

NATIONAL MEDIATION BOARD

annual performance report

2001

FOR THE FISCAL YEAR ENDING SEPTEMBER 30, 2001



September 11, 2001

AMERICAN AIRLINES FLIGHT 11

Flight Crew

Captain John Ogonowski
First Officer Thomas McGuinness

Flight Attendants

Barbara Arestegui
Jeffrey Collman
Sara Low
Karen Martin
Kathleen Nicosia
Betty Ong
Jean Roger
Dianne Snyder
Madeline Sweeney

UNITED AIRLINES FLIGHT 93

Flight Crew

Captain Jason Dahl
First Officer Leroy Homer

Flight Attendants

Wanda A. Green
Lorraine G. Bay
Sandra W. Bradshaw
CeeCee Lyles
Deborah A. Welsh

AMERICAN AIRLINES FLIGHT 77

Flight Crew

Captain Charles Burlingame
First Officer David Charlebois

Flight Attendants

Michele Heidenberger
Jennifer Lewis
Kenneth Lewis
Renee May

UNITED AIRLINES FLIGHT 175

Flight Crew

Captain Victor Saracini
First Officer Michael Horrocks

Flight Attendants

Robert J. Fangman
Amy N. Jarret
Amy R. King
Kathryn L. Yancy LaBorie
Alfred G. Marchand
Michael C. Tarrou
Alicia N. Titus



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board members and staff

BOARD MEMBERS



Francis J. Duggan,
Chairman
Confidential Assistant:
Barbara Casey



Magdalena G. Jacobsen,
Member
Confidential Assistant:
Joyce Beech



Ernest W. DuBester,
Member (resigned)
Confidential Assistant:
Rachel Farris (retired)

OFFICE OF THE CHIEF OF STAFF

Stephen E. Crable, Chief of Staff
Benetta Mansfield, Deputy Chief of Staff
James E. Armshaw, Public Information Officer (retired)
Anita Bonds, Administrative Assistant (Mediation Support)
Joyce Blackwell, Special Assistant to the Chief of Staff
Ronald M. Etters, Director, Center for Advanced Study of Law and Dispute Resolution Processes
Annie Kearney, Records Officer
Eric Weems, Paralegal Specialist (Mediation Coordinator)

MEDIATION/ADR

Lawrence E. Gibbons, Senior Mediator
John Schrage, Senior Mediator (ADR)
Patricia Sims, Senior Mediator

Mediators:

Samuel Cognata
Rich Frey
Richard Hanusz
Denise Hedges
Thomas Ingles (retired)
Zachery Jones
Jack Kane
Fred Leif
John Livingood
Gale Oppenberg
Les A. Parmelee
Laurette Piculin
Linda A. Puchala

REPRESENTATION AND LEGAL

Hearing Officers:

Mary L. Johnson (Senior)
Sean J. Rogers (Senior)
Susanna Fisher
Eileen M. Hennessey

Staff:

Libby Angelopoulos, Paralegal Specialist
Judy Femi, Freedom of Information Officer
Robin Stein, Paralegal Specialist

FINANCE AND ADMINISTRATION

June D. W. King, Chief Financial Officer/Chief Information Officer
Cynthia Carver, Financial Operations Specialist
Dontrell Harrison, Student Trainee
Florine Kellogg, Administrative Support Assistant
Grace Ann Leach, Lead Administrative Services Specialist
Sharon Matthews, Travel and Accounting Assistant
Janice Smith-Sphinx, Lead Finance and Purchasing Specialist
Sharon Williams, Financial Operations Specialist (resigned)

ARBITRATION

Roland Watkins, Director
Carol Conrad, Lead Program Assistant
Linda Gathings, Arbitration Assistant
Carolyn Washington, Admin. Assistant
Kimberly Ybanez, Arbitration Assistant

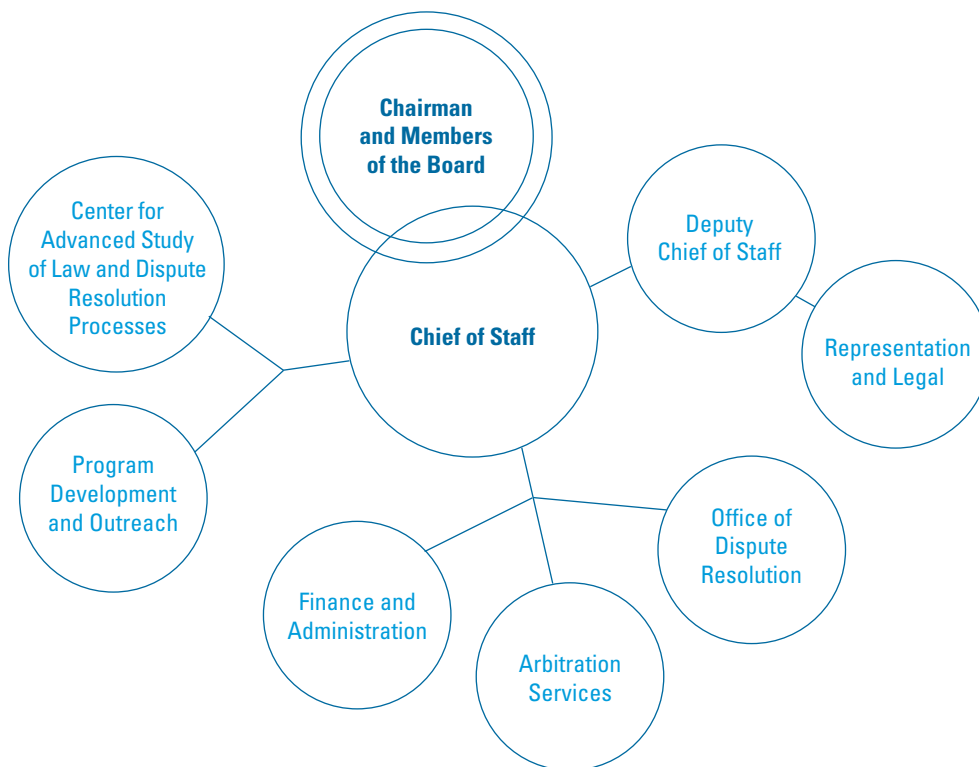
PROGRAM DEVELOPMENT AND OUTREACH

Daniel Rainey, Director
Rachel Barbour, Mediation Research Specialist
Donald West, Senior Research Analyst

organization and structure

The National Mediation Board is comprised of three members appointed by the President with the advice and consent of the U.S. Senate. Terms of office are for three years, with the exception of members appointed to fill unexpired terms. Terms are staggered so that on July 1 of each year, one of the three terms expires. A member may stay in office after the expiration of his or her term until a successor has been appointed and enters office. No more than two members may be of the same political party. The Railway Labor Act requires that the Board annually designate one member to serve as its chair.

The Board is responsible for providing carriers and labor organizations with dispute resolution services in the railroad and airline industries. The Board's rail and air transportation customers include hundreds of airlines and railroads and dozens of labor organizations. These carriers employ more than 900,000 employees. The Board's jurisdiction also extends to hundreds of smaller certificated air carriers, commuters, and air taxis, including ambulance, sightseeing, commercial helicopter and certain airport, air freight and related services and their employees.



mission statement

The National Mediation Board (NMB), established by the 1934 amendments to the Railway Labor Act (RLA) of 1926, is an independent agency performing a central role in facilitating harmonious labor-management relations within two of the nation's key transportation sectors, the railroads and airlines. Pursuant to the RLA, NMB programs provide an integrated dispute resolution process that effectively meets the NMB's statutory objective of minimizing work stoppages in the railroad and airline industries by securing voluntary agreements. The NMB's integrated processes are designed to promote three statutory goals:

- The prompt and orderly resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements;
- The effectuation of employee rights of self-organization where a representation dispute exists, and;
- The prompt and orderly resolution of disputes over the interpretation or application of existing agreements.

In order to effectuate the purposes of the RLA, the NMB services are organized into three areas, corresponding to types of disputes handled by the Board: Mediation and Alternative Dispute Resolution (ADR), Representataion, and Arbitration.



financial statement FY 2001

In fiscal year 2001, the Congress appropriated \$10,400,000 for the agency's operations.

Expenses and obligations:	2001 Actual
Personnel compensation	\$6,182,315
Personnel benefits	892,518
Benefits for former personnel	(0)
Travel and transportation of persons	558,354
Transportation of things	23,617
Rent, communications and utilities	1,145,974
Printing and reproduction	75,063
Other services	867,440
Supplies and materials	116,331
Equipment	201,023
 Total Expended	 \$10,062,635
Unobligated Balance Expiring	\$337,365
Total	\$10,400,000



THE RAILWAY LABOR ACT

and the national mediation board functions

The Railway Labor Act (RLA) provides a comprehensive statutory framework for the resolution of labor-management disputes in the airline and railroad industries. Enacted in 1926 as a collaborative effort of labor and management, the RLA succeeded several previous federal statutes dating back to 1888. The 1926 Act provided for mandatory mediation and voluntary arbitration in contract negotiations, as well as for Presidential Emergency Boards (PEBs) to enhance dispute resolution. Key amendments to the Act in 1934 established the current three-member National Mediation Board and authorized the resolution of employee representation disputes by the NMB. In 1936, the RLA's jurisdiction was expanded to include the airline industry. The Act's most recent substantive amendment in 1981 permitted the creation of specialized Presidential Emergency Boards for disputes at certain commuter railroads.

The RLA has five “general purposes” (listed in the order specified by the Act):

- Avoid interruptions to interstate commerce in the airline and railroad industries;
- Ensure the right of employees to freely determine whether they wish to be represented for collective bargaining purposes;
- Ensure the independence of labor and management for self-organization to carry out the purposes of the Act;
- Provide for the prompt and orderly settlement of collective bargaining disputes; and
- Provide for the prompt and orderly settlement of disputes over the interpretation of existing collective bargaining agreements.

MEDIATION AND ALTERNATIVE DISPUTE RESOLUTION

The RLA requires labor and management to make every reasonable effort to make and maintain collective bargaining agreements. Initially, the parties must give notice to each other of their proposals for new or revised agreements. Direct

bargaining between the parties must commence promptly and continue in an effort to resolve or narrow their differences. Should the parties fail to reach agreement during direct negotiations, either party, or the parties jointly, may apply to the Board for mediation. (An application for the NMB's mediation services may be obtained from the Board's web site at www.nmb.gov). Following receipt of an application, the NMB promptly assigns a mediator to assist the parties in reaching an agreement. The Board is obligated under the Act to use its “best efforts” to bring about a peaceful resolution of the dispute. The NMB mediators apply a variety of dispute resolution techniques, including traditional mediation, interest-based problem solving, and facilitation to resolve the dispute.

If after such efforts the Board determines that mediation will fail to settle the dispute, the NMB advises the parties of that determination and offers interest arbitration as an alternative approach to resolve the remaining issues. If either party rejects this offer of arbitration, the Board promptly releases the parties from formal mediation. This release triggers a thirty-day cooling off period. During this

thirty-day period, the Board will continue to work with the parties to achieve a peaceful solution to the dispute. However, if an agreement is not reached by the end of the thirty-day period, the parties are free to exercise lawful self-help. Examples of lawful self-help include carrier-imposed working conditions or a strike by the union.

INTEREST ARBITRATION

Interest arbitration is a process to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations. Although the RLA provides an effective process for interest arbitration, its use is not statutorily required. The NMB offers the parties the opportunity to use interest arbitration when the Board has determined that further mediation efforts will be unsuccessful. In addition, the parties may directly agree to resolve their collective bargaining dispute through interest arbitration. The NMB generally provides the parties with panels of potential arbitrators from which they select the individual to resolve the dispute. In some instances, the parties agree to arbitrate which allows the NMB to directly appoint an arbitrator. The interest arbitration decision is final and binding with very narrow grounds for judicial appeal.

PRESIDENTIAL EMERGENCY BOARDS

The RLA permits the NMB to recommend to the President the establishment of a Presidential Emergency Board (PEB) to investigate and report on the dispute. A PEB also may be requested by any party involved in a dispute affecting a publicly funded and operated commuter railroad. While either of these emergency board processes is in progress, neither party to the dispute may exercise self-help.

ADR SERVICES

In addition to traditional mediation services, the NMB also provides Alternative Dispute Resolution (ADR) services. ADR services include pre-mediation facilitation, training, and grievance mediation. The purpose of the Board's ADR program is to

assist the parties in learning and applying more constructive, less confrontational methods for resolving their disputes. Another goal is to help the parties resolve more of their own disputes without outside intervention. The Board believes that over time its ADR services will reduce and narrow the disputes which the parties bring to mediation.

REPRESENTATION

Under the RLA, employees in the airline and railroad industries have the right to select a labor organization or individual to represent them for collective bargaining without "interference, influence or coercion" by the carrier. Employees may also decline representation. The RLA's representation unit is a "craft or class," which consists of the overall grouping of employees performing the particular types of related duties and functions. The selection of employee representatives for collective bargaining is accomplished on a systemwide basis, which includes all employees in the craft or class anywhere the carrier operates in the United States.

When a labor organization files an application with the NMB to represent employees, the Board assigns an investigator. [An application for a representation investigation may be obtained from the Board's web site at www.nmb.gov.] The investigator assigned to the case has the responsibility to determine if the craft or class the organization seeks to represent is system-wide and otherwise valid. The NMB's election procedures require that the application must be supported by a sufficient employee showing of interest to warrant continuing the investigation. Where the employees are not represented for collective bargaining purposes, a thirty-five percent showing is required. If the craft or class covered by the application already is represented and a collective bargaining agreement is in effect, the showing of interest requirement is a majority of the craft or class.

If the showing of interest requirement is met, the NMB continues the investigation, usually with a secret mail ballot election. Only employees found eligible to vote by the NMB are permitted to participate in the election. In order for a representative to be certified, a majority of the eligible voters must



cast valid ballots in support of representation. The Board is responsible for ensuring that the requirements for a fair election process have been maintained. If the employees vote to be represented, the Board issues a certification of that result which commences the carrier's statutory duty to bargain with the certified representative.

ARBITRATION

The RLA provides for both grievance and interest arbitration. Grievance arbitration, involving the interpretation or application of an existing collective bargaining agreement, is mandatory under the RLA. The NMB has significant administrative responsibilities for the three grievance-arbitration forums in the railroad industry which are contemplated under the RLA: the National Railroad Adjustment Board (NRAB), Special Boards of Adjustment (SBAs) and Public Law Boards (PLBs). The NRAB and its four divisions have statutory jurisdiction over all rail carriers and all crafts and classes of railroad employees, SBAs are created by mutual agreement of the parties and PLBs enable the establishment of special boards of adjustment on individual railroads upon the written request of either party to a dispute. Grievance arbitration in the airline industry is accomplished at the various system boards of adjustment created jointly by labor and management. The Board furnishes panels of prospective arbitrators for the parties' selection in both the

airline and railroad industries. [A request to be placed on the NMB's Roster of Arbitrators may be obtained from the Board's web site at www.nmb.gov.] The NMB also has substantial financial management responsibilities for railroad arbitration proceedings in that it pays the salary and travel expenses of the arbitrators. Arbitration decisions under the RLA are final and binding with very limited grounds for judicial review.

NMB – GMU CENTER INITIATIVE

As part of its efforts to build a public and private partnership to advance more effective dispute resolution, the NMB established a Center for Advanced Study of Law and Dispute Resolution Processes. This center was chartered by the George Mason University in July 2000 as a collaborative educational effort among the NMB, GMU's Institute for Conflict Analysis and Resolution and its School of Law.

During FY 2001 the Center was active as a host for industry meetings involving representatives from airline and railroad carriers and unions, development of dispute resolution courses, and development of an internship program. A national conference planned by the Center for October, 2001, was cancelled due to the impact of the September 11 terrorist acts. (A full description of the Center's programs can be found on its web site at www.law.gmu.edu/drc/).



