

In the Matter of DUKE POWER COMPANY, EMPLOYER and LEE A.
INGOLD, ET AL., PETITIONER

Case No. 34-RD-6.—Decided May 14, 1948

Mr. W. S. O'B. Robinson, Jr., of Charlotte, N. C., for the Employer.

Mr. J. W. Brennan, of Long Island City, N. Y., for the Brotherhood
of Railroad Trainmen.

Mr. Lee A. Ingold, of Salisbury, N. C., for the Petitioner.

DECISION

AND

ORDER

Upon a petition duly filed, hearing in this case was held at Charlotte, North Carolina, on January 6, 1948, before Charles B. Slaughter, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

THE BUSINESS OF THE EMPLOYER

Duke Power Company, a New Jersey corporation, is engaged in the business of generating, transmitting, and distributing electric energy in North Carolina and South Carolina. In addition, it owns and operates local bus transportation systems in the cities of Salisbury, Winston-Salem, High Point, Charlotte, Greensboro, and Durham, North Carolina, and Spartanburg, Anderson, and Greenville, South Carolina; in Greensboro, North Carolina, and Greenville, South Carolina, it also operates electric trackless trolley coaches. This proceeding involves the Salisbury bus operators. Although the Employer admits that it is engaged in commerce in the operation of its electric business, it contends that its transportation operations are not within the purview of the Act.

77 N. L. R. B., No. 103:

Each of the Employer's transportation systems is operated locally under the supervision and control of a local manager who is under the over-all supervision of the Employer's general officers at Charlotte. Operators for each local system are hired and discharged by the superintendents of transportation or local managers at the respective local offices; employment records are maintained at the local offices; and grievances are generally handled on a local basis. Pay rolls are made up by the local managers, sent to Charlotte where checks are prepared, and returned to the local offices for distribution to employees by the respective local managers. The Employer's transportation systems are not licensed by the Interstate Commerce Commission and there is no connection between the various local systems. Separate garages are operated in each of the cities for the maintenance and repair of equipment used in connection with the systems. There is no interchange or transfer of employees from one system to another.

Upon the foregoing facts, we are of the opinion that the Employer's Salisbury bus operations are essentially local in nature. Without deciding whether these operations affect commerce within the meaning of the Act, we believe that it will not effectuate the policies of the Act to assert jurisdiction in this case. Accordingly, we shall dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and decertification of representatives of employees of Duke Power Company, Charlotte, North Carolina, filed by Lee A. Ingold, *et al.*, be, and it hereby is, dismissed.

MEMBERS HOUSTON and REYNOLDS, dissenting:

We must disagree with our colleagues that the present case does not warrant an exercise of our discretion in assuming jurisdiction over the operations involved here. This transportation facility is part of a large corporate entity undoubtedly engaged in interstate commerce. We would be less than impractical if we did not assume that its operations in Salisbury have an effect upon that commerce. Consequently, we would take jurisdiction in this case.