



# Strategic Plan

FY 2024 – FY 2028

(Updated October 2025)

Loren Sweatt, Chairman

Linda A. Puchala, Board Member



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## I. Overview

The National Mediation Board (NMB) is an independent Executive Branch agency established by the 1934 amendments to the Railway Labor Act (RLA) of 1926. The 1934 amendments to the RLA established the NMB's duties and responsibilities as they related to the railroad industry in the United States. In 1936, the RLA was expanded to include the airline industry.

NMB is headed by a three-member Board appointed by the President and confirmed by the Senate. The Board Members annually self-designate a Chairman. The Board Members provide overall leadership and strategic direction for the Board. The Departmental Directors and General Counsel direct the program operations which include the Office of Legal Affairs (OLA), Office of Mediation Services (OMS), Office of Arbitration Services (OAS), and the support offices which include the Office of Administration (OA), Office of Fiscal Services (OFS) and Office of Information Services (OIS).<sup>1</sup>

**Strategic Plan Planning Process:** In compliance with OMB Circular No. A-11 the NMB has developed and formalized a process to review, evaluate, develop, and modify its strategic plan. NMB managers continuously monitor and improve the effectiveness of programs mandated under the RLA. Strategic planning and evaluation are an ongoing process with specific milestones outlined throughout the calendar year.

**May - July:** The strategic planning process commences at the beginning of the calendar year with a review of the NMB Mission Statement, Strategic Goals, and Performance Goals for the agency.

**July - August:** Evaluations and assessments are conducted by each program and support office area. Any changes, suggestions, or deletions are forwarded to the Board for review and comment.

**September:** A full draft of the Strategic Plan is submitted to OMB for review.

**February:** Concurrent with the President's Budget, the NMB Strategic Plan is published to the NMB website.

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<sup>1</sup> This Strategic Plan has been developed in compliance with the GPRA Modernization Act of 2010, in accordance with guidance found in the Office of Management and Budget (OMB), [Circular A-11, June, 2016](#).

## II. Mission

NMB promotes harmonious labor relations in the airline and railroad industries in the United States in order to avoid an interruption to commerce or to the operation of any carrier engaged therein.

NMB facilitates the orderly determination of representation in the airline and railroad industries in the United States.

NMB also mediates the settlement of disputes related to pay, work rules, and working conditions, and to develop innovative approaches to dispute resolution and problem solving for carriers and organizations in the airline and railroad industries in the United States.

NMB facilitates the arbitration and settlement of disputes arising from the implementation or interpretation of existing agreements covering rates of pay, work rules, and working conditions.

As statutorily required, NMB spans the breadth of labor relations in the airline and railroad industries, from questions concerning whether workers are represented and which group or individual may represent them, to the negotiation of collective bargaining agreements, to the resolution of questions regarding performance under established collective bargaining agreements as well as the supporting services that ensure the capacity to realize these goals in an efficient manner.

## III. Vision and Values

NMB will build on its more than ninety years of success by focusing on its statutory missions and remain committed to a set of basic organizational values:

Personnel: NMB is committed to recruiting and maintaining a workforce that is second to none in talent, training, and delivering results, promoting an environment that fosters the continuous development of leadership, technical skills, and professional skills in all employees.

Public Service: NMB will strive for excellence by providing high quality products and timely services to the parties and the public.

Collaboration: NMB will foster an open environment where teamwork is encouraged and professional relationships are based on mutual trust, respect, support, cooperation, and communication.

Transparency: NMB provides information and data in order to inform the public, Congress, and stakeholders about its activities.

## **IV. Organizational Structure**

The NMB consists of seven organizational structure units:

- Board Members (including Confidential Assistants)
- Office of Legal Affairs, including Representation Services, led by the General Counsel
- Office of Mediation Services
- Office of Arbitration Services
- Office of Administration
- Office of Fiscal Services, led by the CFO
- Office of Information Services, led by the CIO

In addition, NMB contracts for services in the areas of Information Services, Arbitration, Personnel Services, Payroll, Finance, Procurement, and Telephone/Internet Voting.

## V. Stakeholder Engagement

NMB stakeholders include carrier and organization members in the airline and railroad industries, lawyers, and arbitrators who have a practice related to the RLA, Congressional oversight committees, and members of the public.

NMB has developed a number of avenues of communication with stakeholders, all of which are active and all of which channel information, assessments, and recommendations to NMB.