FY 2001 RESULTS:

mediation and alternative dispute resolution (ADR)

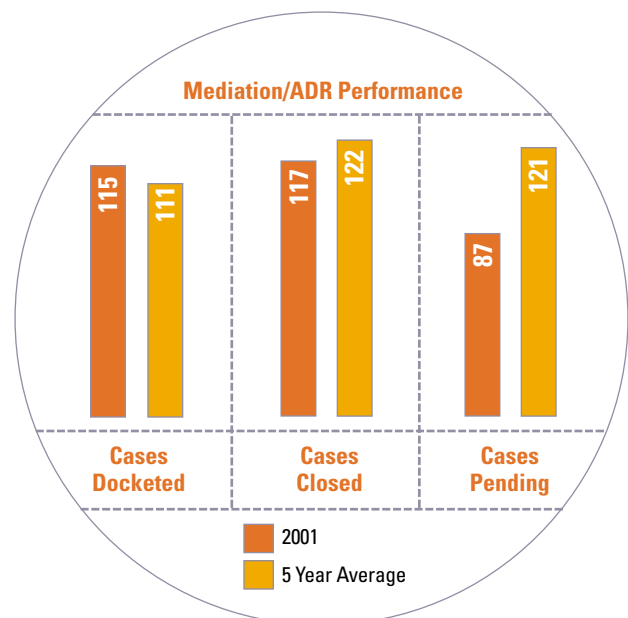


The National Mediation Board's Mediation and Alternative Dispute Resolution programs delivered outstanding service to the airline and railroad industries, and to the public, throughout 2001. In a year that featured great turmoil in the industries, an economic down turn and terrorist attacks, the Board's mediators handled case after case in a steady and reliable manner. As the customer service figures will show, 2001 was very successful. More important, the Board's performance reinforced the stability of the mediation process and the reliability of its approach to labor-management disputes.

It is important to note that the NMB's performance relative to its customer service goals may vary from year to year for reasons beyond the control of the Agency. The NMB's overriding responsibility is to manage mediation cases effectively, aiming for voluntary agreements without work stoppages. To that end, the NMB does not blindly adhere to the constraints of customer service goals in any mediation case in which a party's tactics are inconsistent with the RLA's direction to exert all reasonable efforts to make and maintain agreements.

FY 2000 was a very successful year for the NMB. FY 2001's mediation and ADR case intake and closure rates continue that success.

Compared to the established five year averages (1996-2000), FY 2001 was a very busy year, with a remarkable rate of case closure, and a reduced number of cases carried into the new fiscal year.



The five-year average of New Cases Docketed is 111 cases. In FY 2001 the Board docketed 115 new cases, exceeding the five-year average by 15 percent. Even with the heavy work load in FY 2001, the Board's mediators closed 117 cases, compared to the five-year average of 122 cases. As a result of the Mediators' high productivity, cases pending at year end decreased to 87, 28 percent lower than the five-year average of 121 cases.

The contentious environment which marked collective bargaining in the airline industry during FY 2001 may explain a slight change in the mix of new cases, lowering the percentage of ADR cases to 45% of the new case load. There were 70 new mediation cases and 45 new ADR cases during FY 2001.

The Board met or exceeded its customer service goals in all of the established customer service standards during FY 2001. In the areas of timely docketing of cases, assignment of mediators, initial contact with the parties, and establishment of the first mediation session, the Board succeeded in meeting its goals more than 95 percent of the time. In addition, the NMB adopted two new mediation goals in FY 2001. The Board established a goal of reaching agreements after no more than 45 days of mediation meetings, and a goal for reaching agreements within 365 days of case docketing. The Agency achieved a 92 percent success rate on the former goal and a 59 percent success rate on the latter goal. If cases docketed before the new goals became effective in FY 2001 are excluded from the equation, the Board achieved an even higher rate of success.

HIGHLIGHTS DURING FISCAL YEAR 2001

In FY 2001, the railroad industry experienced lower overall profitability and the airline industry suffered widespread losses even prior to the September 11th terrorist attacks. Continuing high fuel prices increased costs, and a slowing economy lowered revenue in both industries. Airline labor costs rose dramatically as new contract settlements covering United Airlines pilots, Northwest Airlines mechanics, and Delta Airlines pilots reverberated through the industry. Labor disputes at several air carriers lowered profitability and hindered operations. During

the year, Trans World Airlines, Midway Airlines, National Airlines and Legend Airlines initiated Chapter 11 bankruptcy proceedings. Capacity trended down across the industry, fares fell, and business travelers stayed at home. As the year ended its third quarter, any prospects for a quick recovery were dashed by the events of September 11th.

By contrast, the rail industry did not experience the same level of volatility. Profits softened for the freight railroads, but labor disputes did not disrupt operations or significantly lower profits. The National Carrier Conference Committee (NCCC) reached a national agreement with the Brotherhood of Maintenance of Ways Employees (BMWE). The membership ratified the agreement, without a cooling off period or a President Emergency Board, the usual staples of rail negotiations. A tentative agreement reached between the NCCC and the United Transportation Union (UTU) remained unrati-fied. The NCCC and UTU reexamined the tentative agreement in light of industry developments, most notably the proposed but failed merger agreement between UTU and the Brotherhood of Locomotive Engineers (BLE). Amtrak pursued its goal of oper-ating sufficiency by 2003, struggled to obtain suffi-cient capital investment to improve its services, and introduced new high speed rail service, the Acela, in the Boston, New York and Washington, D.C. markets. With most of its labor agreement open for negotia-tions, Amtrak will present a challenge to the Board's mediators for FY 2002.

COOLING-OFF PERIODS AND SELF-HELP ACTIVITY

FY 2001 saw an unprecedented number of major airline disputes occurring nearly simultaneously. Since the parties determine the amendable dates of collective bargaining agreements, the NMB has limited ability to affect the confluence of these disputes. The bargaining demands of airline unions seeking a larger share of record industry profits over the last few years put contract negotiations in the newspapers and on the national news. Each successive negotiation became an opportunity for unions to establish a new "industry leading" agree-ment. These events challenged the Agency's Board

Members and staff to resolve multiple, complex disputes without work stoppages. Early in his term, President Bush took an aggressive stand on the possible adverse effects of strikes on the economy, and the Presidential Emergency Board (PEB) reemerged as a high-profile tool for bringing agreements to closure.

A dispute between Northwest Airlines and its mechanics, represented by the Aircraft Mechanics Fraternal Association (AMFA), typified the changing environment. After many months of negotiations and unsuccessful mediation, the NMB released the parties into a 30-day cooling off period. At the outset of the cooling off period, President Bush announced his intention to appoint a PEB if the dispute was not settled by the end of the thirty-day period. The parties failed to reach agreement, and the President appointed a PEB on March 9, 2001. The parties ultimately reached agreement in April with the aid of the NMB, after PEB hearings, but before the PEB presented its recommendations to the President.

In February, Delta Airlines and its pilots, represented by the Airline Pilots Association (ALPA), jointly requested a release from the NMB. The NMB proffered arbitration, which was refused by the parties, and a thirty-day countdown began. Talk of a PEB dominated the headlines, but the parties reached an agreement without Presidential intervention before the end of the cooling off period.

After a difficult negotiation, American Airlines and the Association of Professional Flight Attendants (APFA) reached agreement in June, just before the end of a cooling off period. The President did not create a PEB in the American/APFA dispute, but the possibility of Presidential intervention loomed and was influential throughout the final talks.

Regional carriers also faced difficult negotiations during this fiscal year, as unions tried to reduce the pay and work rule gap between the regional and major carriers. Pilots at Comair, represented by ALPA, rejected two tentative agreements and struck for 89 days before ratifying an agreement reached with the assistance of the NMB. The President did not intervene or threaten to intervene in this dispute.

Air Wisconsin and ALPA faced a cooling off period in August. The parties reached a settlement near the end of the countdown, and the pilots subsequently ratified the agreement.

Piedmont and the Association of Flight Attendants (AFA) entered a cooling off period in August and reached an agreement in September without a work stoppage.

Northern Air Cargo and its flight deck crew members, represented by the International Brotherhood of Electrical Workers (IBEW), went to a strike deadline in September and reached no agreement. No self-help or strike activity occurred.

As previously noted, collective bargaining in the rail sector experienced a year of relative calm. The Board proffered arbitration in only two cases (Reading Blue Mountain Railroad/UTU, and the New Orleans Public Belts Railroad/UTU). The Blue Mountain Railroad dispute resulted in no resolution. The UTU did not strike, and Blue Mountain Railroad did not engage in self-help. The New Orleans Public Belt Railroad and UTU reached an agreement without self help.

SETTLEMENTS

The increased number of cooling off periods needed to bring parties to agreement notwithstanding, voluntary settlements without strikes or other forms of self-help continued to be the norm. Overall in FY 2001, the Board closed 60 of 65 (92%) of railroad and airline mediation cases during the year by voluntary agreement, without a cooling off period, and a remarkable 63 of 65 (97%) cases by voluntary agreement without a strike or other legal self-help. The list of air carriers and organizations which reached agreements with the Board's assistance but without an economic confrontation is significant: Southwest Airlines/Transport Workers Union of America (TWU) (Fleet Service), Midway Airlines/International Association of Machinists (IAM) (Fleet Service), Allegheny Airlines/International Brotherhood of Teamsters (IBT) (Mechanics), Island Air/IAM (Fleet Service), Hawaiian Air/ALPA (Pilots), Champion Air/IBT (Flight Attendants), Liat Caribbean Air/IAM (Passenger Service), and Air Trans International/IBT (Pilots).

American Airlines and TWU reached agreements covering mechanics, fleet service and several other crafts, without the need for mediation but with some assistance from the NMB's facilitation program.

In the rail industry, the NMB helped the parties reach agreements on the national level as well as among the short line and regional railroads. These successes included NCCC/BMWE, Union Railroad/United Steelworkers of America (USWA), Iowa Interstate Railroad/BMWE and UTU, GTW Railroad/BMWE, E J & E Railroad/UTU, and Terminal Railroad/UTU.

Additionally, the Commuter railroads (New Jersey Transit, Metro North, Southeastern Pennsylvania Transportation Authority (PATH), Northern Indiana Commuter Transportation District, and Port Authority Transportation Hudson) brought the latest round of bargaining to closure with agreements involving BLE, Metro North/Brotherhood of Railroad Signalmen (BRS) and PATH/UTU.

ADR SERVICES

During FY 2001, the Board made significant progress in moving parties toward more constructive dialogue through its training, facilitation and grievance mediation services. The Board provided training and facilitation services to major and regional airlines, class 1 and regional railroads, and the unions representing airline and railroad employees.

In several cases, such as the ones listed below, the parties' commitment to a more constructive relationship, and the ADR services provided by the Board, resulted in tentative agreements without the need for mediation. These cases include Hawaiian Airlines and AFA (flight attendants), Frontier Airlines and TWU (flight dispatchers), Atlantic Coast and ALPA (pilots), Executive Jet and IBT (pilots), and Arrow Air and Arrow Pilots Association (ARWPA) (pilots).

Executive Jet and IBT reached agreement using interest based bargaining in only three months, while Frontier and TWU reached an agreement for a first contract using the same process in only eight months. It is not unusual for the parties to spend two to three years negotiating initial contracts in the airline industry.

Other airlines which availed themselves of the Board's Interest Based Bargaining (IBB) services included America West/ALPA (pilots), Continental and Continental Express Airlines/ALPA (pilots), Continental/IAM (flight attendants), Hawaiian Airlines/AFA (flight attendants), PSA/ALPA (pilots), Skyway Airlines/ALPA (pilots), Spirit Airlines/AFA (flight attendants), Sun Country/ALPA (pilots) and US Airways/Communication Workers of America (CWA) (Passenger Service).

While ADR services have not been as readily accepted in the railroad industry, the Board continues to make inroads through various forums, including the Wage and Work Rule panel established by the UTU and the NCCC, and on-property presentations. Significant efforts in the railroad area include the use of IBB to facilitate contract bargaining with the BNSF/American Train Dispatchers Department (ATDD), CSX/ATDD, CSX/UTU (dispatchers and yardmasters), and BNSF/BRS (facilitating negotiation on work/rest issues).

GRIEVANCE MEDIATION SERVICES

In addition to training and facilitation services associated with Section 6 bargaining, the Board provided training and grievance mediation services which resulted in a reduction of the number of



cases going to arbitration or the bargaining table. The carriers and unions involved in grievance mediation include American Eagle/AFA (flight attendants), Atlantic Southeast Airlines (ASA)/ALPA (pilots), BNSF/UTU (conductors), Continental Airlines/ALPA (pilots), CCAir/AFA (flight attendants), Hawaiian Airlines/ALPA (pilots), Express Air/ALPA (pilots), DHL/ALPA (pilots), Midway/ALPA (pilots), Port Terminal Railroad/UTU (conductors), Union Pacific Railroad/UTU/BLE/BMWE (conductors, engineers, track workers), and Canadian Pacific (Soo Line)/UTU (conductors).

Four cases are representative of the success experienced in grievance mediation. The Port Terminal/UTU facilitation resolved 43 of 63 grievances and left one issue unresolved. The Soo Line/UTU grievance mediation resolved 500 grievances, involving \$600,000 in potential liability to the carrier and resulting in cost savings to the government of approximately \$750,000. In the DHL/ALPA case, the parties resolved all of the 70 grievances submitted to grievance mediation. Hawaiian/ALPA resolved 31 of 33 grievances, and are still discussing resolution of the other two issues.

With an eye toward greater success next year, the Board revised a pilot grievance mediation project involving UTU and the NCCC. By offering grievance mediation services at a much earlier stage in the grievance process, the NMB hopes to settle more grievances before they enter the formal dispute resolution process. If effective, this project may allow the Agency to save money and speed the resolution of grievances.

REGULATORY AND CONGRESSIONAL DEVELOPMENTS

Flight delays, cancellations, and mergers dominated the regulatory environment. Proposed legislation would give carriers a limited antitrust exemption, allowing competing carriers to discuss over-scheduling during peak periods or weather disruptions in order to reduce delays. The Federal Aviation Administration (FAA) sought ways to expedite the building of new runways, and sought a longer term solution to flight congestion and delays. Other proposed legislation sought to deal with congestion

and delays by enhancing competition in airline hubs, increasing DOT oversight of airline mergers and raising the mandatory retirement age for pilots from age 60 to age 62. Orbitz, the airline-owned web-based travel agency, began operation in February with the aim of reduced ticket counter congestion. The Air Transport Association (ATA) offered, on behalf of its members, to add more customer service protections to the contract of carriage contained in airline tickets. The ATA initiative included a limited right for passengers to sue a carrier which did not meet the customer service protections specified by the ticket "contract." This proposal came in the context of potential legislation mandating expanded passenger service guarantees.

American Airlines (AA) and British Airways (BA) discussed prospects for seeking antitrust immunity for a less comprehensive alliance than the one proposed several years ago. Delta joined with Air France, Alitalia, and CSA Czech Airlines in seeking DOT immunity for a new SkyTeam alliance. At year end, both requests remained pending. In August, the Department of Justice (DOJ) announced it would oppose United Airlines' acquisition of US Airways, effectively killing the deal. American bought TWA, saving TWA from possible liquidation in bankruptcy, and the DOJ did not oppose the transaction. Northwest Airlines and Continental Airlines continued their alliance, and a DOJ lawsuit resolved when Northwest and Continental reached an agreement allowing Continental to buy back investments previously made in Continental by Northwest.

The Surface Transportation Board (STB) issued new regulations which, by consensus, raised the bar for STB approval of rail mergers and focused on encouraging competition. After adoption of the regulations, the STB gave an apparent green light to the acquisition of Wisconsin Central Railroad (WC) by Canadian National Railroad (CN). The American Association of Railroads and all major rail unions reached an agreement on "cram downs" which was enacted into law as part of the STB re-authorization. Finally, the House approved a bill amending the Railroad Retirement Act which improved benefits, adjusted carrier and employee contribution rates and allowed private investment of a portion of the railroad retirement funds. This House bill

tracked a bill passed by the House during the previous year. Both railroads and unions supported the legislation, but by year end, the Senate had taken no action on a similar Senate bill.

UNION AFFAIRS

Two major union mergers occurred during the year. The Independent Association of Continental Pilots agreed to merge into ALPA, and Continental pilots approved the merger. Upon transfer of bargaining rights to ALPA, ALPA represented Continental pilots for the first time since Continental's pre-bankruptcy days. Insiders speculated about possible re-affiliation of the Federal Express Pilots Association and the Allied Pilots Association with ALPA. By year end, neither reaffiliation had occurred.

In the rail industry, the UTU and the BLE reached an agreement to merge the two unions. Subsequent to the end of FY 2001, the BLE members voted against the merger ending any prospect for affiliation between UTU and BLE.

The battle between the IAM and the Airline Mechanics Fraternal Association (AMFA) continued to rage, with AMFA falling short of the number of authorization cards needed for an election at United Airlines.

The Association of Flight Attendants filed a representation application covering Delta Airlines flight attendants, the only major flight attendant group not represented by a union.

