

**Forty-Seventh
Annual Report**
Including the Report
of the
National Railroad
Adjustment Board

National Mediation Board

For The Fiscal
Year Ended
September 30, 1981



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Annual Report



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NATIONAL MEDIATION BOARD
Fiscal Year Ended September 30, 1981

Robert J. Brown, Chairman
Robert O. Harris, Member
George S. Ives, Member (retired September 1, 1981)

Rowland K. Quinn, Jr.
Executive Secretary

Ronald M. Etters
General Counsel

David M. Cohen
Chief Hearing Officer

Mary C. Pricci
Administrative Officer

Meredith S. Buel
Special Assistant to the Chairman

Roy J. Carvatta
Staff Director/Grievances

Sheldon M. Kline
Research Director

Donald L. West
Manager Computer Systems



OFFICE OF THE CHAIRMAN

NATIONAL MEDIATION BOARD
WASHINGTON, D. C. 20572

The President
President of the Senate
Speaker of the House of Representatives

Sirs:

It is my honor to submit the Forty-Seventh Annual Report of the National Mediation Board for fiscal year 1981, pursuant to the provisions of Section 4, Second, of Public Law No. 442, 73rd Congress, approved June 21, 1934.

The report is a comprehensive twelve-month review of the Board's administration of the Railway Labor Act—the collective bargaining statute which governs labor relations in the rail and air transportation industries. The law provides a complete set of procedures for preserving industrial peace while, at the same time, insuring the right of employees to organize and bargain collectively through representatives of their own choosing.

This was a particularly successful year in the Board's handling of representation and mediation cases coupled with the fact that there were only two strikes in fiscal year 1981—the fewest rail and airline work stoppages in the last thirty-four years.

Respectfully,

Robert J. Brown
Chairman

Register—Members, National Mediation Board

Name	Appointed	Terminations
William M. Leiserson	July 21, 1934	Resigned May 31, 1939
James W. Carmalt	July 21, 1934	Deceased Dec. 2, 1937
John M. Carmody	July 21, 1934	Resigned Sept. 30, 1935
Otto S. Beyer	Feb. 11, 1936	Resigned Feb. 11, 1943
George A. Cook	Jan. 7, 1938	Resigned Aug. 1, 1946
David J. Lewis	June 3, 1939	Resigned Feb. 5, 1943
William M. Leiserson	Mar. 1, 1943	Resigned May 31, 1944
Harry H. Schwartz	Feb. 26, 1943	Term expired Jan. 31, 1947
Frank P. Douglass	July 3, 1944	Resigned Mar. 1, 1950
Francis A. O'Neill, Jr.	Apr. 1, 1947	Resigned April 30, 1971
John Thad Scott, Jr.	Mar. 5, 1948	Resigned July 31, 1953
Leverett Edwards	Apr. 21, 1950	Resigned July 31, 1970
Robert O. Boyd	Dec. 28, 1953	Resigned Oct. 14, 1962
Howard G. Gamser	Mar. 11, 1963	Resigned May 31, 1969
George S. Ives	Sept. 19, 1969	Retired Sept. 1, 1981
David H. Stowe	Dec. 10, 1970	Term expired July 1, 1979
Peter C. Benedict	Aug. 9, 1971	Deceased April 12, 1972
Kay McMurray	Oct. 5, 1972	Term expired July 1, 1977
Robert O. Harris	Aug. 3, 1977	Term expires July 1, 1983
Robert J. Brown	Aug. 20, 1979	Term expires July 1, 1982



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I. Fiscal 1981—A Year of Achievement

Effective . . . busy . . . challenging. Put those three words together and they sum up another successful and sometimes hectic year for the National Mediation Board.

The Board, the only government agency to handle both mediation and representation cases, completed its 47th year of administering the Railway Labor Act in fiscal 1981. This oldest of labor relations statutes, with its unique procedures to maintain labor peace, was particularly effective during the year in resolving contract disputes in the railroad and airline industries which together employ hundreds of thousands of men and women.

There were, for example, a number of challenging, down-to-the-wire mediation cases where strikes appeared imminent and then were averted at the last minute. As a result, only two strikes occurred in the current fiscal year. Both strikes were in the airlines, involving one trunk and one regional carrier headquartered on the West Coast. Both were ultimately resolved after intensive mediation.

This two-strike statistic represents the fewest work stoppages in the two industries in the last 34 years. Additionally, for the first time since 1977, there were no Presidentially appointed emergency boards.

Numerous other airline disputes settled peacefully in mediation during 1981 covered a wide range of cases involving trunk, regional, commuter and foreign carriers with U.S. employees. These settlements—the Board closed out 59 airline mediation cases in fiscal 1981—are particularly notable as bargaining was complicated by the problems facing an economically depressed industry coupled with complex contract issues associated with airline deregulation.

The Board, incidentally, during its history, has handled nearly 11,000 rail and air mediation cases, marred by only 327 work stoppages, a testimonial to the Act's success. But, more importantly, this impressive 97% settlement rate brings into sharp focus the cooperative spirit of the parties who have found it necessary to resolve their differences through mediation.

A case in point is railroad bargaining. There were two major developments involving the Board in rail industry negotiations in fiscal 1981.

First, this was the year of national bargaining between the nation's major railroads and 13 unions representing most of the nation's rail workers. "Section 6" notices—so named because the procedure for giving notice by either party to change an existing agreement is spelled out in Section 6 of the Act—were served by the rail unions on the carriers January 1, 1981. This set in motion a new round of industry-wide bargaining to amend contracts covering a 39-month period. Hard bargaining was delayed until summer because the financial problems relating to the Railroad Retirement System, Consolidated Rail Corporation and Amtrak, required legislative action and the full attention of both rail labor and management. As a result of the delay in bargaining, the Board's mediatory services were not invoked until close to the end of the fiscal year.

Second, several critical issues left for local resolution from previous national bargaining sessions were resolved in good faith and rail labor peace continued to the end of the fiscal year. This stability, as previously stated, was apparent as there were no strikes in the industry in 1981, during which time 105 rail mediation cases were closed.

All in all, it was a year of action and achievement at the bargaining table. A more detailed report on this year's railroad and airline collective bargaining and the Board's prospects of having even a busier year in fiscal 1982 is discussed in the "highlights" chapter that follows.

Additionally, the Board and its staff spent considerable time in fiscal 1981 investigating representation disputes and holding elections in carrying out the Act's mandate that, "Employees shall have the right to organize and bargain collectively through representatives of their own choosing." The Act further states the "majority of any craft or class of employees" shall have the right to determine who shall be its bargaining representative.

In the rail industry, the Board reached a 15-year high in the number of representation cases closed and

the number of certifications of employee representatives during the year. Railroad representation case close-outs totalled 61 with 37 of those disputes resulting in certifications of various labor unions. This represents more than a 60% success rate by unions in their organizing drives either to represent unorganized employees or to take over groups of workers already represented by other labor organizations. In the latter category, a challenging union successfully unseated an incumbent union in more than 65% of the elections in which certifications were issued in fiscal 1981.

In the airline industry, as was the case last year, there was much activity in the representation area. Significantly, the 70 airline representation cases closed was the second largest number of such disputes ever resolved by the Board in a single year. Only in fiscal 1980 were more resolved—a total of 95. Certifications were issued in 21 of the 70 closed representation cases. Challengers were successful in defeating incumbent unions in seven of 10 representation elections.

It was an across-the-board effort by the unions to organize employees on all types of carriers. Unions campaigned actively to organize previously unorganized large crafts or classes, such as office clerical employees, fleet service employees and passenger service employees. Some of the largest airlines involved in representation cases included Northwest, Trans World, United, Continental, Pan American, Republic, U.S. Air and Pacific Southwest Airlines.

Unions stepped up their drives to organize employees of foreign carriers with U.S. offices. More than a quarter of all representation cases closed dealt with foreign airlines.

Unions also continued their efforts to organize the many commuter lines which sprang up following deregulation. Twenty-five of the 70 representation cases closed involved commuter and air taxi companies.

The Board's representation role has expanded significantly since its inception in 1934. Over a 47-year period there have been more than 5,200 representation cases closed out by the Board encompassing 6,575 craft or class determinations. Over 3,900 of those cases resulted in certification of employee representatives by the Board.

Generally, the Board predicts an increasing number of representation cases in subsequent years due to mergers and newly formed railroads and airlines, opening the door to new properties for unions to attempt to organize.

Interestingly, one large union which has refrained from organizing in recent years, the Air Line Pilots Association, has initiated an extensive organizing campaign, having unseated incumbent unions on two airlines before the close of the fiscal year.

Also included in this annual report is a special section on recent developments in the representation case area involving important policy decisions. Freedom of Information Act requests affecting the Board also played a significant role in representation matters and created a costly and time consuming problem for staff members.

In other areas of activity, the Board's staff of hearing officers in 1981 nearly quadrupled their caseload of representation cases heard in 1981 over the previous fiscal year. Again, airline deregulation and the high level of union organizing contributed to the increasing number of complex cases.

This was also the Board's busiest year in handling court cases. The Office of General Counsel now prepares many pleadings, briefs and legal memoranda rather than simply reviewing documents prepared by Department of Justice attorneys. Court cases continued to increase dramatically in 1981 as, both labor and management were willing to test the Board's determinations through litigation. Much activity dealt with the Board's statutory jurisdiction under the Railway Labor Act. For the first time in recent years, civil actions regarding the Board's FOIA determinations were filed in fiscal 1981.

The three-member Board this year was chaired by Robert J. Brown who, along with his colleagues Robert O. Harris and George S. Ives (retired September 1, 1981), was assisted by an experienced staff of specialists assigned to the varied labor relations activities affecting the agency. In addition, 21 skilled mediators, most of whom are veterans in the labor relations field, handled airline and railroad collective bargaining and representation disputes in cities from Maine to Hawaii.

The National Mediation Board also has administrative responsibility over the National Railroad Adjustment Board, which handles grievance disputes under existing rail contracts. NRAB's fiscal 1981 activities are summarized in this report.

Also contained in this issue is the third in a series of special reports of general interest to the railroad and airline industries. The third report, prepared by the NMB's Research Department and covering a study of arbitration proffers in the rail and airline industries, is discussed later in this publication.

This summary of events is just a sampling of the fiscal year highlights and, along with other items of



interest, will be discussed in more detail later in this report.

The Board looks to the decade of the '80s with the same determination as in the past—that is, to assist in keeping labor peace through mediation and resolving representation disputes within the two industries it serves.

We believe we did well in 1981 in achieving our goals, as evidenced in the full report that follows.

To Better Understand . . .

To better understand the varied activities and statistics that follow, it may be helpful to read first, "The Railway Labor Act—How It Works," a brief summary at the end of the NMB Annual Report. The four-page analysis of the Act begins on page 51.



II. Highlights

National Rail Bargaining Underway; What's Ahead in 1982

The National Railway Labor Conference, the bargaining arm for more than 125 railroads across the country, including most of the Class I line-haul carriers, opened a new round of national contract negotiations with 13 major rail unions in fiscal 1981.

Although individual and regional rail bargaining between unions and carriers dates back to the turn of the century, only in more recent years has a nationwide negotiating structure been developed. And only since the 1970s has the moratorium on major issues in each labor contract expired simultaneously. Common amendable dates have created a coordinated

bargaining effort enabling a "pattern" to be developed acceptable to the preponderance of carriers and employees in the industry.

Railroad unions began last January to file their notices with management listing negotiating demands for a new work agreement to succeed the 39-month pact with an amendable date of March 31, 1981. Negotiations were stalled for months, however, while unions and the carriers joined forces to present to the Congress an acceptable legislative plan to rescue the deficit-ridden, 45-year old Railroad Retirement System. During the summer months, a proposal to revitalize the retirement fund was finally enacted into law which included additional taxes paid into the retirement system by employees and employers. In Au-





A 39-MONTH CONTRACT SIGNED—One of the first national agreements reached in this round of industry-wide rail bargaining was with the Brotherhood of Maintenance of Way Employees, representing approximately 94,000 workers. Participating in the contract signing in Washington, D.C., are (left to right) Robert J. Brown, Chairman, National Mediation Board; Charles I. Hopkins, Jr., Chairman, National Railway Labor Conference, the railroads' bargaining arm; and Ole M. Berge, President, Brotherhood of Maintenance of Way Employees.

gust, rail labor and management were able to gear up and devote full energies to national contract negotiations.

CONRAIL and AMTRAK, incidentally, are among the several major carriers that do not participate in national bargaining but negotiate separately with the various unions.

National bargaining covers, basically, changes in rates of pay, cost of living adjustments, vacations, holidays and health and welfare benefits in the existing collective bargaining agreements.

In past national negotiations the operating unions, the United Transportation Union and the Brotherhood of Locomotive Engineers, were usually the first to settle and set a "pattern" for those to follow. It became apparent, however, in early negotiations that the shop craft and other non-operating unions would lead the way in reaching agreements in this round of bargaining.

Shortly before the close of the fiscal year, mediatory assistance was requested by four shop craft unions—Brotherhood Railway Carmen of United States and Canada, International Association of Machinists and Aerospace Workers, International Brotherhood of Electrical Workers and the Sheet Metal Workers' International Association—as well as the Brotherhood of Maintenance of Way Employees.

NMB Chairman Robert J. Brown met with the five unions and NRLC negotiators several times, together and separately, at the Board's headquarters

as the new fiscal year began. The parties kept in constant touch with Chairman Brown as negotiations carried into early November when the five unions reached tentative agreement with the carriers. The Brotherhood of Railway, Airline and Steamship Clerks also settled in direct negotiations during that time, followed several days later by the signing of the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers.

The new 39-month contracts were subsequently ratified by the seven unions, whose combined memberships represent over half of the nearly 400,000 rail employees involved in national bargaining contracts.

As to the future, national rail bargaining will continue well into fiscal 1982 with the remaining six unions—the American Train Dispatchers Association, Brotherhood of Locomotive Engineers, Brotherhood of Railroad Signalmen, International Brotherhood of Firemen and Oilers, Railroad Yardmasters of America and the United Transportation Union. It was also learned as the new fiscal year progressed that the Board's assistance in mediation has been requested concerning the BLE, UTU and the Yardmasters. Board Member Robert O. Harris plans to handle those particular cases.

After national bargaining has been completed the Board, as in the past, will participate in mediation disputes involving local railroad issues and those referred from national bargaining for local resolution. Railroads that do not participate in national bargaining will undoubtedly request the Board's as-

sistance as well, which will add to the number of new mediation cases docketed in fiscal 1982.

The deregulation provisions of the Staggers Rail Act of 1980 will provide for easier access to new rail markets, employee protection and expedited merger proceedings which should also increase the Board's caseload. The Omnibus Budget Reconciliation Act of 1981 includes new statutory requirements affecting the Board which could expand the agency's activities in the new fiscal year. (Certain aspects of the Reconciliation Act as they affect the Board are discussed in the following article.)

New RLA Amendment Affects Commuter Railroads

The Omnibus Budget Reconciliation Act of 1981 included a new Section (9A) to the Railway Labor Act, the first new amendment to the statute since 1970.

Section 9A provides emergency dispute procedures covering publicly funded and operated commuter railroads and their employees. The new amendment attempts to resolve contract disputes between the parties through a series of emergency board procedures with a maximum eight-month status quo period. These kinds of disputes were historically handled under Section 10 of the Railway Labor Act.

If the collective bargaining dispute on a commuter carrier is not resolved under the mediation and arbitration sections of the Railway Labor Act, any party to the dispute, or the Governor of the affected state, may request the President to establish an emergency board. The President, on receipt of the request, is directed to appoint such a board to investigate and report on the dispute. Once an emergency board is created, a status quo period may exist for 120 days.

The emergency board must submit a report to the President at the end of the first 30 days. If no settlement is reached within 60 days of the board's creation, the National Mediation Board is required to conduct a public hearing, at which time each party to the dispute must explain why it has not accepted the emergency board's recommendations for settlement.

Section 9A also provides that either party to the dispute or the Governor of the state served by the commuter carrier, may request the President to appoint a second emergency board when the initial 120-day "cooling off" period expires without an agree-

ment. Thereafter, each party would be required to submit a final statement of proposed terms for settlement within 30 days and the second emergency board is directed to report to the President, in another 30 days, its selection of the most reasonable offer. During this process and for 60 days thereafter, neither side can take independent action. Thus the total status quo period may last up to 240 days from the time the first board was created. Under Section 10 of the RLA the status quo period extends to 60 days.

Should the union strike after refusing the carrier's final offer—if the commuter's offer is accepted as the more reasonable by the emergency board—its members are denied benefits under the Railroad Unemployment Insurance Act for the duration of the strike. Conversely, if the commuter refuses to yield preventing a settlement, the carrier is prohibited from taking advantage of any mutual assistance agreement among the railroads.

The Omnibus Budget Reconciliation Act also requires the National Mediation Board to appoint neutrals to fact-finding panels on Conrail, AMTRAK Commuter and commuter authorities. The panels are established to recommend changes in operating practices and procedures to improve productivity.

The Board, under the Reconciliation Act, will also appoint neutrals to resolve questions related to implementing agreements which establish conditions for Conrail employees' transfer to new rail operators.

Congress Replaces Title V of the Regional Rail Reorganization Act with new Title VII

Section 1143 of the Omnibus Budget Reconciliation Act of 1981 repeals Title V of the Regional Rail Reorganization Act of 1973 and adds, "Title VII—Protection of Employees." Certain sections of Title VII allocate the following responsibilities to the National Mediation Board:

Section 703 under the new Act gives laid-off Conrail employees "first right of hire" by other railroads under certain prescribed conditions.

Section 704 directs Conrail to provide the Railroad Retirement Board with the names of all separated employees not offered employment on acquiring railroads. The Retirement Board will maintain a list of these employees entitled to fill vacancies on railroads hiring additional workers.

The Retirement Board investigates grievances under both Sections 703 and 704. If it concludes that



an employee's rights may have been violated under these sections, the grievance would then be subject to resolution by an Adjustment Board under Section 3 of the Railway Labor Act.

Section 708 requires new single collective bargaining agreements for each craft or class on a system-wide basis. A new agreement is not required for a craft or class if a system-wide agreement was in effect prior to August 13, 1981. (Actually, when Title VII was enacted, single collective bargaining agreements for each craft or class were already in effect on Conrail.)

Under Section 712, Conrail and its employees enter into collective bargaining agreements which provide for one or more advisory fact finding panels. The panels' objectives are to recommend changes in operating practices and procedures in the interest of greater productivity. The NMB is required to appoint the public members to panels established under this provision.

Airline Collective Bargaining; What Happened; What's Ahead

Board mediation was particularly effective in fiscal 1981 in settling airline contract disputes that were unusually difficult because of the economic uncertainty that pervaded the industry as well as the nation.

In a sometimes hostile atmosphere created by job layoffs, wage cuts and freezes and other employee concessions during a year of record financial losses by certain major airlines, the mediator became the catalyst and impartial advisor who, with a fine sense of timing, brought contentious forces together in a final cooperative bargaining effort. Some of the negotiations prior to last-minute settlement were described as similar to walking a shaky high wire, not knowing which way the final decision would fall—either strike or settlement. Despite these conditions,

there were only two airline industry strikes in fiscal 1981—the fewest ongoing work stoppages in the airlines since 1968.

The airlines, which negotiate individually with unions on a system-wide rather than an industry-wide basis, reached settlement with their employees in a number of major agreements requiring mediation.

Republic Airlines and 4,300 Clerical, Office, Fleet and Passenger Service Employees, for example, were approaching a strike deadline when a settlement in mediation was reached early in the fiscal year.

A strike also was averted by 2,500 flight attendants against Braniff just a few hours before the deadline this summer; 2,500 ground service personnel reached a tentative agreement with Frontier during a 30-day “cooling off” period; Western and more than 2,000 flight attendants reached agreement through mediation just before strike deadline; Northwest and 2,500 flight attendants settled just after strike deadline; and some 5,500 flight attendants settled with American after an extensive period of intensive mediation—to name a few important cases. U.S. Air, Texas International, Pan American, Hawaiian, Pacific Southwest, Altair and Continental Airlines also reached final settlement in mediation with various employees.

In addition, mediation played a role in settling airline contract disputes with numerous other groups of workers ranging from pilots, mechanics, commissary employees and medical corpsmen to dispatchers, flight simulators, port stewards and stock and stores employees in an industry that operates 14,000 flights in a single 24-hour period.

The crew complement issue also impacted on the airline industry in fiscal 1981. In July 1981, a Presidential Task Force concluded that the DC-9 Super 80, as well as other new generation aircraft, could be flown safely with two pilots. The three versus two-pilot controversy was a major issue in several pilot contract negotiations during the year.

What's ahead?

More than 100 contracts affecting tens of thousands of employees are amendable on major U.S. carriers in fiscal 1982. Mechanics lead the way with 22 contract renewals—seven of those with trunk carriers. Pilots follow close behind with 18 amendable contracts—seven on trunks. Flight attendants, stocks and stores, clerical and related, fleet and passenger service employees, as well as other groups of workers, also will have amendable contracts with a number of air carriers next year.

The deregulated climate pervading the industry with many new carriers fueling the competitive fire, new generation aircraft requiring huge capital outlays precipitating increased management demands on labor and the acquisition and merger of airlines prompting disputes over the status of personnel, are additional issues that may effect the agency's workload.

Fiscal 1982, therefore, could be one of the Board's busiest periods in its history.

Settlement—A Photo Story

Our mediators were especially successful in settling contract disputes in fiscal 1981. Assigned to mediation cases across the nation, they worked around the clock when necessary to reach agreement between the parties in a continuing effort to maintain labor peace in the railroads and airlines.

During its lengthy history, the NMB has maintained a lofty 97% settlement rate—thanks to the effectiveness of its Board Members and staff mediators at the bargaining table. The record was kept intact this year, as the following photos testify:



TWO CONTRACTS SIGNED—After lengthy mediation, separate agreements were reached for telegraphers and clerical workers with the Maine Central Railroad-Portland Terminal Company, in February 1981. Both groups of employees were represented in bargaining by the Brotherhood of Railway, Airline and Steamship Clerks. Much improved job stabilization and sick leave provisions, as well as increased travel expenses, applied to both contracts involving 500 BRAC employees. NMB Mediator Samuel J. Cognata, BRAC General Chairman Oscar Derderian, Sr., and John E. Hamilton, Maine Central-Portland Terminal's Personnel and Labor Relations Manager, participated in the signings in Portland, ME.



AIRLINE AGREEMENT SIGNED—Intensive mediation and a cooperative effort by the parties resulted in settlement between the Transport Workers Union of America and Pan American World Airways (Eastern Test Range) at Cape Canaveral, Patrick Air Force Base, FL. Some 720 Mechanic and Ground Service Employees are affected by the amended contract calling for about a 21% increase in wages and fringe benefits over a 3-year period.

Shown at the signing ceremony in Florida are (left to right) William A. Blanchard, Labor Relations Manager, Pan American World Airways; Harry D. Bickford, NMB mediator; and H. E. Lewis, President, TWU, Local 525. Additional officials of both the union and the carrier witness the signing.



PATH-BLE REACH ACCORD—After several months of intensive mediation, Port Authority Trans-Hudson (PATH) and Brotherhood of Locomotive Engineers negotiators initial a contract proposal following collective bargaining sessions at the National Mediation Board in September 1981. The new agreement, ratified by 162 engineers, grants wage increases retroactive to December 1978, when the previous contract expired. The settlement was particularly significant as PATH transports over 150,000 commuters between New Jersey and New York each weekday.

Shown in the photo at NMB headquarters are (left to right) Eugene Levy, an attorney for PATH; Daniel Rusinko, Chief Negotiator for PATH; NMB Mediator E. B. Meredith who assisted the parties in bringing about a settlement; Leroy Lobb, BLE General Chairman for PATH; J. W. Crawford, BLE Vice President; and Art Martinsen, BLE Negotiating Committee member.



Sweeping deregulatory changes and stepped-up union organizing efforts resulted in a number of complex representation cases that contributed to one of the busiest years ever for NMB hearing officers. In fact, 95 days of hearings were conducted by the Board in fiscal year 1981 as compared to 25 days the previous year—nearly a four-fold increase.

Two of those hearings, dealing with representation disputes on a U.S. and a foreign carrier, are shown here.

In the first photo, Claudio Carli, Personnel Manager for Alitalia Airlines, testifies at a hearing involving the Office of Professional Employees International Union and the International Association of Machinists & Aerospace Workers, in a dispute over the separation of craft or class groupings. Presiding is NMB Hearing Officer Roland Watkins.

In the second photo, Hearing Officer Mary L. Johnson presides over a dispute between the Transport Workers Union of America and American Airlines, involving the accretion of certain groups of workers to established crafts or classes.



Representation Hearing Pace Increases

After a reduction in the number of hearings in fiscal year 1980, the number and complexity of hearing issues rebounded sharply in fiscal year 1981.

Deregulation of the airline industry and changing work procedures were the major factors leading to representation hearings. Thus, the Board confronted issues involving creation of airline subsidiaries, the impact of airline mergers on supervisory personnel, and changing technology, particularly use of computers.

Proceedings before the Board's hearing officers are becoming increasingly formal, as carriers and labor organizations rely exclusively on attorneys to present their cases. This formalization has been accompanied by a proliferation of contested issues associated with each case, particularly with respect to evidentiary problems involving admissibility and the scope of discovery of carrier books and records. In addition, the Board is confronted with novel factual or legal questions arising out of representation investigations, and hearings are frequently the most appropriate means for resolving these questions.

In view of the potential labor-management conflict in such cases, it has been the Board's experience that the labor and carrier representatives generally participate as fully as possible in the development of evidence and other information which form the basis for Board actions. However, many issues not resolved in prior years have now been settled as the result of hearings.

It should be emphasized that hearing proceedings before the NMB result in agency determinations directly evaluated and approved by the three Board Members rather than by staff decision. Significantly, public hearings present a variety of novel propositions for Board consideration and, accordingly, require thorough analysis and research by agency personnel.

Public demand and the policy objectives of Government in the Sunshine and the Freedom of Information Acts enhancing public disclosure and participation, having required more extensive public hearings. Other factors, including the growing pattern of litigation and threatened litigation to set aside Board actions have, as a practical matter, increased the requirement for public hearings to insure that the Board's final determinations are structured on as firm a factual and legal foundation as possible.

FOIA Work Increases; More Burdensome

The Freedom of Information Act applies to a substantial portion of the Board's activities and has required the Board to apply significant resources to its administration. The National Mediation Board's FOIA office is designed to benefit the public by making available for inspection and/or copying agency records, unless the records fall within certain exemptions. FOIA requests are processed in a timely manner according to the volume and nature of each request. Appointments must be scheduled with the agency's FOIA Officer to review records.

During fiscal year 1981, the Board received 164 requests and incurred approximately \$34,750 in non-recoverable costs to process FOIA matters. Forty-five of the requests were denied in full or in part. Five appeals were filed from the Executive Secretary's initial determinations in fiscal year 1981. No such appeals were submitted in 1980. More complex requests for voluminous materials kept the FOIA staff par-



FOIA REQUEST—Discussing a Freedom of Information Act request for agency records are Miss Judy A. Femi, Freedom of Information Officer, and NMB General Counsel Ronald M. Etters. Requests for voluminous NMB materials during the year kept FOIA staff particularly busy.

ticularly busy this year with burdensome document production. The amount of fees collected for making records available was approximately \$1,653.02.

Of the five appeals filed, two of those resulted in litigation which is still pending in the U.S. District Court. Both cases dealt with the same Carrier, Trans World Airlines, Inc. In the first case, *Trans World Airlines, Inc. v. National Mediation Board, IBT, IAM&AW*; U.S.D.C. Dist. of Col. (Civil No. 81-0823), the plaintiff was TWA. Of the approximately 40,000 pages of documents covered by TWA's request 88 documents, totaling 613 pages, were withheld or had some portion deleted by NMB. In the second case, *International Brotherhood of Teamsters v. National Mediation Board, Trans World Airlines, Inc., (Intervenor)*; U.S.D.C. Dist. of Col. (Civil No. 81-1648), the plaintiff was IBT who sought to compel disclosure under the FOIA of the employee home address labels used in the election which was conducted in NMB Case No. R-5163. Both of these matters were still pending at the end of the fiscal year.

Freedom of Information Regulations

Part 1208 of Title 29 of the Code of Federal Regulations has been issued to conform to the requirements of the Freedom of Information Act as amended by Public Law 93-502, 88 Stat. 1561.

The general rule under FOIA is that "any person" is entitled to have access to any "agency record" upon request unless it is exempt under one of the nine exemptions.

Requests for records must be in writing to the Executive Secretary, National Mediation Board, Washington, D.C. 20572. Requests for records of the National Railroad Adjustment Board must be in writing and addressed to the Administrative Officer, National Railroad Adjustment Board, 10 West Jackson Boulevard, Room 200, Chicago, Illinois 60604. The requests shall reasonably describe the records being sought in a manner which permits identification and location of the records. Every reasonable effort will be made by the Board to assist in the identification and location of the records.

The Executive Secretary will respond to each request, in writing, within ten working days.

When a request is denied in whole or in part by the Executive Secretary, the requestor may within 30 days of the receipt, appeal the denial to the Chairman of the Board. The Chairman of the Board will act upon the appeal within 20 working days of its receipt.

The National Mediation Board will maintain, make available for public inspection and copying a current index of the materials available at the Board offices which are required to be indexed by the Act. Further information regarding the FOIA index or general FOIA processing may be obtained from the NMB's FOIA Officer, Ms. J. A. Femi.

NMB Staff Conference Convenes to Discuss Agency Policy Matters

The National Mediation Board annually holds a staff conference to discuss with its 21 field mediators and office staff members policy matters and problems affecting the agency as well as to exchange ideas, on various labor relations issues.

A conference was called this fiscal year by then NMB Chairman George S. Ives who, along with Board Members Robert O. Harris and Robert J. Brown, conducted a three-day business session for the staff in Reno, Nevada.

A major topic discussed during the conference was the implementation of the agency's performance appraisal and merit pay plans for NMB employees. Guest speaker was Nathaniel Brown, Chief of Policy



STAFF CONFERENCE IN SESSION—Discussing railroad and airline collective bargaining cases with mediators are (left to right) Board Member Robert J. Brown; Executive Secretary Rowland K. Quinn, Jr.; and then NMB Board Chairman George S. Ives.

Development and Review Board, Office of Personnel Management, who explained the concept of the new program, its implementation under the Civil Service Reform Act and what effect the merit pay plan would have on Board employees.

Of particular importance to mediators was a report revealing that 1980 was one of their most productive years in handling both mediation and representation cases. It was reported that railroad and airline mediation cases resolved that year were more than 50% higher than during the previous 12-month period and that the number of airline mediation and representation cases closed were the highest in the Board's history.

Also discussed were key issues involved in the upcoming round of national rail bargaining. It was also pointed out that the number of amendable airline contracts in 1981 would triple the 1980 figure. This, it was noted, could eventually lead to a significant increase in the number of collective bargaining cases assigned to the Board's mediators in subsequent months.

Other important subjects discussed ranged from significant court decisions relating to the National Mediation Board to the effect on the agency of an increasing workload of Freedom of Information Act cases in the employee representation area.

Foreign Labor Relations Officials Visit NMB for RLA Briefing

A number of labor relations leaders of foreign governments visited the National Mediation Board to be briefed on the agency's administration of the Railway Labor Act as well as to learn generally how labor relations are conducted in this country.

Among the foreign visitors who met with NMB Chairman Robert J. Brown were Michael Corcoran, Director of Conciliation for the Republic of Ireland and Turhan Esener, Minister of Labor for Turkey. Mr. Brown outlined the representation and mediation functions of the RLA to these foreign leaders who, having learned of the NMB's high success rate in settling contract disputes under the Act, expressed an interest of possibly incorporating certain of the statute's procedures into their own labor relations systems.

