of Railway Clerks.
Donald F. McMahon.....	Oklahoma City, Okla.....	do.....	Trans World Airlines, Inc., and Air Carrier Communication Operators Association.
Paul H. Sanders.....	Nashville, Tenn.....	May 29, 1958	Capitol Airways, Inc., and Air Line Pilots Association.
A. R. Marshall.....	Atlanta, Ga.....	do.....	Eastern Air Lines and International Association of Machinists.
James C. Vadakin.....	Coral Gables, Fla.....	June 13, 1958	Pan American-Grace Airways, Inc., and Air Line Pilots Association, International.
Clarence M. Updegraff.....	Iowa City, Iowa.....	do.....	Braniff Airways, Inc., and Air Line Pilots Association, International.
John A. Weeks.....	Minneapolis, Minn.....	June 26, 1958	Northwest Airlines and Air Line Communication Employees Association.

Referees appointed—System Board of Adjustment (Railroads), fiscal year 1958

Name	Residence	Date of appointment	Parties
Jerome Lande.....	New York, N. Y.....	May 8, 1958	Pennsylvania Railroad and Railroad Food Workers Union.

TABLE 1.—Number of cases received and disposed of, fiscal years 1935-58

Status of cases	24-year period 1935-58	Fiscal year 1958	Fiscal year 1957	Fiscal year 1956	Fiscal year 1955	5-year period 1950-54 (aver- age)	5-year period 1945-49 (aver- age)	5-year period 1940-44 (aver- age)	5-year period 1935-39 (aver- age)
All types of cases									
Cases pending and unsettled at be- ginning of period.....	96	255	159	198	154	136	172	126	151
New cases docketed.....	9, 138	407	479	409	451	415	463	381	219
Total cases on hand and re- ceived.....	9, 234	662	638	607	605	551	635	507	370
Cases disposed of.....	8, 991	419	383	448	407	403	496	347	220
Cases pending and unsettled at end of period.....	243	243	255	159	198	148	139	160	150
Representation cases									
Cases pending and unsettled at be- ginning of period.....	24	29	18	27	21	34	50	34	43
New cases docketed.....	3, 261	92	123	108	96	136	176	149	108
Total cases on hand and re- ceived.....	3, 285	121	140	135	117	170	226	183	151
Cases disposed of.....	3, 268	104	111	117	90	137	186	139	107
Cases pending and unsettled at end of period.....	17	17	29	18	27	33	40	44	44
Mediation cases									
Cases pending and unsettled at be- ginning of period.....	72	214	134	170	129	102	122	91	108
New cases docketed.....	5, 807	309	343	288	353	276	286	230	110
Total cases on hand and re- ceived.....	5, 879	523	477	458	482	378	408	321	218
Cases disposed of.....	5, 661	305	263	324	312	264	309	206	112
Cases pending and unsettled at end of period.....	218	218	214	134	170	114	99	115	106
Interpretation cases									
Cases pending and unsettled at be- ginning of period.....	0	12	7	1	4	0	0	1	0
New cases docketed.....	70	6	14	13	2	3	1	2	1
Total cases on hand and re- ceived.....	70	18	21	14	6	3	1	3	1
Cases disposed of.....	62	10	9	7	5	2	1	2	1
Cases pending and unsettled at end of period.....	8	8	12	7	1	1	0	1	0

TABLE 2.—Disposition of mediation cases by method, class of carrier, issue involved, fiscal year 1958

	Disposition by type of carrier								Disposition by major issue involved							
	Total all cases	Railroads					Rail- roads total	Air- lines total	New Agreement		Rates of pay		Rules		Miscellaneous	
		Class 1	Class 2	Switch- ing and termi- nal	Electric rail- roads	Miscel- laneous carriers			Rail- road	Airline	Rail- road	Airline	Rail- road	Airline	Rail- road	Airline
Total.....	305	153	24	28	17	6	228	77	7	2	51	35	162	39	8	1
Mediation agreement.....	168	74	17	15	10	3	119	49	7	2	38	34	71	12	3	1
Arbitration agreement.....	3	3					3				2		1			
Withdrawn after mediation.....	24	16	3	3	1		23	1			2		20	1	1	
Withdrawn before mediation.....	43	29	3	4			36	7			2	1	34	6		
Refusal to arbitrate by—																
Carrier.....	15	5		2	6		13	2			4		8	2	1	
Employees.....	25	18		1		1	20	5			1		18	5	1	
Both.....	4			2			2	2					2	2		
Dismissal.....	23	8	1	1		2	12	11			2		8	11	2	

TABLE 3.—Representation cases disposition by craft or class, employees involved and participating, fiscal year 1958

