

MEDIATION BOARD EXPECTS HEAVY CASELOAD

National Mediation Board (NMB) members Harry Hoglander and Elizabeth Dougherty say they expect a busy year chipping away at the backlog of cases. Dougherty says the Board already has 30 percent more representation applications filed thus far this year over the same time last year, and had 13 more elections than the previous year, "so that business seems to be heating up."

In terms of mediations, last year was an "unusually slow year for us," with only 20 new cases, compared to a five-year average of 45 cases. "But that was apparently the calm before the storm. We to date in fiscal year 2009 have already docketed 27 new mediation cases, so that's seven more than last year." The NMB predicts "with a fair degree of certainty" it will docket about 60 cases total in all of fiscal year 2009. Part of the reason for that is several major carriers have contracts coming up for renegotiation at the same time.

The Board's annual performance and accountability report for FY 2008 shows that parties brought 6,056 cases to arbitration last fiscal year compared to 4,929 cases in FY 2007. In FY 2008, 5,395 cases were closed, compared to 4,024 in FY 2007, leaving 6,212 cases pending at the end of FY 2008. The NMB has struggled with moving the backlog of cases. The additional \$659,000 in funding from Congress last year helped the Board work on 22 percent of the cases that it had on the docket over the year and resolve 1,300 more cases in FY 2008 than the previous fiscal year. President Obama signed the \$410 billion omnibus appropriations measure that includes \$12,992,000 for the NMB, \$307,000 above the FY 2008 level and \$560,000 above the budget request. "And that money also is specifically targeted toward increasing the number of arbitration cases heard and closed, so we expect to continue the important work of clearing that backlog and made sure cases are heard expeditiously," Dougherty says.

Another project targets the 239 cases on the docket that are over five years old. Some cases are more than nine years old and involve employees who are deceased or retired years ago. Forty-two cases were closed "right off the bat" because they were no longer relevant. Some 21 cases involving the same union and carrier were over 19 years old. Neither the union nor the employer had the records.

The AFL-CIO and various unions have made recommendations for changes in the NMB as the Obama administration settles in. Unions and employers have criticized the pace and speed of mediations.

The NMB's electronic filing pilot project will give the parties, by mutual agreement, the opportunity to file all documents electronically, with the exception of the initial applications, the authorization cards, and signature examples. The project will continue through end of May and then the board will have a notice and comment period. The board also hopes to expand on having parties pay arbitrators by case rather than the daily rate, which would reduce costs.

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