

# **NMB STRATEGIC PLAN**

## **2005 - 2010**



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## **INTRODUCTION**

The 2000-2005 National Mediation Board (NMB) Strategic Plan was produced in an atmosphere of challenge for the Board. The Dunlop Commission and its follow-up committees recommended no legislative changes to the Railway Labor Act (RLA), but they did recommend a number of changes to the Board's administrative procedures, all of which were considered by the Board and, where appropriate, implemented. The 2000-2005 document focused much of its attention on the implementation and measurement of those changes.

Due in large part to the successful pursuit of goals set forth in the 2000-2005 plan, the Board is functioning extremely well, the staff is highly qualified and motivated, and the Board's basic business systems are sound.

Externally, challenges abound. As this strategic plan was developed, the airline industry was in economic crisis, with two major carriers under bankruptcy protection and others publicly discussing the possibility of declaring bankruptcy. The rail industry was faring better, but the overall economic condition produced profits lower than expected for most carriers. The labor-management environment in such times is obviously challenging and will tax the abilities of the Board and its professional and support staff over the next five years. Within the government, the need to adapt to homeland security requirements, adjust to the impact of foreign conflict, and operate within significant budgetary constraints has offered challenges to all Federal agencies. This 2005-2010 Strategic Plan addresses very different problems and goals than its immediate predecessor.

One goal remains constant. In 2000, the three Board Members were unified in a desire to accomplish the recommended administrative changes and improve the Board's performance in all mission areas. For this 2005 projection, the three Board Members are equally unified in their desire to examine and improve the Board's service delivery, and to examine the Board's role in a complex and demanding transportation environment.

## **AGENCY MISSION STATEMENT**

The National Mediation Board (NMB) is an independent Executive Branch agency established by the 1934 amendments to the Railway Labor Act of 1926 which expanded coverage of the Act to include the airline industry. The NMB performs a key role in achieving the principal purpose of the Act: "to avoid any interruption in commerce or to the operation of any carrier engaged therein" by assisting the carriers and their employees in their duty under the Act to "exert every reasonable effort" to settle disputes. The Board's principal statutory goals are:

1. To facilitate the resolution of disputes in the negotiation of new or revised collective bargaining agreements;
2. To insure employee rights of self-organization, without interference, when representation disputes exist, and;
3. To provide for the prompt and orderly settlement of disputes growing out of minor disputes or out of the interpretation or application of agreements covering rates of pay, rules, or working conditions.

## **GENERAL AGENCY GOALS**

- To promote the amicable resolution of disputes between carriers and employees by providing quality conflict prevention and resolution services, including both traditional mediation and alternative dispute resolution, while encouraging an atmosphere of harmony that will facilitate future bargaining in the airline and railroad industries.
- To deliver, through the Office of Legal Affairs (OLA), prompt investigation of representation disputes among rail and air employees and definitive resolution of employees' representation status for collective bargaining purposes.
- To improve and strengthen the NMB's system and processes for resolving minor disputes in the air and rail industries.
- Consistent with the President's Management Agenda, to improve the management of our human capital; continue to assess the opportunities to outsource commercial tasks, improve financial performance, and expand E-government applications; and strengthen the linkage between budget planning and agency performance.
- To develop a program of outreach and coordination with entities engaged in dispute resolution and collective bargaining; engaging in educational enterprises with other agencies, colleges, and universities.

## **STRATEGIC PLAN LINKAGE TO ANNUAL PERFORMANCE PLANS**

The strategic plan sets out general goals and strategic objectives and the strategies for achieving them over a five year period. These strategies are incorporated in successive annual performance plans as performance goals.

Where appropriate, the agency's success in meeting its annual performance goals is measured by annual performance targets. Performance targets are objective, measurable criteria relating to specific performance demands in the major mission areas. For example, in order to achieve "prompt resolution of collective bargaining disputes," the agency has established a series of deadlines for establishing contact with parties, setting meeting dates, etc. These performance standards can be found in the agency's current performance plan (available on the NMB web site, [www.nmb.gov](http://www.nmb.gov)).

