



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

JEFFERSON WARRIOR
RAILROAD CO., INC.

Non Operating Employees

36 NMB No. 44

CASE NO. R-7206

DISMISSAL

May 20, 2009

The services of the National Mediation Board (Board) were invoked by the United Steelworkers of America (USW) on March 9, 2009, 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 “Non Operating Employees,” employees of Jefferson Warrior Railroad Co., Inc. (Carrier).

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

The Board assigned Investigator Eileen M. Hennessey to investigate.

FINDINGS

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

<u>Election Results for Non Operating Employees</u>	
Eligible Employees	11
USW	1

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 less than a majority of eligible employees cast valid votes 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