Other governments, including India, the Philippines and the Kingdom of Jordan, sent key labor relations officials to this country to meet with NMB and other U.S. labor relations agencies during the fiscal year. This activity was carried out in cooperation with the Bureau of International Labor Affairs in the Department of Labor.



ONCE-A-YEAR-GET-TOGETHER—Board Members, mediators and other NMB staff personnel assemble at the close of the conference for a rare group photo. Seated (left to right) are Mediator Ralph T. Colliander; Executive Secretary Rowland K. Quinn, Jr.; then Board Chairman George S. Ives; Board Member Robert J. Brown; and Mediator Harry D. Bickford. (Member Robert O. Harris and Mediator Charles R. Barnes not pictured.)



VISITOR FROM IRELAND—NMB Chairman Robert J. Brown and Michael Corcoran, Director of Conciliation for the Republic of Ireland, discuss collective bargaining procedures under the Railway Labor Act and exchange views on labor relations practices in the U.S. and Ireland.

Such conferences, according to Mr. Brown, are especially useful in furthering the cause of peaceful labor-management relations on an international level through the sharing of knowledge, insights and experience with foreign leaders involved in collective bargaining and industrial relations.

As Mr. Corcoran wrote in a letter on his return to Ireland, "I found the discussions with Chairman Brown to be informative and these formed a valuable input into my study . . ." of U.S. labor relations procedures and practices.

Rule-Making Activities

The National Mediation Board has made it a policy to limit rule-making activities only to those matters required by statute or essential for the well-ordered management of agency programs. Accordingly, there were no new or amended rules issued in fiscal year 1981.

Interest Arbitration Cases

Interest arbitration insures final and binding determination of a controversy. Over the years, arbitration proceedings have proved most beneficial in disposing of major disputes, and instances of court actions to set aside awards have been rare.

The nation's railroads and the United Transportation Union and Brotherhood of Locomotive Engineers, during the course of their respective negotiations culminating in national agreements, agreed to the resolution of certain disputes by binding interest arbitration. Specific issues resolved in this matter, were:

- (a) Switching limits
- (b) Interdivisional service

Following are 69 arbitration cases that have emanated from these national agreements:

Arbitration Board No.	Carrier	Organization	Issue
314	Baltimore & Ohio RR Co.	United Transportation Union	Switching limits
315	Southern Pacific Transportation Co. (Texas and Louisiana Lines)	Brotherhood of Locomotive Engineers	Interdivisional service
316	Southern Pacific Transportation Co. (Texas and Louisiana Lines)	United Transportation Union (C&T)	Interdivisional service
317	The Chesapeake & Ohio Ry. Co.	Brotherhood of Locomotive Engineers	Switching limits
318	The Chesapeake & Ohio Ry. Co.	United Transportation Union (E&T)	Switching limits
319	The Central RR Co. of New Jersey	Brotherhood of Locomotive Engineers	Switching limits
320	The Central RR Co. of New Jersey	United Transportation Union	Switching limits
322	Soo Line RR Co.	United Transportation Union	Interdivisional service
323	St. Louis-San Francisco RR Co.	Brotherhood of Locomotive Engineers	Interdivisional service
325	Denver & Rio Grande Western Ry. Co.	United Transportation Union	Interdivisional service and switching limits
327	Lehigh Valley RR Co.	Brotherhood of Locomotive Engineers	Interdivisional service
328	Penn Central Transportation Co.	United Transportation Union (T)	Switching limits

Arbitration Board No.**Carrier****Organization****Issue**

329	Atchison, Topeka & Santa Fe Ry. Co.	United Transportation Union	Interdivisional service
330	Penn Central Transportation Co.	United Transportation Union (E)	Switching limits
331	Denver & Rio Grande Western RR Co.	United Transportation Union (C&E&T)	Interdivisional service
332	Penn Central Transportation Co.	United Transportation Union (C&E&T)	Switching limits
334	Penn Central Transportation Co.	United Transportation Union (C&E&T)	Switching limits
336	Norfolk & Western Ry. Co. (Proper)	United Transportation Union (C&T)	Interdivisional service
337	Boston & Maine Corp.	United Transportation Union	Switching limits
338	Penn Central Transportation Co.	Brotherhood of Locomotive Engineers	Switching limits
339	Penn Central Transportation Co.	United Transportation Union (E)	Switching limits
340	Green Bay & Western RR Co.	United Transportation Union	Protection of employees
342	Erie Lackawanna Ry. Co.	United Transportation Union (T)	Protection of employees
343	Penn Central Transportation Co.	United Transportation Union	Switching limits
344	Penn Central Transportation Co.	United Transportation Union	Switching limits
346	Norfolk & Western Ry. Co.	United Transportation Union (E&C&T)	Interdivisional service
347	Western Pacific RR Co.	Brotherhood of Locomotive Engineers	Switching limits
348	Reading Co.	Brotherhood of Locomotive Engineers	Switching limits
349	Lehigh Valley RR Co.	Brotherhood of Locomotive Engineers	Switching limits
351	St. Louis-San Francisco Ry. Co.	United Transportation Union	Protection of employees
352	Norfolk & Western Ry. Co.	United Transportation Union	Interdivisional service
353	Lehigh Valley RR Co.	United Transportation Union	Switching limits
354	Reading Co.	Brotherhood of Locomotive Engineers	Switching limits
356	Southern Pacific Transportation Co.	Brotherhood of Locomotive Engineers	Switching limits
357	Penn Central Transportation Co.	Brotherhood of Locomotive Engineers	Interdivisional service
358	Southern Pacific Transportation Co.	United Transportation Union	Switching limits
359	Norfolk & Western Ry. Co.	Brotherhood of Locomotive Engineers	Interdivisional service
360	Atchison, Topeka & Santa Fe Ry. Co.	Brotherhood of Locomotive Engineers	Switching limits
361	Atchison Topeka & Santa Fe Ry. Co.	United Transportation Union	Switching limits
362	Chicago, Rock Island & Pacific RR Co.	Brotherhood of Locomotive Engineers	Interdivisional service
364	St. Louis-San Francisco Ry. Co.	Brotherhood of Locomotive Engineers	Switching limits
365	St. Louis-San Francisco Ry. Co.	United Transportation Union (C-T-Y-E)	Switching limits
366	Grand Trunk Western RR Co.	United Transportation Union	Switching limits
368	Denver & Rio Grande Western RR Co.	Brotherhood of Locomotive Engineers	Interdivisional service
372	Louisville & Nashville RR Co.	United Transportation Union	Switching limits
373	Boston & Maine Corp.	United Transportation Union	Switching limits
374	Seaboard Coast Line RR Co.	Brotherhood of Locomotive Engineers	Interdivisional service
375	Southern Ry. Co.	United Transportation Union	Switching limits
376	Norfolk & Western Ry. Co.	United Transportation Union	Protection of employees
378	Illinois Central Gulf RR Co.	Brotherhood of Locomotive Engineers	Switching limits
379	Grand Trunk Western RR Co.	United Transportation Union	Switching limits
380	Illinois Central Gulf RR Co.	United Transportation Union (C&T&E)	Switching limits
381	Illinois Central Gulf RR Co.	United Transportation Union	Switching limits
382	Norfolk & Western Ry. Co.	United Transportation Union	Protection of employees
383	Consolidated Rail Corporation	United Transportation Union	Switching limits
384	Richmond, Fredericksburg & Potomac RR Co.	United Transportation Union	Switching limits
388	Atchison, Topeka & Santa Fe Railway Co.	Brotherhood of Locomotive Engineers	Interdivisional service
390	Consolidated Rail Corporation	United Transportation Union	Switching limits
391	Consolidated Rail Corporation	United Transportation Union	Switching limits
393	Consolidated Rail Corporation	United Transportation Union	Interdivisional service
394	Consolidated Rail Corporation	United Transportation Union	Switching limits
395	Consolidated Rail Corporation	United Transportation Union	Switching limits
396	Consolidated Rail Corporation	United Transportation Union	Switching limits
399	Louisiana and Arkansas Ry. Co.	United Transportation Union	Switching limits
400	Burlington Northern, Inc.	United Transportation Union	Switching limits
401	Burlington Northern, Inc.	United Transportation Union	Switching limits
403	Burlington Northern, Inc.	Brotherhood of Locomotive Engineers	Switching limits
404	Illinois Central Gulf RR Co.	Brotherhood of Locomotive Engineers	Switching limits
405	Illinois Central Gulf RR Co.	United Transportation Union	Interdivisional service

Another significant interest arbitration case in fiscal 1981 was:

Arbitration Board No. 397—Burlington Northern, Inc., and the United Transportation Union (Neil P. Speirs, Arbitrator).

The Burlington Northern entered into a purchase agreement with the trustees of the Chicago, Milwaukee, St. Paul and Pacific Railroad Company and, subsequently, the bankruptcy court approved the sale of certain Milwaukee Lines to the Burlington Northern. The court order permitted BN to operate interim service over the Milwaukee Lines beginning March 21, 1980.

Earlier, an agreement, known as the "Miami Accord," was finalized by labor and management to protect the rights of employees of the bankrupt Rock Island and Milwaukee railroads hired by other carriers. It was officially called a "Labor Protective Agreement Between the Railroads Parties Hereto Involved in Midwest Rail Restructuring and Employees of Such Railroads Represented by the Rail Labor Organizations Operating Through the Railway Labor Executives Association." The agreement was entered into March 4, 1980. It also provided that an agreement be reached with employee representatives of the BN and Milwaukee concerning the manner in which seniority was to be allocated in filling job assignments. Arbitration was to be provided if the parties reached a stalemate in negotiations.

The BN subsequently notified employees of additional job openings following purchase of the Milwaukee Lines. Negotiations developed a tentative "Implementing Agreement" intended to resolve issues between the carrier and employees represented by certain General Committees on the BN and Milwaukee. The Milwaukee employees, however, did not concur as to the final results of the negotiations. Arbitration was requested jointly by the parties, and an arbitrator was appointed to Arbitration Board No. 397 April 24, 1981, by the National Mediation Board.

In issuing the award September 8, 1981, the Arbitration Board came to a number of conclusions after stating, "The primary difference that existed between the BN representatives and the Milwaukee representatives was in the allocation of seniority and equity in the work."

The award pointed out that Milwaukee employees hired by a purchasing carrier, as stated in the March 4, 1980 agreement, "shall come under the coverage of all contracts, schedules and agreements in effect between such carrier and its employees con-

cerning rates of pay, rules, working conditions and fringe benefits". It further noted collective bargaining agreements on the BN provide an employee's seniority status based on "date of first compensated service". The Milwaukee negotiating employees took exception as to how this "date of first service" was to be interpreted. It was stated that the establishment of a seniority date based on first date of service "creates inequities as among Milwaukee employees hired by BN".

According to the award, it was alleged that BN erred in its hiring procedure in deference to the terms of the March 4, 1980 agreement, "by requiring certain employees to take rules examinations and physical examinations which caused senior employees to report for service on the BN after junior employees were, in fact, working." Such action violated the principles of the March 4 agreement, namely: "The applicant's seniority in the appropriate craft and seniority district on bankrupt carrier will prevail if the number of qualified applicants exceed carrier determined needs for additional employees."

As to seniority allocation, the Board ruled, "Due to all of the factors here involved, Milwaukee employees who were first hired by BN pursuant to the March 4, 1980 agreement, should be given a seniority date on the appropriate roster of March 21, 1980, in the order of their relative standing on their respective Milwaukee seniority roster."

Milwaukee employees also disputed the Implementing Agreement language referring to job abolishment that stated, "the Milwaukee employees hired pursuant to the March 4, 1980 agreement will be subject to displacement on the basis of their BN seniority." The Board noted that, under the March 4 agreement, Milwaukee employees hired by BN are protected by a monthly compensation guarantee up to 36 months of the employees' average monthly straight time earnings from June 1, 1977, through October 31, 1980. The Board said it believed "this monetary guarantee will serve as a deterrent against any unnecessary or any unjustified lay-offs of former Milwaukee employees hired by BN."

Arbitration Task Force

An agreement between certain employees represented by the United Transportation Union and the railroads represented by the National Carriers' Conference Committee set forth an arrangement to effect individual carrier implementation of interdivisional, interseniority districts and intradivisional or intrase-

minority district services, in freight or passenger service.

This arrangement provides for the carrier and union to each designate representatives to serve on a "task force" appointed for the purpose of meeting and discussing the implementation of the runs specified by the carrier.

If the task force is unable to agree, the matter is submitted to interest arbitration for a final and binding decision. Arbitrators are appointed by the National Mediation Board.

The following Arbitration Task Force decisions have been rendered under this series:

Volume 8 Contains 226 NMB Determinations

The National Mediation Board has published its eighth volume in a series titled, "Determinations of the National Mediation Board". Volume 8 covers determinations of craft or class, as well as other significant determinations of the Board relating to Section 2, Ninth of the Railway Labor Act. There are 226 determinations, each of which carries an 8 NMB number, covering the period from October 1, 1980 through September 30, 1981.

Arbitration Task Force No.	Carrier	Organization	Issue
1	Penn Central Transportation Co.	United Transportation Union	Interdivisional service
2	Southern Pacific Transportation Co.	United Transportation Union	Interdivisional service
3	Lehigh Valley RR Co.	United Transportation Union	Interdivisional service
4	Baltimore & Ohio RR Co.	United Transportation Union	Interdivisional service
5	Southern Ry. Co. Alabama Great Southern RR Co. Cincinnati, New Orleans & Texas Pacific Ry. Co. Georgia Southern & Florida Ry. Co. Central of Georgia RR Co.	United Transportation Union	Interdivisional service
6	Denver & Rio Grande Western RR Co.	United Transportation Union	Interdivisional service
7	Missouri Pacific RR Co.	United Transportation Union	Interdivisional service
8	Chicago, Rock Island & Pacific RR Co.	United Transportation Union	Interdivisional service
9	Norfolk & Western Ry. Co.	United Transportation Union	Interdivisional service
10	Chessie System	United Transportation Union	Interdivisional service
11	Grand Trunk Western RR Co.	United Transportation Union	Interdivisional service
12	Southern Ry. Co.	United Transportation Union	Interdivisional service
13	Detroit & Mackinac Ry. Co.	United Transportation Union	Interdivisional service
14	Seaboard Coast Line RR Co.	United Transportation Union	Interdivisional service
15	Delaware & Hudson Ry. Co.	United Transportation Union	Interdivisional service
16	Delaware & Hudson Ry. Co.	United Transportation Union	Interdivisional service
17	Norfolk & Western Ry. Co.	United Transportation Union	Interdivisional service
18	Delaware & Hudson Ry. Co.	United Transportation Union	Interdivisional service
19	Delaware & Hudson Ry. Co.	United Transportation Union	Interdivisional service
20	Missouri-Kansas-Texas RR Co.	United Transportation Union	Interdivisional service
21	Delaware and Hudson Ry. Co.	United Transportation Union	Interdivisional service
22	Norfolk and Western Ry. Co.	United Transportation Union	Interdivisional service



III. Representation Case Developments

Significant policy decisions were made in a number of representation cases resolved by the Board in 1981, as evidenced in the following report on current representation developments. The report covers seven categories: jurisdiction; carrier interference with employee rights; elections; decertification; mergers, acquisitions and deregulation; subordinate officials; and miscellaneous crafts or classes.

Jurisdiction

The Board continued to receive a substantial number of jurisdictional cases in 1981, continuing the trend from 1980. These cases arose either by the filing of an Application of a Representation Dispute by a labor organization or by a referral from the National Labor Relations Board.

In *ARA Environmental Services*, 9 NMB No. 14 (1981), the Board examined the relationship between Eastern Airlines and a contractor which performed security, passenger screening, and janitorial services for Eastern at Tampa, Florida. The Board found that the company was a carrier, based upon the degree of control exercised by Eastern in such areas as hours of employment, personnel matters, grievances, and facilities and equipment used to perform the work. Passenger screening is required by Federal law, and no Eastern employee at Tampa performs that service; only the ARA employees do screening.

In *Evergreen Helicopters*, 8 NMB No. 147 (1981), the Board found that a helicopter service providing specialized service such as spraying and seeding for logging companies, ferrying crews and equipment for oil companies, and providing emergency medical service, was a common carrier by air. The carrier was one of a number of subsidiaries of a company which also operates an airline. The carrier holds itself out to the public as being available for hire, actively seeks customers, and is certificated as an air-taxi service.

The Board issued an Interim Order in *Long Island Railroad and Staten Island Rapid Transit*



REPRESENTATION BRIEFING—NMB Chief Hearing Officer David M. Cohen briefs the Association of Flight Attendants on Board policies regarding representation procedures under the Railway Labor Act. The occasion was AFA's 1981 Annual Collective Bargaining Staff Meeting in Washington, D.C.

Operating Authority, 8 NMB No. 89 (1981), based upon the decision of the United States Court of Appeals for the Second Circuit holding that the Railway Labor Act and New York's Taylor Law co-existed with respect to employees of the LIRR, who are state employees. The court held that the self-help provisions of the Railway Labor Act cannot be invoked following rejection of a proffer of arbitration, because state law prohibits LIRR employees from striking. On the basis of this ruling the Board ruled that it would no longer provide its mediation services, but that the court's decision did not disturb the Board's jurisdiction over representation disputes or arbitration. Subsequently, the Board conducted several elections on the LIRR, and the state has challenged the Board's jurisdiction over representation disputes. On appeal to the U. S. Supreme Court, the unions and the Federal Government have argued that the RLA pre-empts any state role in labor regulation, while the LIRR has argued that no part of the RLA applies to it. The New York Public Employment Relations Board, which administers the state law, has argued that either the RLA applies or the Taylor Law applies, but the two cannot apply together. Resolution of the matter should come in the next fiscal year, as

the Supreme Court has agreed to hear the unions' appeal of the Second Circuit decision on January 20, 1982. In another case involving a state-owned carrier, *North Carolina State Ports Authority*, 8 NMB Nos. 66 and 103 (1981), the Board was asked to re-examine its assertion of jurisdiction over the Ports Authority following creation of the North Carolina Ports Railway Commission and transfer to it of the Port Authority's railroad track and equipment. The Board held hearings on the matter, but no determination had been issued by the end of 1981.

In *Rail Car Corp.*, 8 NMB No. 136 (1981), the Board found that the employer was not presently a carrier, but would become one in the future. Rail Car repairs, rebuilds and maintains freight cars, which in and of itself would not confer Railway Labor Act jurisdiction. However, Rail Car's owner intends to purchase right-of-way of the former Rock Island Railroad and to operate a railroad. When that occurs, Rail Car would become a carrier because of its interrelationship to the new railroad.

In *DHL Corporation*, 9 NMB No. 22 (1981), the Board found that the company, which delivers time-sensitive cargo by air, was a carrier. DHL both operated its own airline subsidiary and acted as a freight forwarder.

Finally, in *Elliott Flying Service*, 9 NMB No. 47 (1981), the Board asserted jurisdiction over a certificated air taxi operator which engaged in interstate charter operations, including a contract with the Army. The company also provided fueling and emergency maintenance service for Frontier Airlines, and engaged in sales and servicing of small aircraft.

Carrier Interference With Employee Rights

The most significant developments in National Mediation Board handling of representation disputes pursuant to Section 2, Ninth, of the Railway Labor Act were in the Board's treatment of carrier conduct which interfered with, influenced, or coerced employees in the exercise of their right to select a representative for purposes of collective bargaining. Such conduct is prohibited by Section 2, Third and Fourth of the Act, as well as Section 2, Ninth.

The first case considered by the Board was *Laker Airways, Ltd.*, 8 NMB Nos. 65 and 79 (1981). During the course of elections involving Office Clerical Employees and Passenger Service Employees, the International Brotherhood of Teamsters requested

that the elections be set aside on the basis of certain conduct on the part of Laker officials. Upon investigation, it was determined that Laker officials had solicited employees to turn their ballots in to their supervisors; had provided stamped envelopes addressed to the Director of Personnel along with employee pay checks to facilitate turning in of ballots; had kept track of which employees had received ballots, thereby conveying the impression that employees were being watched; had polled employees regarding their views during the elections; had granted an unusual pay raise just before mailing of ballots; and had had supervisors personally receive ballots from employees. Each of these actions was held to be a violation of the Act. Almost 75% of the ballots were in the carrier's hands by the count date.

The Board created a novel remedial scheme to insure that new elections would be conducted in a non-coercive atmosphere and in accordance with democratic principles. First, and most significant, in lieu of the usual ballot, which provides no "No Union" box and requires that a majority of eligible employees cast valid ballots, the Board instituted a "Yes—No" ballot, with the result to be determined by the majority of those actually voting.

Second, instead of a mail ballot, the Board voted to use a ballot box election at each of Laker's stations. This way, no ballots left the presence of a Board representative. Third, the Board mailed a copy of its 25-page decision to each of the 240 voters, so that they would be informed of the findings. And fourth, the carrier was ordered to post a notice to all employees, signed by a carrier official, stating that Laker had been found to have interfered with its employees' rights, and that it would refrain from doing so in the new elections.

In the subsequent elections, the employees voted overwhelmingly against representation by the Teamsters in both crafts or classes.

In several other cases on two carriers, the Board and Federal courts found the carriers guilty of violating their employees' rights under the Act. In *American Inter-Island*, 8 NMB No. 121 (1981), the Board concluded that flight attendants had been discharged for bringing grievances to management, for making statements to the press, and for engaging in a brief work stoppage. On the basis of this conclusion, the Board held that the discharged employees were eligible to vote, and that other employees alleged to be working as flight attendants were not. The District Court later reached the conclusion that AII had violated the employees rights, and ordered that they be

reinstated. The union won the election when all eligible employees voted for it.

In *Transkentucky Transportation Railroad*, 8 NMB No. 146 (1981), the carrier was found guilty by the court of violating the Act for discharging employees who were distributing union authorization cards. On the basis of the court's decision, the Board ordered that a ballot box election using a Laker-type ballot be used. The union won one of the three elections held.

Elections

A major change was made in conducting mail ballots elections in Washington, D.C., as a result of several problems with handling of ballots by Board and Postal Service personnel. Prior to this change, announced in 8 NMB No. 215 (1981), ballots were sent to a post office box in Washington, where they

were sorted and held until called for on the day of the count.

Under the new procedure, all ballots will be sent directly to the Board's offices in Washington and held in a safe until the count date. This procedure will insure more accurate ballot counts, and will save the Board approximately \$9,000 per year (\$95 per case) in handling fees, plus several hundred hours of staff time.

A case involving Passenger Service Employees of *Trans World Airlines*, 8 NMB Nos. 91 and 143 (1981), brought one of the few instances where the Board has needed judicial assistance to conduct a representation election. The Board set aside the original election without counting the ballots because of substantial problems encountered during the case, and requested that the carrier provide more information and a set of address labels so that a second election could be conducted. TWA refused to provide the information, and demanded that the Board count ballots from the first election, whereupon the De-



THE DRAMA UNFOLDS—More than 2,400 Republic Airlines' mechanics and related employees were the subject of the 1981 representation election between the International Association of Machinists and Aerospace Workers and the Airline Mechanics Fraternal Association. A majority of eligible employees in a craft or class must cast valid ballots to determine who will be the collective bargaining representative. Board Representative Samuel J. Cognata (back to camera) counts votes assisted by Board Representative Joseph E. Anderson (standing). Also at the table recording the count are AMFA and IAM&AW representatives.



SAFE-KEEPING—Chief Hearing Officer David M. Cohen (right) removes ballots from safe at NMB headquarters and hands them to Hearing Officer Roland Watkins prior to holding a representation election count involving Airborne Express and the International Brotherhood of Teamsters.

partment of Justice filed suit on behalf of the Board.

The court ordered TWA to provide the requested information in a usable form. The Board received a master computer tape of employees, and using a combination of outside contractors and the Board's computer, constructed a list of potential eligible voters. This list was refined by hand through appeals from the unions and the carrier. In addition, TWA was ordered to provide the necessary address labels. Use of the computer in this case marked the first time that the Board has used its system to manage an election, and the results were encouraging for future cases.

The group which probably represents the largest unorganized craft or class in the airline industry, *United's* Passenger Service Employees, was the subject of applications which were dismissed prior to an election when neither of the two unions involved presented a sufficient showing of interest, 8 NMB No. 203 (1981). Two issues raised in the case were the cut-off date for receipt of additional authorization cards and the applicability of the dismissal bar in §1206.4(b) of the Board's Rules.

The Board affirmed the Board representative's ruling cutting off receipt of additional authorization cards on the day he received the list of potential eligible voters from the carrier, even though this list was received prior to the start of the on-the-property investigation. The Representation Manual provides for such a cut-off upon receipt of the list, whether on the property or at some other place. The Board also confirmed that its one-year bar to applications involving

the same craft or class, following dismissal of an application where no dispute existed, applies to all parties in the original case, whether applicant or intervenor. A subsequent court suit challenging the Board's action was dismissed when the court determined that the Board had conducted an investigation as required by the Act.

Finally, in a case involving *Zantop International Airlines*, 9 NMB No. 23 (1981), the Board dealt with an appeal regarding what constitutes a "majority" for purposes of certification of a representative. Under the Board's voting procedures, a majority of eligible employees must cast valid ballots, and the individual or organization receiving a majority of the ballots cast is certified. The Board permits write-in votes.

Zantop contended that the write-in votes in two elections should not be counted, and that the applications should be dismissed, because less than a majority of those eligible voted for the applicant, although enough write-in votes had been cast to make up the difference. The Board reaffirmed its historic voting procedure, noting that the U.S. Supreme Court has specifically approved of its ballot in *Bro. Railway and Steamship Clerks v. Assn for the Benefit of Non-Contract Employees*, 380 U.S. 650 (1965). The Board rejected reliance upon post-election affidavits of employees who cast write-in ballots, who stated that they had not intended to cast valid ballots. Zantop filed suit against the Board in December 1981, in an effort to have the certifications invalidated. *Zantop Int'l Airlines v. NMB*, C.A. No. 8174593 (E.D. Mich.).

Decertification

The Railway Labor Act, unlike the National Labor Relations Act, contains no statutory provision for decertification of a labor representative. The Board has always assumed that, because Congress had to amend the National Labor Relations Act in 1947 to provide a decertification procedure under that Act, that similar legislative action would be required for creation of a similar procedure under the Railway Labor Act. In 47 years, no decertification elections have been conducted. This has not prevented employees from changing representatives, however. In the past five years, one-third of the Board's elections resulting in certification of a representative involved challenges to incumbent unions, and the challenger won 70% of those elections. In fiscal year 1981, a third of all cases docketed involved challenges to incumbents.

In several cases, the Board found that an applicant lacked the intent to represent the craft or class of employees, and dismissed the applications.

Last year, the Board reported on a case involving the *Chicago Union Station*, 8 NMB No. 23 (1980). In 1981, counsel for the applicant requested reconsideration of the Board's action dismissing the application, on the ground that a labor organization must represent employees who choose it, even if the organization affirmatively disclaims interest in the employees. The Board denied the request for reconsideration, 8 NMB No. 77 (1981), and the applicant unsuccessfully sued the Board in the Federal District Court in Chicago. *Gardner v. NMB*, Civil No. 81-C-3007 (N.D. Ill. 1981).

In *Lamoille Valley Railroad*, 8 NMB No. 128 (1981), the Board dismissed the application of an applicant who failed or refused to file the required reporting and disclosure statements with the U.S. Department of Labor in accordance with the Labor-Management Reporting and Disclosure Act of 1959. Filing is uniformly required of all applicants under the Railway Labor Act, and the applicant in this case is the only one thus far who did not comply. The carrier has filed suit against the Board as a result of the dismissal. *Lamoille Valley RR. v. NMB*, Civil No. 81-135 (D. Vt.).

Finally, in *Atchison, Topeka and Santa Fe Ry.*, 8 NMB No. 135 (1981), the Board dismissed the application of an individual whose stated intention was to replace the incumbent union and eliminate all collective bargaining agreements, thereby returning to unilateral employer determination of rates of pay, rules and working conditions. The Board found that this would have the effect of decertification, notwithstanding the existence of a certification and obligations which attach thereto. The applicant has filed suit against the Board as a result of the dismissal. *Russell v. NMB*, No. CA 2-81-138 (N.D. Tx.).

Mergers, Acquisitions, and Deregulation

No mergers or acquisitions affected the Board's representation procedures during the year. However, a major proceeding began on a petition involving the creation of New York Air as a subsidiary by Texas Air Corporation, the parent company of Texas International Airlines (TXI). Basically, the labor organizations representing various crafts or classes on TXI assert that they also represent the same crafts

or classes on New York Air, due to the nature of the two carriers' corporate interrelationship. Both airlines and their parent corporation assert that the two carriers are independent entities for purposes of representation under Section 2, Ninth, of the Act.

Subordinate Officials

Continuing the trend of recent years, the Board faced a series of cases concerning whether certain carrier employees were covered by the Railway Labor Act, or whether they were management officials outside of the scope of the Act.

In *Frontier Airlines*, 8 NMB No. 99 (1981), the union sought to represent various maintenance foremen who had been determined to be management officials in two previous cases. Following hearings in Denver, the Board found that the union had not met its burden of showing that the foremen did not perform the managerial duties and responsibilities attributed to them in the earlier investigations. Specifically, the Board found that the foremen did have the authority to discipline and evaluate employees, handle and resolve grievances, participate in budgetary matters and commit carrier resources, and assign overtime.

In *Lanica Airlines*, 8 NMB No. 102 (1981), the Board held that the union failed to present evidence which would persuade the Board to overturn a stipulation between the carrier and the union in 1978 that certain managers were managerial officials. That stipulation had been reached in the course of hearings in an earlier case.

Hearings concerning Production Supervisors at Pan American World Airways, and Maintenance, Stores, Fleet Service and Passenger Service Supervisors at British Airways were held in 1981, but proceedings had not been completed by the end of the year.

Miscellaneous Crafts or Classes

For the first time since the 1961 determination by a committee of three neutrals that flight deck crew members constituted a single craft for purposes of representation, the Board had occasion to re-examine that issue in 1981. Basically, the issue is whether flight engineers are part of the same craft or class as pilots and co-pilots. The committee had determined



INVESTIGATION—The Board annually must investigate scores of representation cases, as Board Representatives Joseph W. Smith and Laurette M. Piculin are doing here in a dispute between the United Transportation Union and the White City Terminal and Utilities Railway Company.

that they were where the carrier required that the flight engineer be pilot-qualified.

In *Zantop International Airlines*, 8 NMB Nos. 189 and 211 (1981), and *DHL Cargo*, 9 NMB No. 11 (1981), the Board reaffirmed the conclusions of the committee, holding that a single craft or class exists only where the carrier imposes a uniform requirement that all flight engineers have or obtain pilot training and certification. Even where the majority of flight engineers may have voluntarily obtained pilot certification, the absence of a carrier-imposed requirement will dictate that flight engineers be treated as a separate craft or class.

In a decision involving the *White City Terminal and Utilities Co.*, 9 NMB No. 10 (1981), the Board was faced with the question of whether locomotive engineers, brakemen, and maintenance of way employees constituted a single craft or class on a small carrier. The Board held that the Railway Labor Act provides for representation only on the basis of craft or class, and not on the basis of appropriate bargaining units such as those which might be utilized under the National Labor Relations Act. Locomotive engineers and brakemen were generally recognized as crafts or classes long before World War I, and the craft or class of Maintenance of Way Employees was well-enough established by World War I that a na-

tional agreement was signed by the Director General of Railroads covering that craft or class. Therefore, no basis was presented for combining the three crafts or classes.

Two cases presented the question of including stock clerks in the craft or class of Mechanics and Related Employees. *Comair*, 9 NMB No. 2 (1981); *DHL Cargo*, 9 NMB No. 3 (1981). In 1965, the Board determined that Stock Clerks constituted a separate craft or class for purposes of representation under the Act, and removed them from their previous craft or class, based upon developments in the airline industry. However, they had never been aligned with mechanics, and in the two cases decided, there was no showing that the stock clerks were performing any mechanical work. Rather, they were storing and issuing parts and tools, which is a store-keeping function. On that basis, the Board determined that the employees were Stock Clerks.

