



NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

(202) 692-5000

In the Matter of the

REPRESENTATION OF
EMPLOYEES

of

BIRMINGHAM TERMINAL
RAILWAY

Train & Engine Service Employees

40 NMB No. 22

CASE NO. R-7340

CERTIFICATION

December 14, 2012

The services of the National Mediation Board (Board) were invoked by the International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART) on September 28, 2012, 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 Birmingham Terminal Railway (Carrier).

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

The Board assigned Investigator Eileen Hennessey 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 Hennessey.

<u>Election Results for Train & Engine Service Employees</u>	
Eligible Employees	55
Total Valid Votes	44
SMART	29
Void Votes	0
“No” Votes	15

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 SMART has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Train & Engine Service Employees, employees of Birmingham Terminal Railway, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson

Mary L. Johnson
General Counsel