Where practicable, we will adapt individual employee performance plans to incorporate the concepts and measures of the annual performance plans. As we improve our agency and individual performance, and have experience with the plans, we will make revisions to sharpen their focus and increase their relevance to the Board's work with the parties.

Meeting the annual performance goals and targets ties directly to achieving the general goals and strategic objectives in the strategic plan. Each annual performance plan also contains management strategies designed to help the agency meet its annual performance goals, general goals, and strategic objectives.

This strategic plan divides the agency's goals into two categories: Government-wide Initiatives, and Agency-specific Initiatives. Due to the nature of planning and the nature of the missions of the Board, there will be some overlap among the categories, and among the objectives and strategies within the categories.

## **GOVERNMENT-WIDE INITIATIVES**

These initiatives are part of the President's Management Agenda. In each case, the items identified as goals for the NMB are linked to a broader government effort to improve performance and accountability.

### **I. Goal: Strategic Management of Human Capital**

During the past five years the NMB has improved its management of human capital by stabilizing the agency's personnel functions, regularizing the internal personnel procedures, creating a rational performance management system, and recruiting a highly qualified work force. As a result of this period of change and improvement, the Board can clearly focus in the coming five years on six strategic objectives.

A. Objective: Develop a program for enhanced recruitment and retention of employees for all positions (succession planning).

Strategy: During the five year plan period, in addition to any unplanned attrition, five of thirteen current mediators will be eligible for retirement. In order to insure minimal service impact due to the loss of skill and experience levels, the NMB will accomplish the following:

- Eighteen months prior to reaching retirement eligibility, the agency will consult with potential retirees regarding career and/or retirement planning.
- Budget and FTE permitting, the agency will begin to recruit replacement mediators at least 12 months before any known or anticipated loss.
- The agency will expand the existing Mediator Mentoring Program to cover new and existing staff to ensure that individual and group development needs are identified and addressed.
- The agency will establish a program of continuing education to ensure all employees of the Agency keep abreast of changing methods and technology needed to accomplish our mission.

- B. Objective: Review and upgrade performance monitoring, evaluation, and planning.
- Strategy: Conduct a thorough review of all individual performance plans to ensure that they accurately reflect the duties of the employees, are designed to enhance the effectiveness of the individual's contribution to the success of the agency's Mission, and appropriately incorporate the concepts of the annual performance plan.
- C. Objective: Institute a comprehensive development and training program agency-wide.
- Strategy: Create a master employee development framework, including the use of details (both by sending current employees to other Agencies to enhance their work experiences and by bringing in members of other Agencies to enhance mission performance). Work with institutions of higher education to develop industry specific courses in mediation, ADR, representation, arbitration, and exchange programs.
- D. Objective: Encourage the development of a pool of available and qualified candidates for work in the airline and railroad labor industries that is diverse in terms of age, gender, race and experience.
- Strategy: Increase the use of interns and student trainees to help create a pipeline of individuals with career interests in labor or management in the airlines and railroads.
- E. Objective: Continue to reduce the distance between citizens (the parties) and NMB service providers, as directed by the President's Management Agenda.
- Strategy 1: The agency's web site has become a focus of information and services to the parties and the public. The Board will conduct ongoing reviews to assure that mission delivery remains in line with the President's management agenda.
- Strategy 2: The agency will continue to expand accessibility to the disabled and non-English speaking citizens.

## II. **Goal: Competitive Sourcing**

Under the 2000-2005 plan, the agency accomplished the outsourcing of the majority of its IT functions, the majority of its personnel functions, and the management of its electronic voting process for representation elections. Under this plan the agency will focus on three strategic objectives.

- A.    Objective:   Continue to foster the use of appropriate contract and outsourced labor for agency functions, including personnel, IT, and arbitration.  
  
      Strategy:    The agency will conduct periodic reviews of agency functions to assess the appropriateness of contracting and outsourcing. Arbitration will conduct a review of the arbitrator contracting process as part of the overall review of Section 3 processes.
  
