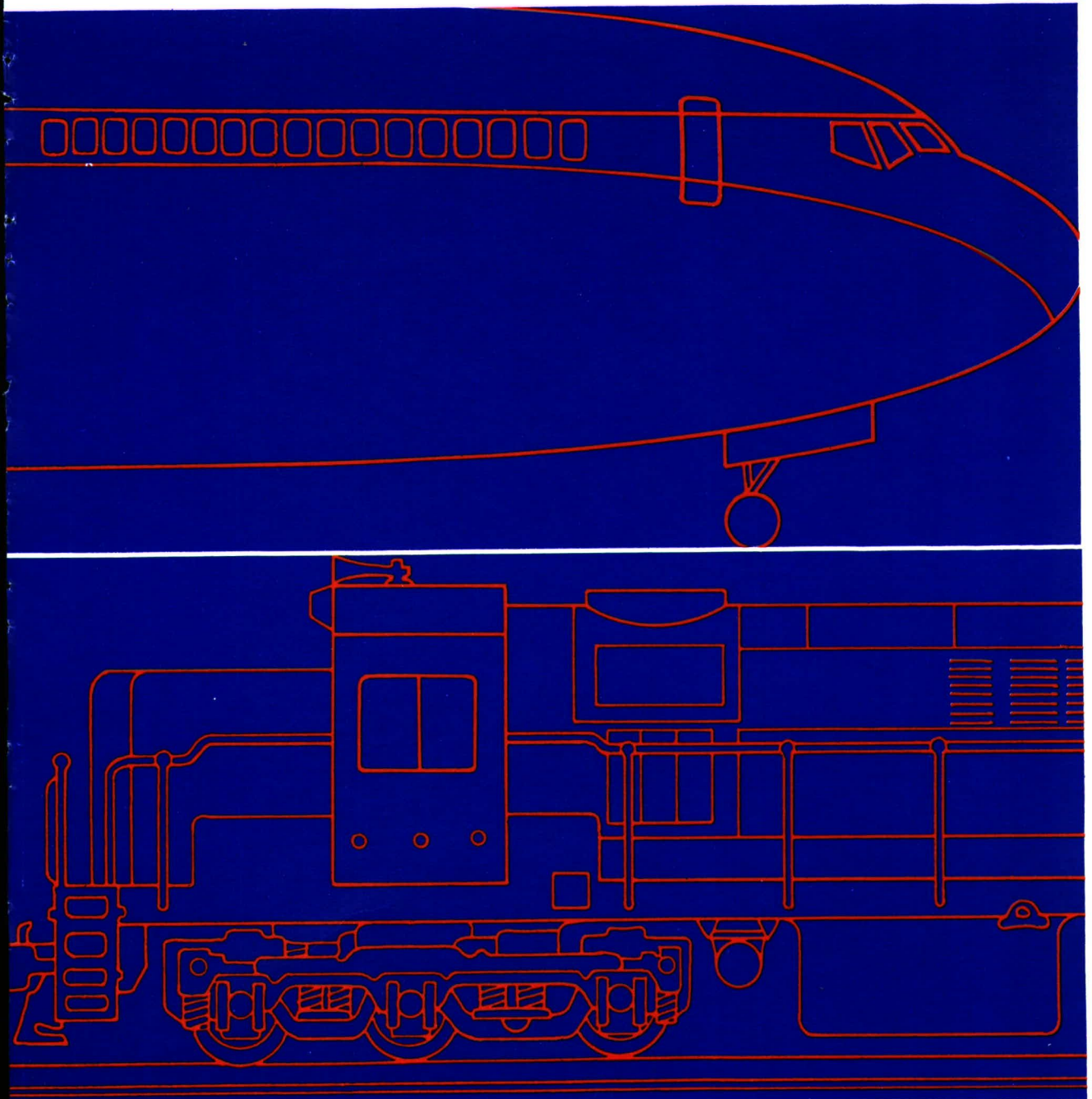


National Mediation Board

Forty-Eighth Annual Report

Including the Report
of the
National Railroad
Adjustment Board

For the Fiscal
Year Ended
September 30, 1982



Forty-Eighth
Annual Report



**National
Mediation
Board**

Including the Report
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National Railroad
Adjustment Board

For The Fiscal
Year Ended
September 30, 1982

NATIONAL MEDIATION BOARD
Fiscal Year Ended September 30, 1982

Board Members

Robert O. Harris, Chairman
(effective June 1, 1982)

Robert J. Brown, Chairman
(resigned June 1, 1982)

Vacancy

Rowland K. Quinn, Jr.
Executive Secretary

Meredith S. Buel
Special Assistant to the Chairman

Ronald M. Etters
General Counsel

Roy J. Carvatta
Staff Director/Grievances

David M. Cohen
Chief Hearing Officer

Sheldon M. Kline
Research Director

Mary C. Pricci
Administrative Officer

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-Eighth Annual Report of the National Mediation Board for fiscal year 1982, 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 significant year in the Board's handling of representation and mediation disputes coupled with the fact that there were only two railroad and one airline strikes in fiscal year 1982. This represents the lowest strike figure in the airline industry in the last 16 years. Following is an in depth review of our varied activities that once again illustrates the Act continues to be as effective today as when enacted over half a century ago.

Respectfully,

Robert O. Harris
Chairman



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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	Retired 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.....	Resigned June 1, 1982



Southern Pacific's intermodal center—Los Angeles



I. Fiscal 1982: A Year of Challenge

It was another busy year for the National Mediation Board—one that ranked among the most challenging in its 48-year history.

It was also a year of diversity—of mediation settlements, employee representation investigations and certifications, heightened legislative activity, complex hearings, arbitration panels, emergency boards, a record low in airline strikes . . . and, yes . . . a brief but all important national rail work stoppage.

The Board, in administering the Railway Labor Act, handles collective bargaining and representation disputes in the railroad and airline industries, both of which were involved in a number of challenging, down-to-the-wire mediation cases where a mediator, calling on extreme skill and tact, helped the parties avert a last-minute strike.

The national rail strike was the first in over a decade. After marathon mediation, and exhausting all procedures of the Railway Labor Act, the Brotherhood of Locomotive Engineers struck the nation's major carriers represented by their bargaining arm, the National Railway Labor Conference on September 19. They returned to work three days later following Congressional emergency legislation.

One other railroad strike and an airline strike involving a major carrier brought the count to only three work stoppages in the two industries in fiscal 1982. This ranks among the lowest number of strikes faced by the Board in recent times. In fact, the one airline strike ultimately resolved through mediation represents the fewest work stoppages in that industry in the last 16 years. (See subsequent chapter for full details on the three strikes.)

Airline disputes settled peacefully in mediation during fiscal 1982 covered a wide range of cases involving major, national, commuter and foreign carriers with U.S. employees. These settlements were particularly notable as bargaining was prolonged, complicated and often contentious due to the complex problems facing an economically depressed industry seeking a number of concessions from its workers. As an indicator of these prob-

lems, it took the Board, on an average, 204 days from time of docketing to resolution of an airline case. Still, the Board was able to resolve 64 airline mediation disputes during the fiscal year, a 12% increase over cases settled in 1981.

The Board, incidentally, in the face of the recession, has had exceptional success in settling airline and railroad mediation disputes over the long haul. For example, during the five-year fiscal period, 1978 through 1982, the agency has closed out 855 mediation cases, marred by only 29 strikes in the two industries. This adds up to an impressive 97% settlement rate. It remains clear that the objectives of protecting the public interest while retaining free collective bargaining are being achieved in great measure under the Railway Labor Act.

As to the railroads, except for the previously mentioned BLE industrywide strike, this round of national bargaining between the carriers and the other 12 major unions was concluded without mishap.

These negotiations have far reaching implications, not only for the more than 326,000 rail workers directly affected by the bargaining results, but for the entire nation as well. The withdrawal of rail service during these talks has a snowballing effect on many other industries causing an economic impact that can reach into every corner of the country. Mediatory efforts were necessary to bring about settlement in eight of 13 of these amended contracts which stretch over a 39-month period.

Two emergency boards were appointed by the President on recommendation of the Board during the BLE and United Transportation Union national disputes with the railroads. One emergency board's recommendations led to final resolution of the UTU dispute and the other emergency board's recommendations were incorporated into the amended BLE contract through the previously mentioned Congressional action.

The Board resolved 90 railroad mediation disputes involving a single carrier in fiscal 1982. This was significant number of cases as negotiations

were of a highly sensitive nature due to the large number of layoffs and other economic problems plaguing the railroads in recent years. This helps explain why railroad mediation cases have averaged 459 days between docketing and resolution.

All in all, it was a busy and challenging year at the bargaining table. A more detailed report on railroad and airline collective bargaining and the possibility of even a more active year for the Board in fiscal 1983 is discussed in the "highlights" chapter that follows.

The Board, in carrying out the mandates of the Northeast Rail Service Act of 1981, appointed arbitrators to five panels in 1982 to resolve questions over the terms of implementing agreements establishing conditions under which Conrail employees were to be transferred to new rail commuter authorities as of January 1, 1983. Under that law, the Board was also required to appoint neutrals to factfinding panels on Conrail to recommend changes in operating practices and procedures to improve productivity.

A sluggish economy and high unemployment in the two industries inhibited all-out union organizing in fiscal 1982. The result was significant but reduced activity in the representation area. The Board continued to carry out the Railway Labor 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.

Eighty-one railroad and airline representation cases were closed in 1982, compared to 131 in fiscal 1981.

In the railroads, certifications were issued in 16 of the 27 cases closed. This represents a 59% 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. There were 14 railroad cases where a challenging union attempted to oust an incumbent union. Interestingly, in each instance the challenging organization was successful.

In the airlines, the 54 representation cases closed in fiscal 1982 represented a 23% decrease in the number of cases resolved in the previous year. Of the 22 certifications issued, 15 covered groups of unrepresented employees. Challengers defeated incumbent organizations in five of seven elections. The Air Line Pilots Association, having earlier announced plans to organize aggressively in the air-

line industry, successfully supplanted an incumbent union in four of those cases.

Organizing activities were primarily confined to smaller carriers in both the railroad and airline industries. Only three of the 27 rail cases closed involved a Class I carrier; only six of the airline cases involved either a major or national air carrier.

Much of the representational activity in the rail industry involved short line railroads. In the airlines, the commuter air carriers and cargo carriers received most of the union organizational attention.

Unions continued their drives to organize employees of foreign carriers with U.S. offices. Approximately 17% of all airline representation cases closed in 1982 dealt with foreign airlines.

The Board's representation role has increased dramatically since its inception in 1934. Over a 48-year period there have been approximately 5,300 representation cases closed by the Board encompassing more than 6,600 craft of class determinations. Nearly 3,950 of those cases resulted in certification of employee representatives by the Board.

In other areas of activity, the annual report also includes 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.

As to representation hearing activities, continuing efforts by labor organizations to represent previously unorganized employees, plus the continuing impact of deregulation, contributed to another year of substantial hearing activity. The Board's staff of hearing officers conducted 62 days of hearings in fiscal 1982, in contrast to only 25 days in 1980 and 95 days in 1981.

The General Counsel's office was particularly active as this was a record year for the Board in handling court cases.

All told, a record 55 litigation cases were handled in fiscal 1982. Thirty-one of these cases were closed, up from the previous record of 26 cases closed in fiscal 1981.

The General Counsel represents the Board in all aspects of court litigation including associated liaison with the Department of Justice and any other affected agency. The Board's employee representation responsibilities headed the list of litigation activities in fiscal 1982. This highly charged



litigation has prompted the parties to seek every feasible avenue of judicial review and appeal.

Jurisdictional issues, Sunshine Act claims and other innovative litigation approaches now are being utilized, further complicating the cases. In many instances, the parties do not cease their efforts until the U.S. Supreme Court has declined review. Representation litigation is expected to remain at its current accelerated pace in fiscal year 1983.

The General Counsel's office also is responsible for a variety of legal programs undertaken by the Board. Such activities include the Freedom of Information Act, the Ethics in Government Act, the Occupational Safety and Health Act, the Government in the Sunshine Act as well as certain agency rulemaking functions.

For four months Robert O. Harris served as Chairman and only Member of the three-Member Board. Earlier in the fiscal year Robert J. Brown resigned.

The Board is assisted by an experienced staff of specialists assigned to the varied labor relations activities affecting the agency. In addition, 22

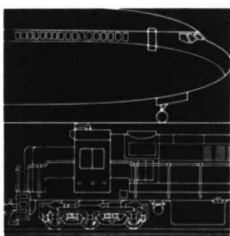
skilled mediators, most of whom are veterans in the labor relations field, handle airline and railroad collective bargaining and representation disputes in various cities across the Nation.

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 1982 activities are summarized in this report.

Also contained in this issue is the fourth in a series of special reports of general interest to the railroad and airline industries, prepared by the NMB's Research Department, covering a study of developments in local railroad bargaining in 1981-1982.

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 59.



II. Highlights: Railroads-Airlines



A DISPUTE OF NATIONAL INTEREST—NMB Chairman Robert U. Harris conducts a news conference at the Board's headquarters concerning one of many major disputes in the railroads and airlines that occupied the agency's time during fiscal year 1982.

National Rail Bargaining Completed; What's ahead in 1983?

Fiscal 1982 was highlighted by the conclusion of another round of national railroad bargaining.

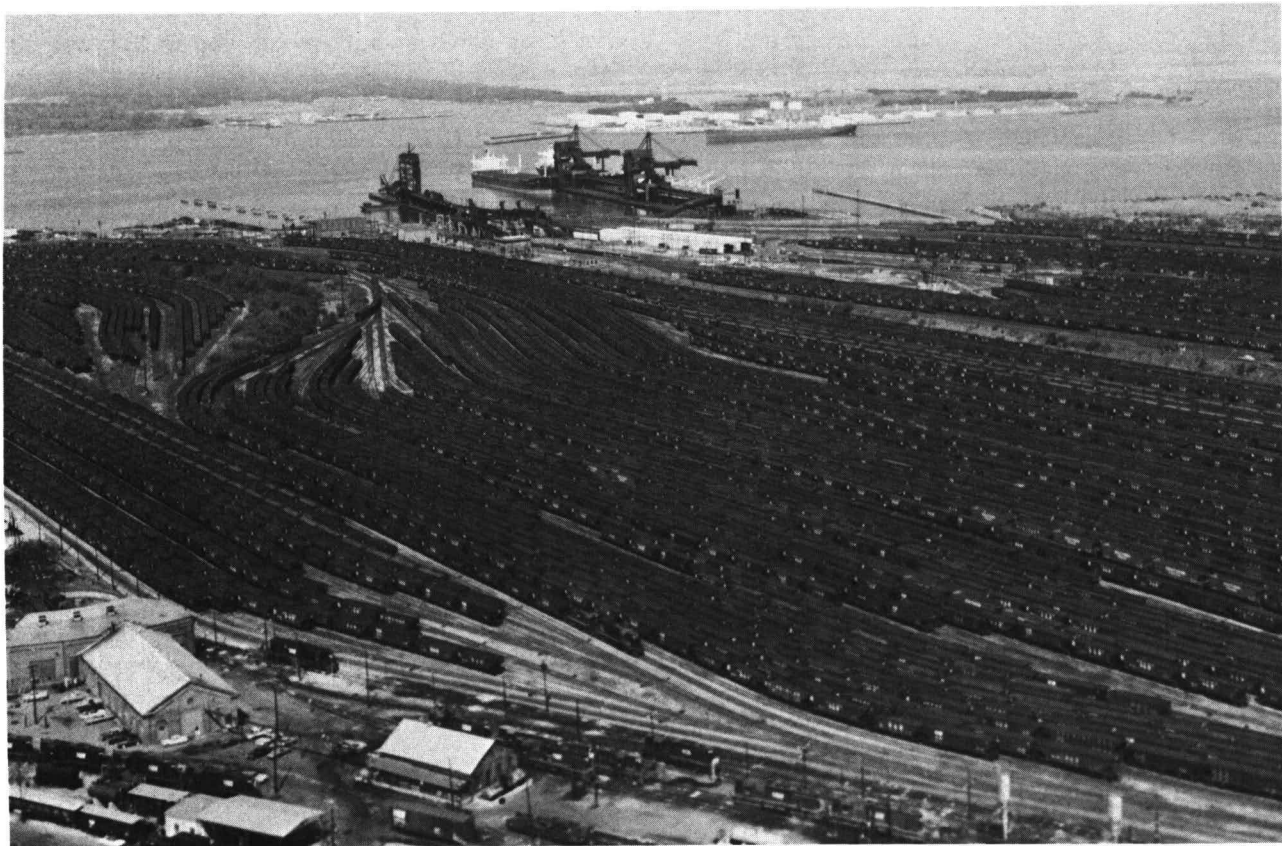
Like a freight train starting off sluggishly and then gathering 70-mile-an-hour speeds, industrywide rail negotiations began rather slowly and then accelerated as fiscal 1982 moved into high gear.

Thirteen major rail unions began in January 1981 to file their notices with the National Railway Labor Conference, the carrier's bargaining arm, listing their various demands for a new work agreement to succeed the 39-month pact amendable as of March 31, 1981. Negotiations were delayed for months, however, while unions and carriers

joined forces to present to the Congress a plan to rescue the deficit-ridden Railroad Retirement System. During the summer of 1981 a proposal to revitalize the retirement fund was enacted into law and, in August, rail labor and management began to devote full time to national bargaining.

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. These agreements covered some 326,000 rail employees on more than 100 railroads, including virtually all the major carriers except Conrail and Amtrak.

The Board Members' mediation assistance plays an integral role in national bargaining when direct negotiations between the parties reach a



stalemate. Any work stoppage resulting from this industrywide bargaining could shut down most of the nation's rail system and inflict severe damage to the economy.

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

Board mediation led to settlement in November 1981 of the Brotherhood of Maintenance of Way Employes and four shop craft unions—the Brotherhood Railway Carmen of United States and Canada, the International Association of Machinists and Aerospace Workers, the International Brotherhood of Electrical Workers and the Sheet Metal Workers' International Association. The Brotherhood of Railway, Airline and Steamship Clerks and the International Brotherhood of Boilermakers, Iron Shipbuilders, Blacksmiths, Forgers and Helpers settled in direct negotiations during that period.

The new 39-month contracts for the seven unions called for about a 32.5% increase in wages and cost of living adjustments, with that figure ex-

panding to nearly 40% when negotiated fringe benefits were included.

During the first few months of fiscal 1982, between November 1981 and January 1982, three more labor organizations—The Brotherhood of Railroad Signalmen, The International Brotherhood of Firemen and Oilers and the American Train Dispatchers Association—settled in direct negotiations, bringing to 10 the number of unions reaching agreement with the NRLC.

The remaining three unions in national bargaining—the Brotherhood of Locomotive Engineers, the United Transportation Union and the Railroad Yardmasters of America—in December 1981 requested the Board's help after direct negotiations had reached an impasse.

Board Chairman Robert O. Harris, assisted by Mediator Charles A. Peacock in the RYA case and by NMB Staff Mediation Director E.B. Meredith in the BLE and UTU disputes, participated in a series of mediation sessions with these labor organizations and the NRLC.

In the RYA case, the major hang up—a controversial issue for years—had been a jurisdictional dispute involving the "scope" of work to be performed by the 2,400 Yardmasters. Messrs. Harris and Peacock met several times with the RYA and

NRLC over a six-month period before the Yardmasters, on June 16, 1982, approved a pact with the Class I railroads similar to agreements reached with the other 10 unions. The settlement did not provide for any modifications in the national scope rule which dates back to September 21, 1978.

But negotiations ultimately were to reach an impasse with the two operating unions and the NRLC. Mediation sessions were held with the parties in both disputes between early December 1981 and late May 1982. The two unions subsequently rejected the proffer of voluntary arbitration and, on recommendation of the NMB, the President in July 1982 appointed an emergency board in each dispute because of the potential adverse economic impact a strike by either union would have on the nation. (See complete details on Emergency Board Nos. 194 and 195 in following article.)

Wages and work rule changes were major hang ups in each case. The carriers' demand for elimination of cabooses was also of particular concern to the UTU. As to the BLE, it was adamant in its demand that a wage differential exist to insure that engineers remain the highest paid whenever conductors and brakemen were given productivity payments for working on trains with reduced crews.

Both emergency board reports with recommendations were sent to the President in August and negotiations with the parties were to continue into September 1982. The UTU became the 12th union to settle with the NRLC on September 15, 1982. The tentative agreement followed the recommendations made by Emergency Board No. 195, including the wage pattern accepted by the other 11 organizations. The UTU contract included a provision to provide additional pay for members who in the future work on reduced crews on freight trains no longer requiring cabooses.

Direct negotiations with the BLE, however, were again to become deadlocked. The NMB resumed mediation with the parties during the week of September 13, with the strike deadline set for 12:01 A. M., September 19, 1982. Marathon mediation began as the strike deadline neared with Kay McMurray, Director of the Federal Mediation and Conciliation Service and a former NMB Member, joining Chairman Harris and Mediator Meredith in an attempt to reach settlement.

The sun rose the morning of September 19 with negotiations still continuing after the midnight strike deadline. But even the best efforts put forth by the three highly experienced mediators could

not bring about an agreement. The BLE broke off negotiations at 7:00 A. M. that morning with a national strike already underway.

The BLE had generally accepted the recommendations of Emergency Board No. 194 except for the single issue that earlier had separated the union from the railroads—maintenance of pay differentials. The engineers wanted the right to strike over the issue in local bargaining, if necessary, during the life of the amended national contract. The emergency board had recommended that the engineers be able to negotiate but not strike through the contract period, ending June 30, 1984. It had, therefore, boiled down to a case of potential labor strife or labor peace during the moratorium period.

Emergency legislation, signed by the President on September 22, 1982 and ending the four-day strike, directed the BLE to accept all emergency board recommendations. It was the first national rail strike in over a decade and the first participated in by the BLE since 1946.

Thus, over a 10-month period in fiscal 1982, between November 1981 and September 1982, national bargaining was finally concluded between the 13 unions and the railroads.

Common expiration dates of these national contracts has in recent years created a coordinated bargaining effort acceptable to both carriers and employees. Such unified bargaining on an industrywide basis should help insure rail stability in the months ahead.

As to the future?

In fiscal 1983, as a result of the conclusion of national bargaining, the NMB will direct its mediatory efforts from the national level to issues in dispute on local properties. Carriers not participating in national negotiations are expected to request Board mediation assistance.

In addition, certain recommendations of the emergency boards in the UTU and BLE disputes should ultimately add to the Board's mediation caseload. Emergency Board No. 195 recommended, subject to certain conditions and limitations, that cabooses may be eliminated in each class of service on the railroads. In through-freight service, carriers would have the right to eliminate cabooses on 25% of all through freight trains, subject to arbitration. Elimination of additional cabooses could be negotiated under provisions of the Railway Labor Act. As caboose disputes progress on the local properties, the NMB anticipates an increase in its mediation workload.

The NMB has previously mediated disputes involving the maintenance of the wage differential between engineers and conductors and brakemen. The Board expects to mediate additional cases in the future as a result of Emergency Board No. 194's recommendations that such disputes on local properties be resolved under the peaceful procedures of the Railway Labor Act.

Emergency Boards

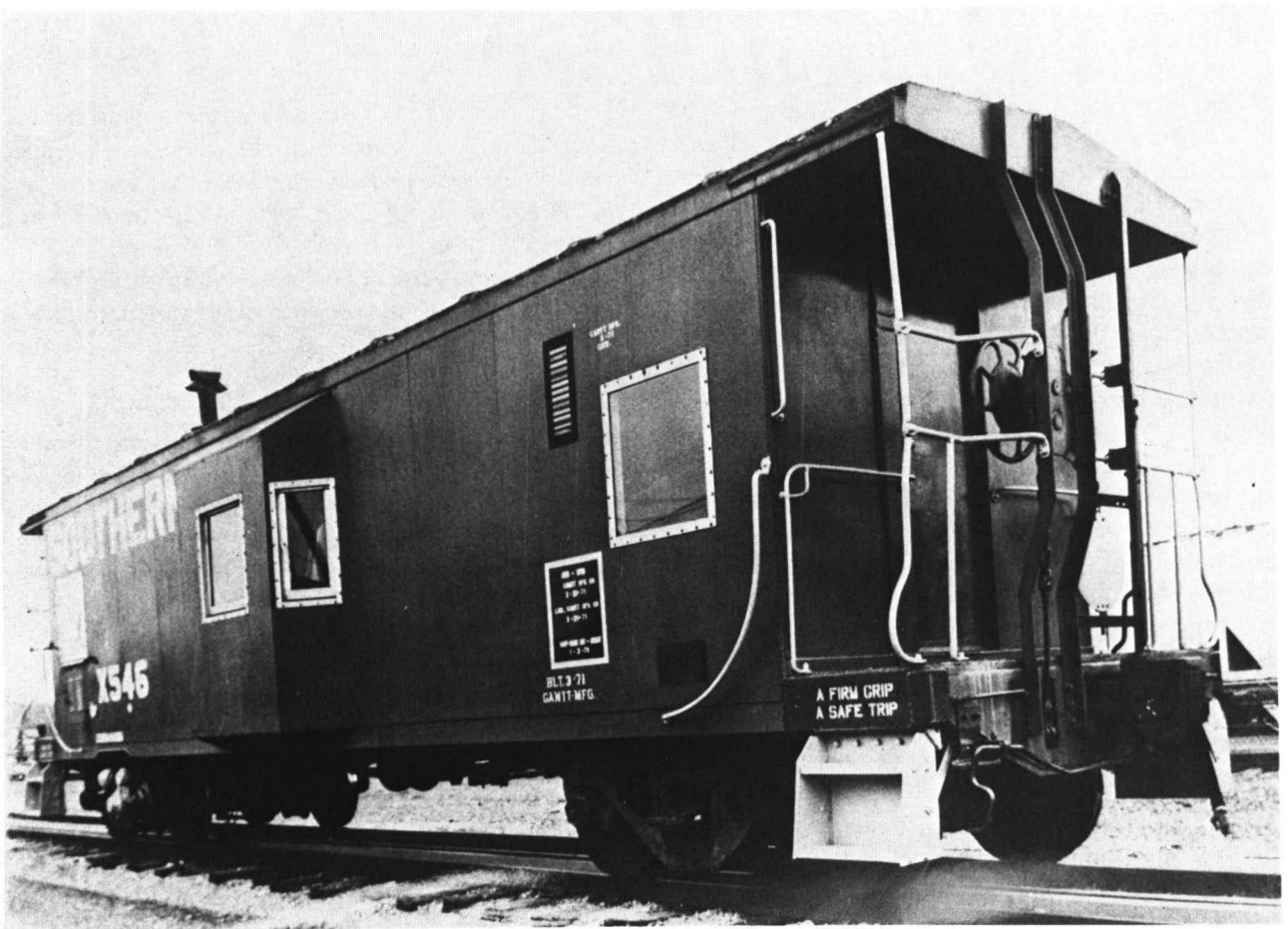
Two emergency boards were created by The President pursuant to Section 10 of the RLA during fiscal year 1982, both involving operating employees of the railroads involved in national negotiations with the National Railway Labor Conference (NRLC).

Emergency Board No. 194 was established on July 10, 1982, by Executive Order 12370, to investigate and report on the dispute between the Brotherhood of Locomotive Engineers (BLE), representing 26,000 engineers, and the NRLC, representing

over sixty railroads. Emergency Board No. 195 was established on July 21, 1982, by Executive Order 12373, to investigate and report on the dispute between the United Transportation Union (UTU), representing 86,000 firemen, conductors, and brakemen, and the NRLC, representing more than one hundred carriers.

Both Boards were chaired by Dr. Arnold R. Weber, president of the University of Colorado. Dr. Jacob Seidenberg, a well-known arbitrator with substantial experience in the railroad industry, and Dr. Daniel Quinn Mills, a professor at the Harvard University Graduate School of Business Administration, served as members of the Boards.

There were six major areas of dispute, according to the Boards' Reports, five of which were common to the two disputes. On the subject of wages and cost-of-living allowances (COLA), the Boards rejected the two organizations' demands for settlements substantially in excess of the pattern settlement reached with the other eleven organizations in national handling. The Boards recommend-



The caboose—an issue in dispute.



EMERGENCY BOARD INVESTIGATES RAIL DISPUTE—Emergency Board No. 194 was created by The President July 10, 1982, as a threatened strike by the Brotherhood of Locomotive Engineers against the major rail carriers would have had a devastating effect on the nation's economy. Presenting the BLE's position at hearing are: (left to right) Thomas Roth and W. M. Homer, Economic Consultants; General Counsel Harold A. Ross; and W. J. Wanke, First Vice President and chief negotiator. Board participants are Dr. Arnold R. Weber, President of the University of Colorado, Chairman; and Dr. Daniel Quinn Mills, Professor at the Harvard University Graduate School of Administration; and Dr. Jacob Seidenberg, well-known arbitrator, Members.

ed acceptance of the 39-month pattern agreement, retroactive to April 1, 1981, which provided 11% in base wage increases and approximately 18% in COLA payments based on 1 cent per hour for each .3 point change in the consumer price index.

The second major area of dispute was the NLRB's demand for a freeze, or "hold down", on overmiles, arbitrations, and special allowances, pending completion of a special study of the entire pay system for operating employees. There payments constitute about one-fifth of the pay of operating employees. The Boards recommended that no freeze be applied to these payments, and that increases be applied in accordance with past practice. The organizations sought to increase all of these payments, but the Board did not recommend this proposal.

The third major subject considered by the Boards involved creation of a study commission to review pay practices with a view toward streamlining the present system, which is cumbersome to administer and does not reflect certain technological and other changes in the railroad industry. The NLRB demanded that the organizations agree to have the commission arbitrate changes in the absence of a bilateral agreement, and the organizations rejected that aspect of the demand.

The Boards recommended that the study commission be established, but without the imposition of final and binding arbitration in the absence of agreement. To further the chances for a successful outcome, the Boards recommended a limited agenda and a strict time table for negotiations. The

neutral chairman is to issue a report on or before December 1, 1983, if the dispute is unresolved. The study commission should finish its work early enough to permit the parties to conclude the negotiations prior to the next round of national bargaining.

Another area of dispute was the organizations' demand for an increased meal allowance. The boards recommended an increase equal to the rise in the cost-of-living since 1978, when the meal allowance was last increased.

The most contentious area of dispute was over the moratorium on serving new bargaining demands. Ultimately, the BLE's rejection of the Emergency Board's recommendation led to a strike. The two previous national agreements permitted the BLE to serve and progress bargaining demands to adjust the compensation of locomotive engineers whenever the UTU negotiated a crew consist agreement providing for a reduction in the size of the train crew from three to two employees. The savings were shared between the carrier and the remaining UTU-represented employees. Because some conductors earned more than engineers under this arrangement, the BLE has negotiated agreements to restore the engineer's position as the highest-paid operating employee. The UTU then serves a notice to restore the financial benefit of crew consist.

