



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

WHEELING & LAKE ERIE
RAILWAY COMPANY

Yardmasters

31 NMB No. 21

CASE NO. R-6972

CERTIFICATION

December 18, 2003

The services of the National Mediation Board (Board) were invoked by Mark Rose, an Individual on October 24, 2003, 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 "Yardmasters," employees of the Wheeling & Lake Erie Railway Company (Carrier).

At the time this application was received, these employees were represented by the United Transportation Union (UTU).

The Board assigned Investigator Eileen M. Hennessey to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Yardmasters, 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 Hennessey.

Number of Employees Voting:

	<u>UTU</u>	<u>Mark Rose</u>	<u>Number of Employees Eligible</u>
Yardmasters	0	4	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; that this Board has jurisdiction over the dispute involved herein; and that the interested parties, as well as the Carrier, were given due notice of the Board's investigation.

CERTIFICATION

NOW, THEREFORE, in accordance with Section 2, Ninth, of the RLA, as amended, and based upon its investigation pursuant thereto, the Board certifies that Mark Rose has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Yardmasters, employees of Carrier, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Benetta M. Mansfield

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Chief of Staff