



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the
**REPRESENTATION OF
EMPLOYEES**
of
LAKE STATE RAILWAY COMPANY
Train and Engine Service
Employees

43 NMB No. 41

CASE NO. R-7466

DISMISSAL

September 22, 2016

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers – Transportation Division (SMART-TD) on July 21, 2016, to investigate and determine who may represent for the purposes of the Railway Labor Act (RLA),¹ as provided by Section 2, Ninth, thereof, personnel described as “Train and Engine Service Employees,” employees of Lake State Railway Company (Carrier).

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

The Board assigned Investigator Andres Yoder 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.

¹ 45 U.S.C. § 151, *et seq.*

The following is the result of the election as reported by Investigator Yoder.

<u>Election Results for Train and Engine Service Employees</u>	
Eligible Employees	23
Total Valid Votes	21
SMART-TD	8
“No” Votes	13
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.

On the basis of the investigation and report of election which establishes that a majority of the valid votes cast was for no 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