**NATIONAL MEDIATION BOARD**
WASHINGTON, DC 20572

(202) 692-5000

| In the Matter of the<br><br>REPRESENTATION OF EMPLOYEES<br><br>of<br><br>BIRMINGHAM TERMINAL RAILWAY<br><br>Carmen | 39 NMB No. 63<br><br>CASE NO. R-7331<br><br>CERTIFICATION<br><br>August 29, 2012 |
|---|---|

The services of the National Mediation Board (Board) were invoked by the Transportation Communications Union/IAM on June 26, 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 "Carmen," employees of Birmingham Terminal Railway (Carrier).

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

The Board assigned Investigator Cristina Bonaca to investigate.

## FINDINGS

The investigation disclosed that a dispute existed among the craft or class of Carmen, 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 Eileen Hennessey.

| Election Results for Carmen | |
|---|---|
| Eligible Employees | 16 |
| Total Valid Votes | 14 |
| TCU/IAM | 14 |
| Void Votes | 0 |
| "No" 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 Transportation Communication Union/IAM has been duly designated and authorized to represent for the purposes of the RLA, as amended, the craft or class of Carmen, employees of Birmingham Terminal Railway, its successors and assigns.

By direction of the NATIONAL MEDIATION BOARD.

Mary L. Johnson

Mary L. Johnson
General Counsel