	Total all cases	Railroads				Airlines			
		Number cases	Number craft or class	Number employees involved	Number employees participating	Number cases	Number craft or class	Number employees involved	Number employees participating
Total.....		75	85	8,243	7,086	29	33	4,343	2,224
Disposition:									
Certification based on election.....	71	53	61	7,440	7,065	18	22	2,516	2,206
Certification based on authorizations.....	10	6	6	22	21	4	4	22	18
Withdrawn after investigation.....	7	5	6	257	-----	2	2	1,667	-----
Withdrawn before investigation.....	3	3	3	290	-----	0	0	0	-----
Dismissal.....	13	8	9	234	-----	5	5	138	-----
Total all cases.....	104	-----	118	12,586	10,310	-----	-----	-----	-----

TABLE 4.—Number of cases disposed of by major groups of employees, fiscal year 1957

Major groups of employees	Number of—			
	All types of cases	Representation cases	Mediation cases	Interpretation cases
Grand total, all groups of employees.....	420	104	305	10
Railroad, total.....	311	75	228	7
Combined groups, railroad.....	4	-----	4	-----
Train, engine and yard service.....	196	38	153	5
Mechanical foremen.....	6	3	2	-----
Maintenance of equipment.....	8	2	5	1
Clerical, office, station, and storehouse.....	19	-----	19	-----
Yardmasters.....	15	7	8	-----
Maintenance-of-way and signal.....	17	4	13	-----
Subordinate officials in maintenance-of-way.....	2	2	-----	-----
Agents, telegraphers, and towermen.....	10	3	7	-----
Train dispatchers.....	5	-----	5	-----
Technical engineers, architects, draftsmen, etc.....	-----	-----	-----	-----
Dining-car employees, train and pullman porters.....	8	5	2	1
Patrolmen and special officers.....	1	-----	1	-----
Marine service.....	15	10	5	-----
Miscellaneous railroad.....	5	1	4	-----
Airline, total.....	109	29	77	3
Combined airline.....	6	-----	6	-----
Mechanics.....	18	2	14	2
Radio and teletype operators.....	1	1	-----	-----
Clerical, office, stores, fleet and passenger service.....	14	6	8	-----
Stewards, stewardesses, and flight pursers.....	12	3	9	-----
Pilots.....	23	2	21	-----
Dispatchers.....	10	3	7	-----
Mechanical foremen.....	-----	-----	-----	-----
Meteorologists.....	-----	-----	-----	-----
Flight engineers.....	10	4	5	1
Miscellaneous airline.....	15	8	7	-----

TABLE 5.—Number of crafts or classes and number of employees involved in representation cases, by major groups of employees, fiscal year 1958

Major groups of employees	Number of Cases	Number of crafts or classes	Employees involved	
			Number	Percent
Grand total, all groups of employees.....	104	118	12, 586	100
Railroad, total.....	75	85	8, 243	65
Train service.....	12	15	2, 673	21
Engine service.....	18	21	1, 964	15
Yard service.....	7	7	879	6
Mechanical foremen.....	3	4	161	1
Maintenance of equipment.....	2	2	13	(1)
Clerical, office, station, storehouse.....	0	0	0	
Yardmasters.....	7	7	557	4
Maintenance-of-way and signal.....	4	4	1, 129	8
Subordinate officials, maintenance-of-way.....	2	2	142	1
Agents, telegraphers, and towermen.....	3	3	18	(1)
Dispatchers.....	0	0	0	
Technical engineers, architects, draftsmen, etc.....	0	0	0	
Dining Car employees, train and pullman porters.....	5	5	481	3
Patrolmen and special officers.....	0	0	0	
Marine service.....	10	12	206	1
Combined groups, railroad.....	1	2	11	(1)
Miscellaneous railroad.....	1	1	9	(1)
Airline, total.....	29	33	4, 343	34
Mechanics.....	1	1	27	(1)
Flight navigators.....	1	1	4	(1)
Clerical, office, stores, fleet and passenger service.....	5	5	1, 032	15
Stewards, stewardesses and pursers.....	3	4	408	3
Stock and stores.....	0	0	0	
Pilots.....	2	2	54	(1)
Flight engineers.....	4	4	819	6
Marine employees.....	3	3	17	(1)
Combined groups, airlines.....	2	5	241	1
Dispatchers.....	3	3	121	(1)
Commissary.....	2	2	251	1
Radio operators and teletype.....	1	1	430	3
Miscellaneous.....	2	2	39	(1)

¹ Less than 1 percent.

