



NATIONAL MEDIATION BOARD  
WASHINGTON, DC 20572

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In the Matter of the  
REPRESENTATION OF  
EMPLOYEES  
of  
SOUTH KANSAS AND OKLAHOMA  
RAILROAD  
Maintenance of Way Employees

43 NMB No. 23

CASE NO. R-7454

DISMISSAL

April 22, 2016

The services of the National Mediation Board (Board) were invoked by the South Kansas and Oklahoma Railroad Maintenance of Way Employees (SKOL MOW) on January 9, 2016, 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 Employees," employees of South Kansas and 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-IBT).

The Board assigned Investigator Angela I Heverling to investigate.

#### FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Maintenance of Way 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 Maintenance of Way Employees</u>	
Eligible Employees	23
Total Valid Votes	19
BMWED-IBT	2
"No" Votes	17

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