- B.    Objective:   Pursue competitively sourced management of agency records and documents.  
  
      Strategy:    The agency will work with private sector vendors to develop an integrated records and document management program (combining local document management and archival records management as mandated by NARA).
  
- C.    Objective:   Develop university relationships to provide research and educational support.  
  
      Strategy:    The agency will undertake additional joint projects with academic institutions to establish research and training programs and to develop conferences and joint projects with the parties.

### III. **Goal: Improved Financial Performance**

Agency efforts under the 2000-2005 plan resulted in a financial system that is accurate and supportive of the agency's missions. The 2005-2010 plan will build upon this base.

- A. Objective: Maintain financial management systems that meet Federal system requirements and applicable Federal accounting and transaction standards.  
  
Strategy: The agency will integrate electronic financial tracking systems into the IT strategic plan. Finance and Administration staff will target Federal requirements in their individual development plans.
  
- B. Objective: Maintain and report accurate and timely financial information.  
  
Strategy: Finance and Administration will conduct routine internal audits to ensure accuracy of records, and the staff will develop and implement a routine status of funds report for senior management.
  
- C. Objective: Maintain integrated financial and performance management systems supporting day-to-day operations.  
  
Strategy: Finance and Administration will continue to adhere to rigorous customer service guidelines for payment of vouchers and processing of information.
  
- D. Objective: Achieve unqualified and timely audit opinions on annual financial statements (with reports of no material internal control weaknesses).  
  
Strategy: Finance and Administration will continue to work throughout the year with the agency's contract auditors to ensure that all internal controls are updated and meet current industry best practices.

#### IV. **Goal: Expanded Electronic Government**

During the past five years the agency has developed and initiated the use of a web site with a variety of information about the agency. The NMB has also converted distribution of agency press releases to an electronic system, and it has instituted a telephone electronic voting system for representation elections. 2005-2010 will see the agency focusing on three strategic objectives.

- A. Objective: Expand the content, use, and accessibility of the agency web site.  
  
Strategy: The agency will conduct a review of customer use to identify and direct the implementation of improvements.
  
- B. Objective: Increase access to agency forms.  
  
Strategy: In the arbitration, representation, and mediation areas the agency will explore methods to make application forms available on-line and to make NMB procedural processes as paperless as possible.
  
- C. Objective: Move aggressively toward creating a paperless office.  
  
Strategy 1: The agency will seek contractors to compliment internal efforts to improve records management and document management. Use of on-line and electronic forms will be increased and become the norm.  
  
Strategy 2: Experience with improvements to Section 3 processes, including the introduction of scanning and electronic submissions, has shown that moving toward paperless processes saves money and time for the Board and the parties. The agency will continue to seek process improvements in this area.  
  
Strategy 3: The agency will direct the use of new technology by the National Railroad Adjustment Board in all appropriate cases.

D. Objective: Consistent with the June 5, 2003, guidance issued by the Office of Management and Budget, the NMB will pursue an interagency project with the National Labor Relations Board (NLRB) to integrate the use of video teleconference technology into the NMB's Arbitration program. The NMB will undertake a "long term, . . . high-payoff" collaboration with the NLRB to enhance agency mission delivery address "customer needs."

Strategy 1: The NMB will design, test, and implement a resource sharing project with the NLRB, designed to make video teleconference facilities available to arbitrators on the NMB's Section 3 Arbitrator Roster.

Strategy 2: The NMB will promote the use of video conference technology, the purchase and installation of videoconference technology in individual arbitrator offices, and identify videoconference capable arbitrators on the NMB's approved roster.

V. **Goal: Budget and Performance Integration**

Information on this Goal is included in the section on Improved Financial Performance.

## AGENCY-SPECIFIC INITIATIVES

### I. **Goal: Mediation will continue to foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.**

During the period from 2000-2005 the NMB recruited and hired a diverse corps of mediators who, when added to the existing mediators, represent true excellence in government service. The mediators at the Board are equally divided between the airline and railroad industries, and between labor and management.

