



NATIONAL MEDIATION BOARD

1301 K St NW, Suite 250E
Washington, DC, 20005

In the Matter of the
Application of

EMPLOYEES OF GREAT LAKES
CENTRAL RAILROAD

alleging a representation dispute
pursuant to Section 2, Ninth, of
the Railway Labor Act, as
amended

involving employees of
GREAT LAKES CENTRAL RAILROAD

52 NMB No. 25

CASE NO. RD-7622

FINDINGS UPON INVESTIGATION –
AUTHORIZATION OF ELECTION

February 18, 2025

FINDINGS UNDER INVESTIGATION

This determination addresses the application filed by the Employees of Great Lakes Central Railroad (Applicant) alleging a representation dispute pursuant to the Railway Labor Act (RLA), 45 U.S.C. §152, Ninth (Section 2, Ninth),¹ among “Train and Engine Service” employees at the Great Lakes Central Railroad (GLC or Carrier). The Applicant seeks to decertify the National Conference of Firemen and Oilers 32BJ/SEIU (Incumbent or NCFO) as the representative of the applied-for employees.

For the reasons set forth below, the National Mediation Board (Board or NMB) finds that the appropriate craft or class for the employees covered by the application is Train and Engine Service Employees and authorizes a decertification election among the employees in this craft or class on the Carrier.

¹ 45 U.S.C. § 151, *et seq.*

PROCEDURAL BACKGROUND

On November 18, 2024, the Applicant filed an application seeking to decertify the NCFO as the representative of the applied-for employees. The application was given NMB Case No. RD-7622 and Eileen M. Hennessey was assigned as the Investigator.

On December 2, 2024, the Carrier submitted a List of Potential Eligible Voters (List) for the applied-for craft or class. The NCFO filed their initial position statement on December 3, 2024.

ISSUES

Is “Train and Engine Service Employees” an appropriate craft or class on GLC? If not, what is the appropriate craft or class of the employees covered by the application?

CONTENTIONS

The NCFO states that GLC is a small railroad with a total of about 50 non-managerial employees. In addition, NCFO states there is a “master seniority roster for all GLC non-managerial employees” and that employees on this roster “can work in any of the departments, provided they have the necessary certifications” For this reason, the Incumbent contends, the application for decertification is improper because there is no discrete craft or class of Train and Engine Service Employees on the GLC and should be dismissed.

The Applicant did not submit any contentions, and the Carrier took no position in this matter.

FINDINGS OF LAW

Determination of the issues in this case is governed by the RLA, as amended, 45 U.S.C. § 151, *et seq.* Accordingly, the Board finds as follows:

I.

GLC is a common carrier as defined in 45 U.S.C. § 151.

II.

NCFO is a labor organization and/or representative as provided by 45 U.S.C. § 151, Sixth, and § 152, Ninth.

III.

45 U.S.C. § 152, Fourth, gives employees subject to its provisions “the right to organize and bargain collectively through representatives of their own choosing. The majority of any craft or class of employees shall have the right to determine who shall be the representative of the craft or class for the purposes of this chapter.”

IV.

45 U.S.C. § 152, Ninth, provides that the Board has the duty to investigate representation disputes and shall designate who may participate as eligible voters in the event an election is required.

STATEMENT OF FACTS

GLC is a short line railroad operating in the state of Michigan. It is a successor to the Tuscola and Saginaw Bay Railway (TSBY), which was formed in 1977 to operate over certain railroad lines formerly operated by the Penn Central Transportation Company. Federated Railways purchased the TSBY in May 2006 and was subsequently renamed the Great Lakes Central Railroad.

The NCFO holds the following certifications on GLC: Train and Engine Service Employees (*Tuscola & Saginaw Bay Ry.*, 22 NMB 109 (1994)); Maintenance of Way Employees (*Tuscola & Saginaw Bay Ry.*, 11 NMB 119 (1983)); Foremen and/or Supervisors (*Tuscola & Saginaw Bay Ry.*, 11 NMB 121 (1983)); and Electricians (*Tuscola & Saginaw Bay Ry.*, 11 NMB 123 (1983)).²

On December 2, 2024 GLC provided the Board with signature samples for the potential eligible voters in this matter and the List which contained 17 names.

The NCFO provided sworn declarations from Willard Watts, GLC Local Chairman for the NCFO.³ Watts states that “[w]hile certain employees are currently assigned to train and engine service, other employees of GLC are also certified as engineers and conductors and hold seniority to perform train and engine service work, but those employees are currently working in other departments.” Watts identifies two employees as examples of this. Watts also states that there are “employees who currently perform train and engine service

² Effective February 1, 1995 the International Brotherhood of Firemen and Oilers (IBFO) merged with the Service Employees International Union (SEIU) and the IBFO became known as the National Conference of Firemen and Oilers (NCFO).]

³ Watts is not listed on the List provided by GLC in this matter.

work who hold seniority for other GLC positions and may be assigned to positions in departments other than train and engine service.” Watts cites three additional employees as examples.⁴

In support of Watts’ declaration, NCFO provided “copies of GLC seniority rosters.” The rosters are as follows: Master Seniority Roster (53 names); Master Seniority Roster with the names of employees who currently work in train and engine service highlighted (15 names highlighted); Conductors Roster (19 names); Engineers Roster (14 names); Signal Roster “with marks showing employees on that roster who are currently working in train and engine service” (two employees are marked off); the Clerk Roster “showing employees on that roster who are currently working in the train and engine service” (two names are marked).

