

NATIONAL MEDIATION BOARD**Notice of Proposed Information Collection Requests**

AGENCY: National Mediation Board

ACTION: Notice.

SUMMARY: The National Mediation Board (NMB) invites comments on its proposal to revise a previously-approved information collection request as required by the Paperwork Reduction Act of 1995. In December of 2012, in response to amendments to the Railway Labor Act, the NMB published a Final Rule changing the showing of interest requirements for organizations seeking a representation election. As a result, the NMB is revising the Application for Investigation of Representation Dispute to reflect that all applicants must submit the same showing of interest. In addition, the NMB is revising the application by requiring applicants to attest that all of the information submitted is true to the best of the signer's knowledge. The revised application will also only provide space for one craft or class per application, thereby requiring a separate application for each craft or class.

DATES: Interested persons are invited to submit comments on or before (60 days).

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of 1995 (U.S.C. Chapter 35) requires that the Office of Management and Budget (OMB) provide interested Federal agencies and the public an early opportunity to comment on information collection requests. OMB may amend or waive the requirement for public consultation to the extent that public participation in the approval process would defeat the purpose of the information collection, violate State or Federal law, or substantially interfere with any agency's ability to perform its statutory obligations. The Director, Office of Administration, publishes that notice containing proposed information collection requests prior to submission of these requests to OMB. Each proposed information collection contains the following: (1) Type of review requested, e.g. new, revision extension, existing or reinstatement; (2) Title; (3) Summary of the collection; (4) Description of the need for, and proposed use of, the information; (5) Respondents and frequency of collection; and (6) Reporting and/or Record keeping burden. OMB invites public comment.

The revisions to the Application for Investigation of Representation Dispute include the following:

1. The application will reflect the fact that applicants no longer have the option of submitting an application supported by a 35 percent showing of interest. All applicants will be required to indicate that the application is supported by a 50 percent showing of interest. In response to 2012 amendments to the Railway Labor Act, the NMB published a Final Rule on December 21, 2012 reflecting the changed showing of interest requirements. 29 CFR 1206.2. This revision will not change the burden to the applicant in completing the

form.

2. The application will include the following attestation: “Federal Law prohibits knowingly and willfully making materially false, fictitious, or fraudulent statements or representations in any matter within the jurisdiction of the U.S. Government. 18 USC § 1001. This includes the information provided on this application as well as the accompanying showing of interest.” This revision will not change the burden to the applicant in completing the form.
3. The revised application will require applicants to complete a separate application for each craft or class. Applicants rarely list more than one established craft or class on each application. This revision should not have an impact on the burden to applicants or increase the number of applications received by the NMB.

Currently, the NMB is soliciting comments concerning the proposed revisions of the Application for Investigation of Representation Dispute and is interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

In addition, the NMB requests comments on any substantive and legal issues raised by the changes to the Application for Investigation of Representation Dispute discussed above, especially those raised by the inclusion of the attestation of the truthfulness of the information provided.

Dated: March 11, 2014

Office of Administration
National Mediation Board

Application for Investigation of Representation Dispute

Type of Review: Revision

Title: Application for Investigation of Representation Dispute,

OMB Number: 3140-0001

Frequency: On occasion

Affected Public: Carrier and Union Officials, and employees of railroads and airlines

Reporting and Recordkeeping Hour Burden:

Responses: 68 annually

Burden Hours: 17.00

1. Abstract: 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 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 CFR 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.

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

11. The total collection and mail cost burden on respondents is estimated at \$584.80 annually (\$552.16 time cost burden + \$32.64 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 \$552.16
Time Burden Basis: The total hourly burden per year, upon respondents, is 17
Staff cost = \$552.16
\$32.48 per hour – based on mid level clerical salary
\$32.48 x 17 hours per year = \$552.16

We are estimating that a mid-level clerical person, with an average salary of \$32.48 per hour, will be completing the "Application for Investigation of Representation Dispute" form. The total burden is estimated at 17 hours, therefore, the total time burden cost is estimated at \$552.16 per year.

The total annual mailing cost to respondents is \$32.64

Number of applications mailed by	
Respondents per year	68
Total estimated cost	\$32.64
(68 x .48 stamp)	

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 revision of the form requiring a new application for every craft or class will have little effect on the number of application submitted. In 2012 and 2013, no applications were filed that included a request for representation services for more than one craft or class.

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 \$846.98. 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.

- a. Printing cost \$ 80.00
- b. Mailing costs \$ 9.54

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

Postage cost = \$1.44

3 (times per year) x .48 (cost of postage)

Staff cost = \$8.10

\$.54 per minute (GS 9/10 \$64,787 = \$32.48 per hr. ÷ 60)

\$.54 x 5 minutes per mailing = \$2.70

\$2.70 x 3 times per year = \$8.10

Total Mailing Costs = \$9.54

- c. Processing Cost=\$756.00

Basis (processing cost): Representation is requested approximately 70 times per year and it takes 20 minutes to process each application

Staff Cost= \$756.00

\$.54 per minute (GS 9/10 \$64,787 = \$32.48 per hr. ÷ 60)

\$.54 x 20 minutes per mailing = \$10.80

\$10.80 x 70 times per year = \$756.00

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.

Requests for copies of the proposed information collection request may be accessed from www.nmb.gov or should be addressed to Denise Murdock, NMB, 1301 K Street NW, Suite 250 E, Washington, DC 20005 or addressed to the e-mail address murdock@nmb.gov or faxed to 202-692-5081. Please specify the complete title of the information collection when making your request.

Comments regarding burden and/or the collection activity requirements, as well as comments on any legal and substantive issues raised, should be directed to Samantha Williams at 202-692-5010 or via internet address williams@nmb.gov. Individuals who use a telecommunications device for the deaf (TDD/TDY) may call the Federal Information Relay Service (FIRS) at 1-800-877-8339.