

Gray Line Scenic Tours, Inc., d/b/a California-Nevada Golden Tours,¹ Employer-Petitioner and Chauffeurs Union Local 265, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America; Teamsters, Chauffeurs, Warehousemen & Helpers Local 533, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America

Gray Line Scenic Tours d/b/a California-Nevada Golden Tours and Chauffeurs Union Local 265, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America,² Petitioner

Gray Line Scenic Tours d/b/a California-Nevada Golden Tours and Teamsters, Chauffeurs, Warehousemen & Helpers Local 533, International Brotherhood of Teamsters, Chauffeurs, Warehousemen & Helpers of America,³ Petitioner. Cases 20-RM-1504, 20-RC-11073, and 20-RC-11079

November 20, 1973

DECISION AND DIRECTION OF ELECTION

BY CHAIRMAN MILLER AND MEMBERS
FANNING AND PENELLO

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held in Case 20-RM-1504 before Hearing Officer Donald R. Rendall. Following the close of the hearing, the Regional Director for Region 20 transferred that case to the Board for decision.

On November 15, 1972, the Board ordered the petition dismissed on the ground that neither union made a claim of representative status in the unit described by the petition. The Board further ordered the parties to show cause why the Board should not reopen the proceeding in Case 25-RC-8520 and revoke the certification therein issued to Local 265. Thereafter all parties filed responses. The responses filed respectively by Local 265 and Local 533 each attached thereto a copy of the petition each filed as below described.

On November 24, 1972, Local 265 filed the petition in Case 20-RC-11073 seeking a unit of all motor coach operators and motor truck operators located at

the Employer's San Francisco facility. On November 30, 1972, Local 533 filed the petition in Case 20-RC-11079 requesting a unit of all motor coach operators and motor truck operators located at the Employer's place of business in Reno, Nevada.

On January 26, 1973, the Board issued an order vacating its order of dismissal of the petition in Case 20-RM-1504 and remanding the proceeding to the Regional Director for Region 20 for further action.

On April 24, 1973, the Regional Director for Region 20 issued an order reopening the record in Case 20-RM-1504, consolidating Cases 20-RM-1504, 20-RC-11073, and 20-RC-11079, and directing that a hearing be held on May 14, 1973.

On May 14, 1973, the parties stipulated that the record in Case 20-RM-1504 and the petitions filed in Cases 20-RC-11073 and 20-RC-11079 shall constitute the entire record herein. The parties waived all further proceedings before the Regional Director; and on May 15, 1973, the Regional Director transferred the above cases to the Board for decision.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. They are hereby affirmed.

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

1. The Employer is engaged in commerce within the meaning of the Act and it will effectuate the purposes of the Act to assert jurisdiction herein.
2. Local 265 and Local 533 are labor organizations within the meaning of Section 2(5) of the Act.
3. The Employer furnishes bus transportation to the public on a charter tour basis. It operates its business with two major terminals—one located in Reno, Nevada, and the other in San Francisco, California.⁴ Its main office is located in Reno.

Pursuant to the certification issued on February 18, 1970, to Local 265, the Board established as appropriate a single unit composed of all the Employer's motor coach and motor truck drivers.⁵ Following the Board's issuance of its certification and pursuant to Local 265's request, the Employer agreed to accord joint representative status to Local 533, a Reno-based local affiliated with the same International union as Local 265.⁶ The contract thereafter negotiated was signed by the two locals as

¹ The Employer's name appears as corrected at the hearing

² Herein called Local 265.

³ Herein called Local 265.

⁴ The description of the certified unit also refers to a place of business at South Shore Lake Tahoe, Nevada. The record fails to indicate whether such a location presently exists as a terminal location.

⁵ Case 20-RC-8520 Prior to this certification, these employees had been represented by the Brotherhood of Railway Trainmen as part of a unit which included office clerical employees. The certification issued to Local 265 did not include such employees.

⁶ Local 265 is a San Francisco-based local.

