

**OFFICE OF THE GENERAL COUNSEL  
Division of Operations-Management**

**MEMORANDUM OM 04-22**

**February 3, 2004**

**TO:** All Regional Directors, Officers-in-Charge, and Resident Officers

**FROM:** Richard A. Siegel, Associate General Counsel

**SUBJECT:** Use of Agency Video Equipment by Arbitrators from the National Mediation Board

The Agency and the National Mediation Board (NMB) have entered into an agreement that allows authorized NMB arbitrators to use video equipment located in NLRB Regional offices. Using the Agency's video equipment, arbitrators referred by the NMB will connect with videoconference systems operated by various rail carriers to conduct formal arbitration hearings. This memo summarizes our inter-agency agreement with NMB, discusses the procedures that NMB-referred arbitrators and Regional office managers will follow to schedule, employ and record use of Agency video equipment, and gives guidance on implementing this program.

**The Inter-Agency Agreement**

Under this agreement, arbitrators referred by the NMB to hear and resolve disputes between railroad labor unions and rail carriers may use Agency video-conference equipment located in joint-use and common areas of Agency Regional Offices. Usage is limited to arbitrators authorized by the NMB. The NMB will reimburse the Agency on an hourly basis for use of our video equipment for point-to-point or multi-point calls, plus an administrative charge. The agreement is effective from October 1, 2003 through September 30, 2004, can be cancelled by either party with 30-days written notice, and is subject to annual renewal and renegotiation.

**Scheduling, Usage and Reporting Procedures**

If an arbitrator wishes to reserve a Regional Office's video-conferencing equipment, our agreement provides that the NMB will contact an office manager no less than five (5) business days in advance of the day when access is requested. The office manager should advise whether the video equipment and room would be available. The NLRB has the right to refuse access if the video equipment, or the room where the video equipment is located, is in use for NLRB mission-related activities. The NMB is responsible for scheduling bridged calls with Wire One, our videoconference supplier.

The office manager should maintain the attached log whenever an NMB referred arbitrator uses Agency video equipment. The minimum charge for a videoconference is one hour per location, and usage will be billed to the next highest hour. At the completion of the video-conference the office manager should forward by e-mail the details of that conference to Mr. Daniel Rainey, the NMB's Deputy Chief of Staff for Development and Training, at [drainey@nmb.gov](mailto:drainey@nmb.gov), and to Rob White, the NLRB's Telecommunications Specialist, in the Procurement and Facilities Branch. All billing will be handled here in headquarters.

### **Inter-agency Cooperation**

We regard this pilot program with the NMB as an excellent opportunity to cooperate with another federal agency that also is deeply involved in our country's labor-relations questions, and to enhance the use of our videoconference equipment with minimal imposition on Agency programs and case handling activities.

We have determined that the Agency's videoconference equipment is compatible with the videoconference systems operated by various railroads, such as Union Pacific and Norfolk Southern. In December 2003, an NMB arbitrator successfully conducted an arbitration hearing involving the Norfolk Southern Railroad by using the videoconference equipment located in the Operations-Management Chart Room here in headquarters. Representatives of the NMB, other rail carriers and railroad labor unions observed this arbitration and unanimously expressed their satisfaction with the videoconference process as an effective time- and money-saving procedure.

The NMB is committed to working with the Agency to carry out this program efficiently and with minimal imposition on our staff and resources. Typically, a NMB proceeding involves only an arbitrator and the representatives of the rail carrier and a labor union. These arbitrations are similar to appellate proceedings, in which the arbitrator questions the parties' representatives about facts and evidence already in the record, rather than a contested fact-gathering hearing involving witness testimony, cross-examination and the introduction of documents. Therefore, NMB arbitrations using NLRB videoconference equipment will not require the presence in Regional offices of court reporters, witnesses or persons other than the NMB-referred arbitrator.

Because all Regional offices have portable videoconference equipment and connecting jacks allowing access to the video network in two locations -- typically in either a hearing room, library, conference room or the Director's office -- we are allowing NMB's usage of Agency videoconference equipment only in NLRB Regional Offices. We hope that this flexibility will enable our Regional Offices to accommodate NMB arbitrators when reasonably possible. On the other hand, because video connections in NLRB Resident and Subregional Offices are limited to one location, these offices are not included in our agreement with NMB.

### Technical Support and Contact Information

Any technical questions about the videoconference network or equipment should be directed to the Wire One Help desk at 800-654-8439, or to Rob White, Telecommunications Specialist, at (202-273-4000). The Agency's point of contact regarding this agreement is Deputy AGC Joseph Baniszewski (202-273-2897).

We appreciate your cooperation and support of this inter-agency program. If you have questions, please contact me or DAGC Baniszewski, or your Assistant General Counsel or Deputy.

/s/  
R. A. S.

Distribution:

NLRBU  
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<b>NLRB – National Mediation Board Videoconference Arbitration Log</b>	
<b>Region No.</b>	
<b>Office Manager</b>	
<b>Date of NMB Arbitration Proceeding</b>	
<b>Name of NMB Arbitrator</b>	
<b>Starting Time</b>	
<b>Ending Time</b>	
<b>Elapsed Time of Arbitration</b>	
<b>Comments, Observations or Suggestions</b>	