TABLE 6.—Number of crafts or classes certified and employees involved in representation cases by types of results, fiscal year 1958

	Certifications issued to—									Total	
	National organizations			Local unions			System associations			Craft or class	Number of employees involved
	Craft or class	Employees involved		Craft or class	Employees involved		Craft or class	Employees involved			
		Number	Percent		Number	Percent		Number	Percent		
RAILROADS											
Representation acquired:											
Election.....	8	40	(1)	2	11	37				10	51
Proved authorizations.....	6	22	(1)							6	22
Representation changes:											
Elections.....	22	560	6	2	19	63				24	579
Proved authorizations.....											
Representation unchanged:											
Elections.....	27	6,810	68							27	6,810
Proved authorizations.....											
Total railroads.....	63	7,432	74	4	30	100				67	7,462
AIRLINES											
Representation acquired:											
Elections.....	13	495	5							13	495
Proved authorizations.....	4	22	(1)							4	22
Representation changed:											
Elections.....	5	539	5							5	539
Proved authorizations.....											
Representation unchanged:											
Elections.....	4	1,482	15							4	1,482
Proved authorizations.....											
Total airlines.....	26	2,538	25							26	2,538
Total combined railroad airline.....	89	9,970	100	4	30	100				93	10,000

¹ Less than 1 percent.

TABLE 7.—*Strikes in the railroad and airline industries July 1, 1957, to June 30, 1958*

Case No.	Carrier	Organization	Craft or class	Number employees	Date work stoppage	Date work resumed	Days duration	Issues	Disposition
A-5386.....	Toledo Lakefront Dock Co.	District 50 UMW.	Longshoremen.....	200	July 7, 1957	Sept. 6, 1957	62	Wages and rules requests.	MA.
A-5481.....	Peoria & Pekin Union Terminal Co.	BLF&E.....	Enginemen and firemen.	150	Aug. 11, 1957	Aug. 13, 1957	2	Working conditions...	Court restraining order.
E-123.....	Birmingham Southern Railroad Co.	BRT.....	Yard conductors.....	175	Aug. 18, 1957	Aug. 20, 1957	2	Working conditions...	Settled direct.
A-5440.....	National Airlines, Inc.....	ALAA.....	Agents and clerks...	1,560	Sept. 18, 1957	Oct. 24, 1957	37	Rates and rules requests.	Do.
A-5669.....	Pittsburgh & Lake Erie Railroad Co.	BRC.....	Clerks.....	40	Jan. 13, 1958	Jan. 20, 1958	8	Rules dispute.....	MA.
E-149.....	Western Air Lines, Inc.....	ALPA.....	Pilots.....	2,500	Feb. 21, 1958	June 1, 1958	99	Conditions, rates, rules.	Arbitration.
A-5679.....	Central Airlines, Inc.....	IAM.....	Airline mechanics...	85	Apr. 8, 1958	Apr. 17, 1958	10	Rules dispute.....	Settled.

TABLE 8.—Number of labor agreements on file with the National Mediation Board according to type of labor organizations, by class of carriers, fiscal years 1935-58

Types of labor organizations and fiscal years	All carriers	Class I	Class II	Class III	Switching and terminal	Electric	Express and pull-man	Miscellaneous carriers	Airline carriers
All organizations:									
1958.....	5, 205	3, 124	649	121	764	164	14	87	282
1957.....	5, 196	3, 117	649	121	764	164	14	87	280
1956.....	5, 190	3, 117	648	121	763	164	14	86	277
1955.....	5, 180	3, 116	647	116	763	163	14	86	275
1950.....	5, 092	3, 094	638	114	749	159	13	84	241
1945.....	4, 665	2, 913	623	112	705	150	8	56	98
1940.....	4, 193	2, 708	582	102	603	108	8	38	44
1935.....	3, 021	2, 355	319	18	334	-----	5	-----	-----
National organizations:									
1958.....	4, 566	2, 802	557	104	666	137	11	72	214
1957.....	4, 557	2, 796	557	104	666	137	11	72	214
1956.....	4, 551	2, 796	556	104	665	137	11	71	211
1955.....	4, 541	2, 795	555	99	665	136	11	71	209
1950.....	4, 460	2, 774	547	97	652	132	10	69	179
1945.....	4, 070	2, 600	533	96	610	123	6	47	55
1940.....	3, 672	2, 421	501	86	516	89	8	31	20
1935.....	2, 222	1, 652	265	6	295	-----	5	-----	-----
System associations:									
1958.....	545	266	90	15	80	23	3	14	54
1957.....	545	266	90	15	80	23	3	14	54
1956.....	545	266	90	15	80	23	3	14	54
1955.....	545	266	90	15	80	23	3	14	54
1950.....	539	266	89	15	79	23	3	14	50
1945.....	515	265	88	15	77	23	2	9	36
1940.....	456	247	79	15	72	17	-----	7	19
1935.....	718	602	64	12	40	-----	-----	-----	-----
Local unions:									
1958.....	94	55	2	2	18	4	-----	1	12
1957.....	94	55	2	2	18	4	-----	1	12
1956.....	94	55	2	2	18	4	-----	1	12
1955.....	94	55	2	2	18	4	-----	1	12
1950.....	93	54	2	2	18	4	-----	1	12
1945.....	80	48	2	1	18	4	-----	-----	7
1940.....	65	40	2	1	15	2	-----	-----	5
1935.....	81	91	-----	-----	-----	-----	-----	-----	-----

