

In the Matter of ACME FAST FREIGHT, INC., EMPLOYER and LOCAL 299,  
INTERNATIONAL BROTHERHOOD OF TEAMSTERS, CHAUFFEURS, WARE-  
HOUSEMEN AND HELPERS OF AMERICA, PETITIONER

*Case No. 7-RC-164.—Decided November 30, 1948*

DECISION

AND

ORDER

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.<sup>1</sup>

Pursuant to the provisions of Section 3 (b) of the National Labor Relations Act, the Board has delegated its powers in connection with this case to a three-man panel consisting of the undersigned Board Members.\*

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

1. The Employer is engaged in commerce within the meaning of the National Labor Relations Act.

2. The labor organizations involved claim to represent employees of the Employer.

3. No question affecting commerce 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, for the following reasons:

The Petitioner seeks to represent a unit of dockmen, truckers, checkers, route clerks, and freight handlers employed at the Employer's Detroit, Michigan, freight terminal. The Employer and the Intervenor contend that the only appropriate unit is the present system-wide unit of clerical and manual employees.

The Employer operates a Nation-wide system of 120 freight-forwarding terminals. Its central office is located in New York City. The Employer's policies concerning wages, working conditions, hours of employment, and other matters emanate from its central office.

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<sup>1</sup>The hearing officer properly permitted the intervention of the Brotherhood of Railway and Steamship Clerks, Freight Handlers, Express and Station Employees, A. F. L., hereinafter referred to as the Intervenor.

\*Chairman Herzog and Members Reynolds and Gray.

Each terminal is operated by a general manager who directs both clerical and manual employees. At its Detroit terminal, there are approximately 39 employees, whose classifications and duties are similar to those of employees located at other terminals. The record discloses that the Employer's operations require a high degree of integration and interdependence, each terminal acting as agent for other terminals of the system in receiving and forwarding freight, and in delivering particular shipments to ultimate consignees.

In 1937, the Employer and the Intervenor executed a contract covering all clerical and manual employees on a system-wide basis. The contract, which is still in effect, provides for a uniform system of wages,<sup>2</sup> vacations, seniority, hours of work, and other conditions of employment of the Employer's 1,250 employees stationed throughout the United States.<sup>3</sup> Seniority, however, is exercised on a local basis.<sup>4</sup> There is a single seniority group for both clerical and manual employees at each terminal.

As the Employer's operations are so closely integrated, and as all its employees share a close community of interest and work under substantially the same conditions of employment, we perceive no reason to disturb the existing system-wide unit. We believe that a unit confined to the Detroit terminal alone is, under the circumstances, too limited in scope to be appropriate for the purposes of collective bargaining.<sup>5</sup> We shall, therefore, dismiss the petition.

### ORDER

IT IS HEREBY ORDERED that the petition filed herein be, and it hereby is, dismissed.

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<sup>2</sup> There is a slight differential in rates of pay among certain terminals. The rate of pay is adjusted to the comparative cost of living indices of the localities in which the terminals are located.

<sup>3</sup> The Petitioner asserts that the employees whom it here seeks to represent have not been effectively represented by the Intervenor since 1947, and offered some impressive testimony to support this assertion. The record discloses, however, that they have been included within the terms of the Intervenor's system-wide contract with the Employer, and have received the benefits of wage increases and modifications of the contractual provisions as to overtime, sick leave, seniority, vacations, and promotion policy, negotiated with the Employer by the Intervenor.

<sup>4</sup> The record discloses that employees are transferred from one terminal to another quite frequently. When transferred, an employee retains his seniority standing at his former station for 2 years.

<sup>5</sup> *Matter of American Buslines, Inc.*, 79 N. L. R. B. 329; *Matter of Tamiami Trail Tours, Inc.*, 74 N. L. R. B. 918; *Matter of T. S. C. Motor Freight Lines*, 61 N. L. R. B. 638.