

In the Matter of GREYHOUND BUS DEPOT OF BIRMINGHAM, INC. and
AMALGAMATED ASSOCIATION OF STREET, ELECTRIC RAILWAY AND
MOTOR COACH EMPLOYEES OF AMERICA, DIVISION 1314

Case No. 10-R-1104.—Decided April 25, 1944

Mr. Alexander E. Wilson, Jr., of Atlanta, Ga., for the Company.

Mr. Frederic Meyers, of Washington, D. C., for the Union.

Mr. William Strong, of counsel to the Board.

DECISION
AND
DIRECTION OF ELECTION

STATEMENT OF THE CASE

Upon a petition duly filed by Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 1314, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Greyhound Bus Depot of Birmingham, Inc., Birmingham, Alabama, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Paul S. Kuelthau, Trial Examiner. Said hearing was held at Birmingham, Alabama, on April 4, 1944. The Company and the Union appeared and participated. All parties 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:

FINDINGS OF FACT

I. THE BUSINESS OF THE COMPANY

The Company, an Alabama corporation, is engaged in the operation of a bus depot in Birmingham, Alabama. The Company is owned by Southeastern Greyhound Lines, Dixie Greyhound Lines, Teche Greyhound Lines, and Crescent Stages, Inc. These lines as well as Missala Stages, Valley Coaches, and Brown Motor Coaches use the Company's depot in Birmingham.

The Company provides ticket sales to any point in the United States, baggage checking, parcel checking, and the usual services of a bus terminal. Ninety percent of the use of the depot is by Southeastern Greyhound, Dixie Greyhound, Teche Greyhound and Crescent Stages. Southeastern Greyhound has scheduled bus lines operating in Ohio, Indiana, Kentucky, West Virginia, Tennessee, Alabama, Georgia, and Florida. Dixie Greyhound has scheduled bus lines operating in Mississippi, Illinois, Alabama, Missouri, Arkansas, and Tennessee. Teche Greyhound has scheduled bus lines operating in Louisiana, Mississippi, Alabama, Georgia, and Florida. Crescent Stages operates in Georgia and Alabama. There are approximately 124 scheduled bus arrivals and the same number of departures daily at the terminal. Twenty-five percent of the busses using the Company's Birmingham terminal either come from States other than the State of Alabama or go to States other than that State.

We find, contrary to the contentions of the Company, that it is engaged in commerce within the meaning of the National Labor Relations Act.¹

II. THE ORGANIZATION INVOLVED

Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 1314, affiliated with the American Federation of Labor, is a labor organization admitting to membership employees of the Company.

III. THE QUESTION CONCERNING REPRESENTATION

The Company has refused to grant recognition to the Union as the exclusive bargaining representative of certain of the Company's employees until the Union has been certified by the Board in an appropriate unit.

A statement of a Board agent, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees in the unit hereinafter found appropriate.²

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

We find, in substantial agreement with a stipulation of the parties, that all employees of the Company at the Birmingham terminal, ex-

¹ See e. g. *Matter of Greyhound Terminal of Louisville, Inc.*, 55 N. L. R. B. 949.

² The Field Examiner reported that the Union submitted 60 applications for membership and 60 designation cards, 52 of which bore apparently genuine original signatures of persons appearing on the Company's pay roll of January 21, 1944, which contained the names of 69 employees in the appropriate unit.

cluding the terminal manager, the assistant terminal manager, the head ticket agent, the secretary to the terminal manager, and the 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.³

V. THE DETERMINATION OF REPRESENTATIVES

We shall direct that the question concerning representation which has arisen be resolved by an election by secret ballot among the employees in 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 Bus Depot of Birmingham, Inc., Birmingham, Alabama, 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 Tenth 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 work during the 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, Division 1314, affiliated with the American Federation of Labor, for the purposes of collective bargaining.

³ The categories of employees included in the unit are the ticket agent, baggage agent; information clerks, starters, report makers, porters and maids.