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## Performance Plan and Results(GPRA)

This report contains FY 2011 Accomplishments of the National Mediation Board relating to goals and objectives for Mediation/ADR, Representation, and Arbitration. These accomplishments enabled the NMB to meet its statutory obligations and provide services to its airline and railroad labor, management and public customers.

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## Strategic Plan General Goal 1

### Mediation and Alternative Dispute Resolution

Mediation and Alternative Dispute Resolution (ADR) will continue to foster the prompt and peaceful resolution of collective bargaining disputes in the airline and railroad industries.

#### Mediation

- I. **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.**

FY-2011 Accomplishment: Through the use of Individual Development plans each mediator participated in training and development that met their individual needs. In addition, training covering industry specific topics, as well as guest speakers, was conducted during the bi-monthly mediator meetings.

- II. **Better track the history of cases. Work with Arbitration and Representation to revise and improve the agency case management system.**

FY-2011 Accomplishment: We continued to fine tune the capabilities of and information tracked in the case management system. Specialty reports to help in workload planning and historical research were developed and used.

#### ADR

- I. **Expand 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.**

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- **Use outreach and promotion efforts to raise the visibility of the ADR program.**

FY-2011 Accomplishment: ADR continued to engage in outreach and promotion efforts with parties in the airline and railroad industries. The result of these efforts was a continued case load in special dispute resolution efforts, and ADR/ODR presentations to carriers, organizations, and professional associations. Special concentration was given to local leadership at the railroads and rail organizations with grievance mediation overviews and presentations given to those who handle the lion's share of grievance handling.

- **Review ADR services for potential deletions, additions, or changes.**

FY-2011 Accomplishment: Each year ADRS does reviews of its programs, assessing existing training and service delivery. ADRS created the NMB Lyceum, an online learning resource that helps reduce travel costs for GM training. Working with Arbitration, ADRS increased its promotion of expedited arbitration coupled with grievance mediation as an option for the parties. Also, ADRS continued conversion of the basic arbitration work processes to an automated system developed in conjunction with the Arbitration Services office.

- II. Implement and develop interagency projects with other labor and transportation agencies with the goal of enhancing labor-management relations in the airline and railroad industries.**

FY-2011 Accomplishment: ADR offered consultation to the Surface Transportation Board, National Archives and Records Administration, and the Congress on the application of ODR technology to open government and e-government initiatives.

- III. Engage in outreach and education programs to ensure that the NMB is seen as a world leader in airline and railroad labor-management issues and submit proposals for presentations at dispute resolution conferences.**

FY-2011 Accomplishment: ADR staff members were involved in presentations to: the Association for Conflict Resolution, the Dispute Resolution Section of the American Bar Association, the Interagency Dispute Resolution Working Group Steering Committee, American Law Institute and American Bar Association (ALI-ABA) and numerous dispute resolution and legal organizations.

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## Strategic Plan General Goal 2

### Representation

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.

- I. Expand the use of electronic systems to further streamline and reduce cost; continue to integrate Representation data into the agency Corporate Memory; and work with ADR to implement electronic filing system for OLA.**

FY-2011 Accomplishment: OLA primarily accepts electronically submissions in representation cases. The Office of Legal Affairs continued to reduce its use of paper documents by implementing a test program to take electronic witness statements in representation interference investigations.

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**II. Develop outreach opportunities in the legal, labor relations and alternative dispute resolution communities. Submit proposals for participation in conferences sponsored by the American Bar Association (ABA). Develop appropriate CLE and other training opportunities for RLA practitioners.**

FY-2011 Accomplishment: OLA continued its outreach to the legal, labor relations and alternative dispute resolution communities. OLA attorneys helped plan the agenda for and were panelists at the ABA Railroad and Airline Labor Law Section's Mid-winter meeting as well as the ABA's Labor and Employment Annual CLE Meeting, and a three day Continuing Legal Education seminar on the Railway Labor Act sponsored by ALI-ABA.

**III. Implement and maintain concise, relevant reference materials, readily available to the public and which reduce the number of man-hours used to research and respond to inquiries; update and improve the material available on the NMB web site; and revise NMB's Representation Manual.**

FY-2011 Accomplishment: OLA Attorneys are working on the 3rd Edition of the authoritative treatise on Railway Labor Act Law published by the Bureau of National Affairs. OLA attorneys assisted in the development of one of the NMB Lyceum's initial on-line course offerings, NMB 101.

**IV. Maintain continuous industry and agency communication at a level that provides early preparation for Presidential Emergency Board management, and coordinate efforts with the Office of Mediation Services to identify potential disruptions which may lead to a Presidential Emergency Board.**

FY-2011 Accomplishment: The Office of Legal Affairs continually coordinates with the Office of Mediation Services to evaluate potential disruptions in the industry.

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## Strategic Plan General Goal 3

### Arbitration

Arbitration will promote the prompt and orderly resolution of grievance disputes in the railroad and airline industries.

**I. Modernize and update procedures related to NRAB Section-3 cases and other arbitral forums (public law boards and system boards of adjustment). Conduct a business process review of NRAB case handling.**

FY-2011 Accomplishment: NRAB administrative processes, as well as the procedures governing public law boards and system boards of adjustments, were reviewed with the goal of streamlining procedures.

**II. Foster a "best practices" approach to managing the contract-arbitrator roster. Move arbitrator roster information to a new case management system. Improve the guidelines for accepting applicants to the roster.**

FY-2011 Accomplishment: The NMB instituted several projects to help the parties better utilize the NMB Roster of Arbitrators. One project involved CSX Transportation. Another project involved the Canadian National Railroad. An NMB Arbitrators' Caseload Report was updated on the NMB website, along with the official Roster of Arbitrators.

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**III. Foster a “best practices” approach to managing arbitrator billing and payment. Investigate and develop a more equitable and efficient arbitrator billing process.**

FY-2011 Accomplishment: The NMB initiated and implemented several special compensation projects, establishing more boards in which arbitrators were paid on a per-case basis with an increase in compensation for cases heard using the NMB Online Video Conferencing Center (WebEx). These projects will be evaluated in FY 2012.

**IV. Integrate current technology into the arbitration process. Continue to integrate Arbitration business processes into the NMB Corporate Memory program. Cooperate with Mediation, ADR, and Representation to improve the agency case-management system. Continue to encourage the parties to use the agency’s web-based video-conferencing system (WebEx) to reduce costs for arbitration hearings and adoption conferences.**

FY-2011 Accomplishment: The NMB trained several arbitrators, railroad management officials and labor officials in the use of Online Video Conferencing, and several hearings were conducted using OVC during Fiscal Year 2011. OVC was used repeatedly at the National Railroad Adjustment Board.