The carriers sought to end this leapfrogging by eliminating the BLE's right to continue to negotiate for an increment above the conductor. The Emergency Board recommended that the BLE

continue to have the right to serve its demands, but that it give up the right to strike on the issue.

The final issue in dispute, applicable only to the UTU, was the future of cabooses on American trains. The carriers sought to eliminate all cabooses under national guidelines, through local negotiations. According to the railroads, none of the historic reasons for using a caboose are valid today, and cabooses cost \$400 million to operate. The UTU opposed elimination of cabooses, primarily for safety reasons.

After weighing the arguments on both sides, the Emergency Board concluded that some cabooses could be eliminated, subject first to agreement between the parties. For some types of service, carriers could ask an arbitrator to determine whether cabooses could be eliminated. The Board listed five factors involving employee safety, comfort, and impact on the work which should be incorporated into the guidelines.

The Board found that all other-than-through-freight cabooses could be eliminated, subject to arbitration, and that 25% of all through freight cabooses could be eliminated, subject to arbitration. Under the Board's recommendation, cabooses in through freight service would be eliminated on short trains first. Approximately half of the 12,000 cabooses could be eliminated by 1984.

Following the release of the two reports, the parties resumed negotiations with the NMB's assistance. Although tentative agreement was reached between NRLC and the UTU, no agreement was reached with BLE. On September 19, 1982, BLE struck all of the affected carriers. On September 22, 1982, the strike was ended in accordance with PL 97-262, which enacted the report and recommendations of Emergency Board No. 194 as though they were arrived at by agreement of the parties.

NMB Shoulders Additional Rail Commuter Responsibilities Under Northeast Rail Service Act

The Northeast Rail Service Act of 1981 (NERSA) imposed certain statutory requirements which, over the long haul, could significantly increase the rail commuter responsibilities of the National Mediation Board.

In 1982, for example, the Board carried out certain duties called for under the statute that

effect the orderly transfer of Conrail passenger employees and services to various commuter authorities in the Northeast region. The Board under one provision of the law in 1982 was required to appoint neutrals to fact finding panels to recommend changes in operating practices and procedures to improve productivity and to provide more efficient, cost effective commuter systems. Neutrals were appointed to panels on the Northeast Commuter Services Corporation and the New Jersey Transit Rail Operations.

Under another NERSA provision the Board was required to appoint neutrals to arbitration boards to resolve issues pertaining to terms and conditions of implementing agreements affecting transfer of Conrail passenger employees to new commuter authorities. A third provision required that new collective bargaining agreements be reached between representatives of the transferred employees and the new operators. If by September 1, 1982, the parties had not entered into new collective bargaining agreements, the statute provided for establishment of Presidential emergency boards to investigate the various disputes.

The first day of the new fiscal year (October 1, 1983) three such emergency boards were created with extensive NMB staff assistance provided. A detailed account of these boards' activities will be included in the next annual report.

Conrail's Congressionally mandated transfer of its passenger services to the new commuter rail authorities is scheduled for January 1, 1983. The initial round of bargaining is still to be completed. It is contemplated the NMB will have jurisdiction over these various commuter authorities in subsequent rounds of collective bargaining and that they will be subject to the step-by-step procedures of the Railway Labor Act.

Section 9A—New RLA Amendment

The Northeast Rail Service Act of 1981 also included a new section (9A) to the Railway Labor Act, the first new amendment to the RLA 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.

The rail commuter authorities currently subject to the Railway Labor Act and the procedures under Section 9A include The Long Island Rail Road, Port Authority Trans-Hudson Corporation and the Staten Island Rapid Transit Operating Authority.

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 under Section 9A. 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.

During the second 60 days NMB mediators would continue to work with the parties in an effort to reach an agreement.

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 agreement. 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.

Airline Collective Bargaining; What Happened; What's Ahead?

More than 50,000 airline employees were represented by unions involved in airline contract disputes ultimately resolved through mediation in fiscal 1982. It was a year that tested to the fullest the Board's ability and effectiveness to maintain labor peace in an industry beset by chaotic economic conditions. As the airlines struggled through their worst financial performance in history, an increasingly hostile attitude was apparent at the bargaining table as carriers attempted to keep a tighter reign on wages and benefits until regaining higher profitability.

It was a period best described as "concessionary bargaining" with airlines negotiating for wage cuts and wages freezes and more productive work rules as heavy layoffs plagued the industry and several airlines, including one major carrier, succumbed to the poor economic environment. Certain unions, on the other hand, strenuously resisted such changes and mediation frequently became a prolonged and difficult procedure.

The Board reached an impasse in mediation and proffered arbitration in more than a dozen airline cases with the 30-day clock running down to the last seconds—and sometimes longer—before settlement was reached. Despite the contentious climate, there was only one airline strike in fiscal 1982, the lowest strike figure in that industry in the last 16 years. And that strike—3,700 mechanics struck Northwest Airlines—was subsequently settled in mediation.

The airlines, negotiating individually with unions on a system-wide rather than an industry-wide basis, reached settlement with their employees in 64 cases requiring mediation. Mediation was essential in settling contract disputes in 14 airline cases involving mechanics; 12 cases involving office, clerical, fleet and passenger service employees; eight cases involving flight attendants; and six cases involving pilots. In addition, mediation played a role in settling airline contract disputes with other groups of workers ranging from dispatchers, commissary employees and plant security guards to flight engineers, medical corpsmen and nurses.



The mediator in these disputes became the catalyst and impartial adviser who, with a fine sense of timing, brought contentious forces together in a final cooperative bargaining effort that led to settlement. U.S. Air, for example, in fiscal 1982 settled with 2,000 mechanics just five minutes before the strike deadline and, in another case, mediators held the parties together to reach an agreement between that carrier and 1,000 fleet service employees 2½ hours after the 30-day clock had run out.

In another dispute, Pan American World Airways averted a strike when nearly 6,000 flight attendants agreed to a three-year contract following intensive mediation that had been ongoing for more than six months. This was a key settlement, according to Pan Am officials, in assuring the survival of the financially troubled carrier. Pan Am earlier had settled in mediation with more than 3,000 pilots as well as with other groups of employees who had agreed to wage cuts and wage freezes.

Mediation played an important role in settling three separate disputes between Frontier Airlines and three unions representing 4,300 employees in the flight attendants, mechanics and office, clerical, fleet and passenger service crafts or classes.

Fiscal 1982 also marked the first year that Ozark and its mechanics had reached an agreement in mediation without the need for a proffer of arbitration and it represented one of the few times the mechanics had not threatened to strike the carrier over a contract dispute. Mediation also helped resolve disputes including other major airlines such as American Airlines and 6,000 flight attendants and Trans World Airlines and 3,500 pilots. World,

Flying Tigers, Texas International, Pacific Southwest, Air Florida, Alaska, Piedmont, Hawaiian, Aloha and Golden West airlines were among other carriers which reached final settlement in mediation with thousands of additional employees.

What's Ahead?

In fiscal 1983, approximately 90 contracts are amendable between various air carriers and their employees. Pilots lead the way with 17 contract renewals, followed by flight attendants with 12 amendable agreements. Mechanics, dispatchers, clerical and related and fleet and passenger service employees, as well as other groups of workers, also have amendable contracts with a number of air carriers in the next fiscal year.

Indications are that the airline industry's financial condition may improve significantly in 1983. Should this occur, the Board believes it will precipitate union demands for increased wages and benefits, particularly concerning those carriers where major concessions have been made.

The momentum generated by deregulation increasing the number of new carriers to fuel the competitive fire, the building of new aircraft requiring extensive capital outlays prompting additional management demands on labor, and acquisition and merger of airlines generating disputes over the status of personnel are other issues that may affect the agency's workload.

All in all, fiscal 1983 may shape up as one of the Board's busiest in recent years.

Mediator Momentum— Maintaining Labor Peace

How does each mediator handle his case? With a delicate touch. With instinct. With a gut feel for the situation and a fine-tuned sense of timing. Since its inception in 1934, the National Mediation Board has maintained an impressive 97% settlement rate—having handled over 11,200 rail and airline mediation cases, marred by only 330

work stoppages. Assigned to cases across the country, our mediators work on a 'round-the-clock basis' when necessary to reach settlement in a continuing effort to maintain labor peace in the railroads and airlines. The NMB's vital role in resolving these labor-management disputes is illustrated in the following photos:



BRAC/LIRR REACH ACCORD—Intensive mediation and a cooperative effort by the parties brought about the first settlement in this round of bargaining between 17 unions and The Long Island Rail Road. Shown at the signing are (left to right) Walter J. Lysaght, LIRR Director, Labor Relations; Robin H. H. Wilson, LIRR President; NMB Mediator Francis J. Dooley (standing); and Ed Hanley, General Chairman, Brotherhood of Railway, Airline and Steamship Clerks.



HISTORIC FIRST—Fiscal 1982 marked the first year Ozark Air Lines and its Mechanics reached an agreement in mediation without the need for a proffer of arbitration. Participating in the contract signing are Ozark's Vice President, Industrial Relations, Ronald K. Carlson; NMB Mediator Samuel J. Cognata; and O. V. Delle-Femini, National Director, Aircraft Mechanics Fraternal Association.



SIX-YEAR BREAKTHROUGH—After more than six years in mediation, the thorny issues of scope and classification of work rules were finally resolved, resulting in an agreement between four international rail unions and the Soo Line RR Co. Mediation began January 26, 1976, and ended with the contract signing by the parties at the National Mediation Board, April 22, 1982. The settlement between the unions and the Minneapolis-based carrier represents five separate agreements covering 1,300 carmen, electricians, communication workers, boilermakers and blacksmiths and firemen and oilers.

Shown at the signing are Ms. Coleen Gormley, Asst. Director-Labor Relations, Soo Line; Allen W. Durtsche, Director-Labor Relations, Soo Line; NMB Staff Mediation Director E. B. Meredith (standing); Norman D. Schwitalla, Int'l. Rep., International Brotherhood of Electrical Workers; and Newell G. Robison, General Vice President, Brotherhood Railway Carmen of the U.S. and Canada. The two attending unions were authorized to sign the agreements for the Int'l. Brotherhood of Boilermakers and Blacksmiths and the Int'l. Brotherhood of Firemen and Oilers.

Substantial Hearing Activity in Fiscal Year 1982

The Board's hearing officers conducted 62 days of hearings in fiscal 1982. This compares with 95 days of hearings in fiscal 1981 and only 25 days in 1980.

As in 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 the use of computers.

Proceedings before the Board's hearing officers are fairly 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. 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 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, have 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 Activities Keep Staff Busy

The Freedom of Information Act applies to a substantial portion of the National Mediation Board's activities and has required the Board to apply proportionally significant resources to its administration. The Board's FOIA Office is designed to benefit the public by making available for public inspection or copying certain agency records unless the records fall within one of nine exemptions. The FOIA Officer reviews the content of each request for appropriate initial handling and monitors processing progress and response deadlines. Review functions are performed by the General Counsel with initial agency decisions issued by the Executive Secretary and decisions on FOIA appeals by the NMB's Chairman.

When a FOIA request for information is received the NMB must check the following categories which are privileged from disclosure:

1. Pre-decisional deliberations by Board Members or pre-decisional analyses or recommendations by staff personnel—Exemption 5.
2. Identity of employees who cast ballots in elections, contact the Board concerning union or carrier conduct, or supported or opposed representation by a union—Exemptions 6, 7(A) and 7 (C).
3. Matters of attorney/client privilege—Exemption 5 .
4. The number of authorizations or computations of the showing of authorizations (there are certain exceptions pertaining to certification close-outs and cases closed for other reasons for a period of more than two years prior to the FOIA request)—Exemptions 4 and 7 (A).
5. Matters related solely to the internal personnel rules and practices of the agency—Exemption 2.
6. Matters pertaining to mediation activities—Exemptions 4, 5, 6, 7(C) and 7(E).
7. Other appropriate withholdings which are privileged from disclosure by exemptions not previously mentioned.

A request must "reasonably describe" the records to which access is desired. A specific description of the documents sought (names, dates, applicable case numbers, specific types of documents, etc.) should be provided with the request. By being as specific as possible in describing the desired information, a request can be handled expeditiously. Even when a request "reasonably identi-

fies" the overall file or record sought, it can involve voluminous materials and be time consuming and costly. The broader the request, the more expensive and time consuming it may be. To facilitate agency processing, where substantial search and copying fees may be involved, the requester should include what financial liability he or she is willing to incur to carry out the request. The requester is also expected to handle the duplicating of materials in the NMB's offices to expedite processing.

During fiscal 1982, the Board received 115 requests and incurred \$25,734 in non-recoverable costs to process FOIA matters. One of the court cases involving the NMB in fiscal 1982 prompted an FOIA request for access to over 40,000 pages of documents.

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, IL 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. Where substantial search and copying fees may be involved, the NMB may request advance payment. Search costs are expressed in hourly rates, duplication costs in per page rates. Fees under \$5 will be waived.

The Executive Secretary will respond to each request, in writing, within 10 working days. When only a few records are involved, copies of those released will usually be transmitted at the time of the approval.

If a request is denied in whole or in part by the Executive Secretary, the requester may within 30 days of its 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 and 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.

Rulemaking Activities

The National Mediation Board has made it a policy to limit rulemaking 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 1982.

NMB Staff Conference Convenes to Discuss Agency Policy Matters

The National Mediation Board annually brings its 22 mediators in from their stations around the country to discuss policy matters and problems affecting the agency as well as to exchange ideas on various labor relations issues. Such a conference was called this fiscal year by then NMB Chairman Robert J. Brown with Board Member Robert O. Harris, the NMB staff and the mediators participating in a three-day business session in San Diego, California.

Subjects covered during the staff conference ranged from an overview of important Board decisions in the representation area and significant court decisions relating to the agency to the effect of the recession on collective bargaining in the airline industry and subsequent challenges facing the mediator in contract negotiations. Also discussed were key issues involved in the yet to be completed round of national rail bargaining.

A guest speaker was Peter D. Carr, Labor Counselor at the British Embassy in Washington, D.C., who compared the differences in collective bargaining procedures between Great Britain and the United States. Mr. Carr was formerly Director of the Advisory Conciliation and Arbitration Service (ACAS), which handles labor matters in the United Kingdom. The ACAS is governed by a tripartite council drawn from management and labor and has about 600 employees, most of whom work in regional offices.

"Compared with most other countries, we have had a minimum of legal interference and regulation in our industrial relations," Mr. Carr said. "Our system has placed great emphasis upon management and unions sorting out their own difficulties and setting up their own institutions to take care of their differences. There is no tradition of legally enforceable agreement as in Sweden, no wide practice of compulsory arbitration as in Australia, no tradition of resorting to the Courts as in the U.S."



OPENING SESSION—NMB mediators convene annually to discuss a variety of issues pertaining to collective bargaining and employee representation matters. Chief Hearing Officer David M. Cohen addresses the group in San Diego.



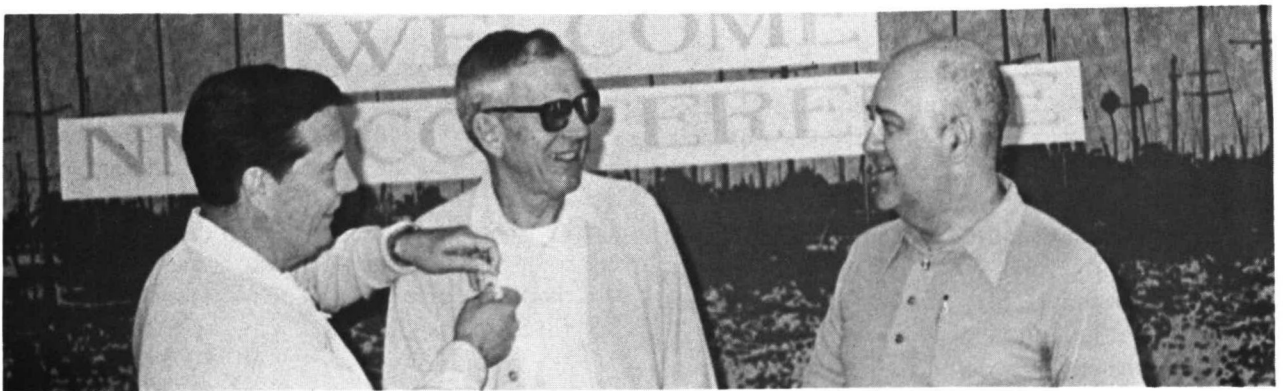
SHIFT IN AIRLINE BARGAINING—NMB Research Director Sheldon M. Kline, at the podium, moderates panel on the complexities and challenges faced by mediators in negotiating contracts in the economically depressed airline industry. Panelists are Mediators Walter L. Phipps, Ralph T. Colliander, Faye M. Landers and Gale Lynn Oppenberg.



LABOR NEGOTIATIONS AIRED—This get together from across the nation includes Mediators Joseph W. Smith, Charles R. Barnes and E. B. Meredith, from Wisconsin, California and Maryland, respectively.



BARGAINING IN BRITAIN—Mediator Charles A. Peacock discusses labor relations procedures in Great Britain with guest speaker Peter D. Carr, Labor Counselor at the British Embassy.



CONGRATULATIONS—then NMB Chairman Robert J. Brown presents a ten-year NMB pin to Mediator Ralph T. Colliander who is congratulated by Executive Secretary Rowland K. Quinn, Jr.



VISITORS FROM SWEDEN AND SPAIN—NMB General Counsel Ronald M. Etters discusses Railway Labor Act procedures with Bjorn Lilliehook, Staff Member, Central Negotiations Section of the Swedish Employers' Confederation. NMB Executive Secretary Rowland K. Quinn, Jr., meets with Enid W. Weber, National Labor Relations Board Associate Executive Secretary, and Juan M. Ruigomez, an attorney with the Spanish government.

NMB Briefs Foreign Government Labor Relations Officials

Foreign government and labor relations officials visited the National Mediation Board during the fiscal year to be briefed on the agency's administration of the Railway Labor Act and discuss in general how labor relations procedures are conducted in the U.S.

Among those who visited the Board was Bjorn Lilliehook, a staff member of the Swedish Employers' Confederation. Mr. Lilliehook met with the Chairman of the Board and various staff members who gave a comprehensive account of the representation and mediation functions as outlined in the Railway Labor Act. Other visitors who met with the NMB officials included Juan M. Ruigomez, a legal counselor with the Central and Local Administrations of the Spanish government, and Raul Roberto Dastres, Director of the Institute of Studies of Labor and Organization Relations at the University of Chile. On learning of the NMB's high success rate in setting contract disputes under the Act, these foreign labor relations specialists expressed an interest of possibly incorporating certain of the statute's procedures into their own countries' labor relations systems.

Agencies who cooperated with the NMB in this foreign visitors program included the U.S. International Communication Agency, the National Labor Relations Board and the Bureau of Educational and Cultural Affairs of the U. S. Information Agency.

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 71 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.
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.

Arbitration Board No.	Carrier	Organization	Issue
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.
410	Consolidated Rail Corporation	Brotherhood of Locomotive Engineers.....	Switching limits.
411	Illinois Central Gulf RR.....	Brotherhood of Locomotive Engineers.....	Interdivisional service.

Integrating Pan Am-National Employee Seniority Lists

Another significant interest arbitration case in fiscal 1982 was: *Arbitration Pursuant to Civil Aeronautics Board Order 79-12-164 in Docket 33282 (David H. Stowe, Arbitrator)*.

This case involved the integration of Pan American World Airways and National Airlines Mechanics and Ground Service Employees' seniority lists. The parties were Pan American and the Transport Workers Union of America and the Maintenance Legal Aid Committee representing certain former National Airlines employees.

The Pan Am-National merger became effective January 19, 1980. A condition of approval of the merger, set forth by the Civil Aeronautics Board, obligated Pan Am to integrate the seniority lists of the two carriers' work forces in "a fair and equitable manner" in accordance with CAB Labor Protective Provisions (LPP). The LPP also stated that if an agreement between the parties could not be reached within a certain timeframe, the dispute could be referred to an arbitrator selected from a panel of seven names furnished by the National Mediation Board. The NMB, in keeping with the CAB provisions, subsequently submitted such a list of names and David H. Stowe was selected as arbitrator by the parties.

Mechanics and Ground Services classifications on Pan Am were represented by the Transport Workers Union of America (TWU). On National, Mechanics and Related classifications were represented by the International Association of Machinists and Aerospace Workers (IAM&AW). Ramp Agents and Porters at National were represented by the Air Line Employees Association, International (ALEA). Following the merger, all former National employees became Pan Am employees; TWU was recognized as the sole collective bargaining representative in the Mechanics and Ground Service craft or class. A Joint Merger Committee created by Pan Am and TWU agreed April 18, 1980, that seniority lists of former National and Pan Am employees regarding Mechanics and Ground personnel would be integrated on a "date of hire" basis. A group of about one-third of the former IAM&AW Mechanics opposed the date of hire method and proposed that the "ratio-rank" method be adopted.

The purpose in using the ratio-rank method as proposed by these Mechanics was to assure that each former National employee held the same relative position or rank on the integrated list as he formerly held on the pre-merger National list.

On learning that IAM&AW concurred with the method advocated by Pan Am and TWU and would not pursue the matter further, this group of 537 former National Mechanics formed the Maintenance



nance Legal Aid Committee (MLAC). Arbitrator Stowe subsequently conducted hearings and considered the merits of each of the methods for merging the seniority lists proposed by Pan Am and TWU and by MLAC.

MLAC advocated the ratio-rank method based on a 3.1 ratio of pre-merger Pan Am employees to pre-merger National employees as the only fair and equitable format. MLAC argued the date of hire method was inherently unfair to former National employees as it would produce windfall increases in relative seniority and competitive ability for former Pan Am employees due to the extensive disparity in average length of service of the two groups. For pre-merger Pan Am employees the average length of service was 17 years and 8 months while the average for the pre-merger National employees was 12 years and 5 months, a difference of over 5 years of service. Under the date of hire method, pre-merger Pan Am maintenance personnel occupy positions predominantly in the top half of the integrated seniority lists, and pre-merger National employees fall predominantly in the lower half of the list. Any future layoffs by Pan Am under such a list would impact primarily on former National employees, according to MLAC.

Pan Am and TWU contended the date of hire method of combining two seniority lists was agreed to only after careful consideration. Various methods for integrating the list were explored, including the ratio-rank method; the date of hire decision was made only after reviewing and considering all alternatives.

Under the agreement with TWU the seniority of Pan Am employees in the Mechanic and Ground Service classifications was the actual date that employee was hired by Pan Am in a covered classification. Each employee's name was placed on the seniority list for his station or base as of his date of hire and that date determined his seniority. Periodically a system-wide seniority list was compiled from these station lists to be used when needed for system displacement or voluntary transfers from one station to another.

At National, the seniority structure was totally different. Under both the IAM&AW and ALEA agreements each employee held his seniority on the basis of his date of entry into his current job classification without regard to his prior continuous service or date of hire. The National seniority list covered 14 classifications—10 IAM&AW and 4 ALEA classifications.

To compensate for the difference in seniority systems, the seniority date of each National employee was adjusted by Pan Am to include all previous service he may have at National in other classifications covered by the labor agreement—that is, his seniority date became the date he was hired at National. The effect was to treat each National employee as though his entire work experience had been with Pan Am. As a result of these adjustments a large number of former National employees were credited with prior service for seniority purposes ranging from less than one year up to 20 or more years.

Pan Am and TWU pointed out that the ratio-rank method proposed by MLAC would not only be unfair to former Pan Am employees who have earned their seniority placement through years of service but it would also be unfair to junior National employees who would be more adversely affected under the ratio-rank method than under the date of hire method.

Arbitrator Stowe, in setting forth his Opinion and Award, December 17, 1981, noted that IAM&AW, which represented about two-thirds of these former National employees, had expressed approval of the date of hire method. ALEA, he pointed out, also stated it had no objection to the method as related to National's fleet service personnel it formerly represented.

"From the early days of the labor movement the basic principle of seniority has been that the employees with the greatest length of service should hold competitive rights over employees with less length of service," Mr Stowe said in the Award. "The ratio-rank method, when applied to the circumstances of this case, yields a decided advantage to former National employees while disadvantaging former Pan Am employees."

"In the opinion of the arbitrator," he continued, "the ratio-rank method, when applied in the manner proposed by the MLAC, affords an unacceptable importance to the maintenance of relative

rank without any compensating recognition to length of continuous service. It provides a substantial windfall to most of the former National employees simply by virtue of the fact that they were employed by National rather than by Pan Am, while at the same time, completely ignoring the greater length of service of former Pan Am employees. The proposed ratio-rank method for merging the seniority lists, under the particular circumstances of this case, does not yield a result which is fair and equitable."

Mr. Stowe concluded: "The date of hire method for intergrading the seniority lists for Mechanics and Ground Service employees more nearly satisfies the 'fair and equitable manner' criterion set forth in the (CAB) Labor Protective Provisions."

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 intraseniority 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 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.

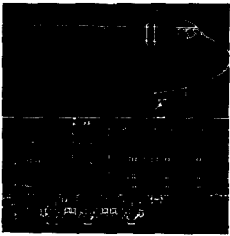
The following Arbitration Task Force decisions have been rendered under this series.

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.

Arbitration Task Force No.	Carrier	Organization	Issue
5	Southern Ry. Co	United Transportation Union.....	Interdivisional service.
	Alabama Greart Southern RR Co.....	.....
	Cincinnati, New Orleans & Texas .....	.....
	Pacific Ry Co .....	.....
	Georgia Southern & Florida Ry. Co.....	.....
	Central of Georgia RR Co.....	.....
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-Kanasa-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.
23	Baltimore Ohio RR Co.....	United Transportation Union (E-C-T).....	Interdivisional service.

NMB Publishes Ninth Volume of Determinations

The National Mediation Board has published its ninth volume in a series titled, "Determinations of the National Mediation Board." Volume 9 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 157 determinations, each of which carries a 9 NMB number, covering the period from October 1, 1981 through September 30, 1982.



III. Representation Case Developments

Significant policy decisions were made in a number of representation cases resolved by the Board in 1982, as evidenced in the following report on current representation developments.

Jurisdiction

The trend noted in the Board's 1980 and 1981 Annual Reports, of a heavy volume of jurisdictional determinations, continued through 1982. These cases arose either by the filing of an Application for Investigation of a Representation Dispute by a labor organization or by a referral from the National Labor Relations Board.

As the Board reported last year, the Supreme Court reviewed the case of *United Transportation Union v. Metropolitan Transportation Authority*, and issued a decision on March 24, 1982. On the basis of the Court's decision, the Board revoked its Interim Order, 8 NMB No. 89 (1981), by Order dated April 5, 1982, 9 NMB No. 94. The Board therefore resumed providing its full services under the Railway Labor Act to The Long Island Rail Road and Staten Island Rapid Transit Operating Authority.

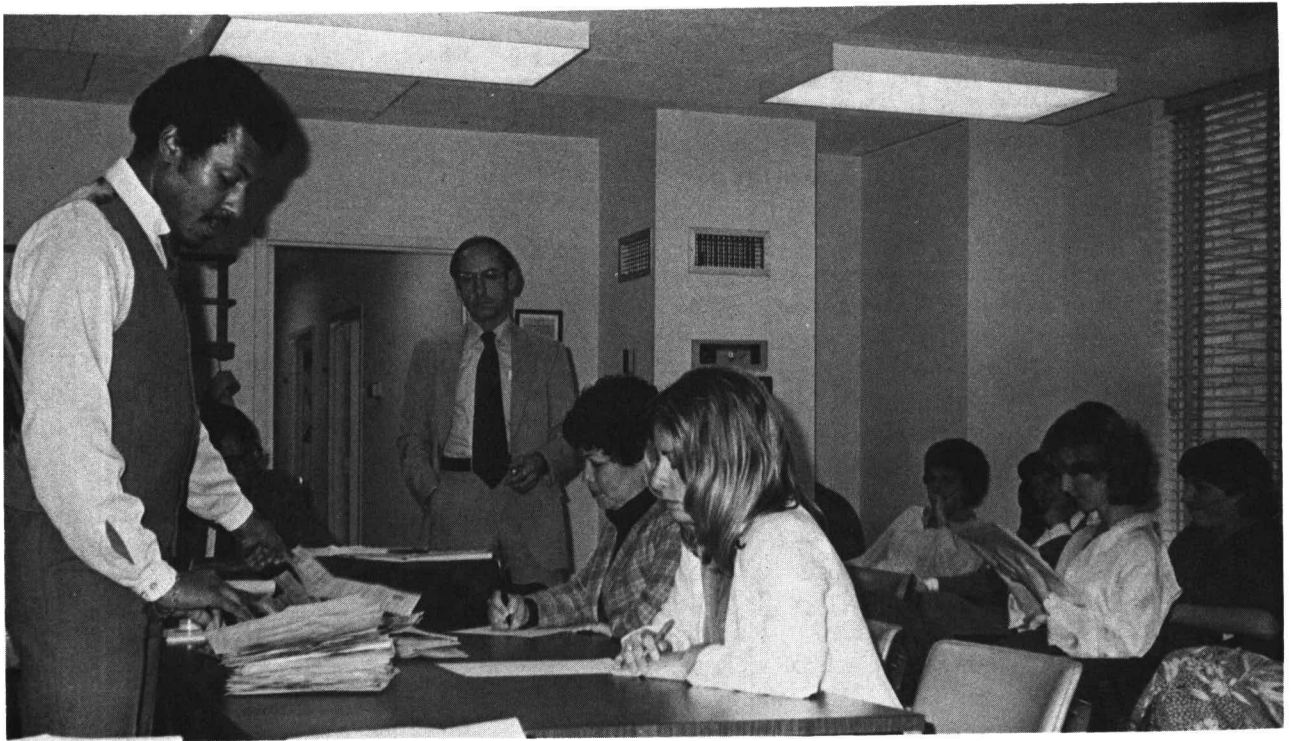
In *Ross Aviation*, 9 NMB No. 70 (1982), the Board re-examined its 1972 determination that Ross was a common carrier by air within the meaning of the Railway Labor Act. Notwithstanding certain corporate changes, the Board found that Ross was the sole carrier providing air transportation to the public between Albuquerque and Los Alamos, New Mexico, and was part of the nation's air transportation network. Therefore, it remains subject to the jurisdiction of the RLA.

In response to a request for the Board's opinion by the NLRB, the Board found that *Imperial Airlines* was a common carrier by air subject to the RLA, 9 NMB No. 95 (1982). Imperial operated scheduled intrastate service and interstate charter flights pursuant to Civil Aeronautics Board certification. Almost two-thirds of its passengers came to Imperial through its interline agreements with eighty common carriers.