CENTER FOR ADVANCED STUDY OF LAW AND DISPUTE RESOLUTION PROCESSES

In July 2000, the NMB co-founded, along with the George Mason University School of Law and GMU's Institute for Conflict Analysis and Resolution, the Center for Advanced Study of Law and Dispute Resolution Processes (Center). The purpose of the Center is to provide specialized education in the law and practice of dispute resolution, with current priority given to labor-management disputes in the airline and railroad industries. A number of educational programs, including conferences, seminars, workshops and internships are offered or sponsored by the Center to advance alternative dispute resolution approaches.

In August 2001, the Alliance for Education in Dispute Resolution admitted the Center as an Alliance member. The Alliance includes nine other institutions with nationally recognized ADR programs, including Ohio State, UCLA, Cornell, and Pepperdine.

In FY 2001, the Center planned the Airline and Railroad National Labor-Management Conference, which was scheduled for October, 2001, in Washington, D.C. More than thirty leaders and experts in the dispute resolution field would have spoken at the conference, but due to the terrorist attacks of September 11, and the ensuing chaos in the industries, the conference was cancelled. During FY 2002, the Center will cosponsor the American Law Institute-American Bar Association's Seminar on Airline and Railway Labor Law, and will offer internships and short format, low cost training. Information regarding the Center is available on the NMB's home page (www.nmb.gov) as well as the Center's web site (www.law.gmu.edu/drc/).

PENDING CASES

As the year ended, several large airline and railroad cases remained unresolved. American Airlines and its mechanics, represented by the TWU, awaited the results of a ratification vote on a new contract. American and TWU remained in direct negotiations in a dispute covering fleet service and other employee groups. United Airlines and its mechanics, fleet and passenger service employees, represented by the IAM, remained in the late stages of mediation. The NCCC, representing Class 1 freight railroads, had mediation cases pending with the BRS, Transportation Communications International Union (TCU), International Brotherhood of Boilers and Blacksmiths (IBB&B), Sheetmetal Workers International Union of America (SMWIA), and the IAM. Other significant pending cases included America West Airlines and IBT (covering fleet services employees), American West Airlines and ALPA (pilots), and AMTRAK and IBEW, BMW, IBB&B, IAM, and the SMWIA.



FY 2001 RESULTS:

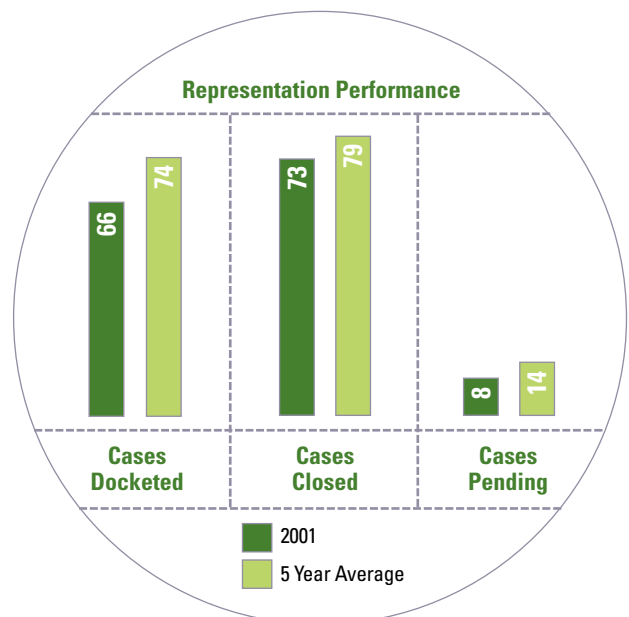
representation



During FY 2001, the National Mediation Board's Representation staff continued to operate at a high level of quality and efficiency. As a comparison of representation performance goals and actual performance will attest, the Board's Representation program is constantly improving and delivering outstanding services to the parties and the public.

The Representation staff closed more cases than it received during the year (73 closed; 66 received). This pattern of case intake, closure, and volume is consistent with the five-year average of case activity. As a result of this productivity, the Agency had fewer than 10 "old" cases pending at the end of FY 2001, none of which was older than 180 days. Moreover, the number of cases pending at the end of FY 2001 (8) is substantially less than for FY 2000 (15) and the five-year average (14). With the Agency resources requested for FY 2003, it is projected that cases will continue to be investigated and resolved at this same pace over the next several fiscal years.

The NMB successfully met all of the standards set for representation cases under its FY 2001 Annual Performance Plan. Cases are managed using nine benchmarks covering the key phases of the Agency's investigation: Response to representation applications, Investigator assignment, Showing of interest determination, Timely response following ballot count, Overall timely resolution, Board decision regarding interference, Timely resolution of predocketing investigations, Prompt resolution of jurisdictional referrals



from the National Labor Relations Board (NLRB), and Issuing Board level decisions within 35 days after receiving a staff recommendation.

Four of the Representation customer service standards were established for FY 2001.

1. Board decisions involving allegations of interference will be issued within 270 calendar days of docketing. Target: 80%. Actual Performance: 75% (3 of 4 cases).
2. Predocketing investigations will be completed within 180 calendar days following the Investigator's assignment to the case. Target: 80%. Actual Performance: 100%.
3. Jurisdictional opinions will be provided to the NLRB within 180 days from the date the jurisdictional referral from the NLRB headquarters is assigned to an Investigator. Target: 80%. Actual Performance: 100%.
4. The Board will endeavor to issue a decision within 35 days after receiving a staff recommendation. Target: 80%. Actual Performance: 100%.

The agency successfully met all of its other goals for timely case processing during FY 2001. In particular, the Board responded to representation applications within three business days in 100 percent of all cases; assigned an Investigator to representation cases within five business days in 100 percent of all cases; determined there was a sufficient showing of interest to authorize an election or dismiss a case within 45 calendar days in 100 percent of all cases; issued certifications or dismissals within three business days of ballot counts in 100 percent of all cases; and completed representation investigations within the 90-calendar day goal set for non-appellate cases in 100 percent of all cases.

Apart from timely case handling activity, the Representation and Legal Department accomplished several other projects intended to improve customer service. During the year, the Agency updated the Board's Representation Manual by inserting a new Section (Section 19) setting forth the Board's Merger Procedures and amending Section 6.601 to allow the use of authorizations in merger procedures. The Representation and Legal staff began a review of the entire Representation

Manual to update and clarify the language. The Board expects to issue a new Representation Manual during FY 2002. Finally, the Agency extensively updated and expanded the "Frequently Asked Questions: Representation" on the NMB website. This effort allows the NMB to provide the public more information with no additional staff time.

HIGHLIGHTS DURING FY 2001

Under the RLA, the selection of employee representatives for collective bargaining is accomplished on a system wide basis. Due to this requirement, and the employment patterns in the airline and railroad industries, the Board's representation cases frequently involve numerous operating stations across the nation. In many instances, labor and management raise substantial issues relating to the composition of the electorate, jurisdictional challenges, allegations of election interference, and other complex matters which require careful investigations and rulings by the NMB.

Representation disputes involving large numbers of employees generally are more publicly visible than cases involving a small number of employees. However, all cases require and receive neutral and professional investigations by the Board. The NMB ensures that the employees' choices regarding representation are made without interference, influence or coercion. The case summaries that follow are examples of the varied representation matters which were investigated by the NMB during FY 2001.

Aeromexico/IAM

The IAM filed an application to represent Aeromexico Passenger Service Employees. The July 25, 2000, count of ballots established that less than a majority of eligible employees voted for representation. The IAM then filed election interference allegations. The IAM claimed that from the time Aeromexico first learned of IAM's organizing campaign, the Carrier commenced a systematic program to influence and interfere with the employees' free choice of a representative by granting and/or threatening to withhold benefits. The IAM also asserted that the Carrier tainted labo-



ratory conditions by systematically intimidating, harassing, and interrogating IAM supporters. The IAM also claimed that Aeromexico held many improper mandatory meetings with employees. The Board's investigation established that in response to the IAM's allegations of election interference, Aeromexico had one-on-one meetings with employees. At these meetings, the Board found that employees were interviewed, intimidated, and forced to sign affidavits in support of the Carrier's defense against the IAM's allegations of election interference. Based on the totality of the circumstances, the Board found that the laboratory conditions required for a fair election were tainted. This conclusion was based on one-on-one meetings with employees, mandatory Town Hall meeting and video presentations, misrepresentation of Board procedures, and post-election interviews with employees. Therefore, the Board conducted a rerun election using a Laker ballot. The IAM was successful in the rerun election and was certified to represent the Aeromexico employees.

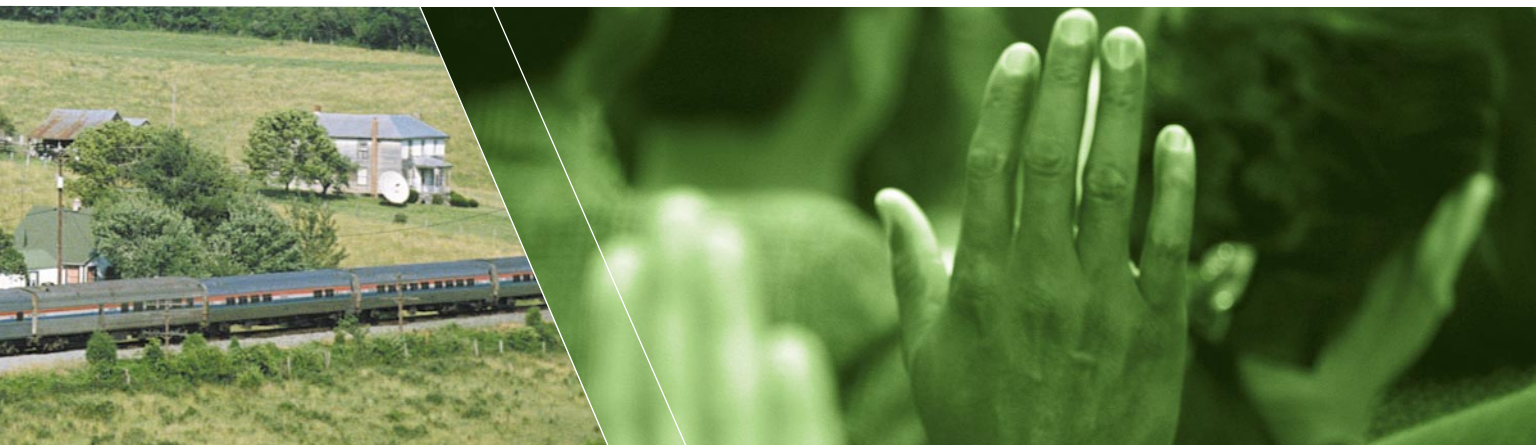
Terminal Railroad of St Louis/UTU/BLE

Following the ruling of a three-member panel of prominent labor relations professionals that conditions at Union Pacific did not support a finding that a single craft or class of Train and Engine Service Employees was appropriate, the UTU filed a representation application for the combined craft or class of Train and Engine Service Employees on Terminal

Railroad (TRRA). The BLE, which represented the Engineers on TRRA challenged the application, and sought to retain the division of employees into two crafts or classes. TRRA is a small non-Class I railroad and operates approximately 200 miles of railroad track in Missouri and Illinois with an operating radius of 10 miles. It employs approximately 125 operating employees. The Board concluded that, based upon the facts in this case, the mandatory line of progression from train service to engine service, the regular ebb and flow of employees from train service to engine service, and the similarity of working conditions and job functions, the combined craft or class of Train and Engine Service Employees is appropriate. Member DuBester dissented from the Board's ruling. On the same day that the Board issued its Ruling on TRRA, the Board also issued a ruling affirming its decision to accept the panel's recommendation regarding Union Pacific Railroad.

Express One International/IBT/EOCA

On February 1, 2001, the Express One Crewmembers Association (EOCA) filed an application for the Flight Deck Crew Members of Express One International (Express One). These employees were already represented by the IBT, which was certified as the representative on August 6, 1998. In response to the application, the IBT asked the Board to toll the two-year certification bar in this case because, following Board certification, Express One refused to bargain and filed a lawsuit against the IBT and



the Board. The IBT also stated that Express One had not begun to bargain until July 6, 2000, when the U.S. District Court denied the Carrier's motion for a stay of an order directing Express One to bargain. Based on a prior decision in *Virgin Atlantic Airways*, 21 NMB 183 (1994), the Board ruled that Express One's actions, including its refusal to bargain, rendered the Board's certification ineffectual and, therefore, concluded that the two-year certification bar commenced on July 6, 2000, the date the District Court denied Express One's motion for a stay and the Carrier began to bargain.

Emery Worldwide Airlines/IBT

This case was referred from the National Labor Relations Board (NLRB) for an advisory opinion as to whether certain work performed by employees of Emery Worldwide Airlines (EWA) fell within the Railway Labor Act (RLA) jurisdiction. In 1997, EWA entered into a contract to provide for the sorting and delivery of two-day priority mail with the United States Postal Service. In order to do this, the contract required EWA to establish ten Priority Mail Processing Centers (PMPCs) on the East Coast. The International Brotherhood of Teamsters filed petitions with the NLRB to represent the truck drivers, CART operators and sorters at two PMPCs.

Because of the complexity of the case, the NMB conducted an evidentiary hearing. On January 9, 2001, the Board issued a decision responding to the NLRB, stating that while EWA when operating as a

"carrier" is subject to the RLA, its PMPC operations are not subject to the RLA. The Board noted in particular that the employees working at the PMPCs operated out of a separate location from the other EWA "carrier" employees; that the PMPCs had separate management and operations; and that the PMPC employees did not interact with other employees. On March 23, 2001, the Board denied EWA's motion for reconsideration.

United Airlines/IAM/AMFA

AMFA filed a representation application for the Mechanics and Related Employees on United Airlines. At the time of the filing these employees were represented by the IAM. In its representation application AMFA estimated the number of eligible employees to be 15,076 employees. The IAM submitted information that certain positions were currently not included in the craft or class but should be included (for example, if the IAM sought the accretion of the positions). The Board's investigation established that there were more than 1,000 additional individuals who should be included on the list of potential eligible voters. AMFA did not submit a sufficient number of valid authorization cards to meet the Board's showing of interest requirements. Therefore, AMFA's application was dismissed.



FY 2001 RESULTS:

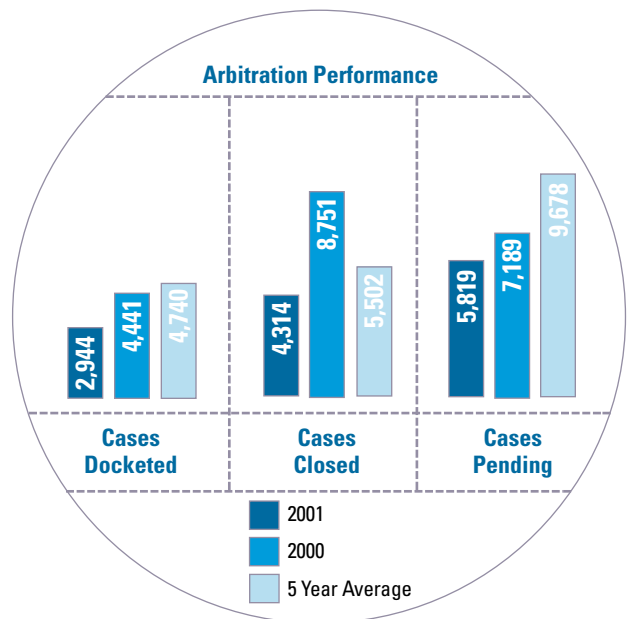
arbitration



During FY 2001 the National Mediation Board's Arbitration program demonstrated remarkable creativity and productivity. The amount of time it routinely takes to process cases was cut, billing and financial systems were streamlined and improved, and the number of cases pending at the end of the fiscal year was reduced to the lowest level in three decades.

OVERVIEW OF FISCAL YEAR 2001

The level of grievance activity handled through the Board's Arbitration program has been directly affected by the recent round of national collective bargaining among the major freight railroads and the rail organizations. Until the bargaining is concluded, there will be unresolved contract administration issues which are addressed through the Section 3 grievance process. However, it is anticipated that several issues which have given rise in the past to numerous grievances will be handled and resolved in this round of negotiations. For example, in August 2001, NMB mediators provided grievance mediation and facilitation training to negotiating representatives for the Union Pacific Railroad and the Brotherhood of Locomotive Engineers. Across the rail industry, the parties are considering establishing grievance mediation as a regular step in the grievance process. This should lead to a decrease in the number of grievances progressing to arbitration.



During FY 2001, the parties brought 34 percent fewer cases to arbitration (2,944 cases compared to 4,441 cases in FY 2000). In FY 2001 4,314 cases were closed (compared to 8,751 in FY 2000), leaving 5,819 cases pending at the end of the year. This reduction in impending cases represents a 19 percent reduction from the previous year's figure of 7,189, and represents a 40 percent reduction from the five-year average of 9,678.

