

In the Matter of MID-CONTINENT COACHES, INC. and BROTHERHOOD  
OF RAILROAD TRAINMEN

*Case No. 16-R-1067.—Decided November 16, 1944*

*Mr. Harold E. Mueller, of Ft. Worth, Tex., for the Company.*

*Mr. Harlan Bell, of Oklahoma City, Okla., 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 Brotherhood of Railroad Trainmen, herein called the Union, alleging that a question affecting commerce had arisen concerning the representation of employees of Mid-Continent Coaches, Inc., Enid, Oklahoma, herein called the Company, the National Labor Relations Board provided for an appropriate hearing upon due notice before Glenn L. Moller, Trial Examiner: Said hearing was held at Oklahoma City, Oklahoma, on October 26, 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

Mid-Continent Coaches, Inc., is an Oklahoma corporation with its principal office at Enid, Oklahoma. It is engaged in the transportation by motor vehicle of passengers, mail, and express to and from points in the State of Oklahoma, Texas, and Kansas. The Company receives about \$30,000 monthly for that part of its services performed involving transportation from one State to another State.

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

## II. THE ORGANIZATION INVOLVED

Brotherhood of Railroad Trainmen is a labor organization, admitting to membership employees of the Company.

## III. THE QUESTION CONCERNING REPRESENTATION

The Company refuses to recognize the Union as exclusive collective bargaining representative of its employees until such time as the Union is certified by the Board.

A statement of a Field Examiner of the Board, introduced into evidence at the hearing, indicates that the Union represents a substantial number of employees within 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 bus drivers of the Company, excluding executives, maintenance employees, clerks, and supervisory employees, constitute an appropriate unit. The Company takes no position with respect to the unit. Evidence introduced at the hearing indicates that the employees claimed by the Union constitute a well defined homogeneous group.

We find that all bus drivers of the Company, excluding maintenance employees, clerks, executives, and all 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 means of 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

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<sup>1</sup> The report of the Field Examiner shows that the Union submitted 27 authorization cards. There are approximately 29 employees in the appropriate unit.

Act, and pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 3, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Mid-Continent Coaches, Inc., Enid, Oklahoma, 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 Sixteenth 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 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 Brotherhood of Railroad Trainmen, for the purposes of collective bargaining.