In *Pakistan International Airlines*, 8 NMB No. 163 (1981), the Board held that the separate crafts or classes of Office Clerical Employees, Fleet Service Employees, and Passenger Service Employees were appropriate for purposes of representation on that carrier. The applicant already represented Fleet Service Employees pursuant to a voluntary recognition agreement. The Board excluded the secretary to the Regional General Manager from the Office Clerical Employees craft or class, but included four secretaries to lower-level managers because the manager had no critical labor relations or personnel functions which would warrant exclusion of their secretaries from coverage under the Act.

The dissolution of the Railway Employees Department, AFL-CIO, which had at one time consisted of six shopcraft unions in the railroad industry, led to two cases in which the Board was asked to determine which of the unions presently represents the employees. In *Seaboard Coast Line Railroad*, 8 NMB No. 109 (1981), the Board announced that the affiliated union which actually represents the employees as evidenced by dues deduction, would be deemed to be the present representative. In *Terminal Railway Alabama State Docks*, 8 NMB No. 174 and 9 NMB No. 16 (1981), the Board was immediately confronted with a case where the certified affiliate collected dues from the employees, but paid them to a second affiliate which negotiated agreements for the employees. Under the circumstances, the Board concluded that the employees should be given the opportunity to determine which of the two unions they desire to have represent them, and conducted an election to resolve the issue.

The status of a voluntary recognition agreement was in issue in *Union Pacific Railroad*, 8 NMB No. 127 (1981). In that case, two groups of employees who had been placed under a collective bargaining agreement for the first time as a result of negotiations between the carrier and union, filed applications in an attempt to remove themselves from coverage. After examining the employees' arguments, the Board concluded that the job classifications were properly part of the larger craft or class, and that it would not interfere with voluntary recognition agreements, particularly where the carrier had agreed that the positions were not managerial.

Two cases on *Air Florida*, 8 NMB Nos. 181, 188, and 201 (1981), involved a number of issues. First, the Board reaffirmed the crafts or classes of Fleet Service Employees and Passenger Service Employees rejecting the carrier's call for one craft or class of airport employees and one of reservations employees. Second, the Board ruled that so-called collective bargaining agreements between Air Florida and employee "committees" did not conform to generally-

recognized labor relations practices, and the committees were not representatives within the meaning of Section 1, Sixth, of the Act. Third, the Board reiterated its policy of not accepting alleged revocations of employee authorization cards, preferring instead to rely on secret-ballot elections. And fourth, the Board would continue to accept additional authorization cards from the applicants until the procedures in its Representation Manual had been complied with by the carrier.

In *Airborne Express*, 9 NMB No. 35 (1981), the Board determined that loadmasters were part of the craft or class of Fleet Service Employees. Loadmasters performed all of the functions of other ramp employees in loading and unloading freight on this all-cargo carrier. In addition, they accompanied some flights to stations where the carrier had no ramp employees, and loaded and unloaded aircraft at those stations. Since the essential duties of loadmasters were the same as those of ramp employees, the Board ruled that they share a community of interest.



IV. NMB Litigation Activities During Fiscal Year 1981

During fiscal year 1981, the Board's legal staff handled forty-six litigation cases, closing twenty-six with twenty pending at the end of the fiscal year. This represents the most cases closed in the Board's experience, up from the previous high of nineteen case closings in fiscal year 1980.

The significant degree of litigation activity during fiscal year 1980 associated with the Board's representation functions continued in fiscal year 1981. Apparently, both labor and management parties have increased their willingness to test the Board's determinations through litigation. In one representation case alone, involving Trans World Airlines, four civil actions were filed seeking various relief, including one action filed on behalf of the United States.

In some circumstances, the parties in adjustment board proceedings under Section 3 of the Railway Labor Act¹ have continued to name the board and/or its members as defendants when seeking judicial review of an adverse award. Although this improper practice uniformly has resulted in dismissal of the board and its members, it still remains a frequent source of litigation.

Significant Court Determinations

During fiscal year 1981 a number of significant decisions affecting the National Mediation Board, the National Railroad Adjustment Board and other matters of governmental interest under the RLA were issued by the federal courts. An analysis of the most significant of those determinations has been prepared by the Agency's legal staff.

Judicial Review of Railway Labor Act Jurisdiction

In *Chicago Truck Drivers, Helpers and Warehouse Workers Union v. National Mediation Board*,² the union requested that the NMB administratively review and reverse its previous assertion of jurisdiction over the Federal Express Corporation. When the Board declined such review on the ground that there



COURT DISCUSSION—NMB General Counsel Ronald M. Etters (right) discusses current litigation matters with Roland P. Wilder, Jr., of the International Brotherhood of Teamsters, at the U.S. District Court for the District of Columbia.

was no case actively pending before it, the plaintiff brought an action to set aside the Board's prior jurisdictional determination. The District Court, in dismissing the action, held that the NMB had no obligation to issue advisory opinions, and that the Board's refusal to reconsider its earlier jurisdictional decision was not a final agency action subject to judicial review.

The complex matter of *Delpro Company v. National Mediation Board* resulted in four separate judicial decisions during the fiscal year. In the first action, the Court held that the federal judiciary had very limited jurisdiction to review actions of the National Mediation Board.³ The Court emphasized that there is agreement among the Courts that the judiciary does not have jurisdiction to review even questions of agency jurisdiction at the pre-certification stage. The court found that such controversies are simply not ripe for adjudication because the administrative process remains incomplete until the

Board has concluded its investigation, including an election if one was directed by the Board.

However, once the Board had completed its investigation, the Court stated that it would have jurisdiction to review the question of whether or not Delpro was a carrier within the meaning of the Railway Labor Act. The Court further determined that the union ultimately certified by the Board in the representation case, the Brotherhood Railway Car-men, was a necessary party to the litigation and, therefore, dismissed the entire action in its absence.

Delpro subsequently refiled its action challenging the Board's jurisdiction and this time joined the BRC as a party in the litigation. The Court's first determination in this refiled action held that the appropriate standard of review was not *de novo* but, rather, whether the NMB's decision was arbitrary, capricious or an abuse of discretion. The Court also denied several Delpro requests for discovery against the Board principally on the ground that the agency had submitted an administrative record supporting its jurisdictional determination.⁴

Following its initial procedural determinations, the Court issued a third decision affirming the Board's conclusion that Delpro was subject to the RLA and the agency's jurisdiction.⁵ The Court held the NMB was justified in finding that Delpro was directly or indirectly owned by a carrier by railroad. The decision noted that it was immaterial whether Delpro was owned by a group of carriers or a single carrier for purposes of jurisdiction under the Railway Labor Act.

It was held that Delpro's circumstances also satisfied the RLA's alternative test of being controlled by a carrier by railroad. The Court found that because certain railroads owned nearly all the stock of Trailer Train, and were represented on Trailer Train's Board of Directors by their corporate officers, those carriers controlled Trailer Train and its subsidiaries, including Delpro.

The decision further held that the repair of railroad cars, function found by the court to be essential to the operation of any railroad, constituted the performance of a service in connection with the transportation of property by railroad within the meaning of the RLA. Quoting from an earlier Court determination involving a related statute, the Court found "it is difficult to conceive of any supporting activity that is more inheritant or vital to sustain the functioning of a railroad system than the repair and construction of its rolling stock".

The fourth judicial determination in this series

resulted from Delpro's motion for a stay of an injunction compelling it to bargain with the certified union pending appeal of the jurisdictional issues. The District Court denied that motion, stating its rationale in part that from the statutory scheme of the RLA it was clear Congress intended this type of labor dispute to be resolved quickly and within a minimum of judicial delay.⁶ The United States Court of Appeals for the Third Circuit subsequently denied Delpro's petition for a stay pending appeal.⁷

Although the National Mediation Board was not a party in the matter of *United Transportation Union v. Long Island Railroad Company*, the case concerns the jurisdiction of the Railway Labor Act. The District Court initially held that the Long Island Railroad was a carrier within the meaning of the Railway Labor Act and, accordingly, was subject to its entire legislative scheme, including the ultimate right to strike.⁸ The United States Court of Appeals for the Second Circuit reversed the District Court's decision in part.⁹

The Court of Appeals agreed with the District Court that the Long Island Railroad was a carrier subject to the RLA. However, the Court further found that the prohibition against strikes provided, by New York State's Taylor Law¹⁰ must preempt the federal scheme on the basis of the Supreme Court's interpretation of the Tenth Amendment in *National League of Cities v. Usery*.¹¹ The Circuit Court subsequently denied the UTU's petition for rehearing and rejected its suggestion for rehearing en banc.¹²

The Supreme Court has granted *certiorari* in this matter and the Solicitor General of the United States has filed an *amicus curiae* brief seeking reversal of the Court of Appeals' decision. The Solicitor General's position is that the federal scheme under the Railway Labor Act predominates and, therefore, should preempt inconsistent state law.

Judicial Review of National Mediation Board Representation Determinations

The District Court dismissed the complaint in *Air Line Employees Association, International v. National Mediation Board* on the basis of lack of subject matter jurisdiction.¹³ The ALEA had sought to set aside a Board certification issued to the International Brotherhood of Teamsters with respect to certain employees of Texas International Airlines. The court stated it found the NMB's argument persuasive that the "somewhat cursory" nature of the

Board's review of the ALEA's protests was justified by the quality of the protests themselves.

The Court further held inasmuch as the RLA reserves for the Board the power to establish the rules to govern elections as well as to designate eligible voters, the nature of the issues raised in the ALEA's suit were not of the level that were susceptible to review by the courts. ALEA's constitutional claims and its efforts to obtain discovery against the Board also were rejected.

The consolidated cases of *Trans World Airlines, Inc. v. National Mediation Board* and *United States of America v. Trans World Airlines, Inc.* were litigated during the fiscal year.¹⁴ Following TWA's refusal to provide the Board with a duplicate set of employee home address labels in order to conduct a rerun representation election, the Department of Justice, in the name of the United States of America, filed suit against TWA to compel the production of the addresses.

Although the Court did not impose upon TWA the absolute obligation to provide the address information in label form, it required TWA, at its option, to either provide the labels or to provide an even more extensive computer tape covering the home addresses of all employees currently in TWA's service. In either event, TWA was required to bear the cost of the production of those materials. TWA ultimately determined to provide the employee address data in peel-off label form as the Board had requested. In that same action, TWA raised numerous counter-claims against the Board, including an effort to enjoin the Board from conducting a second election as well as raising Freedom of Information Act and Sunshine Act claims. All of the counter-claims were dismissed.

In the *Trans World Airlines, Inc. v. National Mediation Board* portion of the consolidated litigation, TWA sought relief closely parallel to the counter-claims it had brought in the affirmative case initiated by the United States. The Court denied TWA's efforts to enjoin the Board's second election in the representation proceeding, as well as denying TWA's efforts to compel the Board to further process certain eligibility appeals and to count the ballots cast in the first election. The court indicated that it has "serious doubts" whether it ever would have jurisdiction to address these issues, but held that, in any event, they were not ripe at that time for judicial review. The ripeness consideration was based on the fact that the Board had not yet completed its representation investigation, including the rerun election.

The Court further found that TWA did not have standing to obtain judicial relief under the circumstances. Although TWA alleged injury by the Board's asserted "false statements", the Court held that redress, if any, would not lie under the Railway Labor Act. The alleged injuries relating to a second election were found to be too "speculative and minimal" to generate any standing to move for injunctive relief on behalf of TWA. The court also held that any disruption caused by a second election is an "accepted and necessary by-product of government labor regulation". TWA's claims under the Freedom of Information Act and Government in the Sunshine Act were not acted on by the Court during the fiscal year.

The IBT sought to set aside a Board certification issued to the Air Line Employees Association, International in the case of *International Brotherhood of Teamsters v. National Mediation Board*.¹⁵ During the representation proceedings leading to the litigation, a Board representative discovered fifty-seven mismarked ballots which, when subsequently tabulated, resulted in the IBT being certified to represent certain employees of Aspen Airways, Inc. The IBT's application previously had been dismissed. However, the Board determined that the particular facts of the case required application of its "unusual or extraordinary circumstances" exception and, accordingly, the NMB did not impose its standard two-year certification bar. In the election conducted during the two-year period, the ALEA was certified to represent the employees.

The Court held that although the IBT may "reasonably dispute" whether the particular facts should have invoked the extraordinary and unusual circumstances clause of the Board's Rules, that determination was "made within the discretion Congress granted to the Board under the Act". The Court, therefore, dismissed the action holding that the Board's overall handling of the representation case was within its "broad discretion".

The Court of Appeals for the Ninth Circuit affirmed the District Court's dismissal of an action against the Board in *Hawaiian Airlines, Inc. v. National Mediation Board, et al.*¹⁶ The Court of Appeals held that once the District Court determined the Board had met its statutory duty to "investigate" a representation dispute, the Court lacked the authority to "inquire further into the kind or quality of the investigation or to impose judicial standards on the Board's reviewing process".

Subsequently, the Court of Appeals denied the carrier's petition for rehearing and rejected its sug-

gestion for rehearing en banc.¹⁷ In addition to its prior holding, the Court added to its previous rationale finding that the NMB's Representation Manual is merely an "internal statement" of agency policy which created "no substantive rights".

Arbitration Forums and Their Members Held Improper Parties to Review Proceedings

A long line of federal case authority has established that the individual members of arbitration forums under the Railway Labor Act, as well as the forums themselves, are improper parties in a judicial proceeding to review their arbitration awards. The proper parties in a judicial review action are those same partisan parties which appeared before the arbitration forum. This trend of authority was continued during fiscal year 1981.

In *D. Middleton v. Missouri Pacific Railroad Company, et al.*,¹⁸ it was concluded that the Federal Courts have "unanimously held" that the Public Law Boards and their members were subject to dismissal as improper parties in suits to review the Board's determinations. The Court expressly recognized the long-standing authority of *System Federa-*

tion No. 30 v. Braidwood.¹⁹ In another review action, *Brotherhood of Railway, Airline and Steamship Clerks v. Denver & Rio Grande Western Railroad Company, and National Railroad Adjustment Board*,²⁰ the NRAB was dismissed from the action on the basis of *System Federation No. 30 v. Braidwood* and similar authority.

Citations:

1. 45 U.S.C. §153.
2. Civ. No. 80 C 2286 (N.D. Ill. Dec. 15, 1980).
3. 509 F. Supp. 468 (D. Del. 1981).
4. Civ. No. 81-103 (D. Del. July 13, 1981).
5. 519 F. Supp. 842 (D. Del. 1981).
6. 108 LRRM 2433 (D. Del. 1981).
7. Appeal No. 81-2475 (3rd Cir. Sept. 21, 1981).
8. 509 F. Supp. 1300 (E.D.N.Y. 1980).
9. 634 F. 2d 19 (2nd Cir. 1980).
10. N.Y. Civ. Serv. Law §210.
11. 426 U.S. 833 (1976).
12. Appeal No. 80-7199 (2nd Cir. Dec. 17, 1980).
13. 107 LRRM 2428 (D. D.C. 1981).
14. 107 LRRM 2571 (D. D.C. 1981).
15. 107 LRRM 3038 (D. D.C. 1981).
16. 107 LRRM 3352 (9th Cir. 1981).
17. Appeal No. 79-4265 (9th Cir. Nov. 16, 1981).
18. Civ. No. 80-0839-CV-W-2 (W.D. Mo. Jan. 14, 1981).
19. 284 F. Supp. 607 (N.D. Ill. 1968).
20. Civ. No. 80 C 226 (N.D. Ill. Nov. 25, 1980).



V. A Look at Our Case Record

The report that follows is a statistical overview of mediation, representation and interpretation cases as set forth in Tables 1 through 5 at the end of this chapter.

Definitions

The three dispute categories covered in this chapter are:

Mediation—Contract disputes entered into by NMB between carriers and employees affecting rates of pay, rules or working conditions not settled through direct negotiations. These cases are commonly referred to as “A” cases.

Representation—Disputes among crafts or classes of employees as to who will represent them for purposes of collective bargaining with employers. These cases are commonly referred to as “R” cases.

Interpretation—Controversies arising over the meaning of the application of an agreement reached through mediation. These cases are commonly referred to as interpretation cases.

Overall Assessment of Closed Out Cases

For the first time in the National Mediation Board’s history, the aggregate number of closed cases topped 16,000—16,101 to be exact. The case distribution included 10,716 mediation, 5,241 representation and 144 interpretation cases stamped “closed.”

There were 296 cases of all types closed in fiscal year 1981. In the representation area, 131 airline and railroad cases were closed. Except for fiscal 1980—when 144 representation cases were resolved—the 131 figure represents the most representation close outs in the last 27 years.

The 70 representation disputes closed in the airlines in 1981 adds up to the second largest number of

representation cases resolved in that industry since the first airline cases were tallied in 1938. A record 95 representation cases were closed in the airlines in fiscal 1980. In the railroads, 61 representation cases were resolved in fiscal 1981—the most representation close outs in that industry in 15 years.

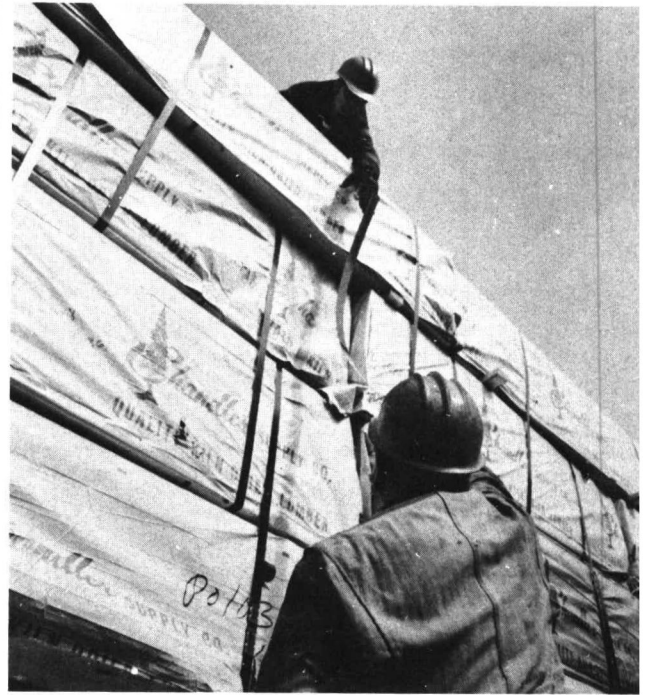
A number of difficult and complex issues resulted in many extra hours time for Board Members and the NMB staff in bringing collective bargaining cases to a close in fiscal 1981. All told, 164 mediation cases were resolved in 1981—105 in the railroads and 59 in the airlines. As mentioned earlier, the Board was highly effective in its 1981 mediation efforts, with only two airline strikes marring its successful settlement record. In addition, one interpretation case was closed out in 1981 with none pending at the end of the fiscal year.

Cases Docketed

The Board’s total docketed caseload of railroad and airline disputes reached 16,217 in fiscal 1981. As Table 1 indicates, there was a 31-case increase in the number docketed in fiscal year 1981. There were 299 cases docketed in 1981 as compared to 268 cases docketed in fiscal year 1980. The 1981 figure reveals a slight decrease in docketed representation cases and an increase of about 25% in docketed mediation cases as compared to the 1980 caseload.

In 1981, the Board docketed 125 rail and airline representation cases and, with a 35-case carryover, there were 160 cases pending at the beginning of the fiscal year. With the 131-case resolution, there were 29 representation disputes unsettled at the end of fiscal 1981. This contrasted with the 35 representation cases pending at the close of fiscal 1980.

Table 1 also shows the Board docketed 173 rail and airline mediation cases in fiscal 1981. With 174 mediation cases carried over from 1980, there were 347 mediation disputes pending as the current fiscal year began. As previously stated, the Board subsequently resolved 164 mediation cases. The one docketed interpretation case was closed out.



ALL IN A DAY'S WORK—Nearly 1,700,000 railroad and airline workers have been involved in some 6,575 craft or class determinations in a 47-year period. Over 3,900 of those cases resulted in certification of employee representatives by the Board.

Major Groups of Employees Involved in Various Cases

There were 16,051 employees involved in railroad and airline representation disputes in fiscal 1981, as indicated in Table 2. Actually, nearly 2,000 more employees were involved in representation disputes than in the previous year when the caseload was heavier—144 representation closeouts in 1980 versus 131 in 1981. Both years, most of the involved employees worked for the airlines.

Table 2 further shows that resolution in 1981 of 70 airline representation disputes covered 14,152 employees as compared to the record setting 95 close outs affecting 13,397 employees in the industry in 1980. In the railroads, 1,899 workers were involved in the disposition of 61 representation cases. There was a 12-case increase and 1,130 more rail employees involved in representation disputes closed out in 1981 as compared to 1980.

Table 3 covers the resolution of both representation and mediation cases in fiscal 1981. Employees in the railroads were involved in 166 representation and mediation cases and employees in the airlines were involved in 130 cases closed by the Board.

In the railroad industry, as Table 3 indicates, the greatest activity was among train, engine and yard

service employees with a total of 76 closed cases, including 56 mediation and 20 representation cases.

In the airline industry, Table 3 indicates pilots were involved in the most case close-outs—16 mediation and nine representation cases. They were followed by flight attendants, 13 mediation and five representation; mechanics and related, six mediation and 12 representation; and office, clerical, fleet and passenger service, seven mediation and two representation cases closed.

Table 4 is a summary of crafts or classes of employees involved in representation cases closed out in fiscal year 1981. Involved in closed representation cases—61 in the railroads and 70 in the airlines—were 131 crafts or class determinations covering 16,051 employees. This represents the second highest number of representation case close outs of craft or class determinations since 1954.

Election and Certification of Representatives

Table 2 shows in 1981 that 10,732 employees actively participated in the outcome of railroad and airline elections. Certifications were issued in 58 air and rail cases as compared to 57 the previous year.

Railroads led with 37 certifications, a 68% increase over last year's number, primarily due to successful attempts by challenging unions to take over groups of employees represented by other labor organizations. There were 21 certifications in the airlines as compared to 22 the previous year.

As to the 37 railroad certifications, there were 37 crafts or class determinations involving 1,458 employees of whom 1,133 participated in the elections. In the airlines, 21 crafts or class determinations were involved in the 21 certification cases. Some 6,771 employees participated in those certified elections out of the 8,043 airline workers involved.

The Board dismissed 73 representation cases—49 in the airlines and 24 in the railroads.

Table 5 reports the number of employees involved in various certification cases covering national organizations, local unions and/or individuals.

As Table 5 indicates, there were seven railroad certifications based on verification of authorization cards issued in fiscal 1981 as compared to one issued in 1980. None was issued in the airline industry in either year.

Railroad employees involved in 11 crafts or class determinations were represented for the first time by a national labor organization. There were no elections involving local railroad unions during the year.

Some 552 organized railroad employees, as Table 5 indicates, changed national bargaining representatives in 17 certification cases. At the same time, 674 rail workers in elections involving nine crafts or classes retained their same national labor organization.

In the airlines, Table 5 indicates 187 employees in eight craft or class cases were represented for the first time by a national organization. Eighty unorganized workers in three crafts or classes won representation rights in elections involving local unions.

Nearly 1,900 airline workers selected new national union representatives in six elections. There was one case where a local union won bargaining rights from a national union representing 21 employees.

In an additional three elections, 5,874 airline employees retained their same national labor organization following challenges by other unions.

Table 1—Number of Cases Received and Closed Out During Fiscal Years 1935—1981

Status of Cases	47-Year Period		1975-79		1970-74		1965-69		1960-64	
	1935-1981	1981	1980	5-Year Period (Avg.)	5-Year Period (Avg.)	5-Year Period (Avg.)	5-Year Period (Avg.)	5-Year Period (Avg.)	5-Year Period (Avg.)	5-Year Period (Avg.)
All Types of Cases										
Cases Pending and Unsettled at Beginning of Period	96	209	302	290	447	472	248			
New Cases Docketed	16,217	299	268	319	300	394	302			
Total Cases on Hand and Received	16,313	508	570	609	747	866	550			
Cases Closed	16,101	296	361	315	339	356	289			
Cases Pending and Unsettled at End of Period	212	212	209	294	408	510	261			
Representation Cases										
Cases Pending and Unsettled at Beginning of Period	24	35	51	41	11	22	17			
New Cases Docketed	5,246	125	128	111	76	82	62			
Total Cases on Hand and Received	5,270	160	179	152	87	104	79			
Cases Closed	5,241	131	144	104	74	82	62			
Cases Pending and Unsettled at End of Period	29	29	35	48	13	22	17			
Mediation Cases										
Cases Pending and Unsettled at Beginning of Period	72	174	251	247	435	447	228			
New Cases Docketed	10,827*	173	139	207	221	309	235			
Total Cases on Hand and Received	10,899	347	390	454	656	756	463			
Cases Closed	10,716*	164	216	208	261	271	221			
Cases Pending and Unsettled at End of Period	183	183	174	246	395	485	242			
Interpretation Cases										
Cases Pending and Unsettled at Beginning of Period	None	0	0	0	2	3	3			
New Cases Docketed	144	1	1	2	2	3	5			
Total Cases on Hand and Received	144	1	1	2	4	6	8			
Cases Closed	144	1	1	2	3	3	5			
Cases Pending and Unsettled at End of Period	0	0	0	0	1	3	3			

*This figure does not include reopened and reclosed cases.

Table 2—Representation Case Disposition by Craft or Class, Employees Involved and Participating, October 1, 1980 to September 30, 1981

	Railroads				Airlines			
	Number of Cases	Number of Crafts or Classes	Number of Employees Involved	Number of Participating Employees	Number of Cases	Number of Crafts or Classes	Number of Employees Involved	Number of Participating Employees
Total	61	61	1,899	1,265	70	70	14,152	9,467
Disposition:								
Certification	37	37	1,458	1,133	21	21	8,043	6,771
Dismissals	24	24	441	132	49	49	6,109	2,696
Combined Railroad and Airline Cases	131	131	16,051	10,732				

**Table 3—Number of Cases Closed by Major Groups of Employees,
October 1, 1980 to September 30, 1981**

	All Types of Cases	Represent- ation Cases	Mediation Cases	Interpre- tation Cases
Grand Total, All Groups of Employees . . .	296	131	164	1
Railroad Total	166	61	105	0
Agents, Telegraphers and Towermen	1	0	1	0
Boilermakers and Blacksmiths	0	0	0	0
Carmen	8	4	4	0
Dining Car Employees, Train and Pullman				
Porters	0	0	0	0
Electricians	1	1	0	0
Firemen and Oilers	1	0	1	0
Machinists	4	3	1	0
Maintenance of Equipment	1	1	0	0
Maintenance of Way and Signalmen	14	7	7	0
Marine Service	1	0	1	0
Mechanical Foremen and/or Supervisors of				
Mechanics	5	5	0	0
Office, Clerical, Station and Storehouse	14	5	9	0
Police Officers Below the Rank of Captain	3	3	0	0
Sheet Metal Workers	0	0	0	0
Subordinate Officials in Maintenance of Way	1	1	0	0
Technical Engineers, Architects, Draftsmen				
and Allied Workers	2	1	1	0
Train Dispatchers	13	3	10	0
Train, Engine and Yard Service	76	20	56	0
Yardmasters	6	2	4	0
Combined Groups, Railroad	9	0	9	0
Miscellaneous Railroad	6	5	1	0
Airline Total	130	70	59	1
Airline Dispatchers	5	3	2	0
Commissary/Catering Employees	4	1	3	0
Fleet and Passenger Service	9	9	0	0
Fleet Service	4	4	0	0
Flight Attendants	19	5	13	1
Flight Deck Crew Members	4	2	2	0
Flight Engineers	0	0	0	0
Guards	1	0	1	0
Mechanics and Related	18	12	6	0
Meteorologists	0	0	0	0
Nurses	0	0	0	0
Office Clerical	5	5	0	0
Office, Clerical, Fleet and Passenger Service	9	2	7	0
Passenger Service	8	8	0	0
Pilots	25	9	16	0
Port Stewards	1	0	1	0
Radio and Teletype Operators	0	0	0	0
Stock and Stores	5	4	1	0
Combined Groups, Airline	0	0	0	0
Miscellaneous Airline	13	6	7	0

Table 4—Number of Craft or Class Determinations and Number of Employees Involved in Representation Cases, by Major Groups of Employees, October 1, 1980 to September 30, 1981

Major Groups of Employees	Number of Cases	Number of Craft or Class Determinations	Employees Involved	
			Number	Percent ¹
Grand Total, All Groups of Employees . . .	131	131	16,051	100
Railroad Total	61	61	1,899	12
Agents, Telegraphers and Towermen	0	0	0	0
Carmen	4	4	132	*
Dining Car Employees, Train and Pullman				
Porters	0	0	0	0
Electricians	1	1	2	*
Engine Service	14	14	127	*
Machinists	3	3	19	*
Maintenance of Equipment	1	1	251	2
Maintenance of Way and Signalmen	7	7	103	*
Marine Service	0	0	0	0
Mechanical Department Foremen and/or				
Supervisors of Mechanics	5	5	348	2
Office, Clerical, Station and				
Storehouse Employees	5	5	247	2
Police Officers Below the Rank of Captain	3	3	368	2
Subordinate Officials, Maintenance of Way	1	1	102	*
Technical Engineers, Architects, Draftsmen				
and Allied Workers	1	1	0	0
Train Dispatchers	3	3	27	*
Train Service	5	5	52	*
Yardmasters	2	2	20	*
Yard Service	1	1	3	0
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	5	5	98	*
Airline Total	70	70	14,152	88
Airline Dispatchers	3	3	60	*
Clerical and Related Employees	0	0	0	0
Commissary Employees	1	1	5	*
Crew Scheduler	0	0	0	0
Customer Service Employees	0	0	0	0
Fleet and Passenger Service	9	9	1,497	9
Flight Attendants	5	5	2,655	17
Flight Deck Crew Members	2	2	568	4
Flight Engineers	0	0	0	0
Flight Navigators	0	0	0	0
Fleet Service Employees	4	4	828	5
Mechanics and Related	12	12	2,659	17
Meteorologists	0	0	0	0
Office Clerical Employees	5	5	76	*
Office, Clerical, Fleet and Passenger				
Service Employees	2	2	293	2
Passenger Service Employees	8	8	5,191	32
Pilots	9	9	275	2
Radio and Teletype Operators	0	0	0	0
Stock and Stores Employees	4	4	6	*
Combined Groups, Airline	0	0	0	0
Miscellaneous, Airline	6	6	39	*

*Less than 1 percent.

¹Percent listing for each group represents the percentage of the 16,051 employees involved in all railroad and airline cases in fiscal 1981.

Table 5—Number of Crafts or Classes Certified and Employees Involved in Various Types of Representation Cases, October 1, 1980 to September 30, 1981

	National Organizations			Local Unions and/or Individuals			Total		
	Employees Involved			Employees Involved			Employees Involved		
	Craft or Class	Number	Percent ¹	Craft or Class	Number	Percent ¹	Craft or Class	Number	Percent ¹
RAILROADS									
Representation Acquired:									
Elections	8	204	1	0	0	0	8	204	1
Proved Authorizations	3	28	*	0	0	0	3	28	*
Representation Changed:									
Elections	13	543	3	0	0	0	13	543	3
Proved Authorizations	4	9	*	0	0	0	4	9	*
Representation Unchanged:									
Elections	9	674	4	0	0	*	9	674	4
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Railroad	37	1,458	8	0	0	*	37	1,458	8
AIRLINES									
Representation Acquired:									
Election	8	187	1	3	80	*	11	267	2
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Election	6	1,881	12	1	21	*	7	1,902	12
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Election	3	5,874	37	0	0	0	3	5,874	37
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Airline	17	7,942	50	4	101	*	21	8,043	50
Total, Combined Railroad and Airline	54	9,400	59	4	101	*	58	9,501	59

*Less than one percent.

