



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

SOUTH KANSAS & OKLAHOMA
RAILROAD

Maintenance of Way and
Structure Employees

40 NMB No. 76

CASE NO. R-7368

CERTIFICATION

September 20, 2013

The services of the National Mediation Board (Board) were invoked by South Kansas & Oklahoma Railroad Maintenance of Way (SKOL MOW) on June 3, 2013, 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 and Structure Employees," employees of South Kansas & Oklahoma Railroad (Carrier).

At the time this application was received, these employees were represented by the Brotherhood of Maintenance of Way Employees Division, International Brotherhood of Teamsters (BMWED).

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way and Structure Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice. The election resulted in seven votes for BMWED, one vote for SKOL MOW, and eight votes for "No Representation." The RLA, as amended by the Federal Aviation Administration Modernization and Reform Act of 2012, Pub L. No.112-095, provides in Section 2, Ninth that:

In any such election for which there are 3 or more options (including the option of not being represented

by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the option receiving the largest and second largest number of votes.

Accordingly, the Board authorized a run-off election with BMWED and “No Representative” appearing on the ballot, and with no write-in option.

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

<u>Election Results for Maintenance of Way and Structure Employees</u>	
Eligible Employees	17
BMWED	9
“No” Votes	8
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.

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 the Brotherhood of Maintenance of Way Employees Division, International Brotherhood of Teamsters has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or

class of Maintenance of Way and Structure Employees, employees of South Kansas & Oklahoma Railroad, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

A handwritten signature in cursive script that reads "Mary L. Johnson".

Mary L. Johnson
General Counsel