### NMB Public Information

The NMB maintains three public information venues through which feedback from the public is obtained:

- The NMB website ([www.nmb.gov](http://www.nmb.gov)) provides information to stakeholders and the public in addition to an avenue to contact the agency or to give direct feedback.
- The NMB Knowledge Store is the default research tool for practitioners who are involved in the NMB's Section 3 (arbitration) process, and for members of the public. A feedback contact is clearly marked on the Knowledge Store and is routinely used to give direct feedback to the agency. Stakeholders are able to upload information to the Knowledge Store.
- The NMB maintains a public information hotline to answer questions related to NMB practices and procedures.

## VI. Agency-Wide Priority Goals

### Priority Goal

*Training:* The NMB will provide quality training and development opportunities for all staff members to ensure that it can continue to provide its services effectively.

*Measures:*

- Ensure every NMB employee has an Individual Development Plan (IDP) in each fiscal year.
- Require all supervisors to review and approve each employee's IDP in each fiscal year.
- Annually review, and revise if necessary, the agency training policy to ensure that all staff members have access to remedial, development, and advancement training as appropriate.

## **Priority Goal**

*Recruitment:* The NMB will, consistent with federal government guidelines and regulations, actively recruit high quality candidates for positions in all agency offices.

*Measure:*

- Periodically review and update the agency recruitment plan to ensure the NMB maintains its highly skilled work force.

## **Priority Goal**

*Retention:* The NMB will continue to maintain an accomplished and knowledgeable workforce by creating a positive work environment and opportunities for growth within the agency.

*Measures:*

- Identify key skills for each position.
- Create a pathway to advancement within the agency for junior employees to aid succession planning.

## **VII. Strategic Goals**

### **NMB Strategic and Program Goals**

Administration guidance for performance management and analysis encourages the establishment of strategic goals, program goals, and measures that lend themselves to trend analysis instead of snapshot, report card activity reports.

The NMB adopted the standard definitions of goals and programs detailed in Circular A-11, Part 6, by the Office of Management and Budget. In this document, Strategic Goals are overall agency goals that “group multiple program outcome goals.” For the NMB, strategic goals are clearly established by statute and relate directly to the statutory mission of the agency.

In Circular A-11, Program Goals are specific to programs and address performance in areas that are of particular scope and independence under the control of programs. Performance Goals in this document will “target levels of performance over time” for each of the program.

### **NMB Statutory Strategic Goals**

- Effectuation of freedom of association and employee rights of self-organization where a representation dispute exists. Employees have the right to select, change, or remove a bargaining representative through a free and fair election process.
- Resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements.
- Resolution of disputes over the interpretation or application of existing agreements.

## VIII. NMB Program Goals

For purposes of this strategic plan, the NMB has adopted the definition of “program” provided by the OMB: “any organized set of activities directed toward a common purpose or goal that an agency undertakes and describe an agency’s mission, functions, activities, services, projects, or processes.”

Based upon this definition, there are three statutorily required program areas within the National Mediation Board: The Office of Legal Affairs; the Office of Mediation Services; and the Office of Arbitration Services.

### Representation Goals

#### Office of Legal Affairs (OLA)

#### Representation Strategic Goal

The Railway Labor Act, at Section 2, Fourth, provides employees with the freedom of association and right to self-organization where a representation dispute exists. Section 2, Ninth requires the NMB to resolve representation disputes upon request. The NMB effectuates these statutory requirements by determining whether the statutory showing of interest has been met, conducting free and fair representation elections, certifying the results of elections, and handling inquiries or challenges to elections.

#### Representation Program Goals

**Goal:** Investigate and resolve representation disputes efficiently. Provide effective legal counsel for the agency. Serve as counsel to any Presidential Emergency Boards.

**Note:** For all Representation Measures, “respond” indicates contact with the party requesting service or information. Supplying all requested information or services may vary in time depending upon the complexity of the request and other factors related to the request.

**Objective:** Prompt investigation of representation disputes and definitive resolution of employees’ representation status for collective bargaining purposes.

#### *Measures:*

- Respond to representation applications within two business days of their receipt by the NMB.
- An NMB investigator will be assigned to investigate representation matters within two business days following the initial NMB response, unless the NMB declines to process the application.
- In all but the most complex 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.
- In all cases, a certification or dismissal will be issued the next business day after the ballot count.
- All non-appellate representation cases will be completed within 90 calendar days of docketing.

