



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

KANSAS AND OKLAHOMA
RAILROAD

Train and Engine Service
Employees

37 NMB No. 33

CASE NO. R-7234

DISMISSAL

March 17, 2010

The services of the National Mediation Board (Board) were invoked by the United Transportation Union on January 13, 2010, 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 “Train and Engine Service Employees,” employees of Kansas and Oklahoma Railroad (Carrier).

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

The Board assigned Investigator Angela I. Heverling to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Train and Engine Service 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 Heverling.

<u>Election Results for Train and Engine Service Employees</u>	
Eligible Employees	33
UTU	7
other	0
void	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.

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