¹Percent listing for each group represents the percentage of the 16,051 employees involved in all railroad and airline cases in fiscal 1981.

NOTE—These figures do not include cases that were either withdrawn or dismissed. Because of rounding, sums of individual items may not equal totals.

Table 6—Employee Representation on Selected Rail Carriers as of September 30, 1981

Railroad	Engineers	Firemen and Hostlers	Conductors	Brakemen, Flagmen, and Baggage-men	Yard-Foremen, Helpers, and Switch-tenders	Yardmasters	Clerical, Office, Station and Store-house	Maintenance of Way Employees	Telegraphers	Train Dispatchers
Alabama Great Southern RR Co.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Atchison, Topeka & Santa Fe Rwy.	BLE	UTU	UTU	UTU	UTU	X	BRAC	BMW	BRAC	ATDA
Baltimore & Ohio RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Bessemer & Lake Erie RR	UTU	UTU	UTU	UTU	UTU	X	BRAC	BMW	BRAC	X
Boston & Maine Corp.	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Burlington Northern	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Central of Georgia Rwy Co.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Chesapeake & Ohio Rwy.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Chicago & North Western Transportation Co.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Chicago, Milwaukee, St. Paul & Pacific RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Chicago, Rock Island & Pacific Rwy	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Cincinnati, New Orleans and Texas Pacific Rwy. Co.	UTU	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Clinchfield RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Colorado & Southern Rwy.	BLE	BLE	UTU	UTU	UTU	UTU	BRAC	BMW	BRAC	ATDA
Consolidated Rail Corp.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Delaware & Hudson Rwy. Co.	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Denver & Rio Grande Western RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Detroit, Toledo & Ironton RR	BLE	UTU	UTU	UTU	UTU	X	BRAC	BMW	BRAC	ATDA
Duluth, Missabe & Iron Range Rwy.	UTU	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Elgin, Joliet & Eastern Rwy.	BLE	UTU	UTU	UTU	UTU	UTU	BRAC	BMW	BRAC	LU
Florida East Coast Rwy.	FFRE	X	FFRE	FFRE	X	FFRE	FFRE	FFRE	FFRE	FFRE
Fort Worth & Denver Rwy.	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Grand Trunk Western RR	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Illinois Central Gulf RR	BLE	UTU	UTU	UTU	UTU	SA	BRAC	BMW	BRAC	ITDA
Kansas City Southern Rwy.	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Long Island RR	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	IBT	BRAC	BRAC
Louisville & Nashville RR	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Missouri-Kansas-Texas RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Missouri Pacific RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
National RR Passenger Corp.	(*)	(*)	(*)	(*)	(*)	RYA	BRAC	BMW	BRAC	ATDA
Norfolk & Western Rwy.	BLE	UTU	UTU	UTU	UTU	X	BRAC	BMW	BRAC	ATDA
Pittsburgh & Lake Erie RR	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
St. Louis Southwestern Rwy.	BLE	BLE	UTU	UTU	UTU	WRSA	BRAC	BMW	BRAC	ATDA
Seaboard Coast Line RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Soo Line RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	(*)
Southern Pacific Transportation Co.	BLE	UTU	UTU	UTU	UTU	WRSA	BRAC	BMW	BRAC	ATDA
Southern Rwy	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Union Pacific RR	BLE	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	LU
Western Maryland Rwy.	UTU	UTU	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA
Western Pacific RR	BLE	BLE	UTU	UTU	UTU	RYA	BRAC	BMW	BRAC	ATDA

See Footnotes at end of table.

Table 6—Employee Representation on Selected Rail Carriers as of September 30, 1981—Continued

Railroad	Machinists	Boiler-makers and Black-smiths	Sheet Metal Workers	Electrical Workers	Carmen and Coach Cleaners	Power House Employees and Railway Shop Laborers	Railway Signalmen	Mech. Dept. Foremen and/or Supervisors of Mechanics	Dining Car Stewards	Dining Car Cooks and Waiters
Alabama Great Southern RR Co.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	BRAC	BRAC
Atchison, Topeka & Santa Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	UTU	(*)
Baltimore and Ohio RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(1)	UTU	BRAC
Bessemer & Lake Erie RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	(*)	(*)
Boston & Maine	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	SA	BRAC
Burlington Northern	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	X	(*)	(*)
Central of Georgia Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Chesapeake & Ohio Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Chicago & North Western Transportation Co.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Chicago, Milwaukee, St. Paul and Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	MRSA	UTU	HRE
Chicago, Rock Island & Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Cincinnati, New Orleans and Texas Pacific Rwy. Co.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Clinchfield RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	(*)	(*)
Colorado & Southern Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	UTU	BRAC
Consolidated Rail Corporation	IAM&AW	BB	SMWIA	IBEW	BRC-TWU	IBFO	BRS	BRAC	(*)	(*)
Delaware & Hudson Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Denver & Rio Grande Western RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	X	UTU	SA
Detroit, Toledo & Ironton RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRC	(*)	(*)
Duluth, Missabe & Iron Range Rwy	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	MDFA	(*)	(*)
Elgin, Joliet & Eastern Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	(*)	(*)
Florida East Coast Rwy.	FFRE	FFRE	SMWIA	IBEW	FFRE	IBFO	FFRE	BRAC	(*)	(*)
Fort Worth & Denver Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	X	UTU	HRE
Grand Trunk Western RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Illinois Central Gulf RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	(*)	UTU	HRE
Kansas City Southern Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Long Island RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Louisville & Nashville RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	X	UTU	HRE
Missouri-Kansas-Texas RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Missouri Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	(*)	BRAC	(*)	(*)
National RR Passenger Corporation	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Norfolk & Western Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Pittsburgh & Lake Erie RR	IAM&AW	BB	SMWIA	IBEW	TWU	IBFO	BRS	BRAC	(*)	(*)
St. Louis Southwestern Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	X	HRE
Seaboard Coast Line RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Soo Line RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Southern Pacific Transportation Co.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Southern Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	BRAC
Union Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE
Western Maryland Rwy.	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	(*)	(*)
Western Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRC	IBFO	BRS	BRAC	UTU	HRE

(*) Carriers report no employees in this craft or class.

X Employees in this craft or class but not covered by agreement.

(1) Represented by Joint Council of General Chairman of the former members of the Railway Employees' Department, AFL-CIO

Table 6a—Employee Representation on Selected Rail Carriers as of September 30, 1981 (Marine)

Railroad (Marine)	Licensed Deck Employees	Licensed Engineroom Employees	Unlicensed Deck Employees	Unlicensed Engineroom Employees	Captains, Lighters, Grain Boats	Floatwatchmen, Bridgemen, Bridge Operators	Cooks, Chefs, Waiters
Atchison, Topeka & Santa Fe Rwy.	MMP	MEBA	IUP	—	—	—	—
Chesapeake & Ohio Rwy.:							
Chesapeake District	MMP	MEBA	SIU	USWA	—	—	—
Pere Marquette District	MMP	GLLOO	NMU	NMU	—	—	NMU
Grand Trunk Western RR	GLLOO	MEBA	NMU	NMU	—	—	NMU
Norfolk & Western Rwy.	GLLOO	MEBA	USWA	USWA	—	—	—

Table 6b.—Employee Representation on Selected Air Carriers as of September 30, 1981

Airline	Pilots	Flight Engineers	Flight Navigators	Flight Dispatchers	Flight Attendants	Radio and Teletype Operators	Mechanics	Clerical, Office, Fleet and Passenger Service	Stock and Stores
Air New England, Inc.	ALPA	—	—	TWU	AFA	—	IAM&AW	ALEA ¹	—
American Airlines, Inc.	APA	FEIA	—	TWU	APFA	TWU	TWU	—	TWU
Braniff International	ALPA	—	—	ADA	AFA	IBT	IAM&AW	IBT	—
Continental Airlines, Inc.	ALPA	ALPA	—	TWU	UFA, Loc. 1	—	IAM&AW	—	IAM&AW
Delta Air Lines, Inc.	ALPA	—	—	PAFCA	—	—	—	—	—
Eastern Air Lines, Inc.	ALPA	ALPA	—	IAM&AW	TWU	IAM&AW	IAM&AW	—	IAM&AW
Frontier Airlines, Inc.	ALPA	—	—	TWU	AFA	—	IAM&AW	ALEA	IAM&AW
Northwest Airlines, Inc.	AI PA	IAM&AW	—	TWU	IBT	TWU	IAM&AW	BRAC	IAM&AW
Ozark Air Lines, Inc.	ALPA	—	—	TWU	AFA	IBT	AMFA	IAM&AW	IBT
Pan American World Airways, Inc.	AI PA	FEIA	—	TWU	IUFA	—	TWU	IBT	IBT
Piedmont Airlines, Inc.	AI PA	—	—	TWU	AFA	—	IAM&AW	—	IAM&AW
Republic Airlines, Inc.	AI PA	—	—	TWU	AFA	ALEA	IAM&AW	ALEA	IAM&AW
Texas International Airlines, Inc.	AI PA	—	—	TWU	AFA	—	IAM&AW	IBT	IAM&AW
Trans World Airlines, Inc.	AI PA	ALPA	—	TWU	IFFA	IAM&AW	IAM&AW	—	IAM&AW
United Air Lines, Inc.	ALPA	AI PA	—	IAM&AW	AFA	IAM&AW	IAM&AW	—	IAM&AW
U.S. Air Western Airlines, Inc.	ALPA	—	—	—	AFA	—	IAM&AW	IBT ²	IAM&AW
Western Airlines, Inc.	ALPA	ALPA	—	TWU	AFA	BRAC	IBT	ATE	IBT

¹Passenger Service Employees Only.

²Fleet Service Employees Only.

Table 7—Unions Associated with Rail and Air Carriers

RAILROADS	
ADPA	Association of Data Processors-Analysts
AFRP	American Federation of Railroad Police, Inc.
APA	AMTRAK Police Association
ATDA	American Train Dispatchers Association
BB	International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers & Helpers
BLE	Brotherhood of Locomotive Engineers
BMWE	Brotherhood of Maintenance of Way Employees
BRAC	Brotherhood of Railway, Airline & Steamship Clerks, Freight Handlers, Express & Station Employees
BRC	Brotherhood Railway Carmen of United States and Canada
BRS	Brotherhood of Railroad Signalmen
CMR	Committee for Management Representation
FFRE	Florida Federation of Railroad Employees
FPREU	Fordyce & Princeton Railroad Employees Union
HRE	Hotel & Restaurant Employees & Bartenders International Union
IAM&AW	International Association of Machinists & Aerospace Workers
IBEW	International Brotherhood of Electrical Workers
IBFO	International Brotherhood of Firemen & Oilers
IBT	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America
IRSA	Independent Railway Supervisors Association
ITDA	Illinois Train Dispatchers Association
IYT	Independent Yardmasters of Tacoma
LU	Local Union
MDFA	Mechanical Department Foremen's Association
MRSA	Milwaukee Road Supervisors Association
PBA-LIRRP	Police Benevolent Association—Long Island Rail Road Police
ROWU	Railway Office Workers Union
RYA	Railroad Yardmasters of America
SA	System Association, Committee or Individual
SMWIA	Sheet Metal Workers' International Association
TWU	Transport Workers Union of America
UAW	United Automobile Workers of America
UPIU	United Paperworkers International Union
USA	United Steelworkers of America
UTU	United Transportation Union
WRSA	Western Railway Supervisors Association
AIRLINES	
AAAA	Aspen Airways Agents Association
AAPA	Atlantis Airlines Pilots Association
ADA	Air Transport Dispatchers Association
AEA	Altair Employees' Association
AFA	Association of Flight Attendants
AFFAA	Air Florida Flight Attendants Association
ALEA	Air Line Employees Association
ALPA	Air Line Pilots Association
AMFA	Aircraft Mechanics Fraternal Association
APA	Allied Pilots Association
APFA	Association of Professional Flight Attendants
ATE	Air Transport Employees
BRAC	Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express & Station Employees
CAEA	Cascade Airways Employees Association
FEIA	Flight Engineers International Association
GPA	Gifford Pilots Association
IAM&AW	International Association of Machinists and Aerospace Workers

Table 7—Unions Associated with Rail and Air Carriers—continued

IBT	International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America
IFFA	Independent Federation of Flight Attendants
IUFA	Independent Union of Flight Attendants
LIUNA	Laborers' International Union of North America
LU	Local Union
MPA	Midstate Pilots Association
OPEIU	Office & Professional Employees International Union
PAFCA	Professional Airline Flight Control Association
PAPA	Professional Association of Pilots for Apollo
PFCA	Pacific Flight Crew Association
TWU	Transport Workers Union of America
UFA, Local 1	Union of Flight Attendants
UBCJA	United Brotherhood of Carpenters & Joiners of America
UF&CW	United Food & Commercial Workers Union
UIWNA	United Industrial Workers of North America
UPA	Union of Professional Airmen
MARINE	
GLLOO	Great Lakes Licensed Officers' Organization
ILA	International Longshoremen's Association
IUP	Inlandboatmen's Union of the Pacific
MMP	International Organization of Masters, Mates & Pilots
MEBA	National Marine Engineers' Beneficial Association
NMU	National Maritime Union of America
SIU	Seafarers' International Union of North America
USA	United Steelworkers of America



VI. Small Number of Strikes in 1981 Sets 34-Year Record

The National Mediation Board was faced with only two strikes in fiscal year 1981—the fewest rail and airline work stoppages in the last 34 years. This is the best strike record in the two industries since 1947, when one airline work stoppage occurred.

During the current fiscal year there were two strikes in the airlines and none in the railroads. Both were eventually settled through Board mediation. Strikes of less than 24 hours are not included in this report. A brief account of the 1981 work stoppages follows:

Airlines:

A-10591—Pacific Southwest Airlines and the Southwest Flight Crew Association

Pacific Southwest Airlines was struck immediately after midnight September 25, 1980, following a 30-day status quo period, and despite a series of extensive mediation sessions conducted by the National Mediation Board over a five-month period.

The 500 pilots of the Southwest Flight Crew Association struck the carrier after failing to reach an agreement over wages, working conditions and the number of flight crew personnel to fly PSA's new fuel efficient DC-9-80 aircraft about to enter service.

It was the first time the San Diego-based carrier had been struck in its 31-year history, idling some 3,900 other employees and forcing management personnel to operate charter flights. The strike had a crippling effect because, in addition to its flights in Arizona, Utah, Nevada and Mexico, the carrier transported about 70% of the daily load of 22,000 passengers between the busy Los Angeles-San Francisco shuttle corridor.

Board Member Robert O. Harris, working on the case with NMB Mediator Charles R. Barnes, made every effort to bring the parties back together in meaningful negotiations after the strike began. The strike dragged on for several weeks as neither side indicated a willingness to alter earlier positions. Finally, Mr. Harris, without the request or concurrence of either side, asked the parties in the public in-

terest to meet with him and Mr. Barnes November 3 in San Diego. The parties did meet with the Board that date and, in subsequent days, the issues were narrowed down to the "big three" of wages, work rules and crew complement of the "Super 80s".

A tentative settlement was finally reached in mediation November 12, 1980, following an exchange of proposals by the parties, which included a back to work agreement considered a "critical" issue in ending the dispute.

The new contract, retroactive to January 1, 1980, included a series of wage increases totalling about 35% over 30 months and two rather than three flight crew members to fly the DC-9-80s. The pilots failed to gain the authoritative role they had sought in flying the new aircraft but were given an advisory voice in its operation. The pilots, who had 150 contract items on the table when mediation began back in May, returned to work November 16, 1980, following ratification of an agreement that ended the 52-day strike.

A-10521—Continental Air Lines and the Union of Flight Attendants, Local No. 1

Board mediation went down to the wire before negotiations reached a stalemate that triggered a strike by the 2,400-member Union of Flight Attendants, Local No. 1, against Continental Air Lines on December 5, 1980. The breakdown in negotiations that caused the strike was particularly disappointing to the Board which, at the time, had provided over 130 days of mediatory assistance to the parties.

Staff Mediator Charles R. Barnes began mediation with the negotiating teams for the Los Angeles-based carrier and the flight attendants on November 5, 1979, at which time he reported more than 550 open items on the bargaining table. Wages, hours of service, retirement, insurance benefits, international flying and scheduling were major issues. After numerous mediation sessions in the next 11 months, 250 open items still remained in late October 1980.

When the Board decided an impasse in bargain-

ing had been reached, and a proffer of voluntary arbitration was rejected by the union, the 30-day clock began running November 5, 1980, followed in subsequent days by public interest mediation in an attempt to head off a strike.

Board Member Robert O. Harris entered the dispute and, assisted by Mediator Barnes, engaged in intensive mediation with the parties for several days toward the end of the "cooling off" period. "No change of position" was reported by either side.

The strike began at 1:00 A.M., December 5, 1980. Messrs. Harris and Barnes continued working with the parties December 5-8 when the union and carrier exchanged proposals. Despite the mediators' best efforts a deadlock continued to exist, and mediation was recessed briefly. Meanwhile, Continental trained flight attendant personnel not affiliated with

the union. Other employees failed to honor the UFA picket lines and the carrier was able to operate over 50% of its normal flight schedule. Under normal conditions, Continental operates domestic routes from coast to coast and to Hawaii as well as international routes to Mexico, the Caribbean, the South Pacific and the Far East.

The Board, on December 11, once again became active in trying to bring about a settlement. Proposals again were exchanged, with the union finally reaching accord with the carrier, resulting in tentative and back-to-work agreements being reached December 15 and December 16, respectively. UFA's membership ratified the contract, which called for a 30.5% pay increase over 27 months, and the 16-day strike ended with a return to work on December 21, 1980.

TABLE 8—STRIKES IN THE AIRLINE INDUSTRY, OCTOBER 1, 1980 TO SEPTEMBER 30, 1981

Case No.	Carrier	Organization	Craft or Class	Date of Work Stoppage	Date Work Resumed	Number of Days	Issues	Number of Employees	Disposition
A-10591	Pacific Southwest Airlines	Southwest Flight Crew Association	Pilots	Sept. 25, 1980	Nov. 16, 1980	52	Wages, Rules, Working Conditions & Crew Complement	500	Agreement reached through mediation November 15, 1980
A-10521	Continental Air Lines	Union of Flight Attendants, Local No. 1	Flight Attendants	Dec. 5, 1980	Dec. 21, 1980	16	Wages and Working Conditions	2,400	Agreement reached through mediation December 16, 1980



VII. Agreements Reached Through Direct Negotiations

The heart of the Railway Labor Act is the duty imposed upon both carrier and employee representatives to exert reasonable effort to settle their own disputes concerning pay, rules and working conditions. Direct bargaining by the parties under the Railway Labor Act is extensive and often independent of third party intervention. The importance of objective Board mediation is its availability to the parties if they do reach a deadlock in face-to-face negotiations.

The Act requires carriers to file working agreements with the Board. If no contract with any craft or class of its employees has been entered into, the carrier is required to file with the 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 each working agreement or the statements be filed with the Board.

Agreements Covering Rates of Pay, Rules and Working Conditions

Table 9 shows the number of labor agreements, reached through direct negotiations, itemized by class of carrier and type of labor organization filed with the Board from 1935-1981. In this fiscal year, there were 107 additional railroad and 45 air-line agreements filed with the Board. A total of 8,369 agreements are on file in the Board's offices, of which 1,320 are with air carriers, as shown in Table 9.

These figures include numerous revisions and supplements to existing agreements previously filed with the Board.

Notices Regarding Contracts of Employment

The Act states in Section 2, Eighth:

Every carrier shall notify its employees by printed notices in such form and posted at such times and places as shall be specified by the Mediation Board that all disputes between the carrier and its employees will be handled in accordance with the requirements of this Act, and in such notices there shall be printed verbatim, in large type, the third, fourth and fifth paragraphs of this section. The provisions of said paragraphs are hereby made a part of the contract of employment between the carrier and each employee, and shall be held binding upon the parties, regardless of any other express or implied agreements between them.

Order No. 1, issued in 1934 by the Board, requires that notices regarding the Railway Labor Act shall be posted in suitable areas to make them accessible to all employees.

After the airlines were brought under the Act in 1936, the Board issued Order No. 2 directed to carriers which had the same substantial effect as Order No. 1.

TABLE 9—Number of Labor Agreements on File with the National Mediation Board According to Type of Labor Organization and Class of Carrier, October 1, 1980 to September 30, 1981

Fiscal Year	All Carriers	Class I	Class II	Class III	Switching and Electric		Express and Pullman	Miscellaneous Railroad Carriers	Air Carriers
					Terminal	Electric			
Total:									
1981	8,369	4,557	1,155	10	989	178	18	142	1,320
1980	8,191	4,462	1,144	2	970	178	18	142	1,275
1979	8,037	4,402	1,134	—	963	177	18	139	1,204
1978	7,829	4,265	1,125	—	957	177	18	130	1,157
1977	7,623	4,129	1,112	—	928	177	18	125	1,134
Transition Quarter	7,473	4,063	1,089	—	926	177	18	121	1,079
1976	7,458	4,053	1,089	—	926	177	18	121	1,074

TABLE 9—Number of Labor Agreements on File with the National Mediation Board According to Type of Labor Organization and Class of Carrier, October 1, 1980 to September 30, 1981

Fiscal Year	All Carriers	Class I	Class II	Class III	Switching and		Express and Pullman	Miscellaneous Railroad Carriers	Air Carriers
					Terminal	Electric			
1975	7,186	3,892	1,076	—	917	177	18	120	986
1974	6,961	3,820	1,050	—	874	177	18	119	903
1973	6,781	3,775	997	—	856	177	18	115	863
1972	6,592	3,674	911	—	834	177	18	115	833
1971	6,112	3,458	828	—	829	177	18	113	689
1970	5,704	3,333	803	—	814	176	18	108	452
1965	5,230	3,132	775	—	770	164	14	87	288
1960	5,218	3,131	772	—	766	164	14	87	284
1955	5,180	3,116	763	—	763	163	14	86	275
1950	5,092	3,094	752	—	749	159	14	84	241
1945	4,665	2,913	735	—	705	150	13	56	98
1940	4,193	2,708	684	—	603	103	8	38	44
1935	3,021	2,335	347	—	334	—	6	—	—
National Organizations:									
1981	8,272	4,499	1,151	10	971	174	18	141	1,308
1980	8,094	4,404	1,140	2	952	174	18	141	1,263
1979	7,940	4,344	1,130	—	945	173	18	138	1,192
1978	7,732	4,207	1,121	—	939	173	18	129	1,145
1977	7,526	4,071	1,108	—	910	173	18	125	1,122
Transition Quarter	7,376	4,005	1,085	—	908	173	18	120	1,067
1976	7,391	3,995	1,085	—	908	173	18	120	1,062
1975	7,089	3,834	1,072	—	899	173	18	119	974
1974	6,864	3,762	1,046	—	856	173	18	118	891
1973	6,684	3,697	993	—	838	173	18	114	851
1972	6,495	3,616	937	—	816	173	18	114	821
1971	6,015	3,400	824	—	811	173	18	112	677
1970	5,607	3,275	799	—	796	172	18	107	440
1965	5,135	3,076	771	—	752	160	14	86	276
1960	5,124	3,076	768	—	748	160	14	86	272
1955	5,086	3,061	759	—	745	159	14	85	263
1950	4,999	3,040	748	—	731	155	13	83	229
1945	4,585	2,865	732	—	687	146	8	56	91
1940	4,128	2,668	681	—	558	106	8	38	39
1935	2,940	2,254	347	—	334	—	6	—	—
Other Organizations:									
1981	97	58	4	—	18	4	—	1	12
1980	97	58	4	—	18	4	—	1	12
1979	97	58	4	—	18	4	—	1	12
1978	97	58	4	—	18	4	—	1	12
1977	97	58	4	—	18	4	—	1	12
Transition Quarter	—	—	—	—	—	—	—	1	12
1976	97	58	4	—	18	4	—	1	12
1975	97	58	4	—	18	4	—	1	12
1974	97	58	4	—	18	4	—	1	12
1973	97	58	4	—	18	4	—	1	12
1972	97	58	4	—	18	4	—	1	12
1971	97	58	4	—	18	4	—	1	12
1970	97	58	4	—	18	4	—	1	12
1965	95	56	4	—	18	4	—	1	12
1960	94	55	4	—	18	4	—	1	12
1955	94	55	4	—	18	4	—	1	12
1950	93	54	4	—	18	4	—	1	12
1945	80	48	3	—	18	4	—	—	7
1940	65	40	3	—	15	2	—	—	5
1935	81	81	—	—	—	—	—	—	—



VIII. Interpretation and Application of Agreements and Arbitration of Minor Disputes (Grievances)

Interpretation of Agreements Reached Through Mediation (Major Disputes)

Under Section 5 of the Railway Labor Act, the National Mediation Board is required to interpret contested provisions of collective bargaining agreements reached through mediation.

Requests for an interpretation may be made by either party to the agreement, or by both parties jointly. The law provides the Board to make interpretations within 30 days following a hearing, at which both parties may present and defend their respective positions. This 30-day period is construed as advisory rather than mandatory.

The Board has consistently been required, however, to prevent incursions on various railroad and airline boards of adjustment, to put a narrow interpretation on its duties under Section 5 of the Act. Therefore, the Board does not accept a request for interpretation once an agreement negotiated through mediation has been implemented, or applied by the parties. Any subsequent dispute involving the interpretation or application of the provisions of the agreement is to be considered either by the National Railroad Adjustment Board under Title I of the Act or a System Board of Adjustment under Title II of the Act.

In 1981, the Board issued one interpretation, which follows:

The *Union of Flight Attendants and Continental Airlines*, 8 NMB No. 98 (1981), disagreed over whether a specific change had been made in the provisions of the existing collective bargaining agreement during negotiations for a new agreement. Following a hearing, the Board concluded that the new agreement did contain the change, which related to contact times for reserve flight attendants.

Since the Board's inception, it has closed 144 interpretation cases under the Act's provisions as compared to a total of 7,061 agreements reached through mediation during the same period.

National Railroad Adjustment Board Handles Grievances (Minor Disputes)

The National Railroad Adjustment Board hears and decides disputes involving railway employee grievances and questions concerning the application and interpretation of agreement rules. Its decisions are final and binding on both parties to the dispute.

The bipartisan Board is comprised of four divisions on which the carriers and the organizations representing employees are equally represented. It is comprised of 34 members, 17 representing the carriers and 17 representing labor organizations.

The first division is comprised of eight members, four selected by carrier and four by labor.

The second and third divisions are comprised of 10 members also equally divided. The fourth division has six members, also equally divided. The NRAB and its four divisions are headquartered in Chicago. A report of the Board's operations is contained in Appendix A.

When the members of any of the four divisions of the Adjustment Board are unable to agree on an award of any dispute being considered, because of deadlock or inability to obtain a majority vote, they are required under section 3 of the Act to attempt to agree on and select a neutral person to sit with the division as a member and make an award. Failing to agree upon a neutral person in 10 days, the Act provides that the National Mediation Board select the neutral.

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 to the appointment of arbitrators. The law requires appointees to such positions must be wholly disinterested in the controversy, impartial and without bias as relates to the parties in dispute.

Persons serving as referees of the four divisions of the NRAB are shown in Appendix A.

TABLE 10—Cases Docketed and Closed by the National Railroad Adjustment Board; October 1, 1980 to September 30, 1981

ALL DIVISIONS						
Cases	47-Year Period	1981	1980	1979	1978	1977
Open and on hand at beginning of period	—	1,664	1,513	1,405	1,443	1,485
New Cases docketed	80,816	1,478	1,065	1,071	914	851
Total number of cases on hand and docketed	80,816	3,142	2,578	2,476	2,357	2,336
Cases closed	78,548	874	914	963	952	893
Decided without referee	12,584	2	4	5	4	4
Decided with referee	40,145	795	834	885	890	799
Withdrawn	25,819	77	76	75	63	91
Open cases on hand close of period	2,268	2,268	1,664	1,513	1,405	1,443
FIRST DIVISION						
Open and on hand at beginning of period	—	512	507	518	530	534
New cases docketed	43,297	69	61	65	67	47
Total number of cases on hand and docketed	43,297	581	568	583	597	581
Cases closed	42,789	73	56	76	79	51
Decided without referee	10,919	0	0	1	2	2
Decided with referee	12,403	69	48	71	74	47
Withdrawn	19,467	4	8	4	4	—
Open cases on hand close of period	508	508	512	507	518	530
SECOND DIVISION						
Open and on hand at beginning of period	—	562	402	394	325	241
New cases docketed	9,363	523	469	463	385	310
Total number of cases on hand and docketed	9,363	1,085	871	857	710	551
Cases closed	8,606	328	309	455	316	226
Decided without referee	734	0	0	0	0	0
Decided with referee	6,931	303*	295*	439	313	214
Withdrawn	941	25	14	16	3	12
Open cases on hand close of period	757	757	562	402	394	325
THIRD DIVISION						
Open and on hand at beginning of period	—	542	564	459	532	636
New cases docketed	24,226	766	430	460	391	377
Total number of cases on hand and docketed	24,226	1,308	994	919	923	1,013
Cases closed	23,301	383	452	355	464	481
Decided without referee	924	2	4	4	2	2
Decided with referee	18,055	359**	408**	321*	416	421
Withdrawn	4,322	24	41	32	46	59
Open cases on hand close of period	925	925	542	564	459	532

TABLE 10—Cases Docketed and Closed by the National Railroad Adjustment Board; October 1, 1980 to September 30, 1981—Continued

FOURTH DIVISION						
Open and on hand at beginning of period	—	48	40	34	56	74
New cases docketed	3,930	120	105	83	71	117
Total number of cases on hand and docketed	3,930	168	145	117	127	191
Cases closed	3,850	88	97	77	93	135
Decided without referee	0	0	0	0	0	0
Decided with referee	2,756	64	84	54	83	117
Withdrawn	1,094	24	13	23	10	18
Open cases on hand close of period	80	80	48	40	34	56

* Does Not Include Second Award Number on Docket 7750.
 ** Third Award Rendered on Another Case Decided by Referee.

During its 47-year existence the NRAB has closed out 78,548 of the 80,816 cases received. Table 10 that follows shows that 874 cases were closed in fiscal year 1981—795 by decision with referee, 2 by decision without referee and 77 by withdrawal. In fiscal year 1981, 1,478 new cases were received as compared to 1,065 for fiscal year 1980.

Airline System Boards of Adjustment

No national adjustment board exists for settlement of airline grievances. The Act provides for its establishment if judged necessary by the National Mediation Board. The NMB, to date, has not considered such a national board necessary.

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 on a neutral to serve as referee, the National Mediation Board is called on to name neutrals. They serve without cost to the Government. 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 persons designated by the Board to serve as referees with system boards of adjustment is shown in Table 5, Appendix B.

Special Boards of Adjustment—Railroads

Special Boards of Adjustment are set up by agreement on an individual railroad and with a single labor organization to decide specifically agreed-to dockets of disputes arising out of grievances or out of the interpretation or application of provisions of a collective bargaining agreement. Such disputes normally would be sent to the National Railroad Adjustment Board for adjudication but, in these instances, the parties by agreement adopt the special board procedure to insure prompt disposition of disputes.

The board of adjustment procedure began in the late 1940s at the suggestion of the National Mediation Board to expedite disposition of disputes through an adaptation of the grievance function of the divisions of the NRAB, and as a means of reducing the backlog of cases pending before the four divisions.

Special Boards usually consist of three members—a railroad member, an organization member and neutral chairman. The National Mediation Board designates the neutral if the parties fail to agree on a neutral.

There were six new Special Boards of Adjustment established in 1981. A total of 24 boards convened. These boards closed 900 cases. This figure compares with 1,217 cases closed out during fiscal year 1980.

Inquiries and correspondence in regard to Special Boards of Adjustment should be addressed to Staff Director/Grievances, National Mediation Board, 10 West Jackson Boulevard, Room 200, Chicago, IL 60604.

Public Law Boards—Railroads

On June 20, 1966, The President signed Public Law 89-456, which amended certain provisions of Section 3 of the Railway Labor Act.