At the start of the fiscal year, the NMB began monitoring case loads and authorizations to encourage arbitrators to issue awards within 180 days of hearing dates. The goal of the NMB was to achieve this result in 90 percent of all cases. However, the lack of an appropriation until the end of the first quarter significantly affected the NMB's ability to reach this goal. Even with this impediment, awards were issued within 180 days in 71 percent of all cases during FY 2001.

During this same period, the NMB began a project to reduce the average length of time between the hearing of cases and decisions at the National Railroad Adjustment Board by at least 5 percent for the year. The baseline for this performance standard was set as the average number of days between hearing and decision during the first quarter of FY2001 (374 days). During the second quarter decisions were issued in an average of 197 days, a reduction of 47.3 percent from the baseline. Third quarter decisions were issued in an average of 177 days, or 52.6 percent sooner than the baseline. The fourth quarter showed even more improvement, with an average of 107 days between hearing and decision, and a 71.3 percent reduction from the baseline. For the last three quarters of the year the average between hearing and decision was 160 days, a yearly reduction of 57.2 percent from the baseline. The average number of days between hearing and decision for the entire year, including

the first quarter baseline, was 214 days. As these figures show, the NMB's effort in this area was remarkably successful.

At the beginning of the fiscal year, the NMB was able to finalize the transfer of all Arbitration Services caseload data from the old case tracking system to the new case management system. The result was an adjustment in pending cases which reflects the actual cases pending at the beginning of this fiscal year. The adjustment resulted in an additional 262 cases in the "pending" category.

In FY 2001, the Arbitration Department and the Finance and Administration Department cooperated to meet the NMB's arbitration performance goal by reimbursing arbitrators within 10 business days 94 percent of the time. This performance standard will be revised for FY 2002 and FY 2003 to provide reimbursement within three business days.

HIGHLIGHTS DURING FY 2001

At the start of this fiscal year, the Board met with the Section 3 Committee, a group of representatives from freight, regional, and commuter railroads, and representatives of major rail organizations, with the goal of reviewing the Board's Section 3 caseload and administrative procedures. The Section 3 Committee and the NMB created a subcommittee that cooperatively explored changes in Section 3 procedures. Several new initiatives, as well as refinements of projects already in progress, emerged from the NMB's work with the Section 3 groups.

Annual Case Audit

In November 2000, the Board conducted its annual audit of all cases pending before public law boards and special boards of adjustment. The agency provided the National Railway Labor Conference, Section 3 Committee members, commuter railroads,



regional railroads and all labor organizations representing railroad employees with a list of pending cases on these boards. The Board asked the parties to report any discrepancies between its records and the agency's records. The same audit procedures were extended to the National Railroad Adjustment Board (NRAB). All of the carriers and the rail organizations as well as the NRAB responded to the audit. This 100 percent participation ensures the accuracy of the NMB's arbitration case management information system.

Grievance Mediation in the Railroad Industry

The NMB actively promoted grievance mediation as an alternative means of dealing with grievances in the railroad industry. One such effort involved the UTU, which represents the largest number of employees in the railroad industry. An agreement between the major freight railroads and the UTU established a pilot project that makes grievance mediation a routine option for each new public law board created. The NMB also engaged in grievance mediation on a board involving the Port Terminal Railroad Association. Of the original 63 grievances set for arbitration, the NMB helped the parties resolve 43 of them, and the NMB worked with the parties to revise their grievance proce-

dures so that grievance mediation can be utilized earlier in the grievance process. It is anticipated that this work will reduce the number of grievances progressing to arbitration.

Improving the Quality of the Arbitrators Roster

In August 2000, the NMB commenced a project to improve the quality of the Roster of Arbitrators. The objective of the project was to compile a roster of individuals who are actively engaged in the arbitration of disputes. Those individuals who were not active in the resolution of disputes in any sector were removed from the roster. The project resulted in the elimination of 240 individuals from the roster, leaving a group of 484 highly qualified arbitrators.

Increasing the Arbitrators' Productivity

The NMB began a number of projects and efforts with the goal of increasing the arbitrators' productivity. Effective April 1, 2001, the NMB began a new procedure for the payment of arbitrators' salaries. This process resulted in the arbitrators not receiving payment for services rendered until after the award was written and provided to the parties. The NMB continued rigorous enforcement of the six-month rule which identifies arbitrators who heard cases more than six months ago and who have not

rendered a decision. These arbitrators are now contacted monthly and “encouraged” to issue those decisions as soon as possible. This change in the method of payment, coupled with enforcement of the six-month rule, resulted in more decisions being submitted within six months from the hearing date.

The NMB also continued posting arbitrator information in a separate section on the NMB’s web site. The NMB, along with the Section 3 Committee, is studying the feasibility of expanding the use of the Internet to disseminate Section 3 data. At the NMB, three of the four divisions are now using e-mail to conduct business, thereby decreasing the time needed for decision making.

During this fiscal year, the NMB, in conjunction with the Section 3 Committee, began working on a Section 3 training seminar for arbitrators on Section 3 grievances. The objective of this seminar will be to familiarize new arbitrators with the arbitration process. This should increase the pool of qualified arbitrators available to the parties. The seminar, which will probably be held in Chicago, Illinois, will result in the actual assignment of cases to individuals who previously had not been selected to hear and decide cases. The use of these individuals will be monitored by the NMB over the coming year to track the success rate of the project.

New Case Management System and Other Administrative Improvements

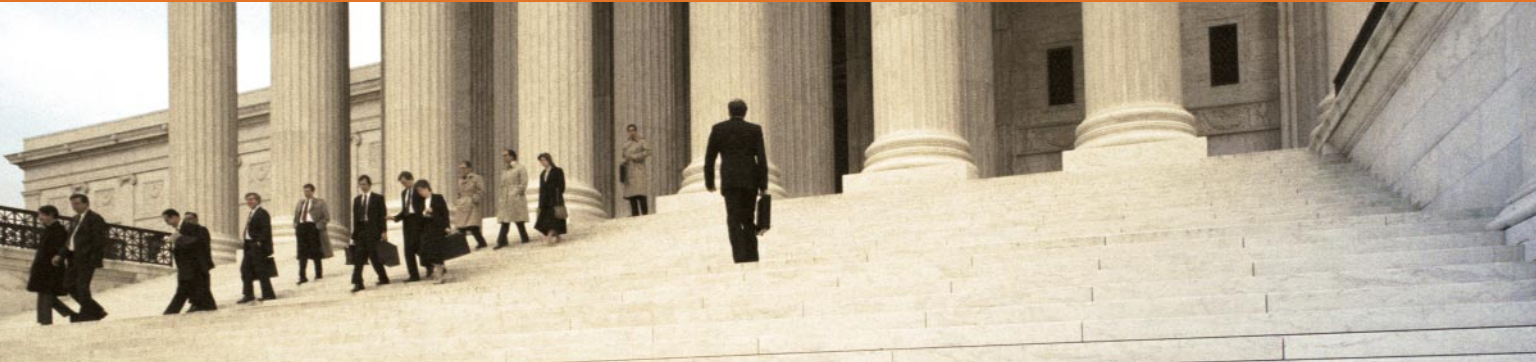
As part of its overall plan to improve its management information system, the agency completed the time-consuming task of entering historical data into the arbitration case management system. This system will now enable the Board to track more accurately the caseload and identify trends which will be useful in assisting the parties. Recently, the NMB shared this information with the members of the Section 3 Committee. Over time, the system will enable the Board to help the parties prioritize case issues, evaluate existing boards, screen new cases filed, and identify grievance issues by regional location and parties involved.

The NMB continued its successful program of using the agency’s web site as a source for many of the forms and documents needed by arbitrators and the parties. This use of the Internet allows arbitrators, the parties, and the public to obtain information and forms instantaneously and reduces the staff time which ordinarily would be required to respond to questions and requests.



FY 2001 RESULTS:

presidential emergency boards



When the NMB determines that mediation has been unsuccessful, despite its best efforts, the Board proffers interest arbitration to the parties. Either labor or management may refuse the proffer and, after a 30-day cooling-off period, engage in a strike, implement new contract terms or engage in other types of economic self-help. Alternatively, the President may appoint a Presidential Emergency Board (PEB).

OVERVIEW OF FISCAL YEAR 2001

If the NMB determines, pursuant to Section 160 of the Railway Labor Act (RLA), that a dispute threatens substantially to interrupt commerce to a degree that will deprive any section of the country of essential transportation service, the Board notifies the President. The President may, at his discretion, establish a PEB to “investigate and report respecting such dispute.” Status-quo conditions must be maintained throughout the period that the PEB is empaneled and for 30 days following the PEB’s report to the President. The President designates the of PEB members. If no agreement is reached, and there is no intervention by Congress, the parties are free to engage in self help 30 days after the PEB’s report to the President.

Apart from the emergency board procedures provided by Section 160, Section 159a of the RLA provides special multi-step emergency procedures for unresolved disputes affecting publicly funded and operated commuter railroads and their employees. If the mediation procedures are

exhausted, the parties to the dispute or the Governor of any state where the railroad operates, may request the President to establish a PEB. The President is required to establish such a board if requested. If no settlement is reached within 60 days following the creation of the PEB, the NMB is required to conduct a public hearing on the dispute. If there is no settlement within 120 days after the creation of the PEB, any party or the Governor of any affected state, may request a second final offer PEB. No self help is permitted pending the exhaustion of these emergency procedures.

While PEB’s are part of the RLA, the use of PEB’s indicates that the parties have not been able to reach voluntary agreements. The fact that there was only one PEB during FY 2001, when there were several major airline disputes, reflects that the parties, either on their own or with Board assistance, successfully reached voluntary agreements without the need for PEB’s.

HIGHLIGHTS OF FISCAL YEAR 2001

Presidential Emergency Board 235

After more than one year of mediation, the Board notified that President that the dispute between Northwest Airlines and AMFA threatened substantially to interrupt commerce to a degree such as to deprive the country of essential transportation service. The President created PEB 235 on March 9, 2001 and appointed Helen Witt as Chairman, and Robert Harris and Richard Kasher as members. The PEB conducted a four-day hearing in Philadelphia, Pennsylvania. There were 32 open issues and a total difference of approximately \$2.2 billion between the parties' positions over a period of 5-years. After the hearing, but before the PEB issued its report to the President, Northwest and AMFA reached a tentative agreement with the assistance of NMB mediators and Board Members. AMFA voted to accept the agreement and PEB 235 ended without a report to President Bush.

Other Potential Presidential Emergency Boards Avoided

FY 2001 offered unprecedented challenges for the NMB. In addition to the NWA and AMFA dispute, Delta Airlines and ALPA, American Airlines and APFA, each experienced cooling off periods. Comair and ALPA endured an 89-day strike. Notwithstanding these difficult circumstances, each of these cases resulted in an agreement without the need for intervention by the President.





FY 2001 RESULTS:

management and support programs



The primary management and support programs for the National Mediation Board are housed within two departments: Finance and Administration (F&A), and Program Development and Outreach (PDO). Together, these departments include budget and finance, human resources, information technology, research, staff development, and public information. From a budgetary standpoint, most of the costs of management and support programs are contained in the Mediation/Representation section of the budget. Because human resources and information technology functions are outsourced, these activities are prorated between the mediation and arbitration program areas.

FINANCIAL MANAGEMENT

Finance and Administration provides budget planning and development, and oversight of budget execution. In addition, F&A is responsible for the maintenance of the agency's core accounting system, financial reporting to the Office of Management and Budget (OMB) and Treasury, payments to vendors for goods and services received, issuing bills, and an annual audited financial statement. The NMB is currently in the process of being audited on its FY 2000 financial statements. The NMB will again work with an outside audit firm to establish the time frames for the FY 2001 financial audit. In accordance with applicable law, the agency's financial statements will be finalized by March 1, 2002.

Thorough reviews have found that the NMB does not have any material weakness in its financial

system, and is in compliance with the Federal Financial Management Improvement Act (FFMIA). The NMB has used the GLOWS financial system since 1993. In October 1999, the Board upgraded the financial system in accordance with the Joint Financial Management Improvement Program (JFMIP) guidelines. The upgraded financial system has passed the JFMIP testing process and is in compliance with financial laws and regulations.

The Government Management Reform Act (GMRA) and Government Performance and Results Act (GPRA) require the implementation of managerial cost accounting and performance reporting. Since the Board is a small agency with only three program areas, these program costs are already reported and budgeted in accordance with the agency's strategic and performance goals. The

Finance and Administration department has processes in place which will identify and account for any new initiatives that the Board establishes within its program areas.

HUMAN RESOURCES MANAGEMENT

In keeping with the Administration's goal of flattening the management structure, the NMB has reduced its management positions and has used contracted services to deliver high quality, cost-effective services across the Agency. The NMB continues to concentrate on recruiting and retaining a highly diverse and skilled workforce to meet its strategic and performance goals. The agency continues its Intergovernmental Personnel Act (IPA) arrangements with George Mason University and Howard University to expand its pool of diverse individuals interested in the airline and railroad industries.

During FY 2001 the Board further refined its performance plan, and revised the performance plans for each employee consistent with the agency's performance plan. In addition, the NMB established individual development plans (IDP) for each employee. During FY 2001 each Board employee began to fulfill the conditions of her or his IDP through training, on the job coaching and counseling, and other development modes.

As part of the NMB's ongoing commitment to encouraging diversity, an NMB EEO Committee was created to assist the Board's EEO Director. The Committee acts as an internal consulting group on EEO and civil rights matters, and members of the Committee serve as counselors and mediators in the EEO process. The Committee is also responsible for planning and executing training and for planning special events related to EEO and civil rights.

INFORMATION TECHNOLOGY

The NMB continues to improve its mission performance, productivity, and administrative processes through better utilization of Information Technology (IT). The NMB has developed an IT Architecture, IT capital planning process, and IT security policy to better provide the staff with the overall direction of IT now and for the future.

The NMB security policy has been revised in accordance with applicable laws and regulations, ensuring that the agency's information will be safeguarded from data loss, incursion, or attack.

As the Board continues to integrate its IT functions into each mission area, the NMB will implement an IT capital planning document which outlines IT investments for the future. Based on the IT plan, the agency will begin in FY 2002 replacing its servers and in FY 2003 upgrading its current hardware to ensure that the Board's internal customers have the tools and technology necessary to accomplish their duties and responsibilities.

NMB Website

The Board's website is located at www.nmb.gov. The focus of the website is to provide information on the principal functions of Mediation, Representation, Arbitration and Presidential Emergency Boards under the RLA. In keeping with the requirements of the Government Paperwork Elimination Act, forms to request services are located on the website. The Board continues to review and include information on the website which will meet all the necessary regulations for public disclosure. During FY 2002, the NMB will begin a process for placing previous years' determinations on the website.

PUBLIC INFORMATION

During FY 2001, the Board took significant steps toward improving its delivery of public information. The agency web site was made a focus for “breaking news” and information, and the press and public information distribution system was converted to an electronic format to quicken the delivery of information. A public information policy statement was posted on the web site, stressing the sensitive nature of the information that the Board routinely handles, and the recognition of the Board’s responsibility to communicate accurate and timely information to the press and public.

For the first time the Board established customer service standards for responding to public inquiries, press inquiries, and other requests for information. The FY 2002 annual performance report will contain a summary of the Board’s performance under these new standards.

RESEARCH AND DEVELOPMENT

FY 2001 marked the beginning of a development process that will culminate in a comprehensive internal research program for the NMB. Internal surveys and information management studies began to set the framework for collection and distribution of information to the employees of the Board, and several innovations in information distribution were instituted. Specifically, the review of news relevant to the Board’s mission areas was shifted to an electronic format in order to make information available locally and remotely for mediators working on cases, and the NMB Press was created as a set of internal network folders containing a variety of substantive documents relevant to mediation, representation, and arbitration. During FY 2002 more improvements will be made, and the Board will move toward a comprehensive document management program, including internal search and retrieval capability.



