



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
**REPRESENTATION OF
EMPLOYEES**
of
**TOLEDO, PEORIA & WESTERN
RAILWAY**
Maintenance of Way Employees

45 NMB No. 4

CASE NO. R-7502

DISMISSAL

December 21, 2017

The services of the National Mediation Board (Board) were invoked by the MOW of TPW on September 25, 2017, 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 "Maintenance of Way Employees," employees of Toledo, Peoria & Western Railway (Carrier).

At the time this application was received, these employees were represented by the Brotherhood of Maintenance of Way Employees Division-IBT.

The Board assigned Investigator Norman Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way 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.

<u>Election Results for Maintenance of Way Employees</u>	
Eligible Employees	8
Total Valid Votes	8
BMW	3
MOW of TPW	1
"No" Votes	4

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.

On the basis of the investigation and report of election which establishes that there was not a majority of valid votes cast for 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