

Community Interprises, Inc., d/b/a Community Charter Bus System and Chauffeurs Local No. 640, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America. Case 21-RM-1227 and 21-RC-9905.

May 29, 1967

DECISION AND ORDER

Upon separate petitions duly filed under Section 9(c) of the National Labor Relations Act, as amended, a consolidated hearing was held in the above-entitled cases before Barton W. Robertson, 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. The Employer and the Petitioner filed briefs with the Board.

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

The Petitioner seeks to represent all school and charter bus drivers of the Employer, excluding casual drivers and all other employees.

¹ *Brothers Coach Corp*, 158 NLRB 931, *Camp Baumann Buses, Inc.*, 142 NLRB 648, *Raybern Bus Service, Inc.*, 128 NLRB 430.

The Employer recently acquired all of its operations through the acquisition of an operating division of S L Lines, d/b/a Pacific-Scenic-Lines. The Petitioner contends that the Board should assert jurisdiction over the Employer and Pacific as a single employer. We find the contention without merit. In our

The Employer, a California corporation, is an intrastate transportation enterprise engaged primarily in the transportation of children to and from schools over regularly established routes. Projected annual revenue from such operations is expected to be approximately \$450,000. In addition, the Employer expects to receive \$100,000 to \$150,000 in annual revenue from its charter operations, 75 percent of which will come from charters run for school districts. The Employer also owns a service station which will annually gross about \$90,000.

In these circumstances, we decline to assert jurisdiction over the Employer, on the ground that it is an essentially local enterprise engaged primarily in aid of the State in the field of education.¹ We shall therefore dismiss the instant petition.

ORDER

It is hereby ordered that the instant petition be, and the same hereby is, dismissed.

decision in *S L Lines, d/b/a Pacific-Scenic-Lines*, 164 NLRB No. 140, issued this same date herewith, we found that Pacific, like the Employer, was primarily engaged in schoolbus transportation, and dismissed the complaint. Since their primary function as schoolbus operators would remain unaffected by our consideration of their separate or single employer status, we find it unnecessary to decide that issue in this case.