

IN THE MATTER OF GREYHOUND TERMINAL OF LOUISVILLE, INC. *and*  
AMALGAMATED ASSOCIATION OF STREET ELECTRIC RAILWAY AND  
MOTOR COACH EMPLOYEES OF AMERICA, A. F. OF L.

*Case No. 9-R-1326.—Decided March 31, 1944*

*Mr. Alexander E. Wilson, Jr.*, of Atlanta, Ga., for the Company.  
*Mr. Sam B. Berrong*, of Detroit, Mich., and *Mr. Clay Hardy*, of  
Lexington Ky., for the Union.  
*Mr. Louis Cokin*, of counsel to the Board.

DECISION  
AND  
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon 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 Greyhound Terminal of Louisville, Inc., Louisville, Kentucky, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Allen Sinsheimer, Jr., Trial Examiner. Said hearing was held at Cincinnati, Ohio, on March 8, 1944. The Company and the Union appeared, 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 opportunity to file briefs with the Board.

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

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

Greyhound Terminal of Louisville, Inc., is a Kentucky corporation with its principal place of business in Louisville, Kentucky. The Company is wholly owned by Southeastern Greyhound Lines, Capital Greyhound Lines, Pennsylvania Greyhound Lines, and Great

Lakes Greyhound Lines. The latter 4 companies are admittedly engaged in interstate commerce. The Company sells tickets, arranges transportation, furnishes waiting rooms, and facilities for loading and unloading passengers, and performs other usual functions of a transportation terminal for its owners. During 1943 the Company sold approximately 1,000,000 tickets, over 10 percent of which had as their destination points outside the State of Kentucky. Each of the 4 owner-companies operates busses on regular daily runs to and from the Louisville terminal and points in States other than the State of Kentucky.

We find, contrary to the contentions of the Company, 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 is a labor organization affiliated with the American Federation of Labor, admitting to membership employees of the Company.

#### III. THE QUESTION CONCERNING REPRESENTATION

During October 1943 the Union requested the Company to recognize it as the exclusive collective bargaining representative of the Company's employees. The Company refused this request until such time as the Union is certified by the Board.

Statements of a Field Examiner of the Board and the Trial Examiner, introduced into evidence at the hearing, indicate that the Union represents a substantial number of employees in the unit hereinafter found to be appropriate.<sup>1</sup>

We find that a question affecting commerce has 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 UNIT

The Union urges that all ticket agents, baggage and express clerks, starters, report clerks, accounting clerks, information clerks, janitors, porters, and maids of the Company, excluding the terminal manager, assistant manager, military agent, and secretary to the manager, constitute an appropriate unit. The only controversy with respect to the unit concerns the head baggage agent. The Union would include him in the unit while the Company would exclude him.

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<sup>1</sup> The Field Examiner and Trial Examiner reported that the Union presented 46 authorization cards bearing the names of persons who appear on a pay roll of the Company. There are approximately 62 employees in the appropriate unit.

The head baggage agent supervises the work of 11 employees and recommends their hire and discharge. In the absence of the terminal manager the head baggage agent actually hires employees. We find that the head baggage agent is a supervisory employee and, as such, we shall exclude him from the unit.

We find that all ticket agents, baggage and express clerks, starters, report clerks, accounting clerks, information clerks, janitors, porters, and maids of the Company, excluding the terminal manager, assistant manager, military agent, secretary to the manager, head baggage agent, and any other supervisory employees with authority to hire, promote, discharge, discipline, or otherwise effect changes in the status of employees, or effectively recommend such action, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the Act.

#### V. THE DETERMINATION OF REPRESENTATIVES

The Union seeks to be certified on the basis of the record without an election. The Company opposes this request. Under the circumstances, we find that the question concerning representation which has arisen can best be resolved by means of an election by secret ballot.<sup>2</sup> We shall direct that the employees eligible to vote shall be those within the appropriate unit who were employed during the pay-roll period immediately preceding the date of the Direction of Election herein, subject to the limitations and additions set forth in the Direction.

#### DIRECTION OF ELECTION

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 3, it is hereby

**DIRECTED** that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Greyhound Terminal of Louisville, Inc., Louisville, Kentucky, an election 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 Ninth 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 the unit 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

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<sup>2</sup> *Matter of Cudahy Packing Co.*, 13 N. L. R. B. 526.

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 any 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, A. F. of L., for the purposes of collective bargaining.