**Objective:** Enhance training and development of the OLA staff.

*Measures:*

- Each staff member will annually update his or her Individual Development Plan (IDP), identifying a course of continuing education that is reevaluated every 12 months.
- Each year, the General Counsel will create an updated annual departmental training plan to be reviewed and approved by the Board.

**Objective:** Enhance opportunities to increase the skills and experience of OLA employees.

*Measures:*

- Members of OLA will continue to actively participate as presenters and attendees in conferences where appropriate and identify opportunities to develop skills necessary for the fulfillment of statutory duties. OLA will continue to regularly participate in intra-governmental initiatives with other federal agencies such as the Department of Labor, National Labor Relations Board, and the Federal Mediation and Conciliation service.
- OLA will foster partnerships with educational institutions to develop and present research, educational programs, and training programs pertaining to labor and employment law and dispute resolution especially in the railway and airline industries.

**Objective:** OLA staff will provide prompt and efficient assistance to Presidential Emergency Boards.

*Measures:*

- Maintain continuous industry and agency communication at a level that provides early preparation for Presidential Emergency Board management.
- All OLA staff understand Emergency Board procedures to ensure that multiple Boards could be staffed, if necessary, simultaneously and/or if existing staff with experience are unavailable.

**Objective:** Maintain concise, relevant reference materials that are readily available to the public and which reduce the number of man hours used to research and respond to inquiries.

*Measures:*

- OLA will conduct semi-annual reviews of the Representation Manual and website, updating where appropriate.
- OLA will review FOIA requests to determine what, if any, documents requested could be posted on the FOIA Reading Room on the NMB's website to decrease the volume of FOIA requests, and will conduct ongoing reviews thereafter.
- OLA will conduct ongoing reviews of the Representation "Frequently Asked Questions" section on the NMB's website.

**Objective:** Expand the use of technology to further streamline and reduce costs in interference investigations.

*Measures:* Investigate the use of video conferencing and other cost and time saving technologies for conducting interference investigations.

## **Mediation**

### **Office of Mediation Services (OMS)**

**Mediation Strategic Goal:** Swift resolution of disputes arising out of the negotiation of new or revised collective bargaining agreements.

Under the RLA, organization and carrier representatives must bargain over what are generally known as “major disputes;” i.e., rates of pay, work rules, and working conditions that ultimately result in collective bargaining agreements. Importantly, in the area of major disputes, NMB works to resolve these disputes between the parties to result in mutually and freely agreed upon agreements. The RLA clearly establishes the duties of the parties to exert every reasonable effort to make and maintain agreements and to settle all disputes. Ultimately, it is the parties who maintain control of when and if they reach mutual agreement on collective bargaining terms through mediation under RLA Section 6. NMB also offers mediation to the parties through Alternative Dispute Resolution (ADR) Services (e.g. Grievance Mediation (GM)) under which the parties may take advantage of facilitated problem-solving education and programs.

### **Mediation Program Goals**

**Goal:** Provide prompt and appropriate intervention and assistance for disputes involving pay, work rules, and working conditions (major disputes).

**Objective:** Provide timely and accurate case processing by utilizing performance goals and quality control systems for case assignments and case management.

#### *Measures:*

- Applications for Mediation or ADR Services will be assessed, date stamped, and reviewed by the Director of Mediation Services prior to docketing.
- Applications will be reviewed for accuracy/appropriateness and subsequently docketed within two business days from the date on which the application was received.
- Docketed case will be assigned a mediator within five business days of the date on which the case was docketed.
- Assigned mediators will contact the parties involved in the case within five business days from the date on which the case was assigned.
- Mediators will submit an initial case report, to include a case management strategy, within five business days of the date of the first meeting with the parties.
- Mediators will submit an updated case report within five business days from the date on which any meeting with the parties concludes.

**Objective:** Provide outstanding case management.

**Background:** The RLA requires that the parties have “complete independence” in the resolution of disputes arising under the Act. In this statutory environment, NMB mediators may hold meetings, urge the parties to bargain, and engage many strategies to move the parties toward mutual agreement. Parties to the agreement have a legal obligation to bargain in good faith and ultimately control the outcome. The statutory framework intentionally makes mediation open-ended, and each case is different based on the parties’ interests and

circumstances. Under the RLA, contracts become amendable and the status quo is maintained until the parties reach agreement, or until the Board judges that the parties should be released from mediation. Under the RLA, case management calls for close monitoring of cases and regular reviews of case strategy. Statistical analysis of past cases indicates that, on average, cases are concluded within 18 months and with approximately 50 days of work “at the table.” These time frames cannot be used as hard standards as every case is different based on, among other things, the specific parties and representatives at the table, the external and internal economic circumstances, and other variables.

