

In the Matter of MISSOURI, KANSAS AND OKLAHOMA COACH LINES and  
INTERNATIONAL ASSOCIATION OF MACHINISTS

*Case No. R-288.—Decided October 23, 1937*

*Motor Bus Industry—Investigation of Representatives:* stipulation to recognize petitioning union as exclusive representative—*Certification of Representatives:* pursuant to stipulation.

*Mr. Elmer P. Davis* and *Mr. Warren Woods* for the Board.

*Mr. R. D. Hudson* and *Mr. W. E. Hudson*, of Tulsa, Okla., for the Company.

*Mr. L. G. Fenn*, of Tulsa, Okla., for the I. A. M.

*Mr. W. P. Nutter* and *Mr. A. I. Robinson*, of Kansas City, Mo., for the B. R. T.

*Mr. C. M. Ruyle*, of Springfield, Mo., for the Amalgamated.

*Mr. Abraham L. Kaminstein*, of counsel to the Board.

DECISION

AND

CERTIFICATION OF REPRESENTATIVES

STATEMENT OF THE CASE

On June 26, 1937, International Association of Machinists, herein called the I. A. M., filed with the Regional Director for the Sixteenth Region (Fort Worth, Texas) a petition alleging that a question affecting commerce had arisen concerning the representation of employees of the Missouri, Kansas and Oklahoma Coach Lines, Tulsa, Oklahoma, herein called the Company, and requesting an investigation and certification of representatives pursuant to Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, herein called the Act. On August 10, 1937, the National Labor Relations Board, herein called the Board, acting pursuant to Section 9 (c) of the Act and Article III, Section 3 and 10 (c) (2) of National Labor Relations Board Rules and Regulations—Series 1, as amended, consolidated this case with several others<sup>1</sup> for the purposes of hearing and authorized the Regional Director to conduct an investigation and to provide for an appropriate hearing.

<sup>1</sup>This decision does not deal with the consolidated cases involving other petitions and complaints.

Pursuant to a notice duly issued and served by the Regional Director upon all parties, a hearing was held at Tulsa, Oklahoma, on September 7, 8, and 9, 1937,<sup>2</sup> before W. P. Webb, the Trial Examiner duly designated by the Board. At the hearing, the Board and the Company were represented by counsel, and the various organizations, the I. A. M., the Brotherhood of Railroad Trainmen, herein called the B. R. T., and the Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America, Local Division 1147, herein called the Amalgamated, appeared by their respective representatives.<sup>3</sup>

On September 7, 1937, during the hearing, there was offered in evidence and made a part of the record without objection, a stipulation entered into by all parties, stating in part that:

The respondent, Missouri, Kansas & Oklahoma Coach Lines, is a corporation duly organized and existing by virtue of the laws of the State of Oklahoma and that all operations of said respondent occur in the course and current of commerce among the several states and are an integral part of the operation of the instrumentalities of commerce and constitute commerce among the several states . . .

There was also offered in evidence on September 8, 1937, during the hearing, and made part of the record without objection, a stipulation entered into by and between counsel for the Board and the Company, and the duly authorized representatives of the I. A. M., the Brotherhood, and the Amalgamated, as follows:

It is hereby stipulated by and between counsel or duly authorized representatives for the respective parties herein that the Board may make the following findings of fact.

1. The employees of respondent engaged as mechanics or body workers in maintaining buses used in the operation of respondent's business exclusive of those engaged in a supervisory capacity or porters at its place of business in Tulsa and Stillwater, Oklahoma constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (B) of the Act.

2. The International Association of Machinists is a labor organization within the meaning of Section 2, sub-division (5) of the Act.

3. By virtue of Section 9 (A) of the Act the International Association of Machinists has been designated by a majority of said employees as their representative for the purposes of collec-

<sup>2</sup> The hearing upon the other consolidated cases continued on later dates

<sup>3</sup> The Amalgamated was named in the petition in this case as a labor organization claiming to represent some of the employees of the Company; the B. R. T. is the petitioning union in one of the other cases.

tive bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment.

4. That the respondent, Missouri, Kansas & Oklahoma Coach Lines, Inc. accepts said International Association of Machinists as the exclusive representative of all the employees in said unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment or other conditions of employment.

#### THE RESPONDENT SPECIFICALLY AGREES:

1. That it hereby recognizes said International Association of Machinists as the exclusive bargaining agency for all of the employees in said unit in respect to rates of pay, wages, hours of employment or other conditions of employment and agrees to bargain with said International Association of Machinists in respect to such conditions of employment on request, within the meaning of the Act.

2. That the National Labor Relations Board may certify in writing said International Association of Machinists as the exclusive representative of all said employees for the purposes of collective bargaining.

On the basis of the stipulations quoted above, the Board will so certify the I. A. M.

#### CERTIFICATION OF REPRESENTATIVES

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, 49 Stat. 449, and pursuant to Article III, Section 8 of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that International Association of Machinists has been designated by a majority of the employees engaged as mechanics or body workers in maintaining buses used in the operation of the business of Missouri, Kansas and Oklahoma Coach Lines, at its place of business in Tulsa and Stillwater, Oklahoma, exclusive of those in a supervisory capacity or porters, as their representative for the purposes of collective bargaining, and that, pursuant to Section 9 (a) of the Act, International Association of Machinists is the exclusive representative of all such employees for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.