In another referral from the NLRB, the Board found that *Tri-State Aero* was a carrier under the RLA, 9 NMB No. 100 (1982). In 1969, the Board held that Tri-State Aero was not subject to the RLA. However, since that time the company obtained U.S. and Canadian licenses to carry passengers and freight, and 90% of its charter and freight flights were interstate. The Board therefore found that Tri-State was now a common carrier by air subject to the RLA. Tri-State's other business included fuel sales, flight training for pilots, and sale of aircraft parts and used aircraft.

In *C&E Aero Services*, 10 NMB No. 20 (1982), another referral from the NLRB, the Board found that the company was not a carrier subject to the RLA. Although licensed as an air taxi operator the company made less than 30 flights per year, primarily in intrastate commerce. Its revenue from all of these flights was less than 3% of its gross revenues, or less than \$30,000 per year. The Board found that the company's common carriage activities in interstate commerce were sporadic and negligible at the present time.

In a case which involved extensive hearings and investigation, the Board determined that it no longer had jurisdiction over the *North Carolina State Ports Authority*, but that it did have jurisdiction over the *North Carolina Ports Railway Commission*, 9 NMB No. 120 (1982). In 1969, the Board determined that the Ports Authority was subject to the RLA because it operated a terminal railroad at each of its port facilities to move rail freight to and from interstate rail carriers. This determination was upheld in a series of court decisions. In 1979, the State legislature created the Ports Railway Commission to operate the terminal railroads. The Ports Authority transferred its equipment to the Ports Railway Commission, and leased the trackage and right-of-way to it. The Ports Railway Commission received a certificate from the Interstate Commerce Commission to operate, and to bill for switching services. The two State agencies were separate entities, with their own commissioners, employees, payrolls and business policies. Because the Ports authority no longer operated the railroad,



TENSION MOUNTS—Board Representative Roland Watkins tallies ballots during an election in which several hundred flight attendants employed by Flying Tiger Line choose a union bargaining agent. Also at the table assisting in the vote tabulation are representatives from the International Brotherhood of Teamsters and the Association of Flight Attendants. A majority of eligible employees in a craft or class must cast valid ballots to determine who will be the collective bargaining representative.

the Board found that it was not a carrier under the RLA; the new railroad was subject to the Act, however. The International Longshoremen's Association has filed suit against the Board to overturn this determination.

In 1974, the Board determined that *Security '76* was a carrier subject to the RLA. The company, a subsidiary of American Airlines, provided certain building maintenance and janitorial service for American. In 1980, American sold *Security '76* to *International Total Services*, and awarded it a contract to continue providing the same service. Based upon nature of the work and American's continued control over the company, the Board determined that *International Total Services* was subject to the RLA, 9 NMB No. 117.

TLI, 9 NMB No. 113, the Board determined that the company was subject to the RLA. TLI provides employees to the Illinois Central Gulf Railroad to load and secure piggy-back trailers on trains, unload cars by crane, spot trailers in yards, and deliver trailers to customers. ICG supervises the employees on a daily basis, and reserves the right to remove any new employee within 30 days. TLI is reimbursed for wages and benefits paid, and

receives a management fee from ICG.

Two cases, *Crew Transit* (10 NMB No. 21) and *Mercury Refueling* (9 NMB No. 130), involved companies which were sister companies to Mercury Services, a company over which the Board asserted jurisdiction in 1980. *Crew Transit* provided bus drivers to transport airline crews between the airport and hotels in Los Angeles, and provided passenger screening at boarding gates. The Board found that *Crew Transit* was subject to the RLA. *Mercury Refueling* provided fuelers, primarily as an agent for Chevron, which held contracts with the airlines to provide fuel for aircraft. The Board found that *Mercury Refueling* was not subject to the RLA.

Carrier Interference with Employee Rights

In the Board's last Annual Report, we reported the major development resulting from carrier interference with employee representation rights under Section 2 of the RLA. In particular, the ac-

tions taken by *Laker Airways* to interfere with two representation elections, and the Board's novel remedial actions, were discussed. During fiscal year 1982, the Board investigated another serious case of carrier interference in an election. *Mercury Services*, 9 NMB No. 85.

The Board found that Mercury Services violated the RLA by having supervisors solicit employees to turn in their ballots to the company, by polling the employees during the election period, by collecting ballots from employees, and by offering increases in wages and fringe benefits to employees to induce them to turn in their ballots to the company.

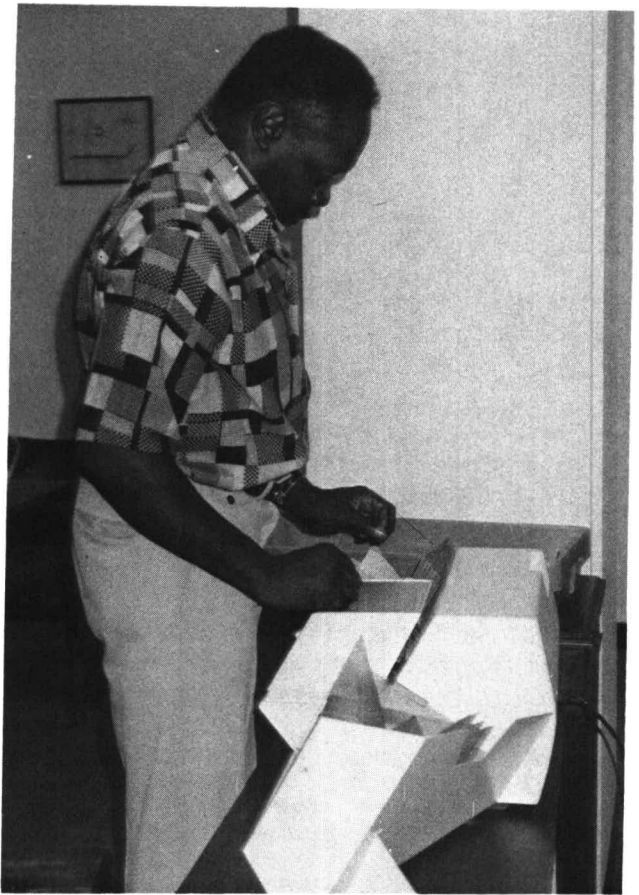
To remedy these violations, the Board set aside the two mail ballot elections, and ordered that a ballot box election be conducted. As in the *Laker* situation, the Board instituted a "yes-no" ballot, with the result to be determined by a majority of those actually voting, in place of its usual ballot. The union was certified as the employees' representative in both cases.

Elections

In a number of cases, the Board was required to make specific rulings on employee eligibility to vote in a representation election. The status of employees on medical leave was discussed in *Eastern Airlines*, 9 NMB No. 121. Under the Board's procedures, employees on authorized medical leave remain eligible voters, including employees receiving disability payments who retain a right to re-employment. The Board ruled that permanently and totally disabled employees have no expectation of returning to work and are ineligible, but that permanently disabled employees may be able to return to active service, and so remain eligible to vote.

The status of newly-hired employees was in issue in *Southwest Airlines*, 9 NMB No. 116. In that case, 26 employees reported to work on the last two days of the pay period used to determine voter eligibility. The applicant protested their eligibility on the ground that they were hired solely to expand the list of voters, which would raise the showing of interest needed by the applicant. After reviewing the chronology of the case and the carrier's hiring decisions, the Board found no evidence that the carrier's motives were not based on a bona fide need for new employees.

In a case involving *Air Micronesia*, 10 NMB No. 6, the Board ruled that employees who had completed flight attendant training, but who had



Elections, such as the Flying Tiger count, are handled expeditiously with the help of NMB employee Charles T. Spencer who opens the ballots with a mechanical letter opener.

never been hired to work as flight attendants, were not "employees" within the meaning of the RLA. These people had only the hope of a future offer of employment, but could not be deemed employees of the carrier until they were actually called to work and placed on the payroll.

Another issue handled by the Board in 1982 was the question of who is eligible to serve as a representative under the RLA. In a determination on *Air Florida*, 9 NMB No. 64, the Board reaffirmed the requirement that applicants seeking to be certified under the Railway Labor Act file the required reports and financial disclosure statements pursuant to the Labor-Management Reporting and Disclosure Act. In *Union Pacific*, 9 NMB No. 146, the Board refused to dismiss an application where the applicant had complied with these requirements.

Other cases involving representation cases include *Air Florida*, 9 NMB No. 147, where the

Board clarified its requirement that employee authorizations must be individual cards, and cannot be petitions or similar documents; *Union Pacific*, 9 NMB No. 123, where the Board ruled that an inter-union jurisdictional dispute based upon alleged violations of the scope rule of a voluntarily recognized union's collective bargaining agreement was a minor dispute referable to an adjustment board, and not a representation dispute; *Aeromech Airlines*, 9 NMB No. 142, where the Board ordered that the employee's signature on the ballot return envelope be verified, where there was a substantial allegation of forgery; and *Continental Airlines*, 10 NMB No. 9, where the Board determined that both of the flight attendant unions involved in the Texas International-Continental merger should be treated as incumbents, based on the merged carrier's continued dealings with both organizations.

Subordinate Officials

In *Pan American World Airways*, 9 NMB No. 73, the fourth in a long series of cases involving supervisors on Pan Am, the Board determined that Production Supervisors on Pan Am were not subject to the RLA. As a result of Pan Am's merger with National Airlines, increased competition brought about by airline deregulation, and the general economic environment, Pan Am made major changes in its supervisory and managerial ranks. Many of these jobs were eliminated, so that the remaining supervisors were required to perform a greater number of managerial duties more frequently than had been true in the past. Looking at the various indicia of managerial authority, the Board found that the supervisors hired, disciplined, and discharged employees; resolved grievances; relied upon leads to run the crews; called overtime; and were somewhat more involved in policy matters than had been true in the prior cases.

In *Air Oregon*, 9 NMB No. 84, the Board ruled that the carrier's assistant chief pilot was an employee or subordinate official within the meaning of the RLA, where he had none of the authority of a supervisor. The assistant chief pilot was in charge of pilot training and certain record keeping.

Miscellaneous Crafts or Classes

In *Eastern Airlines*, 9 NMB No. 80, the Board determined that over-the-road truck drivers of Eastern were employees of the carrier, not independent contractors, and were covered by the

RLA. The drivers hauled company materials and jet engines to various Eastern stations in the U. S. and Canada. The Board applied common law agency principles to determine whether the carrier retained the right to control the manner and means by which the work would be accomplished, in which case an employment relationship would exist. Eastern determines when and where shipments will be moved, supplies trucks and pays all expenses, uses the drivers on a full-time basis, maintains close contact over the drivers' movements, and had previously been deemed an employer by the Internal Revenue Service and the State of Florida for tax purposes. The Board determined that the drivers had no community of interest with other Eastern employees, and constituted a separate craft of class.

In *United Airlines*, 9 NMB No. 79, the Board determined that both classroom flight instructors and operational flight instructors (i.e. those who provided airborne instruction) were part of a single craft of class of Flight Instructors, based upon changes in the way pilots are trained and evaluated. Use of flight simulators has greatly reduced the amount of airborne training in the airline industry, thereby blurring the distinction between ground and flight instructors.

The Board held that Assistant Road Foremen of Engines on *The Long Island Rail Road* were part of the craft or class of Locomotive Engineers, 9 NMB No. 155. The employees were primarily involved in evaluating train movements and checking out equipment and crews. Only 5% of their time was spent in discipline, overtime matters, and related administrative duties.

In *Alitalia*, 9 NMB No. 72, the Board found that separate crafts or classes of Office Clerical Employees, Fleet Service Employees, and Passenger Service Employees existed on Alitalia, and amended the existing certification based upon the particular circumstances of the case.

Finally, the Board determined that data processing employees on *American Airlines* were part of the craft or class of Office Clerical Employees, and that load control agents were part of the same craft or class, 10 NMB No. 10. The Board has had several cases in recent years which have dealt with the growing use of computers in the airline and railroad industries, and it is anticipated that more such cases will arise as many manual functions are automated. To date, the Board has found that data processing personnel are Office Clerical Employees.



TALKING IT OVER—Mediators Harry D. Bickford, Faye M. Landers and John B. Willits discuss an airline dispute at NMB headquarters.

Load control agents who do aircraft weight and balance work by computer from a central location represent one such automated task. Previously, this work was performed by employees on the ramp who were physically present throughout the system while the airplane was loaded. The Board found that these load control personnel now share a community of interest with Office Clerical Employees.

Changes in the Representation Manual

The Board made a number of changes in 1982 in its Representation Manual, which provides general guidance for Board employees in the handling of representation cases pursuant to Section 2, Ninth, of the RLA. Prior to adopting these changes in January 1982, the Board provided everyone on its regular mailing list with a copy of the proposed amendments, and solicited public comment. Sixteen comments were received, representing both labor and management, and including the Railway Labor Executives Association on behalf of rail labor, and the Airline Industrial Relations Conference and the National Railway Labor

Conference on behalf of the two major industry associations. It should be noted that the Manual is not a published agency rule, and that solicitation of public comments was not required by statute. However, the Board sought the broadest possible input from those potentially affected by the changes.

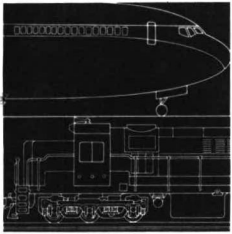
Section 1.0 of the Manual was amended by the addition of the requirement that applicants seeking to represent employees under the RLA comply with the requirements of the Labor-Management Reporting and Disclosure Act of 1959. This policy had been in effect for some time, and has been upheld in two court cases challenging the policy.

Section 3.503-4 of the Manual was amended to provide greater identification of potential eligible voters, and resulted from the difficulties experienced in handling several very large cases. Under the changes adopted, the carrier must provide the name, identification number, job title, and duty station of each potentially eligible voter. Unless such a list is provided, the Board will permit the applicant to submit authorization cards under an amendment to Section 6.3.

An amendment to Section 5.308 clarifies the Board's policy with respect to discharged or furloughed employees, and the employees on leave of absence or disability retirement. Employees in those categories who would otherwise be eligible to vote will be deemed ineligible if they are employed by another carrier on the cut-off date.

The Board generally conducts mail-ballot elections in representation cases, using employee home addresses supplied by the carrier. The Board's right to obtain this information was upheld in litigation brought by the Department of Justice on the Board's behalf. Consequently, the Board amended Section 11.902 of the Manual to specify that the carrier must provide either peel-off gummed address labels within five days of receipt of the election authorization, or a compatible computer tape containing the required information at the time the list of potential eligible voters is provided. These two alternatives were spelled out by the court in its decision.

Various other procedural changes of lesser importance were made, including conforming amendments required by the amendments noted above.



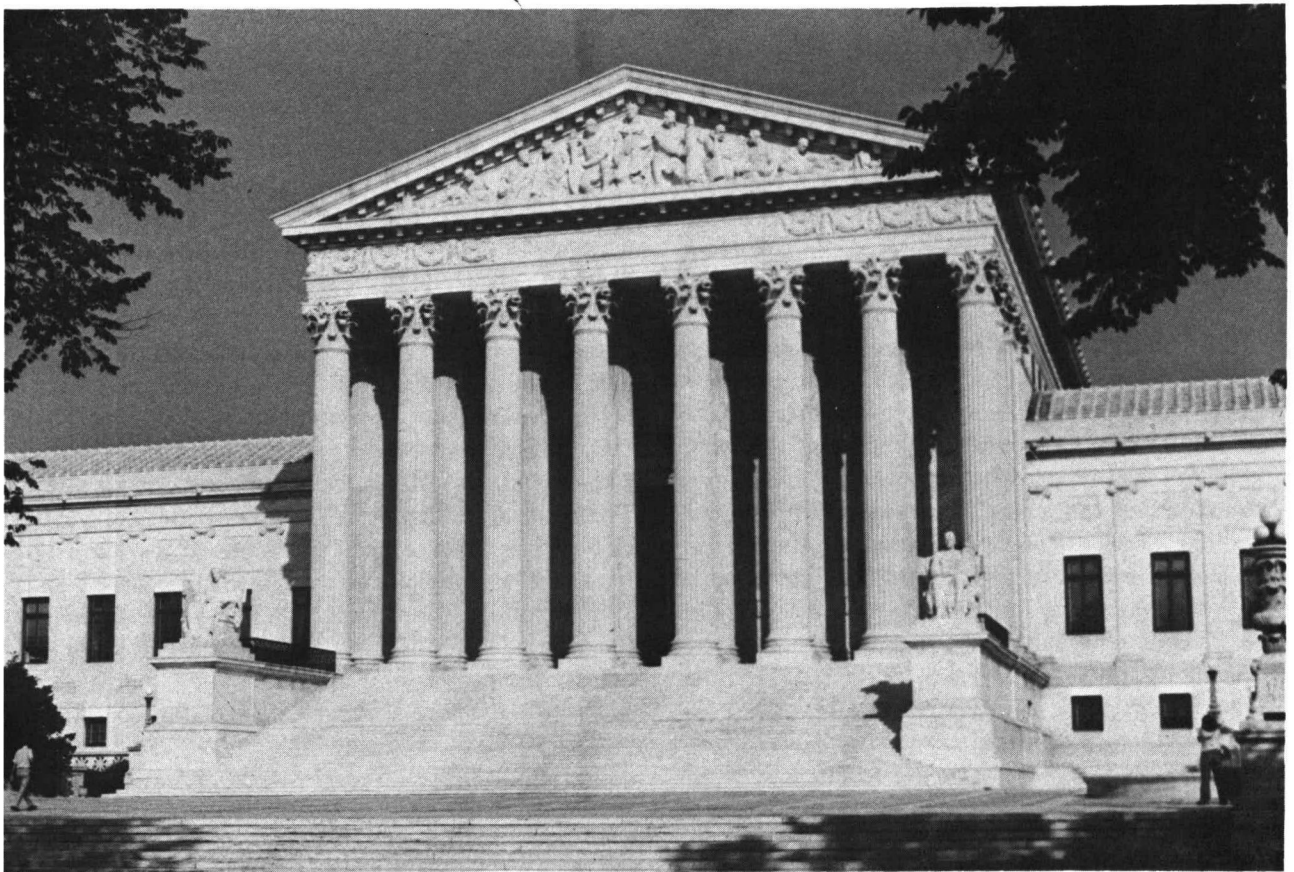
IV. NMB Litigation Activities During Fiscal Year 1982

The high level of litigation activity experienced in fiscal 1980 and 1981 further escalated this year. The General Counsel's office handled 55 litigation cases, closing 31 with 24 pending at the end of the fiscal year. For comparison, 26 cases were closed in fiscal year 1981, up from the previous record total of 19 closings in fiscal year 1980. This amounts to a 63% increase in cases closed since 1980.

As in previous years, the National Mediation Board's employee representation responsibilities accounted for the largest portion of litigation activity in fiscal year 1982. Because of the often highly

charged nature of litigation in this category, the parties frequently seek every feasible avenue of judicial review and appeal.

Jurisdictional issues, Sunshine Act claims and other more diverse litigation approaches and causes of action now are being pursued, further complicating the NMB case handling. On a positive note, the parties seeking review of adjustment board grievance awards under Section 3 of the Railway Labor Act¹ have begun to accept that the board and/or its members are not proper parties to the litigation. However, from past practice we anticipate that the NMB's litigation program will remain at its current



HISTORIC DECISION—The Supreme Court in 1982 was the site of an historic decision written by Chief Justice Burger involving the Railway Labor Act's jurisdiction. *United Transportation Union v. The Long Island Rail Road Co.* The Supreme Court's unanimous ruling reversed a Court of Appeals' decision which, in essence, declared that New York State's Taylor Law prohibiting strikes preempts federal law in LIRR labor disputes. The Supreme Court held that application of the RLA to the state-owned LIRR does not violate the Tenth Amendment's limitation on federal regulation of state functions.

accelerated pace in the future.

In addition to direct litigation matters, the General Counsel's office also is responsible for a variety of other legal or quasi-legal functions. Such activities include responsibilities under the Ethics in Government Act, the Freedom of Information Act, the Government in the Sunshine Act, the Occupational Safety and Health Act, as well as additional *ad hoc* assignments.

Due to the large volume of decisions issued in fiscal year 1982, only the more significant or novel cases have been selected for publication. The cases are grouped by principal subject area with the citations listed in footnotes.

Railway Labor Act Jurisdiction

The Supreme Court reversed the Court of Appeals' decision in *United Transportation Union v. Long Island Rail Road Company*,² which we had reported previously. In a unanimous opinion authored by the Chief Justice, the Supreme Court held that the application of the Railway Labor Act to New York's operation of the LIRR would not violate the Tenth Amendment's limitation on federal regulation of state functions. It was the Court's conclusion that such federal regulation would not impair New York's ability to "fulfill its role in the Union" or endanger the "separate and independent existence" of the State, which would be required to invoke the Tenth Amendment's limitations.

The Supreme Court recognized Congress had determined that a "uniform regulatory scheme" is a necessary element for the effective operation of the nation's railroad system and that the Railway Labor Act has provided the national "framework for collective bargaining" in the industry since 1926. The Court also held that although the federal government cannot usurp "traditional state functions", the states may not erode federal authority in areas traditionally subject to federal regulation by acquiring functions previously performed by the private sector.

In *Chicago Truck Drivers, Helpers and Warehouse Workers Union v. National Mediation Board*,³ the Court of Appeals held that the Board's assertion of jurisdiction is not a final agency action and, therefore, is not subject to judicial review. In that case, the Union had requested that the NMB administratively review and reverse its previous assertion of jurisdiction over the Federal Express Corporation. The District Court dismissed the

Union's suit challenging the Board's refusal to grant the organization's request, ruling that the NMB had no obligation to issue advisory opinions. The Court of Appeals affirmed, holding that the NMB's prior assertion of jurisdiction was not a final agency action and, accordingly, the Board's determination not to consider reversing itself may not be subject to judicial review absent violation of a "clear and specific statutory directive" with respect to the jurisdictional determination.

The complex decisions involving *Delpo Company v. National Mediation Board* reported in the last annual report, were affirmed by the Court of Appeals and the Supreme Court has denied *certiorari*.⁴ The company had challenged the Board's determination that it was a "carrier" subject to the Railway Labor Act. The District Court accepted the Board's position on the merits and the Court of Appeals affirmed, holding that if the NMB considered the "relevant factors in the administrative record", the Board's conclusion should not be "disregarded". Delpo provided repair services for rail cars and was "owned or controlled" by a consortium of railroads.

Discretion of National Mediation Board to Proffer Arbitration

The important principle of extremely limited judicial review established in 1970 by the D.C. Circuit in the case of *International Association of Machinists v. National Mediation Board*⁵ was adopted and applied by the Ninth Circuit in *World Airways, Inc. v. National Mediation Board and International Brotherhood of Teamsters*.⁶ In that action, the Carrier had sought to compel the Board to proffer arbitration. The District Court granted the Board's and IBT's motions for summary judgment and denied the Carrier's motion for a preliminary injunction to compel the proffer of arbitration. The Court of Appeals held that the District Court had "applied the proper standard of review" to the NMB's determination not to proffer arbitration by utilizing the standards of the *IAM v. NMB* case. The Court also held that a presumption of "unreasonable delay" by the Board was not created by the Carrier's demonstration of a probability of imminent financial failure. This important decision expands the well reasoned principles applied by the D.C. Circuit into the case law of the Ninth Circuit.

Judicial Review of National Mediation Board Representation Determinations

The National Mediation Board's investigation of a representation case at British Airways became the subject of extensive litigation before the District Court and Court of Appeals. *British Airways Board v. National Mediation Board, et al.*⁷ Following the NMB's certification, the Carrier challenged the NMB's craft or class decision, the eligibility cut-off date established by the Board, and the NMB's determination to count certain ballots which were not discovered until after the standard mail ballot receipt date had passed. The District Court granted the IAM's motion to intervene in the action and ultimately granted the NMB's and IAM's motions for summary judgment.

On appeal, the U.S. Court of Appeals for the Second Circuit affirmed the District Court's decision, finding that the Board's actions did not constitute conduct "in excess of delegated powers or contrary to specific statutory directions". The Circuit Court accepted the Carrier's position regarding its asserted "standing" to bring post-certification challenges to NMB representation determinations. However, the Court held that issues concerning the lawfulness of the NMB's certification would be "foreclosed" in any subsequent enforcement case regarding the Carrier's duty to bargain under the certification.

In *International Association of Machinists and Aerospace Workers v. National Mediation Board*,⁸ the IAM challenged the NMB's showing of interest determination in a representation case involving the Passenger Service employees of United Airlines. The Board ruled that the cut-off date for acceptance of additional authorizations provided by Section 6.3 of the NMB's *Representation Manual* should be applied despite the fact the Carrier unexpectedly provided the applicable list of employees involved in the docket prior to the date the NMB's investigator was scheduled to arrive at the Carrier's property. Dismissal of the representation case resulted when no organization was found to have satisfied the showing of interest requirement by the cut-off date. The District Court found the NMB had "conducted an investigation" pursuant to the statute and, therefore, that the Court lacked subject matter jurisdiction to grant the relief requested by the plaintiff, which included voiding the dismissal and permitting additional authorization cards to be filed.

The Board's policy regarding filing under the Labor-Management Reporting and Disclosure Act of 1959 (LMRDA)⁹ was examined by the District Court in *Lamoille Valley Railroad Company v. National Mediation Board*.¹⁰ Following receipt of an application to represent the Carrier's mechanics, the Board advised the applicant it would withhold processing of the case for 90 days pending evidence that filing had been performed under the LMRDA, and that failure to comply would result in dismissal of the application. After the 90-day period, the Board determined that the applicant was not qualified to be a representative under the Railway Labor Act and dismissed the application. The carrier brought this litigation asserting that the investigation unlawfully had been suspended because the Board's LMRDA filing requirement was improper.

In granting summary judgment for the Board, the Court held that NMB representation actions are reviewable only to the extent of determining whether or not the Board had performed an investigation and that the Courts lacked "authority to inquire further into the kind, quality or results of such investigation". The Court further held that in the pre-certification setting presented by this case, the Carrier did not have "standing" to challenge the results of the Board's investigation or to compel further investigation of the matter.

In *Zantop International Airlines v. National Mediation Board*,¹¹ the Court addressed the Board's majority vote rule and ballot form. The Carrier challenged a certification issued by the Board, alleging that Section 2, Fourth of the Railway Labor Act required an absolute majority of all eligible voters to cast ballots for an applicant prior to certification. It also was asserted that the NMB's ballot instructions failed to inform the affected employees that any ballots cast for representatives other than the applicant would contribute to the overall majority of valid ballots required by the Board. Although the District Court criticized the NMB's election procedures, summary judgment was granted for the Board. The Court primarily relied on the authority of *Virginian Railway Company v. System Federation No. 40*¹² to uphold the Board's majority vote policy, and on *Railway Clerks v. Non-Contract Employees*¹³ with respect to the Board's ballot instructions.

Summary judgment was granted in the Board's favor in *L. G. Russell, et al., v. National Mediation Board*.¹⁴ The NMB had determined that a representation dispute did not exist because the employee

applicant lacked the intent to represent the craft or class even if ultimately certified by the Board. The District Court found that the Board's determinations in the case were matters within the agency's "exclusive jurisdiction", and that the plaintiffs' allegations actually challenged the Board's conclusion regarding the applicant's lack of intent to represent rather than the adequacy of the Board's investigation. Constitutional requirements were satisfied in the Court's view because the participants before the NMB were given the opportunity to present their positions for the Board's consideration.

Representation applications filed by the Air Line Employees Association and the International Association of Machinists regarding employees of Air Florida led to substantial and complex litigation. *Air Florida, Inc. v. National Mediation Board, et al.*; *United States of America v. Air Florida, Inc.*¹⁵

With respect to Air Florida's suit against the Board, the Court applied the Fifth Circuit's 1969 precedent essentially precluding judicial review in pre-certification cases, *United States v. Feaster*.¹⁶ A purported employee union intervened in the litigation and alleged that the Board had violated the Labor-Management Reporting and Disclosure Act. The Court determined that even should such violation have occurred, it would not provide the judiciary with subject matter jurisdiction because the challenged Board action must be contrary to a specific provision in the Railway Labor Act, "not in excess of just any statute".

The United States of America brought action against Air Florida to enforce the NMB's directive to the Carrier to provide an alphabetical set of employee address labels for the mail ballot election. The Court ordered Air Florida to furnish the address labels, holding that the petition to Enforce should be treated like a subpoena request under the authority of another *United States v. Feaster* decision by the Fifth Circuit.¹⁷

Government in the Sunshine Act/ Freedom of Information Act

In *Trans World Airlines, Inc. v. National Mediation Board, et al.*,¹⁸ the Carrier asserted that the Board had violated the Government in the Sunshine Act and Freedom of Information Act in connection with the agency's investigation of a representation dispute among the Carrier's Passenger Service employees. Following the Court's private *in camera* inspection of the documents in question,

the District Court concluded that the Board had "systematically and correctly claimed the deliberative privilege" for documents identified by the agency as advisory and predecisional in nature. The Court held that requiring the release of the withheld portions of the requested documents might "reasonably be expected to retard the free development of staff and Board recommendations and opinions and seriously to hinder the Board's effort . . . to maintain the standards of impartiality and fairness essential to [the] resolution of labor disputes". The Court declined to compel the Board to disclose any of the numerous documents in question. The Court also held there were no "meetings" within the meaning of the Sunshine Act that the Board failed to disclose to the public, and that the Sunshine Act does not require the Board's membership to convene to transact business which routinely is conducted on staff initiative.

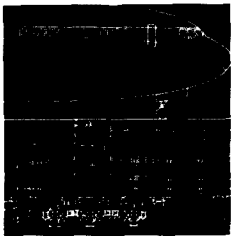
The litigation in *International Brotherhood of Teamsters v. National Mediation Board and Trans World Airlines, Inc.*,¹⁹ constituted a separate civil action, but was decided and reported in the same opinion as the preceding case. This action was brought under the FOIA to obtain copies of the addresses of TWA employees provided to the Board by the Carrier. The Court found that it need not determine whether exemptions of the FOIA applied, because the documents themselves were not "records" within the meaning of the Act. It was the Court's conclusion that the Board had no authority to disclose the addresses inasmuch as the Board received those documents as a "ministerial nominee" for the sole purpose of using them to mail the election ballots. The Board remained neutral in this litigation, taking no position on the merits of the case.