*Measures:*

- In each mediator report, due within five days of the end of any meeting with the parties, the mediator will include an updated case management strategy.
- A quarterly case review will occur to evaluate the status of all cases one year or older, and to assess and revise the case management history and plan. The quarterly review will include discussions of strategies that could potentially be instrumental in the resolution of the case.
- The aged case data abstract and the aged case list will be updated and distributed to the Board Members quarterly.

**Goal:** Provide appropriate and effective mediator training and continuous development.

*Measures:*

- The NMB will annually review, and revise if necessary, the standard required training for all mediators.
- Each training event will have a designated training case number.

**Goal:** Pursue innovation in the delivery of mediation and alternative dispute resolution services.

**Objective:** To provide ADR programs that offer innovative mediation and problem-solving methods to the parties to improve their ability to resolve disputes expeditiously. Mediation and ADR Services will review and update programs and ensure that mediators are exposed to state-of-the-art ADR approaches to dispute resolution.

*Measures:*

- Mediation and ADR Services will periodically review, and revise as necessary, all NMB ADR programs to ensure the program reflects best practices.

**Goal:** Improve efficiency and effectiveness of NMB programs by utilizing technological resources.

**Objective:** Provide information and expertise in new and evolving technology appropriate for enhancing Mediation/ADR work.

*Measures:*

- Utilize the NMB OIS staff as a resource for information regarding IT applications relevant to mediation.
- Train mediators and the parties in the use of IT applications relevant to mediation.

## Arbitration

### Office of Arbitration Services (OAS)

**Arbitration Strategic Goal:** To facilitate the settlement of disputes arising from the implementation or interpretation of existing collective bargaining agreements covering rates of pay, work rules, and working conditions.

Once a collective bargaining agreement (CBA) is ratified, disputes arising over the interpretation of the CBA are referred to as “minor disputes.” As required by Section 3 of the RLA, NMB assigns arbitrators to decide minor disputes and, within the rail industry, pays the arbitrator’s fees and costs. Grievance Mediation allows parties to voluntarily agree to use NMB mediators to resolve minor disputes outside of arbitration. This program reduces the backlog of cases waiting to be heard in arbitration. It also reduces arbitration expenses which benefit both the parties and the taxpayers, and often lead to a faster, more durable resolution of disputes.

### Arbitration Program Goals:

**Goal:** Provide outstanding service in the prompt resolution of minor disputes by monitoring compliance with the 60-90-120 day Rule.

#### *Measures:*

- Within 60 days of the assignment of a case, the case must be decided or scheduled for a hearing.
- If a case is scheduled for a hearing, the hearing must be held within 120 days of the date of assignment.
- If a case has been heard, the decision must be rendered within 90 days of the date of the hearing.

**Goal:** To promote roster expansion and arbitrator development to provide the parties with high-quality arbitrators.

#### *Measures:*

- The NMB will continue its development program to expand the list of RLA arbitrators.
- Actively work with other rostering agencies to encourage entering the field of arbitration.
- Provide data to the parties on the distribution of cases relative to the number of arbitrators on the roster.

**Goal:** The Office of Arbitration Services will be a center of innovation in the resolution of “minor” disputes.

#### *Measures:*

- The Director of Arbitration Services will meet periodically with stakeholders and other rostering entities to discuss innovations in arbitration.
- The Office of Arbitration services will focus on continuous improvement by providing annual data to the parties regarding the kinds of disputes heard in arbitration, the

number of SBA and PLB cases docketed as well as the number of cases docketed on the four divisions of the NRAB. The data will be generated from NMB Subject Codes.

## **IX. NMB Support Office Goals**

There are three support offices within the NMB: Administration; Fiscal Services; and Information Services.

### **Administration Goals**

#### **Office of Administration (OA)**

**Administration Strategic Goal:** To support the program missions of the agency and provide outstanding administrative services.

**Goal:** To provide outstanding service delivery to internal and external customers.

*Measures:*

- Requests for assistance or service from internal customers made before 12:00 noon Eastern, Administration staff will respond on the day the request is made.
- External requests for assistance or service will be responded to within two hours of the receipt of the request.

