

In the Matter of RICHMOND GREYHOUND LINES, INCORPORATED, and  
AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY AND MOTOR  
COACH EMPLOYEES OF AMERICA, A. F. OF L.

*Cases Nos. 5-R-1326 and 5-R-1327, respectively.—Decided October 22,  
1943*

*Mr. Ivan Bowen*, of Minneapolis, Minn., and *Mr. L. C. Major*, of  
Washington, D. C., for the Company.

*Mr. Frederic Meyers*, of Washington, D. C., and *Mr. C. K. Dorsey*,  
of Baltimore, Md., for the Union.

*Miss Frances Lopinsky*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTIONS

STATEMENT OF THE CASE

Upon a petition duly filed by Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, A. F. of L., herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Richmond Greyhound Lines, Incorporated,<sup>1</sup> Richmond, Virginia, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Robert T. Drake, Trial Examiner. Said hearing was held at Washington, D. C., on September 19, 1943. The Company and the Union appeared,<sup>2</sup> participated, and were afforded full opportunity to be heard, to examine and cross-examine witnesses, and to introduce evidence bearing on the issues. The Trial Examiner's rulings made at the hearing are free from prejudicial error and are hereby affirmed. All parties were afforded an opportunity to file briefs with the Board.

Upon the entire record in the case, the Board makes the following:

<sup>1</sup> At the hearing all pleadings were amended to conform with this, the correct corporate name.

<sup>2</sup> Transport Workers Union of America (C. I. O.), also served with notice, did not appear.

52 N. L. R. B., No. 260.

## FINDINGS OF FACT

## I. THE BUSINESS OF THE COMPANY

Richmond Greyhound Lines, Incorporated, is a Virginia corporation having its principal place of business in Richmond, Virginia. The Company is engaged in transporting for hire, passengers, baggage, mail, and newspapers into and through the States of Virginia, Maryland, and the District of Columbia.

The Company admits that it is engaged in commerce within the meaning of the National Labor Relations Act.

## II. THE ORGANIZATION INVOLVED

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 1098, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

## III. THE QUESTIONS CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of its employees on the ground that the units requested by the Union are not appropriate.

A statement of the Field Examiner, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in each of the units hereinafter found appropriate.<sup>3</sup>

We find that questions affecting commerce have arisen concerning the representation of employees of the Company, within the meaning of Section 9 (c) and Section 2 (6) and (7) of the Act.

## IV. THE APPROPRIATE UNITS

The Union contends that the Company's operating employees and its maintenance employees constitute separate units for the purposes of collective bargaining. The Company contends that its entire transportation department, consisting of operating employees, maintenance employees, and terminal employees, constitutes the only appropriate unit. In support of its contention, the Company placed in evi-

<sup>3</sup> The Field Examiner reported that the Union submitted 40 application-for-membership cards, all of which bore apparently genuine original signatures; that the names of 33 persons appearing on the cards were listed on the Company's pay roll of July 10, 1943, which contained the names of 65 bus drivers in the unit alleged appropriate in petition No. 5-R-1326.

The Union submitted 67 similar cards, all of which bore the apparently genuine original signatures of persons whose names were listed on the Company's pay roll of July 10, 1943, which contained the names of 126 maintenance employees in the unit alleged appropriate in petition No. 5-R-1327.

dence the Union's contract with Pennsylvania Greyhound Lines, which contract covers the entire transportation department of that Company. The Company further presented evidence to prove that this and other unions have attempted from time to time to obtain the right to represent the Company's transportation employees in one or more units<sup>4</sup> and that the Union itself at one time entered into a consent election in which the entire transportation department was considered the appropriate unit.<sup>5</sup> The Company admits that the employees of the three divisions of its transportation department do not do similar work. There is no interchange of employees between sections of the department; each section has its own seniority list. Bus drivers of the operating division wear uniforms, are subject to Interstate Commerce Commission rulings, and are paid on a mileage basis. Maintenance employees and terminal employees wear no such uniforms. They are subject to the Wage and Hour Administration rules and regulations, and are paid on an hourly basis. In the *Matter of Pennsylvania Greyhound Lines, et al.*,<sup>6</sup> we considered these factors in connection with petitions requesting units in 11 of the Greyhound affiliated lines and we found therein that the factors indicating a department-wide unit, and those indicating separate units of bus drivers and maintenance employees, are equal, and we left a choice between these alternatives to the desires of the employees. We hereby reaffirm that finding. However, since no labor organization is herein seeking to represent all of the employees in a single unit, and since there is no essential community of interests between drivers and mechanics except insofar as they may each be regarded as potential parts of the same larger unit, we are of the opinion that the two groups sought by the Union may properly function as separate units at the present time.

Accordingly, we find that the following described groups of employees each constitutes a unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:<sup>7</sup>

(1) All maintenance employees of the Company including mechanics first class, mechanics second class, utility men, washers, cleaners, storekeepers, helpers, shop clerks, janitors, and Vollmer,<sup>8</sup> but excluding the shop superintendent and all other supervisors having authority to hire, promote, discharge, discipline, or otherwise effect

<sup>4</sup> See *Matter of Pennsylvania Greyhound Lines, et al.*, 3 N. L. R. B. 622, 665; *Matter of Richmond Greyhound Lines, Inc.*, 37 N. L. R. B. 818.

<sup>5</sup> See *Matter of Richmond Greyhound Lines, Inc.*, Regional Case No. 5-R-978. These attempts to organize the larger unit are not determinative of the issue. See *Matter of Western Automatic Machine Screw Co.*, 51 N. L. R. B. 1042; *Matter of Kentucky Fluorspar Co.*, 52 N. L. R. B. 227.

<sup>6</sup> Footnote 2, *supra*.

<sup>7</sup> The parties agreed upon exclusions.

<sup>8</sup> A mechanic classed as a working foreman but who has no supervisory authority.

changes in the status of employees or effectively recommend such action;

(2) All employees of the Operating Division of the Company, including bus drivers but excluding operating superintendents, office clerks, dispatchers, the bus-driver instructor, and all supervisory employees having authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees or effectively recommend such action.

#### V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the questions concerning representation which have arisen be resolved by elections by secret ballot among the employees in the appropriate units who were employed during the pay-roll period immediately preceding the date of the Direction of Elections herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTIONS

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 2, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Richmond Greyhound Lines, Incorporated, Richmond, Virginia, elections by secret ballot shall be conducted as early as possible, but not later than thirty (30) days from the date of this Direction, under the direction and supervision of the Regional Director for the Fifth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Sections 10 and 11, of said Rules and Regulations, among the employees in each of the units found appropriate in Section IV, above, who were employed during the pay-roll period immediately preceding the date of this Direction, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, and including employees in the armed forces of the United States who present themselves in person at the polls, but excluding those employees who have since quit or been discharged for cause, and have not been rehired or reinstated prior to the date of the election, to determine whether or not they desire to be represented by Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, affiliated with the American Federation of Labor, for the purposes of collective bargaining.