Litigation Relating to Arbitration Proceedings

In *M.G. Radin v. United States of America and National Mediation Board*,²⁰ the plaintiff sought to compel the federal defendants to reconvene an arbitration hearing which had been held before a labor-management arbitration board in the railroad industry. The Court held that the doctrine of sovereign immunity barred the plaintiff's claim for damages, as well as finding that the National Mediation Board was an improper defendant in the case under the authority of *Skidmore v. Consolidated Rail*.²¹

Citations:

1. 45 U.S.C. § 153.
2. 634 F. 2d 19 (2nd Cir. 1980), *reversed*, 455 U.S. 678 (1982).
3. 673 F. 2d 1334 (7th Cir. 1981).
4. 676 F. 2d 960 (3rd Cir. 1982), *cert. denied*, 103 Sup. Ct. 343 (1982).
5. 425 F. 2d 527 (D.C. Cir. 1970).
6. 111 LRRM 2868 (N.D. Cal. 1982), *aff'd. mem.*, 112 LRRM 3328 (9th Cir. 1982).
7. 533 F. Supp. 150 (E.D. N.Y. 1982), *aff'd.*, 685 F. 2d 52 (2nd Cir. 1982).
8. 109 LRRM 2440 (N.D. Cal. 1981).
9. 29 U.S.C. § 401, *et seq.*
10. 539 F. Supp 237 (D. Vt. 1982).
11. 110 LRRM 3165 (E.D. Mich. 1982).
12. 300 U.S. 515 (1937).
13. 380 U.S. 650 (1965).
14. 110 LRRM 2167 (N.D. Tex. 1982).
15. 109 LRRM 2921, 109 LRRM 2924 (S.D. Fla. 1982).
16. 410 F. 2d 1354 (5th Cir. 1969), *cert. denied*, 396 U.S. 962 (1969).
17. 376 F. 2d 147 (5th Cir. 1967).
18. 111 LRRM 2020 (D.D.C. 1982).
19. 111 LRRM 2020 (D.D.C. 1982).
20. Civ. No. 81-1214-A (E.D. Va. March 19, 1982).
21. 619 F. 2d 157 (2nd Cir. 1979).



V. A Look at Our Case Record

Overall Assessment of Closed Out Cases

The National Mediation Board's aggregate number of closed out cases (1935-1982) had increased to 16,336 by the end of the current fiscal year. The case distribution included 10,870 mediation, 5,322 representation and 144 interpretation cases stamped "closed."

There were 235 cases of all types closed in fiscal 1982. In the representation area, 81 cases were resolved—54 in the airlines and 27 in the railroads. This representation case total represents a considerably lower close-out figure than in the previous year. High unemployment in the railroads and airlines has depleted union coffers resulting in less organizing in both industries in fiscal 1982. A predicted improvement in economic conditions in the railroads and airlines in subsequent months should step up union organizing efforts in fiscal 1983.

Unusually difficult and complex issues in airline bargaining and the completion of another round of national rail bargaining resulted in many continuous hours of work for Board Members and NMB staff mediators in bringing collective bargaining to a successful conclusion of fiscal 1982.

All told, 154 mediation cases were resolved—90 in the railroads and 64 in the airlines. In the railroads, with the conclusion of industrywide bargaining, the mediation emphasis in fiscal 1983 will shift from the national scene to the local properties. Carriers not participating in national bargaining are expected to request Board mediation assistance. Both factors should add up to a larger mediation caseload next year. Actually, in the airlines the resolution of 64 mediation disputes represents a modest increase in cases closed over the previous year. This is significant since a number of labor organizations and air carriers settled in direct negotiations in 1982, with certain unions agreeing to accept wage and benefit concessions or to continue into the new contract year without significant contract changes. The Board, as previously mentioned, was highly effective in maintaining labor peace

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.

with only one airline strike marring its successful settlement record. There were no interpretation cases closed during the year.

Cases Docketed

The Board's docketed caseload of railroad and airline disputes went over the 16,600 mark in fiscal year 1982. As Table 1 indicates, 390 new cases were docketed, the highest number in 15 years. However, this gain must be put into perspective. The 317 mediation cases docketed in fiscal year 1982, for example, represented an 83% increase over fiscal 1981. Three-fourths of this increase resulted from the United Transportation Union filing for mediation on 113 rail carriers of disputes being handled in national bargaining. The national settle-



RAILS AND RUNWAYS—In fiscal 1982, employee activity in the railroads was by far the greatest among train, engine and yard service employees with 51 closed disputes, including 42 mediation and nine representation cases. In the airlines, pilots led the way with the most case close-outs involving 10 representation and nine mediation disputes. Some 1,700,000 railroad and airline workers have been involved in more than 6,600 craft or class determinations in a 48-year period.

ment between the UTU and the carriers provided for withdrawal of these cases.

Table 1 shows the Board docketed 73 rail and airline representation cases and, with a 29-case carryover, there were 102 cases pending at the beginning of fiscal 1982. With the resolution of 81 cases, there were 21 representation disputes unsettled at the end of this fiscal year. This contrasted with the 29 representation cases pending at the close of fiscal 1981.

Major Groups of Employees Involved in Various Cases

Some 4,701 employees were involved in railroad and airline representation disputes closed by the Board in fiscal 1982, as indicated in Table 2. Following the trend of recent years, most involved employees were in the airlines. In fact, the ratio was more than 8 to 1 as there were 4,211 airline employees compared to 490 railroad employees involved in these cases. Table 2 further indicates that the airline employees were involved in 54 and the railroad employees in 27 cases closed during the fiscal year. This was a sharp drop in number of employees and cases when compared with fiscal 1981 when 16,051 railroad and airline employees were

involved in 131 representation disputes closed out by the Board.

Table 3 covers the major groups of employees involved in the closing of 235 representation and mediation cases in fiscal 1982. Employees in the railroads were involved in 117 representation and mediation cases and employees in the airlines were involved in 118 representation and mediation cases closed by the Board.

In the railroad industry, as Table 3 indicates, the greatest activity by far was among train, engine and yard service employees with a total of 51 closed disputes, including 42 mediation and nine representation cases. Office, Clerical, Station and Storehouse employees followed with 14 cases closed, 13 of which were mediation disputes.

In the airline industry, Table 3 indicates Pilots were involved in 19 case close-outs—10 representation and nine mediation cases. They were followed by Mechanics and Related, 10 mediation and six representation; Flight Attendants, 11 mediation and three representation; and Passenger Service employees, 10 representation and one mediation case closed.

Table 4 is a summary of crafts or classes of employees involved in representation cases closed out in fiscal year 1982. Involved in closed representation cases—27 in the railroads and 54 in the air-

lines—were 81 craft or class determinations covering 4,701 employees.

NMB records show that nearly 1,300,000 railroad workers have been involved in representation disputes since the Board's first annual report was published in 1935. As to the airlines, nearly 400,000 employees have been involved in representation cases since 1938, the first year the Board recorded such disputes in that industry.

Election and Certification of Representatives; Challengers Successful in Defeating Incumbents

In fiscal 1982 there were 2,760 employees who actively participated in the outcome of railroad and airline elections. Certifications were issued in 38 air and rail cases. Airlines led with 22 certifications—one more than in the previous year. Some 2,082 airline employees participated in those certified elections out of the 2,736 workers involved. Mostly small air carriers were involved. Unions did win certifications on one major and four national air carriers. Other certifications involved primarily air cargo and commuter carriers.

In the railroads, 16 of the 27 representation cases resulted in certifications. This adds up to a 59% 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. One certifica-

tion was issued involving a Class I carrier. Short Line railroads represented the largest group of carriers on which unions won bargaining rights.

The Board dismissed 43 representation cases—32 in the airlines and 11 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 four railroad certifications based on verification of authorization cards issued in fiscal 1982 as compared to seven issued in 1981. None was issued in the airline industry in either year.

Railroad employees involved in two crafts or classes were represented for the first time by a national labor organization. Interestingly, as Table 5 illustrates, most of the representation action in fiscal 1982 dealt with attempts by challenging unions to unseat incumbent unions. In 14 cases an incumbent union was challenged by another organization for rights to represent a craft or class of railroad employees—in each instance the challenger was successful.

In the airlines, Table 5 indicates 684 employees in 12 crafts or classes were represented for the first time by a national organization. Three local unions also won rights to represent unorganized employees in three elections in fiscal 1982.

Challenging national labor unions also were successful in unseating incumbents in elections involving nearly 2,000 represented employees. In those elections, challengers defeated incumbent organizations in five of seven elections.

Table 1.—Number of Cases Received and Closed Out During Fiscal Years 1935—1982

<i>Status of Cases</i>	48-Year Period 1935– 1982	1982	1981	1980	1975–79 5-Year Period (Avg.)	1970–74 5-Year Period (Avg.)	1965–69 5-Year Period (Avg.)	1960–64 5-Year Period (Avg.)
All Types of Cases								
Cases Pending and Unsettled at Beginning of Period.....	96	212	209	302	290	447	472	248
New Cases Docketed.....	16,607	390	299	268	319	300	394	302
Total Cases on Hand and Received.....	16,703	602	508	570	609	747	866	550
Cases Closed.....	16,336	235	296	361	315	339	356	289
Cases Pending and Unsettled at End of Period.....	367	367	212	209	294	408	510	261
Representation Cases								
Cases Pending and Unsettled at Beginning of Period.....	24	29	35	51	41	11	22	17
New Cases Docketed.....	5,319	73	125	128	111	76	82	62
Total Cases on Hand and Received.....	5,343	102	160	179	152	87	104	79
Cases Closed.....	5,322	81	131	144	104	74	82	62
Cases Pending and Unsettled at End of Period.....	21	21	29	35	48	13	22	17
Mediation Cases								
Cases Pending and Unsettled at Beginning of Period.....	72	183	174	251	247	435	447	228
New Cases Docketed.....	* 11,144	317	173	139	207	221	309	235
Total Cases on Hand and Received.....	11,216	500	347	390	454	656	756	463
Cases Closed.....	* 10,870	154	164	216	208	261	271	221
Cases Pending and Unsettled at End of Period.....	346	346	183	174	246	395	485	242
Interpretation Cases								
Cases Pending and Unsettled at Beginning of Period.....	None	0	0	0	0	2	3	3
New Cases Docketed.....	144	0	1	1	2	2	3	5
Total Cases on Hand and Received.....	144	0	1	1	2	4	6	8
Cases Closed.....	144	0	1	1	2	3	3	5
Cases Pending and Unsettled at End of Period.....	0	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, 1981 to September 30, 1982

	Railroads				Airlines			
	Number of Cases	Number of Crafts or Classes	Number of Employ- ees Involved	Number of Partici- pating Employ- ees	Number of Cases	Number of Crafts or Classes	Number of Employ- ees Involved	Number of Partici- pating Employ- ees
Total.....	27	27	490	348	54	54	4,211	2,412
Disposition:								
Certification.....	16	16	378	323	22	22	2,736	2,082
Dismissals.....	11	11	112	25	32	32	1,475	330
Combined Railroad and Airline Cases.....	81	81	4,701	2,760				

Table 3.— Number of Cases Closed by Major Groups of Employees, October 1, 1981 to September 30, 1982

	All Types of Cases	Representa- tion Cases	Mediation Cases	Interpre- tation Cases
Grand Total, All Groups of Employees.....	235	81	154	0
Railroad Total.....	117	27	90	0
Agents, Telegraphers and Towermen	0	0	0	0
Boilermakers and Blacksmiths.....	0	0	0	0
Carmen	5	3	2	0
Dining Car Employees, Train and Pullman Porters	0	0	0	0
Electricians.....	5	2	3	0
Firemen and Oilers.....	5	2	3	0
Machinists.....	3	1	2	0
Maintenance of Equipment.....	0	0	0	0
Maintenance of Way and Signalmen	13	3	10	0
Marine Service.....	2	0	2	0
Mechanical Foremen and/or Supervisors of Mechanics	2	1	1	0
Office, Clerical, Station and Storehouse	14	1	13	0
Police Officers Below the Rank of Captain.....	3	3	0	0
Sheet Metal Workers	1	0	1	0
Subordinate Officials in Maintenance of Way	0	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0	0
Train Dispatchers	4	1	3	0
Train, Engine and Yard Service	51	9	42	0
Yardmasters.....	2	1	1	0
Combined Groups, Railroad.....	3	0	3	0
Miscellaneous Railroad	4	0	4	0
Airline Total.....	118	54	64	0
Airline Dispatchers.....	2	1	1	0
Commissary/Catering Employees.....	2	1	1	0
Fleet and Passenger Service	3	1	2	0
Fleet Service	8	7	1	0
Flight Attendants.....	14	3	11	0
Flight Deck Crew Members	3	2	1	0
Flight Engineers	4	3	1	0
Guards	3	1	2	0
Mechanics and Related	16	6	10	0
Meteorologists.....	0	0	0	0
Nurses	1	0	1	0
Office Clerical.....	2	2	0	0
Office, Clerical, Fleet and Passenger Service.....	9	1	8	0
Passenger Service	11	10	1	0
Pilots.....	19	10	9	0
Port Stewards	0	0	0	0
Radio and Teletype Operators	0	0	0	0
Stock and Stores.....	6	3	3	0
Combined Groups, Airline	10	0	10	0
Miscellaneous Airline.....	5	3	2	0

Table 4.—Number of Craft or Class Determinations and Number of Employees Involved in Closed Representation Cases, by Major Groups of Employees, October 1, 1981 to September 30, 1982

Major Group of Employees	Number of Cases	Number of Craft or Class Determinations	Employees Involved	
			Number	Percent ¹
Grand Total, All Groups of Employees.....	81	81	4,701	100
Railroad Total.....	27	27	490	10
Agents, Telegraphers and Towerman	0	0	0	0
Brakeman.....	3	3	13	(*)
Carmen	3	3	2	(*)
Conductors.....	2	2	3	(*)
Dining Car Employees, Train and Pullman Porters	0	0	0	0
Electricians.....	2	2	18	(*)
Locomotive Engineers.....	3	3	9	(*)
Locomotive Firemen.....	2	2	53	1
Machinists.....	1	1	6	(*)
Maintenance of Equipment.....	0	0	0	0
Maintenance of Way and Signalmen	3	3	21	(*)
Marine Service.....	0	0	0	0
Mechanical Department Foremen and/or Supervisors of Mechanics.....	1	1	43	(*)
Office, Clerical, Station and Storehouse Employees.....	1	1	4	(*)
Police Officers Below the Rank of Captain.....	3	3	87	2
Subordinate Officials, Maintenance of Way.....	0	0	0	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0	0
Train Dispatchers.....	1	1	2	(*)
Yardmasters.....	1	1	223	5
Yard Service	1	1	6	(*)
Miscellaneous, Railroad	0	0	0	0
Airline Total	54	54	4,211	90
Airline Dispatchers.....	1	1	0	0
Commissary Employees.....	1	1	303	6
Fleet and Passenger Service.....	1	1	50	1
Fleet Service Employees	7	7	649	14
Flight Attendants.....	3	3	365	8
Flight Deck Crew Members	2	2	283	6
Flight Engineers	3	3	71	2
Guards	1	1	0	0
Mechanics and Related	6	6	229	5
Meteorologists.....	0	0	0	0
Office Clerical Employees.....	2	2	95	2
Office, Clerical, Fleet and Passenger Service Employees.....	1	1	0	0
Passenger Service Employees	10	10	1,382	29
Pilots.....	10	10	759	16
Radio and Teletype Operators	0	0	0	0
Stock and Stores Employees	3	3	16	(*)
Miscellaneous, Airline.....	3	3	9	(*)

*Less than 1 percent.

¹ Percent listing for each group represents the percentage of the 4,701 employees involved in all railroad and airline cases in fiscal 1982.

Table 5.—Number of Crafts or Classes Certified and Employees Involved in Various Types of Representation Cases, October 1, 1981 to September 30, 1982

	National Organizations			Local Unions and/or Individuals			Total		
	Craft or Class	Employees Involved		Craft or Class	Employees Involved		Craft or Class	Employees Involved	
		Number	Per- cent ¹		Number	Per- cent ¹		Number	Per- cent ¹
RAILROADS									
Representation Acquired:									
Elections.....	2	23	(*)	0	0	0	2	23	(*)
Proved Authorizations.....	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections.....	9	92	2	1	223	5	10	315	7
Proved Authorizations.....	4	40	1	0	0	0	4	40	1
Representation Unchanged:									
Elections.....	0	0	0	0	0	0	0	0	0
Proved Authorizations.....	0	0	0	0	0	0	0	0	0
Total, Railroad.....	15	155	3	1	223	5	16	378	8
AIRLINES									
Representation Acquired:									
Election.....	12	684	15	3	124	3	15	808	17
Proved Authorizations.....	0	0	0	0	0	0	0	0	0
Representation Changed:									
Election.....	5	902	19	0	0	0	5	902	19
Proved Authorizations.....	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Election.....	2	1,026	22	0	0	0	2	1,026	22
Proved Authorizations.....	0	0	0	0	0	0	0	0	0
Total, Airline.....	19	2,612	56	3	124	3	22	2,736	58
Total, Combined Railroads and Air- lines.....	34	2,767	59	4	347	7	38	3,114	66

*Less than one percent.

¹ Percent listing for each group represents the percentage of the 4,701 employees involved in all railroad and airline cases in fiscal 1982.

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, 1982

Railroad	Engineers	Firemen and Hostlers	Conductors	Brakemen, Flagmen, and Baggage- men	Yard- Foremen, Helpers, and Switch- tenders	Yardmas- ters	Clerical, Office, Station and Storehouse	Mainte- nance of Way Employees	Telegra- phers	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
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
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	YSC	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, 1982—
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	BRCA	IBFO	BRS	BRAC	BRAC	BRAC
Atchison, Topeka & Santa Fe Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	(*)	UTU	(*)
Baltimore and Ohio RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	X	UTU	BRAC
Bessemer & Lake Erie RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	(*)	(*)	(*)
Boston & Maine	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	SA	BRAC
Burlington Northern	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	X	(*)	(*)
Central Of Georgia Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Chesapeake & Ohio Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Chicago & North Western Transportation Co	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Chicago, Milwaukee, St. Paul and Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	MRSA	UTU	HRE
Chicago, Rock Island & Pacific Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Cincinnati, New Orleans and Texas Pacific Rwy. Co	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Clinchfield RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	(*)	(*)	(*)
Consolidated Rail Corporation	IAM&AW	BB	SMWIA	IBEW	BRC/ TWU	IBFO	BRS	BRAC	(*)	(*)
Delaware & Hudson Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Denver & Rio Grande Western RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	X	UTU	SA
Detroit Toledo & Ironton RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRCA	(*)	(*)
Duluth, Missabe & Iron Range Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	MDFA	(*)	(*)
Elgin, Joliet & Eastern Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	(*)	(*)	(*)
Florida East Coast Rwy	FFRE	FFRE	SMWIA	IBEW	FFRE	IBFO	FFRE	BRAC	(*)	(*)
Grand Trunk Western RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Illinois Central Gulf RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	(*)	UTU	HRE
Kansas City Southern Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Long Island RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Louisville & Nashville RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	X	UTU	HRE
Missouri-Kansas-Texas RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Missouri Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	(*)	BRAC	(*)	(*)
National RR Passenger Corporation	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Norfolk & Western Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	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	BRCA	IBFO	BRS	BRAC	X	HRE
Seaboard Coast Line RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Soo Line RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Southern Pacific Transportation Co	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Southern Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	BRAC
Union Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	UTU	HRE
Western Maryland Rwy	IAM&AW	BB	SMWIA	IBEW	BRCA	IBFO	BRS	BRAC	(*)	(*)
Western Pacific RR	IAM&AW	BB	SMWIA	IBEW	BRCA	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.

Table 6a.—Employee Representation on Selected Rail Carriers as of September 30, 1982 (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	MMP	MEBA	SIU	USWA	—	—	—
Chesapeake District	MMP	GLLOO	NMU	NMU	—	—	NMU
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, 1982

Airline	Pilots	Flight Engineers	Flight Dispatchers	Flight Attendants	Radio and Teletype Operators	Mechanics	Clerical, Office, Fleet and Passenger Service	Stock and Stores
American Airlines, Inc.....	APA	FEIA	TWU	APFA	TWU	TWU	—	TWU
Continental Airlines, Inc.	ALPA	ALPA	TWU	UFA,LU 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.....	ALPA	IAM&AW	TWU	IBT	TWU	IAM&AW	BRAC	IAM&AW
Ozark Air Lines, Inc.....	ALPA	—	TWU	AFA	IBT	AMFA	IAM&AW	IBT
Pacific Southwest Airlines, Inc.....	ALPA	—	SDA	IBT	—	IBT	² IBT	IBT
Pan American World Airways, Inc.....	ALPA	FEIA	TWU	IUFA	—	TWU	IBT	IBT
Piedmont Airlines, Inc.....	ALPA	—	TWU	AFA	—	IAM&AW	—	IAM&AW
Republic Airlines, Inc.....	ALPA	—	TWU	AFA	ALEA	IAM&AW	ALEA	IAM&AW
Southwest Airlines, Inc.....	SAPA	—	TWU	TWU	—	IAM&AW	² IAM&AW	—
Texas International Airlines, Inc.....	ALPA	—	TWU	AFA	—	IAM&AW	IBT	IAM&AW
Trans World Airlines, Inc.....	ALPA	ALPA	TWU	IFFA	IAM&AW	IAM&AW	—	IAM&AW
United Air Lines, Inc.....	ALPA	ALPA	IAM&AW	AFA	IAM&AW	IAM&AW	—	IAM&AW
U.S. Air.....	ALPA	—	—	AFA	—	IAM&AW	¹ IBT	IAM&AW
Western Airlines, Inc.....	ALPA	ALPA	TWU	AFA	BRAC	IBT	ATE	IBT

¹ Fleet Service Employees Only.

² Fleet Service and Passenger Service Employees.

³ Reservations Agents.

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 Clearks, Freight Handlers, Express & Station Employees.
BRC	Brotherhood Railway Carmen of United States and Canada.
BRS	Brotherhood 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 and 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.
YSC	Yardmasters Steering Committee.

Table 7.—Unions Associated with Rail and Air Carriers — Continued

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 & Steamship Clerks, Freight Handlers, Express and Station Employees.
CAEA	Cascade Airways Employees Association.
FEIA	Flight Engineers International Association.
GPA	Gifford Pilots Association.
IAM&AW	International Association of Machinists & Aerospace Workers.
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.
SAPA	Southwest Airlines Pilots Association.
SDA	Southwest Dispatchers Association.
TWU	Transport Workers Union of America.
UFA, Local 1	Union of Flight Attendants, Local 1.
UBCJA	United Brotherhood of Carpenters & Joiners of America.
UF&CW	United Food & Commercial Workers Union.
UIWNA	United Industrial Workers of North America.

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. Strikes in the Railroad and Airline Industries

The National Mediation Board was faced with only one airline strike in fiscal year 1982, the lowest strike figure in that industry in the last 16 years. The first national rail strike in 11 years, of brief duration, was settled by Congressional action. There was one other rail work stoppage during the fiscal year. An ongoing rail strike which began in fiscal year 1980 was settled in this 12-month period.

Strikes of less than 24 hours are not included in this report. A brief account of the 1982 work stoppages follows:

Railroads:

A-10872—National Railway Labor Conference and the Brotherhood of Locomotive Engineers

The first nationwide rail strike in more than a decade threatened to deal a crippling blow to the economy until President Reagan signed emergency legislation on September 22, 1982, ending a four-day walkout by the Brotherhood of Locomotive Engineers and 26,000 members involved in the dispute.

The BLE was the last of 13 major unions still to settle in industry-wide negotiations, which had stretched over a year with the National Railway Labor Conference, management's bargaining arm. The other major holdout, the United Transportation Union, had reached a tentative agreement with the carriers just four days before the engineers struck.

Following direct negotiations, both of these operating unions were in prolonged bargaining sessions with the NLRC under the auspices of the National Mediation Board. The parties were released from mediation by the NMB after negotiations became deadlocked, primarily over issues dealing with wages and work rules. The two unions subsequently rejected the proffer of voluntary arbitration and, on recommendation of the NMB, the

President in July appointed an emergency board in each dispute because of the potential adverse economic impact a strike by either union would have on the nation.

The President appointed the same three members for both Boards. Dr. Arnold R. Weber, President of the University of Colorado, served as Chairman. Dr. Jacob Seidenberg, an arbitrator with substantial experience in the rail industry, and Dr. Daniel Quinn Mills, Professor at the Harvard University Graduate School of Business Administration, were appointed as members.

Emergency Board No. 194 sent its report with recommendations on the BLE-NRLC dispute to the President on August 19, 1982. Emergency Board No. 195, investigating the UTU-NRLC case, submitted its report with recommendations to the President the following day.

On September 15, 1982, the UTU became the twelfth union to settle with the NRLC. The tentative agreement followed the recommendations made by Emergency Board No. 195, including the wage pattern accepted by the other eleven labor organizations. The UTU contract included a provision to provide additional pay for members who in the future work on reduced crews on freight trains no longer requiring cabooses.

As to the BLE-NRLC dispute, NMB Chairman Robert O. Harris and Staff Mediation Director E. B. Meredith began mediating with the parties on December 7, 1981. A number of additional mediation sessions were held in subsequent months and continued through May.

The NMB terminated its services with the parties on June 10, 1982; then the rejection of arbitration triggered a 30-day cooling off period, and the President's creation of Emergency Board No. 194 became effective July 10. By stipulation of the parties, the time for reporting to the President was extended to August 19. Direct negotiations then followed between the BLE and NRLC. The NMB resumed mediation with the parties during the week of September 13, with the strike deadline set for 12:01 A.M., September 19, 1982. Kay McMurray,



DOWN-TO-THE-WIRE RAIL NEGOTIATIONS—FMCS Director Kay McMurray (left) and NMB Chairman Robert O. Harris join in a marathon mediation attempt to settle the national bargaining dispute between the Brotherhood of Locomotive Engineers and the major rail carriers. Bargaining continued seven hours after the BLE's midnight strike deadline, to cap a 19-hour mediation effort, before negotiations broke down without resolution of the disagreement.

Director of the Federal Mediation and Conciliation Service and a former NMB Chairman, joined in the mediatory effort on September 17, 1982.

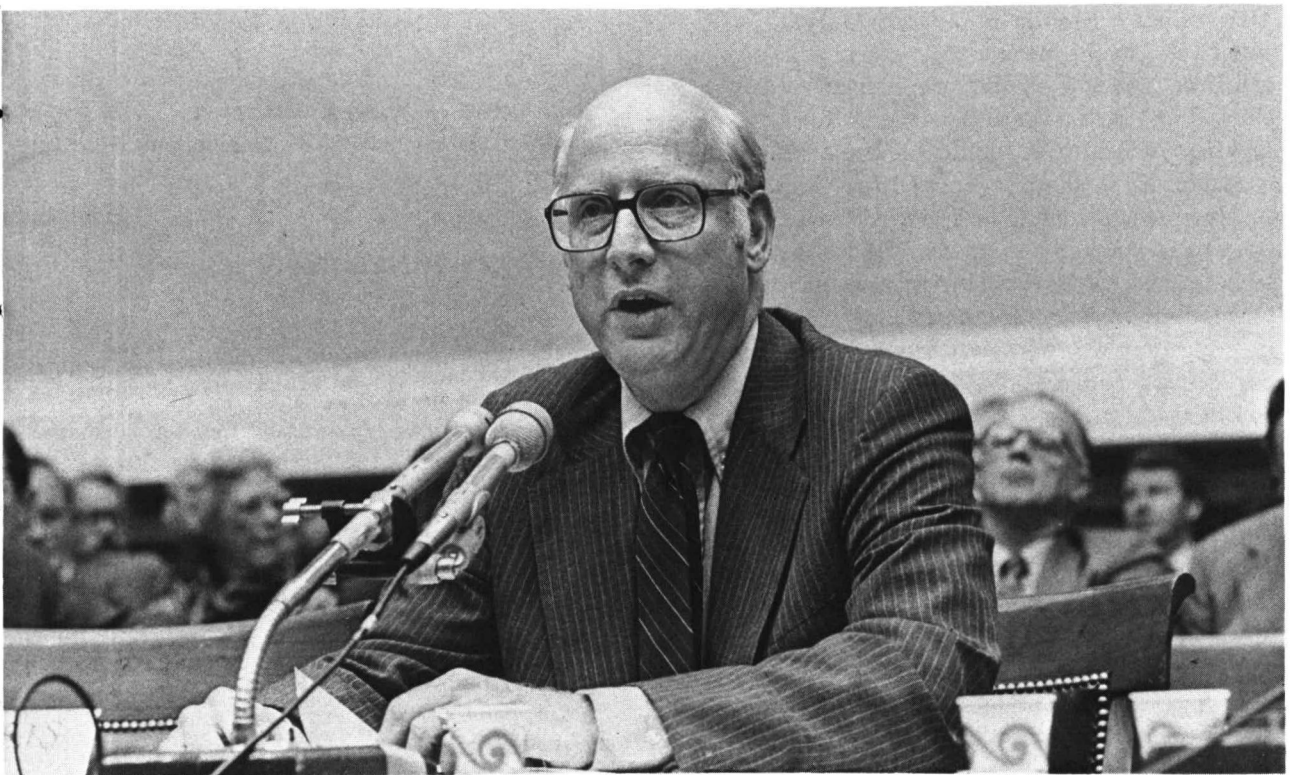
Mediators McMurray, Harris and Meredith continued intensive bargaining on September 18, 1982. They met with the disputants past midnight—when the strike began—and without letup until 7 o'clock the morning of September 19, 1982, to cap a 19-hour marathon bargaining session. Informal talks between the parties and the mediators continued the rest of the day. The parties met again with the mediators on September 20, 1982, in a last ditch effort to end the strike. But the one major sticking point could not be resolved.

This "sticking point"—the wage differential issue—was to be made clear the next day in testimony before the Congress by Chairman Harris

after the Administration had urgently requested the House and Senate to approve a joint resolution in the national interest to end the strike.

"Whenever the UTU, representing conductors and brakemen, negotiates a crew consist agreement with a carrier, it agrees to reduce the size of the train crew in return for additional compensation for the remaining crew members," Mr. Harris said. "These productivity payments have reduced the engineers' pay differential, and have resulted in some trainmen earning more than the engineers they work with. BLE has attempted to counter this with proposals to pay an engineer an additional allowance where UTU negotiates its crews consist agreement."

Mr. Harris noted that, under current contract terms negotiated in 1978, the wage differential



ADDRESSING THE CONGRESS—NMB Chairman Robert O. Harris testified September 21, 1982, before the House Committee on Energy and Commerce and the Senate Committee on Labor and Human Resources on the chronology of negotiations leading up to the BLE strike against the railroads and to explain why the parties were unable to resolve their single difference—the wage differential issue. Mr. Harris' testimony followed the Administration's request that the House and Senate approve a joint resolution to end the four-day work stoppage.

issues conducted by BLE on a carrier-by-carrier basis could result in a strike if not settled under Railway Labor Act procedures.

"NRLC sought a total moratorium on the issue of engineer differentials to avoid 'leapfrogging' of engineer and trainmen allowances, since UTU will seek a new differential if BLE gets one," Mr. Harris continued. "The Emergency Board recommended that the BLE be permitted to continue to negotiate for these payments during the current moratorium, but that it not be permitted to strike."