In addition to excellent recruitment, the Board has continued to refine its mediator training and development program, and the Board has continued to make inroads into airline and railroad labor management processes through its ADR program. In 1997, the Board opened one ADR case: in 2002, the Board opened 48 new ADR cases (52% of all new cases). This trend toward the use of the Board's ADR program is expected to continue, and is likely to increase with the addition of more varied ADR training and facilitation services.

Objectives for the 2005-2010 period reflect these advances and seek to build upon them.

- A. Objective: Expand the current ADR capabilities to address the changing labor environment in the airline and railroad industries and provide more varied assistance in dispute resolution both between and during contract negotiations. Recent experience indicates that aggressive marketing of ADR services will result in more use of ADR, and higher satisfaction among the parties.  
  
Strategy: Continue to refine the ADR program; conduct information sessions for the parties; expand the use of facilitation to assist with issues between rounds of collective bargaining.
- B. Objective: Establish an Internal Standard Code of Practice for mediators.  
  
Strategy: Cross-check standards of conduct across the mediation field to assure that the NMB's internal standards are properly adapted to the RLA context.
- C. Objective: Continue to develop standard training for mediators to ensure they are kept abreast of the latest trends in mediation and gain additional industry and technical knowledge in both air and rail.

- Strategy: Conduct a skills review; create a standard new mediator training plan; review IDP process. This process will be pursued in conjunction with agency efforts to establish relationships with academic institutions.
- D. Objective: Better track the history of cases.
- Strategy: Establish a confidential system to use "after-action" discussions and other means to capture and pass along to the entire mediator corps critical case information.
- E. Objective: Ensure that mediator qualifications match the needs of the industries.
- Strategy 1: The agency will conduct a review of mediator knowledge and skills to determine what, if any, adjustments should be made to transform the mediator's jobs and skills.
- Strategy 2: The agency will review, with OPM input, the classification and qualification standards for mediator positions.
- F. Objective: Pursue interagency projects, including personnel exchange programs, to enhance labor-management relations throughout the airline and railroad industries.
- Strategy: The NMB will work with other appropriate agencies to provide or coordinate training and development within the airline and railroad industries.
- G. Objective: Engage in outreach and education programs ensure that the NMB is seen as a world leader in airline and railroad labor-management issues.
- Strategy: The agency will actively work with a wide range of labor-management groups to present the best practices for labor-management relations as developed in the U.S.; the agency will seek examples of successful labor-management practices in international airline and railroad industries and bring those examples back to the U.S. for consideration.

**II. Goal: The Office of Legal Affairs (OLA) will promptly investigate representation disputes and definitively resolve representation status for collective bargaining purposes, using the most efficient and client-friendly methods available.**

Under the 2000-2005 plan, representation cases came under performance standards that ensure prompt action for the parties. Those standards continue to guide performance for the Office of Legal Affairs.

In addition, the agency's Representation Manual was revised and placed on the web site, and the agency instituted a Telephone Electronic Voting (TEV) system that streamlined the balloting process. The TEV process supports the President's initiative to create a paperless business environment, eases the workload for agency staff, and makes representation services more accessible to the parties.

In November 2002, after significant review, revision and reorganization, the Board issued its latest edition of its Representation Manual. These revisions made the manual more "user-friendly". The Manual was originally used primarily as an internal document to assist investigators handling representation cases. Over time the Representation Manual's use evolved so that it is now also used as a reference source by practitioners appearing before the Board. This Manual, and a list of Frequently Asked Questions based on the Representation Manual, is on the NMB's web site.

Over the next five years OLA will continue to expand the use of cost-saving, user-friendly approaches to representation.

- A. Objective: Expand the use of electronic systems to further streamline and reduce costs.  
  
Strategy: OLA will conduct an assessment of a web-based extension to the TEV system, and develop an electronic filing system.
  
