



**NATIONAL MEDIATION BOARD**  
WASHINGTON, DC 20572

(202) 692-5000

45 NMB No. 17

April 5, 2018

**NOTICE**

**TO:** All Carriers and Labor Organizations

**FROM:**   
Mary L. Johnson, General Counsel

**RE:** Comment Period for Proposed Clarifications to the National Mediation Board's Representation Manual

This Notice addresses clarifying language to the National Mediation Board's (NMB or Board) Representation Manual (Manual). The language clarifies existing Board policy. **The added clarifying language below will be highlighted in bold font.**

Participants have 30 days from the date of this Notice to submit their comments to [legal@nmb.gov](mailto:legal@nmb.gov) with a subject of "Proposed Manual Changes."

**Section 9.211, MANAGEMENT OFFICIALS**

Management officials are ineligible to vote. Management officials include individuals with:

- (1) the authority to dismiss and/or discipline employees or to effectively recommend the same;
- (2) the authority to supervise;
- (3) the ability to authorize and grant overtime;
- (4) the authority to transfer and/or establish assignments;
- (5) the authority to create carrier policy; and,
- (6) the authority to commit carrier funds.

The Investigator also considers:

- (1) whether the authority exercised is circumscribed by operating and policy manuals;
- (2) the placement of the individual in the organizational hierarchy of the carrier; and,

(3) any other relevant factors regarding the individual's duties and responsibilities.

**Individuals will not be deemed management officials merely because they appear to possess the authority listed above. They must also be demonstrated to exercise that authority, unless circumstances exist which have prevented the opportunity to exercise the authority they possess.**

Section 10.2, APPEALS OF INVESTIGATOR'S RULING

All appeals should be filed electronically at [OLA-efile@nmb.gov](mailto:OLA-efile@nmb.gov), directed to the General Counsel, and supported by substantial evidence **previously provided to the Investigator and/or legal precedent**. If the Investigator's ruling is not appealed to the NMB by the deadline, the Investigator's ruling is final. Absent extraordinary circumstances, **new** evidence submitted on appeal **which was not submitted to the Investigator during the investigation** will not be considered by the NMB.