

The NMB Arbitration Forum met in Chicago on March 10, 2011.

Dan Rainey reported that the current Continuing Resolution runs through March 18, 2011 and it is expected it will be followed by another short-term CR. Funding is currently at 2008 levels, which includes the amount that was added to the Section 3 budget through a congressional earmark. Because all funds that were authorized by the prior CR were allocated for January and February, the current authorizations cover only the funds that were contained in the current CR. Officially, the funds currently authorized are now available only through March 18. If there is a government shut-down, no work may be performed on the days of the shut-down. Otherwise, if there is a CR or a regular appropriation, the March allocation can be charged to any days in March, regardless of which CR period they fall into. Rainey reported that the Board has spent the same amount of money for the first 6 months of FY 2011 as the same period in FY 2010. The goal is to be able to fund some travel, some hearings and some writing each month. Everyone who requested days for March received 8 days.

The House version of the FAA Reauthorization Bill (HR 658) has three provisions that affect the NMB. Sec. 901 effectively would defund the Board's representational election rule. Sec. 902 would require a yearly audit of all systems by the Comptroller General. Sec. 903 would establish an NMB Inspector General through the Department of Transportation. (SB 223 has none of these provisions). The only one of real consequence is Sec. 901, which would reverse the Board's new representation rules which were upheld by the D.C. District Court last June. There currently is access to the DOT's Inspector General and the Board sees no problem with the yearly audit.

The Board is currently testing the Arbitrator Work Space with several NARR members. This will take the place of the forms we currently complete and will allow referees to access current information as to the status of their boards and cases. Rainey reports that response has been favorable. When the system is initially rolled out, it will be voluntary. After several months, though, it will be compulsory. Training will be offered by the NMB.

Referees are reminded that they are responsible for the scheduling of their hearings. This means we must make sure that we have authority to serve on the PLB, have authority to hear the specific cases and have financial authority to hold a hearing and, if necessary, travel to the hearing. This also means ensuring that we are sufficiently current in our case handling so that the NMB will authorize the hearing. The parties expect us to honor our hearing obligations. Additionally, we are responsible for providing the NMB current information about when cases are heard and decided. For example, cases heard in April must be reported on Activity Reports submitted with the April pay voucher no later than May 10.

The Board is looking at the problem associated with hearings scheduled on the first of the month and requiring travel on the last day of the prior month. We have been told that this cannot be done because of the overlap of approvals. Apparently the NRAB had scheduled a referee on the first of the month and it presented a problem. If this is not permitted, word will go out so that everybody is on notice. If there is a way around this, Rainey will tell us what it is. In the meantime, I suggest referees try to avoid this situation.