

Step-By-Step Process

1. Request that the NMB issue a Proffer of Arbitration
(completed January 20, 2016)
2. The NMB issues a Proffer of Arbitration. If the NMB feels that further mediation will not result in an agreement, it may issue a proffer of arbitration. A proffer of arbitration is an offer to settle any outstanding issues between the union and the company through binding arbitration.

Proffer for Arbitration: Offer by the NMB to the parties, XJT & IAM, to arbitrate the contractual dispute rather than engage in self help, i.e. slow down or strike. If one party refuses arbitration, a 30-day cooling off period begins.

3. 30-day cooling off period-the union and the company are both released into a 30-day cooling-off period. During this time, the NMB continues to offer its services and encourages both parties to meet. This is often referred to as “super mediation” or “public interest mediation”.
4. If no agreement has been reached by the end of the 30-day period, the President of the United States appoints a Presidential Emergency Board (PEB) or decides to allow self-help.

Self Help: Such as a strike or slow down

*PEB: Created at the President’s discretion if the NMB has determined that a dispute may substantially disrupt interstate commerce, nationally or **regionally**. PEB’s operate as fact finders who report to the President the circumstances surrounding the dispute and the negotiating positions taken in such a dispute, and make recommendations for settlement. Findings of PEBs are not binding on parties.*

5. If a PEB is created they would meet with the Union and the Company to hear both sides, and then would suggest language to try and address both parties’ issues.

6. Both parties will come to an agreement and sign, or they will disagree.
7. If the parties disagree they enter into a second 30-day cooling off period.
8. The President of the United States will decide on either Congressional action or self-help.

Congressional Action: Under constitutional authority Congress may impose its own settlements as found in Article 1. Section 8. of the Constitution's Commerce Clause.