APPENDIX I

REGISTRY OF BOARD MEMBERS

Name	Entered Office	Status	Left Office
Francis J. Duggan	11-22-99	Active	07-01-03*
Magdalena G. Jacobsen	12-01-93	Active	07-01-02*
Ernest W. DuBester	11-15-93	Resigned	08-01-01
Kenneth B. Hipp	05-19-95	Resigned	12-31-98
Kimberly A. Madigan	08-20-90	Resigned	11-30-93
Patrick J. Cleary	12-04-89	Resigned	01-31-95
Joshua M. Javits	01-19-88	Resigned	11-14-93
Charles L. Woods	01-09-86	Resigned	01-15-88
Helen M. Witt	11-18-83	Resigned	09-18-88
Walter C. Wallace	10-12-82	Term Expired	07-01-90
Robert J. Brown	08-20-79	Resigned	06-01-82
Robert O. Harris	08-03-77	Resigned	07-31-84
Kay McMurray	10-05-72	Term Expired	07-01-77
Peter C. Benedict	08-09-71	Deceased	04-12-72
David H. Stowe	12-10-70	Retired	07-01-79
George S. Ives	09-19-69	Retired	09-01-81
Howard G. Gamser	03-11-63	Resigned	05-31-69
Robert O. Boyd	12-28-53	Resigned	10-14-62
Leverett Edwards	04-21-50	Resigned	07-31-70
John Thad Scott, Jr.	03-05-48	Resigned	07-31-53
Francis A. O'Neill, Jr.	04-01-47	Resigned	04-30-71
Frank P. Douglass	07-03-44	Resigned	03-01-50
William M. Leiserson	03-01-43	Resigned	05-31-44
Harry H. Schwartz	02-26-43	Term Expired	01-31-47
David J. Lewis	06-03-39	Resigned	02-05-43
George A. Cook	01-07-38	Resigned	08-01-46
Otto S. Beyer	02-11-36	Resigned	02-11-43
John M. Carmody	07-21-34	Resigned	09-30-35
James W. Carmalt	07-21-34	Deceased	12-02-37
William M. Leiserson	07-21-34	Resigned	05-31-39

*Term expires.

I. Mediation

NMB mediation assistance will foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.

FY 2001 Mediation Performance Goals / Targets

1. In all non-excepted cases, mediation applications will be responded to within three business days following their receipt by the NMB.

1997 Baseline:	88%
2000 Performance:	100%
2001 Performance:	100%

2. In all non-excepted cases, a mediator will be assigned within 14 calendar days following the docketing of a case.

1997 Baseline:	91%
2000 Performance:	100%
2001 Performance:	100%

3. In all non-excepted cases, the assigned Mediator will make an initial contact with the parties within seven calendar days following his or her assignment to a case (initial contact is satisfied by speaking with both parties or leaving a voice mail message with both parties).

1997 Baseline:	65%
2000 Performance:	93%
2001 Performance:	97%

4. In all non-excepted cases, the assigned Mediator will establish the date for the first mediation conference within 25 calendar days following the Mediator's assignment to a case.

1997 Baseline:	17%
2000 Performance:	98%
2001 Performance:	98.5%

5. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within 45 days of mediation meetings or fewer.

Baseline:	This is a new standard.
2001 Target:	75% of closed cases.
2001 Performance:	92% of closed cases.

6. In all non-excepted cases, the mediator and the Board will endeavor to assist the parties in reaching an agreement within twelve months (365 days) from the docketing of an application.

Baseline:	This is a new standard.
2001 Target:	75% of closed cases.
2001 Performance:	59% of closed cases.

7. Provide mediation services for 70 new railroad and airline mediation cases.

Baseline:	This is a new standard.
2001 Target:	70 cases.
2001 Performance:	70 cases.

-
8. Mediate to closure 70 railroad and airline mediation cases.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 70 cases. |
| 2001 Performance: | 65 cases. |

II. Alternative Dispute Resolution

NMB alternative dispute resolution services will promote effective and efficient use of interest based bargaining and grievance mediation.

FY 2001 Mediation Performance Goals / Targets

1. Provide facilitator and training services in 50 new alternative dispute resolution cases.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 50 cases. |
| 2001 Performance: | 64 cases. |
2. Bring 50 alternative dispute resolution cases to closure.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 50 cases. |
| 2001 Performance: | 77 cases. |

III. Representation

Upon the request of employees of an airline or railroad, the NMB will promptly investigate representation disputes and definitively resolve the employees' representation status for collective bargaining purposes.

1. In all cases, a written response to a representation application will be sent within three business days.
- | | |
|-------------------|------|
| 1998 Baseline: | 98% |
| 2000 Performance: | 99% |
| 2001 Performance: | 100% |
2. In all cases, an NMB investigator will be assigned to investigate a representation matter within five business days following the initial NMB response, unless the NMB declines to process the application.
- | | |
|-------------------|------|
| 1998 Baseline: | 100% |
| 2000 Performance: | 100% |
| 2001 Performance: | 100% |
3. In all cases, the NMB's determination of whether there is sufficient showing of interest to warrant further investigation will be made within 45 calendar days of docketing.
- | | |
|-------------------|------|
| 2000 Baseline: | 98% |
| 2000 Performance: | 99% |
| 2001 Performance: | 100% |
4. In all cases, a certification or a dismissal will be issued within three business days of the ballot count.
- | | |
|-------------------|---|
| Baseline: | This is a revised and more stringent standard. In FY2000 performance under the old standard was 100%. |
| 2000 Performance: | 100% |
| 2001 Performance: | 100% |

-
5. All non-appellate representation cases will be completed within 90 calendar days of docketing.
- | | |
|-------------------|------|
| 1997 Baseline: | 89% |
| 2000 Performance: | 100% |
| 2001 Performance: | 100% |
6. All Board decisions involving allegations of interference in appellate representation cases will be issued within 270 calendar days of docketing.
- | | |
|-------------------|--|
| Baseline: | This is a new standard. |
| 2001 Target: | 80% |
| 2001 Performance: | 75% (the standard was met in 3 of 4 cases) |
7. All predocketing investigations will be completed within 180 calendar days following the investigator's assignment to the case.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 80% |
| 2001 Performance: | 100% |
8. A written jurisdictional opinion will be provided to the NLRB within 180 calendar days from the date the jurisdictional referral from NLRB headquarters is assigned to an investigator.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 80% |
| 2001 Performance: | 100% |
9. In all cases which require a Board level decision, the Board will endeavor to issue a decision within 35 days after receiving a staff recommendation.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 80% |
| 2001 Performance: | 100% |

IV. Arbitration

The NMB will promote the prompt and orderly resolution of grievance disputes.

1. All arbitrators compensated by the NMB will be sent their payment within 10 business days following the NMB's receipt of an appropriate voucher.
- | | |
|-------------------|-----|
| 1997 Baseline: | 85% |
| 2000 Performance: | 93% |
| 2001 Performance: | 94% |
2. Monitor case loads and authorizations to encourage arbitrators to issue awards in all cases within 180 calendar days of hearing dates.
- | | |
|-------------------|-------------------------|
| Baseline: | This is a new standard. |
| 2001 Target: | 90% |
| 2001 Performance: | 71% |

3. At the National Railroad Adjustment Board, reduce the average length of time between the hearing of cases and decisions by at least 5 percent for the year.

Baseline:	This is a revised standard measuring the percentage of change in the average length of time between hearings and decisions using the average number of days from the first quarter of FY 2001 (374 days) as the baseline.
2001 Target:	5% reduction for the year
2001 Performance:	First quarter - baseline (374 days) Second Quarter - 47.3% reduction (197 days) Third Quarter - 52.6% reduction (177 days) Fourth Quarter - 71.3% reduction (107 days)
Performance for the Year:	Second-Fourth Quarters - 57.2% reduction (160 days) Average for the year - 214 days

V. Management and Support Programs

1. Human Resources

Goal: To foster a diverse, highly skilled work force, capable of meeting or exceeding the NMB's strategic goals with efficiency, innovation, and a constant focus on better serving the Board's customers.

Performance: During FY 2001 the Board hired a successor to the public affairs director (Director of Program Development and Outreach), a Mediation Research Specialist, and a Financial Operations Specialist. The Board continued its relationship with Howard University through an Intergovernmental Personnel Act (IPA) assignment, bringing a Howard University faculty member to the Board to work in mediation and alternative dispute resolution. The Board also continued its relationship with George Mason University by sustaining an IPA with the university that allowed the Board's general counsel to work in a unique academic dispute resolution environment. The use of individual performance plans and individual development programs for all staff was continued through FY 2001, enabling the Board to systematically assess performance and prepare NMB staff to operate with maximum effectiveness.

2. Research and Development

Goal: To develop a comprehensive research program that fully supports constructive collective bargaining among the parties.

Performance: During FY 2001 the Board developed a comprehensive strategic plan for research. As part of the strategic plan, the Board streamlined and improved information distribution channels (including the wider use of electronic distribution) and began the process of building in-house systems for archiving and retrieving data, and for the collection, archiving, and searching of information developed outside the Board.

3. Information Technology

Goal: To improve mission performance, system integrity, communications, and productivity through systems that are secure, reliable, compatible, and effective.

Performance: Throughout FY 2001 the information technology staff maintained reliable and secure systems that allow mediators to access NMB material from the field, and which allow for NMB staff at the Washington, D.C., headquarters to work efficiently. During FY 2001 the Board began the process of obtaining and installing a firewall to increase IT security, and it enhanced its capacity to scan and evaluate system use to deter incursions. IT training was featured as part of individual development plans across the Board, and the IT staff conducted in-house training in the computer applications used on the Board's network.

4. Customer Service

Goal: To deliver outstanding service to the NMB customers, both internal and external.

Performance: The Board's Administration Department conducted regular customer service focus groups to identify problem areas, and it acted quickly to address issues raised in the groups. Each department reviewed its customer service standards, either creating standards or revising standards where appropriate. The Board continued to collect regular feedback from the parties, including responses to a standard format for evaluation of the Interest Based Bargaining and Grievance Mediation training conducted by Board mediators.

5. Financial Management

Goal: To ensure sound financial management of NMB resources.

Performance: NMB Administration staff continued to operate well within customer service guidelines for reimbursements and other financial functions. All budget requests and reports were prepared on time and accurately.

6. Public Information

Goal: To ensure that information received by external customers is reliable and timely.

Performance: During FY 2001 the Board established customer service standards for responding to press calls and public inquiries, both by phone and in writing. Those customer service guidelines call for telephone inquiries to be responded to on the day they are received, and for written inquiries to be researched and responded to within five business days from the time they are received. The Board has consistently met these customer service standards. During FY 2001, the Board reviewed and expanded its press release list, and instituted a faster, more reliable means of delivering information to the press. Additionally, the Board, for the first time, posted a press and public information policy on its web site to guide the public in requesting information from the Board. The Board continued to develop its web site to include material of interest to the public, and to make available information about the Board's functions.

TABLE 1 – Number of Cases Received and Closed Out

Mediation Cases						
Status of Cases	2001	2000	1999*	1998*	1997*	5 Year Avg.
Cases Pending and Unsettled at Beginning of Period	61	74	127	176	150	117.6
New Cases Docketed	70	65	71	61	101	73.6
Total Cases on Hand and Received	131	139	198	237	251	191.2
Cases Closed	65	78	124	105	74	89.2
Cases Pending and Unsettled at End of Period	66	61	74	132	177	102.0

*Adjusted figures.

ADR Cases						
Status of Cases	2001	2000	1999	1998	1997	5 Year Avg.
Cases Pending and Unsettled at Beginning of Period	28	16	27	7	0	15.6
New Cases Docketed	45	59	45	21	15	37.0
Total Cases on Hand and Received	73	75	72	28	15	52.6
Cases Closed	52	47	56	3	8	33.2
Cases Pending and Unsettled at End of Period	21	28	16	25	7	19.4

Representation Cases						
Status of Cases	2001	2000	1999	1998	1997	5 Year Avg.
Cases Pending and Unsettled at Beginning of Period	15	14	11	24	29	18.6
New Cases Docketed	66	75	75	78	78	74.4
Total Cases on Hand and Received	81	89	86	102	107	93.0
Cases Closed	73	74	72	91	83	78.6
Cases Pending and Unsettled at End of Period	8	15	14	11	24	14.4

Total Mediation, ADR, and Representation Cases						
Status of Cases	2001	2000	1999	1998	1997	5 Year Avg.
Cases Pending and Unsettled at Beginning of Period	104	104	165	207	179	151.8
New Cases Docketed	181	199	191	160	194	185.0
Total Cases on Hand and Received	285	303	356	367	373	336.8
Cases Closed	190	199	252	199	165	201.0
Cases Pending and Unsettled at End of Period	95	104	104	168	208	135.8

TABLE 2 – Representation Case Disposition by Craft or Class and Employees Involved (FY 2001)

Railroads	Number of Cases	Craft or Class	Employees Involved	Participating Employees
Certifications	13	13	858	761
Dismissals	9	9	13	2
Totals	22	22	871	763

Airlines	Number of Cases	Craft or Class	Employees Involved	Participating Employees
Certifications	16	16	1,635	1,153
Dismissals	35	35	14,775	3,603
Totals	51	51	16,410	4,756

Railroad & Airline Totals	73	73	7,281	5,519
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TABLE 3 – Number of Cases Closed by Major Groups of Employees, October 1, 2000 to September 30, 2001

	Total Cases	Representation Cases	Mediation/ADR Cases
Railroads			
Agents, Telegraphers and Towermen	0	0	0
Boilermakers and Blacksmiths	0	0	0
Brakemen and Conductors	0	0	0
Carmen	3	1	2
Clerical Office, Station and Storehouse Employees	5	1	4
Conductors	8	1	7
Dining Car Employees, Train and Pullman Porters	0	0	0
Electrical Workers	2	1	1
Engineers and Related Employees	4	1	3
Firemen and Oilers	0	0	0
Locomotive Engineers	2	0	2
Locomotive Firemen and Hostlers	0	0	0
Longshoremen	1	0	1
Machinists	2	1	1
Maintenance of Way Employees	8	2	6
Marine Service Employees	0	0	0
Mechanical Department Foremen and/or Supervisors of Mechanics	1	1	0
Operating/Non-Operating Employees	0	0	0
Police Officers Below the Rank of Captain	0	0	0
Power Directors (Supervisors)	0	0	0
Railroad Freight Loaders and Handlers	1	1	0
Sheet Metal Workers	0	0	0
Signalmen	4	1	3
Subordinate Officials in the Car Department	1	1	0
Subordinate Officials in the Maintenance of Equipment Department	1	1	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	1	1	0
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0
Train Dispatchers	2	1	1
Train, Engine, and Yard Service	10	7	3
Trainmen	1	0	1
Yardmen	1	0	1
Yardmasters	1	0	1
Combined Groups, Railroad	0	0	
Miscellaneous, Railroad	10	0	10
Railroad Total	69	22	47

	Total Cases	Representation Cases	Mediation/ ADR Cases
Airlines			
EMS Employees (Paramedics/Nurses)	1	1	0
Engineers and Related Employees	1	1	0
Fleet and Passenger Service Employees	5	3	2
Fleet Service Employees	10	7	3
Flight Attendants	17	4	13
Flight Deck Crew Members	14	7	7
Flight Dispatchers	3	2	1
Flight Engineers	0	0	0
Flight Kitchen and Commissary Employees	1	1	0
Flight School Instructors	1	1	0
Flight Simulator Technicians	1	1	0
Ground School Instructors	1	1	0
Mechanics and Related Employees	18	12	6
Office Clerical Employees	0	0	0
Office Clerical, Fleet and Passenger Service Employees	1	0	1
Passenger Service Employees	9	6	3
Skycaps	2	0	2
Pilots	30	2	28
Stock and Stores Employees	3	2	1
Combined Groups, Airlines	0	0	0
Miscellaneous, Airlines	3	0	3
Airline Total	121	51	70
Grand Total, Railroads and Airlines	190	73	117

TABLE 4 – Number of Craft or Class Determinations and Number of Employees Involved in Representation Cases, By Major Groups of Employees, October 1, 2000 to September 30, 2001

	Number of Number of Cases	Craft or Class Determinations	Number of Employees	Percent' of Employees Involved
Railroads				
Agents, Telegraphers and Towermen	0	0	0	0
Boilermakers and Blacksmiths	0	0	0	0
Brakemen and Conductors	0	0	0	0
Carmen	1	1	119	..
Clerical Office, Station and Storehouse Employees	1	1	16	..
Conductors	1	1	319	2%
Dining Car Employees, Train and Pullman Porters	0	0	0	0
Electrical Workers	1	1	24	..
Engineers and Related Employees	1	1	0	0
Firemen and Oilers	0	0	0	0
Locomotive Engineers	0	0	0	0
Locomotive Firemen and Hostlers	0	0	0	0
Longshoremen	0	0	0	0
Machinists	1	1	8	..
Maintenance of Way Employees	2	2	0	0
Marine Service Employees	0	0	0	0
Mechanical Department Foremen and/or Supervisors of Mechanics	1	1	3	..
Operating/Non-Operating Employees	0	0	0	0
Police Officers Below the Rank of Captain	0	0	0	0
Power Directors (Supervisors)	0	0	0	0