In earlier testimony, Secretary of Transportation Drew Lewis, testifying on behalf of the Administration, said that continuation of the strike would stem the flow to \$15 billion worth of commodities and put nearly two million employees (including 400,000 rail workers) out of work in four weeks. He commended the work of the mediators and parties, saying that the dispute "had been mediated to death" and that a "true impasse" existed, blocking any hopes of settlement and necessitating Congressional action.

The next day, September 22, 1982, the House

and Senate acted promptly, passing a resolution to end the strike and stating that the recommendations of Emergency Board No. 194 (including recommendations regarding the no-strike moratorium issue) "shall be binding on the parties" during the 39-month contract period, April 1, 1981 through June 30, 1984.

The President later that afternoon signed the resolution (P.L. 97-262), saying the government was "committed to protecting the vital national interest" by ending a strike that if continued could cost the U.S. economy about \$1 billion a day. The Engineers were promptly ordered back to work.

The last national rail shut down occurred in 1971 when the Brotherhood of Railroad Signalmen struck the major carriers for two days. This, too, was ended by passage of emergency legislation.

A-10475—Canton Railroad Company and United Transportation Union

This dispute over wages, rules and working conditions began when the United Transportation

Union filed a Section 6 notice on July 1, 1977, of intent to change an existing agreement with the railroad covering 24 engineers, firemen and hostlers. The Carrier, a short line railroad formerly serving 42 industries in the Baltimore (Md.) area, subsequently submitted counter proposals to the union's demands while in direct negotiations. When both sides reached an impasse, the National Mediation Board entered the case to assist the parties in an attempt to bring about settlement. The dispute in mediation was narrowed down to two issues—car cabling and overtime—but they could not be resolved. Voluntary arbitration offered by the Board was rejected by the union on May 14, 1980.

The Carrier was struck on July 8, 1980. Following the strike a number of issues were reopened, including the Carrier's effort to eliminate firemen and hostlers from the railroad. Mediation continued following the strike but the dispute dragged on for more than a year and a half. Finally, on February 10, 1982, after 582 days, agreement was finally reached between the parties with all issues resolved.

A-10756—Providence and Worcester Railroad Co. and the International Brotherhood of Teamsters

The National Mediation Board had worked over a 10-month period to bring about a settlement between the International Brotherhood of Teamsters and the Providence and Worcester Railroad Company. Contract negotiations finally broke down just before the strike deadline and, on April 24, 1982, the Teamsters refused the Company's final offer and walked off the job.

The Teamsters, representing 45 trainmen, whose jobs covered those of engineers, conductors and brakemen, struck over wages, work hours, union shop and pension issues. As the strike progressed, a jurisdictional dispute surfaced between IBT Local 808 and the United Transportation Union as to representation of the Trainmen. The Carrier, using employees who crossed the IBT picket lines, was able to provide partial service on the 215 miles of track its 1,070 freight cars travel over in Massachusetts, Connecticut and Rhode Island.

Subsequent mediation sessions were held in an effort to reach an agreement between the parties. However, as the fiscal year closed, the two sides were still unable to reach an agreement.

Airlines:

A-10884—Northwest Airlines, Inc., and the International Association of Machinists and Aerospace Workers

Board mediation went down to the wire before negotiations reached a stalemate that triggered a strike by the 3,695 members of the International Association of Machinists and Aerospace Workers against Northwest Airlines, one minute after midnight on May 22, 1982 (EST).

The breakdown in negotiations was particularly disappointing to the Board which had been in intensive mediation with the parties over a five-month period. Staff Mediator Joseph W. Smith began mediation with the negotiating teams for the St. Paul (MN)-based carrier on January 11, 1982, at which time he reported 218 open items on the bargaining table. These issues were narrowed down to a handful shortly before the strike began.

In the final days before the strike, former Board Chairman Robert J. Brown joined Mediator Smith in an all-out effort to reach agreement between the parties. Wages and job security involving the carrier's hiring of part-time workers—the latter adamantly opposed by the union representing mechanics, baggage handlers, food service workers and security personnel—became unresolvable issues and dashed any hopes of settlement as the clock ticked toward midnight ending a 30-day cooling off period. The Board, under procedures of the Railway Labor Act, had previously urged the parties to accept voluntary arbitration which, on rejection, set in motion a 30-day status quo period. The parties were free to take independent action if no agreement was reached at the end of that time.

After the strike began, Northwest managed to continue a substantial portion of its domestic and international service as pilots, flight attendants and reservation clerks crossed the machinists' picket lines. The Carrier, however, was forced to lay off 1,700 employees during the strike.

In the days that followed the work stoppage the Board in the public interest engaged in marathon mediation with the parties, working with one side, then the other and, finally, holding joint sessions in an effort to resolve the remaining issues. One mediation session ran 55 hours without letup.

Finally, the union on May 29, 1982, agreed to send to its membership the Carrier's amended package for settlement, which included an improved wage formula, but recommended rejection of the

proposed contract. The part-time employee issue still remained unresolved and was included in the proposal. On June 8, the union members rejected the offer.

Board Chairman Robert O. Harris joined Mediator Smith in St. Paul in an effort to contact both sides, hopefully setting the stage for a resumption of contract talks. Contact was made with the parties and, finally, on June 14, a tentative agreement was reached. The contract was overwhelmingly approved by the membership on June 16, 1982.

The agreement called for wage increases of about 25% over a 38-month period. The airline dropped the proposal that would have allowed it

to hire some 200 part-time workers that the union feared would eventually lead to replacement of full-time employees. The agreement gave Northwest more flexibility in assigning workers to a wider variety of jobs which the airline had insisted on to enable better control of its labor costs. The company also agreed to the union's request for a back-to-work agreement protecting all strikers, furloughed personnel and other union members who had honored the IAM&AW picket lines.

Eleven days elapsed before full resumption of service by the carrier on June 25, 1982, officially ending the 34-day strike.

Table 8.—Strikes in the Railroad Industry, October 1, 1981 to September 30, 1982

Case No.	Carrier	Organization	Craft or Class	Date of Work Stoppage	Date Work Resumed	Number of Days	Issues	Number of Employees	Disposition
A-10475..	Canton RR Company.	United Transportation Union.	Yd. Engineers, Firemen & Hostlers.	July 8, 1980...	Feb. 10, 1982.	582	Wages, Rules & Working Conditions—elimination of certain employees.	24	Agreement reached between the parties.
A-10756..	Providence & Worcester RR Co.	Int'l. Bro. of Teamsters.	Trainmen.....	Apr. 24, 1982.	.....	.....	Wages, Rules & Working Conditions.	45	Strike still in progress.
A-10872..	National Railway Labor Conference.	Bro. of Locomotive Engineers.	Locomotive Engineers.	Sept. 19, 1982.	Sept. 22, 1982.	4	Wages, Rules & Working Conditions (wage differential issue initiates strike).	26,000	Exec. Order 12370 created Emergency Bd. 194, signed by President July 8, 1982. Report submitted to President Aug. 19, 1982. Strike terminated by enactment of Public Law 97-262, Sept. 22, 1982.

Table 8a.—Strikes in the Airline Industry, October 1, 1981 to September 30, 1982

Case No.	Carrier	Organization	Craft or Class	Date of Work Stoppage	Date Work Resumed	Number of Days	Issues	Number of Employees	Disposition
A-10884..	Northwest Airlines, Inc.	Int'l. Assn. of Machinists & Aerospace Workers.	Mechanics, & Related, including Stock Clrks. Flt. Svc., Guards & Dining Svc. Employees.	May 22, 1982.	June 25, 1982.	34	Wages & job Security.	3,695	Agreement reached through mediation June 14, 1982.

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 1935-1982. In this fiscal year, there were 171 additional railroad and 45 airline agreements filed with the Board. A total of 8,585 agreements are on file in the Board's of-

fices, of which 1,365 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 Railroad 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, 1981 to September 30, 1982

Fiscal year	All Carriers	Class I	Class II	Class III	Switching and Terminal	Electric	Express and Pullman	Miscellaneous Railroad Carriers	Air Carriers
Total:									
1982	8,585	4,596	1,168	12	998	182	18	146	1,365
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

(Continued on next page)

Fiscal year	All Carriers	Class I	Class II	Class III	Switching and Terminal	Electric	Express and Pullman	Miscellaneous Railroad Carriers	Air Carriers
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
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:									
1982	8,388	4,538	1,164	12	980	178	18	145	1,353
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:									
1982	97	58	4	.....	18	4	.....	1	12
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.....	97	58	4	.....	18	4	.....	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.

There were no interpretation cases closed or pending in fiscal 1982.

Since the Board's inception, it has closed 144 interpretation cases under the Act's provisions as compared to a total of 7,167 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.

During its 48-year existence the NRAB has closed out 79,851 of the 81,960 cases received. Table 10 shows that 1,303 cases were closed in fiscal year 1982—1,247 by decision with referee, 3 by decision without referee and 53 by withdrawal. In fiscal year 1982, 1,144 new cases were received as compared to 1,478 for fiscal year 1981.

**Table 10.—Cases Docketed and Closed by the National Railroad Adjustment Board, October 1,
1981 to September 30, 1982**

Cases	48-Year Period	1982	1981	1980	1979	1978
ALL DIVISIONS						
Open and on hand at beginning of period.....		2,268	1,664	1,513	1,405	1,443
New Cases docketed	81,960	1,144	1,478	1,065	1,071	914
Total number of cases on hand and docketed	81,960	3,412	3,142	2,578	2,476	2,357
Cases closed	79,851	1,303	874	914	963	952
Decided without referee.....	12,587	3	2	4	5	4
Decided with referee	41,392	1,247	795	834	885	890
Withdrawn.....	25,872	53	77	76	75	63
Open cases on hand close of period.....	2,109	2,109	2,268	1,664	1,513	1,405
FIRST DIVISION						
Open and on hand at beginning of period.....		508	512	507	518	530
New cases docketed	43,350	53	69	61	65	67
Total number of cases on hand and docketed	43,350	561	581	568	583	597
Cases closed	42,858	69	73	56	76	79
Decided without referee.....	10,919	0	0	0	1	2
Decided with referee	12,461	58	69	48	71	74
Withdrawn.....	19,478	11	4	8	4	4
Open cases on hand close of period.....	492	492	508	512	507	518
SECOND DIVISION						
Open and on hand at beginning of period.....		757	562	402	394	325
New cases docketed	9,839	476	523	469	463	385
Total number of cases on hand and docketed	9,839	1,233	1,085	871	857	710
Cases closed	9,145	539	328	309	455	316
Decided without referee.....	734	0	0	0	0	0
Decided with referee	7,466	535	303	295	439	313
Withdrawn.....	945	4	25	14	16	3
Open cases on hand close of period.....	694	694	757	562	402	394
THIRD DIVISION						
Open and on hand at beginning of period.....		925	542	564	459	532
New cases docketed	24,713	487	766	430	460	391
Total number of cases on hand and docketed	24,713	1,412	1,308	994	919	923
Cases closed	23,921	620	383	452	355	464
Decided without referee.....	927	3	2	4	4	2
Decided with referee	18,651	596	359	408	321	416
Withdrawn.....	4,343	21	24	41	32	46
Open cases on hand close of period.....	792	792	925	542	564	459

Cases	48-Year Period	1982	1981	1980	1979	1978
FOURTH DIVISION						
Open and on hand at beginning of period.....		80	48	40	34	56
New cases docketed	4,058	128	120	105	83	71
Total number of cases on hand and docketed.....	4,058	208	168	145	117	127
Cases closed	3,925	75	88	97	77	93
Decided without referee.....	0	0	0	0	0	0
Decided with referee.....	2,814	58	64	84	54	83
Withdrawn.....	1,111	17	24	13	23	10
Open cases on hand close of period.....	133	133	80	48	40	34

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.

tional 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 1940's 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 seven new Special Boards of adjustment established in 1982. A total of 11 boards convened. These boards closed 916 cases. This figure compares with 900 cases closed out during fiscal year 1981.

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.

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 Na-

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 provides 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 1982, 238 Public Law Boards were established. Fourteen involved procedural issues and 224 merit issues. During the year 233

boards were convened—11 involved procedural issues and 222 dealt solely with the merits of specific grievances. Public Law Boards closed (decided and/or withdrawn) 4,852 cases during the fiscal year. Fourteen covered procedural and 4,838 merit issues.

Amtrak Rail Worker Protection Plan

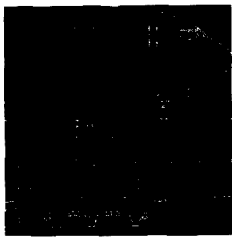
An arrangement to protect the rights of workers adversely affected by curtailment of intercity passenger rail service, which went into effect in 1971, was designed to protect the interest of employees displaced or dismissed as a result of the new route system created by the National Railroad Passenger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

Under the Rail Passenger Service Act of 1970, workers adversely affected by discontinuation of intercity 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 four neutral referees appointed by the Board in fiscal 1982 are 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 Secretary. The agency has a total of 47 employees, 22 of whom are field mediators stationed throughout the U.S.

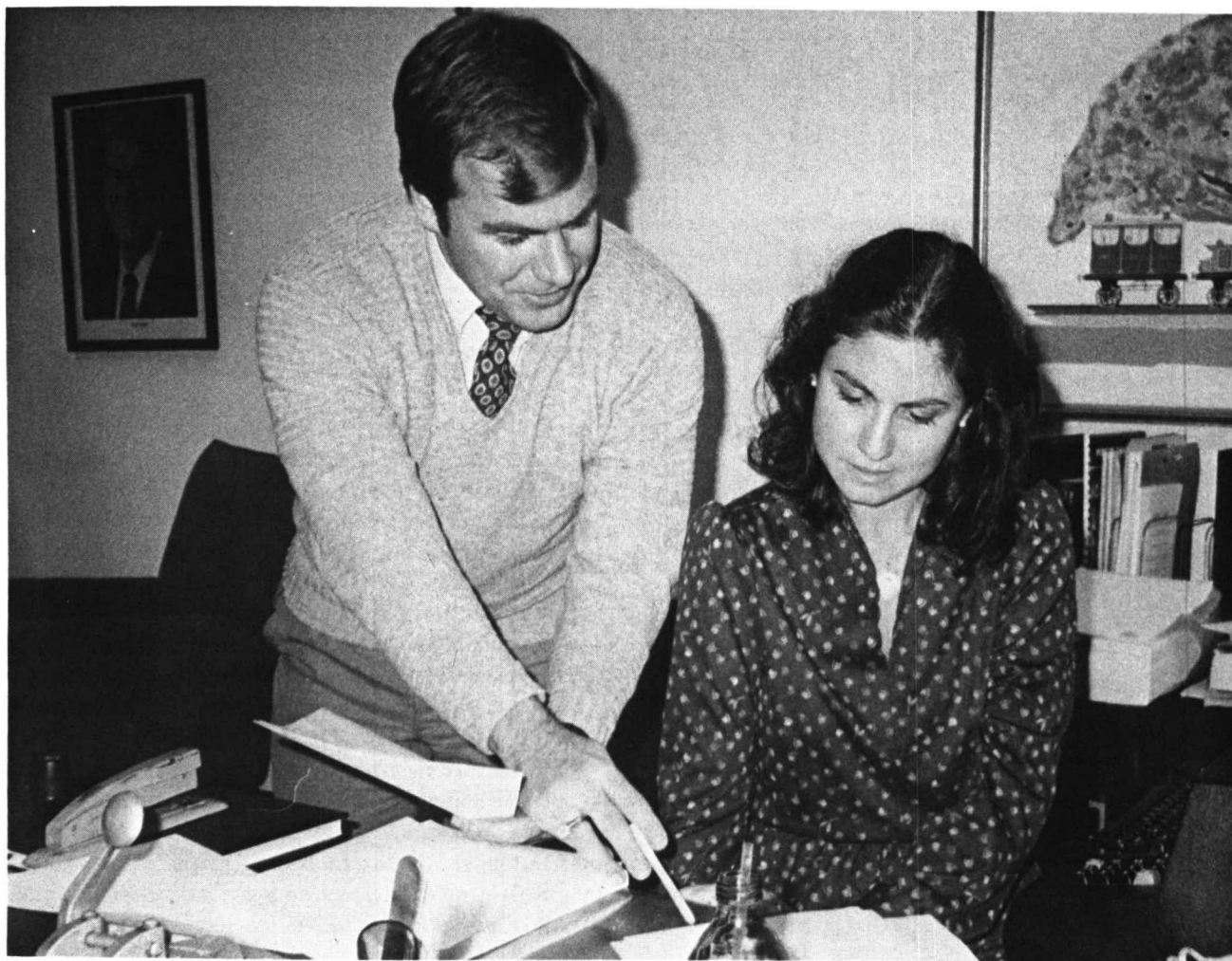
The Board performs two distinct functions under the Railway Labor Act. First, it mediates disputes over wages, rules and working conditions which occur between the employees and the carriers. As to mediation, a party may request the services of the Board, or the Board of its own volition, may intervene 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 repre-

sent railroad or airline employees. This includes investigation of 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 C. Kinsella
Charles R. Barnes	Faye M. Landers
Harry D. Bickford	Robert B. Martin
Robert J. Brown	E. B. Meredith
Charles H. Callahan	Gale L. Oppenberg
Robert J. Cerjan	Maurice A. Parker
Samuel J. Cognata	Charles A. Peacock
Ralph T. Colliander	Walter L. Phipps
Richard P. Cosgrave	Laurette M. Piculin
Francis J. Dooley	Joseph W. Smith
Thomas B. Ingles	John B. Willits



PITCHING IN—Mrs. Olybia Angelopoulos provides typing assistance to Airborne Express negotiator William F. Kaspers in a mediation case involving Airborne and the IBT. Mrs. Angelopoulos is secretary to NMB Executive Secretary Rowland K. Quinn, Jr.

NMB Financial Statement for Fiscal Year 1982

The Congress appropriated \$4,757,760 for fiscal year 1982. Obligations and expenses incurred for the various activities of the Board follows:

	1982
Mediation.....	\$2,554,565
Voluntary arbitration and emergency disputes	51,250
Adjustment of railroad grievances	1,850,000

Accounting of all moneys appropriated by Congress for the fiscal year 1982, pursuant to the authority conferred by the Railway Labor Act approved May 20, 1926 (amended June 21, 1934):

	1982 Actual
Expenses and obligations:	
Personnel compensation	\$3,165,000.
Personnel benefits.....	187,000
Travel and transportation of persons	413,000
Standard level user charges	358,000
Other rent, communications, and utilities	200,000
Printing and reproduction	39,000
Other services.....	48,000
Supplies and materials	30,000
Equipment.....	12,000
Insurance claims and indemnities.....	4,100
Unobligated balance, lapsing.....	301,760
Budget authority	\$4,757,760



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, having completed its 56th 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 successful 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 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.



INFORMATIONAL GET-TOGETHER—Exchanging information on recent developments in the airline and railroad industries are, from left, NMB Research Director Sheldon M. Kline, Mediator Charles A. Peacock, and General Counsel Ronald M. Etters.

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 airlines 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 airlines 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 195 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.

However, in a precedent-setting action, there was a board appointed in 1978 by an act of Congress. Public Law Board No. 95-504 was the result of legislative action directing The President to appoint such a board under terms of the Airline Deregulation Act. The Board, created November 2, 1978, resulted in an agreement ending a 620-day strike between Wien Air Alaska and the Air Line Pilots Association.

In fiscal year 1982 two emergency boards were appointed by The President on recommendation of the National Mediation Board during the Brotherhood of Locomotive Engineers and the United Transportation Union disputes in national bargaining with the major railroads.

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.

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 sit 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 relations 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 a national and local basis, covering most major carriers and a large number of unions, while the airlines 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.

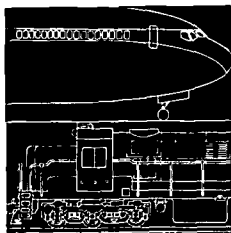
Mediation becomes involved only when unresolvable issues and situations arise in disputes and prevents the parties from taking precipitous action that could result in national chaos. The result has been peaceful settlement of literally thousands of potentially volatile issues without strikes. Additionally, 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

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

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.



Special Report: Developments in Local Railroad Bargaining During FY 1981 and FY 1982*

The structure of collective bargaining in the railroad industry is bi-level. In addition to the national rail negotiations, which establish general wage increases, cost of living adjustments, holidays, vacations, and certain national rules, among other terms, bargaining is also conducted on issues of concern on the local rail properties.¹ The issues raised on the local properties demonstrate their essentially parochial nature: crew consist, scope, designation of interchange tracks, local arbitrary allowances, relief assignment, changes in scheduling, job stabilization, employee protection, suitable lodging and a host of other conditions which require changes of local collective bargaining agreements. Additionally, a number of rail carriers, including ConRail, Amtrak and the Long Island Rail Road, do not participate in national rail talks and, as a result, they must negotiate the virtual panoply of economic and noneconomic terms which comprise a basic labor agreement.

The number of local railroad agreements in existence continues to increase despite the recent trend toward merger and consolidation which has occurred in the railroad industry over the last several years. The Board's files contain approximately 7,200 labor agreements, about 1,000 more than at the end of 1975. Many times these agreements are not lengthy documents as they either modify a provision or add a new provision to an existing contract. The Board believes that it does not receive all the contract modifications that are made each year, and as a result, the number of agreements in existence may be more than are included in the Board's files.

Industry experts estimate that a large proportion of contract change proposals are settled in local bargaining without resort to the Board's mediatory assistance. Such negotiations are conducted between the general chairman of the employee organization involved and the company official designated to handle labor matters within the district. Since there is no requirement on labor and management to inform the Board of the filing of Section 6 notices, data on the extensiveness of local bargaining cannot be determined. Only when an impasse in negotiations is reached and mediation invoked does the Section 6 notice become part of the Board's records. The Board's records show that as a proportion of its total mediation caseload (airline and railroad situations included), local railroad disputes account for the major share of the cases handled by the Board in any given fiscal year.

This study reviews the Board's experience in mediating local rail disputes during fiscal years 1981 and 1982. Data are presented on the number of disputes handled and ultimately resolved through the mediation process, the type of carriers, and the general nature of the crafts or classes involved in these disputes. Other important characteristics of these cases, such as the time spent in mediation and the number of situations in which the Board proffered arbitration, also are considered. Most significantly, a discussion of the settlements reached during these years is included.

Table 1 provides data on the number of local railroad disputes disposed of by the Board in the fiscal years 1981 and 1982. A total of 189 mediation cases involving local railroad disputes were resolved during these two fiscal years, accounting for 59 percent of all mediation cases disposed of during this period. Disputes involving Class I line-haul carriers—those carriers with average annual operating revenues of \$50,000,000 or more—comprised 56 percent of all local railroad cases disposed of in the period covered. One factor accounting for this large percentage is that the union penetration rate in the Class I sector is much deeper than in the other railroad classifications. Agreements reached

*This is the fourth 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.

¹The records of the Interstate Commerce Commission show that as of September 30, 1982, there were 39 Class I line-haul railroads in the United States, 26 Class II line-haul railroads, 275 Class III line-haul railroads, and 142 switching and terminal railroads.

through mediation disposed of 94 cases, or about 50 percent of the railroad cases resolved during the period examined. Further, the parties themselves reached agreement without direct mediation assistance in an additional 23 cases. Twenty-one cases were resolved when the request for mediation was withdrawn.

Table 1 also shows that 50 cases, slightly more than one-quarter of the total, were disposed of through the administrative action of the Board rather than through the parties reaching a settlement. This action is taken by the Board to conserve resources where the parties have no apparent desire to pursue further mediation. In closing a case administratively, the Board does not terminate jurisdiction and a case may be reactivated at the request of either party. The remaining tables in this study deal exclusively with the 117 cases in which an agreement was reached.

Table 2 provides data on the average length of time a case remained in a mediation status prior to resolution. On the average, 368 days passed between when a case was docketed by the Board and its closure due to an agreement being reached. The disputes involving employees of the Class I carriers required on the average a relatively greater period of time to resolve than disputes concerning the smaller carriers. A dispute on a Class I railroad required an average of 420 days to resolve, while a dispute in the other classifications combined took an average of 314 days. Cases disposed of through an agreement reached in mediation lasted 357 days on the average; cases on the Class I carriers also lead in this category requiring 416 days prior to resolution. The average time spent in cases where an agreement was reached without direct mediation assistance was 414 days. It must be stressed that even in these situations mediation has been provided by the Board, but in the Board's judgment mediation did not lead to the ultimate settlement.

Table 3 shows that about half of the settled cases involved less than 200 employees. Twelve cases, however, involved employee groups of over 1,000 employees. Five of these large groups covered conductors, trainmen and yardmen represented by the United Transportation Union. The Brotherhood of Maintenance of Way Employees represented maintenance of way employees in three additional cases. Locomotive engineers, shopcrafts and clerks were involved in the other cases affecting 1,000 or more employees.

Table 3 also provides data on the average

length of time required to reach settlement. As might be expected given the financial considerations, the greatest degree of mediation time was required in the cases involving the largest numbers of employees. This relationship did not hold, however, for the next two groupings of employees. Far less mediation time was required in cases covering 201-500 employees and 501-1,000 employees than for the cases covering 1-100 employees and 101-200 employees.

Table 4 provides a breakdown of case settlements by the specific type of employee grouping involved in the dispute and the major issue resolved by negotiations. Cases involving operating employees—engineers, conductors, trainmen and yardmen—predominate the listing. Including cases involving combined groups of employees (e.g., train service and yard service), 45 percent of the cases settled by the Board in FY 1981 and FY 1982 involved operating employees.

Economic issues—rates of pay, arbitrary payments, holidays, vacations, etc., were the primary topics of negotiations, although the issues of crew consist and expenses away from home (suitable lodging and meal allowance) were issues of major concern in 18 bargaining situations. Over the last five years, the crew consist issue has been a major subject of negotiations in the railroad industry and at the present time a majority of Class I rail carriers have either negotiated or are negotiating such agreements. As to the second issue, the national agreements have established minimum levels of benefits to cover an employee's expenses when away from his home. On many carriers these benefits have been expanded, and the large number of mediation cases devoted to this issue reflects this fact.

As the data in Table 4 show, the issues of job stabilization and employee protection were of paramount importance to the clerical forces on the carriers. Six of the cases involved the employees of freight tariff bureaus, which as a result of railroad deregulation have seen a diminishment of their role. Additionally, the introduction of new technology and new methods of performing work have caused changes in the scope of work. As questions have been raised as to which craft will perform the work, the Board's mediation assistance has been sought to resolve scope questions and the classification of work rules. Clerks were involved in four mediation cases entailing these matters; the shopcrafts were involved in an additional three cases relating to scope or classification of work rules.

The last topic to be considered in this study relates to those situations where mediation has proven fruitless and the Board proffers arbitration to the parties to settle the outstanding issues. If that proffer is rejected by either party, the final 30-day status quo period prescribed by the Railway Labor Act begins. After the 30 days the parties may take self-help action, unless the emergency procedures of Section 10 of the Act are activated. Strikes may and do occur in local bargaining situations, although in recent years all strike activity in the railroad industry has been minimal.

During the course of handling local railroad

cases resolved in FY 1981 and FY 1982, the Board proffered arbitration 18 times. Nine of the proffers were made in cases involving Class I carriers, but at least one proffer was made in each of the various rail classifications. Only two strikes developed in these cases—one on the Canton Railroad which ended in 1982 and one on the Providence & Worcester which continues at this time. In the Board's determination, neither of these disputes presented a threat to interstate commerce and the emergency procedures of Section 10 of the Act were not activated.

Table 1.—Disposition of Mediation Cases by Method and Class of Rail Carrier, Fiscal Years 1981 and 1982

	Total All Cases	Class I	Class II	Class III	Switching & Terminal	Electric	Miscellaneous
Total.....	189	106	30	13	19	12	9
Agreement Reached Through Mediation	94	52	18	7	12	4	1
Agreement Between Parties	23	8	3	3	2	2	5
Case Withdrawn	21	10	4	3	2		2
Refusal to Arbitrate.....	1		1				
Closed—Board Action	19	9	2		1	6	1
Administratively Closed	31	27	2		2		

Table 2.—Number of Cases Settled by an Agreement and Average Time in Mediation Status, by Type of Carrier, Fiscal Years 1981 and 1982

Class of Carrier	Total Cases		Agreement Reached Through Mediation		Agreement Between Parties *	
	Number Settled	Average Time in Mediation Status (Days)	Number of Cases	Average Time in Mediation Status (Days)	Number of Cases	Average Time in Mediation Status (Days)
Total.....	117	368	94	357	23	414
Class I line-haul	60	420	52	416	8	445
Class II line-haul.....	21	344	18	337	3	387
Class III line-haul.....	10	247	7	148	3	478
Switching & Terminal.....	14	318	12	263	2	647
Electric.....	6	403	4	395	2	419
Miscellaneous.....	6	222	1	99	5	246

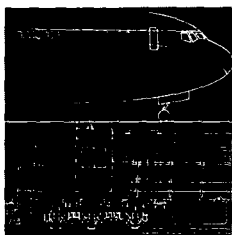
*Mediation is frequently provided in these cases. In the judgement of the Board, however, mediation did not result in the ultimate settlement.

Table 3.—Number of Settlements and Time Spent in Mediation, by Number of Workers Covered by Agreement, Fiscal Years 1981 and 1982

Number of Workers Covered by the Settlement	Number of Settlements	Average Time Spent in Mediation
1 to 100	35	280
101 to 200	22	422
201 to 500	16	183
501 to 1,000	5	148
Over 1,000	12	509
No Available Data.....	28	557

Table 4.—Number of Settlements, Time Spent in Mediation and Issue Involved in Settlement, by Major Groups of Employees, Fiscal Years 1981 and 1982

Major Groups	Number Settled	Average Time Spent in Mediation	Major Issues Involved in Settlement						
			Econom-ic (Rates of Pay, Pension, Insur., etc.)	Scope/Classifi-cation of Work Rules	Job Stabiliza-tion Em'ee Protection	Suitable Lodging/Meal Allowance	Crew Consist	First Agree-ment	Other Terms or Incomplete Informa-tion Available
Total.....	117	368	48	9	12	14	7	3	39
Clerical, Office, Station and Storehouse.....	19	410	8	4	10			1	1
Dispatchers	8	148							8
Engine Service.....	14	411	10			1			4
Maintenance of Way	9	182	5			1			3
Shopcrafts	10	644	4	3					3
Signalmen.....	5	48		1		1			3
Train Service	19	527	5		1	6	3		7
Yardmasters	3	112	2						1
Yard Service	4	665				3			1
Miscellaneous.....	8	132	5	1	1	1		1	2
Combined Groups	18	333	9			1	4	1	6



Appendix A

National Railroad Adjustment Board (Created June 21, 1934)

Fletcher, J. C., *Chairman*
Euker, W. F., *Vice Chairman*
Carvatta, R. J., *Staff Director/Grievances*
Dever, N. J., *Acting Executive Secretary*

Accounting for all moneys appropriated by Congress for the fiscal year 1982 pursuant to the authority conferred by the Railway Labor Act, as amended (Public Law 442, 73d Congress—Approved June 21, 1934).

