

Glossary

These definitions are provided for 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.

Act The Railway Labor Act

Agency The National Mediation Board

Alternative Dispute Resolution (ADR)

ADR is a process for resolving disputes outside of the judicial system of law. In the venue of the NMB, ADR 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.

Annual Report NMB's Annual Performance and Accountability Report

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

Arbitration Forum A committee formed of officials of railroads, rail unions, arbitrators and the NMB for the purpose of improving the processing of railroad employee grievances

Board May be one of the following, depending upon the context in which it appears:

- National Mediation Board (NMB)
- Presidential Emergency Board (PEB)
- National Railroad Adjustment Board (NRAB)
- Special Board of Adjustment (SBA)
- Public Law Board (PLB)
- System Board of Adjustment (SBA)

Carrier An airline or railroad as defined by sections 151 and 181 of the Railway Labor Act.

CFO Act Chief Financial Officer's Act

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 collection 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

Dunlop II Committee An independent review committee comprised of carrier and union experts formed at the request of the NMB in FY 2009 to examine the internal functions, policies and procedures of the agency and the progress of the agency subsequent to the recommendations of the Dunlop Commission of the 1990s.

E-book A book available via the Internet such as NMB's Annual Performance and Accountability Report

E-business The conduct of business on the Internet

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E-filing An electronic method for submitting documents

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

Facilitated Problem Solving This approach to bargaining utilizes a process of problem identification and discussion to reach resolution of issues rather than an exchange of proposals.

Grievances Complaints of employees or unions arising out of the application or interpretation of collective bargaining agreements

Grievance Arbitration A method of resolving grievances whereby an arbitrator determines the outcome

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 Arbitration A process, under the RLA, to establish the terms of a new or modified collective bargaining agreement through arbitration, rather than through negotiations.

Interest Based Negotiation 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

Internet Voting A web-based balloting option that supplements telephone electronic voting in representation elections

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, or not, for the purpose of collective bargaining

Legacy Carriers A term applied to traditional major, hub-based airlines versus regional or point-to-point carriers

Major Disputes Disputes between management and a union pertaining to collective bargaining as opposed to grievance disputes known as Minor Disputes

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

Minor Disputes Grievances of employees or unions arising out of the application or interpretation of collective bargaining agreements as opposed to collective bargaining disputes known as Major Disputes

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

National Labor Relations Act (NLRA) Grants most private sector workers the right to organize and bargain collectively. Air and rail employees, however, are covered by the Railway Labor Act (RLA) rather than the NLRA.

National Railroad Adjustment Board One of three types of tribunals under the RLA for resolving railroad grievances (also see Special Boards of Adjustment and Public Law Boards). NRAB cases are resolved by the carrier and union members with or without a neutral.

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NMB Lyceum The NMB's open-resource, distance-learning website established to provide NMB staff, labor relations practitioners and the public with training programs relevant to the National Mediation Board and the Railway Labor Act.

Ombudsman An official of the NMB that receives and addresses problems or complaints of employees or contractors regarding actions of agency managers or staff

Online Arbitration An Arbitration forum and a form of Online Dispute Resolution where hearings are held in virtual, web-based meeting rooms with live video

Online Dispute Resolution The application of Internet or web-based technology to resolving disputes

Open Government Directive President Obama's Directive of December 8, 2009, requiring Federal executive departments and agencies to take specific actions to implement the principles of Transparency, Participation, and Collaboration.

Presidential Emergency Board A Board established under the Railway Labor Act by the U.S. President to investigate and report on an airline or railroad labor dispute

Proffer of Arbitration The step in the process of resolving collective 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 collective 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.

Public Law Boards (PLB) One of three types of tribunals under the RLA for resolving railroad grievances (also see National Railroad Adjustment Board and Special Boards of Adjustment)

Railway Labor Act (RLA) A federal law that grants interstate airline and railroad employees the right to organize and bargain collectively. Other private industry employees are covered by the National Labor Relations Act (NLRA).

Representation Dispute A situation on an airline or railroad where employees in a specific, carrier-wide workgroup seek to organize for the purpose of collectively bargaining with their employer regarding matters of wages, benefits and working conditions

Section 3 Section 153 of the RLA pertaining to the National Railroad Adjustment Board

Section 3 Committee A group of representatives from freight, regional and commuter railroads and representatives of major rail unions, whose goal is the improvement of resolution of grievances

Section 6 Section 156 of the RLA pertaining to the changing of wages, rules, hours 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 for certain publicly-funded and operated commuter railroads

Section 10 Section 160 of the RLA pertaining to Presidential Emergency Boards for airlines and railroads other than those covered by Section 9a

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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 work specifically as required by its collective bargaining agreement or strike

Showing-of-Interest In a representation dispute, 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.

Special Boards of Adjustment (SBA)

One of three types of tribunals under the RLA for resolving railroad grievances (also see National Railroad Adjustment Board and Public Law Boards)

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.

Strike A work stoppage action initiated by a union

System Boards of Adjustment (SBA) An arbitration board pursuant to an agreement by the parties for resolving airline grievances.

System-wide Under the RLA, a craft or class applies anywhere an airline or railroad operates in the United States

Telephone Electronic Voting (TEV) A paperless balloting process using telephones instead of traditional paper ballots

Work Stoppage An interruption to the operations of an airline or railroad