Table 4 continued

	Number of Cases	Number of Craft or Class Determinations	Number of Employees	Percent ¹ of Employees Involved
Railroads				
Railroad Freight Loaders and Handlers	1	1	5	..
Sheet Metal Workers	0	0	0	0
Signalmen	1	1	0	0
Subordinate Officials in the Car Department	1	1	5	..
Subordinate Officials in the Maintenance of Equipment Department	1	1	0	0
Subordinate Officials in the Maintenance of Way and Structures Department (B & B)	1	1	1	..
Technical Engineers, Architects, Draftsmen and Allied Workers	0	0	0	0
Train Dispatchers	1	1	31	..
Train, Engine, and Yard Service	7	7	232	1%
Yardmasters	0	0	0	0
Combined Groups, Railroad	0	0	0	0
Miscellaneous, Railroad	0	0	0	0
Railroad Total	22	22	763	4%
Airlines				
EMS Employees (Paramedics/Nurses)	1	1	34	..
Engineers and Related Employees	1	1	31	..
Fleet and Passenger Service Employees	3	3	287	2%
Fleet Service Employees	7	7	1,996	11%
Flight Attendants	4	4	384	2%
Flight Deck Crew Members	7	7	309	2%
Flight Dispatchers	2	2	35	..
Flight Engineers	0	0	0	0
Flight Kitchen and Commissary Employees	1	1	0	0
Flight School Instructors	1	1	76	..
Flight Simulator Technicians	1	1	27	..
Ground School Instructors	1	1	0	0
Mechanics and Related Employees	12	12	265	1%
Office Clerical Employees	0	0	0	0
Office Clerical, Fleet and Passenger Service Employees	0	0	0	0
Passenger Service Employees	6	6	1,186	7%
Pilots	2	2	68	..
Stock and Stores Employees	2	2	58	..
Combined Groups, Airlines	0	0	0	0
Miscellaneous, Airlines	0	0	0	0
Airline Total	51	51	4,756	27%
Railroads and Airlines Grand Total	73	73	5,519	32%

1. Percent listing for each group represents the percentage of the 17,281 employees involved in all railroad and airline cases during fiscal year 2001

(..) Less than one percent

TABLE 5 – Number of Crafts or Classes Certified and the Percent* of Employees Involved in Various Types of Representation Cases, October 1, 2000 to September 30, 2001

	National Organizations			Local Unions and/or Individuals			Totals		
	Craft or Class	Employees Number	Involved Percent	Craft or Class	Employees Number	Involved Percent	Craft or Class	Employees Number	Involved Percent
Railroads									
Representation Acquired:									
Elections	4	157	1%	0	0	0	4	157	1%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	2	110	..	5	161	..	7	271	1%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	2	335	2%	0	0	0	2	335	2%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Railroads	8	602	3%	5	161	..	13	763	4%
Airlines									
Representation Acquired:									
Elections	12	851	5%	3	174	1%	15	1,025	6%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Changed:									
Elections	1	128	1%	0	0	0	1	128	1%
Proved Authorizations	0	0	0	0	0	0	0	0	0
Representation Unchanged:									
Elections	0	0	0	0	0	0	0	0	0
Proved Authorizations	0	0	0	0	0	0	0	0	0
Total, Airlines	13	979	6%	3	174	1%	16	1,153	7%
Total, Combined Railroads and Airlines	21	1,581	9%	8	335	2%	29	1,916	11%

* Percent listing for each group represents the percentage of the 17,281 employees involved in all rail and airline cases in fiscal year 2001.

(..) Less than one percent.

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

TABLE 6 – Interest Arbitration Cases - FY 2001

Board Number	Carrier	Organization	Issue
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NONE

TABLE 7 – Strikes in the airline Industries - FY 2001

Case No.	Carrier	Union	Craft/ Class	Date of Strike	Date Work Resumed	Duration	Issues	No. of employees	Disposition
A13043	ComAir	ALPA	Pilots	3/26/01	6/22/01	89 Days	Renegotiation	1,350	NMB assisted agreement

TABLE 8 – Strikes in the Railroad Industries - FY 2001

Case No.	Carrier	Union	Craft/ Class	Date of Strike	Date Work Resumed	Duration	Issues	No. of employees	Disposition
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NONE

TABLE 9 – RLA Section 10 Presidential Emergency Boards - FY 2001

PEB Number	Carrier	Union	Disposition
235	NWA	AMFA	Agreement by the parties before PEB report to the president

TABLE 10 – RLA Section 9a Presidential Emergency Boards - FY 2001

PEB Number	Carrier	Union	Disposition
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NONE

APPENDIX IV

MEDIATION AND REPRESENTATION CASE RECORD

Docketed Airline Mediation Cases - FY 2001

Carrier	Union	Craft/Class
Air Wisconsin Airlines	IAM	Passenger Service Employees
Air Wisconsin Airlines	IAM	Mechanics & Related Employees
Allegheny Airlines	AFA	Flight Attendants
Allegheny Airlines	IBT	Fleet & Passenger Service Employees
America West Airlines	ALPA	Pilots
America West Airlines	BT	Stock & Stores
BWIA Airlines	IAM	Mechanics & Related Employees
Continental Micronesia, Inc.	IAM	Flight Attendants
Continental Micronesia, Inc.	IBT	Mechanics & Related Employees
Delta Air Lines	ALPA	Pilots
Delta Air Lines	TWU	Pilots Ground Training Instructors
El Al Israel Airlines	IAM	Fleet & Passenger Service Employees
Executive Air Terminal Aviation	IAM	Mechanics & Related Employees
Executive Jet, Inc.	IBT	Pilots
Grand Aire Express, Inc.	IBT	Pilots
Great Lakes Aviation	IBT	Pilots
Gulfstream International Airlines	IBT	Pilots
Hawaiian Airlines	IAM	Mechanics & Related Employees
Hawaiian Airlines	IAM	Office Clerical Employees
International Total Services, Inc.	SEIU	Passenger Service Employees
Mesaba Aviation, Inc.	AFA	Flight Attendants
Midway Airlines Corp.	AFA	Flight Attendants
Pan American World Airways, Inc.	AFA	Flight Attendants
PSA Airlines, Inc.	ALPA	Pilots
PSA Airlines, Inc.	IAM	Mechanics & Related Employees
Ryan Airlines	ALPA	Pilots
Sun Country Airlines	ALPA	Pilots
Trans Continental nka Express. Net	TCPA	Flight Deck Crew Members
United Airlines	IAM	Passenger Service Employees
United Airlines	IAM	Fleet Service Employees
United Airlines	IAM	Flight Kitchen & Commissary Employees
United Airlines	IAM	Security Officers & Security Guards

Closed Airline Mediation Cases - FY 2001

Carrier	Union	Craft/Class
Air Transport International	IBT	Flight Deck Crew Members
Air Wisconsin Airlines	ALPA	Pilots
Air Wisconsin Airlines	IAM	Mechanic & Related
Allegheny Airlines	IBT	Mechanics & Related Employees
American Airlines	APFA	Flight Attendants
Champion Air	IBT	Flight Attendants
Comair, Inc.	ALPA	Pilots
Continental Micronesia, Inc.	IAM	Flight Attendants
Dalfort Aerospace	IBT	Mechanics & Related
Delta Air Lines	ALPA	Pilots
El Al Israel Airlines	IAM	Fleet & Passenger Service Employees
Executive Jet, Inc.	IBT	Pilots
Fine Air Services, Inc.	IBT	Flight Deck Crew Members
Hawaiian Airlines	ALPA	Pilots
Horizon Air	IBT	Pilots
International Total Services, Inc	SEIU	Passenger Service Employees
Island Air	HTAW	Fleet Service Employees

LACSA	IBT	Office, Clerical, Fleet & Passenger Service
LACSA	IBT	Fleet & Passenger Service
Liat Caribbean Airlines	IAM	Passenger Service Employees
Midway Airlines Corp.	IAM	Fleet Service Employees
Northwest Airlines, Inc.	AMFA	Mechanics & Related Employees
Northern Air Cargo, Inc.	IBEW	Flight Deck Crew Member
Pakistan International Airlines, Inc.	IBT	Stock & Stores Employees
Petroleum Helicopters, Inc.	OPEIU	Flight Deck Crew Members
PSA Airlines	IAM	Mechanic & Related
Quality Aircraft Services, Inc.	IUISTHE	Skycaps
Ryan Air	ALPA	Pilots
Southwest Airlines, Inc.	TWU	Fleet Service Employees
Tower Air, Inc.	ALPA	Pilots
Tower Air, Inc.	AFA	Flight Attendants
Trans Continental nka Express. Net	TCPA	Flight Deck Crew Members
United Airlines	ALPA	Pilots
United Safeguard AVGR Intl' Business	IUISTHE	Skycaps

Docketed Railroad Mediation Cases - FY 2001

Carrier	Union	Craft/Class
AMTRAK	BB&B	Boilermakers - Blacksmiths
AMTRAK	IAM	Machinists
AMTRAK	MWIA	Sheet Metal Workers
AMTRAK	BRS	Signalmen
Canadian Pacific Railway	ATDD	Train Dispatcher
Canadian Pacific Railway	BMWE	Maintenance of Way Employees
Delaware & Hudson Railway	BMWE	Maintenance of Way Employees
Dakota, Minnesota & Eastern Railroad	UTU	Train & Engine Service Employees
C/N Grand Trunk Western	TCU	Carmen
I & M Rail Link	TCU	Carmen
I & M Rail Link	IBEW	Electricians
I & M Rail Link	BRS	Signalmen
I & M Rail Link	IAM	Machinists
Iowa Interstate Railroad	UTU	Train & Engine Service Employees
Kansas City Southern Railway	BMWE	Maintenance of Way Employees
Kansas City Southern Railway	BMWE	Maintenance of Way Employees
Lake Terminal Railroad Company	UTU	Engine Service Employees
Lake Terminal Railroad Company	UTU	Trainmen
Montana Rail Link, Inc.	BMWE	Maintenance of Way Employees
Montana Rail Link, Inc.	TCU	Carmen
Montana Rail Link, Inc.	IBEW	Electricians, Apprentice & Helpers
Montana Rail Link, Inc.	BRS	Signalmen
Montana Rail Link, Inc.	TCU	Clerical Office, Sta. & Storehse Employees
Montana Rail Link, Inc.	NCFO	Power House & Ry. Shop Laborers
Montana Rail Link, Inc.	IAM	Machinists
NCCC/NRLC	IBB&B	Boiler makers - Blacksmiths
NCCC/NRLC	SMWIA	Sheet Metal Workers
NCCC/NRLC	IAM	Mechanics & Related Employees
NCCC/NRLC	IBEW	Electrical Workers
NCCC/NRLC	BRS	Signalmen
New Orleans Public Belt Railroad	UTU	Engineers & Related Employees
New Jersey Transit Railroad	ATDD	American Train Dispatchers Department
Port Authority Trans Hudson	ATDD	American Train Dispatchers Department
Reading, Blue Mountain & Northern RR	UTU	Conductors
River Terminal Railway Company	UTU	Conductors
Toledo, Peoria & Western Railway	UTU	Train, Engine & Yard Service Employees
York Rail, Inc.	BMWE	Maintenance of Way Employees
York Rail, Inc.	UTU	Train, Engine & Yard Service Employees

Closed Railroad Mediation Cases - FY 2001

Carrier	Union	Craft/Class
Alabama State Docks	ILA	Longshoremens
Bangoor - Aroostook Railroad	UTU	Conductors
Canadian American Railroad	UTU	Conductors
Chicago, Central & Pacific Railroad	UTU	Yardmen
Duluth, Missabe & Iron Ridge	BLE	Engineers & Related
Elgin, Joliet & Eastern Railway	UTU	Conductors
C/N Grand Trunk Western	BMWE	Maintenance of Way Employees
C/N Grand Trunk Western	TCU	Carmen
I & M Rail Link	BMWE	Maintenance of Way Employees
I & M Rail Link	BLE	Locomotive Engineers
I & M Rail Link	TCU	Carmen
I & M Rail Link	IBEW	Electricians
I & M Rail Link	BRS	Signalmen
I & M Rail Link	IAM	Machinists
Iowa Interstate Railroad	BMWE	Maintenance of Way Employees
Iowa Interstate Railroad	UTU	Train & Engin Service Employees
Kansas City Southern Railway	BMWE	Maintenance of Way Employees
Metro North Railroad	BRS	Signalmen
NCCC/NRLC	BMWE	Maintenance of Way Employees
New Orleans Public Belt Railroad	UTU	Engineers & Related Employees
Northern Vermont Railroad	UTU	Conductors
Port Authority Trans Hudson	UTU	Conductors
Reading, Blue Mountain & Northern RR	UTU	Conductors
River Terminal Railway	UTU	Conductors
San Joaquin Valley Railroad	UTU	Trainmen
Southeastern Penn. Transit Auth.	BLE	Locomotive Engineers
Terminal Railroad Assoc. of St. Louis	UTU	Train & Engine Service Employees
Tuscola & Saginaw Bay Railroad	UTU	Train & Engine Service Employees
Union Railroad Company	USWA	Clerical Office, Sta. & Storehouse Employees
Union Railroad Company	USWA	Clerical Office, Sta. & Storehouse Employees
Union Railroad Company	USWA	Maintenance of Way Employees

Docketed Airline Representation Cases - FY 2001

Carrier	Union	Craft/Class
Air Methods Corporation	OPEIU	Flight Deck Crew Members
AirTran Airways, Inc.	IBT	Fleet and Passenger Service Employees
AirTrans Airways, Inc.	IBT	Fleet and Passenger Service Employees
AirTran Airways, Inc.	IBT	Mechanics and Related Employees
American Eagle Airlines, Inc.	TWU-AMFA	Mechanics and Related Employees
American Eagle Airlines, Inc.	CWA	Passenger Service Employees
Amerijet International, Inc.	IBT	Flight Deck Crew Members
American Trans Air, Inc.	IAM	Stock and Stores Employees
America West Airlines, Inc.	TWU	Passenger Service Employees
Atlantic Southeast Airlines, Inc.	IAM	Mechanics and Related Employees
CareFlite	OPEIU	Pilots
Continental Airlines/Cont. Express	TWU	Flight Simulator Technicians
Continental Airlines, Inc.	IAM	Fleet Service Employees
CCAair, Inc.	IBT	Fleet and Passenger Service Employees
Comair, Inc.	IBT	Flight Attendants
Command Security Corporation d/b/a Aviation Safeguards	PWU	Fleet Service Employees
Delta Air Lines Global Services, Inc.	UIU	Fleet Service Employees
Delta Air Lines, Inc.	AFA	Flight Attendants
Dobbs International Services, Inc. d/b/a Gate Gourmet	IBT-HERE-IAM	Flight Kitchen and Commissary Emp.

