

In the Matter of TRANS-BRIDGE LINES, INC. and TRANSPORT WORKERS
UNION OF AMERICA, CIO

Case No. 4-R-1447

SECOND SUPPLEMENTAL DECISION

AMENDMENT TO DECISION AND DIRECTION OF
ELECTION

AND

SECOND DIRECTION OF ELECTION

September 7, 1945

On April 4, 1945, the Board issued a Decision and Direction of Election in the above-entitled proceeding.¹ On July 14, 1945, the Board issued a Supplemental Decision and Order directing that the record be reopened and additional evidence taken to determine whether or not the Decision and Direction of Election should be amended to include within the unit found appropriate therein the employees of Delaware River Coach Lines, Inc.² The Board further ordered that the parties be given the opportunity to state any objection which they might have to the utilization of the results of the election conducted on May 10, 1945, as the basis for designating the bargaining representative, if any, for the expanded unit, in the event that such unit should be found appropriate by the Board. Pursuant to such Supplemental Decision and Order, an appropriate hearing upon due notice was held at Easton, Pennsylvania, on August 2, 1945, before Eugene M. Purver, Trial Examiner. Trans-Bridge Lines, Inc., and Delaware Coach Lines, Inc., herein collectively called the Companies, the CIO, and the AFL 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.

¹ 61 N L R B. 320.

² The Supplemental Decision incorrectly listed this Company's name as Delaware River Bridge Lines, Inc.

63 N. L. R. B., No. 122.

Upon the entire record in the case, the Board makes the following:

- SUPPLEMENTAL FINDINGS OF FACT

The appropriate unit

Both unions urge that the bus drivers and maintenance employees of Delaware River Coach Lines, Inc., be included in the same unit with comparable employees of Trans-Bridge Lines, Inc. The Companies take no position with respect thereto. The Companies are engaged in the business of transporting passengers by motor bus on adjacent and overlapping routes in the same geographical area. They are owned and controlled by the same individuals. They use the same office, the same home garage, and the same central service and maintenance crews. Personnel and material are freely exchanged between them. In view of their common ownership and control, and the interrelation of their activities, we are of the opinion that the Companies constitute a single employer within the meaning of Section 2 (2) of the Act and that the employees of both Companies would be most effectively represented for collective bargaining purposes in a single bargaining unit. Accordingly, the Decision is hereby amended by striking the last paragraph of Section IV, thereof, and substituting therefor the following:

We find that all bus drivers and maintenance employees employed by Trans-Bridge Lines, Inc., and Delaware River Coach Lines, Inc., including the driver-dispatcher, but excluding clerical employees 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.

The determination of representatives

The unit found appropriate in our original decision was limited to employees of Trans-Bridge Lines, Inc. Notwithstanding this fact, several but not all the employees of Delaware River Coach Lines, Inc., attempted to vote in the election held on May 10, 1945. Their votes were challenged and their ballots have remained unopened and uncounted. The CIO now urges that, instead of directing a second election in the enlarged unit, the results of the previous election, including therein the count of the ballots of voters challenged because they were employees of Delaware River Coach Lines, Inc., should be utilized in determining the collective bargaining representative. In the alternative, the CIO insists that the pay roll used in determining eligibility at the first election should be used in the second election, if one is ordered. The AFL opposes both these contentions; it urges

the holding of a second election and the use of a pay roll immediately preceding the date of the second direction of election to determine eligibility to vote. The Companies are neutral.

We find no merit in either of the CIO's contentions. In view of the material alteration in the previous unit finding, we are of the opinion that a proper safeguard of the rights of the employees of both companies and of the parties hereto requires the holding of a new election. In accordance with the Board's customary practice, the pay roll immediately preceding the date of this Second Direction of Election shall be used in determining eligibility to vote.

We shall direct that an election be held among the employees in the appropriate unit who were employed during the pay-roll period immediately preceding the date of our Second Direction, subject to the limitations and additions set forth in the Direction.

SECOND 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, as amended, it is hereby

DIRECTED that, as part of the investigation to ascertain representatives for the purposes of collective bargaining with Trans-Bridge Lines, Inc., and Delaware River Coach Lines, Inc., Phillipsburg, New Jersey, a second 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 Fourth 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 amended unit found appropriate 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 they desire to be represented by Transport Workers Union of America, CIO, or by Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Division 1184, AFL, for the purposes of collective bargaining, or by neither.

CHAIRMAN HERZOG took no part in the consideration of the above Second Supplemental Decision, Amendment to Decision and Direction of Election, and Second Direction of Election.