The amendment authorizes the establishment of special boards of adjustment, known as public law boards, on individual railroads upon written request of either the representatives of employees or of the railroad to resolve disputes otherwise referable to the National Railroad Adjustment Board and those disputes pending before the Board for 12 months. (Only one party need request establishment of a PL Board. In the case of Special Boards of Adjustment, both parties must agree before one is established.)

The amendment also makes final all awards of the National Railroad Adjustment Board and Special Boards of Adjustment established pursuant to the amendment (including money awards) and provide opportunity to both employees and employers for limited judicial review of such awards.

The National Mediation Board has adopted rules and regulations defining responsibilities and prescribing related procedures under the amendment for the establishment of special boards of adjustment, their designation as public law boards, the filing of agreements and the disposition of records.

The Board anticipates that PL Boards will eventually supplant Special Boards of Adjustment and also reduce the caseload of various divisions of the National Railroad Adjustment Board.

Neutral members of Public Law Boards are appointed by the National Mediation Board only if the parties are unable to select a neutral chairman. In addition to neutrals appointed to dispose of disputes involving grievances, or interpretations, or application of collective bargaining agreements, neutrals may be appointed to dispose of procedural issues which arise as to the establishment of the board itself.

In fiscal year 1981, 248 Public Law Boards were established. Twenty involved procedural issues and 228 merit issues. During the year, 254 boards were convened—20 involved procedural issues and 234 dealt solely with the merits of specific grievances. Public Law Boards closed (decided and/or withdrawn) 4,300 cases during the fiscal year. Twenty covered procedural and 4,280 merit issues.

Amtrak Rail Worker Protection Plan

An arrangement to protect the rights of workers adversely affected by curtailment of intercity passenger rail service, which went into effect in 1971, was designed to protect the interest of employees displaced or dismissed as a result of the new route system created by the National Railroad Passenger Corp. (Amtrak).

Under the Rail Passenger Service Act of 1970, workers adversely affected by discontinuation of inter-city passenger rail service receive prescribed protection.

These workers are considered for other employment by the individual railroads on the basis of establishing seniority rules. Because of the cutback in passenger service, some workers could be displaced into lower-paying jobs or released. The plan is designed to provide protection for displaced and dismissed employees for up to 6 years.

The plan further provides for prompt arbitration of disputes over whether an employee is adversely affected by train discontinuances.

Neutral referees are designated by the National Mediation Board pursuant to provisions of the Rail Passenger Service Act. The one neutral referee appointed by the Board in fiscal 1981 is listed in Appendix B, Table 6.



IX. Organization and Finances of the National Mediation Board

Located at 1425 K Street, N.W., Washington, D.C. Mailing Address: National Mediation Board, Washington, D.C. 20572

Organization

The National Mediation Board is comprised 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 July 1 of each year. A 1964 amendment to the Railway Labor Act provides "Upon the expiration of his term of office, a member shall continue to serve until his successor is appointed and shall have qualified." The Act requires that the Board shall annually designate a member to serve as chairman. Not more than two members may be of the same political party.

Subject to the Board's direction, administration of affairs is the responsibility of the Executive Secre-

tary. The agency has a total of 48 employees, 21 of whom are field mediators stationed throughout the U.S.

The Board performs two distinct functions under the Railway Labor Act. First, it mediates disputes over wages, rules and working conditions which occur between the employees and the carriers. As to mediation, a party may request the services of the Board, or the Board of its own volition, may intervene in negotiations. In either case, once the agency's services have been invoked, the status quo must be maintained until the parties are released by the Board. Second, the Board administers the procedures to resolve representation disputes involving labor organizations which seek to represent railroad or airline employees. This includes investigation of



KNOWING YOUR SUBJECT—A familiarization with a carrier's operations can be beneficial in the successful mediating of collective bargaining disputes. Board Member Robert O. Harris (center) tours Southern Railway's Inman Yard in Atlanta with (left) James H. Monroe, Jr., Assistant Manager of Rail Welding and Track Fabrication and R. E. Loomis, Southern's Assistant Vice President, Labor Relations.

the dispute, conducting a hearing when issues arise that require defining the proper craft or class and certifying the results of the employees' choice.

Other Board duties include overall supervision of office and field personnel; liaison with rail and airline labor-management representatives and the general public; legal activities involving the agency, including court litigation and liaison with the Department of Justice; notification to The President when disputes arise which could interrupt interstate commerce—he, in turn, in his discretion can appoint an emergency board; interpretation of agreements reached in mediation; appointment of neutral referees and arbitrators as required by law; and administrative and legal support to the National Railroad Adjustment Board.

The list of mediators, all of whom were selected through civil service, follows:

- | | |
|---------------------|---------------------|
| Joseph E. Anderson | Thomas B. Ingles |
| Charles R. Barnes | Thomas C. Kinsella |
| Harry D. Bickford | Faye M. Landers |
| Charles H. Callahan | Robert B. Martin |
| Jack W. Cassle | Maurice A. Parker |
| Robert J. Cerjan | Charles A. Peacock |
| Samuel J. Cognata | Walter L. Phipps |
| Ralph T. Colliander | Laurette M. Piculin |
| Richard P. Cosgrave | Joseph W. Smith |
| Francis J. Dooley | John B. Willits |

NMB Financial Statement for Fiscal Year 1981

The Congress appropriated \$4,780,000 for fiscal year 1981. Obligations and expenses incurred for the various activities of the Board follows:

	1981
Mediation.....	\$2,428,786
Voluntary arbitration and emergency disputes	11,646
Adjustment of railroad grievances	1,970,483



NATIONWIDE HOOKUP—Hundreds of teletype messages were sent in fiscal 1981 to field mediators and the parties covering all phases of NMB labor relations activities with the railroads and airlines. Executive Secretary Rowland K. Quinn, Jr., and Mrs. Carolyn A. Edmonson discuss a telegram ready to go out over the wire.

Accounting of all moneys appropriated by Congress for the fiscal year 1981, pursuant to the authority conferred by the Railway Labor Act approved May 20, 1926 (amended June 21, 1934):

	1981 Actual
Expenses and obligations:	
Personnel compensation	\$3,166,000.
Personnel benefits	177,000.
Travel and transportation of persons	437,000.
Standard level user charges	279,000.
Other rent, communications, and utilities	176,000.
Printing and reproduction	40,000.
Other services	78,000.
Supplies and materials	35,000.
Equipment	23,000.
Unobligated balance, lapsing	369,000.
Budget authority	\$4,780,000.



X. The Railway Labor Act —How It Works

The primary goal of the Railway Labor Act—administered by the National Mediation Board—is to maintain a free flow of commerce in the railroad and airline industries by resolving disputes that could disrupt travel or imperil the economic health of the nation.

This oldest of labor relations statutes, now in its 66th year, is as meaningful today as it was in 1926 when, in an unusual display of unity, railroad labor and management worked together on the provisions and solidly supported its passage. The Act was built around the indispensable ingredient of a free industrial society—collective bargaining. It is, therefore, based on the principles of freedom of contract and maximum self determination rather than government coercion. Personal initiative by both parties in reaching settlement is the Act's underlying theme and the mediation machinery begins in the public interest only when all bargaining efforts have failed.

Most Complete Development of Mediation

As one former Secretary of Labor told the Congress: "The Railway Labor Act embodies the fullest and most complete development of mediation, conciliation, voluntary agreement and arbitration that is to be found in any law governing labor relations."

The National Mediation Board, established when the Act was amended in 1934, also administers the National Railroad Adjustment Board, which, headquartered in Chicago, is responsible for handling contract grievance disputes in the rail industry. Coverage under the Act was extended to the airlines in 1936.

Purposes of Act

The five basic purposes of the Act are to (1) prevent interruption of service, (2) insure the right of employees to organize and bargain collectively through representatives of their own choosing, (3) provide complete independence of organization by

both parties, (4) assist in prompt settlement of disputes over rates of pay, work rules or working conditions, and (5) assist in prompt settlement of disputes or grievances over interpretation or application of existing contracts.

The Act, therefore, imposes positive duties on carriers and employees alike, defines rights, makes provisions for their protection and prescribes methods for settling various types of disputes. It also sets up machinery for adjusting differences.

Duties of the Board

The National Mediation Board is the only Federal labor relations agency to handle both mediation and representation disputes. Its major duties are to: (1) Mediate disputes between carriers and the labor organizations representing their employees concerning the 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 bargaining efforts. These are referred to as "major disputes."

(2) Ascertain and certify the representative of any craft or class of employees to the carriers after investigation utilizing secret ballot elections. The Act states that the "majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class . . ." Two types of elections are held—mail-in and ballot box. In mail-in, each employee appearing on the eligible list is sent a ballot along with an instruction sheet of explanation on casting a secret ballot. A mediator monitors ballot box elections and if there are eligible voters who can't make it to the polls, he or she is sent a ballot by mail.

The Board, therefore, leaves no stone unturned to insure that each employee has the opportunity to cast a vote in complete privacy which also eliminates the possibility of coercion or intimidation. The carrier, though not a party to the dispute, is notified on the outcome of the election and what organization will be authorized to represent the employees.



UNDERSTANDING THE RAILWAY LABOR ACT—As part of an ongoing program to create a better understanding of mediation, representation and grievance procedures under the Railway Labor Act, Board Members and staff addressed various conferences in fiscal 1981. Board Member Robert O. Harris answers a question on the NMB's role in railroad and airline collective bargaining during a conference of the Society of Professionals in Dispute Resolution. Participants are (left to right) Arbitrator William E. Fredenberger; Mr. Harris; NMB General Counsel Ronald M. Etters; and Moderator and Arbitrator James Sherman, Tampa, Florida.

Other NMB Duties

The National Mediation Board has other duties which include legal activities involving the agency such as court litigation and liaison with the Department of Justice; conducting hearings where representation issues arise that require defining the proper craft or class of employees; interpretation of certain agreements reached through mediation; appointment of neutral referees when requested by various divisions of the National Railroad Adjustment Board to make awards in deadlocked cases; appointment of neutrals when requested to sit with airline and other railroad boards, and notification to The President when disputes arise which could disrupt interstate commerce. The President in his discretion may appoint an emergency board to investigate and report on the dispute.

Major Disputes (Step-by-Step Procedures)

The announcement of an intention to change an existing agreement can be made by either party in the form of a "Section 6" notice—so named because of the procedure for giving notice is spelled out in Section 6 of the Railway Labor Act. After the notice is served the two sides must agree within ten days to confer. The conference must be held within 30 days of the notice and may continue until a settlement or deadlock is reached. During this period and for ten

days after the conference ends the Act provides the "status quo will be maintained and rates of pay, rules or working conditions shall not be altered by the carrier."

Mediation—A Success Story

When negotiations reach a stalemate, either party may request the services of the National Mediation Board in settling the dispute, or in the national interest, the Board may intercede without invitation. If this occurs the "status quo" remains in effect while the Board retains jurisdiction.

Mediation under the Act is frequently termed *mandatory mediation*. This does not mean mandatory settlement. The compulsion lies in the procedures of the Act requiring the parties to keep searching for a possible settlement through the mediation process—sometimes even longer than the parties deem worthwhile.

However, such procedures are most important. The authority of the Board to "move in" on a case, when the chips are down, and to require the parties to refrain from taking independent action detrimental to the nation while under the Board's jurisdiction, prevents interruption to essential commerce and also encourages the parties to resolve their dispute without dealing a crippling blow to the economy. This unique device is found only in the Railway Labor Act.

97% Settlement Rate

How does each mediator handle his case? That question might be answered this way: With a delicate touch. With instinct. With a gut feel for the situation and a fine-tuned sense of timing.

Each mediation case is different. The procedures adopted must be fitted to the issues involved, the time and circumstances of the dispute and the personalities of the representatives of the parties. It is here that the skill of the mediator based on extensive knowledge of the problems in the industries served, and the accumulated experience the Board has acquired are put to the test.

In mediation the Board does not decide how the issues in dispute must be settled, but rather attempts to lead the parties through an examination of facts and alternative considerations which will lead to a settlement acceptable to both parties. Proof that the mediation procedure works is in the fact that 97 percent of all cases handled by Board mediators have been resolved without a work stoppage.

Voluntary Arbitration

When the mediatory efforts of the Board have been exhausted without settlement, the law requires that the Board urge the parties to submit the dispute to arbitration for final and binding settlement. This is not compulsory arbitration but a voluntary procedure.

Arbitration does not go forward if either party says "no". But if the parties do accept, the Act provides a comprehensive arrangement by which the arbitration proceedings will be conducted. The Board has always believed that arbitration should be used by the parties more frequently in disposing of disputes which have not been settled in mediation. (In the airline industry some agreements provide that issues remaining in dispute, after direct negotiations and mediation failed to produce a settlement in a predetermined number of days, will be submitted to final and binding arbitration without either party resorting to independent action).

If mediation reaches an impasse and arbitration is rejected, the Board notifies both parties in writing and for 30 days thereafter, unless in the intervening period the parties agree to arbitration, or an emergency board shall be created under the Act, no contract changes can be made.

Provisions of the Act permit the Board to offer its services in case any labor emergency is found to

exist at any time. The Board on its own volition may promptly communicate with the parties when advised of any labor conflict which threatens a carrier's operations and uses its best efforts by mediation to assist the parties in resolving the dispute. This has been helpful in averting numerous critical situations that could impede the free flow of commerce.

Emergency Boards

The Act provides that during the 30-day status quo period, if the Board decides the dispute "should threaten substantially to interrupt interstate commerce to a degree such as to deprive any section of the country of essential transportation service," it shall notify The President who, in his discretion, may then "create a board to investigate and report respecting such dispute."

If The President names an emergency board—usually consisting of three members—that body has 30 days to investigate the dispute and report its findings. If the parties accept the findings the dispute is over. But the emergency board's recommendations are not binding. Either side may reject them. If recommendations are rejected, neither party may act, except to reach an agreement, for 30 more days. The Act therefore provides The President with a method for postponing a strike for at least 60 days. If an agreement has still not been reached, the parties are then legally free to act.

During the long and successful history of the National Mediation Board there have been 193 Presidentially appointed boards—with only 33 such boards created to cope with airline disputes. There has not been an air carrier emergency board appointed by The President since 1966.

(Under the Omnibus Budget Reconciliation Act of 1981, a new section was added to the Railway Labor Act. Section 9a, as it is called, provides a new emergency dispute procedure for publicly funded and operated commuter carriers and their employees. This change went into effect August 13, 1981. These kinds of disputes were historically handled under the emergency board section—section 10—of the Railway Labor Act.)

In fiscal year 1981 there were no emergency boards appointed.

Actually, collective bargaining resolves most major disputes. But when direct negotiations fail, the Act's series of steps that follow have been successful in holding down the number of potential strikes.

Minor Disputes

Minor Disputes—and there are hundreds of them—arise when individual carriers and employees disagree over the interpretation and application of existing contracts. The two industries handle grievances in the following ways:

Railroads:

Unresolved grievances may be referred by petition to one of the four appropriate divisions of the National Railroad Adjustment Board for final decision. To settle minor disputes more promptly, the Act was amended in 1966 to set up Public Law Boards on individual railroad properties on the demand of the carrier or a representative of a craft or class of employees.

If the Railroad Adjustment Board or the Public Law Boards, comprised of equal representation of labor and management, cannot dispose of the disputes, they may select a neutral referee to break the tie or request the National Mediation Board to appoint a referee to set with them.

These disputes are subject to compulsory arbitration and the decisions are final and binding. The Supreme Court has ruled that strikes over such issues are not legally permitted, holding that Congress had intended the Act's grievance board machinery to be mandatory, comprehensive and an exclusive system to resolve such railroad disputes.

Airlines:

No national adjustment board presently exists for settlement of grievances for airline employees though the Act provides for its establishment if ever considered necessary by the National Mediation Board. Air carriers and their employees have established grievance procedures with final jurisdiction resting with System Boards of Adjustment, and such agreements usually provide for referees to break deadlocks.

Grievance machinery, relatively successful in maintaining industrial peace in recent years, is explained in more detail in a previous chapter.

Summary

The Railway Labor Act is the culmination of nearly a century of experience with Federal legislation to govern labor relations in the railroad and airline industries, all of which began when President Cleveland signed the Arbitration Act of 1888.¹

The railroads, in the labor relations field, were the first U.S. industry to be governed by the Federal legislation. The amended Railway Labor Act clearly distinguishes different kinds of disputes, recognizes the differences in the principles which underlie them and provides different methods and establishes separate agencies for handling the various kinds. This well thought-out system, evolved through years of experimentation, provides a model labor relation policy, based on equal rights and mutual responsibilities.

The Act, it should be noted, is well adapted in procedures to handle bargaining of two entirely different industries—rail negotiations taking place on national and local basis, covering most major carriers and a large number of unions, while the airline bargain independently with unions on a system-wide basis.

It is also significant that collective bargaining under the Act is largely independent of third party intervention, which testifies to a basically healthy collective bargaining relationship.

Mediation becomes involved only when unsolvable issues and situations arise in disputes and prevents the parties from taking precipitous action that could result in national chaos. The result has been peaceful settlement of literally thousands of potentially volatile issues without strikes. Additionally, there are untold numbers of single-company disputes involving every individual labor organization and carrier in both the railroad and airline industries that are settled in direct negotiations without the need for mediation.

As with any system or plan which seeks to retain freedom of contract and the right to resort to economic force, there have been periods of crisis under the Act, but in the aggregate, the system has worked well.

In the final analysis, the Railway Labor Act works because those it covers, over the long haul, usually practice the art of "give and take" and depend on goodwill and compromise to reach final agreement. After all, the appeal to reason and loyalty is the hallmark of the democratic state. For over half a century now, facing the dilemma of preserving both group and individual liberties, the Act has never precipitated an unsolvable emergency. It is in this most fundamental sense that it can be characterized a success. It will continue to exist as long as this is true.

¹Other important actions included the Erdman Act, 1898; Newlands Act, 1913; Federal Control of Railroads, 1917-20; and Transportation Act of 1920.

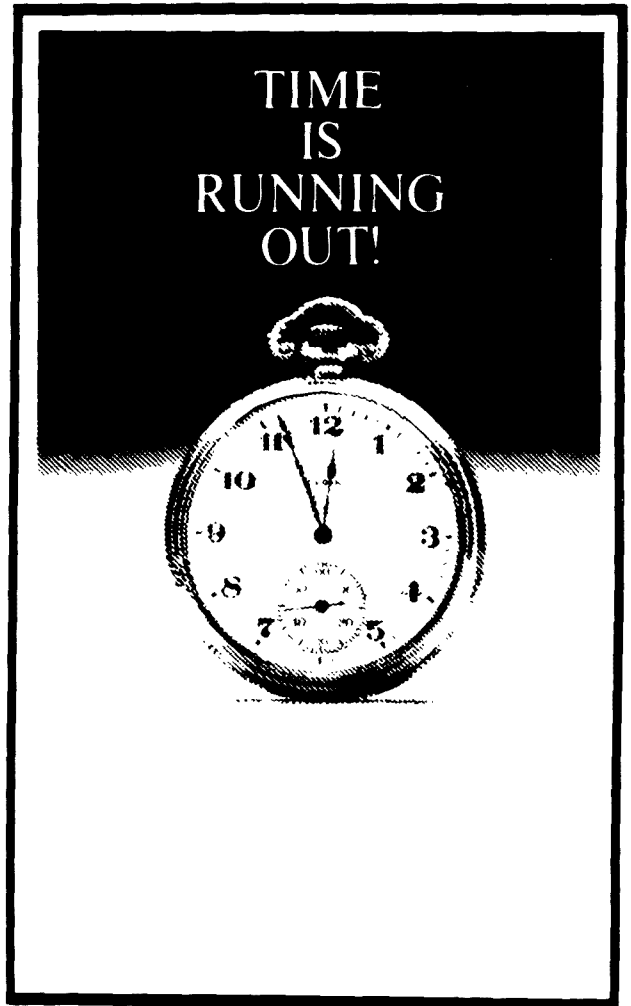


Special Report Proffers of Arbitration: A Study of the Experience Between FY 1979 and FY 1981*

"It may well be that the likelihood of successful mediation is marginal. That success of settlement may lie in the realm of possibility, rather than confident prediction, does not negative the good faith and validity of the Board's effort. The legislature provided procedures purposefully drawn out, and the Board's process may draw on them even to the point that the parties deem them 'almost interminable'."

The framers of the Railway Labor Act were intent on developing a labor relations system which would protect the rights of management and labor to negotiate freely the terms of collective bargaining agreements, while concomitantly protecting the public from interruptions in essential commerce. This dual commitment of the Congress was expressed in Section 2 of the RLA: "The purposes of the Act are: (1) To avoid any interruption to commerce or to the operation of any carrier engaged therein . . . (4) to provide for the prompt and orderly settlement of all disputes concerning rates of pay, rules or working conditions." Carriers and labor organizations were obligated "to exert every reasonable effort to make and maintain agreements and to settle all disputes . . . in order to avoid any interruption to commerce. . . ." While the Act does not prohibit self-help activities, including work stoppages, the RLA does require labor and management to make extraordinary efforts to reach settlement once negotiations have commenced.

The Railway Labor Act relies on essentially three dispute resolution processes—direct negotiation between the parties, mediation conducted by the National Mediation Board, and arbitration (where jointly agreed upon by the parties).² Significantly, the Act does not place time limits on any of these processes—they go on until they have run their course. Furthermore, unilateral changes in the status quo by either party are not permitted while the issues



International Association of Machinists and Aerospace Workers, AFL-CIO v National Mediation Board, National Airlines, Inc. 425 F. 2d 527 (D.C. Cir. 1970).

²Presidential emergency boards have of course also played a major role in resolving disputes over the years.

*This is the third in a series of special reports prepared by the Research Department of the NMB for the Annual Report. The Board intends to include in subsequent Annual Reports other studies of general interest to the railroad and airline industries.

in dispute are proceeding through these stages. The importance of the time factor in the collective bargaining process cannot be overstated. As observed by the Supreme Court:

“[S]ince disputes usually arise when one party wants to change the status quo without undue delay, the power which the Act gives to the other party to preserve the status quo for a long period will frequently make it worthwhile for the moving party to compromise with the interests of the other side and thus reach agreement without interruption to commerce.”¹

Because rail and airline agreements do not expire on a specified date, labor and management negotiators are not under the same time pressures that exist in other industries. As a result, so-called “crisis bargaining” does not begin until the Board releases the parties from mediation. Even then if arbitration is refused, the parties have at a minimum an additional 30 days to work out their differences before self-help avenues become available. In some bargaining situations, the parties actively seek a proffer of arbitration, believing that the only way an agreement can be reached is during the “crisis bargaining” stage of negotiations when the pressures on each side to settle are intensified as the 30-day clock winds down.

This study examines the prevalence of “crisis bargaining” situations during the FY 1979-FY 1981 time-frame. Some of the general characteristics of these cases where the Board has proffered arbitration and released the parties from mediation, as well as other mediation cases during this period, are identified. Most importantly, the number of these situations which have led to work stoppages is also discussed.

Between FY 1979 and FY 1981, the National Mediation Board closed 520 mediation cases. In 99 of these cases, or 19.0 percent, the Board proffered arbitration as required under Section 5, First, of the Railway Labor Act when the Board determines that mediation cannot resolve the differences between the parties. The number of proffers was virtually evenly distributed between the airline and railroad industries: the Board proffered arbitration in 50 airline and 49 railroad cases. This represented 25 percent of the airline cases closed during the period examined and 15 percent of the railroad cases (See Table 1).

The higher rate that existed for the airline industry is not surprising given the basic differences in how agreements are negotiated in each industry. Because of national bargaining over major economic terms and benefits, most railroad mediation cases involving local bargaining that come before the NMB do not entail negotiations over a wide diversity of economic and non-economic issues. The opposite is true in the airline industry as the entire agreement may be open for amendment. This basic difference is further reflected in the fact that on the average the NMB must allocate nearly three times as much mediator time to resolve an airline dispute as a railroad dispute.

As Table 2 shows, cases where the Board proffered arbitration took nearly two months longer to settle than those cases resolved without a proffer. In FY 1979, there was over a 100-day difference between proffered and non-proffered cases.

Tables 3 and 4 are confined to cases in which a proffer has been made and introduce the concept of “proffer situations.” The term “proffer situation” has a meaning special to this study. Most importantly, it is not equivalent to a mediation case per se. It occurs where a mediator handles concurrently more than one mediation case on the same property, and a proffer is made in each mediation case. This occurrence should be counted as one “proffer situation.” For this reason, the number of “situations” will be less than the number of individual mediation cases where a proffer of arbitration has been made.

Reference to Table 3 indicates that there were 68 proffer situations in the entire FY 1979-FY 1981 period with the largest number occurring in FY 1979 (32 situations). Forty-seven of the situations involved airlines and 21 involved railroads. In 1979 alone, there were more airline proffer situations—23—than occurred in the railroad industry for the entire period. Based on this factor alone, we cannot conclude that bargaining was any more contentious in FY 1979 than in the two subsequent years. But, since calendar year 1979 was the only year of the three that the airline industry showed a profit from operations, the large number of proffer situations may indicate that there was a greater willingness by one party to test the other under crisis bargaining conditions.

The average length of time between docketing and when the proffer was made was about 210 days. For the airlines, this figure was 185 days on the average and for the railroads, 265 days. In a number of instances arbitration was proffered after a relatively brief time in mediation. Conversely, the Board proffered

¹*Detroit and Toledo Shore Line RR. Co. v. United Transportation Union*, 396 U.S. 142, 72 LRRM 2838 at 2841 (1969).

ferred arbitration after extensive mediation in many other situations. In 15 situations, arbitration was proffered within 101 days of docketing. Ten of these situations involved airlines. In 17 situations, the proffer was made after 300 or more days on the docket. Nine of these situations involved railroads, or 43 percent of all railroad proffer situations during this period. Overall, the range between docketing and proffer went from a low of 36 days to a high of 588 days.

As previously stated, due to the status quo features of the Railway Labor Act, there is no time pressure on the parties to act prior to the proffer being made. For this reason, the parties do not engage in continuous negotiations after a dispute has been docketed for mediation. In fact, the actual time spent in active mediation represents only a small proportion of the total time a case is on the docket. This is also shown in Table 3. On the average, the Board's mediators spent 30 mediation days with the parties prior to the proffer being made. This represented only 14 percent of the average time spent between docketing and the proffer. For the 47 airline situations, an average of 34 mediation days was expended; for the 21 railroad situations, 21 mediation days.⁴

Table 4 provides a breakdown of the proffer situations by the time spent in active mediation. In 12 airline situations and 11 railroad situations, the Board's mediators spent 10 or fewer mediation days prior to the proffer.⁵ Even in these situations, the average length of time between docketing and the proffer was 183 days. At the other extreme, more than 30 mediation days were devoted in 15 airline situations and more than 20 days in 6 railroad situations.

⁴Considerably more mediation time is expended in a proffer situation than for other mediation cases. The average airline mediation case in the FY 1979-FY 1981 period required 20 mediator days from docketing to closing. The average railroad mediation case required 7 days during the same period.

⁵It is interesting to note that in 6 of these 23 situations, a greater amount of mediation time (in public interest mediation) was devoted after the proffer was made than occurred before. This may indicate that in certain situations the parties don't begin "serious" negotiations until after a proffer is made. It should also be noted that in a large number of these situations both parties actively solicited the proffer of arbitration, providing further confirmation that many parties view the "crisis stage" of bargaining is the only means of achieving a settlement.

Under Section 5, First (b) of the Railway Labor Act, if arbitration is rejected by either or both parties, the NMB notifies both parties "that its mediatory efforts have failed and for thirty days thereafter, unless in the intervening period the parties agree to arbitration, or an emergency board shall be created under Section 10 of this Act, 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." At the conclusion of the 30-day period, either party is free to exercise self help action, including resort to a work stoppage. For the employees of course, the strike is the ultimate weapon against their employer, and the threat of a strike adds an important strategic dimension to negotiations. Table 5 provides data on the number of proffer situations that culminated in a work stoppage. As the table shows, nearly 31 percent of all proffer situations led to a strike. The rate for the airlines was approximately 30 percent and for the railroads, 33 percent. During FY 1981 virtually no work stoppages occurred, perhaps reflecting the economic conditions of the time.

An interesting characteristic of these situations is illustrated in Table 6. The rate of strikes alone disguises the strenuous effort the Board undertakes to prevent work stoppages. As long as the parties are willing to meet during the "crisis bargaining" stage of talks, the Board makes available its mediatory assistance. Frequently, the Board is able to achieve an extension in the 30-day deadline, thus keeping the parties at the bargaining table. Table 6 shows that the mediation effort in situations where a strike ultimately develops is far greater than in non-strike situations. For the three-year period under examination, mediation in situations which led to strikes extended on the average 22 days longer than in non-strike situations. The differential was 25 days for the airlines and 15 for the railroads. It is important to note here that most strikes are ultimately settled through Board mediation.

The final characteristic this study explores is the role of the Board Member in the mediation process. As noted by one knowledgeable observer, "It is generally recognized that escalation of mediation from a staff mediator to higher levels within the agency may help to bring about a settlement by adding to intensive bargaining pressures . . . in some situations the entry of a Board Member into the mediation process, bringing with him the prestige and authority of the

Board itself, can often lead to an agreement in an otherwise intractable dispute.”⁶ While the Board Members monitor closely major developments in all mediation cases on the docket, and may contribute to a settlement in absentia, they became personally involved in 25 of the 68 proffer situations during the FY 1979-FY 1981 period. In 18 of these situations, they became involved after the proffer was made. They participated in mediation with the staff mediator before a proffer was made in the other seven

situations. Generally speaking, a Board Member enters only the most difficult situations where the likelihood of a strike is imminent. For the period studied, more than half (13) of the situations in which a Board Member intervened were resolved without resort to a work stoppage.

⁶Beatrice M. Burgoon, “Mediation Under the Railway Labor Act,” *The Railway Labor Act at Fifty*, Charles M. Rehmus, Editor, Washington, D.C., 1976, pp 77-78.

Table 1. Number of Mediation Cases Closed and Number and Percent of Cases Where Proffer Had Been Made, FY 1979—FY 1981

Fiscal Year	Total Mediation Cases Closed	Cases Closed In Which A Proffer Had Been Made	
		Number	Percent
1979	140	27	19.3
1980	216	54	25.0
1981	164	18	11.0
Total	520	99	19.0
AIRLINE INDUSTRY			
1979	58	12	20.7
1980	85	23	27.1
1981	59	15	25.4
Total	202	50	24.8
RAILROAD INDUSTRY			
1979	82	9	11.0
1980	131	31	23.7
1981	105	9	8.6
Total	318	49	15.4

Table 2. Interval Between Docketing and Closure, All Mediation Cases and Cases Where Proffer Had Been Made, FY 1979—FY 1981¹

Fiscal Year	Average Days Between Docketing and Closure		
	All Mediation Cases	Proffer Cases	Non-Proffer Cases
1979	253	340	239
1980	319	321	318
1981	271	336	258
3-Year Annual Average	284	329	273

¹This table provides data on mediation cases in which a settlement was reached. Therefore, cases closed by the Board for administrative reasons are not included. Cases in which a proffer was made are assigned to the year the case was closed, even though the proffer may have been made in an earlier year. Cases not closed by the end FY 1981 are not reflected in this table.

Table 3. Summary Data on Interval Between Docketing and Proffer and Average Days of Active Mediation Before Proffer, FY 1979—FY 1981

Fiscal Year	ALL PROFFER SITUATIONS			AIRLINE PROFFER SITUATIONS			RAILROAD PROFFER SITUATIONS		
	Number	Average Days Between Docketing and Proffer	Average Number of Active Mediation Days Before Proffer	Number	Average Days Between Docketing and Proffer	Average Number of Active Mediation Days Before Proffer	Number	Average Days Between Docketing and Proffer	Average Number of Active Mediation Days Before Proffer
1979	32	230	32	23	208	39	9	286	12
1980	21	180	28	12	163	24	9	204	34
1981	15	207	29	12	162	34	3	386	8
TOTAL	68	210*	30*	47	185*	34*	21	265*	21*

*Represents 3-year annual average.