TABLE 9.—Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1935-58, inclusive

ALL DIVISIONS

Cases	24-yr. period 1935-58	1958	1957	1956	1955	1954	1953
Open and on hand at beginning of period.....	-----	4, 317	4, 707	3, 724	3, 311	3, 388	4, 717
New cases docketed.....	50, 345	2, 165	1, 992	2, 409	1, 718	1, 601	2, 000
Total number of cases on hand and docketed.....	50, 345	6, 482	6, 699	6, 133	5, 029	4, 989	6, 807
Cases disposed of.....	45, 397	1, 534	2, 382	1, 426	1, 305	1, 678	3, 419
Decided without referee.....	11, 281	294	531	186	141	139	197
Decided with referee.....	17, 764	883	839	740	767	772	1, 181
Withdrawn.....	16, 352	357	1, 012	500	397	767	2, 041
Open cases on hand close of period.....	4, 948	4, 948	4, 317	4, 707	3, 724	3, 311	3, 388
Heard.....	4, 533	4, 533	1, 854	1, 451	809	800	750
Not heard.....	415	415	2, 463	3, 256	2, 915	2, 511	2, 638

TABLE 9.—Cases docketed and disposed of by the National Railroad Adjustment Board, fiscal years 1935-58, inclusive—Continued

FIRST DIVISION

Cases	24-yr. period 1935-58	1958	1957	1956	1955	1954	1953
Open and on hand at beginning of period.....	-----	2,266	2,958	3,014	2,708	2,825	4,186
New cases docketed.....	35,423	928	662	780	946	1,000	1,431
Total number of cases on hand and docketed.....	35,423	3,194	3,620	3,794	3,744	3,825	5,617
Cases disposed of.....	32,893	664	1,354	836	730	1,027	2,702
Decided without referee.....	9,577	273	502	156	83	76	155
Decided with referee.....	9,249	239	253	320	308	237	658
Withdrawn.....	14,067	152	599	360	339	714	1,979
Open cases on hand close of period.....	2,530	2,530	2,266	2,958	3,014	2,798	2,825
Heard.....	2,463	2,463	170	295	296	403	289
Not heard.....	67	67	2,096	2,663	2,718	2,395	2,536

SECOND DIVISION

Open and on hand at beginning of period.....	-----	257	280	67	61	54	66
New cases docketed.....	3,156	376	347	398	183	123	109
Total number of cases on hand and docketed.....	3,156	633	627	465	244	177	175
Cases disposed of.....	2,888	365	370	185	177	116	121
Decided without referee.....	651	7	10	11	23	31	16
Decided with referee.....	1,685	259	283	112	132	73	99
Withdrawn.....	552	99	77	62	22	12	6
Open cases on hand close of period.....	268	268	257	280	67	61	54
Heard.....	212	212	210	183	40	51	39
Not heard.....	56	56	47	97	27	10	15

THIRD DIVISION

Open and on hand at beginning of period.....	-----	1,744	1,455	616	428	477	417
New cases docketed.....	10,444	763	887	1,170	530	404	463
Total number of cases on hand and docketed.....	10,444	2,507	2,342	1,786	958	881	880
Cases disposed of.....	8,342	405	598	331	342	453	403
Decided without referee.....	809	14	15	11	31	24	19
Decided with referee.....	6,021	311	258	253	290	396	344
Withdrawn.....	1,512	80	325	67	21	33	40
Open cases on hand close of period.....	2,102	2,102	1,744	1,455	616	428	477
Heard.....	1,823	1,823	1,474	962	455	332	405
Not heard.....	279	279	270	493	161	96	72

FOURTH DIVISION

Open and on hand at beginning of period.....	-----	50	14	27	24	32	48
New cases docketed.....	1,322	98	96	61	59	74	87
Total number of cases on hand and docketed.....	1,322	148	110	88	83	106	135
Cases disposed of.....	1,274	100	60	74	56	82	103
Decided without referee.....	244	0	4	8	4	8	7
Decided with referee.....	809	74	45	55	37	66	80
Withdrawn.....	221	26	11	11	15	8	16
Open cases on hand close of period.....	48	48	50	14	27	24	32
Heard.....	35	35	-----	11	18	14	17
Not heard.....	13	13	50	3	9	10	15

