

In the Matter of GREYHOUND TERMINAL OF NASHVILLE, INC. and AMALGAMATED ASSOCIATION OF STREET ELECTRIC RAILWAY AND MOTOR COACH EMPLOYEES OF AMERICA, DIVISION 1323

Case No. 10-R-1102.—Decided April 27, 1944

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

Mr. Frederick 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 1323, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Greyhound Terminal of Nashville, Inc., Nashville, Tennessee, 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, a Tennessee corporation, owns and operates a bus depot in Nashville, Tennessee. All the stock of the Company is owned by Southern Greyhound Lines and Dixie Greyhound Lines. The Company furnishes ticket sales service, baggage checking and

other usual bus terminal services to the lines using the terminal and to their passengers. The ticket agents employed by the Company sell tickets to any point in the United States, while employees of the Company handle baggage and express destined for shipment outside the State of Tennessee, and transfer such baggage and express from one bus to another. There are approximately 120 scheduled bus arrivals and an equal number of bus departures each day at the terminal. The Company's bus depot is used by Southeastern Greyhound Lines, Dixie Greyhound Lines, Lewisburg Bus Lines, Consolidated Bus Lines, Ladd Motor Coach Company and W. C. Owen Bus Line. Southeastern Greyhound furnishes scheduled bus service in the States of Ohio, Indiana, Kentucky, West Virginia, Tennessee, Alabama, Georgia, and Florida; and Dixie Greyhound furnishes scheduled bus service in Missouri, Arkansas, Tennessee, Mississippi, Alabama, and Illinois. The total business transacted by the Company during 1943 was approximately \$1,500,000, of which approximately 68 percent was on behalf of Southeastern Greyhound Lines and approximately 15 percent for Dixie Greyhound Lines. Twenty-five percent of the busses using the terminal either come from outside the State of Tennessee or go to States other than Tennessee.

We find, contrary to the contention 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, Division 1323, 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.¹

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.

¹ The Field Examiner reported that the Union submitted 56 membership application cards, 38 of which bore the names of persons appearing on the Company's pay roll of February 3, 1944, which contained the names of 46 employees in the appropriate unit.

IV. THE APPROPRIATE UNIT

The parties stipulated that the unit should consist of all employees of the Company, except the manager, the assistant manager, the head baggage agent, and the secretary to the manager. The Company would also exclude, while the Union would include, dispatchers, the bookkeeper, and the secretary to the head baggage agent.

The secretary to the head baggage agent is engaged in work assigned to her by the head baggage agent, which includes tracing baggage, writing letters in that regard, and other work concerning baggage as may be assigned. She does no work in connection with pay rolls or personnel problems, or with any correspondence dealing with labor relations. We shall include the secretary to the head baggage agent in the unit.

The bookkeeper is engaged in the keeping of the Company's pay roll and financial records in the office of the Company's manager. The Company asserts that information which she thus obtains is confidential and therefore she should be excluded from the unit. It appears that the information received by the bookkeeper in the performance of her duties would bear on the subjects of collective bargaining and labor relations. We shall exclude the bookkeeper from the unit.

The Company employs three dispatchers, one on each shift at the terminal. The dispatchers direct busses to particular lanes, and call out the arrival and departure of the busses. While the dispatchers have no supervision over bus drivers, there is evidence which tends to indicate that the dispatchers exercise certain functions over porters which would cause the dispatchers to fall within the category of supervisory employees. The evidence, however, is inconclusive, and we shall, accordingly, make no final determination at the present time as to their inclusion or exclusion, but will exclude the dispatchers from the unit if they fall within our usual definition of supervisory employees; otherwise, we include them in the unit.

We find that all employees of the Company, excluding the manager, the assistant manager, the head baggage agent, the bookkeeper, and the secretary to the manager and all or 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

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 Terminal of Nashville, Inc., Nashville, Tennessee, 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 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, Division 1323, affiliated with the American Federation of Labor, for the purposes of collective bargaining.