Table 4. Number of Situations and Interval Between Docketing and Proffer, by Active Mediation Days Before Proffer, FY 1979—FY 1981

ACTIVE MEDIATION DAYS BEFORE PROFFER	ALL SITUATIONS		AIRLINE SITUATIONS		RAILROAD SITUATIONS	
	Number of Situations	Average Days Between Docketing and Proffer	Number of Situations	Average Days Between Docketing and Proffer	Number of Situations	Average Days Between Docketing and Proffer
1 - 10	23	183	12	146	11	224
11 - 20	20	181	16	145	4	325
21 - 30	8	202	4	112	4	292
31 - 40	5	217	5	217	—	—
More than 40	12	306	10	308	2	294
TOTAL	68	210	47	185	21	265

Table 5. Proffer Situations that Led to a Strike, FY 1979—FY 1981

Fiscal Year	ALL PROFFER SITUATIONS ¹			AIRLINE PROFFER SITUATIONS			RAILROAD PROFFER SITUATIONS		
	Total	Leading to a Strike		Total	Leading to a Strike		Total	Leading to a Strike	
		Number	Percent		Number	Percent		Number	Percent
1979	32	12	37.5	23	9	39.1	9	3	33.3
1980	21	8	38.1	12	4	33.3	9	4	44.4
1981	15	1	6.7	12	1	8.3	3	—	—
TOTAL	68	21	30.9	47	14	29.8	21	7	33.3

¹Proffer situations are assigned to the fiscal year the proffer was made, not the year the strike occurred.

Table 6. Average Number of Mediation Days Expended in Strike and Non-Strike Proffer Situations, FY 1979- FY 1981

Fiscal Year	ALL PROFFER SITUATIONS		AIRLINE PROFFER SITUATIONS		RAILROAD PROFFER SITUATIONS	
	Average No. of Mediation Days Spent in—		Average No. of Mediation Days Spent in—		Average No. of Mediation Days Spent in—	
	Strike Situations ¹	Non-Strike Situations	Strike Situations ¹	Non-Strike Situations	Strike Situations ¹	Non-Strike Situations
1979	52	36	64	39	16	29
1980	46	28	31	27	61	31
1981	136	28	136	33	—	9
3-Year Annual Average	53	31	59	34	41	26

¹This represents average number of mediation days expended before the strike occurred. These are total days in mediation, in contrast to mediation days before a proffer of arbitration.



INSIGHT INTO GRIEVANCE PROCEDURES—Roy J. Carvatta, Staff Director/Grievances, National Railroad Adjustment Board, addresses Brotherhood Railway Carmen delegates at a Burlington Northern Joint Protective Board Convention. Mr. Carvatta frequently speaks to various railroad organizations to explain the functions of the National Mediation Board and to discuss grievance procedures pertaining to the NRAB, Public Law Boards and Special Boards of Adjustment.

Appendix A

National Railroad Adjustment Board (Created June 21, 1934)

Euker, W. F., *Chairman*
 Fletcher, J. C., *Vice Chairman*
 Carvatta, R. J., *Staff Director/Grievances*
 Paulos, A. W., *Executive Secretary*

Accounting for all moneys appropriated by Congress for the fiscal year 1981 pursuant to the authority conferred by the Railway Labor Act, as amended (Public Law 442, 73rd Congress—Approved June 21, 1934).

Financial Statement National Railroad Adjustment Board for Fiscal Year 1981

Regular appropriation: National Railroad Adjustment Board	
Board's portions of Salaries and Expenses, National Mediation Board	\$971,000.00
Expenditure:	
Salaries of employees	314,243.00
Salaries of referees	302,062.00
Personnel benefits	25,046.00
Travel expenses (including referees)	39,055.00
Other Rent	17,430.00
Communication services	35,443.00
Standard level user charges	134,760.00
Postage	9,610.00
Printing and reproduction	12,517.00
Other contractual services	32,538.00
Supplies and materials	6,778.00
Total expenditures	\$929,482.00
Unexpended balance	41,518.00

NRAB Government Employees, Salaries and Duties

Name	Title	Salary Paid	Duties
Administration			
Carvatta, Roy J.	Administrative Officer	\$50,271.36	Subject to direction of National Mediation Board. Administers NRAB Governmental affairs
Swanson, Ronald A.	Asst. Adm. Officer	25,472.32	Accounting and Auditing
Szewczyk, Bernice E.	Clerical Assistant	17,998.96	Assists in accounting and auditing
Bradley, Rochelle E.	Clerk-Typist	12,418.32	Clerical and Typing
Lauraitis, John J.	Clerk	14,988.00	Clerical
Divisional			
Paulos, Angelo W.	Executive Secretary	25,323.84	Executive Secretary for all four divisions—fully responsible for Third Division
Dever, Nancy J.	Assistant Executive Secretary	22,362.00	Assists Executive Secretary—responsible for First and Fourth Divisions
Brasch, Rosemarie	Administrative Asst.	19,925.04	Assists Executive Secretary—responsible for Second Division
Czerwonka, Veronica	Administrative Asst.	16,917.36	Assists Executive Secretary on Third Division
Hudson, Lucile B.	Clerk-Typist	16,300.56	Clerical for Third Division
Loughrin, Catherine A.	Clerk-Typist	16,300.56	Clerical for Second Division
Stanger, Dianne M.	Clerk-Typist	16,300.56	Clerical for First and Fourth Divisions
Vorphal, Joan A.	Clerk-Typist	16,300.56	Clerical for Third Division

Neutral Referees' Services for all Divisions of NRAB

Name	Salary Paid	Duties
Referees		
First Division		
O'Brien, Robert M.	\$11,177.76	Sat with division as a member to make awards upon failure of division to agree or secure majority vote
Peterson, Robert E.	5,637.06	"
Zumas, Nicholas H.	1,734.48	"
Referees		
Second Division		
Brown, David H.	3,372.60	"
Carter, Paul C.	7,323.36	"
Carey, Thomas F.	2,890.80	"
Dennis, Rodney E.	9,636.00	"
Franden, Robert A.	2,216.28	"
Larney, George E.	7,082.46	"
LaRocco, John B.	16,670.28	"
Lyden, MacDara F.	3,228.06	"
McMurray, Kay	3,565.32	"
Marx, Herbert L., Jr.	11,852.28	"
Mikrut, John J., Jr.	289.08	"
Ritter, Gene T.	1,059.96	"
Roberts, Higdon C., Jr.	289.08	"
Roukis, George S.	4,239.84	"
Scarce, James F.	8,672.40	"
Scheinman, Martin F.	2,119.92	"
Twomey, David P.	2,216.28	"
Vernon, Gilbert H.	17,441.16	"
Weiss, Abraham	2,312.64	"
Wildman, Wesley A.	481.80	"
Referees		
Third Division		
Carter, Paul C.	\$20,813.76	Sat with division as a member to make awards upon failure of division to agree or secure majority vote
Dennis, Rodney E.	12,912.24	"
Edgett, William M.	1,059.96	"
Eischen, Dana E.	5,685.24	"
Franden, Robert A.	4,625.28	"
Kasher, Richard R.	2,505.36	"
Larney, George E.	5,203.44	"
LaRocco, John B.	6,407.94	"
Lowry, A. Robert	5,203.44	"
Mikrut, John J.	4,625.28	"
Ordman, Arnold	6,552.48	"
Roukis, George S.	6,456.12	"
Scarce, James F.	10,503.24	"
Scheinman, Martin F.	13,490.40	"
Sickles, Carlton R.	3,661.68	"
Sickles, Joseph A.	9,443.28	"
Sirefman, Josef	6,648.84	"

Neutral Referees' Services for all Divisions of NRAB—Continued

Name	Salary Paid	Duties
Referees		
Fourth Division		
Dennis, Rodney E.	3,661.68	"
Casher, Richard R.	578.16	"
McMurray, Kay	2,890.80	"
O'Brien, Theodore H.	192.72	"
McFarce, James F.	3,854.40	"
Scheinman, Martin F.	5,010.72	"
Sickles, Carlton R.	2,794.44	"
Sickles, Joseph A.	1,927.20	"
Van Wart, Arthur T.	192.72	"

First Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1980-81

W. F. Euker, <i>Chairman</i>	J. S. Gibbons ⁴	Chicago and Northwestern Transportation Co.	4
G. J. Cahill, <i>Vice Chairman</i>	J. R. Lange ⁵	Chicago, Milwaukee, St. Paul and Pacific R.R. Co.	6
E. E. Blakeslee ¹	H. E. Nelson ⁶	Consolidated Rail Corporation	3
R. E. Delaney	J. R. O'Connell	Davenport, Rock Island and North Western Rwy. Co.	1
A. D. Dula ²	F. P. Riordan ⁷	The Denver, Rio Grande and Western R.R. Co.	1
M. J. Fitzpatrick ³	M. D. Quin	Detroit, Toledo and Ironton R.R. Co.	1
A. W. Paulos, Executive Secretary		Georgia R.R. Co.	8
		Grand Trunk Western R.R. Co.	4
		Louisville and Nashville R.R.	1
		Seaboard Coast Line Rwy. Co.	17
		Southern Rwy. Co.	1
		Southern Pacific Transportation Co.	3
		Total	69

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.

OPERATIONS

The tables attached set out results of operations of the First Division during fiscal year 1980-1981.

TABLE 2—Cases Docketed Fiscal Year 1980-1981; Classified According to Organization Party to Submission

NAME OF ORGANIZATION	NUMBER OF CASES DOCKETED
Brotherhood of Locomotive Engineers	53
Individual	13
United Transportation Union	3
Total	69

Table 1—Cases Docketed Fiscal Year 1980-1981; Classified according to Carrier Party to Submission

NAME OF CARRIER	NUMBER OF CASES DOCKETED
The Atchison, Topeka and Santa Fe Ry. Co.	1
Belt Railway Company of Chicago	2
Burlington Northern, Inc.	16

¹Replaced Mr. Riordan

²Reassigned

³Reassigned

⁴Appointed 1981

⁵Reassigned

⁶Appointed to position, 1981

⁷Retired

Second Division—National Railroad Adjustment Board
10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1980-81

D. A. Hampton, <i>Vice Chairman</i> ¹	B. J. East
J. C. Clementi	J. M. Fagnani ²
M. J. Cullen	M. F. Fitzpatrick
J. A. McAteer	V. W. Merritt
R. A. Westbrook	W. F. Snell

¹E. H. Nadolny replaced D. A. Hampton on November 19, 1980. Mr. Hampton then replaced E. H. Nadolny on May 1, 1981.

²Replaced P. E. LaCrosse on August 1, 1981.

JURISDICTION

To have jurisdiction over disputes involving machinists, boilermakers, blacksmiths, sheet metal workers, electrical workers, carmen, the helpers and apprentices of all of the foregoing, coach cleaners, powerhouse employees, and railroad shop laborers.

OPERATIONS

The tables attached set out results of operations of the Second Division during the fiscal year 1980-81.

Table 1—Cases Docketed Fiscal Year 1980-1981; Classified According to Carrier Party to Submission

Atchison, Topeka & Santa Fe Railway Company	2
Baltimore & Ohio Railroad Company	21
Bangor & Aroostook Railroad Company	1
Belt Railway Company of Chicago	7
Bessemer & Lake Erie Railroad Company	1
Boston & Maine Corporation	1
Burlington Northern, Inc.	40
Chesapeake & Ohio Railway Company	9
Chicago & North Western Transportation Company	39
Chicago, Milwaukee, St. Paul & Pacific Railroad Company	39
Chicago, Rock Island & Pacific Railroad Company	4
Chicago, West Pullman & Southern Railroad Company	1
Clinchfield Railroad Company	6
Consolidated Rail Corporation	64
The Denver & Rio Grande Western Railroad Company	3
Detroit & Toledo Shore Line Railroad Company	1
Duluth, Missabe & Iron Range Railway Company	4
Elgin, Joliet & Eastern Railway Company	11
Fort Worth & Denver Railway Company	2
Fruit Growers Express	2
Houston Belt & Terminal Railway Company	2
Illinois Central Gulf Railroad Company	14
Indiana Harbor Belt Railroad Company	5
Kansas City Southern Railway Company	2
Kentucky & Indiana Terminal Railroad Company	2
Lake Terminal Railroad Company	1
Louisville & Nashville Railroad Company	35
Maine Central Railroad Company	3
Missouri Pacific Railroad Company	35
National Railroad Passenger Corporation	29
New Orleans Public Belt Railroad Company	1

Norfolk & Western Railway Company	9
Northwestern Pacific Railroad Company	1
Port Authority Trans Hudson	1
St. Louis-San Francisco Railway Company	12
St. Louis Southwestern Railway Company	5
Seaboard Coast Line Railroad Company	20
Soo Line Railroad Company	5
South Buffalo Railway Company	2
Southern Pacific Transportation Company	44
Southern Railway Company	12
Terminal Railroad Association of St. Louis	2
Texas & Pacific Railway Company	2
Toledo, Peoria & Western Railroad Company	2
Union Pacific Railroad Company	3
Washington Terminal Company	11
Western Fruit Express Company	1
Western Maryland Railway Company	1
Western Pacific Railroad Company	3
TOTAL	523

Table 2—Cases Docketed Fiscal Year 1980-1981; Classified According to Organization Party to Submission

Brotherhood Railway Carmen of the United States and Canada	221
International Brotherhood of Electrical Workers	132
International Association of Machinists & Aerospace Workers	62
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers	68
Sheet Metal Workers' International Association	32
United Steelworkers of America	1
Individually submitted cases, etc.	7
TOTAL	523

Third Division—National Railroad Adjustment Board
10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1980-81

J. E. Mason, <i>Chairman</i>	J. S. Godfrey
H. G. Harper, <i>Vice Chairman</i>	**R. J. Irvin
W. W. Altus, Jr.	*M. D. McCarthy
J. D. Crawford	R. W. Smith
J. P. Erickson	T. F. Strunck
J. C. Fletcher	P. V. Varga
A. W. Paulos, Executive Secretary	

JURISDICTION

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

*M. D. McCarthy replaced T. F. Strunck on February 1, 1981

**R. J. Irvin replaced J. P. Erickson on July 1, 1981

orters 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 (Para. (h) and (c), sec. 3, First, Railway Labor Act, 1934).

OPERATIONS

The tables attached set out results of operations of the Third Division during fiscal year 1980-1981.

Table 1—Cases Docketed Fiscal Year 1980-1981; Classified According to Carrier Party to Submission

Akron, Canton & Youngstown Railroad Company	1
Alton and Southern Railway Company	2
The Atchison, Topeka and Santa Fe Railway Company	18
Atlanta and West Point, Western Railway of Alabama, Georgia	1
Baltimore and Ohio Railroad Company	31
Baltimore and Ohio Chicago Terminal Railroad Company	1
Bangor and Aroostook Railroad Company	1
Belt Railway Company of Chicago	5
Bessemer and Lake Erie Railroad Company	4
Boston and Maine Corporation	4
Burlington Northern, Inc.	15
Cambria and Indiana Railroad Company	1
Canadian Pacific Limited (Lines in Maine and Vermont)	1
Central of Georgia Railroad Company	3
Chesapeake and Ohio Railway Company	246
Chicago and Illinois Midland Railway Company	4
Chicago and North Western Transportation Company	20
Chicago, Milwaukee, St. Paul and Pacific Railroad Company	30
Chicago, Rock Island and Pacific Railroad Company	4
Cincinnati, New Orleans & Texas Pacific Railway Company	1
Colorado and Southern Railway Company	3
Consolidated Rail Corporation	45
The Denver and Rio Grande Western Railroad Company	20
Detroit, Toledo and Ironton Railroad Company	5
Duluth, Winnipeg and Pacific Railway Company	5
Elgin, Joliet and Eastern Railway Company	15
Fort Worth and Denver Railway Company	6
Fruit Growers Express	1
Galveston, Houston and Henderson Railroad Company	1
Georgia Railroad	1
Green Bay and Western Railroad Company	1
Houston Belt & Terminal Railway Company	2
Illinois Central Gulf Railroad	13
Illinois Terminal Railroad Company	5
Indiana Harbor Belt Railroad Company	1
Joint Texas Division of CRI&P-FW&D	1
Kansas City Southern Railway Company	5
Kansas City Terminal Railway Company	2
Kentucky & Indiana Terminal Railroad Company	2
Lake Superior & Ishpeming Railroad Company	1
Lake Terminal Railroad Company	3
Louisiana and Arkansas Railway Company	3
Louisville and Nashville Railroad Company	7
McCloud River Railroad Company	1
Maine Central Railroad Company-Portland Terminal Company	2

Milwaukee-Kansas City Southern Joint Agency	1
Missouri-Kansas-Texas Railroad Company	10
Missouri Pacific Railroad Company	20
National Railroad Passenger Corporation	10
Newburgh & South Shore Railway Company	1
New Orleans Public Belt Railroad	6
Norfolk and Western Railway Company	13
Northwestern Pacific Railroad Company	2
Peoria and Pekin Union Railway Company	1
Pittsburgh and Lake Erie Railroad Company	7
Pittsburgh & Shawmut Railroad Company	1
Port Authority Trans-Hudson Corporation	1
Port Terminal Railroad Association	1
Railroad Perishable Inspection Agency	1
Richmond, Fredericksburg and Potomac Railroad Company	1
St. Louis-San Francisco Railway Company	6
St. Louis Southwestern Railway Company	2
Seaboard Coast Line Railroad Company	51
Soo Line Railroad Company	8
Southern Pacific (Pacific Lines)	18
Southern Pacific (Texas & Louisiana Lines)	10
Southern Railway Company	17
Staten Island Rapid Transit Operating Authority	5
Terminal Railroad Association of St. Louis	8
Union Pacific Railroad Company	6
Washington Terminal Company	5
Western Maryland Railway Company	2
Western Pacific Railroad Company	7
Western Railway of Alabama	1
TOTAL	766

Table 2—Cases Docketed Fiscal Year 1980-1981; Classified According to Organization Party to Submission

American Train Dispatchers Association	21
Brotherhood of Maintenance of Way Employes	202
Brotherhood of Railroad Signalmen	83
Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes	417
TOTAL ORGANIZATIONS	723
Miscellaneous Class of Employes	43
TOTAL	766

Fourth Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1980-81

P. V. Varga, <i>Chairman</i>	D. E. Bartholomay ³
D. E. Watkins, <i>Vice Chairman</i>	E. H. Nadolny ⁴
H. E. Crow ¹	R. F. O'Leary
W. M. Cunningham ²	
D. M. Lefkow	
A. W. Paulos, Executive Secretary	

¹P. V. Varga, substitute for H. E. Crow

²W. F. Euker, substitute for Mr. Cunningham

³Replaced Mr. Nadolny, April 22, 1981

⁴Reassigned, April 22, 1981

JURISDICTION

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 six members, three of whom shall be selected by the carriers and three by the national labor organizations of the employees. (Paragraph (h), Section 3, First, Railway Labor Act, 1934).

The disputes between an employee or group of employees and a carrier or carriers growing out of grievances or out of the interpretation or application of agreements concerning rates of pay, rules or working conditions, including cases pending and unadjusted on the date of approval of this Act, shall be handled in the usual manner up to and including the chief operating officer of the carrier designated to handle such disputes; but, failing to reach an adjustment in this manner, the disputes may be referred by petition of the parties or by either party to the appropriate division of the Adjustment Board with full statement of facts and all supporting data bearing upon the disputes. (Paragraph (i), Section 3, First, Railway Labor Act, 1934).

OPERATIONS

The tables attached set out results of operations of the Fourth Division during fiscal year 1980-81.

Table 1—Cases Docketed Fiscal Year 1980-1981; Classified According to Carrier Party to Submission

	Number of Cases
The Atchison, Topeka and Santa Fe	3
Baltimore and Ohio R.R. Co.	12
Boston and Maine Corporation	6
Bourbon Stock Yards	3
Burlington Northern, Inc.	3
Chesapeake and Ohio Ry. Co.	7
Chicago, Milwaukee, St. Paul and Pacific R.R. Co.	1
Chicago, Rock Island and Pacific R.R. Co.	1
Consolidated Rail Corporation	34
Davenport, Rock Island and North Western Ry. Co.	1

Delaware and Hudson Ry. Co.	2
The Denver, Rio Grande and Western R.R. Co.	1
Duluth, Missabe and Iron Range Ry. Co.	1
Kentucky and Indiana Terminal R.R. Co.	1
Long Island Railroad	1
Louisville and Nashville R.R. Co.	6
Missouri Pacific R.R. Co.	3
National Railroad Passenger Corporation	6
Norfolk and Western Ry. Co.	5
Pacific Fruit Express Co.	1
Pittsburgh and Lake Erie R.R. Co.	2
Seaboard Coast Line R.R. Co.	1
Southern Railway Co.	12
Southern Pacific Transportation Co. (Texas and Louisiana Lines)	1
Southern Pacific Transportation Co. (Pacific Lines)	3
St. Louis-San Francisco Ry. Co.	1
Terminal Railroad Association of St. Louis	1
Western Pacific R.R. Co.	1
TOTAL	120

Table 2—Cases Docketed Fiscal Year 1980-1981; Classified According to Organization Party to Submission

	Number of Cases
American Federation of Railroad Police	1
American Railway Supervisors Association	14
American Railway and Airway Supervisors Association	31
BRAC (RP&SOS)	17
Brotherhood Railway Carmen	1
Great Lakes Licensed Officers	1
Individuals	8
International Brotherhood of Electrical Workers	2
International Longshoremen's Association	1
International Brotherhood of Electrical Workers (formerly RED)	1
Railroad Yardmasters of America	40
United Food and Commercial Workers	3
TOTAL	120



APPENDIX B

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981

Name	Residence	Date of Appointment	Public Law Board No.	Parties
John J. Gaherin 4	Bradenton, FL	February 17, 1981	1186	St. Louis Southwestern Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
John N. Gentry 2	Washington, DC	July 24, 1981	1870	St. Louis Southwestern Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
A. Thomas Van Wart 3	Salem, NJ	January 21, 1981	2331	The Akron, Canton and Youngstown RR. Co. and United Transportation Union (T)
David H. Brown 2	Sherman, TX	December 2, 1980	2360	San Manuel Arizona RR. Co. and United Transportation Union
David H. Brown 2	Sherman, TX	December 29, 1980	2369	Union Pacific RR. Co. and United Transportation Union (T)
David Dolnick 2	Chicago, IL	July 1, 1981	2399	Norfolk and Portsmouth Belt Line RR. Co. and United Transportation Union (T)
Harold M. Weston 2	New York, NY	July 1, 1981	2453	Delaware and Hudson Rwy. Co. and United Transportation Union (C)
George S. Roukis 2	Manhasset Hills, NY	July 1, 1981	2481	Southern Railway Co., The Cincinnati, New Orleans and Texas Pacific Rwy. Co., The Alabama Great Southern RR. Co., The New Orleans Terminal Co., Georgia, Southern and Florida Rwy. Co., St. Johns River Terminal Co., Norfolk Southern Rwy. Co., Atlantic and East Carolina Rwy. Co., Live Oak, Perry and South Georgia Rwy. Co., Tennessee, Alabama and Georgia Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
John L. Schroeder 2	Rockville, MD	November 4, 1980	2499	Cuyahoga Valley Rwy. Co. and United Transportation Union (E)
Jacob Seidenberg 2	Falls Church, VA	February 18, 1981	2504	Pennsylvania Truck Lines, Inc. and Consolidated Rail Corporation and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America
Joseph Lazar 3	Boulder, CO	August 21, 1981	2529	Fort Worth and Denver Rwy. Co. and Brotherhood of Maintenance of Way Employees
Joseph Lazar 3	Boulder, CO	August 21, 1981	2535	Joint Texas Division of Chicago, Rock Island and Pacific RR Co., Fort Worth and Denver Rwy. Co. and Brotherhood of Maintenance of Way Employees
John L. Schroeder 2	Rockville, MD	January 23, 1981	2587	The Belt Railway Company of Chicago and United Transportation Union
Robert E. Peterson 2	Ossining, NY	July 1, 1981	2608	Elgin, Joliet and Eastern Rwy. Co. and United Transportation Union
Robert E. Peterson 2	Ossining, NY	January 5, 1981	2662	Consolidated Rail Corporation and United Transportation Union
George S. Roukis 2	Manhasset Hills, NY	December 22, 1980	2668	Norfolk and Western Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
Arthur T. Van Wart 2	Waquoit, MA	July 1, 1981	2669	Staten Island Rapid Transit Operating Authority and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
John F. Sembower 2	Chicago, IL	March 23, 1981	2685	Union Pacific RR Co. (Eastern District) (South Central District) and United Transportation Union (C-T-E)
C. Robert Roadley 2	Williamsburg, VA	November 7, 1980	2690	Missouri Pacific RR. Co. and Brotherhood of Locomotive Engineers
Arthur T. Van Wart 2	Wilmington, DE	March 18, 1981	2696	Monongahela Connecting RR Co. and United Transportation Union
Arthur T. Van Wart 2	Wilmington, DE	October 27, 1980	2700	Missouri-Kansas-Texas RR. Co. and Brotherhood of Locomotive Engineers
Robert J. Ables 2	Washington, DC	March 19, 1981	2703	Union Pacific RR. Co. and United Transportation Union (C-T)
Arthur W. Black 2	Lakewood, OH	July 1, 1981	2707	Elgin, Joliet and Eastern Rwy. Co. and United Transportation Union
William M. Edgett 2	Ellicott City, MD	October 31, 1980	2711	Consolidated Rail Corporation and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
Richard R. Kasher 2	Bryn Mawr, PA	December 2, 1980	2718	Consolidated Rail Corporation and United Transportation Union
Joseph A. Sickles 2	Bethesda, MD	October 1, 1980	2724	Norfolk and Western Rwy. Co. and United Transportation Union
William M. Edgett 1	Ellicott City, MD	October 27, 1980	2725	The Baltimore and Ohio RR. Co. and International Association of Machinists and Aerospace Workers
Robert M. O'Brien 3	Boston, MA	November 3, 1980	2728	Boston and Maine Corporation and Brotherhood Railway Carmen of United States and Canada
Irwin M. Lieberman 2	Stamford, CT	October 15, 1980	2731	Denver and Rio Grande Western RR. Co. and Brotherhood of Railroad Signalmen
Theodore H. O'Brien 2	Boston, MA	October 7, 1980	2733	Cuyahoga Valley Rwy. Co. and United Transportation Union
Robert E. Stenzinger 2	Glenview, IL	November 6, 1980	2740	Detroit, Toledo and Ironton RR. Co. and United Transportation Union
Irwin M. Lieberman 2	Stamford, CT	October 1, 1980	2741	Union Pacific RR. Co. (Motive Power and Machinery Department) and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
William E. Fredenberger 1	Stafford, VA	October 1, 1980	2743	Denver and Rio Grande Western RR. Co. and United Transportation Union
Arthur T. Van Wart 2	Wilmington, DE	October 7, 1980	2745	Terminal Railroad Association of St. Louis and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
John B. Criswell 2	Stigler, OK	July 1, 1981	2747	Denver and Rio Grande Western RR. Co. and United Transportation Union (S)
Harold M. Weston 2	New York, NY	March 2, 1981	2759	Burlington Northern Inc. and United Transportation Union (S)
David H. Brown 2	Sherman, TX	October 7, 1980	2764	Richmond, Fredericksburg and Potomac RR. Co. and United Transportation Union (C)
Kay McMurray 2	Bethesda, MD	October 15, 1980	2767	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers

See footnotes at end of table

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981—Continued

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Eugene Mittelman 2	Washington, DC	October 7, 1980	2768	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union
David H. Brown 2	Sherman, TX	January 21, 1981	2769	Louisville and Nashville RR. Co. and United Transportation Union
Jack A. Warsaw 2	Bethesda, MD	October 9, 1980	2771	Soo Line RR. Co. and Brotherhood of Railroad Signalmen
Arthur T. Van Wart 2	Wilmington, DE	October 1, 1980	2772	The Atchison, Topeka and Santa Fe Rwy. Co., Western Lines (Northern and Southern Divisions) and United Transportation Union
Robert E. Peterson 2	Ossining, NY	March 5, 1981	2772	The Atchison, Topeka and Santa Fe Rwy. Co., Western Lines (Northern and Southern Divisions) and United Transportation Union
Kay McMurray 2	Bethesda, MD	October 9, 1980	2773	Florida East Coast Rwy. Co. and Florida Federation of Railroad Employees
Irwin M. Lieberman 2	Stamford, CT	October 27, 1980	2774	The Atchison, Topeka and Santa Fe Rwy. Co. and Brotherhood of Maintenance of Way Employes
Arthur T. Van Wart 2	Wilmington, DE	December 29, 1980	2775	Kansas City Southern Rwy. Co., Louisiana and Arkansas Railway Co. and United Transportation Union (T)
Jacob Seidenberg 2	Falls Church, VA	October 27, 1980	2776	The Denver and Rio Grande Western RR. Co. and United Transportation Union (C-T)
A. Thomas Van Wart 2	Salem, NJ	October, 27, 1980	2777	Indiana Harbor Belt RR. Co. and United Transportation Union
Arthur T. Van Wart 2	Wilmington, DE	October 15, 1980	2780	Norfolk and Western Rwy. Co. and District 2—Marine Engineers Beneficial Association and Associated Maritime Officers (AFL-CIO)
Rodney E. Dennis 2	New York, NY	December 1, 1980	2781	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and Brotherhood Railway Carmen of United States and Canada
George S. Roukis 2	Manhasset Hills, NY	November 7, 1980	2782	The Long Island RR. Co. and Police Benevolent Association
William E. Fredenberger 1	Stafford, VA	November 4, 1980	2783	Maine Central RR. Co., Portland Terminal Company and United Transportation Union (E)
Robert M. O'Brien 2	Boston, MA	July 1, 1981	2783	Maine Central RR. Co., Portland Terminal Company and United Transportation Union (E)
Harold M. Weston 2	New York, NY	December 2, 1980	2784	Burlington Northern, Inc. and Brotherhood of Locomotive Engineers
Dana E. Eischen 1	Ithaca, NY	November 3, 1980	2785	Bangor and Aroostook RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Robert A. Franden 2	Tulsa, OK	January 22, 1981	2786	The Consolidated Rail Corporation and Railroad Yardmasters of America
Paul C. Carter 2	Wheaton, IL	November 6, 1980	2787	St. Louis-San Francisco Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
George S. Roukis 2	Manhasset Hills, NY	October 31, 1980	2788	The Chesapeake and Ohio Rwy. Co. (Chesapeake District) and Brotherhood Railway Carmen of United States and Canada
Arthur T. Van Wart 2	Wilmington, DE	November 3, 1980	2789	Norfolk and Western Rwy. Co. and Brotherhood of Locomotive Engineers (on Lines Formerly Operated by Wabash RR. Co. and Identified as Lines West of Detroit)
Abraham Weiss 2	Bethesda, MD	November 7, 1980	2790	Soo Line RR. Co. and Brotherhood Railway Carmen of United States and Canada
Harold M. Weston 2	New York, NY	March 3, 1981	2791	Southern Pacific Transportation Co. (T & L Lines) and Brotherhood of Locomotive Engineers
Dana E. Eischen 2	Ithaca, NY	November 21, 1980	2792	National Railroad Passenger Corporation and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Harold M. Weston 2	New York, NY	November 7, 1980	2793	Chicago and North Western Rwy. Co. and Brotherhood of Locomotive Engineers
Rodney E. Dennis 2	New York, NY	November 19, 1980	2794	Illinois Central Gulf RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Dana E. Eischen 2	Ithaca, NY	November 21, 1980	2795	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Eugene Mittelman 2	Washington, DC	November 20, 1980	2796	Consolidated Rail Corporation and United Transportation Union (C-T)
John B. Criswell 2	Stigler, OK	November 24, 1980	2797	National Railroad Passenger Corporation and Railroad Yardmasters of America
John L. Schroeder 2	Rockville, MD	November 25, 1980	2798	Penn Truck Lines, Inc. and Teamster Local Union #807, Title V
John J. Gaherin 1	Bradenton, FL	January 5, 1981	2799	The Los Angeles Junction Rwy. Co. and United Transportation Union (S)
John B. Criswell 2	Stigler, OK	November 21, 1980	2800	Union Pacific RR. Co.—Eastern District and United Transportation Union (E)
Robert E. Peterson 2	Ossining, NY	December 29, 1980	2801	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (C-T-Y)
Neil P. Speirs 2	Rohnert Park, CA	November 24, 1980	2802	Oregon, California and Eastern Rwy. and United Transportation Union
Irving T. Bergman 2	Mineola, NY	December 11, 1980	2803	The Atchison Topeka and Santa Fe Rwy. Co. and United Transportation Union (C-T-Y)
David Dolnick 2	Chicago, IL	December 11, 1980	2804	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and Brotherhood of Locomotive Engineers
Herbert L. Marx, Jr. 2	New York, NY	March 3, 1981	2806	Burlington Northern Inc. and United Transportation Union (T)
Nicholas H. Zumas 2	Washington, DC	July 1, 1981	2807	Louisville and Nashville RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
George E. Larney 2	Evanston, IL	December 2, 1980	2808	The Atchison, Topeka and Santa Fe Rwy. Co.—Eastern & Western Lines—(Except Northern & Southern Divisions) and United Transportation Union (E)
David H. Brown 2	Sherman, TX	January 21, 1981	2810	Louisville and Nashville RR. Co. and United Transportation Union
A. Thomas Van Wart 2	Salem, NJ	January 21, 1981	2811	Patapsco and Back Rivers RR. Co. and United Transportation Union
Kay McMurray 2	Bethesda, MD	December 24, 1980	2813	The Belt Railway Co. of Chicago and Brotherhood of Locomotive Engineers
Harold M. Weston 2	New York, NY	December 29, 1980	2814	The Chesapeake and Ohio Rwy. Co. and Brotherhood of Locomotive Engineers
A. Thomas Van Wart 1	Salem, NJ	January 21, 1981	2815	The Denver and Rio Grande Western RR. Co. and Brotherhood of Locomotive Engineers
John F. Sembower 2	Chicago, IL	December 29, 1980	2816	Union Pacific RR. Co. (Northwestern District—Oregon Division) and United Transportation Union (E)