Financial Statement National Railroad Adjustment Board for Fiscal Year 1982

Regular appropriation: National Railroad Adjustment Board	
Board's portions of Salaries and Expenses, National Mediation Board	\$941,000.00
Expenditure:	
Salaries of employees.....	252,724.00
Salaries of referees.....	324,408.00
Personnel benefits.....	23,189.00
Travel expenses (including referees).....	43,185.00
Other rent.....	20,930.00
Communication services	18,108.00
Standard level user charges.....	215,261.00
Postage	12,456.00
Printing and reproduction	11,220.00
Other contractual services	4,118.00
Supplies and materials.....	8,761.00
Equipment.....	6,640.00
Total expenditures	*941,000.00

*Approximately 19% of this amount other than Referee salary and travel is expended for Public Law Boards and Special Boards of Adjustment.

NRAB Government Employees, Salaries and Duties

Name	Title	Salary Paid	Duties
Administration			
Carvatta, Roy J.....	Administrative officer.....	*\$27,029.76	Subject to direction of National Mediation Board, administers NRAB Governmental affairs.
Swanson, Ronald A.....	Asst. Adm. Officer.....	*13,629.84	Accounting and Auditing.
Szewczyk, Bernice E.....	Clerical Assistant	*9,590.92	Assists in accounting and auditing.
Bradley, Rochelle E.....	Clerk-Typist	*6,626.76	Clerical and Typing.
Lauraitis, John J.....	Clerk.....	*7,952.48	Clerical.
Divisional			
Paulos, Angelo W.....	Executive Secretary.....	13,936.16	Executive Secretary for all four divisions—fully responsible for Third Division.
Dever, Nancy J.....	Acting Executive Secretary.....	23,460.80	Assists Executive Secretary—responsible for First and Fourth Divisions.
Brasch, Rosemarie.....	Administrative Asst.....	21,146.24	Assists Executive Secretary—responsible for Second Division.

NRAB Government Employees, Salaries and Duties—Continued

Name	Title	Salary Paid	Duties
Czerwonka, Veronica	Administrative Asst	14,103.76	Assists Executive Secretary on Third Division.
Hudson, Lucile B.	Clerk-Typist	16,763.92	Clerical for Third Division.
Loughrin, Catherine A.	Clerk-Typist	16,763.92	Clerical for Second Division.
Stanger, Dianne M.	Clerk-Typist	125.76	Clerical for First and Fourth Divisions.
Vorpal, Joan A.	Clerk-Typist	16,763.92	Clerical for Third Division.

*50% of salary relating to Public Law Boards and Special Boards of Adjustment not included.

Neutral Referees' Services for all Divisions of NRAB

Name	Salary Paid	Duties
Referees		
First Division		
Dennis, Rodney E.	\$2,505.36	Sat with Divisions as a member to make awards upon failure of Division to agree or secure majority vote.
Gaherin, John J.	578.16	"
LaRocco, John B.	1,397.22	"
O'Brien, Robert M.	7,901.52	"
Peterson, Robert E.	3,517.14	"
Zumas, Nicholas H.	5,685.24	"
Referees		
Second Division		
Abramson, Elliott M.	5,193.80	"
Bender, Thomas V.	6,070.68	"
Blum, Albert A.	4,818.00	"
Boyle, George V.	4,914.36	"
Briggs, Steven.	8,190.60	"
Brown, David H.	2,505.36	"
Carey, Thomas F.	4,239.84	"
Carter, Paul C.	3,276.24	"
Dennis, Rodney E.	11,563.20	"
Goldstein, Elliott H.	578.16	"
Herrington, C. H.	6,648.84	"
Hogan, Edward M.	6,889.74	"
Larney, George E.	8,961.48	"
LaRocco, John B.	15,513.96	"
McAllister, Robert W.	7,805.16	"
McMurray, Kay.	4,239.84	"
Marx, Herbert L., Jr.	7,323.36	"
Mikrut, John J., Jr.	11,852.28	"
Quinn, Francis X.	6,901.79	"
Roukis, George S.	2,794.44	"
Scearce, James F.	3,661.68	"
Scheinman, Martin F.	5,781.60	"
Sickles, Carlton R.	2,312.64	"
Sickles, Joseph A.	3,276.24	"
Sirefman, Josef P.	963.60	"
Suntrup, Edward L.	8,383.32	"
Twomey, David P.	1,734.48	"
Vernon, Gilbert H.	7,323.36	"

Neutral Referees' Services for all Divisions of NRAB—Continued

Name	Salary Paid	Duties
Referees		
Third Division		
Ables, Robert J.....	385.44	"
Carter, Paul C.....	4,528.92	"
Dennis, Rodney E.....	8,286.96	"
Eischen, Dana E.....	3,276.24	"
Fishgold, Herbert.....	3,179.88	"
Klaus, Ida.....	2,312.64	"
Larney, George E.....	7,323.36	"
LaRocco, John B.....	6,263.40	"
Lieberman, Irwin M.....	2,312.64	"
Lowry, A. Robert.....	6,263.40	"
Marx, Herbert L., Jr.....	2,119.92	"
Mikrut, John J., Jr.....	963.60	"
Peterson, Robert E.....	626.34	"
Roukis, George S.....	3,758.04	"
Scheinman, Martin F.....	13,297.68	"
Sharp, Thomas P.....	9,057.84	"
Sickles, Carlton R.....	2,023.56	"
Sickles, Joseph A.....	4,143.48	"
Sirefman, Josef P.....	7,612.44	"
Stallworth, Lamont E.....	10,406.88	"
Vernon, Gilbert H.....	3,468.96	"
Referees		
Fourth Division		
Carter, Paul C.....	385.44	"
LaRocco, John B.....	5,299.80	"
Mikrut, John J., Jr.....	1,830.84	"
Peterson, Robert E.....	4,047.12	"
Scheinman, Martin F.....	3,661.68	"
Sickles, Carlton R.....	289.08	"
Sickles, Joseph.....	578.16	"

First Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois
60604

Organization of the Division, Fiscal Year 1981-82

G. J. Cahill, Chairman	J. G. Gibbons
W. F. Euker, Vice Chairman	H. E. Nelson
E. E. Blakeslee	R. K. Radek ²
R. E. Delaney ¹	J. R. O'Connell
M. D. Quin	

Nancy J. Dever
Acting Executive Secretary

JURISDICTION

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

OPERATIONS

The tables attached set out results of operations of the Division during fiscal year 1981-82.

¹ Reassigned, October 1981.

² Replaced Mr. Delaney, October 1981.

Table 1.—Cases Docketed Fiscal Year 1981-82; Classified According to Carrier Party to Submission

Name of Carrier	Number of Cases Docketed
The Atchison, Topeka and Santa Fe Ry. Co.....	4
Baltimore and Ohio, R.R. Co.....	1
Baltimore and Ohio Chicago Terminal R.R. Co.....	1
Burlington Northern, Inc.....	3
Chesapeake and Ohio Ry. Co.....	7
Consolidated Rail Corporation.....	3
Newburgh and South Shore Ry. Co.....	1
Richmond, Fredericksburg and Potomac R.R. Co.....	1
Seaboard Coast Line R.R. Co.....	22
Southern Railway.....	1
Southern Pacific (T&L Lines).....	3
Southern Pacific (Pacific Lines).....	3
Union Pacific R.R. Co.....	3
Total.....	53

Table 2.—Cases Docketed Fiscal Year 1981-82; Classified According to Organization Party to Submission

Name of Organization	Number of Cases Docketed
Brotherhood of Locomotive Engineers.....	41
Brotherhood of Locomotive Engineers and the United Transportation Union.....	1
Individual.....	5
United Transportation Union.....	6
Total.....	53

Second Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1981-82

R. A. Westbrook, Chairman	J. D. Ditto ¹
J. C. Clementi	B. J. East
M. J. Cullen	J. M. Fagnani
D. A. Hampton	M. C. Lesnick ²
J. A. McAteer	J. Werner ³

Rosemarie Brasch, Administrative Assistant

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 Division continued its normal operations even though referee travel and/or salaries were suspended for approximately four (4) months in 1982.

Table 1.—Cases Docketed Fiscal Year 1981-82; Classified According to Carrier Party to Submission

Name of Carrier	Number of Cases Docketed
Akron, Canton & Youngstown RR Co.....	1
Ashley, Drew & Northern Ry. Co.....	1
The Atchison, Topeka & Santa Fe Ry. Co.....	6
Baltimore & Ohio RR Co.....	26
Boston & Maine Corporation.....	5
Burlington Northern, Inc.....	15
Central of Georgia RR Co.....	1
Chesapeake & Ohio Ry. Co.....	17
Chicago & North Western Transportation Co.....	25
Chicago, Milwaukee, St. Paul & Pacific RR Co.....	12
Consolidated Rail Corporation.....	77
The Denver & Rio Grande Western RR Co.....	3
Duluth, Missabe & Iron Range Ry. Co.....	1
Elgin, Joliet & Eastern Ry. Co.....	2
Fort Worth & Denver Ry. Co.....	1
Fruit Growers Express.....	5
Grand Trunk Rail System.....	4
Houston Belt & Terminal Ry. Co.....	2
Illinois Central Gulf RR Co.....	12
Indiana Harbor Belt RR Co.....	10
Kansas City Southern Ry. Co.....	5
Lake Terminal RR Co.....	4
Louisville & Nashville RR Co.....	25
Maryland & Pennsylvania RR Co.....	1
Milwaukee, Kansas City Southern Joint Agency.....	2
Missouri-Kansas-Texas RR Co.....	2
Missouri Pacific RR Co.....	22
National Railroad Passenger Corporation.....	35
Norfolk & Western Ry. Co.....	22
Pacific Fruit Express.....	1
Port Authority Trans Hudson.....	1
St. Louis-San Francisco Ry. Co.....	6
St. Louis Southwestern Ry. Co.....	8
Seaboard Coast Line RR Co.....	36
Soo Line RR Co.....	4
Southern Pacific Transportation Co.....	42
Southern Railway.....	14
Staten Island Rapid Transit Operating Authority.....	1
Terminal Railroad Association of St. Louis.....	2
Toledo, Peoria & Western RR Co.....	1
Union Pacific RR Co.....	1
Washington Terminal Co.....	5
Western Fruit Express Co.....	2
Western Pacific RR Co.....	8
TOTAL.....	476

¹Replaced W. F. Snell, effective September 1, 1982.

² Replaced M. F. Fitzpatrick, effective May 14, 1982.

³ Replaced V. W. Merritt, effective May 14, 1982.

**Table 2.—Cases Docketed Fiscal Year 1981-82;
Classified According to Organization Party to Submission**

Name of Organization	Number of Cases Docketed
Brotherhood Railway Carmen of the United States and Canada	143
International Brotherhood of Electrical Workers	114
International Association of Machinists & Aerospace Workers	75
International Brotherhood of Firemen, Oilers, Helpers, Roundhouse and Railway Shop Laborers	102
Sheet Metal Workers' International Association	28
United Steelworkers of America	4
Individually Submitted Cases, etc	10
TOTAL	476

Third Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1981-1982

H. G. Harper, Chairman	J. S. Godfrey
J. E. Mason, Vice Chairman	R. J. Irvin
W. W. Altus, Jr.	M. D. McCarthy
J. D. Crawford	R. W. Smith
J. C. Fletcher	P. V. Varga

Rosemarie Brasch, Administrative Assistant

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 porters and maids, and dining car employees. This Division shall consist of 10 members, 5 of whom shall be selected by the Carriers and 5 by the national labor organizations of employees (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 1981-1982. No referee action during October 1-24, 1981, November 20-24, 1981, and June through September 1982, due to suspension of Federal funds, though the Division continued all other normal activities.

Table 1.—Cases Docketed Fiscal Year 1981-82; Classified According to Carrier Party to Submission

Name of Carrier	Number of Cases Docketed
Akron, Canton and Youngstown RR Co	1
Alton and Southern Ry. Co	1

Ann Arbor Railroad System	4
The Atchison, Topeka and Santa Fe Ry. Co	21
Atlanta and West Point RR Co	1
Baltimore and Ohio Chicago Terminal RR Co	1
Baltimore and Ohio RR Co	23
Belt Railway Company of Chicago	6
Bessemer and Lake Erie RR Co	1
Burlington Northern, Inc	25
Canadian Pacific Limited (Lines in Maine and Vermont)	1
Central of Georgia RR Co	5
Chesapeake and Ohio Ry. Co	31
Chicago and Illinois Midland Ry. Co	1
Chicago and North Western Transportation Company	23
Chicago, Milwaukee, St. Paul and Pacific RR Co	20
Chicago, South Shore and South Bend RR Co	1
Chicago Union Station Co	1
Cincinnati, New Orleans and Texas Pacific Ry. Co ..	1
City of Prineville Railway	1
Colorado and Southern Ry. Co	2
Consolidated Rail Corporation	45
The Denver and Rio Grande Western RR Co	8
Detroit, Toledo and Ironton RR Co	3
Duluth, Missabe and Iron Range Ry. Co	1
Elgin, Joliet and Eastern Ry. Co	10
Escanaba and Lake Superior RR Co	3
Fort Worth and Denver Ry. Co	1
Galveston, Houston and Henderson RR Co	1
Grand Trunk Western RR Co	1
Green Bay and Western RR Co	1
Houston Belt and Terminal Ry. Co	4
Illinois Central Gulf RR Co	18
Illinois Terminal RR Co	2
Joint Texas Division of CRI&P-FW&D	1
Kansas City Southern Ry. Co	3
Kansas City Terminal Ry. Co	1
Lake Superior and Ishpeming RR Co	1
Long Island Rail Road	5
Louisiana and Arkansas Ry. Co	2
Louisville and Nashville RR Co	1
Maine Central Railroad Company-Portland Terminal Company	7
Milwaukee-Kansas City Southern Joint Agency	1
Missouri-Kansas-Texas RR Co	8
Missouri Pacific RR Co	15
National Railroad Passenger Corporation	7
New Orleans and Northeastern RR Co	1
New Orleans Public Belt RR Co	3
Norfolk and Portsmouth Belt Line RR Co	1
Norfolk and Western Ry. Co	7
Norfolk and Western (former Illinois Terminal)	2
Northeast Illinois Regional Commuter RR Corp	2
Northwestern Pacific RR Co	1
Oklahoma, Kansas and Texas RR Co	1
Pittsburgh and Lake Erie RR Co	2
St. Louis Southwestern Ry. Co	3
Seaboard Coast Line RR Co	34
Soo Line RR Co	3
Southern Freight Tariff Bureau	1
Southern Pacific Transportation Co. (Eastern Lines)	14
Southern Pacific Transportation Co. (Western Lines)	20

Table 1.—Cases Docketed Fiscal Year 1981-82; Classified According to Carrier Party to Submission—Continued

Name of Carrier	Number of Cases Docketed
Southern Railway	32
Terminal Railroad Association of St. Louis.....	15
Texas Mexican Ry. Co.....	1
Toledo, Peoria and Western RR Co.....	2
Union Belt of Detroit	1
Union Pacific RR Co	12
Washington Terminal Co.....	2
Western Pacific RR Co.....	5
Western Weighing and Inspection Bureau	1
TOTAL.....	487

Table 2.—Cases Docketed Fiscal Year 1981-82; Classified According to Organization Party to Submission

Name of Organization	Number of Cases Docketed
American Train Dispatchers Association.....	15
Brotherhood of Maintenance of Way Employes.....	193
Brotherhood of Railroad Signalmen.....	92
Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employes.....	144
TOTAL ORGANIZATIONS.....	444
Miscellaneous Class of Employees.....	43
TOTAL.....	487

Fourth Division—National Railroad Adjustment Board

10 West Jackson Boulevard, Chicago, Illinois 60604

Organization of the Division, Fiscal Year 1981-82

D. E. Watkins, Chairman	D. E. Bartholomay
P. V. Varga, Vice Chairman	R. F. O'Leary
H. E. Crow ¹	Nancy J. Dever, Acting
W. M. Cunningham ²	Executive Secretary
D. M. Lefkow	

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.)

OPERATIONS

The tables attached set out results of operations of the Fourth Division during fiscal year 1981-82.

Table 1.—Cases Docketed Fiscal Year 1981-82; Classified According to Carrier Party to Submission

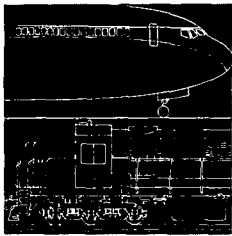
Name of Carrier	Number of Cases Docketed
The Atchison, Topeka and Santa Fe Ry. Co.....	2
Baltimore and Ohio RR Co.....	13
Burlington Northern, Inc.....	1
Boston and Maine Corporation	6
Chesapeake and Ohio Ry. Co.....	9
Chicago and North Western Transportation Co.....	3
Chicago, Milwaukee, St. Paul and Pacific	2
Chicago and Western Indiana RR Co.....	1
Consolidated Rail Corporation.....	33
Davenport, Rock Island and North Western Ry. Co.	1
Delaware and Hudson Ry. Co.....	2
Duluth, Missabe and Iron Range Ry. Co.....	1
Elgin, Joliet and Eastern Ry. Co.....	2
Long Island Rail Road.....	5
Louisville and Nashville	2
Missouri Pacific RR Co.....	1
National Railroad Passenger Corporation.....	11
Norfolk and Western Ry. Co.....	7
Pittsburgh and Lake Erie RR Co.....	2
Southern Railway	7
Southern Pacific (T & L Lines)	6
Southern Pacific (Pacific Lines).....	3
Terminal Railroad Association of St. Louis.....	5
Union Pacific RR Co.....	2
Union Stockyards of San Antonio	1
TOTAL.....	128

Table 2.—Cases Docketed Fiscal Year 1981-82; Classified According to Organization Party to Submission

Name of Organization	Number of Cases Docketed
American Federation of Railroad Police.....	1
American Railway and Airway Supervisors Association	72
BRAC (RP&SOS)	23
Individual	5
International Brotherhood of Electrical Workers	2
Railroad Yardmasters of America.....	24
United Food Workers of America	1
TOTAL.....	128

¹ P. V. Varga, substitute for Mr. Crow

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



Appendix B

1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Robert M. O'Brien 3.....	Boston, MA	March 22, 1982.....	1335	Boston and Maine Corp. and United Transportation Union (T).
A. Thomas Van Wart 3.....	Salem, NJ.....	November 9, 1981.....	1838	Norfolk and Western Rwy. Co. and Brotherhood of Maintenance of Way Employees.
William E. Edgett 3.....	Ellicott City, MD.....	October 19, 1981.....	2212	Portland Term. RR. Co. and United Transportation Union.
Irving T. Bergman 3.....	Mineola, NY	February 1, 1982.....	2212	Portland Term. RR. Co. and United Transportation Union.
Robert M. O'Brien 2.....	Boston, MA	April 20, 1982.....	2500	Maine Central RR. Co., Portland Term. Co. and United Transportation Union (E).
Leverett Edwards 2.....	Fort Worth, TX	October 19, 1981.....	2511	Kansas City Southern Rwy. Co., Louisiana and Arkansas Rwy. Co. and United Transportation Union (T).
Arthur T. Van Wart 3.....	Wilmington, DE.....	December 18, 1981.....	2596	Southern Pacific Transportation Co. (Pacific Lines) (Former Pacific Electric Rwy. Co.) and Brotherhood of Locomotive Engineers.
Leverett Edwards 4.....	Fort Worth, TX	January 4, 1982.....	2685	Union Pacific RR. Co. (Eastern and South-Central District) and United Transportation Union (C-T-E).
Harold M. Weston 3.....	New York, NY.....	December 29, 1981.....	2700	Missouri-Kansas-Texas RR. Co. and Brotherhood of Locomotive Engineers.
Kay McMurray 2.....	Bethesda, MD.....	December 18, 1981.....	2725	The Baltimore & Ohio RR. Co., and Joint Council of General Chairman, International Association of Machinists and Aerospace Workers.
Leverett Edwards 2.....	Fort Worth, TX	January 4, 1982.....	2743	The Denver and Rio Grande Western RR. Co. and United Transportation Union.
R. E. Peterson 2.....	Briarcliff Manor, NY.....	November 9, 1981.....	2762	Consolidated Rail Corp. and United Transportation Union.
Harold M. Weston 2.....	New York, NY.....	January 11, 1982.....	2778	The Baltimore and Ohio RR. Co. and Brotherhood of Maintenance of Way Employees.
Arthur T. Van Wart 4.....	Wilmington, DE.....	January 4, 1982.....	2816	Union Pacific RR. Co. (Northwestern District—Oregon Division) and United Transportation Union (E).
Harold M. Weston 3.....	New York, NY.....	February 18, 1982.....	2830	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and United Transportation Union (E).
A. Thomas Van Wart 3.....	Salem, NJ.....	November 4, 1981.....	2867	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and International Brotherhood of Firemen and Oilers.
Herbert L. Marx, Jr. 3.....	New York, NY.....	April 19 1982.....	2875	Consolidated Rail Corp. and International Association of Machinists and Aerospace Workers.
Gilbert H. Vernon 4.....	Eau Claire, WI.....	November 19, 1981.....	2877	Burlington Northern, Inc. and Brotherhood Railway Carmen of U.S. and Canada.
Irving T. Bergman 3.....	Mineola, NY	March 19, 1982.....	2883	The Long Island Rail Road Co. and United Transportation Union.
David H. Brown 2.....	Sherman, TX	May 3, 1982.....	2888	Consolidated Rail Corp. and United Transportation Union.
Richard R. Kasher 2.....	Bryn Mawr, PA	December 11, 1981.....	2903	Delaware and Hudson Rwy. Co. and Brotherhood of Locomotive Engineers.
David P. Twomey 2.....	Chestnut Hill, MA	March 9, 1982.....	2904	Consolidated Rail Corp. and United Transportation Union.
Herbert L. Marx, Jr. 3.....	New York, NY.....	April 22, 1982.....	2912	The Long Island Rail Road Co. and International Brotherhood of Teamsters (IBT-Local 808).
John B. Criswell 1.....	Stigler, OK.....	November 24, 1981.....	2914	The Lake Superior and Ishpeming RR. Co. and United Transportation Union.
Gene T. Ritter 3.....	Ardmore, OK	December 17, 1981.....	2928	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C).
Arthur W. Sempliner 2.....	Grosse Pointe Farms, MI.....	February 17, 1982.....	2933	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C).
Rodney E. Dennis 2.....	New York, NY.....	March 23, 1982.....	2936	Providence and Worcester RR. Co. and The Trainmen's Guild.

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
A. Thomas Van Wart 3.....	Salem, NJ.....	February 11, 1982.....	2946	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and United Transportation Union (C-T).
Herbert L. Marx, Jr. 2.....	New York, NY.....	October 30, 1981.....	2956	Burlington Northern, Inc. and United Transportation Union (T).
R. E. Peterson 2.....	Briarcliff Manor, NY.....	November 19, 1981.....	2957	Chicago and Illinois Midland Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
John J. Mikrut 2.....	Columbia, MO.....	November 16, 1981.....	2964	Indiana Harber Belt RR. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Jacob Seidenberg 2.....	Falls Church, VA.....	October 16, 1981.....	2966	Monongahela Connecting RR. Co. and United Transportation Union.
Arthur T. Van Wart 2.....	Wilmington, DE.....	February 22, 1982.....	2968	Modesto and Empire Traction Co. and United Transportation Union.
Richard R. Kasher 2.....	Bryn Mawr, PA.....	November 10, 1981.....	2969	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
David Dolnick 2.....	Chicago, IL.....	March 12, 1982.....	2972	Soo Line RR. Co. and United Transportation Union (T-C).
David H. Brown 2.....	Sherman, TX.....	April 5, 1982.....	2980	Minnesota, Dakota and Western Rwy. Co. and United Transportation Union.
William E. Fredenberger, Jr. 1.....	Stafford, VA.....	December 1, 1981.....	2982	The Delaware and Hudson Rwy. Co. and Brotherhood of Locomotive Engineers.
David Dolnick 2.....	Chicago, IL.....	January 4, 1982.....	2984	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and Brotherhood of Locomotive Engineers.
Preston J. Moore 2.....	Oklahoma City, OK.....	October 16, 1981.....	2985	Atlanta and St. Andrews Bay Rwy. Co. and United Transportation Union.
Robert M. O'Brien 1.....	Boston, MA.....	January 4, 1982.....	2987	Chicago and North Western Transportation Co. and Brotherhood of Locomotive Engineers and United Transportation Union.
John B. LaRocco 2.....	Sacramento, CA.....	March 23, 1982.....	2988	Seaboard Coast Line RR. Co. and Brotherhood of Railroad Signalmen.
Robert E. Peterson 2.....	Briarcliff Manor, NY.....	November 9, 1981.....	2991	Detroit, Toledo and Ironton RR. Co. and United Transportation Union.
David Dolnick 2.....	Chicago, IL.....	December 7, 1981.....	2999	The Atchison, Topeka and Santa Fe Rwy. Co., Eastern and Western Lines (excluding Northern and Southern Divisions) and United Transportation Union (C-T-Y).
H. Raymond Cluster 2.....	North Truro, MA.....	October 19, 1981.....	3002	Chicago and North Western Rwy. Co. and United Transportation Union.
Nicholas H. Zumas 2.....	Washington, DC.....	November 9, 1981.....	3003	Consolidated Rail Corp. and United Transportation Union.
Joseph A. Sickles 2.....	Bethesda, MD.....	December 7, 1981.....	3004	Consolidated Rail Corp. and United Transportation Union.
Arthur T. Van Wart 2.....	Wilmington, DE.....	January 11, 1982.....	3010	New York Dock Railway and United Transportation Union.
Herbert L. Marx, Jr. 2.....	New York, NY.....	December 18, 1981.....	3011	Elgin, Joliet and Eastern Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Dana E. Eischen 2.....	Ithaca, NY.....	October 16, 1981.....	3014	The Western Pacific RR. Co. and Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees.
Herbert L. Marx, Jr. 2.....	New York, NY.....	December 18, 1981.....	3019	Bessemer and Lake Erie RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Herbert L. Marx, Jr. 2.....	New York, NY.....	December 18, 1981.....	3020	The Lake Terminal RR. Co. and Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees.
Herbert L. Marx, Jr. 2.....	New York, NY.....	December 18, 1981.....	3021	The Newburgh and South Shore Rwy. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Irwin M. Lieberman 2.....	Stamford, CT.....	December 11, 1981.....	3022	The Denver and Rio Grande Western RR. Co. and American Train Dispatchers Association.
Robert E. Peterson 2.....	Briarcliff Manor, NY.....	October 28, 1981.....	3023	Sacramento Northern Rwy. and United Transportation Union.
David Dolnick 2.....	Chicago, IL.....	October 16, 1981.....	3024	Chicago and North Western Transportation Co. and American Train Dispatchers Association.
Arthur W. Sempliner 2.....	Grosse Pointe Farms, MI.....	October 30, 1981.....	3025	The Toledo Terminal RR. Co. and United Transportation Union.

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
David Dolnick 2.....	Chicago, IL.....	November 10, 1981.....	3026	Kansas City Terminal Rwy. Co. and United Transportation Union.
Jerome H. Ross 2.....	McLean, VA.....	October 16, 1981.....	3028	The Long Island Rail Road Co. and International Brotherhood of Electrical Workers.
John B. Criswell 2.....	Stigler, OK.....	December 7, 1981.....	3029	Union Pacific RR. Co. and United Transportation Union (E).
Robert A. Franden 2.....	Tulsa, OK.....	October 30, 1981.....	3030	Union Pacific RR. Co. (Motive Power and Machinery Department) and International Brotherhood of Electrical Workers.
Jacob Seidenberg 2.....	Falls Church, VA.....	December 17, 1981.....	3031	Union Pacific RR. Co. and Railroad Yardmasters of America.
William E. Fredenberger, Jr. 2.....	Stafford, VA.....	November 2, 1981.....	3032	The Long Island RR. Co. and Railroad Yardmasters of America.
Arthur T. Van Wart 2.....	Wilmington, DE.....	January 4, 1982.....	3033	Longview Switching Co. and Brotherhood of Locomotive Engineers.
Harold M. Weston 2.....	New York, NY.....	November 16, 1981.....	3034	The Chesapeake and Ohio Rwy. Co. and United Transportation Union (C-T-Y).
Harold M. Weston 2.....	New York, NY.....	April 5, 1982.....	3035	Burlington Northern RR. Co. and United Transportation Union.
Arthur W. Sempliner 2.....	Grosse Pointe Farms, MI.....	October 6, 1981.....	3036	Union Railroad Co. and United Transportation Union.
Neil P. Speirs 2.....	Rohnert Park, CA.....	December 17, 1981.....	3037	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C).
Richard R. Kasher 2.....	Bryn Mawr, PA.....	November 10, 1981.....	3038	National RR. Passenger Corp. and Brotherhood of Maintenance of Way Employees.
Arthur T. Van Wart 2.....	Wilmington, DE.....	December 29, 1981.....	3039	Illinois Terminal RR. Co. "A Division of NW Rwy. Co." and United Transportation Union.
Paul C. Carter 2.....	Wheaton, IL.....	December 7, 1981.....	3040	Southern Rwy. Co. and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.
Higdon C. Roberts Jr. 2.....	Birmingham, AL.....	December 1, 1981.....	3041	Union Pacific RR. Co. (Motive Power and Machinery Department) and International Brotherhood of Firemen and Oilers.
David Dolnick 2.....	Chicago, IL.....	December 1, 1981.....	3042	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and Railroad Yardmasters of America.
Harold M. Weston 2.....	New York, NY.....	November 19, 1981.....	3043	Union Pacific RR. Co. (Eastern District) and United Transportation Union (C-T).
Arthur T. Van Wart 2.....	Wilmington, DE.....	December 1, 1981.....	3045	Nevada Northern Rwy. Co. and United Transportation Union.
Leverett Edwards 2.....	Fort Worth, TX.....	December 3, 1981.....	3046	Fort Worth and Denver Rwy. Co. and Brotherhood of Locomotive Engineers.
Paul C. Carter 2.....	Wheaton, IL.....	December 3, 1981.....	3047	Northwest Illinois Regional Commuter RR. Corp. (Directed Service Operator of Rock Island Suburban Commuter Line, Chicago-Joliet) and International Brotherhood of Firemen and Oilers.
Arthur T. Van Wart 2.....	Wilmington, DE.....	November 9, 1981.....	3048	Union Pacific RR. Co. (Eastern District) and United Transportation Union (E).
Richard R. Kasher 2.....	Bryn Mawr, PA.....	November 19, 1981.....	3049	Consolidated Rail Corp. and United Transportation Union.
Eckehard Muessig 2.....	Arlington, VA.....	December 11, 1981.....	3050	Southern Rwy. 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. John's River Terminal Co. and Brotherhood of Railroad Signalmen.
Dana E. Eischen 2.....	Ithaca, NY.....	April 23, 1982.....	3051	Southern Pacific Transportation Co. (T&L Lines) and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
William E. Fredenberger, Jr. 1.....	Stafford, VA.....	February 9, 1982.....	3052	Lake Terminal RR. Co. and United Transportation Union.
Robert E. Peterson 2.....	Briarcliff Manor, NY.....	December 18, 1981.....	3054	Toledo, Peoria and Western RR. Co. and United Transportation Union.
Jacob Seidenberg 2.....	Falls Church, VA.....	December 18, 1981.....	3055	The Chesapeake and Ohio Rwy. Co. and Railroad Yardmasters of America.
Jacob Seidenberg 2.....	Falls Church, VA.....	December 18, 1981.....	3056	The Baltimore and Ohio RR. Co. and Railroad Yardmasters of America.
Joseph A. Sickles 1.....	Bethesda, MD.....	December 9, 1981.....	3057	Georgia RR. Co. and United Transportation Union.
Gilbert H. Vernon 2.....	Eau Claire, WI.....	November 30, 1981.....	3058	The Belt Rwy. Co. of Chicago and Brotherhood Railway Carmen of U.S. and Canada.
Joseph A. Sickles 1.....	Bethesda, MD.....	December 29, 1981.....	3059	Illinois Terminal RR. Co. and United Transportation Union.

