

Supporting Statement
Application for Investigation of Representation Dispute
National Mediation Board

A. JUSTIFICATION:

1. When a dispute arises among a carrier's employees as to who will be their bargaining representative, the National Mediation Board (NMB) is required by Section 2, Ninth, to investigate the dispute, to determine who is the authorized representative, if any, and to certify such representative. The NMB's duties do not arise until its services have been invoked by a party to the dispute. The Railway Labor Act is silent as to how the invocation of a representation dispute is to be accomplished and the NMB has not promulgated regulations requiring any specific vehicle. Nonetheless, 29 C.F.R. § 1203.2, provides that applications for the services of the NMB under Section 2, Ninth, to investigate representation disputes may be made on printed forms secured from the NMB's Office of Legal Affairs or on the Internet at <http://www.nmb.gov/representation/rapply.html>. The application requires the following information: the name of the carrier involved; the name or description of the craft or class involved; the name of the petitioning organization or individual; the name of the organization currently representing the employees, if any; the names of any other organizations or representatives involved in the dispute; and the estimated number of employees in the craft or class involved. This basic information is essential in providing the NMB with the details of the dispute so that it can determine what resources will be required to conduct an investigation.

2. The application form provides necessary information to the NMB so that it can determine the amount of staff and resources required to conduct an investigation and fulfill its statutory responsibilities. Without this information, the NMB would have to delay the commencement of the investigation, 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 "Application for Investigation of Representation Dispute."

4. There is no duplication in obtaining this information.

5. Rarely are representation elections conducted for small businesses. Carriers / employers are not permitted to request our services regarding representation investigations. The labor organizations, which are the typical requesters, are national in scope and would not qualify as small businesses. Even in situations where the invocation comes from a small labor organization, we believe the burden in completing the application form is minimal and that no reduction in burden could be made.

6. The NMB is required by Section 2, Ninth, to investigate the dispute, to determine who is the authorized representative, if any, and to certify such

Supporting Statement
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representative. The NMB has no ability to control the frequency, technical, or legal obstacles, which would reduce the burden.

7. The information requested by the NMB is consistent with the general information collection guidelines of C.F.R. § 1320.6. The NMB has no ability to control the data provided or timing of the invocation. The burden on the parties is minimal in completing the “Application for Investigation of Representation Dispute.”

8. No payments or gifts have been provided by the NMB to any respondents of the form.

9. There are no questions of a sensitive nature on the form.

10. The total **time burden on respondents** is 17.00 hours annually – this is the time required to collect information. After consulting with a 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.

1. Number of respondents per year	68
2. Estimated time per respondent	15 minutes
3. Total Burden hours per year	17
	(68 x .25)

11. The total **collection and mail cost burden on respondents** is estimated at \$365.16 annually (\$340.00 time cost burden + \$25.16 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:

The total time burden annual cost is \$340.00

Time Burden Basis: The total hourly burden per year, upon respondents, is 17

Staff cost = \$340.00

\$20.00 per hour – based on mid level clerical salary

\$20.00 x 17 hours per year = \$340.00

We are estimating that a mid-level clerical person, with an average salary of \$20.00 per hour, will be completing the “Application for Investigation of Representation Dispute” form. The total burden is estimated at 17

**Supporting Statement
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hours, therefore, the total time burden cost is estimated at \$340.00 per year.

The total annual mailing cost to respondents is \$25.16

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| 4. Number of applications mailed by Respondents per year | 68 |
| 5. Total estimated cost (68 x .42 stamp) | \$28.66 |

The collection of this information is not mandatory; it is a voluntary request from airline and railroad carrier employees seeking to invoke an investigation of a representation dispute. After consulting with a 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. However, the estimated hour burden costs of the respondents may vary due to the complexity of the specific question in dispute. The application form is available from the NMB's Office of Legal Affairs and is also available on the Internet at <http://www.nmb.gov/representation/rapply.html>

12. The total **annualized Federal cost** is \$428.01 This includes the costs of printing and mailing the forms upon request of the parties. The completed applications are maintained by the Office of Legal Affairs.

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| a. Printing cost | \$ 80.00 |
| b. Mailing costs | \$ 8.01 |

Basis (mail cost): Forms are requested approximately 3 times per year and it takes 5 minutes to prepare the form for mail

Postage cost = \$1.26

3 (times per year) x .42 (cost of postage)

Staff cost = \$6.75

\$.45 per minute (GS 9/10 \$56,371 = \$27.01 per hr. ÷ 60)

\$.45 x 5 minutes per mailing = \$2.25

\$2.25 x 3 times per year = \$6.75

Total Mailing Costs = \$8.01

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- 13. Item 13 – no change in annual reporting and recordkeeping hour burden.
- 14. The information collected by the application will not be published.
- 15. The NMB will display the OMB expiration date on the form.
- 16 (a) – the form does not reduce the burden on small entities; however, the burden is minimized and voluntary.
- 16 (b) – the form does not indicate the retention period for record keeping requirements.
- 16(c) - the form is not part of a statistical survey.