

In the Matter of SAFETY MOTOR TRANSIT CORPORATION, ROANOKE RAILWAY AND ELECTRIC COMPANY, PETITIONER AND EMPLOYER and INTERNATIONAL ASSOCIATION OF MACHINISTS, LODGE 1368

*Case No. 5-RM-6.—Decided July 30, 1948*

DECISION  
AND  
DIRECTION OF ELECTION

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in this case, the Board finds:

1. The Employer<sup>1</sup> is engaged in commerce within the meaning of the National Labor Relations Act, upon the following facts:<sup>2</sup>

The Employer provides the sole local transit services for the city of Roanoke, Virginia, with a population of 69,287. It operates 80 buses and 16 streetcars, and transports approximately 1,900,000 passengers per month.

Many of the Employer's passengers are admittedly employed by establishments engaged in interstate commerce. During the hearing the Employer stipulated that it adjusted its schedules to meet the convenience of some 3,000 employees of the American Viscose plant in Roanoke, admittedly engaged in interstate operations, and that of employees at the Roanoke airport. The Employer also provides for bus and streetcar stops near the railroad station and intercity bus terminals.

During the first 9 months of 1947 the Employer made purchases totaling \$324,597.51, principally for oil and gasoline and tires and new equipment. Almost all of these purchases were made directly from manufacturers located outside the State. During the same period, the Employer received revenues totaling \$1,148,771.78, of

<sup>1</sup> Safety Motor Transit Corporation and the Roanoke Railway and Electric Company, commonly owned and controlled, constitute a single employer within the meaning of the Act.

<sup>2</sup> *Matter of Wichita Transportation Corporation*, 73 N. L. R. B. 1070, *Matter of Tampa Transit Lines, Inc.*, 71 N. L. R. B. 742.

which \$4,725 was derived from the sale of "transit ads." Approximately one-third of this advertising revenue was from establishments engaged in interstate commerce.

In addition, the Employer's revenue included \$10,997.67 for expenses incurred in the purchase of equipment and in the repair and servicing of four busses owned and operated by Virginia Stage Lines, Inc. The latter company, engaged in the interstate transportation of passengers for hire, is owned and operated by the same interests which own, operate, and control the Employer. These interests also own and operate other local transit systems in Lynchburg, Virginia, and Wilmington, North Carolina. There has been some centralization of the accounting system for the several transit lines. For example, the pay checks for all employees of the Employer are made up at the general offices of Virginia Stage Lines, Inc., at Charlottesville, Virginia.

2. The labor organization named below claims to represent employees of the Employer.

3. A question of representation exists concerning the representation of employees of the Employer, within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act.

4. The following employees of the Employer constitute a unit appropriate for purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All maintenance employees at the Employer's garage and car barn, including machinists, mechanics, all helpers (including those engaged part-time in starting and gassing busses),<sup>3</sup> and cleaners; but excluding storekeepers, clerks, and all supervisors.

### DIRECTION OF ELECTION

As part of the investigation to ascertain representatives for the purposes of collective bargaining with the Employer, an election by secret ballot shall be conducted as early as possible, but not later than 30 days from the date of this Direction, under the direction and supervision of the Regional Director for the Region in which this case was heard, and subject to Sections 203.61 and 203.62 of National Labor Relations Board Rules and Regulations—Series 5, among the em-

<sup>3</sup>The Union would exclude from the unit helpers who spend part of their time starting and "gassing-up" busses. One of these so-called "gassers" acts as an extra bus driver when needed. However, these employees spend at least half of their time as maintenance helpers and receive the rate of pay for helpers. In addition, they work at the Employer's maintenance garage, are intermingled with the other maintenance employees, and have the same working conditions. We find, therefore, that these "gassers" have a sufficient community of interest with the other maintenance employees to warrant their inclusion in the unit.

ployees in the unit found appropriate in paragraph numbered 4, above, who were employed during the pay-roll period immediately preceding the date of this Direction of Election, including employees who did not work during said pay-roll period because they were ill or on vacation or temporarily laid off, 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, and also excluding employees on strike who are not entitled to reinstatement, to determine whether they desire to be represented, for purposes of collective bargaining, by International Association of Machinists, Lodge 1368.

MEMBER GRAY took no part in the consideration of the above Decision and Direction of Election.