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
John B. Criswell 2	Stigler, OK	December 11, 1981	3060	National RR. Passenger Corp. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
David H. Brown 2	Sherman, TX	December 14, 1981	3062	Consolidated Rail Corp. and United Transportation Union.
A. R. Lowry 2	Annapolis, MD	January 29, 1982	3063	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and Brotherhood of Maintenance of Way Employees.
Alfred G. Albert 2	Scottsdale, AZ	February 9, 1982	3064	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C).
Robert E. Peterson 2	Briarcliff Manor, NY	January 4, 1982	3066	National RR. Passenger Corp. and Brotherhood of Railroad Signalmen.
Nicholas H. Zumas 2	Washington, DC	January 4, 1982	3067	Louisville and Nashville RR. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Ellen M. Bussey 2	McLean, VA	December 18, 1981	3068	Illinois Central Gulf RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Arthur T. Van Wart 2	Wilmington, DE	December 28, 1981	3069	Union Pacific RR. Co. (Northwestern District, Oregon Division) and United Transportation Union (E).
Robert M. O'Brien 2	Boston, MA	January 4, 1982	3070	Delaware and Hudson Rwy. Co. and Brotherhood of Locomotive Engineers.
James F. Searce 2	Atlanta, GA	December 29, 1981	3071	Burlington Northern, Inc., and International Brotherhood of Electrical Workers.
George S. Roukis 2	Manhasset Hills, NY	January 8, 1982	3072	The Long Island Rail Road Co. and Brotherhood Railway Carmen of U.S. and Canada.
Eckehard Muessig 3	Arlington, VA	March 17, 1982	3072	The Long Island Rail Road Co. and Brotherhood Railway Carmen of U.S. and Canada.
Eckehard Muessig 2	Arlington, VA	December 29, 1981	3073	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and Railroad Yardmasters of America.
John B. LaRocco 2	Sacramento, CA	January 6, 1982	3074	Missouri-Kansas-Texas RR. Co. and Brotherhood of Railroad Signalmen.
Louis Yagoda 2	New Rochelle, NY	January 6, 1982	3075	Missouri Pacific RR. Co. and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.
William E. Fredenberger, Jr. 2	Stafford, VA	March 9, 1982	3076	Consolidated Rail Corp. and Great Lakes and Rivers Division, Masters, Mates and Pilots.
David H. Brown 2	Sherman, TX	January 11, 1982	3077	Seaboard Coast Line RR. Co. and Brotherhood of Locomotive Engineers.
Elise T. Snyder 2	Washington, DC	January 11, 1982	3078	Norfolk, and Western Rwy. Co. and United Transportation Union.
A. Thomas Van Wart 2	Salem, NJ	January 4, 1982	3079	Patapsco and Back Rivers RR. Co. and United Transportation Union.
David H. Brown 2	Sherman, TX	January 11, 1982	3080	Consolidated Rail Corp. and United Transportation Union.
Harold M. Weston 2	New York, NY	January 11, 1982	3081	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and United Transportation Union (E).
David H. Brown 2	Sherman, TX	January 18, 1982	3082	New Orleans Public Belt RR. and United Transportation Union (S).
Arthur W. Sempliner 2	Grosse Pointe Farms, MI	February 22, 1982	3084	Louisiana and Arkansas Rwy. Co. and Brotherhood of Locomotive Engineers.
Dana E. Eischen 2	Ithaca, NY	January 11, 1982	3085	Burlington Northern, Inc. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Eckehard Muessig 2	Arlington, VA	January 15, 1982	3086	Ann Arbor RR. System (Michigan Interstate Rwy. Co., Operator) and United Transportation Union (C-T-Y).
Robert E. Peterson 1	Briarcliff Manor, NY	April 28, 1982	3087	Chicago, Rock Island and Pacific RR. Co. and United Transportation Union (T).
Harold M. Weston 2	New York, NY	March 16, 1982	3088	Southern Pacific Transportation Co. (Texas and Louisiana Lines) and Brotherhood of Locomotive Engineers.
Arthur T. Van Wart 1	Wilmington, DE	January 29, 1982	3091	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union (T-E).
Rodney E. Dennis 2	New York, NY	January 29, 1982	3092	Missouri Pacific RR. Co. and International Brotherhood of Firemen and Oilers.
Rodney E. Dennis 2	New York, NY	January 29, 1982	3093	The Alton and Southern Rwy. Co. and International Brotherhood of Firemen and Oilers.

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Robert E. Peterson 2	Briarcliff Manor, NY	January 28, 1982	3094	Port Authority Trans-Hudson Corp. and Brotherhood of Railroad Signalmen.
Martin F. Scheinman 2	Bayside, NY	January 28, 1982	3095	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and American Train Dispatchers Association.
Jacob Seidenberg 2	Falls Church, VA	January 29, 1982	3096	Illinois Central Gulf RR. Co. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Martin F. Scheinman 2	Bayside, NY	January 28, 1982	3097	The Atchison, Topeka and Santa Fe Rwy. Co. and Brotherhood of Railroad Signalmen.
Leverett Edwards 1	Fort Worth, TX	February 2, 1982	3098	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (E).
Gilbert H. Vernon 2	Eau Clair, WI	February 2, 1982	3099	The Atchison, Topeka and Santa Fe Rwy. Co. and International Brotherhood of Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers.
Robert E. Peterson 2	Briarcliff Manor, NY	February 23, 1982	3101	Norfolk and Western Rwy. Co. and Brotherhood of Locomotive Engineers.
Peter Henle 2	Arlington, VA	February 9, 1982	3102	The Long Island Rail Road Co. and Police Benevolent Association.
T. P. Sharp 2	McLean, VA	March 12, 1982	3103	National RR. Passenger Corp. and Amtrak Service Workers Council.
William E. Fredenberger, Jr. 1	Stafford, VA	May 3, 1982	3104	Consolidated Rail Corp. and United Transportation Union.
Jack A. Warshaw 2	Bethesda, MD	February 9, 1982	3105	The Long Island Rail Road Co. and Brotherhood of Railroad Signalmen.
Joseph A. Sickles 2	Bethesda, MD	February 11, 1982	3106	Chicago, Milwaukee, St. Paul and Pacific RR. Co. and International Brotherhood of Electrical Workers.
Carlton R. Sickles 2	Landover, MD	February 11, 1982	3107	Terminal RR. Assoc. of St. Louis and Railroad Yardmasters of America.
Eugene Mittelman 2	Washington, DC	February 11, 1982	3108	Consolidated Rail Corp. and United Transportation Union (S).
Gene T. Ritter 2	Ardmore, OK	February 18, 1982	3109	Louisville and Nashville RR. Co. and United Transportation Union.
Joseph A. Sickles 2	Bethesda, MD	February 17, 1982	3110	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union.
Robert E. Peterson 2	Briarcliff Manor, NY	March 29, 1982	3111	Consolidated Rail Corp. and United Transportation Union.
Kay McMurray 2	Bethesda, MD	March 15, 1982	3112	The Washington Terminal Co. and Brotherhood of Railroad Signalmen.
Preston J. Moore 2	Oklahoma City, OK	February 22, 1982	3113	Galveston Wharves and United Transportation Union.
Jacob Seidenberg 2	Falls Church, VA	April 5, 1982	3114	Detroit, Toledo and Ironton RR. Co. and United Transportation Union.
Robert E. Peterson 2	Briarcliff Manor, NY	February 23, 1982	3115	Elgin, Joliet and Eastern Rwy. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Alfred G. Albert 2	Scottsdale, AZ	May 3, 1982	3117	Union Pacific RR. Co. and United Transportation Union (T).
Neil P. Speirs 2	Rohnert Park, CA	March 9, 1982	3119	Oregon, California and Eastern Rwy. Co. and United Transportation Union.
William E. Fredenberger, Jr. 1	Stafford, VA	March 5, 1982	3120	The Los Angeles Junction Rwy. Co. and United Transportation Union (E).
Preston J. Moore 2	Oklahoma City, OK	March 8, 1982	3121	The River Terminal Rwy. Co. and United Transportation Union.
A. R. Lowry 2	Annapolis, MD	April 7, 1982	3122	The Pittsburgh and Lake Erie RR. Co., The Lake Erie and Eastern RR. Co. and Transport Workers Union of America.
Herbert L. Marx, Jr. 2	New York, NY	March 9, 1982	3123	Duluth, Missabe and Iron Range Rwy. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Arthur T. Van Wart 2	Wilmington, DE	March 8, 1982	3124	The Baltimore and Ohio RR. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Robert E. Peterson 2	Briarcliff Manor, NY	March 12, 1982	3125	The Western Pacific RR. Co. and United Transportation Union.
Robert E. Stenzinger 2	Glenview, IL	March 12, 1982	3126	Terminal RR. Association of St. Louis and International Association of Machinists and Aerospace Workers.
Robert E. Peterson 2	Briarcliff Manor, NY	March 9, 1982	3127	Duluth, Missabe and Iron Range Rwy. Co. and United Transportation Union (E) Missabe Division.
Irving T. Bergman 2	Mineola, NY	March 9, 1982	3128	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (Northern and Southern Divisions).

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
L. Lawrence Schultz 2	Washington, DC	March 17, 1982	3129	The Belt Rwy. Co. of Chicago and United Transportation Union.
Arthur W. Sempliner 2	Grosse Pointe Farms, MI	April 28, 1982	3131	Missouri-Kansas-Texas RR. Co. and United Transportation Union (T-C).
Dana E. Eischen 2	Ithaca, NY	May 4, 1982	3132	The Denver and Rio Grande Western RR. Co. and United Transportation Union (C-T).
Arthur T. Van Wart 2	Wilmington, DE	April 5, 1982	3133	Butte, Anaconda and Pacific Rwy. Co. and United Transportation Union (T).
Arthur T. Van Wart 1	Wilmington, DE	March 22, 1982	3134	Stockton Terminal and Eastern RR. and United Transportation Union.
Joseph A. Sickles 1	Bethesda, MD	March 17, 1982	3135	The Long Island Rail Road Co. and Brotherhood of Locomotive Engineers.
Arthur T. Van Wart 2	Wilmington, DE	March 15, 1982	3136	The Baltimore and Ohio RR. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Leverett Edwards 2	Forth Worth, TX	March 24, 1982	3137	The Chesapeake and Ohio Rwy. Co. and United Transportation Union.
Harold M. Weston 2	New York, NY	March 24, 1982	3138	Central of Georgia RR. Co., Georgia Northern Rwy. Co. and United Transportation Union.
John B. La Rocco 2	Sacramento, CA	March 23, 1982	3139	Burlington Northern, Inc., and International Brotherhood of Fireman and Oilers.
Nicholas H. Zumas 2	Washington, DC	April 5, 1982	3141	Detroit, Toledo and Ironton RR. Co. and Brotherhood of Locomotive Engineers.
Robert E. Peterson 2	Briarcliff Manor, NY	April 6, 1982	3142	Port Authority Trans-Hudson Corp. and Brotherhood Railway Carmen of U.S. and Canada.
Joseph A. Sickles 2	Bethesda, MD	May 17, 1982	3143	The Denver and Rio Grande Western RR. Co. and American Train Dispatchers Association.
Jack W. Cassle 2	Cheyenne, WY	April 6, 1982	3144	Terminal Rwy. Alabama State Docks and Brotherhood Railway Carmen of U.S. and Canada.
Eckehard Muessig 2	Arlington, VA	April 7, 1982	3145	Illinois Central Gulf RR. Co. and United Transportation Union (T).
Harold M. Weston 2	New York, NY	April 5, 1982	3146	Burlington Northern, Inc. and United Transportation Union.
Robert E. Peterson 2	Briarcliff Manor, NY	April 6, 1982	3147	The Chesapeake and Ohio Rwy. Co. and United Transportation Union.
Rodney E. Dennis 2	New York, NY	April 7, 1982	3148	Consolidated Rail Corp. and Brotherhood of Locomotive Engineers.
Irwin M. Lieberman 2	Stamford, CT	April 6, 1982	3149	Louisville and Nashville RR. Co. and International Brotherhood of Firemen and Oilers.
Jack W. Cassle 2	Cheyenne, WY	April 8, 1982	3150	Southern Pacific Trans. Co. (Texas and Louisiana Lines) and United Transportation Union (E).
Robert E. Peterson 2	Briarcliff Manor, NY	May 3, 1982	3151	Bessemer and Lake Erie RR. Co. and United Transportation Union (E).
Theodore H. O'Brien 2	Boston, MA	April 7, 1982	3152	Peoria and Pekin Union Rwy. Co. and United Transportation Union.
William E. Fredenberger 2	Stafford, VA	April 7, 1982	3153	Norfolk and Western Rwy. Co. and United Transportation Union (E).
Gilbert H. Vernon 2	Eau Claire, WI	April 22, 1982	3154	Chicago and North Western Trans. Co. and United Transportation Union.
James R. Ryden 2	Chicago, IL	April 6, 1982	3155	Minnesota, Dakota and Western Rwy. Co. and International Brotherhood of Firemen and Oilers.
Harold M. Weston 2	New York, NY	April 5, 1982	3156	The Long Island Rail Road Co. and Brotherhood of Locomotive Engineers.
Robert A. Franden 2	Tulsa, OK	April 6, 1982	3157	Louisville and Nashville RR. Co. and American Train Dispatchers Association.
Nicholas H. Zumas 2	Washington, DC	April 9, 1982	3158	St. Louis Southwestern Rwy. Co. and United Transportation Union.
Harold M. Weston 2	New York, NY	April 9, 1982	3159	Burlington Northern, Inc., and United Transportation Union.
Arthur W. Black 2	Lakewood, OH	April 22, 1982	3161	Consolidated Rail Corp. and United Transportation Union (E).
Preston J. Moore 2	Oklahoma City, OK	April 20, 1982	3162	Terminal Railway Alabama State Docks and United Transportation Union.
Irving T. Bergman 2	Mineola, NY	April 22, 1982	3163	The Atchison, Topeka and Santa Fe Rwy. Co. and United Transportation Union (C-T-Y).
Harold M. Weston 2	New York, NY	April 23, 1982	3165	The Atchison, Topeka and Santa Fe Rwy. Co. (Northern and Southern Divisions) and Brotherhood of Locomotive Engineers.
John B. LaRocco 2	Sacramento, CA	April 20, 1982	3166	Chicago and North Western Trans. Co. and Brotherhood Railway Carmen of U.S. and Canada.
Joseph A. Sickles 2	Bethesda, MD	May 7, 1982	3168	Philadelphia, Bethlehem and New England RR. Co. and United Transportation Union (T-E).

See footnotes at end of table.

**1. Neutrals Appointed Pursuant to Public Law 89-456 (Public Law Boards), October 1, 1981, to September 30, 1982—
Continued**

Name	Residence	Date of Appointment	Public Law Board No.	Parties
Arthur T. Van Wart 2.....	Wilmington, DE.....	April 28, 1982.....	3169	Bangor and Aroostook RR. Co. and United Transportation Union.
Robert M. O'Brien 2.....	Boston, MA.....	April 20, 1982.....	3170	Florida East Coast Rwy. Co. and Florida Federation of RR. Employees.
Harold M. Weston 1.....	New York, NY.....	April 28, 1982.....	3171	The Chesapeake and Ohio Rwy. Co. and United Transportation Union.
John B. LaRocco 2.....	Sacramento, CA.....	April 29, 1982.....	3172	Southern Railway Co. and International Association of Machinists and Aerospace Workers.
A. Thomas Van Wart 2.....	Salem, NJ.....	April 27, 1982.....	3173	The Washington Terminal Co. and International Brotherhood of Electrical Workers.
Irwin M. Lieberman 2.....	Stamford, CT.....	April 27, 1982.....	3174	Union RR. Co. and United Steelworkers of America (AFL-CIO), Local 1913.
Rodney E. Dennis 2.....	New York, NY.....	May 3, 1982.....	3177	Kansas City Terminal (Directed Rail Carrier over the Chicago, Rock Island and Pacific RR. Co.) and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Martin Scheinman 2.....	Bayside, NY.....	May 3, 1982.....	3178	Central Vermont Rwy. Inc. and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.
Irwin M. Lieberman 2.....	Stamford, CT.....	May 4, 1982.....	3181	The Atchison, Topeka and Santa Fe Rwy. Co. and American Train Dispatchers Association.
David H. Brown 2.....	Sherman, TX.....	May 7, 1982.....	3183	Missouri Pacific RR. Co. and Brotherhood of Locomotive Engineers.
Peter Henle 2.....	Arlington, VA.....	May 10, 1982.....	3184	Norfolk and Western Rwy. Co. and Brotherhood of Locomotive Engineers.
Robert E. Peterson 2.....	Briarcliff Manor, NY.....	May 7, 1982.....	3185	Port Authority Trans-Hudson Corp. and Brotherhood Railway Carmen of U.S. and Canada.
A. R. Lowry 2.....	Annapolis, MD.....	May 7, 1982.....	3186	National RR. Passenger Corp. and Joint Council of Carmen, Helpers, Coach Cleaners and Apprentices.
Rodney E. Dennis 2.....	New York, NY.....	May 11, 1982.....	3188	National RR. Passenger Corp. and Amtrak Service Workers Council.
Harold M. Weston 2.....	New York, NY.....	May 13, 1982.....	3189	Louisville and Nashville RR. Co. and International Brotherhood of Electrical Workers.
Robert M. O'Brien 2.....	Boston, MA.....	May 17, 1982.....	3192	Ann Arbor RR. System and Brotherhood of Locomotive Engineers.
A. Thomas Van Wart 2.....	Salem, NJ.....	May 17, 1982.....	3193	Burlington Northern, Inc., and United Transportation Union (T).
Preston J. Moore 2.....	Oklahoma City, OK.....	May 17, 1982.....	3195	Norfolk and Western Rwy. Co. and United Transportation Union (T).
Edward L. Suntrup 2.....	Evanston, IL.....	May 26, 1982.....	3199	Union Pacific RR. Co. (Motive Power and Machinery Department) and International Brotherhood of Firemen and Oilers.
Joseph A. Sickles 2.....	Bethesda, MD.....	June 28, 1982.....	3217	Illinois Central Gulf RR. Co. and Brotherhood of Locomotive Engineers.

¹ Procedural

² Merits.

³ Previous Neutral resigned.

⁴ Previous Neutral deceased.

2. Arbitrators Appointed—Arbitration Boards, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Arbitration Board Case No.	Parties
John N. Gentry	Washington, DC	September 24, 1981	Arbitration No. 406	Chicago and North Western Transportation Co. and United Transportation Union.
Robert E. Peterson	New York, NY	January 11, 1982	Arbitration No. 407	The Atchison, Topeka and Santa Fe Ry. Co. and United Transportation Union.
Robert E. Peterson	New York, NY	January 18, 1982	Arbitration No. 408	Consolidated Rail Corporation and Railroad Yardmasters of America.
Irwin M. Lieberman	Stamford, CT	January 28, 1982	Arbitration No. 409	The Baltimore and Ohio RR Co. and American Train Dispatchers Association.
William E. Fredenberger, Jr.	Stafford, VA	February 16, 1982	Arbitration No. 410	Consolidated Rail Corporation and Brotherhood of Locomotive Engineers.
William E. Fredenberger, Jr.	Stafford, VA	March 23, 1982	Arbitration No. 411	Illinois Central Gulf RR. Co. and Brotherhood of Locomotive Engineers.

2a. Arbitrators Appointed—Task Force Arbitrations, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Task Force Board No.	Parties
Arthur T. Van Wart	Wilmington, DE	November 30, 1981	23	Baltimore and Ohio RR Co. and United Transportation Union (E-C-T).

2b. Arbitrators Selected—Interest Arbitration, October 1, 1981, to September 30, 1982

Name	Residence	Date of Panel	Case No.	Parties
Nicholas H. Zumas *	Washington, DC	October 19, 1981	A-10802	Branniff International Airways, Inc. and Air Line Pilots Association.

* Selected by the parties from a panel submitted by the National Mediation Board.

3. Neutrals Appointed—Special Boards of Adjustment, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Special Board No.	Parties
Jack A. Warshaw 1	Bethesda, MD	March 23, 1982	100	St. Louis Southwestern Rwy. Co. and United Transportation Union (T).
Nicholas H. Zumas 3	Washington, DC	November 9, 1981	180	Southern Pacific Transportation Co. and Brotherhood of Locomotive Engineers.
Nicholas H. Zumas 3	Washington, DC	November 9, 1981	182	Southern Pacific Transportation Co. and Brotherhood of Locomotive Engineers.
Gilbert H. Vernon 2	Eau Claire, WI	March 1, 1982	570	National Railway Labor Conference and various shop crafts (formerly RED).
Martin F. Scheinman 2	Bayside, NY	March 1, 1982	570	National Railway Labor Conference and various shop crafts (formerly RED).
John B. LaRocco 2	Sacramento, CA	March 1, 1982	570	National Railway Labor Conference and various shop crafts (formerly RED).
Irving T. Bergman 1	Mineola, NY	May 11, 1982	884	The Long Island Rail Road Co. and United Transportation Union.
Rodney E. Dennis 1	New York, NY	May 13, 1982	884	The Long Island Rail Road Co. and United Transportation Union.
Gilbert H. Vernon	Eau Claire, WI	July 12, 1982	911	Seaboard Coast Line RR. Co. and International Association of Machinists and Aerospace Workers.
Arthur T. Van Wart	Wilmington, DE	July 26, 1982	912	Norfolk and Western Rwy. Co. on the Sandusky District of the Scioto Division and United Transportation Union.
Nicholas H. Zumas	Washington, DC	September 15, 1982	915	New York Dock Railway and Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.

¹ Previous Neutral resigned.

² Previous Neutral's term expired.

³ Previous Neutral revoked.

4. Neutrals Nominated Pursuant to Union Shop Agreements, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Carrier	Organization	Individual Involved
John N. Gentry	Washington, DC.....	December 8, 1981.....	The Atchison, Topeka and Santa Fe Rwy. Co.	Brotherhood of Railroad Signalmen	F. D. Williamson.
Paul J. Fasser, Jr.	Vienna, VA.....	December 8, 1981.....	The Atchison, Topeka and Santa Fe Rwy. Co.	Brotherhood of Railroad Signalmen	J. A. Slentz.
William E. Fredenberger, Jr..	Stafford, VA	December 18, 1981.....	Norfolk and Western Rwy. Co...	Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees.	Clarence Wallace.
Lawrence L. Schultz ...	Washington, DC.....	April 21, 1982	National Railroad Passenger Corp.	Joint Council of Carmen, Helpers, Coach Cleaners & Apprentices.	James C. Peterson.
George S. Roukis	Manhasset Hills, NY	June 7, 1982	Consolidated Rail Corp	International Brotherhood of Electrical Workers.	Michael Nocera.
George S. Roukis	Manhasset Hills, NY	June 14, 1982	Consolidated Rail Corp	International Brotherhood of Electrical Workers.	V. Mastrullo.
Lawrence L. Schultz ...	Washington, DC.....	June 14, 1982	National Railroad Passenger Corp.	International Association of Machinists and Aerospace Workers.	Harry Piechocki.
David M. Beckerman.....	West Orange, NJ.....	June 21, 1982	Consolidated Rail Corp	International Brotherhood of Electrical Workers.	Gaetano Cantiello.
H. Stephen Gordon.....	Silver Spring, MD.....	September 13, 1982	National Railroad Passenger Corp.	Joint Council of Carmen, Helpers, Coach Cleaners & Apprentices.	Markeither Drake.

5. Referees Appointed—System Boards of Adjustment (Airlines), October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Parties
Panel submitted on October 2, 1981, but parties disposed of dispute prior to arbitration (Two panels).....			Transamerica Airlines, Inc., and Air Line Pilots Association.
George S. Ives*	Sarasota, FL	Oct. 7, 1981	Ross Aviation, Inc., and Union of Professional Airmen.
Panel submitted on October 8, 1981 but parties selected their own arbitrator			Pan American World Airways, Inc., and Independent Union of Flight Attendants.
Alfred G. Albert	Scottsdale, AZ.....	Oct. 13, 1981.....	Alaska Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Warren S. Lane*	Lakeland, FL.....	Oct. 13, 1981.....	Puerto Rico International Airlines, Inc., and International Association of Machinists and Aerospace Space Workers.
Jerome H. Ross**	McLean, VA	Oct. 13, 1981.....	Alaska Airlines, Inc., and International Association of Machinists and Aerospace Workers.
George S. Ives	Sarasota, FL	Oct. 13, 1981.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
Panel submitted on October 13, 1981 but parties selected their own arbitrator.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Robert B. Lubic	Washington, DC.....	Oct. 13, 1981.....	Reading Aviation Service, Inc., and United Automobile, Aircraft, Agricultural Implement Workers of America.
Peter Henle.....	Arlington, VA	Oct. 14, 1981.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
Beatrice M. Burgoon	Alexandria, VA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Kenneth Cloke	Los Angeles, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Paul J. Fasser	Vienna, VA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
William E. Fredenberger, Jr.....	Stafford, VA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
John N. Gentry	Washington, DC.....	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Peter Henle.....	Arlington, VA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
John R. Hill.....	Santa Barbara, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Leo Kotin.....	Studio City, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
John B. LaRocco.....	Sacramento, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
William Levin.....	North Hollywood, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Geraldine M. Randall.....	Greenbrae, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Thomas T. Roberts.....	Rolling Hills Estates, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Jerome H. Ross	McLean, VA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Tedford E. Schoonover	Colorado Springs, CO	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Charles W. Steese	Los Angeles, CA	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Jack A. Warshaw	Bethesda, MD	Oct. 20, 1981.....	Western Airlines, Inc., and Air Transport Employees.
Marshall Ross*	Del Mar, CA	Oct. 27, 1981.....	Mexicana Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Richard R. Kasher*	Bryn Mawr, PA	Oct. 27, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
John J. Mangan*	Delray Beach, FL.....	Oct. 29, 1981.....	Air Florida and Air Florida Flight Attendants Association.
William E. Fredenberger, Jr.*	Stafford, VA	Oct. 29, 1981.....	Air Florida and Air Florida Flight Attendants Association.
Warren S. Lane*	Lakeland, FL.....	Oct. 29, 1981.....	Air Florida and Air Florida Flight Attendants Association.
Panel submitted on November 5, 1981, but parties settled dispute prior to arbitration			Pan American World Airways, Inc., and Independent Union of Flight Attendants.
William E. Fredenberger, Jr.*	Stafford, VA	Nov. 9, 1981	Puerto Rico International Airlines, Inc., and Aviation Employees Association.
John P. Mead*	Key Biscayne, FL.....	Nov. 9, 1981	Puerto Rico International Airlines, Inc., and Aviation Employees Association.

See footnotes at end of table.