**Goal:** Attract and retain a high-performing workforce with the technical and professional skills needed.

*Measures:*

- Execute the Board's long-term high-quality staffing plans for the number and type of employees needed to fill vacant positions.
- Assist NMB's managers with the staffing process to maintain their ability to meet statutory requirements.
- Provide training opportunities to continuously develop workforce skills in line with agency and statutory requirements.

### **Fiscal Goals**

#### **Office of Fiscal Services (OFS)**

**Fiscal Strategic Goal:** To support the missions of the agency and provide outstanding financial services.

**Goals:** Provide timely, efficient, and responsible stewardship of the NMB's fiscal resources per federal government statutory requirements and government auditing standards.

*Measures:*

- NMB Chief Financial Officer will brief the Board on the agency's annual procurement plans, and any substantial change or extension of an existing contract to ensure all contracts meet the needs of the agency at a reasonable cost.

- NMB will continue to review and update requisition procedures for procurement and contracting in accordance with the law and industry best practices.
- Ensure transparent and accountable payments, no later than one week after the end of each month, NMB will reconcile arbitrator billing with the office responsible for NMB procurement and contracting at the Bureau of Fiscal Services (BFS).
- The NMB staff will process and pay expense vouchers within five business days of receipt of a valid voucher.

**Goal:** Ensure agency spending and budgets are transparent and provide the necessary support for each of the agency's missions throughout the entire fiscal year.

*Measures:*

- On a monthly basis, the CFO will deliver to the Board a current budget and audit status report.
- At the beginning of each quarter, the CFO will deliver to the Board a review of current spending by object class code, as well as projections for the remainder of the fiscal year.
- At the end of the fiscal year, NMB books will be closed and then newly opened for the next fiscal year. This will be completed within three weeks of the last day of the fiscal year.

**Goal:** Ensure agency compliance with all Office of Management and Budget (OMB) and Department of Treasury laws and regulations with respect to budget and financial reporting requirements, audit requirements, and implement proper internal controls.

*Measures:*

- The CFO will ensure all financial reporting and audit deliverables are submitted in a timely manner each month.
- The CFO will continually brief the Board on all ongoing audit projects, update internal controls, and prepare corrective action plans for the Board where necessary.

## **Information Services Goals**

### **Office of Information Services (OIS)**

**OIS Strategic Goal:** Support the program mission of the agency and comply with intra-governmental requirements.

#### **OIS Program Goals:**

**Goal:** Ensure compliance with directives from Cybersecurity and Infrastructure Security Agency and the National Archives.

*Measures:*

- Office of Information Services (OIS) will ensure the timely and accurate filing of semi-annual Federal Information Security Management Act reports through the MAX.com portal.

- OIS will respond to the annual National Archives and Records Administration (NARA) certifications requests.
- OIS will coordinate the response to IT related Binding Operational Directives.

**Goal:** Maintain and update internal policies.

*Measures:*

- The Chief Information Security Officer (CISO) will coordinate the annual security review and continuous monitoring of all NMB information systems.
- The NMB IT Security Policy, Information System Security Plans, the NMB Records Handbook, and associated procedures will be maintained and reviewed annually.
- The NMB will contract with third party auditors for Security Assessment on a continuous basis.

**Goal:** Maintain hardware/software architecture and configuration.

*Measures:*

- NMB will adopt procedures to ensure all hardware and software procurement is approved by OIS.
- OIS will ensure that all hardware and software configurations are documented, approved, and monitored. This is inclusive of all approved devices, network hardware, and cloud resources.

**Goal:** Fully trained and technology-literate staff.

*Measures:*

- An Individual Development Plan will be created for all OIS staff. This training should include general and application-specific instruction.
- OIS will produce procedures and documentation as appropriate for all NMB information system processes.

## **X. Major Management Priorities & Challenges**

With the return to in-person work, NMB staff have returned to pre-pandemic office foot print. Mediators have returned to in-person mediation sessions as appropriate for each case.

Costly operational updates associated with maintaining a secure IT infrastructure to support the Board's operation requires a growing share of the budget. The Board successfully customized an electronic workspace for arbitrators and is now tackling the development of a customized electronic voting platform to conduct its representation elections. The costs associated with contracted electronic services to support our human resource functions has also escalated. System security costs continue to escalate in an environment of expanding threat.