See footnotes at end of table

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981—Continued

Name	Residence	Date of Appointment	Public Law Board No.	Parties
George S. Roukis 2	Manhasset Hills, NY	December 29, 1980	2817	Bangor and Aroostook RR. Co. and Brotherhood Railway Carmen of United States and Canada, System Federation No. 18, Railway Employees' Department, AFL-CIO
Robert M. O'Brien 3	Boston, MA	February 13, 1981	2817	The Bangor and Aroostook RR. Co. and Brotherhood Railway Carmen of United States and Canada
Louis Yagoda 2	New Rochelle, NY	December 29, 1980	2818	Kansas City Terminal Rwy. Co. and United Transportation Union (E)
Robert E. Peterson 2	Ossining, NY	January 5, 1981	2819	Grand Trunk Western RR. Co. and United Transportation Union
Clyde F. Lane 2	Lakewood, OH	January 6, 1981	2820	Chicago and North Western Rwy. Co. and Brotherhood of Locomotive Engineers
John L. Schroeder 4	Rockville, MD	March 12, 1981	2820	Chicago and North Western Rwy. Co. and Brotherhood of Locomotive Engineers
Clyde F. Lane 2	Lakewood, OH	December 22, 1980	2821	Illinois Central Gulf RR. Co. and Brotherhood of Locomotive Engineers
John L. Schroeder 4	Rockville, MD	February 19, 1981	2821	Illinois Central Gulf RR. Co. and Brotherhood of Locomotive Engineers
George S. Roukis 2	Manhasset Hills, NY	December 29, 1980	2822	The Long Island RR. Co. and International Association of Machinists and Aerospace Workers
George S. Roukis 2	Manhasset Hills, NY	January 9, 1981	2823	The Long Island RR. Co. and Brotherhood of Railroad Signalmen—Lodge 56
Arthur T. Van Wart 2	Wauquoit, MA	July 1, 1981	2824	The Lake Terminal RR. Co. and United Transportation Union
Byron R. Abernethy 2	Lubbock, TX	January 21, 1981	2825	The Atchison, Topeka and Santa Fe Rwy. Co. (Coast Lines) and United Transportation Union
Herbert L. Marx, Jr. 2	New York, NY	February 13, 1981	2826	The Ogden Union Rwy. and Depot Co. and Railroad Yardmasters of America
Tedford E. Schoonover 1	Colorado Springs, CO	January 13, 1981	2827	Colorado and Wyoming Rwy. Co. and United Transportation Union (E)
Paul C. Carter 2	Wheaton, IL	January 26, 1981	2828	The Atchison, Topeka and Santa Fe Rwy. Co. and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
A. Thomas Van Wart 2	Salem, NJ	March 2, 1981	2829	The Washington Terminal Co. and International Brotherhood of Electrical Workers
Arthur T. Van Wart 2	Wilmington, DE	February 2, 1981	2830	Southern Pacific Transportation Co. (T&L Lines) and United Transportation Union (E)
James F. Searce 2	Atlanta, GA	January 12, 1981	2831	Grand Trunk Western RR. Co. and International Brotherhood of Firemen and Oilers, System Council No. 6
John B. LaRocco 1	Arlington, VA	August 20, 1981	2832	Belfast and Moosehead Lake RR. Co. and International Brotherhood of Electrical Workers
William E. Fredenberger 1	Stafford, VA	July 1, 1981	2833	Chicago and North Western Transportation Co. and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
David H. Brown 2	Sherman, TX	January 26, 1981	2834	Ashley, Drew and Northern Rwy. Co. and United Transportation Union
David H. Brown 2	Sherman, TX	March 2, 1981	2836	Norfolk and Western Rwy. Co. (Lines formerly operated by the Wabash RR. Co. and identified as Lines West of Detroit) and United Transportation Union (C-T-E)
Arthur T. Van Wart 2	Wilmington, DE	February 2, 1981	2837	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (C-T-Y)
Fred Blackwell 2	Gaithersburg, MD	January 21, 1981	2838	Consolidated Rail Corporation and International Association of Machinists and Aerospace Workers
Jacob Seidenberg 2	Falls Church, VA	February 3, 1981	2839	Norfolk and Western Rwy. Co. and United Transportation Union (C-T-E)
Arthur T. Van Wart 2	Wilmington, DE	January 28, 1981	2840	Georgia Railroad and United Transportation Union (C-T)
Kay McMurray 2	Bethesda, MD	January 29, 1981	2841	The Chesapeake and Ohio Rwy. Co. (Pere Marquette District) and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
Kay McMurray 2	Bethesda, MD	February 9, 1981	2842	The Washington Terminal Co. and International Brotherhood of Firemen and Oilers
Paul C. Carter 2	Wheaton, IL	January 28, 1981	2843	Norfolk and Western Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Robert E. Stenzinger 2	Glenview, IL	February 9, 1981	2844	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and Brotherhood of Railroad Signalmen
David P. Twomey 2	Chestnut Hill, MA	March 13, 1981	2846	Burlington Northern Inc. and International Brotherhood of Electrical Workers
Arthur T. Van Wart 2	Wilmington, DE	February 13, 1981	2847	Detroit Terminal RR. Co. and United Transportation Union
David Dolnick 2	Chicago, IL	February 13, 1981	2848	Davenport, Rock Island and North Western Rwy. Co. and Railroad Yardmasters of America
Nelson M. Bortz 2	Kitty Hawk, NC	February 13, 1981	2849	Terminal Railway-Alabama State Docks and Brotherhood of Locomotive Engineers
John B. LaRocco 2	Arlington, VA	January 29, 1981	2850	The Washington Terminal Co. and Brotherhood Railway Carmen of United States and Canada
Gene T. Ritter 2	Ardmore, OK	February 13, 1981	2851	Norfolk and Western Rwy. Co. and United Transportation Union (T)
William E. Fredenberger 2	Stafford, VA	February 17, 1981	2852	The Western Maryland Rwy. Co. and Brotherhood of Railroad Signalmen
David Dolnick 2	Chicago, IL	February 23, 1981	2853	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and Brotherhood of Locomotive Engineers
Arthur T. Van Wart 2	Wilmington, DE	February 17, 1981	2854	St. Louis Southwestern Rwy. Co. and United Transportation Union (T)
Jacob Seidenberg 1	Falls Church, VA	July 1, 1981	2855	Consolidated Rail Corporation and International Brotherhood of Electrical Workers
A. Thomas Van Wart 2	Salem, NJ	February 23, 1981	2856	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union
Fred Blackwell 2	Gaithersburg, MD	February 19, 1981	2857	Consolidated Rail Corporation and United Transportation Union
Arthur T. Van Wart 2	Wilmington, DE	March 2, 1981	2858	Southern Pacific Transportation Co. (Texas & Louisiana Lines) and United Transportation Union (C-T)
A. Tomas Van Wart 2	Salem, NJ	March 13, 1981	2859	Norfolk and Western Rwy. Co. and United Transportation Union
Elise T. Snyder 2	Washington, DC	March 11, 1981	2860	Illinois Central Gulf RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Nicholas H. Zumas 2	Washington, DC	August 7, 1981	2861	Norfolk and Western Rwy. Co. and United Transportation Union (E)
Gene T. Ritter 2	Ardmore, OK	March 5, 1981	2862	Norfolk and Western Rwy. Co. and United Transportation Union (T)
Herbert L. Marx, Jr. 2	New York, NY	March 10, 1981	2863	Duluth, Missabe and Iron Range Rwy. Co. and International Brotherhood of Electrical Workers

See footnotes at end of table

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981—Continued

Name	Residence	Date of Appointment	Public Law Board No.	Parties
George S. Roukis 2	Manhasset Hills, NY	March 10, 1981	2864	National Railroad Passenger Corporation and International Brotherhood of Electrical Workers, System Council #7
Arthur T. Van Wart 2	Wilmington, DE	March 11, 1981	2866	St. Louis Southwestern Rwy. Co. and Brotherhood Railway Carmen of United States and Canada
Dana E. Eischen 2	Ithaca, NY	March 24, 1981	2867	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and International Brotherhood of Firemen and Oilers
Robert M. O'Brien 2	Boston, MA	March 24, 1981	2868	Boston and Maine Corporation and Brotherhood of Locomotive Engineers
George E. Larney 2	Evanston, IL	March 23, 1981	2869	Burlington Northern, Inc. and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
David H. Brown 2	Sherman, TX	March 19, 1981	2870	Consolidated Rail Corporation and United Transportation Union (E)
Elizabeth Wesman 2	Ithaca, NY	March 23, 1981	2871	Burlington Northern Inc. and Brotherhood of Railroad Signalmen
Rodney E. Dennis 2	New York, NY	July 1, 1981	2872	Illinois Central Gulf RR. Co. and International Association of Machinists and Aerospace Workers
Leverett Edwards 2	Fort Worth, TX	July 1, 1981	2873	Norfolk and Western Rwy. Co. and Brotherhood of Locomotive Engineers and United Transportation Union
Nicholas H. Zumas 2	Washington, DC	March 11, 1981	2874	Union RR. Co. and United Steelworkers of America (AFL-CIO) Local 1913
George S. Roukis 2	Manhasset Hills, NY	July 1, 1981	2875	Consolidated Rail Corporation and International Association of Machinists and Aerospace Workers
Arthur T. Van Wart 2	Wilmington, DE	March, 18, 1981	2876	Southern Pacific Transportation Co. (T & L Lines) and Brotherhood Railway Carmen of United States and Canada
Abraham Weiss 2	Bethesda, MD	March 23, 1981	2877	Burlington Northern, Inc. and Brotherhood Railway Carmen of United States and Canada
Irwin M. Lieberman 2	Stamford, CT	March 19, 1981	2878	St. Louis Southwestern Rwy. Co. and American Train Dispatchers Association
John L. Schroeder 2	Rockville, MD	July 1, 1981	2881	The Chesapeake and Ohio Rwy. Co. and International Organization of Masters, Mates and Pilots-Atlantic and Gulf Region Inland Division
William M. Edgett 2	Ellicott City, MD	July 1, 1981	2882	Southern Pacific Transportation Co. (T & L Lines) and Brotherhood of Locomotive Engineers
George S. Roukis 2	Manhasset Hills, NY	July 1, 1981	2883	The Long Island RR. Co. and United Transportation Union, Local 1934
Barry K. Tucker 2	Oak Lawn, IL	March 24, 1981	2885	The Atchison, Topeka and Santa Fe Rwy. Co. and International Brotherhood of Firemen and Oilers
P. M. Williams 1	Oklahoma City, OK	July 1, 1981	2886	Houston Belt and Terminal Rwy. Co. and Brotherhood of Locomotive Engineers
Joseph A. Sickles 2	Bethesda, MD	July 1, 1981	2887	Richmond, Fredericksburg and Potomac RR. Co. and Brotherhood Railway Carmen of United States and Canada
A. R. Lowry 2	Annapolis, MD	August 31, 1981	2889	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and Transport Workers Union of America (AFL-CIO)
Joseph A. Sickles 2	Bethesda, MD	July 1, 1981	2891	Norfolk and Western Rwy. Co. and United Transportation Union (E)
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2892	McKeesports Connecting RR. Co. and United Transportation Union
Robert E. Stenzinger 2	Glenview, IL	July 1, 1981	2893	Detroit, Toledo and Ironton RR. Co. and United Transportation Union
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2894	Burlington Northern, Inc. and United Transportation Union
Irwin M. Lieberman 2	Stamford, CT	July 1, 1981	2895	Union Pacific Fruit Express Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
James F. Scearce 2	Atlanta, GA	July 1, 1981	2896	The Fruit Growers Express Co. and Allied Services Division of Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Richard R. Kasher 2	Bryn Mawr, PA	July 1, 1981	2897	National Railroad Passenger Corporation and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
David Dolnick 2	Chicago, IL	August 28, 1981	2898	Missouri-Kansas-Texas RR. Co. and Brotherhood of Locomotive Engineers
Irving T. Bergman 2	Mineola, NY	July 1, 1981	2900	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (C-T-Y)
Harold M. Weston 1	New York, NY	July 1, 1981	2901	St. Louis Southwestern Rwy. Co. and Brotherhood of Locomotive Engineers
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2902	Burlington Northern, Inc. and United Transportation Union
Richard R. Kasher 1	Bryn Mawr, PA	July 1, 1981	2903	Delaware and Hudson Rwy. Co. and Brotherhood of Locomotive Engineers
Richard R. Kasher 2	Bryn Mawr, PA	July 1, 1981	2905	Delaware and Hudson Rwy. Co. and American Train Dispatchers Association
Gene T. Ritter 2	Ardmore, OK	July 1, 1981	2906	Missouri Pacific RR. Co. and Brotherhood of Locomotive Engineers
John B. Criswell 2	Stigler, OK	September 14, 1981	2907	The Denver and Rio Grande Western RR. Co. and United Transportation Union (E)
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2908	Norfolk and Western Rwy. Co. and Brotherhood Railway Carmen of United States and Canada
Gene T. Ritter 2	Ardmore, OK	July 1, 1981	2909	The Colorado and Southern Rwy. Co. and United Transportation Union
Robert E. Stenzinger 2	Glenview, IL	July 1, 1981	2910	Chicago and North Western Transportation Co. and International Association of Machinists and Aerospace Workers
Leverett Edwards 2	Fort Worth, TX	July 1, 1981	2911	The Texas Mexican Rwy. Co. and United Transportation Union (C-T)
George S. Roukis 2	Manhasset Hills, NY	July 1, 1981	2912	The Long Island RR. Co. and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 808
Kay McMurray 1	Bethesda, MD	July 1, 1981	2913	Norfolk and Western Rwy. Co. and Brotherhood Railway Carmen of United States and Canada
David Dolnick 2	Chicago, IL	July 1, 1981	2915	Southern Pacific Transportation Co., Texas and Louisiana Lines and United Transportation Union (E)
Joseph A. Sickles 2	Bethesda, MD	July 1, 1981	2916	Norfolk and Western Rwy. Co. and Brotherhood of Locomotive Engineers
Paul C. Carter 2	Wheaton, IL	July 1, 1981	2917	The Baltimore and Ohio Chicago Terminal RR. Co. and Brotherhood Railway Carmen of United States and Canada
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2918	The Washington Terminal Co. and Brotherhood Railway Carmen of United States and Canada

See footnotes at end of table

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981—Continued

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Gilbert H. Vernon 2	Eau Claire, WI	July 1, 1981	2919	Seaboard Coast Line RR. Co. and Brotherhood Railway Carmen of United States and Canada
George E. Larney 2	Evanston, IL	July 1, 1981	2920	The Belt Rwy. Co. of Chicago and United Transportation Union
Robert E. Peterson 2	Ossining, NY	July 1, 1981	2921	The Chesapeake and Ohio Rwy. Co. (Chesapeake District) and Brotherhood Railway Carmen of United States and Canada
Herbert L. Marx, Jr. 2	New York, NY	July 1, 1981	2922	Missouri-Kansas-Texas RR. Co. and Brotherhood of Railroad Signalmen
David M. Beckerman 1	Livingston, NJ	July 1, 1981	2923	The Detroit and Toledo Shore Line RR. Co. and United Transportation Union
A. Thomas Van Wart 2	Salem, NJ	July 1, 1981	2924	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union
Richard R. Kasher 2	Bryn Mawr, PA	July 1, 1981	2925	Southern Pacific Transportation Co. (Pacific Lines) and Brotherhood of Railroad Signalmen
Irving T. Bergman 2	Mineola, NY	July 1, 1981	2926	The Los Angeles Junction Rwy. Co. and United Transportation Union (S)
Arthur T. Van Wart 2	Wilmington, DE	July 6, 1981	2928	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C)
Harold M. Weston 2	New York, NY	July 1, 1981	2929	The Chesapeake and Ohio Rwy. Co. and United Transportation Union
Leverett Edwards 2	Fort Worth, TX	July 1, 1981	2930	The Baltimore and Ohio RR. Co. and United Transportation Union
Robert E. Peterson 2	Briarcliff, NY	July 24, 1981	2931	Bessemer and Lake Erie RR. Co. and United Transportation Union (T)
Preston J. Moore 2	Oklahoma City, OK	July 1, 1981	2932	The Alton and Southern Rwy. Co. and United Transportation Union (T)
Leverett Edwards 1	Fort Worth, TX	July 1, 1981	2933	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T&C)
Rodney E. Dennis 2	New York, NY	July 20, 1981	2934	South Buffalo Rwy. Co. and Brotherhood Railway Carmen of United States and Canada
Arthur W. Black 2	Lakewood, OH	July 1, 1981	2935	Consolidated Rail Corporation and United Transportation Union (S)
Bruce B. Daniel 1	Cranston, RI	August 19, 1981	2936	Providence and Worcester RR. Co. and The Trainmen's Guild
Arthur T. Van Wart 2	Wauquoit, MA	July 1, 1981	2937	The Western Pacific RR. Co. and Brotherhood of Locomotive Engineers
Jacob Seidenberg 2	Falls Church, VA	July 1, 1981	2938	Union Pacific RR. Co.—Eastern District and Railroad Yardmasters of America
Arthur T. Van Wart 2	Wauquoit, MA	July 13, 1981	2939	Aliquippa and Southern RR. Co. and United Transportation Union
David Dolnick 2	Chicago, IL	July 1, 1981	2940	Kansas City Southern Rwy. Co. and Brotherhood of Locomotive Engineers
Gilbert H. Vernon 2	Eau Claire, WI	July 1, 1981	2941	Seaboard Coast Line RR. Co. and International Brotherhood of Firemen and Oilers
David H. Brown 2	Sherman, TX	July 1, 1981	2942	Denver and Rio Grande Western RR. Co. and Brotherhood of Locomotive Engineers
Harold M. Weston 2	New York, NY	July 10, 1981	2943	Missouri-Kansas-Texas RR. Co. and Brotherhood of Locomotive Engineers
Arthur T. Van Wart 2	Wauquoit, MA	July 1, 1981	2944	The Baltimore and Ohio RR. Co. and Railroad Yardmasters of America
Fred Blackwell 2	Gaithersburg, MD	July 1, 1981	2945	Consolidated Rail Corporation and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
Arthur T. Van Wart 2	Wauquoit, MA	July 1, 1981	2946	Southern Pacific Transportation Co. (T & L Lines) and United Transportation Union (C-T)
David H. Brown 2	Sherman, TX	July 6, 1981	2947	Consolidated Rail Corporation and United Transportation Union
Preston J. Moore 2	Oklahoma City, OK	July 10, 1981	2949	Florida East Coast Rwy. Co. and Florida Federation of Railroad Employees
Irwin M. Lieberman 2	Stamford, CT	July 6, 1981	2950	St. Louis Southwestern Rwy. Co. and International Brotherhood of Electrical Workers
William E. Fredenberger 2	Stafford, VA	August 19, 1981	2951	Pacific and Arctic Rwy. and Navigation Co. and Teamsters Union Local 959 of International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America
Eckehard Muessig 2	Arlington, VA	July 14, 1981	2952	Pennsylvania Truck Lines Inc. and Teamsters Local Union No. 807
Dana E. Eischen 2	Ithaca, NY	July 6, 1981	2953	The Atchison, Topeka and Santa Fe Rwy. Co. and Inlandboatmen's Union of the Pacific
Dana E. Eischen 2	Ithaca, NY	July 13, 1981	2955	Burlington Northern, Inc. and United Transportation Union (T)
Barry Tucker 2	Oak Lawn, IL	July 13, 1981	2958	Missouri Pacific RR. Co. and International Brotherhood of Electrical Workers
Arthur T. Van Wart 2	Wauquoit, MA	July 13, 1981	2959	Toledo, Lorain and Fairport Co. and International Longshoremens Association, Local 106
Gilbert H. Vernon 2	Eau Claire, WI	July 13, 1981	2960	Chicago and North Western Transportation Co. and Brotherhood of Maintenance of Way Employees
Arthur T. Van Wart 2	Wauquoit, MA	August 20, 1981	2961	National Railroad Passenger Corporation and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
Gilbert H. Vernon 2	Eau Claire, WI	July 17, 1981	2962	Soo Line RR. Co. and Brotherhood Railway Carmen of United States and Canada
Eckehard Muessig 2	Arlington, VA	July 14, 1981	2963	Port Authority Trans-Hudson Corporation and Brotherhood Railway Carmen of United States and Canada
James F. Scearce 2	Atlanta, GA	July 17, 1981	2965	Fruit Growers Express Co. and Brotherhood Railway Carmen of United States and Canada
Gilbert H. Vernon 2	Eau Claire, WI	July 13, 1981	2967	Chicago and North Western Transportation Co. and United Transportation Union
Arthur T. Van Wart 1	Wauquoit, MA	July 21, 1981	2968	Modesto and Empire Traction Co. and United Transportation Union
Irwin M. Lieberman 2	Stamford, CT	July 21, 1981	2970	Southern Pacific Transportation Co. (T&L Lines) and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers
Irwin M. Lieberman 2	Stamford, CT	July 21, 1981	2971	Southern Railway Co., The Cincinnati, New Orleans and Texas Pacific Rwy. Co., The Alabama Great Southern RR. Co., The New Orleans Terminal Co., Georgia Southern and Florida Rwy. Co., St. Johns River Terminal Co., Norfolk Southern Rwy. Co., Atlantic and East Carolina Rwy. Co., Live Oak, Perry and South Georgia Rwy. Co., Tennessee Alabama and Georgia Rwy. Co., and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees
Rodney E. Dennis 2	New York, NY	July 24, 1981	2973	South Buffalo Rwy. Co. and United Transportation Union
Richard R. Kasher 2	Bryn Mawr, PA	July 31, 1981	2974	National Railroad Passenger Corporation and International Association of Machinists and Aerospace Workers

See footnotes at end of table

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), Fiscal Year 1981—Continued

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Arthur T. Van Wart 2	Wauquoit, MA	August 10, 1981	2975	Union Pacific RR. Co.—Eastern District and Brotherhood of Locomotive Engineers
Dana E. Eischen 2	Ithaca, NY	August 20, 1981	2976	Union Pacific RR Co. (Eastern District) and United Transportation Union (C&T)
Arthur T. Van Wart 1/2	Wauquoit, MA	July 27, 1981	2977	Norfolk and Western Rwy. Co. and Railroad Yardmasters of America
Herbert L. Marx, Jr. 2	New York, NY	August 7, 1981	2978	Southern Pacific Transportation Co. (Pacific Lines) and Brotherhood Railway Carmen of United States and Canada
David Dolnick 2	Chicago, IL	August 7, 1981	2979	Norfolk and Western Rwy. Co. and United Transportation Union
Harold M. Weston 2	New York, NY	September 21, 1981	2981	National Railroad Passenger Corporation and United Transportation Union
Preston J. Moore 2	Oklahoma City, OK	September 14, 1981	2983	Union Pacific RR. Co. and Brotherhood of Locomotive Engineers
William H. Coburn 2	Alexandria, VA	August 24, 1981	2986	Richmond, Fredericksburg and Potomac RR. Co. and United Transportation Union (C)
Leverett Edwards 2	Fort Worth, TX	August 20, 1981	2989	The Baltimore and Annapolis RR. Co. and United Transportation Union
Richard R. Kasher 2	Bryn Mawr, PA	August 24, 1981	2990	Consolidated Rail Corporation and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America, Local 732
William E. Fredenberger 2	Stafford, VA	August 26, 1981	2992	Burlington Northern, Inc. and American Train Dispatchers Association
Gene T. Ritter 2	Ardmore, OK	August 28, 1981	2993	Joint Texas Division of Chicago, Rock Island and Pacific RR. Co., Fort Worth and Denver Rwy. Co. and United Transportation Union
Robert E. Peterson 2	New York, NY	August 31, 1981	2995	Norfolk and Western Rwy. Co. and United Transportation Union
Herbert L. Marx, Jr. 2	New York, NY	August 31, 1981	2996	The Long Island RR. Co. and Sheet Metal Workers' International Association
Arthur W. Sempliner 2	Grosse Pointe Farms, MI	August 31, 1981	2997	Delray Connecting RR. Co. and United Transportation Union
Gilbert H. Vernon 2	Eau Claire, WI	August 24, 1981	2998	Seaboard Coast Line RR. Co. and International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers
Irwin M. Lieberman 2	Stamford, CT	September 8, 1981	3000	The Western Pacific RR. Co. and Brotherhood of Maintenance of Way Employes
Josef P. Sirefman 2	Glen Head, NY	September 8, 1981	3001	The Long Island RR. Co. and Brotherhood of Railroad Signalmen
David H. Brown 2	Sherman, TX	September 8, 1981	3005	Consolidated Rail Corporation and United Transportation Union (C-T)
Gilbert H. Vernon 2	Eau Claire, WI	September 8, 1981	3006	Chicago and North Western Transportation Co. and United Transportation Union
Kay McMurray 2	Bethesda, MD	September 9, 1981	3007	Burlington Northern Inc. and United Transportation Union
Robert E. Stenzinger 2	Glenview, IL	September 14, 1981	3008	Burlington Northern Inc. and International Association of Machinists and Aerospace Workers
Nicholas H. Zumas 2	Washington, DC	September 14, 1981	3009	Seaboard Coast Line RR. Co. and United Transportation Union (E)
David Dolnick 2	Chicago, IL	September 21, 1981	3012	Southern Pacific Transportation Co. (T&L) and United Transportation Union (S)
Nicholas H. Zumas 2	Washington, DC	September 21, 1981	3013	Pacific Fruit Express Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
George S. Roukis 2	Manhasset Hills, NY	September 24, 1981	3015	Southern Railway Co. and International Association of Machinists and Aerospace Workers
Robert E. Peterson 2	New York, NY	September 25, 1981	3016	National Railroad Passenger Corporation and Sheet Metal Workers' International Association
Robert E. Peterson 2	New York, NY	September 25, 1981	3017	The Chesapeake and Ohio Rwy. Co. and Sheet Metal Workers' International Association

¹Procedural

²Merits

³Neutral resigned

⁴Replaced deceased neutral

2. Arbitrators Appointed—Arbitration Boards, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Arbitration Board Case No.	Parties
Jacob Seidenberg	Falls Church, Va.	Feb. 11, 1981	Arbitration No. 396 Case No. A-8830	Consolidated Rail Corporation and United Transportation Union
Neil P. Speirs	Rohnert Park, CA	April 24, 1981	Arbitration No. 397	Burlington Northern, Inc. and United Transportation Union
Francis X. Quinn	Longport, NJ	April 29, 1981	Arbitration No. 398	Consolidated Rail Corporation and Brotherhood of Maintenance of Way Employes
William E. Fredenberger, Jr.	Stafford, VA	May 12, 1981	Arbitration No. 399 Case No. A-8830	Louisiana and Arkansas Ry. Co. and United Transportation Union
Sheldon E. Bernstein	Miami, FL	June 1, 1981	Arbitration No. 400 Case No. A-8830	Burlington Northern, Inc. and United Transportation Union
Sheldon E. Bernstein	Miami, FL	June 1, 1981	Arbitration No. 401 Case No. A-8830	Burlington Northern, Inc. and United Transportation Union
Benjamin H. Wolf*	Tarrytown, NY	June 1, 1981	Arbitration No. 402 Case No. A-10664	Pan American World Airways, Inc. and Independent Union of Flight Attendants
Neil P. Speirs	Rohnert Park, CA	June 25, 1981	Arbitration No. 403	Burlington Northern, Inc. and Brotherhood of Locomotive Engineers
William E. Fredenberger, Jr.	Stafford, VA	July 29, 1981	Arbitration No. 404	Illinois Central Gulf RR. Co. and Brotherhood of Locomotive Engineers
John N. Gentry	Washington, DC	Aug. 24, 1981	Arbitration No. 405	Illinois Central Gulf RR. Co. and United Transportation Union
John N. Gentry	Washington DC	Sept. 24, 1981	Arbitration No. 406	Chicago and North Western Transportation Co. and United Transportation Union

*Selected by the parties.

