

**Supporting Statement
Request for Public Law Board
National Mediation Board (NMB)**

A. JUSTIFICATION:

1. Section 153, Second, of the Railway Labor Act, 45 U.S.C. 153, Second, governs procedures to be followed by carriers and representatives of employees in the establishment and functioning of special adjustment boards. These special adjustment boards are referred to as public law boards (board). The statute provides that within thirty (30) days from the date a written request is made by an employee representative or carrier official for the establishment of a board, an agreement establishing such board shall be made. If, however, one party fails to designate a member of the board, the party making the request may ask the NMB to designate a member on behalf of the other party. The NMB must designate the representative who, together with the other party, constitute the public board. It will be the task of these two individuals to decide on the terms of the agreement. If these individuals are unable to decide upon the terms, the Railway Labor Act provides that one of these parties may request that the NMB designate a neutral to resolve the remaining matters which are procedural issues. Pursuant to 29 CFR 1207.2, requests for the NMB to appoint either representatives or neutrals must be made on printed forms which may be secured from the NMB.
2. This form is necessary for the NMB to fulfill its statutory responsibilities. Without this information, the NMB would not be able to assist the railroad labor and management representatives in resolving disputes, which is contrary to the intent of the Railway Labor Act.
3. There is no improved technological method for obtaining this information. The burden on the parties is minimal in completing the Request for Public Law Board Member.
4. This information does not exist in duplicate elsewhere in the agency; the form is completed and submitted on a case by case basis, as needed for a specific requirement.
5. The labor organizations and carriers which are the typical requestors, are national in scope and do not qualify as small businesses or other small entities.
6. The collection of this information is vital for the NMB to comply with section 153 Second of the Railway Labor Act, which requires that the NMB be able to convene a Public Law Board (PL) within 30 days of the initial request by responding to a request for designating a PL Board Member. Without this collection we would not be able to comply with the law.

**Supporting Statement
Request for Public Law Board
National Mediation Board (NMB)**

7. The information requested by the NMB is consistent with the general information collection guidelines of CFR 1320.8 (b) (3). The burden on the parties is minimal in completing the Request for Public Law Board Member. We do not require submission of more than one copy of any document, nor do we require submission of any confidential information.
8. A notice regarding the Request for Public Law Board Member was published in the Federal Register on April 28, 2006, page 25248, for public comment. The NMB did not receive any comments on this published notice. There have been no recent consultations regarding the form. (See attached copy of notice.)
9. No payments or gifts have been provided by the NMB to any respondents of the form.
10. The information collected is not confidential as it can be requested under the Freedom of Information Act (FOIA). The parties are aware, therefore, that this information is not confidential.
11. There are not questions of a sensitive nature on the form.
12. The **total time burden** on respondents is 3.75 hours annually – this is the time required to collect information. After consulting with a small sample of people involved with the collection of this information, the time to complete this information collection is estimated to average 15 minutes per response, including gathering the data needed and completion and review of the information.
 - a. Number of respondents per year 15
 - b. Estimated time per respondent 15 minutes
 - c. Total Burden hours per year 3.75
(15 x .25)
13. The **total collection and mail cost burden on respondents** is estimated at **\$62.55** annually (\$56.25 annual time burden cost + \$6.30 annual mail cost burden).
 - a. The respondents will not incur any capital costs or start up costs for this collection.
 - b. Cost burden on respondents – detail:
 - 1) **The total time burden annual cost is \$56.25**
We are estimating that a mid-level clerical person, with an average salary of \$15.00 per hour will be completing the Request for Public Law Board Member. The total burden is estimated at 3.75 hours, therefore, the total time burden cost is estimated at \$56.25 per year.

**Supporting Statement
Request for Public Law Board
National Mediation Board (NMB)**

Time Burden Basis: total hourly burden per year = 3.75 hours
\$15.00 per hour – based on mid level clerical salary
\$15.00 x 3.75 hours per year = \$56.25

2) The total annual mailing cost to respondents is \$6.30

Number of requests mailed per year = 15
Total estimated cost \$6.30
(15 x .42 stamp)

14. The total **annualized Federal cost is \$957.96** - this involves printing; mailing the forms upon request of the parties and processing the Request for Public Law Board Member (see a., b., and c. below).

- a. **Printing Cost** \$.75 (estimated cost per copy is .25 x 3 = \$.75)
- b. **Mailing Cost** \$8.31

Mailing costs basis: Forms are requested approximately 3 times per year, (most requestors obtain the form from the internet, few actually request that the NMB provide it to them) – it takes 5 minutes to print out the form and prepare it for mail.

Postage cost = \$1.26 (3 times per year x .42)

Staff Cost = \$7.05

\$.47 per minute (GS 9 \$58,318 = \$27.94 per hour ÷ 60)

\$.47 x 5 minutes per mailing = \$2.35

\$2.35 x 3 times per year = \$7.05

Total Mailing Costs = \$8.31

c. Processing Costs = \$948.90

Processing costs basis: Requests for Public Law Board Member are submitted approximately 15 times per year and it takes about 2 hours to process each request. One hour is at the GS 10 level and one hour is at the GS 9 level.

Staff Cost = \$948.90

\$35.32 per hour (GS12 \$73,720 = \$35.32 per hour)

\$35.32 x 15 times per year = **\$529.80 GS 12 level**

\$27.94 per hour (GS 9 \$58,318 = \$27.94 per hour)

\$27.94 x 15 times per year = **\$419.10 GS 9 level**

15. Item 13 Program Change & Item 14 Adjustments – this collection was not previously included in the Paperwork Reduction Act process.
16. The information collected by the request will not be published.

**Supporting Statement
Request for Public Law Board
National Mediation Board (NMB)**

- 17. The NMB will display the OMB expiration date on the form.

- 18.
 - 19. (c) this form does not reduce the burden on small entities; however, the burden is minimized and voluntary. The submission of this brief collection is necessary in order for the NMB to comply with Section 153 of the Railway Labor Act, 45 U.S.C.
 - 19. (f) the form does not indicate the retention period for record keeping requirements.
 - 19. (i) the form is not part of a statistical survey.

B. COLLECTIONS OF INFORMATION EMPLOYING STATISTICAL METHODS

Not applicable to this collection.