



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

NEW YORK & ATLANTIC RAILWAY

Train & Engine Service Employees

31 NMB No. 13

CASE NO. R-6965

CERTIFICATION

November 20, 2003

The services of the National Mediation Board (Board) were invoked by the IBT/IBL Rail Operating Employees' Council (IBT/IBL) on September 2, 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 "Train & Engine Service Employees," employees of the New York & Atlantic Railway (Carrier).

At the time this application was received, these employees were represented by the Brotherhood of Locomotive Engineers (BLE) and the United Transportation Union (UTU).

The Board assigned Investigator Susanna Fisher to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Train & 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 Fisher.

Number of Employees Voting:

	<u>UTU</u>	<u>IBT/IBLE</u>	<u>Number of Employees Eligible</u>
Train & Engine Service Employees	4	13	21

The original Report of Election Results was incorrect due to a tally formatting problem on the reporting web page. TEV elections are formatted by CCComplete, a contractor of the NMB. After a report from CCComplete, subsequent investigation established that the voting process and the accurate tally of votes was not affected in any way by the tally format. Therefore, the reissued Report of Election Results accurately reflects the votes cast.

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 the IBT/IBLE Rail Operating Employees' Council has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Train & Engine Service

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Employees, employees of New York & Atlantic Railway, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Benetta M. Mansfield

Benetta M. Mansfield
Chief of Staff