2a. Arbitrators Appointed—Task Force Arbitrations, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Task Force Board No.	Parties
Dana E. Eischen	Ithaca, NY	Oct. 29, 1980	21	Delaware and Hudson Ry. Co. and United Transportation Union (T-C-E)
Joseph A. Sickles	Bethesda, MD	April 3, 1981	22	Norfolk and Western Ry. Co. and United Transportation Union (T-C-E)

2b. Public Member—Fact-Finding Board, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Case No.	Parties
Rodney E. Dennis	New York, NY	May 20, 1981	A-10268	Belt Railway Company of Chicago and Brotherhood of Railway Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Martin F. Scheinman	Bayside, NY	May 20, 1981	A-10268	Belt Railway Company of Chicago and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes

3. Neutrals Appointed—Special Boards of Adjustment, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Special Board No.	Parties
Arthur T. Van Wart ¹	Waquoit, MA	September 21, 1981	18	Southern Pacific Transportation Company and United Transportation Union
Arthur T. Van Wart ¹	Waquoit, MA	September 21, 1981	107	Southern Pacific Transportation Company and United Transportation Union
Robert A. Franden ¹	Tulsa, OK	November 21, 1980	423	Port Terminal Railroad Association and United Transportation Union
William E. Fredenberger ¹	Stafford, VA	October 31, 1980	608	Southern Railway System and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
William M. Edgett ¹	Ellicott City, MD	October 31, 1980	608	Southern Railway System and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
Kay McMurray ¹	Bethesda, MD	October 31, 1980	608	Southern Railway System and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes
George S. Roukis ¹	Manhasset Hills, NY	October 27, 1980	884	The Long Island Rail Road Company and United Transportation Union
William M. Edgett	Ellicott City, MD	March 2, 1981	903	Conrail and Railway Yardmasters of America
John N. Gentry	Washington, DC	July 1, 1981	904	Norfolk and Western Railway Company and Brotherhood of Locomotive Engineers
William E. Fredenberger	Stafford, VA	July 14, 1981	905	Burlington Northern Railroad Company and Brotherhood Railway Carmen of the United States and Canada
Arthur T. Van Wart	Waquoit, MA	July 14, 1981	906	The Chesapeake and Ohio Railway Company and Great Lakes Licensed Officers' Organization
Arthur W. Sempliner	Grosse Pointe Farms, MI	July 24, 1981	907	Brotherhood of Locomotive Engineers and International Longshoremens' Association (Local No. 158)
David Dolnick	Chicago, IL	September 1, 1981	908	Davenport, Rock Island and North Western Rwy. Co. and Railroad Yardmasters of America

¹Previous Neutral resigned

²Previous Neutral's term expired

4. Neutrals nominated Pursuant to Union Shop Agreements, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Carrier	Organization	Individual Involved
David C. Randles	Clifton Park, NY	Oct. 23, 1981	Consolidated Rail Corporation	Sheet Metal Workers International Association	R. P. Shuffett, Jr.
Richard R. Kasher	Bryn Mawr, PA	Dec. 22, 1980	Consolidated Rail Corporation	International Association of Machinists and Aerospace Workers	F. CiCicco and D. F. Gregory
Clyde F. Lane*	Lakewood, OH	Jan. 22, 1981	Consolidated Rail Corporation	American Train Dispatchers Association	Patrick J. McWilliams
Peter Henle	Arlington, VA	Jan. 21, 1981	Consolidated Rail Corporation	Brotherhood of Maintenance of Way Employes	Lindsey L. Huggins
John L. Schroeder**	Rockville, MD	March 30, 1981	Consolidated Rail Corporation	American Train Dispatchers Association	Patrick J. McWilliams
Preston J. Moore	Oklahoma City, OK	May 11, 1981	Western Pacific Railroad Company	United Transportation Union	N. J. Crusos
Kay McMurray	Bethesda, MD	June 8, 1981	Chesapeake and Ohio Ry. Co.	Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes	Kathleen H. Chaney
Elizabeth Wesman	Ithaca, NY	Aug. 11, 1981	Burlington Northern, Inc.	Brotherhood of Railroad Signalmen	W. H. Butler
George Jacobs	Hopkins, MN	Aug. 26, 1981	The Atchison, Topeka and Santa Fe Ry. Co.	Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes	Veronica M. Bell

*Neutral Deceased

**Replaced Clyde F. Lane

5. Referees Appointed—System Boards of Adjustment, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Parties
Francis A. O'Neill, Jr.*	Manasquan, NJ	Oct. 2, 1980	Pan American World Airways and Transport Workers Union of America
Clara H. Friedman*	New York, NY	Oct. 6, 1980	Pan American World Airways and Transport Workers Union of America
Arthur Stark*	New York, NY	Oct. 7, 1980	Alaska Airline, Inc., and Air Line Pilots Association (Case No. A-10625)
Emily Maloney*	Santa Cruz, CA	Oct. 7, 1980	Transamerica Airlines, Inc., and Association of Flight Attendants
Francis R. Walsh*	San Francisco, CA	Oct. 7, 1980	Transamerica Airlines, Inc., and Association of Flight Attendants
Nicholas H. Zumas	Washington, DC	Oct. 7, 1980	Eastern Air Lines, Inc. and Transport Workers Union of America
James M. Harkless	Washington, DC	Oct. 7, 1980	Eastern Air Lines, Inc. and Transport Workers Union of America
James J. Sherman	Tampa, FL	Oct. 7, 1980	Eastern Air Lines, Inc. and Transport Workers Union of America
Alvin L. Goldman*	Lexington, KY	Oct. 10, 1980	Capitol International Airways and Air Line Pilots Association
Panel submitted on Oct. 16, 1980, but parties disposed of dispute prior to arbitration			Transamerica Airlines, Inc. and International Brotherhood of Teamsters
Panel submitted on Oct. 22, 1980, but parties disposed of dispute prior to arbitration			Pan American World Airways, Inc. and International Brotherhood of Teamsters
James C. Vadakin*	Coral Gables, FL	Oct. 22, 1980	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Warren S. Lane*	Lakeland, FL	Oct. 22, 1980	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Three panels submitted on Oct. 22, 1980, but parties requested new panels which were submitted on Nov. 25, 1980			Pan American World Airways, Inc. and International Brotherhood of Teamsters
Panel submitted on Nov. 4, 1980, but parties disposed of dispute prior to arbitration			Transamerica Airlines, Inc. and Air Line Pilots Association
Panel submitted on Nov. 18, 1980, but parties disposed of dispute prior to arbitration			Pan American World Airways, Inc. and Independent Union of Flight Attendants
Panel submitted on Nov. 18, 1980, but parties disposed of dispute in NMB Case No. A-10771			Transamerica Airlines, Inc. and Air Line Pilots Association
Emily Maloney*	Santa Cruz, CA	Nov. 21, 1980	Continental Airlines, Inc. and Union of Flight Attendants
Richard I. Bloch*	Washington, DC	Nov. 24, 1980	Transamerica Airlines, Inc. and Association of Flight Attendants
Second panel submitted on Nov. 25, 1980, but parties disposed of dispute prior to arbitration			Pan American World Airways, Inc. and International Brotherhood of Teamsters
George S. King*	Atlanta, GA	Nov. 25, 1980	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Panel submitted on Dec. 3, 1980, but no arbitrator has been selected as yet			Airlift International, Inc. and Air Line Pilots Association
James J. Sherman	Tampa, FL	Dec. 3, 1980	Eastern Air Lines, Inc. and Transport Workers Union of America
Barbara W. Doering	West Lafayette, IN	Dec. 3, 1980	Ozark Airlines, Inc. and Association of Flight Attendants
Gladys W. Gruenberg	St. Louis, MO	Dec. 3, 1980	Ozark Airlines, Inc. and Association of Flight Attendants
Anne H. Miller	Glenview, IL	Dec. 3, 1980	Ozark Airlines, Inc. and Association of Flight Attendants
Alexander B. Porter*	Vienna, VA	Dec. 5, 1980	Capitol International Airways, Inc. and Air Line Pilots Association
Robert B. Lubic	Washington, DC	Dec. 15, 1980	Ozark Airlines, Inc. and Aircraft Mechanics Fraternal Association
Nicholas H. Zumas*	Washington, DC	Dec. 16, 1980	Capitol International Airways, Inc. and Air Line Pilots Association
Emily Maloney	Santa Cruz, CA	Dec. 22, 1980	Western Airlines, Inc. and Air Transport Employees Union
David H. Stowe	Bethesda, MD	Dec. 24, 1980	Icelandair Airlines and International Brotherhood of Teamsters
James F. Scearce*	Atlanta, GA	Dec. 30, 1980	Taca International Airlines and Air Line Pilots Association
John P. Finneran*	Suffern, NY	Dec. 30, 1980	Pan American World Airways, Inc. and International Brotherhood of Teamsters

5. Referees Appointed—System Boards of Adjustment, October 1, 1980 to September 30, 1981—Continued

Name	Residence	Date of Appointment	Parties
ames C. Vadakin*	Coral Gables, FL	Dec. 30, 1980	Eastern Air Lines, Inc. and Salaried Non-Management Employees
ohn J. Gaheer*	Bradenton, FL	Dec. 30, 1980	Eastern Air Lines, Inc. and Salaried Non-Management Employees
ames F. Scearce	Atlanta, GA	Dec. 30, 1980	Eastern Air Lines, Inc. and Salaried Non-Management Employees
anel submitted on Dec. 30, 1980, but parties disposed of dispute prior to arbitration			Pan American World Airways and Transport Workers Union of America
mes C. McBrearty*	Tucson, AZ	Dec. 31, 1980	Frontier Airlines, Inc. and Air Line Employees Association
aul D. Hanlon*	Portland, OR	Dec. 31, 1980	Frontier Airlines, Inc. and Air Line Employees Association
.. Langley Coffey*	Sand Springs, OK	Dec. 31, 1980	Frontier Airlines, Inc. and Air Line Employees Association
our panels of five persons each submitted on Dec. 31, 1980, but parties requested panels of seven persons each			Transamerica Airlines, Inc. and Air Line Pilots Association
William E. Fredenberger	Stafford, VA	Jan. 8, 1981	Ozark Airlines, Inc. and Aircraft Mechanics Fraternal Association
Emily Maloney	Santa Cruz, CA	Jan. 13, 1981	Alaska Airlines, Inc. and International Association of Machinists and Aerospace Workers
Beatrice M. Burgoon	Alexandria, VA	Jan. 14, 1981	Republic Airlines, Inc. and Association of Flight Attendants
Lara H. Friedman*	New York, NY	Jan. 22, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
David H. Stowe*	Bethesda, MD	Jan. 22, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Herbert L. Marx, Jr.*	New York, NY	Jan. 26, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
seven panels of five persons each submitted on Jan. 27, 1981, but parties requested panels of seven persons each			Transamerica Airlines, Inc. and Air Line Pilots Association
anel submitted on Feb. 2, 1981, but parties disposed of dispute prior to arbitration			Capitol International Airways, Inc. and Air Line Pilots Association
Panel submitted on Feb. 3, 1981, but parties disposed of dispute prior to arbitration			Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Emily Maloney	Santa Cruz, CA	Feb. 18, 1981	Continental Airlines, Inc. and Union of Flight Attendants
James J. Sherman*	Tampa, FL	Feb. 20, 1981	Braniff International and International Brotherhood of Teamsters
Parties decided on mutual neutral prior to panel submitted Feb. 20, 1981			Pacific Southwest Airlines, Inc. and Southwest Flight Crew Association
Panel submitted on Feb. 24, 1981, but parties disposed of dispute prior to arbitration			Transamerica Airlines, Inc. and Air Line Pilots Association
William E. Fredenberger	Stafford, VA	Feb. 25, 1981	Alaska Airlines, Inc. and International Association of Machinists and Aerospace Workers
Florian Bartosic	Davis, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
David E. Feller	Berkeley, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
William B. Gould	Stanford, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Paul D. Hanlon	Portland, OR	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Harvey Letter	Palo Alto, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Robert B. Lubic	Washington, DC	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Emily Maloney	Santa Cruz, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Preston J. Moore	Oklahoma City, OK	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Tedford E. Schoonover	Colorado Springs, CO	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
William E. Simkin	Tucson, AZ	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Neil P. Speirs	Rohnert Park, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
David H. Stowe	Bethesda, MD	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Leo Weiss	Orange, CA	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Alph W. Yarborough	Austin, TX	Feb. 26, 1981	Western Airlines, Inc. and Air Transport Employees Union
Nine panels submitted on Feb. 27, 1981, but W. Lloyd Lane of Titusville, FL was selected to hear all nine disputes			Pan American World Airways, Inc. and Transport Workers Union of America
Two panels submitted on Feb. 27, 1981, but John P. Mead of Key Biscayne, FL was selected to hear both disputes			Pan American World Airways, Inc. and Transport Workers Union of America
William E. Fredenberger	Stafford, Va.	Feb. 27, 1981	Ozark Air Lines, Inc. and Aircraft Mechanics Fraternal Association
Two panels submitted on March 4, 1981 but parties disposed of dispute prior to arbitration			Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Frank Elkouri*	Norman, OK	March 4, 1981	Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Charles M. Rehms	Ithaca, NY	March 10, 1981	Ozark Air Lines, Inc. and Aircraft Mechanics Fraternal Association
James J. Sherman*	Tampa, FL	March 13, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Charles M. Rehms	Ithaca, NY	March 13, 1981	Sabena Belgian World Airlines and Transport Workers Union of America
James F. Scearce*	Atlanta, GA	March 20, 1981	Braniff International and International Brotherhood of Teamsters
James F. Scearce*	Atlanta, GA	March 23, 1981	Pan American World Airways, Inc. and United Plant Guard Workers of America
John N. Gentry	Washington, DC	March 26, 1981	Aer Lingus and International Association of Machinists and Aerospace Workers
Jay Kramer*	Great Neck, NY	March 30, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Anne H. Woolf*	Norman, OK	March 30, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Panel submitted on March 30, 1981, but parties disposed of dispute prior to arbitration			Pan American World Airways, Inc. and International Brotherhood of Teamsters
Harold Kramer*	Miami Beach, FL	March 30, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Byron R. Abernethy	Lubbock, TX	March 31, 1981	Braniff International and Air Line Pilots Association
Panel submitted on March 31, 1981 but no arbitrator has been selected			Alaska Airlines, Inc. and Air Line Pilots Association
William M. Edgett	Ellicott City, MD	April 2, 1981	Mexicana Airlines and International Association of Machinists and Aerospace Workers
David H. Stowe	Bethesda, MD	April 2, 1981	Airlift International, Inc. and Air Line Pilots Association
Jerome G. Greene†	Miami, FL	April 7, 1981	Eastern Air Lines, Inc. and Salaried Non-Management Employees
Eva Robins	New York, NY	April 7, 1981	Eastern Air Lines, Inc. and Salaried Non-Management Employees
Panel submitted on April 9, 1981, but parties have not selected an arbitrator			TAP, Air Portugal and International Brotherhood of Teamsters
Panel submitted on April 13, 1981, but parties disposed of dispute prior to arbitration			Transamerica Airlines, Inc. and Air Line Pilots Association
James F. Scearce*	Atlanta, GA	April 15, 1981	Aero Mech Airlines, Inc. and Union of Professional Airmen
Three panels submitted on April 17, 1981, but parties preferred arbitrators be from New York Area			Pan American World Airways, Inc. and Transport Workers Union

5. Referees Appointed—System Boards of Adjustment, October 1, 1980 to September 30, 1981—Continued

Name	Residence	Date of Appointment	Parties
William E. Fredenberger	Stafford, VA	April 20, 1981	Consolidated Rail Corporation and International Brotherhood of Teamsters
Two panels submitted on April 20, 1981, but parties disposed of dispute prior to arbitration			Texas International Airlines, Inc. and Air Line Pilots Association
Arnold Zack*	Boston, MA	April 20, 1981	Texas International Airlines, Inc. and Air Line Pilots Association
Panel submitted on April 21, 1981, but parties disposed of dispute prior to arbitration			Pan American World Airways, Inc. and International Brotherhood of Teamsters
John Remington*	Miami, FL	April 21, 1981	Pan American World Airways, Inc. and International Brotherhood of Teams
W. Lloyd Lane*	Titusville, FL	April 21, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Mark L. Kahn*	Detroit, MI	April 23, 1981	Airborne Express and Air Line Pilots Association
Daniel House*	New York, NY	April 27, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Thomas G. S. Christensen*	New York, NY	April 27, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Arnold Stark*	New York, NY	April 27, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Panel submitted on April 28, 1981, but parties disposed of dispute prior to arbitration			Ecuatoriana Airlines, Inc. and International Association of Machinists and Aerospace Workers
Harold Kramer*	Miami Beach, FL	April 28, 1981	Ecuatoriana Airlines, Inc. and International Association of Machinists and Aerospace Workers
John P. Mead*	Key Biscayne, FL	April 28, 1981	Ecuatoriana Airlines, Inc. and International Association of Machinists and Aerospace Workers
Jerome G. Greene*	Miami, FL	April 28, 1981	Ecuatoriana Airlines, Inc. and International Association of Machinists and Aerospace Workers
Six panels of seven neutrals each submitted on April 28, 1981, but parties settled disputes prior to arbitration			Transamerica Airlines and Air Line Pilots Association
Robert G. Meiners*	San Diego, CA	April 28, 1981	Transamerica Airlines and Air Line Pilots Association
Three panels of seven neutrals each submitted on April 28, 1981 but parties have not selected an arbitrator			Transamerica Airlines and Air Line Pilots Association
Joseph Kane*	Seattle, Wash.	April 28, 1981	Transamerica Airlines and Air Line Pilots Association
Sheldon E. Bernstein*	Miami, FL	May 5, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Two panels of five neutrals each submitted on May 5, 1981, but parties settled dispute prior to arbitration			Continental Airlines, Inc. and Union of Flight Attendants
Kenneth Cloke*	Santa Monica, CA	May 5, 1981	Continental Airlines, Inc. and Union of Flight Attendants
John C. Hilly*	Lantana, FL	May 5, 1981	Pan American World Airways, and Transport Workers Union of America
W. Lloyd Lane*	Titusville, FL	May 5, 1981	Pan American World Airways, and Transport Workers Union of America
Three panels of seven neutrals each submitted on May 11, 1981, but parties settled disputes prior to arbitration			Transamerica Airlines and Air Line Pilots Association
Florian Bartosic	Davis, CA	May 13, 1981	Republic West Airlines and Association of Flight Attendants
William Eaton	San Francisco, CA	May 13, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Emily Maloney	Santa Cruz, CA	May 13, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Geraldine M. Randall	San Rafael, CA	May 13, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Cornelius E. Peck	Seattle, WA	May 13, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Kenneth Cloke	Los Angeles, CA	May 14, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
David E. Feller	Berkeley, CA	May 14, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Tedford E. Schoonover	Colorado Springs, CO	May 14, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Panel submitted on May 19, 1981, but parties settled dispute prior to arbitration			Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Harry F. Noe*	Houston, TX	May 19, 1981	Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Emily Maloney	Santa Cruz, CA	May 19, 1981	Continental Airlines, Inc. and Union of Flight Attendants
W. Lloyd Lane*	Titusville, FL	May 19, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Kenneth Cloke	Los Angeles, CA	May 19, 1981	Continental Airlines, Inc. and Union of Flight Attendants
Tedford E. Schoonover	Colorado Springs, CO	May 19, 1981	Continental Airlines, Inc. and Union of Flight Attendants
Thomas T. Roberts	Rolling Hills Estates, CA	May 19, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Robert K. Castetter	San Diego, CA	May 21, 1981	Republic West Airlines, Inc. and Association of Flight Attendants
Bernard E. Frank*	Miami, Beach, FL	May 22, 1981	Pan American World Airways and International Brotherhood of Teamsters
James E. Foley*	N. Palm Beach, FL	May 22, 1981	Pan American World Airways and International Brotherhood of Teamsters
Laurence E. Seibel*	Washington, DC	May 27, 1981	Ozark Airlines, Inc. and Air Line Pilots Association
Nicholas H. Zumas*	Washington, DC	May 27, 1981	Ozark Airlines, Inc. and Air Line Pilots Association
Warren S. Lane*	Lakeland, FL	June 1, 1981	Lacsa Airlines, Inc. and International Brotherhood of Teamsters
Geraldine M. Randall*	Greenbrae, CA	June 8, 1981	Alaska Airlines, Inc. and Association of Flight Attendants
Tedford E. Schoonover*	Colorado Springs, CO	June 9, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
William E. Simkin*	Tucson, AZ	June 9, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
J. B. Gillingham*	Seattle, WA	June 9, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
William S. Rule*	Rancho Santa Fe, CA	June 9, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
John N. Gentry	Washington, DC	June 9, 1981	Swissair and International Association of Machinists and Aerospace Workers
Lloyd H. Bailor	Los Angeles, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Julius N. Draznin	Marina Del Rey, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Edward E. Landergren, Jr.	Oakland, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
John R. Hill	Santa Barbara, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Joe H. Henderson	Santa Rosa, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Harvey Letter	Palo Alto, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Robert M. Leventhal	Culver City, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
William Levin	North Hollywood, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Tedford E. Schoonover	Colorado Springs, CO	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Donald H. Wollett	Sacramento, CA	June 15, 1981	Western Airlines, Inc. and Air Transport Employees Union
Tedford E. Schoonover*	Colorado Springs, CO	June 24, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
W. Lloyd Lane	Titusville, FL	June 24, 1981	Eastern Air Lines, Inc. and Transport Workers Union of America
Panel submitted on June 25, 1981 but parties settled dispute prior to arbitration			Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Panel submitted on June 25, 1981 but parties settled dispute prior to arbitration			Southwest Airlines, Inc. and International Association of Machinists and Aerospace Workers
Panel submitted on June 25, 1981, but parties have not selected an arbitrator			Braniff International and Association of Flight Attendants

5. Referees Appointed—System Boards of Adjustment, October 1, 1980 to September 30, 1981—Continued

Name	Residence	Date of Appointment	Parties
John N. Gentry	Washington, DC	June 26, 1981	Eastern Air Lines, Inc. and Transport Workers Union of America
Howard G. Gamser	Washington, DC	July 1, 1981	Alaska Airlines, Inc. and International Association of Machinists and Aerospace Workers
Beatrice M. Burgoon	Alexandria, VA	July 1, 1981	Alaska Airlines, Inc. and International Association of Machinists and Aerospace Workers
Arthur Stark*	New York, NY	July 2, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Donald E. Cullen*	Ithaca, NY	July 2, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
William A. Toomey, Jr.*	Albany, NY	July 2, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Lara H. Friedman*	New York, NY	July 2, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Panel submitted on July 6, 1981, but no arbitrator has been selected			Frontier Airlines, Inc. and Air Line Pilots Association
N. Lloyd Lane*	Titusville, FL	July 6, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
Mer Henle	Center Harbor, NH	July 14, 1981	Alaska Airlines, Inc. and International Association of Machinists and Aerospace Workers
Anne H. Miller	Glenview, IL	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Lekehard Muessig	Arlington, VA	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Lloyd H. Bailer	Los Angeles, CA	July 16, 1981	Republic West Airlines and Association of Flight Attendants
John N. Gentry	Washington, DC	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Paul J. Fasser	Vienna, VA	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Alfred G. Albert	Scottsdale, AZ	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Bert A. Blum	Chicago, IL	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Jack Warshaw	Bethesda, MD	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Yron H. Ross	McLean, VA	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Neil P. Speirs	Rohmert Park, CA	July 16, 1981	Republic West Airlines and Association of Flight Attendants
Bill Heskett*	Pawhuska, OK	July 22, 1981	Braniff International Airways and International Brotherhood of Teamsters
Anne H. Woolf*	Norman, OK	July 27, 1981	Braniff International Airways and Association of Flight Attendants
Philip Ross*	New York, NY	July 27, 1981	Pan American World Airways, Inc. and Transport Workers Union of America
William E. Fredenberger, Jr.	Stafford, VA	Aug. 4, 1981	American Airlines, Inc. and Allied Pilots Association
Beatrice M. Burgoon*	Alexandria, VA	Aug. 7, 1981	Braniff International Airways and Association of Flight Attendants
Panel submitted on August 14, 1981, but parties selected a mutual arbitrator			Alaska Airlines, Inc. and Association of Flight Attendants
William E. Fredenberger, Jr.	Stafford, VA	Aug. 24, 1981	Ozark Air Lines, Inc. and Air Line Pilots Association
David H. Stowe*	Bethesda, MD	Aug. 24, 1981	Ozark Air Lines, Inc. and Air Line Pilots Association
Tedford E. Schoonover*	Colorado Springs, CO	Aug. 24, 1981	Ozark Air Lines, Inc. and Air Line Pilots Association
Paul J. Fasser	Vienna, VA	Aug. 26, 1981	Eastern Air Lines, Inc. and Transport Workers Union of America
J. Thomas Rimer*	Atlanta, GA	Aug. 28, 1981	Pan American World Airways, Inc. and International Brotherhood of Teamsters
Alfred G. Albert*	Scottsdale, AZ	Aug. 28, 1981	Frontier Airlines, Inc. and International Association of Machinists and Aerospace Workers
James J. Sherman*	Tampa, FL	Aug. 28, 1981	Air Florida, Inc. and International Association of Machinists and Aerospace Workers
John N. Gentry**	Washington, DC	Sept. 4, 1981	Ozark Airlines, Inc. and Air Line Pilots Association
John J. Gaherin*	Bradenton, FL	Sept. 10, 1981	Avianca Airlines, Inc. and International Brotherhood of Teamsters
William E. Fredenberger, Jr.*	Stafford, VA	Sept. 21, 1981	Air Florida, Inc. and International Association of Machinists and Aerospace Workers
Panel submitted on September 23, 1981, but parties settled dispute without arbitration			Pan American World Airways, Inc. and Independent Union of Flight Attendants
Marcus A. Paulos	Dallas, TX	Sept. 29, 1981	Aeromexico Airlines, Inc. and International Association of Machinists and Aerospace Workers
Seven panels of neutrals of seven neutrals each submitted on September 30, 1981, but parties have not selected an arbitrator as yet			Transamerica Airlines, Inc. and Air Line Pilots Association

*Selected from panel submitted by National Mediation Board

†Former neutral deceased

‡Former neutral resigned

5a. Arbitrators Appointed—CAB Labor Protective Provisions, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Parties
Panel submitted on October 2, 1980, but dispute settled between the parties			Pan American World Airways and Flight Engineers International Association—Pay of Flight Engineer Instructors
Panel submitted on December 15, 1980, but parties selected their own Arbitrator			Flying Tiger Line, Inc. and International Association of Machinists and Aerospace Workers
Panel submitted on December 24, 1980, but parties did not use panel			Pan American World Airways and Bob Wallace
Panel submitted on December 30, 1980, but parties did not use panel			Flying Tiger Line, Inc.—International Association of Machinists and Aerospace Workers—Seniority Integration of former Seaboard Mechanics with Flying Tiger Mechanics
Panel submitted on February 9, 1981, but parties did not use panel			Alaska International Air, Inc.—Great Northern Airlines, Inc. and International Brotherhood of Teamsters—Merger—Seniority List Consolidation
Charles M. Rehms*	Ithaca, NY	March 12, 1981	Republic Airlines, Inc. and Air Line Pilots Association—Acquisition of Hughes Airwest by Republic Airlines, Inc.
Panel submitted on March 13, 1981, but parties did not use panel			Alaska International Air, Inc.—Great Northern Airlines, Inc.—Merger—Seniority List Consolidation for Pilots.
Panel submitted on March 13, 1981, but no arbitrator selected			Pan American World Airways, Inc. and Charles James
John J. Gaherin*	Bradentown FL	March 24, 1981	Republic Airlines, Inc. and Air Line Employees Association—Acquisition of Hughes Airwest by Republic Airlines, Inc.
Panel submitted on March 27, 1981, but parties desired second panel which was submitted on December 28, 1981			Frederick H. Pfeiffer
Panel submitted on May 22, 1981, but grievants desired second panel which was submitted on July 27, 1981			Pan American World Airways, Inc. and L. W. Robshaw and F. Laganier
Panel submitted on July 14, 1981 but no arbitrator selected			Pan American World Airways, Inc. and Independent Union of Flight Attendants
Abraham Weiss*	Bethesda, MD	July 15, 1981	Flying Tiger Line, Inc. and Seaboard World Airlines—Petition of Michael Iacovelli
Second panel submitted on July 27, 1981, but no arbitrator selected			Pan American World Airways, Inc. and L. W. Robshaw and F. Laganier

5a. Arbitrators Appointed—CAB Labor Protective Provisions, October 1, 1980 to September 30, 1981—Continued

Name	Residence	Date of Appointment	Parties
Eva Robins*	New York, NY	July 29, 1981	Flying Tiger Line, Inc. and Seaboard World Airlines—Petition of Gary Marcus
Charles M. Rehmus*	Ithaca, NY	Aug. 3, 1981	Flying Tiger Line, Inc. and Seaboard World Airlines—Petition of Lloyd S. Gastwirth
Rodney E. Dennis*	New York, NY	Aug. 7, 1981	Flying Tiger Line, Inc.—Termination of Isalene McNair
Second panel submitted on Aug. 19, 1981, but no arbitrator has been selected			Pan American World Airways, Inc. and Bob Wallace
Nicholas H. Zumas*	Washington, D. C.	Aug. 19, 1981	Flying Tiger Line, Inc. and Seaboard World Airlines—Petition of Michael Iacovelli
Second panel submitted as neutral from first panel died			
Richard R. Kasher*	Bryn Mawr, PA	Aug. 27, 1981	Republic Airlines, Inc. and Air Line Pilots Association—Acquisition of Hughes Airwest by Republic Airlines, Inc.
Panel submitted on Aug. 27, 1981, but no arbitrator selected			Flying Tiger Line, Inc. and International Association of Machinists and Aerospace Workers
Francis X. Quinn	Longport, NJ	Sept. 8, 1981	Flying Tiger Line, Inc. and Seaboard World Airlines, Inc.—Petition of Carmen Mundhenk

*Selected from panel submitted by National Mediation Board

5b. Neutrals Appointed Pursuant to Interstate Commerce Commission's Orders, October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Parties
David P. Twomey	Chestnut Hill, MA	Nov. 19, 1980	Illinois Central Gulf Railroad Company and United Transportation Union ICC Docket No. AB-43, Sub No. 45F—Abandonment
Kay McMurray	Bethesda, MD	Dec. 3, 1980	Illinois Central Gulf Railroad Company and United Transportation Union (T) ICC Docket No. AB-43, Sub. No. 28—Abandonment
Leverett Edwards	Fort Worth, TX	Jan. 7, 1981	Chesapeake and Ohio Railway Company, Seaboard Coast Line Railroad Company and United Transportation Union—ICC Docket No. 28905, Sub No. 1—Displacement of Employees
William E. Fredenberger, Jr.	Stafford, VA	March 26, 1981	Penn Central Transportation Company and various employees—Merger Protective Agreement of May 20, 1964 and January 1, 1964.
Nicholas H. Zumas	Washington, DC	May 11, 1981	Missouri Pacific Railroad Company, Chicago and Eastern Railroad Company, American Train Dispatchers Association—ICC Docket No. 27773—Employee Protective Provisions
Neil P. Speirs	Rohnert Park, CA	May 18, 1981	Denver and Rio Grande Western Railroad Company and Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (Allied Services Division); Brotherhood Railway Carmen of the United States and Canada; International Association of Machinists and Aerospace Workers; International Brotherhood of Firemen and Oilers; United Transportation Union (C&T&E&S)—ICC Docket No. 29096—Durango and Silverton Narrow Gauge Railroad Company Acquisition.
Peter Henle	Center Harbor, NH	July 23, 1981	Denver and Rio Grande Western Railroad Company and Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees (Allied Services Division); Brotherhood Railway Carmen of the United States and Canada; International Association of Machinists and Aerospace Workers; International Brotherhood of Firemen and Oilers; United Transportation Union (C&T&E&S)—New ICC Docket No. 29096—Durango and Silverton Narrow Gauge Railroad Company Acquisition.
Kay McMurray	Bethesda, MD	Sept. 1, 1981	Illinois Central Gulf Railroad Company and United Transportation Union ICC Docket No. AB-43, Sub. No. 74F—Abandonment
Nicholas H. Zumas	Washington, DC	Sept. 10, 1981	Southern Freight Association and Certain Salaried Employees—Lump Sum Separation Allowance

6. Neutral Referees Appointed Pursuant to Public Law 91-518—Rail Passenger Service Act of 1970 (Amtrak), October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	Amtrak No.	Parties
Joseph A. Sickles	Bethesda, MD	July 14, 1981	25-11	Safety Railway Service Corporation and International Brotherhood of Electrical Workers

7. Arbitrators Appointed—Regional Rail Reorganization Act of 1973—Pennsylvania Truck Lines, Inc., October 1, 1980 to September 30, 1981

Name	Residence	Date of Appointment	PTL No.	Individuals Involved
Nicholas H. Zumas*	Washington, DC	Oct. 16, 1980	5 (Second Panel)	Maurice A. Jones (Monthly Displacement Allowance)
Jacob Seidenberg*	Falls Church, VA	Oct. 16, 1980	9	James L. Thompson (Monthly Displacement Allowance)
Panel submitted On July 14, 1981 but arbitrator has not been selected			10	William J. Stewart (Monthly Displacement Allowance)

*Selected from panel submitted by National Mediation Board



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