

cordingly, we shall amend our certification of representatives with respect to the classifications of employees included in the unit by specifically including the methods analysts.

[The Board amended the certification of representatives issued to the Westinghouse Salaried Employees Association at South Philadelphia, affiliated with Federation of Westinghouse Independent Salaries Unions, in Case No. 5-RM-64 and Case No. 4-RC-1293, specifically to include in the certified unit the methods analysts.]

H P O Service, Inc. and Sollie Walker, Petitioner and Chauffeurs, Teamsters and Helpers Local Union 175, International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America. *Case No. 9-RD-205. December 11, 1958*

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Arthur P. West, hearing officer.¹ 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 is engaged in the transportation of mail pursuant to contracts with the United States Post Office. It transports mail by bus on regular routes between the city of Charleston, W. Va. and the cities of Bluefield, Welch, and Buckhannon, all in West Virginia, and between Buckhannon, W. Va., and Connellsville, Pa. The mail transported by the Employer originates within and without the State of West Virginia. During the past year, the Employer's gross revenues from such operations exceeded \$100,000, of which over \$50,000 was received for the transportation of mail which was destined for delivery in States other than the State of its origin.

Ever since the enactment of the National Labor Relations Act in 1935 the Board has consistently held to the position that it better effectuates the policies of the Act and promotes the prompt handling of cases not to exercise its jurisdiction to the fullest possible extent under the authority delegated to it by Congress. For the first 15 years the Board exercised its discretion in this area on a case-by-case basis. In 1950 the Board first adopted certain jurisdictional standards designed to aid it in determining where to draw the dividing line between exercised and unexercised jurisdiction. In 1954 the Board reexamined its jurisdictional policies in the light of its experience under the 1950 standards and revised its jurisdictional standards. At

¹ The name of the Union appears in the caption as corrected at the hearing. The Union did not appear at the hearing, although served with adequate notice thereof.

that time the Board noted that "further changes in circumstances may again require future alterations of our determinations one way or another."²

Consistent with this practice of periodic review of its jurisdictional policies and as a direct consequence of the Supreme Court's decision in *Guss v. Utah Labor Relations Board*³ denying to the States authority to assert jurisdiction as to enterprises over which the Board declines to exercise its statutory jurisdiction, the Board reexamined its existing jurisdictional policies and the standards through which such policies were implemented. As a result the Board determined to revise its jurisdictional policies "so that more individuals, labor organizations and employers may invoke the rights and protections afforded by the statute." In *Siemons Mailing Service*⁴ the Board set forth the general considerations which persuaded it that this could best be accomplished by the utilization of revised jurisdictional standards as an administrative aid in making its jurisdictional determinations. The Board has chosen this case to set forth the revised standards⁵ to be applied to enterprises engaged in the handling and transportation of commodities or passengers in interstate commerce, or which function as essential links in such transportation.

The Board has decided that it will assert jurisdiction over all passenger and freight transportation enterprises engaged in the furnishing of interstate transportation services, and all transportation and other enterprises which function as essential links⁶ in the transportation of passengers or commodities in interstate commerce, which derive at least \$50,000 gross revenues per annum from such operations, or which perform services valued at \$50,000 or more per annum for enterprises as to which the Board would assert jurisdiction under any of its jurisdictional standards. However, jurisdiction will not be asserted under this standard on the basis of services performed for enterprises as to which the Board would assert jurisdiction under its indirect outflow or indirect inflow standard.⁷

By lowering the gross revenues test for transportation enterprises to \$50,000, the Board has endeavored reasonably to insure that its jurisdiction will be exercised over all labor disputes involving such

² *Edwin D. Wemyss, an individual, d/b/a Coca-Cola Bottling Company of Stockton*, 110 NLRB 840, 842.

³ 353 U.S. 1.

⁴ 122 NLRB 81.

⁵ These standards take the place of those announced in *Breeding Transfer Company*, 110 NLRB 493; *Edelen Transfer and Storage Company, Inc.*, 110 NLRB 1881; and *Rollo Transit Corporation, et al.*, 110 NLRB 1623.

⁶ Examples of such enterprises may be found in *Breeding Transfer Company*, 110 NLRB 493; *United Warehouse and Terminal Corporation*, 112 NLRB 959; *Etiwan Fertilizer Company*, 113 NLRB 93; *Kenedy Compress Company*, 114 NLRB 634; *Peoria Union Stock Yards Company*, 116 NLRB 263.

⁷ See *Siemons Mailing Service*, 122 NLRB 81.

enterprises which exert, or tend to exert, a pronounced impact on commerce. Keeping in mind the significant increase in its caseload which may be expected not alone under this standard but under other standards as well, the Board does not believe it to be administratively feasible at this time to extend its jurisdiction further in this area.

As the Employer derives in excess of \$50,000 gross revenues for the transportation of mail in interstate commerce, we find that it will effectuate the policies of the Act to assert jurisdiction herein.

2. The Petitioner, an employee of the Employer, asserts that the Union is no longer the representative, as defined in Section 9(a) of the Act, of the employees designated in the petition. The Union is the certified bargaining representative of such employees.

3. A 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.

4. The following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act: All motor vehicle drivers and mechanics employed by the Employer at its Charleston, W. Va., terminal, including those employees stationed at Buckhannon, W. Va., but excluding all guards, office clerical employees, professional employees, and supervisors as defined in the Act. This is the unit for which the Union was certified and is currently recognized.

[Text of Direction of Election omitted from publication.]

Indianapolis and Central Indiana District Council, United Brotherhood of Carpenters and Joiners of America, AFL-CIO and Local 60, United Brotherhood of Carpenters and Joiners of America, AFL-CIO and Mechanical Handling Systems, Incorporated, Party to the Contract and Hafford B. Carter and Elza Stevenson

United Brotherhood of Carpenters and Joiners of America, AFL-CIO and Mechanical Handling Systems, Incorporated, Party to the Contract and Hafford B. Carter. Cases Nos. 35-CB-203, 35-CB-203-1, and 35-CB-220. December 15, 1958

DECISION AND ORDER

On January 30, 1958, Trial Examiner Louis Plost issued his Intermediate Report in the above-entitled proceeding, finding that the Respondents, Indianapolis and Central Indiana District Council, United Brotherhood of Carpenters and Joiners of America, AFL-