"joint representative" of the certified unit and was effective, by its terms, at least until May 31, 1972.

In February or March 1972, Local 265 requested that the Petitioner bargain with it for a new contract limited to the San Francisco employees. Acquiescing to Local 265's request, Local 533, in turn, maintained that it should be accorded the bargaining rights for the Reno terminal employees. The Employer resisted these claims and filed its petition in Case 25-RM-1504 to obtain the Board's affirmance of its position that the certified overall unit composed of the employees at both its terminals was the only appropriate unit.

In the petitions each of the locals subsequently filed, each respectively asks that the Board now establish two separate terminal units. Thus, Local 265 seeks a unit confined to the San Francisco terminal; and Local 533 seeks a unit confined to the Reno terminal. In statements filed in answer to the employer's statement of its position in Case 20-RM-1504 and/or concurrently with their own respective petitions, each of the two unions indicates that: (1) each would prefer to represent the employees on a single-terminal basis, but (2) neither is unwilling to represent the employees in the overall certified unit described in the Employer's petition and would go to an election in that unit.

We find that the foregoing facts establish the existence of a question concerning representation of the employees in the certified unit within the meaning of Section 9(c) of the Act.

4. As indicated *supra*, the Employer seeks an election in the certified systemwide unit and contends that is the only appropriate unit in the circumstances of this case. The two Unions request single-terminal units. They do not contend, however, that the established systemwide unit is no longer appropriate. They claim, rather, that each of the terminals in the Employer's system could and should separately be viewed as "an" appropriate unit.

We find no warrant in the record for the Unions' respective requests for the establishment of single terminal units. Those requests are clearly in opposition to the Board's prior certification and to the history of bargaining in the certified unit. There is no proof either that the established unit is no longer a viable one for purposes of collective bargaining or that cognizable employee rights have been or would

be prejudiced in any significant manner by the continued maintenance of the established unit.⁷ On the contrary, the record shows that bargaining in the certified unit has produced uniform wages, fringe benefits, and certain other important conditions of employment, including the grant to employees laid off at one terminal of preferential hiring rights at the other, and the accrediting of a driver's service at either terminal towards vacation and pension benefits. Furthermore, the course of bargaining has not resulted in the infringement of any separable interests each of the terminal's employees may possess because of the separate geographic locations of each terminal. Finally, and totally apart from any other considerations, there is independent and convincing evidence of the Employer's integrated operation of its terminals and of considerable interchange of personnel and equipment between the terminals as a result.

Accordingly, we find that separate terminal units are not appropriate and that the following unit, as described in our certification, continues to be appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All motor coach operators and motor truck operators located at the Employer's place of business in Reno, Nevada, South Shore Lake Tahoe, Nevada, and San Francisco, California, excluding school bus drivers, all other employees, guards and supervisors, as defined in the Act.

5. Local 265 has expressed a desire to maintain its status as the representative of the employees in the certified unit. Although Local 533 has likewise indicated its willingness to represent the employees in the certified unit, its statement of position on the matter expresses only a request to be placed on the ballot jointly with Local 265 for an election in that unit. But as we have no evidence of agreement by Local 265 to joint appearance on the ballot, we shall place each local on the ballot separately. In the event Local 533 does not wish to appear separately, it may withdraw from participation in the election, or, by agreement with Local 265, it may appear jointly.⁸

[Direction of Election and *Excelsior* footnote omitted from publication.]

⁷ The fact that the two Unions, which jointly represent the employees in the established certified unit, may find it more suitable, under their internal jurisdictional arrangements, to bargain separately along the lines of their respective local jurisdictions is not a factor relevant to our determination of appropriate unit lines.

⁸ In the event the two Unions choose to appear jointly, the ballot will not, of course, contain the name of each local separately. If the two Unions do elect to be a joint representative and win the election herein, our unit finding herein imposes upon them the duty to bargain only on the basis of the unit we have found appropriate.