NATIONAL MEDIATION BOARD
WASHINGTON, DC 20572

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In the Matter of the REPRESENTATION OF EMPLOYEES of BUFFALO & PITTSBURGH RAILROAD Clerical, Office & Storehouse Employees	39 NMB No. 57 CASE NO. R-7322 CERTIFICATION July 12, 2012

The services of the National Mediation Board (Board) were invoked by Todd McCandless, an Individual, on April 5, 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 "Clerical, Office & Storehouse Employees," employees of Buffalo & Pittsburgh Railroad (Carrier).

At the time this application was received, these employees were represented by the United Transportation Union (UTU).

The Board assigned Investigator Norman L. Graber to investigate.

FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Clerical, Office & Storehouse Employees, and by direction of the Board, the Investigator was instructed to conduct an election to determine the employees' representation choice. The election resulted in two votes for UTU, two votes for "No Representation", and one write-in vote for representation by an employee. The RLA, as amended by the Federal Aviation Administration Modernization and Reform Act of 2012, Pub L. No.112-095, provides in Section 2, Ninth that:

> In any such election for which there are 3 or more options (including the option of not being represented

> by any labor organization) on the ballot and no such option receives a majority of the valid votes cast, the Mediation Board shall arrange for a second election between the option receiving the largest and second largest number of votes.

Accordingly, the Board authorized a run-off election with UTU and "No Representative" appearing on the ballot, and with no write-in option.

The following is the result of the run-off election as reported by Investigator Graber.

Election Results for Clerical, Office & Storehouse Employees	
Eligible Employees	5
UTU	3
"No" Votes	2
Void Votes	0
Write-In 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.

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 United Transportation Union has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or

class of Clerical, Office & Storehouse Employees, employees of Buffalo & Pittsburgh Railroad, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson

Mary L. Johnson
General Counsel