NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the REPRESENTATION OF EMPLOYEES of OTTER TAIL VALLEY RAILROAD COMPANY, INC. Operating/Non-Operating Employees

46 NMB No. 9

CASE NO. R-7526

DISMISSAL

January 4, 2019

The services of the National Mediation Board (Board) were invoked by the Brotherhood of Maintenance of Way Employes Division of the International Brotherhood of Teamsters on November 5, 2018 to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA), as provided by Section 2, Ninth, thereof, personnel described as "Operating/Non-Operating Employees," employees of Otter Tail Valley Railroad Company, Inc. (Carrier).

At the time this application was received, these employees were unrepresented.

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Operating/Non-Operating Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice.

The following is the result of the election as reported by Investigator Graber.

Election Results for Operating/Non-Operating Employees	
Eligible Employees	7
Total Valid Votes	7
BMWED-IBT	3
"No" Votes	4
Void Votes	0

The Board further finds that: the Carrier and employees in this case are, respectively, a Carrier and employees within the meaning of the RLA, as amended; this Board has jurisdiction over the dispute involved herein; and the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

DISMISSAL

On the basis of the investigation and report of election which establishes that a majority of the valid votes cast was for no representation, the Board finds no basis for certification and the application is, therefore, dismissed subject to Part 1206.4(b) of the NMB Rules.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson
General Counsel