The Incumbent also provided a declaration from a GLC employee who currently works “in the locomotive shop as a mechanic.”⁵ This employee states that he is certified as an engineer and as a conductor and that he has been “pulled out of the [locomotive] shop on numerous occasions to work on the T&E department. As recently as November 26, 2024 I was called from my locomotive mechanic position to operate the train and perform T & E work”

DISCUSSION

In determining the proper craft or class for a group of employees, the Board considers a number of factors, including functional integration, work classifications, terms and conditions of employment, and work-related community of interest. *See, e.g., Brownsville & Rio Grande Int’l Ry.*, 47 NMB 64 (2020). The Board makes craft or class determinations case by case, based upon Board policy and precedent. *See USAir*, 15 NMB 369 (1988); *Simmons Airlines*, 15 NMB 124 (1988). *See also* NMB Representation Manual (Manual) Section 9.1.

While the NCFO states that there is no discrete Train and Engine Service Employees craft or class, the facts say otherwise. The Carrier has produced a List with 17 names on it. The names on the List track fairly closely with the rosters of Train and Engine Service Employees provided by NCFO.

Currently, there are four certified crafts or classes on the GLC and NCFO is the collective bargaining representative for all four. Three of these certifications have been in place since 1983. The NCFO has held the fourth certification, for Train and Engine Service Employees or Trainmen, continuously since 1994. In its position statement the Incumbent does not refer to any of the certifications it currently holds on the GLC, nor does it provide any evidence or argument that

⁴ All three employees are on the List.

⁵ This employee is listed as an Engineer on the List provided by GLC.

these certifications are for crafts or classes that are no longer appropriate on this carrier. To the contrary, NCFO provided six different seniority rosters of employees grouped according to five traditional crafts or classes: Train and Engine Service; Conductors; Engineers; Signalmen; and Clerks. That NCFO is able to produce seniority rosters for five different traditional crafts or classes undermines NCFO's argument for a single, non-traditional, "non-managerial employees" craft or class rather than supports it.

The Incumbent is essentially arguing that the NMB should find that the appropriate craft or class for purposes of processing this decertification application is different from the craft or class NCFO is certified to represent. However, the Board has previously stated "that a decertification election should generally be coextensive with the certifications." *Carrollton R.R.*, 51 NMB 93, 96 (2024). The craft or class of Trainmen or Train and Engine Service Employees has been recognized on the GLC or its predecessor, the TSBY, as the appropriate craft or class for employees working as Engineers and Conductors since 1983. NCFO has held the certification for this craft or class since 1994 and prior to that held the certification for Trainmen from 1983 to 1990. *See Tuscola & Saginaw Bay Ry.*, 17 NMB 314 (1990); *Tuscola & Saginaw Bay Ry.*, 11 NMB 127 (1983).

It is not uncommon for employees in the railroad and airline industries to hold seniority in more than one craft or class; to bid on assignments in other crafts or classes; to have regularly assigned duties that fall into more than one classification; or to be scheduled to fill-in for an employee in another classification. Board procedures take these factors into consideration in both the craft or class determination process, *see, e.g., Florida East Coast R.R.*, 21 NMB 35 (1993), and its voter eligibility process, *see, e.g., Chicago & North Western Ry.*, 4 NMB 240 (1965). According to Manual Section 9.2, only those employees "working regularly in the craft or class on and after the cut-off date are eligible to vote"

The Applicant is seeking to remove NCFO, the certified representative of Train and Engine Service Employees. In its request that the Board dismiss the decertification application, the Incumbent, NCFO, claims that this craft or class no longer exists on the GLC, citing "a master seniority roster for all GLC non-managerial employees" and a practice that employees listed on the roster "can work in any of the departments, provided they have the necessary certifications if they are required." While NCFO does not explicitly argue that a single, combined "non-managerial employees" craft or class is appropriate on GLC, its argument for dismissal effectively does precisely that—while simultaneously leaving all of NCFO's existing certifications including for Train and Engine

Service Employees intact.⁶ In effect, this would create a dual craft or class system—one that could be used offensively to initially organize the smallest grouping of employees possible and then used defensively by incumbents to prevent decertification or applications from rival organizations. This strategy runs counter to the RLA’s recognition of standardized crafts or classes and to Manual Sections 9.1 and 9.2.

Accordingly, the Board will not disturb the craft of class certifications currently in effect on the GLC and finds that the appropriate craft or class for this decertification application to be Train and Engine Service Employees. Objection to the eligibility of an individual employee on the List can be handled during the challenge and objection phase of this investigation in accordance with Manual Section 9.2.

CONCLUSION

Based on the authorization cards submitted by the Applicant, the Board finds that a dispute exists in NMB Case No. RD-7622 and authorizes a decertification election among the employees of the Train and Engine Service Employees craft or class using a cut-off date of November 15, 2024.

Pursuant to Manual Section 12.1, the Carrier is hereby required to furnish within five calendar days, 1" X 2 5/8", peel-off labels bearing the alphabetized names and current addresses of those employees on the Lists of Potential Eligible Voters in the craft or class of Train and Engine Service Employees. The Carrier must print the same sequence number from the Lists of Potential Eligible Voters beside each voter's name on the address label. The Carrier must also provide to the Board the name and sequence number of those potential eligible voters on military leave who are serving in foreign countries or who reside outside of the United States. The Carrier must use the most expeditious method possible, such as overnight mail, to ensure that the Board receives the labels within five calendar days.

By direction of the NATIONAL MEDIATION BOARD.



Maria-Kate Dowling
General Counsel

⁶ “Existing Certifications remain in effect until the NMB issues a new Certification or Dismissal.” Manual Section 15.0.