5. Referees Appointed—System Boards of Adjustment (Airlines), October 1, 1981, to September 30, 1982—Continued

Name	Residence	Date of Appointment	Parties
Laurence E. Seibel.....	Washington, DC.....	Nov. 12, 1981.....	Airlift International, Inc., and Air Line Pilots Association.
Bernard L. Balicer*.....	Short Hills, NJ.....	Nov. 13, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
George S. Ives*.....	Sarasota, FL.....	Nov. 16, 1981.....	Taca International Airlines, S.A. and Air Line Pilots Association.
Armon Barsamian*.....	San Rafael, CA.....	Nov. 16, 1981.....	Transamerica Airlines, Inc., and Air Line Pilots Association.
Two panels submitted on November 16, 1981, but parties settled disputes prior to arbitration.....			Transamerica Airlines, Inc., and Air Line Pilots Association.
Harvey Letter*.....	Palo Alto, CA.....	Nov. 16, 1981.....	Transamerica Airlines, Inc., and Air Line Pilots Association.
Max Rotenberg.....	Minneapolis, MN.....	Nov. 17, 1981.....	Air Wisconsin and International Association of Machinists and Aerospace Workers.
George Jacobs.....	Pittsburgh, PA.....	Nov. 19, 1981.....	Air Wisconsin and International Association of Machinists and Aerospace Workers.
Four panels submitted on November 20, 1981, but parties settled disputes prior to arbitration.....			Pan American World Airways, Inc., and Transport Workers Union of America.
Herbert L. Marx, Jr.*.....	New York, NY.....	Nov. 20, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Eckehard Muessig.....	Arlington, VA.....	Nov. 20, 1981.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
William E. Fredenberger, Jr.*.....	Stafford, VA.....	Nov. 24, 1981.....	Taca International Airlines, S.A., and International Association of Machinists and Aerospace Workers.
Jack A. Warshaw.....	Bethesda, MD.....	Nov. 24, 1981.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
George S. Ives.....	Sarasota, FL.....	Nov. 25, 1981.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
Harold Kramer*.....	Miami Beach, FL.....	Dec. 2, 1981.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
William P. Murphy.....	Chapel Hill, NC.....	Dec. 4, 1981.....	Piedmont Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Thomas T. Roberts*.....	Rolling Hills Estates, CA.....	Dec. 7, 1981.....	Alaska Airlines, Inc., and Air Line Pilots Association.
Norman H. Greer*.....	Los Angeles, CA.....	Dec. 7, 1981.....	Alaska Airlines, Inc., and Air Line Pilots Association.
Anthony V. Sinicropi.....	Iowa City, Iowa.....	Dec. 7, 1981.....	Alaska Airlines, Inc., and Air Line Pilots Association.
George Jacobs*.....	Hopkins, MN.....	Dec. 14, 1981.....	Mississippi Valley Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Tedford E. Schoonover*.....	Colorado Springs, CO.....	Dec. 17, 1981.....	Braniff International Airlines, Inc., and International Brotherhood of Teamsters.
Anne Harmon Miller*.....	Glenview, IL.....	Dec. 18, 1981.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
John J. Mangan*.....	Delray Beach, FL.....	Dec. 18, 1981.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Warren S. Lane*.....	Lakeland, FL.....	Dec. 18, 1981.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
J. Thomas Rimer*.....	Atlanta, GA.....	Dec. 18, 1981.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Warren S. Lane*.....	Lakeland, FL.....	Dec. 28, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
W. Lloyd Lane*.....	Titusville, FL.....	Dec. 28, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Anne H. Woolf*.....	Norman, OK.....	Dec. 28, 1981.....	Braniff International Airlines, Inc., and Association of Flight Attendants.
John P. Linn*.....	Denver, CO.....	Dec. 28, 1981.....	Frontier Airlines, Inc., and Association of Flight Attendants.
Henry L. Sisk*.....	Denton, TX.....	Dec. 28, 1981.....	Frontier Airlines, Inc., and Association of Flight Attendants.
W. Lloyd Lane*.....	Titusville, FL.....	Dec. 28, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Barbara W. Doering*.....	Orinda, CA.....	Dec. 28, 1981.....	Transamerica Airlines, Inc., and Association of Flight Attendants.
Kenneth Cloke*.....	Los Angeles, CA.....	Dec. 28, 1981.....	Transamerica Airlines Inc., and Association of Flight Attendants.
Charles M. Rehms*.....	Ithaca, NY.....	Dec. 29, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Philip Ross*.....	New York, NY.....	Dec. 29, 1981.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Henry L. Sisk*.....	Denton, TX.....	Jan. 6, 1982.....	Braniff International Airlines, Inc., and International Brotherhood of Teamsters and International Association of Machinists and Aerospace Workers (Jurisdictional Dispute).
Paul J. Fasser.....	Vienna, VA.....	Jan. 12, 1982.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
John J. Gaherin.....	Bradenton, FL.....	Jan. 12, 1982.....	Eastern Air Lines, Inc., and Transport Workers Union of America.
Arthur Stark*.....	New York, NY.....	Jan. 12, 1982.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
David E. Feller*.....	Berkeley, CA.....	Jan. 12, 1982.....	Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on January 12, 1982, but parties resolved dispute prior to arbitration.....			Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Armon Barsamian.....	San Rafael, CA.....	Jan. 12, 1982.....	Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Two panels submitted on January 12, 1982, but parties have not selected an arbitrator.....			Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Two panels submitted on February 1, 1982, but parties have selected their own arbitrator.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.

See footnotes at end of table.

5. Referees Appointed—System Boards of Adjustment (Airlines), October 1, 1981, to September 30, 1982—Continued

Name	Residence	Date of Appointment	Parties
Panel submitted on February 1, 1982, but parties have selected their own arbitrator			Laca Airlines, Inc., and International Brotherhood of Teamsters.
Howard G. Ganser*	Washington, DC	Feb. 1, 1982	Piedmont Airlines, Inc., and Association of Flight Attendants.
James F. Searce*	Atlanta, GA	Feb. 1, 1982	Piedmont Airlines, Inc., and Association of Flight Attendants.
Frederick R. Livingston	New York, NY	Feb. 2, 1982	Pan American World Airways, Inc., and Transport Workers Union of America.
Panel submitted on February 2, 1982, but parties resolved dispute without arbitration			Pan American World Airways, Inc., and Transport Workers Union of America.
Arthur Stark*	New York, NY	Feb. 2, 1982	Pan American World Airways, Inc., and Transport Workers Union of America.
Jerome H. Ross	McLean, VA	Feb. 8, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
L. Lawrence Schultz	Washington, DC	Feb. 8, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
L. Lawrence Schultz*	Washington, DC	Feb. 5, 1982	Pan American World Airways, Inc., and Transport Workers Union of America.
Robert G. Meiners*	San Diego, CA	Feb. 9, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
John N. Gentry	Washington, DC	Feb. 9, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Charles Feigenbaum	Wheaton, MD	Feb. 22, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Paul J. Fasser	Vienna, VA	Feb. 22, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Two panels submitted on February 24, 1982, but parties have not selected an arbitrator			Flying Tiger Lines, Inc., and Air Line Pilots Association.
Six panels submitted on February 24, 1982, but parties resolved dispute without arbitration			Flying Tigers Lines, Inc., and Air Line Pilots Association.
Thomas G. S. Christensen*	New York, NY	March 1, 1982	Pan American World Airways, Inc., and Transport Workers Union of America.
Two panels submitted on March 1, 1982, but parties selected their own arbitrator			Braniff International Airways and Air Line Pilots Association.
Arnold M. Zack*	Boston, MA	March 2, 1982	Alaska Airlines, Inc., and Association of Flight Attendants.
William E. Fredenberger, Jr.	Stafford, VA	March 9, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Charles W. Steese	Los Angeles, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Thomas T. Roberts	Rolling Hills Estates, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Geraldine M. Randall	San Anselmo, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
David C. Nevins	San Francisco, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Jonathan S. Monat	Long Beach, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Emily Maloney	Santa Cruz, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
William Levin	North Hollywood, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
J. William Lawder	Palo Alto, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Walter N. Kaufman	San Diego, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Kenneth Cloke	Los Angeles, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Barbara W. Doering	Orinda, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
William Eaton	San Francisco, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Sam Kagel	San Francisco, CA	March 9, 1982	Continental Airlines, Inc., and Union of Flight Attendants.
Panel submitted on March 10, 1982, but parties selected their own arbitrator			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Edward Levin*	New York, NY	March 11, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
Arnold M. Zack*	New York, NY	March 11, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
Eckehard Muessig	Arlington, VA	March 17, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Louis M. Zigman*	Los Angeles, CA	March 18, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
Barbara Doering*	Orinda, CA	March 18, 1982	Transamerica Airlines, Inc., and Association of Flight Attendants.
Anne H. Miller*	Glenview, IL	March 18, 1982	Transamerica Airlines, Inc., and Association of Flight Attendants.
Albert A. Blum*	Chicago, IL	March 18, 1982	Transamerica Airlines, Inc., and Association of Flight Attendants.
W. Lloyd Lane	Titusville, FL	March 19, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
James F. Searce	Atlanta, GA	March 19, 1982	Eastern Airlines Inc., and Transport Workers Union of America.
Panel submitted on March 24, 1982, but arbitrators were not used			Western Airlines, Inc., and Air Transport Employees.
Panel submitted on March 25, 1982 but parties selected their own arbitrator			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Harold Kramer*	Miami Beach, FL	March 29, 1982	Puerto Rico International Airlines, Inc., and Aviation Employees Association.
William E. Fredenberger, Jr.	Stafford, VA	March 30, 1982	Ozark Air Lines, Inc., and Air Line Pilots Association.
Eckehard Muessig	Arlington, VA	March 30, 1982	U.S. Air, Inc., and International Association of Machinists and Aerospace Workers.
James F. Searce	Atlanta, GA	March 31, 1982	Braniff International Airlines, Inc., and Association of Flight Attendants.
Panel submitted on April 1, 1982, but arbitrator has not been selected as yet			Transamerica Airlines, Inc., and International Brotherhood of Teamsters.
Six panels submitted on April 1, 1982, but parties resolved disputes without arbitration			Transamerica Airlines, Inc., and Air Line Pilots Association.
John Phillip Linn*	Denver, CO	April 1, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
Harvey Letter*	Palo Alto, CA	April 1, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
Bert L. Luskin*	Chicago, IL	April 1, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
Panel submitted on April 1, 1982, but parties resolved dispute prior to arbitration			Tan Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Robert B. Lubic	Washington, DC	April 2, 1982	Ozark Air Lines, Inc., and Air Line Pilots Association.
Peter Henle	Arlington, VA	April 9, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.

See footnotes at end of table.

5. Referees Appointed—System Boards of Adjustment (Airlines), October 1, 1981, to September 30, 1982—Continued

Name	Residence	Date of Appointment	Parties
John N. Gentry	Washington, DC	April 19, 1982	Sabena Belgian World Airlines, Inc., and Transport Workers Union of America.
Arnold M. Zack*	Boston, MA	April 27, 1982	Iberia Air Lines, Inc., and International Association of Machinists and Aerospace Workers.
Jack A. Warshaw	Bethesda, MD	April 28, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Charles W. Steese*	Los Angeles, CA	May 4, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
John J. Gaherin*	Bradenton, FL	May 10, 1982	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Panel submitted on May 10, 1982, but parties settled dispute prior to arbitration			Puerto Rico International Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on May 14, 1982, but parties have not selected an arbitrator			Alaska Airlines, Inc., and Air Line Pilots Association.
Thomas T. Roberts*	Rolling Hills Estates, CA	May 17, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
Jack W. Cassle*	Cheyenne, WY	May 17, 1982	Southwest Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on May 19, 1982, but parties resolved dispute without arbitration			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Jack W. Cassle	Cheyenne, WY	May 26, 1982	Aspen Airways, Inc., and Air Line Pilots Association.
John P. Mead*	Key Biscayne, FL	June 2, 1982	LAB Airlines, Inc., and International Brotherhood of Teamsters.
Panel submitted on June 2, 1982, but parties resolved dispute without arbitration			Southwest Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Robert B. Lagather	Arlington, VA	June 2, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Lewis M. Gill*	Merion, PA	June 3, 1982	Compania Mexicana de Aviacion, S.A. (Mexicana Airlines) and International Association of Machinists and Aerospace Workers.
George S. Ives	Sarasota, FL	June 3, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Howard G. Gamser	Washington, DC	June 3, 1982	Ozark Air Lines, Inc., and Air Line Pilots Association.
George S. Roukis	Manhasset Hills, NY	June 3, 1982	Ozark Air Lines, Inc., and Air Line Pilots Association.
Panel submitted on June 3, 1982, but parties selected their own arbitrator			Southwest Airlines, Inc., and International Association of Machinists and Aerospace Workers.
James J. Sherman	Tampa, FL	June 4, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
John J. Gaherin*	Bradenton, FL	June 11, 1982	Lacsa Airlines, Inc., and International Brotherhood of Teamsters.
David H. Stowe	Bethesda, MD	June 11, 1982	Ozark Air Lines, Inc., and Air Line Pilots Association.
Leo Weiss*	Orange, CA	June 14, 1982	Transamerica Airlines, Inc., and Air Line Pilots Association.
David H. Stowe	Bethesda, MD	June 15, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Florian Bartosic*	Davis, CA	June 18, 1982	Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Thomas T. Robert*	Rolling Hills Estates, CA	June 18, 1982	Mexicana Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on June 22, 1982, but parties settled dispute prior to arbitration			Puerto Rico International Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on June 23, 1982, but parties settled dispute prior to arbitration			Puerto Rico International Airlines, Inc., and International Association of Machinists and Aerospace Workers.
L. Lawrence Schultz	Washington, DC	June 29, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Ida Klaus*	New York, NY	July 1, 1982	Air North, Inc., and Air Line Pilots Association.
Joseph A. Sinclitico*	Tacoma, WA	July 7, 1982	Alaska Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Richard R. Kasher*	Bryn Mawr, PA	July 16, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
William E. Fredenberger, Jr.*	Stafford, VA	July 16, 1982	Pan American World Airways, Inc., and Independent Union of Flight Attendants.
John J. Gaherin*	Bradenton, FL	July 19, 1982	Lacsa Airlines, Inc., and International Brotherhood of Teamsters.
Two panels submitted on July 21, 1982, but arbitrators have not been selected			Transamerica Airlines, Inc., and Air Line Pilots Association.
Panel submitted on July 23, 1982, but arbitrator has not been selected			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
James J. Sherman*	Tampa, FL	July 23, 1982	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Panel submitted on July 23, 1982, but parties selected their own arbitrator			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
W. Lloyd Lane	Titusville, FL	July 27, 1982	Eastern Air Lines, Inc., and Transport Workers Union of America.
Seymour Strongin*	Washington, DC	July 30, 1982	Alaska International Air and Associated Pilots of Alaska International Air.
Mark Paulos	Oceanside, CA	Aug. 2, 1982	Mexicana Airlines, Inc., and International Association of Machinists and Aerospace Workers.
H. Stephen Gordon	Silver Spring, MD	Aug. 2, 1982	Air Florida, Inc., and International Association of Machinists and Aerospace Workers.
Two panels submitted on August 3, 1982, but parties resolved disputes to arbitration			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Louis Yagoda*	New Rochelle, NY	Aug. 3, 1982	Pan American World Airways, Inc., and International Union of Flight Attendants.
William B. Gould*	Stanford, CA	Aug. 9, 1982	Alaska Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Lawrence I. Hammer*	Massapequa, NY	Aug. 24, 1982	Pan American World Airways, Inc., and International Union of Flight Attendants.

See footnotes at end of table.

5. Referees Appointed—System Boards of Adjustment (Airlines), October 1, 1981, to September 30, 1982—Continued

Name	Residence	Date of Appointment	Parties
Panel submitted on August 24, 1982, but no arbitrator has been selected.....			Frontier Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Clara H. Friedman*	New York, NY.....	Aug. 25, 1982.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Panel submitted on August 30, 1982, but parties have not selected an arbitrator.....			Aer Lingus, Inc., and International Association of Machinists and Aerospace Workers.
Lloyd H. Bailer.....	Los Angeles, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Jack W. Cassle.....	Cheyenne, WY.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
David A. Concepcion.....	Berkeley, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
William Eaton.....	San Francisco, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
David E. Feller.....	Berkeley, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
William B. Gould.....	Stanford, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Norman Greer.....	Los Angeles, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Joe H. Henderson.....	Santa Rosa, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Edgar A. Jones, Jr.....	Santa Monica, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Walter N. Kaufman.....	San Diego, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Leo Kotin.....	Studio City, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Adolph M. Koven.....	San Francisco, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Robert M. Leventhal.....	Culver City, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
William Levin.....	North Hollywood, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Herman M. Levy.....	Santa Clara, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Robert G. Meiners.....	San Diego, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Thomas T. Roberts.....	Rolling Hills Estates, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
William S. Rule.....	Tancho Santa Fe, CA.....	Aug. 30, 1982.....	Western Airlines, Inc., and Air Transport Employees.
Panel submitted on September 2, 1982, but no arbitrator has been selected.....			Philippine Airlines, Inc., and International Association of Machinists and Aerospace Workers.
Panel submitted on September 2, 1982, but parties resolved dispute prior to arbitration.....			Pan American World Airways, Inc., and Independent Union of Flight Attendants.
Three panels submitted on September 3, 1982, but parties resolved disputes prior to arbitration.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Two panels submitted on September 3, 1982, but parties selected their own arbitrator.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
E. J. Forsythe *	Detroit, MI.....	Sept. 7, 1982.....	Republic Airlines, Inc., and Transport Workers Union of America.
George S. Roukis *	Manhasset Hills, NY.....	Sept. 7, 1982.....	Pan American World Airways, Inc., and Transport Workers Union of America.
Geraldine M. Randall *	San Anselmo, CA.....	Sept. 9, 1982.....	Transamerica Air Lines, Inc., and Association of Flight Attendants.
Panel submitted on September 13, 1982, but parties resolved dispute prior to arbitration.....			Pan American World Airways, Inc., and Transport Workers Union of America.
Two panels submitted on September 16, 1982, but parties resolved disputes prior to arbitration.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.
George S. Roukis *	Manhasset Hills, NY.....	Sept. 16, 1982.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
Clara H. Friedman *	New York, NY.....	Sept. 16, 1982.....	Pan American World Airways, Inc., and International Brotherhood of Teamsters.
J. Thomas Rimer *	Atlanta, GA.....	Sept. 16, 1982.....	Puerto Rico International Airlines, Inc., and Air Line Pilots Association.
William E. Fredenberger, Jr. *	Stafford, Va.....	Sept. 22, 1982.....	Air Florida, Inc., and International Association of Machinists and Aerospace Workers.
Joseph S. Kane *	Seattle, WA.....	Sept. 22, 1982.....	Alaska Airlines, Inc., and International Association of Machinists and Aerospace Workers.
L. Lawrence Schultz.....	Washington, DC.....	Sept. 24, 1982.....	Continental Airlines, Inc., and Union of Flight Attendants.
Four panels submitted on September 28, 1982, but parties resolved disputes prior to arbitration.....			Pan American World Airways, Inc., and International Brotherhood of Teamsters.

* Selected from a panel submitted by National Mediation Board.

** Former neutral withdrew.

5a. Arbitrators Appointed—CAB Labor Protective Provisions, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Parties
Panel submitted on October 7, 1981, but parties have not selected an arbitrator.....			Pan American World Airways, Inc., and National Airlines, Inc.—J. D. Harris.
William M. Edgett*	Ellicott City, MD.....	Oct. 15, 1981.....	Pan American World Airways, Inc., and National Airlines, Inc.—J. P. Sospenzo.
Wayne Horvitz**	Washington, DC.....	Oct. 30, 1981.....	Republic Airlines, Inc., and Air Line Pilots Association Fence Agreement
Edgar A. Jones*	Los Angeles, CA.....	Dec. 1, 1981.....	Flying Tiger Lines, Inc.—Seaboard World Airlines, Inc., and International Brotherhood of Teamsters—Integration of Seniority Lists of Flight Attendants.
Panel submitted on December 28, 1981, but parties have not selected an arbitrator.....			Flying Tiger Lines, Inc.—Seaboard World Airlines, Inc.—Frederick H. Pfeiffer.
Panel submitted on January 4, 1982, but parties selected their own arbitrator.....			Flying Tiger Lines, Inc.—Seaboard World Airlines, Inc.—56 former Seaboard World Airlines Employees.
Burton B. Turkus*	New York, NY.....	Jan. 15, 1982.....	Pan American World Airways, Inc., and National Airlines, Inc.—Edward J. Boyd.

See footnotes at end of table.

5a. Arbitrators Appointed—CAB Labor Protective Provisions, October 1, 1981, to September 30, 1982—Continued

Name	Residence	Date of Appointment	Parties
John P. Mead*	Key Biscayne, FL	Feb. 16, 1982	Pan American World Airways, Inc., and National Airlines, Inc.—William McAuliff.
James F. Scearce*	Atlanta, GA	Feb. 16, 1982	Pan American World Airways, Inc., and National Airlines, Inc.—John Wonsik.
David E. Feller*	Berkeley, CA	April 8, 1982	Alaska International Air and Great Northern Airlines, Inc.—Integration of Seniority Lists of Pilots.
Panel submitted on April 28, 1982, but parties have not selected an arbitrator.....			Flying Tiger Lines, Inc., and Seaboard World Airlines, Inc.—and International Association of Machinists and Aerospace Workers.
Second panel submitted on June 18, 1982, but parties have not selected an arbitrator.....			Pan American World Airways, Inc., and National Airlines, Inc.—Joe D. Harris
John N. Gentry*	Washington, DC	June 2, 1982	Flying Tiger Line, Inc.—Termination of Elizabeth McCann.
Armon Barsamian*	San Rafael, CA	July 6, 1982	Flying Tiger Line, Inc.—CAB Docket No. 33712, Barneia et al vs. The Flying Tiger Line.
Herman M. Levy*	Santa Clara, CA	July 9, 1982	Flying Tiger Line, Inc.—Seaboard World Airlines, Inc., and Association of Flight Attendants—Integration of Seniority Lists of Flight Attendants (Dispute pending prior to certification).
Clara H. Friedman*	New York, NY	July 16, 1982	Pan American World Airways, Inc., and National Airlines, Inc.—Frank R. Gick, Jr.
Panel submitted on September 22, 1982, but parties have not selected an arbitrator.....			Pan American World Airways, Inc., and National Airlines, Inc.—Louis Dion.
Panel submitted on September 23, 1982, but parties have not selected an arbitrator.....			Flying Tiger Lines, Inc., and Seaboard World Airlines, Inc.—John Godwin.

*Selected from panel submitted by National Mediation Board.

**Selected from second panel submitted by National Mediation Board.

5b. Neutrals Appointed Pursuant to Interstate Commerce Commission's Orders, October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Parties
Joseph A. Sickles	Bethesda, MD	Oct. 2, 1981	Norfolk and Western Railway Company, Illinois Terminal Railroad Company, United Transportation Union, and Railroad Yardmasters of America.
Nicholas H. Zumas	Washington, DC	Oct. 14, 1981	Norfolk and Western Railway Company, Illinois Terminal Railroad Company, United Transportation Union, and Brotherhood of Locomotive Engineers.
Leverett Edwards	Fort Worth, TX	Oct. 14, 1981	Norfolk and Western Railway Company, Illinois Terminal Railroad Company and United Transportation Union.
William E. Fredenberger, Jr.	Stafford, VA	Nov. 5, 1981	Central of Georgia Railroad Company—Lease—Southern Railway Company.
William E. Fredenberger, Jr.	Stafford, VA	Nov. 24, 1981	The Chesapeake and Ohio Railway Company, Great Lakes Licensed Officers Organization, National Maritime Union of America, and Great Lakes and Rivers District Masters, Mates, and Pilots (Abandonment).
Joseph A. Sickles	Bethesda, MD	Dec. 18, 1981	The Chesapeake and Ohio Railway Company and Great Lakes and Rivers District Masters, Mates and Pilots (Abandonment).
William F. Fredenberger, Jr.	Stafford, VA	Dec. 8, 1981	Southern Railway Company, Kentucky and Indiana Terminal Railroad Company and Brotherhood of Railroad Signalmen (Coordination of signal facilities).
William E. Fredenberger, Jr.	Stafford, VA	Dec. 30, 1981	Chicago and North Western Transportation Company and United Transportation Union (Trackage Rights Acquisition).
Eckehard Muessig	Arlington, VA	Feb. 5, 1982	Chicago and North Western Transportation Company and United Transportation Union (Abandonment).
Eckehard Muessig	Arlington, VA	Feb. 17, 1982	Chicago and North Western Transportation Company and Brotherhood of Locomotive Engineers (Abandonment).
Peter Henle	Arlington, VA	Feb. 18, 1982	Illinois Central Gulf Railroad Company and United Transportation Union (Abandonment).
Peter Henle	Arlington, VA	March 1, 1982	Chicago and North Western Transportation Company and United Transportation Union (Abandonment).
Joseph A. Sickles	Bethesda, MD	April 8, 1982	Missouri Pacific Railroad Company—Texas and Pacific Railroad Company—Merger—Brotherhood Railway Carmen of United States and Canada.
Jack W. Cassle	Cheyenne, WY	June 24, 1982	Butte, Anaconda and Pacific Railway Company and United Transportation Union.
William E. Fredenberger, Jr.	Stafford, VA	June 29, 1982	Chicago and North Western Transportation Company and United Transportation Union (Abandonment).
Peter Henle	Arlington, VA	June 30, 1982	The Atchison, Topeka and Santa Fe Railway Company and Brotherhood of Locomotive Engineers (Abandonment).
William E. Fredenberger, Jr.	Stafford, VA	July 6, 1982	The Denver and Rio Grande Western Railroad Company, United Transportation Union, Brotherhood Railway Carmen of United States and Canada (Abandonment).
William E. Fredenberger, Jr.	Stafford, VA	Aug. 10, 1982	The Denver and Rio Grande Western Railroad Company and International Brotherhood of Firemen and Oilers Claim of Steve D. Jackson for separation allowance.
H. Stephen Gordon	Silver Spring, MD	Sept. 9, 1982	Delaware and Hudson Railroad Company and Brotherhood Railway Carmen of United States and Canada (Acquisition).

6. Neutral Referees Appointed Pursuant to Public Law 91-518—Rail Passenger Service Act of 1970 (Amtrak), October 1, 1981 to September 30, 1982

Name	Residence	Date of Appointment	Amtrak No.	Parties
Eckehard Muessig	Arlington, VA	Oct. 9, 1981	26-11	Edward R. Exson, Charlie Parks, Willie A. Dupree, John W. Pauline, individually, and as representatives of their class; and, Seaboard Coast Line Railroad Company, Joint Council of Dining Car Employees, Hotel and Restaurant Employees and Bartenders International Union, Hotel and Restaurant Employees and Bartenders International Local 495, Sleeping Car Porters (Displacement Allowance).
Arthur T. Van Wart	Wilmington, DE	Nov. 30, 1981	27-11	Norfolk and Western Railway Company and Brotherhood of Locomotive Engineers (Claim of Engineer G. F. Chadwick).
Gilbert H. Vernon	Eau Claire, WI	Dec. 29, 1981	28-11	Seaboard Coast Line Railroad Company and International Association of Machinists and Aerospace Workers (Claim of Machinist W. N. Berry, Jr. for all pay and benefits lost as a result of Carrier's failure to grant him priority of reemployment).
Joseph A. Sickles	Bethesda, MD	June 14, 1982	29-11	Illinois Central Gulf Railroad Company and Brotherhood of Locomotive Engineers (Claims of Engineer A. L. Atkinson, requesting Amtrak Guarantee make-up pay, for various amounts for various months, between November 1973 and October 1979, inclusive).

7. Arbitrators Appointed Pursuant to Public Law 93-236—Regional Rail Reorganization Act of 1973 (ConRail), October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Con Rail No.	Individuals Involved
James Parmenter	Effingham, IL	Jan. 27, 1982	24	Theodore B. Eirhart (To determine the value of real estate owned).
Panel submitted on February 12, 1982, but no arbitrator has been selected			25	Irene Straub Baxter (Monthly Displacement Allowance).
Panel submitted on June 7, 1982, but no arbitrator has been selected			26	Christopher J. Mulligan (Notice of Intention to Conduct an Arbitration).
Ralph Winkler*	Bethesda, MD	July 7, 1982	27	Joseph Kepner (Entitlement to Pension Benefits).
Rev. Francis X. Quinn*	Longport, NJ	Aug. 9, 1982	28	Thomas E. Tisza (Benefits).

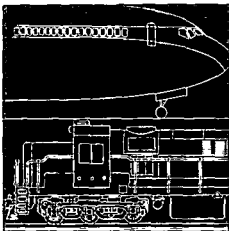
*Selected from a panel submitted by the National Mediation Board.

8. Public Members Appointed to Fact-Finding Panels Established Pursuant to Section 509 of the Rail Passenger Service Act, as Amended by the Northeast Rail Service Act of 1981 (Public Law 97-35), October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Parties
Maynard E. Parks	Bellington, WA	June 4, 1982	New Jersey Transit Rail Operations, Inc. and the Brotherhood of Locomotive Engineers and the United Transportation Union. Commuter Services Corporation and (Operating) Brotherhood of Locomotive Engineers and United Transportation Union (T) and United Transportation Union (E) (Non-Operating); American Railway and Airway Supervisors Association; American Train Dispatchers Association; Brotherhood of Maintenance of Way Employees; Brotherhood of Railroad Signalmen; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Railroad Yardmasters of America; Brotherhood of Railway Carmen of the United States and Canada; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers and Blacksmiths; International Brotherhood of Electrical Workers; International Brotherhood of Firemen and Oilers; Sheet Metal Workers International Association; Transport Workers Union of America; and International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.
Fred Blackwell	Gaithersburg, MD	June 15, 1982	

8a. Arbitrators Appointed Pursuant to Section 508 of the Rail Passenger Service Act, as Amended by the Northeast Rail Service Act of 1981 (Public Law 97-35), October 1, 1981, to September 30, 1982

Name	Residence	Date of Appointment	Parties
Fred Blackwell.....	Gaithersburg, MD.....	Sept. 14, 1982.....	Consolidated Rail Corporation; Metropolitan Transportation Authority—Metro North Commuter Rail Division; Brotherhood of Locomotive Engineers; United Transportation Union (C, T, and E) and Brotherhood of Railroad Signalmen.
Richard R. Kashner.....	Bryn Mawr, PA.....	Sept. 14, 1982.....	Consolidated Rail Corporation; New Jersey Transit Rail Operations, Inc.; American Train Dispatchers Association; ARASA Division, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood of Locomotive Engineers; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers and Blacksmiths; International Brotherhood of Electrical Workers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood Railway Carmen of the United States and Canada; International Brotherhood of Firemen and Oilers; International Brotherhood of Teamsters; Railroad Yardmasters of America; Sheet Metal Workers International Association; Transport Workers Union of America; United Transportation Union.
Francis X. Quinn.....	Longport, NJ.....	Sept. 14, 1982.....	Consolidated Rail Corporation; Southeastern Pennsylvania Transportation Authority; American Train Dispatchers Association; ARASA Division, Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood Railway Carmen of the United States and Canada; Brotherhood of Railroad Signalmen; International Association of Machinists, and Aerospace Workers; International Brotherhood of Boilermakers and Blacksmiths; International Brotherhood of Electrical Workers; International Brotherhood of Firemen and Oilers; International Brotherhood of Teamsters; Railroad Yardmasters of America; Sheet Metal Workers International Association; Transport Workers Union of America; and United Transportation Union.
Joseph A. Sickles.....	Bethesda, MD.....	Sept. 14, 1982.....	Consolidated Rail Corporation; Delaware Department of Transportation; Maryland Department of Transportation; American Train Dispatchers Association; ARASA, Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood Railway Carmen of the United States and Canada; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers and Blacksmiths; International Brotherhood of Electrical Workers; International Brotherhood of Firemen and Oilers; International Brotherhood of Teamsters; Railroad Yardmasters of America; Sheet Metal Workers International Association; Transport Workers Union of America; United Transportation Union.
Arthur T. Van Wart.....	Wilmington, DE.....	Sept. 14, 1982.....	Consolidated Rail Corporation; Amtrak Commuter Services Corporation d/b/a/ Northeast Commuter Services Corporation; American Train Dispatchers Association; ARASA Division, Brotherhood of Railway, Airline and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood of Locomotive Engineers; Brotherhood of Maintenance of Way Employees; Brotherhood of Railway, Airline, and Steamship Clerks, Freight Handlers, Express and Station Employees; Brotherhood Railway Carmen of the United States and Canada; Brotherhood of Railroad Signalmen; International Association of Machinists and Aerospace Workers; International Brotherhood of Boilermakers and Blacksmiths; International Brotherhood of Electrical Workers; International Brotherhood of Firemen and Oilers; International Brotherhood of Teamsters; Railroad Yardmasters of America; Sheet Metal Workers International Association; Transport Workers Union of America; United Transportation Union.



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