- B. Objective: Develop outreach opportunities in the legal, labor relations and alternative dispute resolution communities.  
  
Strategy: To meet this goal the members of the Office of Legal Affairs actively participate in conferences sponsored by the American Bar Association, American Law Institute, and the Association of Labor Relations Agencies. OLA also regularly participates 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. The General Counsel serves as a Senior Editor on the Railway Labor Act

treatise published by the Bureau of National Affairs. A second edition of this book will be published in 2003/2004. In July, 2003, the NMB and the W. J. Usery Center for the Workplace at Georgia State University announced their academic partnership. The mission of this partnership is to develop and present research, educational programs, and training programs pertaining to labor and employment relations and dispute resolution in the railway and airline industries. OLA is actively involved in developing course work and continuing legal education programs on the Railway Labor Act in conjunction with the Usery Center and the Georgia State University Law School.

- C. Objective: Enhance recruitment and training of attorneys. The attorneys in OLA are committed to developing their professional skills. To achieve this goal each attorney has implemented an individual development plan (IDP), identifying a course of continuing education that is reevaluated every 18 months. Included in the IDPs are participation in intra-governmental details; continuing legal education courses in the areas of labor and employment law, and ethics; courses at the National Judicial College; and active participation in professional associations.
- Strategy: OLA will continue to refine its training and development program. Further, OLA will continue to engage in career and skill planning with all OLA staff.
- Objective: The Board is committed to implementing and maintaining 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.
- Strategy: OLA will conduct semi-annual reviews of the Representation Manual and web site, upgrading where appropriate.
- Objective: Maintain continuous industry and agency communication at a level that provides early preparation for Presidential Emergency Board management.
- Strategy: The Board will encourage attendance at industry conferences, ABA meetings, and other events related to the airline and railroad industries.

### **III. Goal: Arbitration will promote the prompt and orderly resolution of grievance disputes in the railroad and industries.**

Over the past five years monumental changes have taken place in Arbitration. Record keeping and reporting have been revolutionized, the arbitrator list has been updated, new arbitrators have been recruited and trained, and the NMB's Chicago office has been renovated. The agency has purchased and installed scanning and other electronic devices designed to streamline and improve office processes. The agency has also improved the work environment, eliminating unnecessary manual labor and making better use of agency staff. Over the next five years the focus will be on improving the basic business systems and the NMB's relationship with the NRAB.

- A. Objective: Modernize and update procedures related to NRAB cases (Section 3) and other arbitral forums (public law boards and system boards of adjustment).  
  
Strategy: Arbitration will consult with unions and carriers to streamline Section 3 dispute resolution procedures; the NMB will, where appropriate, engage with the parties in formal and informal initiatives, including appropriate rule-making, that improve Section 3 procedures.
  
- B. Objective: Foster a "best practices" approach to managing the contract arbitrator roster.  
  
Strategy: Arbitration will survey the state-of-the-art in list management practices, develop a protocol for the NMB arbitrator list, and implement a best practices approach to management of the roster.
  
- C. Objective: Foster a "best practices" approach to managing arbitrator billing and payment.  
  
Strategy: Arbitration will conduct ongoing yearly reviews and audits of billing to ensure compliance with internal and Federal guidelines.

- D. Objective: Integrate current technology into the arbitration process.
- Strategy: Encourage the use of teleconferencing for appropriate cases through identification of resources; investigate options for agency involvement in advancing the use of teleconferencing, including the possible acquisition of equipment and in-house video teleconferencing capabilities.

**IV. Goal: Administration will offer financial, personnel, IT, and other administrative support to all primary mission areas.**

Under the 2000-2005 plan Administration stabilized the IT environment through the use of outsourced labor and expertise, established a sound framework for performance evaluation, and positioned itself as an outstanding provider of direct service to the agency. Under the new plan Administration will focus continued cost savings through the use of electronic systems and to organizational changes reflective of the Board's relationship to the industries.

- A. Objective: Update and improve the NMB's press and public information program.  
  