Executive Jet Aviation, Inc.	IBT	Flight Attendants
Express Airlines I, Inc.	PACE	Fleet and Passenger Service Employees
Express Airlines I, Inc.	AMFA	Mechanics and Related Employees
Express One Airlines, Inc.	EOCA-IBT	Flight Deck Crew Members
Fine Air Services, Inc.	IBT	Flight Deck Crew Members
Frontier Airlines, Inc.	IBT	Mechanics and Related Employees
Frontier Airlines, Inc.	IBT	Stock and Stores Employees
Grupo TACA	IBT	Fleet and Passenger Service Employees
Holland America West Tours	IBT	Stock and Stores Employees
Iberia Airlines	IAM	Mechanics and Related Employees
International Total Services	IBT	Passenger Service Employees
Mercy Air Services	IAEP	EMS Employees (Nurses and Paramedics)
Miami Air International	AFA	Flight Attendants
Midway Airlines Corporation	IAM	Mechanics and Related Employees
National Airlines	IBT	Mechanics and Related Employees
Northern Air Cargo, Inc.	BEW	Flight Deck Crew Members
Pakistan International Airlines	IBT	Office Clerical Employees
Pakistan International Airlines	IBT	Passenger Service Employees
St. Louis Helicopter Airways, Inc.	OPEIU	Flight Deck Crew Members
TradeWinds Airlines, Inc.	TWACCA	Flight Deck Crew Members
United Airlines, Inc.	IAM	Passenger Service Employees
United Airlines, Inc.	IAM	Passenger Service Employees
United Airlines, Inc.	IAM	Ground School Instructors
United Airlines, Inc.	IAM	Mechanics and Related Employees
United Airlines, Inc.	AMFA-IAM	Mechanics and Related Employees
US Airways, Inc.	IAM	Mechanics and Related Employees
US Airways, Inc.	IAM	Mechanics and Related Employees
US Airways, Inc.	IAM	Mechanics and Related Employees
US Airways, Inc.	IAM	Engineers and Related Employees

Closed Airline Representation Cases - FY 2001

Carrier	Union	Craft/Class	Disposition
Aeromexico	IAM	Passenger Service	Certification
Air Methods Corporation	OPEIU	Flight Deck Crew Members	Dismissal
AirTrans Airways, Inc.	IBT	Fleet and Passenger Service	Findings Upon Inves.-Dismissal
AirTran Airways, Inc.	IBT	Mechanics and Related	Findings Upon Inves.-Dismissal
Air Wisconsin Airlines Corp.	TWU	Flight Dispatchers	Dismissal
American Eagle Airlines	TWU-AMFA	Mechanics and Related	Findings Upon Inves.-Dismissal
American Eagle Airlines	CWA	Passenger Service	Dismissal
Amerijet International	IBT	Flight Deck Crew Members	Dismissal
American Trans Air	IAM	Fleet Service Employees	Certification
American Trans Air	IAM	Stock and Stores	Dismissal
America West Airlines	TWU	Passenger Service	Dismissal-Insuf. Showing of Interest
Atlantic Southeast Airlines	IAM	Mechanics and Related	Dismissal
CareFlite	OPEIU	Pilots	Certification
Continental Airlines	IAM	Fleet Service	Dismissal-Withdrawn During Inves.
Continental Airlines/ Continental Express	IACP	Flight Instructors	Certification
Continental Airlines Continental Express	TWU	Flight Simulator Technicians	Certification
CCAir	IBT	Fleet and Passenger Service	Dismissal
Comair	IBT	Flight Attendants	Findings Upon Inves.-Dismissal
Command Security Corp, d/b/a Aviation Safeguards	PWU	Fleet Service	Dismissal-Withdrawn During Inves.
Delta Air Lines	TWU	Fleet Service	Dismissal
Delta Air Lines Global Services	UIU	Fleet Service	Findings Upon Inves.-Dismissal
Dobbs Int'l Services d/b/a Gate Gourmet	IBT-HERE-IAM	Flight Kitchen & Commissary	Certification

Executive Jet Aviation	IBT	Flight Attendants	Certification
Express Airlines I, Inc.	PACE	Fleet and Passenger Service	Dismissal
Express Airlines I, Inc.	AMFA	Mechanics and Related	Dismissal
Express One Airlines	EOCA-IBT	Flight Deck Crew Members	Findings Upon Inves.-Dismissal
Fine Air Services	IBT	Flight Deck Crew Members	Certification
Frontier Airlines	IBT	Mechanics and Related	Certification
Grupo TACA	IBT	Fleet and Passenger Service	Findings Upon Inves.-Dismissal
Holland America West Tours	IBT	Stock and Stores	Dismissal-Withdrawn During Inves.
International Total Services	IBT	Passenger Service	Dismissal-Withdrawn During Inves.
Mercy Air Services	IAEP	EMS Employees (Nurses and Paramedics)	Dismissal
Miami Air International	AFA	Flight Attendants	Certification
Midway Airlines	IAM	Mechanics and Related	Dismissal
National Airlines	IAM	Fleet Service Employees	Dismissal
National Airlines	IBT	Mechanics and Related	Dismissal
Shuttle America Corp.	IBT	Flight Deck Crew Members	Certification
Spirit Airlines, Inc.	AFA	Flight Attendants	Certification
St. Louis Helicopter Airways	OPEIU	Flight Deck Crew Members	Certification
TradeWinds Airlines	TWACCA	Flight Deck Crew Members	Certification
Transmeridian Airlines	TPC	Pilots	Certification
United Airlines	IAM	Mechanics and Related	Findings Upon Inves.-Dismissal
United Airlines	IAM	Mechanics and Related	Dismissal-Insuf. Showing of Interest
United Airlines	IAM	Passenger Service	Dismissal-Withdrawn During Inves.
United Airlines	IAM	Passenger Service	Dismissal-Withdrawn During Inves.
United Airlines	IAM	Ground School Instructors	Findings Upon Inves.-Dismissal
United Parcel Service	TWU	Flight Dispatchers	Certification
US Airways	IAM	Mechanics and Related	Findings Upon Inves.-Dismissal
US Airways	IAM	Mechanics and Related	Findings Upon Inves.-Dismissal
US Airways	IAM	Mechanics and Related	Findings Upon Inves.-Dismissal
US Airways	IAM	Engineers and Related	Dismissal

Docketed Railroad Representation Cases - FY 2001

Carrier	Union	Craft/Class
Canadian Pacific Railway (Soo Line)	TCU-ARASA Div.-SLSCSA	Signal and Communication Supervisors
CSX Transportation	UTU-Individual	Train and Engine Service Employees
Dakota, Minnesota & Eastern Railroad	BMWE	Maintenance of Way Employees
Dakota, Minnesota & Eastern Railroad	BMWE	Mechanics and Mechanic Helpers
Foreign & Domestic Car Services	IBT	Rail Freight Loaders and Handlers
Indiana & Ohio Railway	BLE	Train and Engine Service Employees
Long Island Rail Road	IRSA	Supervisors/Foremen in the Maintenance of Equipment Dept.
Meridian Southern Railway	BLE	Train and Engine Service Employees
Montana Rail Link	BLE-ATDD Dept.	Train Dispatchers
Northern Vermont Railroad	BMWE-UTU	Engineers
Northern Vermont Railroad	BMWE-UTU	Trainmen
Northern Vermont Railroad	BMWE-UTU	Maintenance of Way Employees
Northern Vermont Railroad	BMWE-UTU	Signalmen
Northern Vermont Railroad	BMWE-UTU	Machinists
Paducah & Louisville Railway	UTU-BLE	Train and Engine Service Employees
Southeastern Pennsylvania Transportation Authority	UTU-BLE	Conductors
Terminal Railroad Association of St. Louis	UTU-BLE	Train and Engine Service Employees
Wheeling and Lake Erie Railway	UTU-CSCDSC	Office Clerical, Station, and Storehouse Employees

Closed Railroad Representation Cases - FY 2001

Carrier	Union	Craft/Class	Disposition
CSX Transportation	UTU-Ind.	Train and Engine Service	Dismissal-Insuf. Showing of Interest
Finger Lakes Railway	BLE	Train and Engine Service	Dismissal
Foreign & Domestic Car Services	IBT	Rail Freight Loaders and Handlers	Certification
Indiana & Ohio Railroad	BLE	Train and Engine Service	Certification
Long Island Rail Road	IRSA	Supervisors/Foremen in the Maintenance of Equipment Dept.	Findings Upon Inves.-Dismissal
Modesto & Empire Traction	UBCJ-UTU	Engine Service	Certification
Montana Rail Link	BLE-ATDD	Dept.	Train Dispatchers Certification
Northern Vermont Railroad	BMWE-UTU	Engineers	Dismissal-Withdrawn During Investigation
Northern Vermont Railroad	BMWE-UTU	Trainmen	Dismissal-Withdrawn During Investigation
Northern Vermont Railroad	BMWE-UTU	Maintenance of Way	Dismissal-Withdrawn During Investigation
Northern Vermont Railroad	BMWE-UTU	Signalmen	Dismissal-Withdrawn During Investigation
Northern Vermont Railroad	BMWE-UTU	Machinists	Dismissal-Withdrawn During Investigation
Paducah & Louisville Railway	UTU-BLE	Train and Engine Service Employees	Certification
Port Authority Trans-Hudson	RITU-TCU	Carmen	Certification
Port Authority Trans-Hudson	RITU-TCU	Electricians	Certification
Port Authority Trans-Hudson	RITU-TCU	Machinists	Certification
Southeastern Pennsylvania Transportation Authority	UTU-BLE	Conductors	Certification
Terminal Railroad Assn. of St. Louis	Ind.-TCU	Supervisors/Foremen in the Car Dept.	Certification
Terminal Railroad Assn. of St. Louis	Ind.-TCU	Mechanical Dept. Foremen and/or Supervisors of Mechanics	Certification
Terminal Railroad Assn. of St. Louis	Ind.-TCU	Supervisors/Foremen in the Maintenance of Way Dept. (B&B)	Dismissal
Terminal Railroad Assn. of St. Louis	UTU-BLE	Train and Engine Service	Certification
Wheeling and Lake Erie Railway	UTU-CSCDSC	Clerical Office, Station,	Certification

Sixty Seventh Annual Report of the National Railroad Adjustment Board Chicago, Illinois FY 2001

M. W. Fingerhut, Chairman
W. R. Miller, Vice Chairman

Arbitration Monies Obligated for FY 2001*

Referee Service:

Referee Salaries	\$2,201,604
Referee Travel	136,466
Total Obligations for Referee Service	\$2,338,070

Section 153 Administration:

Salaries for Employees (Including personnel benefits, retirement, health, etc.)	\$407,004
Travel Expenses	21,153
Transportation of Material (To Records Center)	518
Rent/Communications/Utilities	82,650
Printing	0
Other Services	82,233
Supplies and Materials	4,000
Equipment	5,825
Administrative Obligations	\$603,383
Total Section 153 and 157 Obligations	\$2,941,453
Unobligated Balance	\$10,547
Total Appropriations	\$2,952,000

*Accounting for all monies appropriated by Congress for the fiscal year 2001 pursuant to the authority conferred by the Railway Labor Act, as amended (public law 442, 73rd Congress - Approved June 21, 1934).

2000 Arbitration Government Employees & Duties

	Title	Duties
Watkins, Roland	Director	Responsible for Arbitration Services and NRAB Government affairs
Conrad, Carol	Lead Program Assistant	Assists in Sections 153 & 157 Arbitration activities
Washington, Carolyn	Administrative Assistant	Coordinates automated information systems Divisional
Gathings, Linda	Arbitration Assistant	Responsible for all divisions of NRAB
Ybanez, Kimberly	Office Assistant	Responsible for all divisions of NRAB

National Railroad Adjustment Board Referees - FY 2001

First Division	Second Division	Third Division	Fourth Division
John R. Binau	Edwin H. Benn	Edwin H. Benn	James E. Conway
Rodney E. Dennis	James E. Conway	Steven M. Bierig	
Dana E. Eischen	Ann S. Kenis	Roy J. Carvatta	
John C. Fletcher	Martin H. Malin	Donald W. Cohen	
John B. LaRocco	Herbert L. Marx, Jr.	Rodney E. Dennis	
Martin H. Malin	Robert G. Richter	Robert L. Douglas	
Peter R. Meyers		Ann S. Kenis	
Robert G. Richter		Herbert L. Marx, Jr.	
Barry E. Simon		Andree Y. McKissick	
Elizabeth C. Wesman		Curtis L. Melberg	
		Peter R. Meyers	
		Nancy F. Murphy	
		Margo R. Newman	
		Robert M. O'Brien	
		Robert Perkovich	
		Barry E. Simon	
		Gerald E. Wallin	
		Elizabeth C. Wesman	
		Marty E. Zusman	

Cases Docketed and Closed by the National Railroad Adjustment Board FY 2001

All Divisions:	67 Year Period	2001	2000
Open and on hand at beginning of Period:	0	1,514	2,445
New Cases:	101,036	1,259	853
Total Number of cases on hand and docketed:	101,036	2,773	3,298
Cases Closed:	99,276	1,013	1,784
Cases Decided without Referee:	13,714	341	438
Cases Decided with Referee:	56,507	573	517
Cases Withdrawn:	29,055	99	829
Open Cases on hand at close of period:	1,760	1,760	1,514
First Division:			
Open and on hand at beginning of Period:	0	151	148
New Cases:	45,446	501	121
Total Number of cases on hand and docketed:	45,446	652	269
Cases Closed:	44,906	112	118
Cases Decided without Referee:	10,940	5	11
Cases Decided with Referee:	14,257	99	96
Cases Withdrawn:	19,709	8	11
Open Cases on hand at close of period:	540	540	151

Second Division:	67 Year Period	2001	2000
Open and on hand at beginning of Period:	0	133	131
New Cases:	13,565	40	90
Total Number of cases on hand and docketed:	13,565	173	221
Cases Closed:	13,488	96	88
Cases Decided without Referee:	770	32	0
Cases Decided with Referee:	11,298	62	80
Cases Withdrawn:	1,420	2	8
Open Cases on hand at close of period:	77	77	133
Third Division:			
Open and on hand at beginning of Period:	0	1,225	2,162
New Cases:	36,954	703	638
Total Number of cases on hand and docketed:	36,954	1,928	2,800
Cases Closed:	38,820	794	1,575
Cases Decided without Referee:	1,906	304	427
Cases Decided with Referee:	27,216	401	338
Cases Withdrawn:	6,698	89	810
Open Cases on hand at close of period:	1,134	1,134	1,225
Fourth Division:			
Open and on hand at beginning of Period:	0	5	4
New Cases:	5,071	15	4
Total Number of cases on hand and docketed:	5,071	20	8
Cases Closed:	5,062	11	3
Cases Decided without Referee:	9	0	0
Cases Decided with Referee:	3,825	11	3
Cases Withdrawn:	1,228	0	0
Open Cases on hand at close of period:	9	9	5

**Sixty-Seventh Annual Report of the First Division of the National Railroad Adjustment Board
to the National Mediation Board for the Fiscal Year Ended September 30, 2001**

Membership:

M. W. Fingerhut, Chairman	K. N. Thompson, Vice Chairman	W. B. Murphy
R. K. Radek	R. Burney	M. J. Ruef
C. Wise	B. R. Wigent	

Jurisdiction

In accordance with the Railway Labor Act, as amended, 45 U.S.C. §153, First (h), 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. This division shall consists of eight members, four of whom shall be selected and designated by the carriers and four of whom shall be selected and designated by the labor organizations.

Total Caseloads:	# Cases	Breakdown of cases Disposed of:	# Cases
On hand at beginning of year	151	Decided without Referee	5
New cases	501	Decided with Referee	99
Cases Disposed of	112	Otherwise closed (withdrawn)	8
On hand at end of year	540		
Carriers Party to New Cases for FY 2001	# Cases	Unions Party to New Cases for FY 2001	# Cases
Belt Railway Company of Chicago	2	Brotherhood of Locomotive Engineers	446
Burlington Northern	9	Miscellaneous (Individual)	13
Chicago, Central & Pacific	1	United Transportation Union	42
Colorado & Wyoming Railway Co.	2		
CSX Transportation	5		
Duluth, Winnepeg & Pacific Rwy.	1		
Duluth, Missabe & Iron Range Rwy.	1		
Elgin, Joliet & Eastern Railway Co.	1		
Grand Trunk Western Railroad Co.	4		
I & M Railway	1		
Illinois Central Railroad	5		
Midsouth	1		
Montana Rail Link	9		
New Jersey Transit Rail Corp.	3		
New York Cross Harbor	1		
Norfolk Southern	2		
Northeast Illinois Regional Commuter	4		
Port Terminal Railroad	2		
River Terminal Railway	1		
San Joaquin Valley Railroad Co.	2		
South Carolina Public Railroad	1		
Soo Line Railroad	14		
Southeastern Pennsylvania Transit	1		
Union Pacific Railroad Co.	413		
Wisconsin Central, LTD	15		

**Sixty-Seventh Annual Report of the Second Division of the National Railroad Adjustment Board
to the National Mediation Board for the Fiscal Year Ended September 30, 2001**

Membership:

P. V. Varga, Chairman	R. S. Bauman, Vice Chairman	M. W. Fingerhut
D. S. Anderson	M. C. Lesnik	A. M. Novakovic
J. R. Hurtubise	J. Cronk	

Jurisdiction

The Second Division of the National Railroad Adjustment Board has jurisdiction over disputes involving machinists, boiler-makers, blacksmiths, sheet metal workers, electrical workers, carmen, the helpers and apprentices of all the foregoing, coach cleaners, power-house employees, and the railroad shop laborers. This division shall consists of ten members, five of whom shall be selected by the carriers and five by the national labor organizations of the employees. (The Railway Labor Act, as amended, 45 U.S.C. §153, First (h)).