Strategy: The agency will review its press and public information policy, develop a revised information policy, and institute press and public information guidelines. The agency will place itself more publicly in the role of subject matter expert for issues surrounding labor management in the airline and railroad industries.
  
- B. Objective: Extend the agency's research program.  
  
Strategy: Working with contractors, the agency will establish a more accessible data base of information available to the staff from the NMB network. The agency will work with educational institutions to extend research and education on topics related to the RLA, the industries, and the Board's primary mission areas.
  
- C. Objective: Establish and extend emergency management and continuity of government measures.  
  
Strategy: The agency will review and revise its emergency management policies as they relate to personal safety and emergency response for the staff, IT security, and continuity of government.

- D. Objective: Sound IT planning, including security planning and risk/vulnerability assessments.
  - Strategy 1: The agency will revise its five year cycle plan for IT enhancement and replacement to reflect the current 3-4 year industry standard cycle.
  - Strategy 2: The agency will include security requirements in all IT contracts, and will make regular assessments of security and vulnerability contract requirements.
  
- E. Objective: Investigate and use innovative records management and document management techniques.
  - Strategy: Pursue innovative electronic partnerships with contractors and other agencies to provide secure and accessible records and document storage and retrieval.

## GLOSSARY: TERMS AND ACRONYMS

### TERMS \*

Agency	The National Mediation Board
Agency-wide Initiatives	Items in the NMB Strategic Plan that are specific to the NMB's 5 year goals.
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.
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
Facilitation	A process where a neutral helps the parties in a collective bargaining or grievance dispute using ADR problem-solving methods such as interest-based bargaining or grievance mediation.
Government-wide Initiatives	items in the NMB Strategic Plan that are linked to broader government efforts through the President's Management Agenda
Grievance Mediation	In the venue of the NMB, using mediation as an alternative to arbitration for resolving grievances.
Interest Based Bargaining	A type of negotiation in which the parties collaboratively focus on finding solutions to underlying needs or concerns of each party (i.e., the whys) instead of negotiating specific adversarial positions.
Internal Standard Code of Practice	A set of guidelines designed to ensure that the NMB's standards of conduct are properly adapted to the RLA context
Mediation	A type of dispute resolution process in which a neutral (i.e., a mediator) facilitates agreement between the parties to a collective bargaining dispute
President's Management Agenda	Agenda outlining goals for a broad government effort to improve performance and accountability.
Representation Manual	Reference document used by practitioners appearing before the board

Section 3	Section 153 of the RLA pertaining to the National Railroad Adjustment Board
Section 6	Section 156 of the RLA pertaining to changing rates of pay, rules and working conditions
Section 7	Section 157 of the RLA pertaining to Arbitration
Section 9a, Section 159a	Section 159A of the RLA pertaining to Presidential Emergency Boards
Section 10, Section 160	Section 160 of the RLA pertaining to Presidential Emergency Boards
Telephone Electronic Voting (TEV)	An initiative to streamline the balloting process, and help create a paperless office
Usery Center	The W. J. Usery Center for the Workplace at Georgia State University has formed an academic partnership with the NMB to develop and present research, educational programs, and training programs pertaining to labor and employment relations and dispute resolution in the railway and airline industries

*\* 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**

ABA	American Bar Association
ADR	Alternative Dispute Resolution
ALI	American Law Institute
ALRA	Association of Labor Relations Agencies
BNA	Bureau of National Affairs
DOL	Department of Labor
FMCS	Federal Mediation & Conciliation Service
GSU	Georgia State University
IBB	Interest-Based Bargaining
IDP	Individual Development Plan
IT	Information Technology
MMP	Mediator Mentoring Program
NARA	National Archives & Records Administration
NLRB	National Labor Relations Board
NMB	National Mediation Board
NRAB	National Railroad Adjustment Board
OLA	Office of Legal Affairs
OPM	Office of Personnel Management
PEB	Presidential Emergency Board
PMA	President's Management Agenda
RLA	Railway Labor Act
TEV	Telephone Electronic Voting