Total Caseloads:	# Cases	Breakdown of cases Disposed of:	# Cases
On hand at beginning of year	133	Decided without Referee	32
New cases	40	Decided with Referee	962
Cases Disposed of	96	Otherwise closed (withdrawn)	2
On hand at end of year	77		
Carriers Party to New Cases for FY 2001	# Cases	Unions Party to New Cases for FY 2001	# Cases
Amtrak	3	Brotherhood Railway Carmen	20
Bangor & Aroostook	2	Int'l. Assoc. of Machinists & Aerospace Workers	3
Belt Railway Company of Chicago	1	International Brotherhood of Electrical Workers	6
Burlington Northern Santa Fe Rwy.	5	National Conference of Firemen & Oilers	5
Delaware and Hudson Railroad Co.	1	Miscellaneous (Individual)	2
Duluth, Missabe & Iron Range Rwy.	1	Sheet Metal Workers	4
I & M Railroad	1		
Kansas City Southern Railway Co.	1		
Montana Rail Link	4		
New Jersey Transit Rail Corporation	1		
Sand Springs Railway Company	1		
Soo Line Railroad	1		
South Buffalo Railway	2		
Springfield Terminal	13		
Union Pacific Railroad	3		

**Sixty-Seventh Annual Report of the Third Division of the National Railroad Adjustment Board
to the National Mediation Board for the Fiscal Year Ended September 30, 2001**

Membership:

M. C. Lesnik, Chairman	W. R. Miller, Vice Chairman	M. W. Fingerhut
C. A. McGraw	P. V. Varga	D. Volz
L. D. Miller	R. C. Robinson	I. Monroe

Jurisdiction

The Third Division of the National Railroad Adjustment Board has 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 ten members, five of whom shall be selected by the carriers and five by the national labor organizations of employees. (The Railway Labor Act, as amended, 45 U.S.C. §153, First (h)).

Total Caseloads:	# Cases	Breakdown of cases Disposed of:	# Cases
On hand at beginning of year	1225	Decided without Referee	304
New cases	703	Decided with Referee	401
Cases Disposed of	794	Otherwise closed (withdrawn)	89
On hand at end of year	1134		

Unions Party to New Cases for FY 2001	# Cases
American Train Dispatchers Department	19
Brotherhood of Maintenance of Way Employes	381
Brotherhood of Railroad Signalmen	168
Transportation Communications Union	117
Miscellaneous (Individual)	18

Carriers Party to New Cases for FY 2001	# Cases		
Amtrak	59	Maryland & Pennsylvania Railroad Co.	1
Atchison, Topeka & Santa Fe Rwy.	1	M & B Railroad, L.L.C.	1
Bangor & Aroostook Railroad Co.	4	Montana Rail Link	2
Belt Railway Company	1	New Orleans Public Belt Railroad Co.	1
Burlington Northern Santa Fe Rwy.	108	New York, Susquehanna & Western Rwy.	1
Canadian Pacific Railroad	1	New Jersey Transit Rail Operation, Inc.	1
Central Michigan Railway Co.	1	Norfolk Southern	9
Consolidated Rail Corporation	5	Paducah & Louisville Railroad	2
CSX Transportation, Inc.	189	Port Authority Trans Hudson	4
CSX/Sealand Terminal	20	Soo Line Railroad	10
Delaware & Hudson Railway Co.	4	Southeastern Pennsylvania Transit	1
Delray Connecting Railroad Co.	1	Springfield Terminal	2
Duluth, Missabe & Iron Range Rwy.	28	Sand Springs Railway Co.	2
Grand Trunk Western	15	Tuscola & Saginaw Bay Rwy. Co.	1
I & M Railway	8	Terminal Railroad Association	2
Illinois Central Railroad Co.	6	Texas Mexican Railway	3
Indiana Harbor Belt Railway Co.	5	Union Pacific Railroad	197
Kansas City Southern Railway Co.	6	Wheeling & Lake Erie Railroad	1

Sixty-Seventh Annual Report of the Fourth Division of the National Railroad Adjustment Board to the National Mediation Board for the Fiscal Year Ended September 30, 2001

Membership:

M. C. Lesnik, Chairman	W. R. Miller, Vice Chairman	M. W. Fingerhut
J. R. Britton	P. V. Varga	J. R. Hurtubise
A. K. Gradia		

Jurisdiction

The Fourth Division of the National Railroad Adjustment Board has jurisdiction over disputes involving employees of carriers directly or indirectly engaged in transportation of passengers or property or 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. (The Railway Labor Act, as amended, 45 U.S.C. §153, First (h)).

Total Caseloads:	# Cases	Breakdown of Cases Disposed of:	# Cases
On hand at beginning of year	5	Decided without Referee	0
New cases	15	Decided with Referee	11
Cases Disposed of	11	Otherwise closed (withdrawn)	0
On hand at end of year	9		
Carriers Party to New Cases for FY 2001	# Cases	Unions Party to New Cases for FY 2001	# Cases
Duluth, Missabe & Iron Range Railway	13	Transportation Communications Union	14
Springfield Terminal	1	Miscellaneous (Individual)	1
Union Pacific Railroad	1		

APPENDIX VI NOMINATIONS, APPOINTMENTS, OR SELECTIONS OF NEUTRALS (NON-NRAB) - FY 2001

1. Section 3 Tribunals Established FY 2001

	Total Number of Boards
Public Law Board	88
Special Boards of Adjustment	5
Arbitration Board	1

1A. Public Law Boards FY 2001

Carriers	Breakdown of Boards
Bangor & Aroostook Railroad Co.	1
The Belt Railway Company of Chicago	3
Bessemer & Lake Erie Railroad Company	1
Burlington Northern Santa Fe Railway Company	11
Canadian National/Illinois Central	2
Colorado & Wyoming Railway Company	1
CSX Transportation, Inc.	13
The Cuyahoga Valley Railway Co.	2
Dakota, Minnesota & Eastern Railroad	1
Duluth, Missabe & Iron Range Railway Company	1
Elgin, Joliet & Eastern Railway Co.	3
Grand Trunk Western	1
I and M Rail Link	1
Indiana Harbor Belt Railroad	1
Long Island Rail Road	3
Missouri & Northern Arkansas Railway Co.	1
National Railroad Passenger Corporation (AMTRAK)	3
New Jersey Transit Rail	1
Norfolk Southern Corporation	16
Northeast Illinois Regional Commuter Railroad Corp.	1
Pittsburgh & Conneaut Dock Company	1
Port Terminal Railroad Association	1
The River Terminal Railway	2
The Texas Mexican Railway	1
Toledo Peoria & Western Railroad	1
Tracks, Traffic Management Services	1
Union Pacific Railroad Co.	11
Wheeling & Lake Erie Railroad	2
Wisconsin Central Railroad	1

Unions	Breakdown of Boards
Allied Services Division/TCIU	1
American Railway & Airway Supervisors Association	1
Brotherhood of Locomotive Engineers	10
Brotherhood of Maintenance of Way Employes	8
Brotherhood of Railroad Signalmen	4
Brotherhood of Railway Carmen/TCIU	5
Independent Railway Supervisors Association	2
International Association of Machinists & Aerospace Workers	4
International Brotherhood of Boilermakers	1
International Brotherhood of Electrical Workers	4
International Longshoremen's Association	2
National Conference of Firemen and Oilers	1
Sheet Metal Workers International Association	2
Transportation Communications International Union	10
United Transportation Union	33

1B. Special Boards of Adjustment FY 2001

Carriers	Breakdown of Boards
Burlington Northern Santa Fe Railway Co.	1
CSX Transportation, Inc.	1
Metro-North Railroad	1
Tacoma Municipal Belt Line Railway	1
Union Pacific Railroad Company	1

Unions	Breakdown of Boards
Brotherhood of Locomotive Engineers	1
Brotherhood of Maintenance of Way Employes	1
Sheet Metal Workers International Association	1
Transportation Communications International Union	1
United Transportation Union	1

1C. Arbitration Boards FY 2001

Carriers	Breakdown of Boards
Delaware and Hudson Railway Company	1

Unions	Breakdown of Boards
United Transportation Union	1

1D. Arbitrators Selected (PLB, SBA or ARB Boards) FY 2001

Edwin Benn
John Criswell
Barbara Deinhardt
Rodney Dennis
Robert Douglas
John Fletcher
Charlotte Gold
Ann Kenis
Frank Lynch
James Mason
Herbert L. Marx, Jr.
James McDonnell
Peter R. Meyers
Eckehard Muessig
Nancy Murphy
Robert O'Brien
Joan Parker
Robert Peterson
Robert Perkovich
Francis X. Quinn
Robert Richter
Thomas Rinaldo
Martin Scheinman
Barry Simon
Edward Suntrup
David P. Twomey
M. David Vaughn
Helen M. Witt
Carol Zamperini
Barbara Zausner
Marty E. Zusman

APPENDIX VII GLOSSARY: TERMS AND ACRONYMS

TERMS*

Act

The Railway Labor Act

Agency

The National Mediation Board

Alliance

The Alliance for Education in Dispute Resolution

Alternative Dispute Resolution (ADR)

ADR is a process for resolving disputes outside of the judicial system of law. In the venue of the NMB, mediation and arbitration have been the mainstay processes for dispute resolution, and Alternative Dispute Resolution is the facilitation of interest-based or mutual-interest negotiations and grievance mediation.

Amendable Contract

Under the Railway Labor Act, collective bargaining agreements become subject-to-change on a specified date, rather than expiring as agreements do under the National Labor Relations Act.

Arbitration

A type of grievance resolution process where an arbitrator renders a decision, which usually can be appealed only on a very narrow basis such as fraud.

Board

May be one of:
National Mediation Board
Presidential Emergency Board
National Railroad Adjustment Board
Special Board of Adjustment
Public Law Board
National Labor Relations Board

Center

The Center for the Advance Study of Law and Dispute Resolution Processes, a joint NMB/George Mason University program.

Class I

A category of the largest U.S. railroads as defined by the Surface Transportation Board

Collective Bargaining Agreement

A labor contract between a union and a carrier

Cooling Off Period

A 30-day period of time preceding the right of parties to a collective bargaining dispute to engage in "self help" under the RLA.

Craft or Class

A group of employees deemed by the NMB to share a community of work and interest for the purpose of collective bargaining under the RLA.

Direct Negotiations

Negotiations between the parties to a collective bargaining dispute before or apart from NMB mediation.

Facilitation

A process where a neutral helps the parties in a collective bargaining or grievance dispute use ADR problem-solving methods such as interest-based bargaining or grievance mediation.

Grievance Mediation

In the venue of the NMB, using mediation as an alternative to arbitration for resolving grievances.

Impasse

In mediation under the RLA, an impasse is when the NMB determines that further mediation will not resolve a collective bargaining dispute.

Interest Based Bargaining

A type of negotiations where the parties collaboratively focus on finding solutions to underlying needs or concerns of each party (i.e., the whys) instead of adversatively negotiating specific positions.

Laboratory Conditions

Conditions to a representation dispute which ensure the independence of labor and management for the purpose of self-organization and the right of employees to freely determine whether they wish to be represented for the purpose of collective bargaining.

Laker Ballot

A special NMB yes/no ballot designed to address instances of carrier interference as first used in a representation case involving Laker Airlines.

Mediation

A type of dispute resolution process where a neutral (i.e., a mediator) facilitates agreement between the parties to a collectively bargaining dispute, vis-a-vis imposing a settlement on the parties.

National Handling

Mediation of a collective bargaining dispute where management of several railroads have chosen to negotiate collectively on a national basis.

Proffer of Arbitration

The step in the process of resolving collectively bargaining disputes under the RLA which follows a determination of impasse by the NMB, whereby the NMB offers binding arbitration to the parties as a method for resolving the dispute.

Public Interest Meetings

Under the RLA, the NMB can intervene in an active collectively bargaining dispute at any time in the interest of the general public. Usually, one or both parties to a dispute requests the mediation services of the NMB.

Section 3

Section 153 of the RLA pertaining to the National Railroad Adjustment Board

Section 6

Section 156 of the RLA pertaining to the Changing rates of pay, rules and working conditions

Section 7

Section 157 of the RLA pertaining to Arbitration

Section 9a

Section 159A of the RLA pertaining to Presidential Emergency Boards

Section 10

Section 160 of the RLA pertaining to Presidential Emergency Boards

Self Help

The right of a party to a collective bargaining dispute to unilaterally act in its own best interest. A carrier, for example, may lock disputing employees out of the workplace or implement changes in pay, rules and working conditions; and the union, for example, may strike or work specifically as required by its collective bargaining agreement.

Showing Of Interest

In a representation dispute, a majority of employees in a Craft or Class must indicate an interest in being represented for the purpose of collective bargaining by signing authorization cards which are submitted to the NMB by the representative/s of their choosing.

Status Quo

Situations under the RLA in either collective bargaining or representation disputes where existing pay rates, rules and working conditions cannot be changed unilaterally, pending the resolution of the dispute in question.

System Boards of Adjustment

An arbitration board pursuant to an agreement by the parties for resolving grievances.

*These definitions are meant to provide general understanding only. They do not provide definitive definition regarding any matter before the Board and are not to be construed as legal definitions that may be cited in any administrative, legal or arbitral proceeding.

ACRONYMS

AA	American Airlines
ADR	Alternative Dispute Resolution
AFA	Association of Flight Attendants
ALPA	Air Line Pilots Association
AMFA	Aircraft Mechanics Fraternal Association
AMTRAK	National Railroad Passenger Corporation
APFA	Association of Professional Flight Attendants
ARASA	American Railway and Airline Supervisors Association, a TCU division
ARB	Arbitration
ARWPA	Arrow Pilots Association
ASA	Atlantic Southeast Airlines
ATA	American Trans Air, or Air Transport Association
ATDD	American Train Dispatchers Department, BLE
BA	British Airlines
BLE	Brotherhood of Locomotive Engineers
BMWE	Brotherhood of Maintenance of Way Employees
BNSF	Burlington Northern and Sante Fe
BRS	Brotherhood of Railroad Signalmen
C/N	Canadian National Railroad
CSCDSC	Customer Service/Crew Dispatcher Steering Committee
CSX	CSX Transportation Incorporated
CWA	Communication Workers of America
D/B/A	Doing Business As
DBA	Doing Business As
DHL	DHL Worldwide Express
DOJ	Department of Justice
DOT	Department of Transportation
EJ&E	Elgin, Juliet and Eastern Railroad
EOCA	Express One Crewmembers Associations
EWA	Emery Worldwide Airlines
F&A	Financial and Administrative
FAA	Federal Aviation Administration
FEPA	Federal Express Pilots Association
FFMIA	Federal Financial Management Improvement Act
FTE	Full Time Equivalent
FUI	Findings Upon Investigation
FY	Fiscal Year
GLOWS	A Financial Management software system
GMRA	Government Management Reform Act
GMU	George Mason University
GPRA	Government Performance and Results Act
GTW	Grand Trunk Western Railroad
HERE	Hotel and Restaurant Employees International Union
HTAW	Hawaii Teamsters and Allied Workers
IAM	International Association of Machinists & Aerospace Workers
IAEP	International Association if EMTs and Paramedics
IBB	Interest-Based Bargaining
IBB&B	International Brotherhood of Boilers and Blacksmiths
IBEW	International Brotherhood of Electrical Workers
IBT	Int'l Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America
ICAR	Institute for Conflict Analysis and Resolution
ILA	International Longshoremen Association
IND	Individual
IPA	Intergovernmental Personnel Act
IRSA	Independent Railway Supervisors Association
ISI	Insufficient Showing of Interest
IT	Information Technology

IUISTHE	International Union of Industrial Service, Transport and Health Employees
JFMIP	Joint Financial Management Improvement Program
NCCC	National Carriers' Conference Committee
NCFO	National Conference of Firemen and Oilers
NLRB	National Labor Relations Board
NMB	National Mediation Board
NRAB	National Railroad Adjustment Board
NRLC	National Railway Labor Conference
OMB	Office of Management and Budget
OPEIU	Office and Professional Employees International Union
PACE	Paper, Allied-Industrial, Chemical and Energy Workers International Union
PATH	Port Authority Trans Hudson
PDO	Program Development and Outreach
PEB	Presidential Emergency Board
PLB	Public Law Board
PMPC	Priority Mail Processing Centers
PSA	PSA Airlines
PWU	Production Workers Union
RITU	Railway Independent Transit Union
RLA	Railway Labor Act
RR	Railroad
SBA	Special Board of Adjustment
SEIU	Service Employees' International Union
SEPTA	Southeastern Pennsylvania Transportation Authority
SLSCSA	Soo line Signal and Communications Supervisors Association
SMWIA	Sheet Metal Workers' International Association
STB	Surface Transportation Board
TCPA	Trans Continental Pilots Association
TCU	Transportation Communications International Union
TCIU	Transportation Communications International Union
TRRA	Train and Engine Service Employees on Terminal Railroad
TWA	Trans World Airlines
TWACCA	TWA Cockpit Crewmembers Association
TWU	Transport Workers Union of America
UBCJ	United Brotherhood of Carpenters and Joiners of America
UCLA	University of California - Los Angeles
UIU	United Independent Union
USWA	United Steelworkers of America
UTU	United Transportation Union
WC	Wisconsin Central Railroad
WDI	Withdrawal During Investigation