

**Coca Cola Bottling Co. of Huntington, Employer-Petitioner and Teamsters Local Union No. 505, affiliated with the International Brotherhood of Teamsters, Chauffeurs, Warehousemen and Helpers of America.**<sup>1</sup> Case 9-RM-721

November 7, 1974

**DECISION AND DIRECTION OF ELECTION**

BY CHAIRMAN MILLER AND MEMBERS JENKINS  
AND KENNEDY

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Earl L. Ledford of the National Labor Relations Board. Following the close of the hearing<sup>2</sup> the Regional Director for Region 9 transferred this case to the Board for decision. Thereafter, the Employer filed a brief.

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 rul-

ings 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. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of certain employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act.<sup>3</sup>

4. The appropriate unit:

All employees employed by the Employer at its plants at 401 Third Avenue and 617 Fourth Avenue, Huntington, West Virginia, excluding all inventory checkers, office clerical employees, professional employees, guards and supervisors as defined in the Act.

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

<sup>3</sup>The Union contended in the hearing that by reason of the merger, it succeeded to Local 315's contract with the Employer, and this contract, with a terminal date of September 20, 1974, was a bar to this proceeding. The Employer's position was that the contract was not a bar, and a question concerning representation was raised by the merger, and an election should be directed. Subsequent to the close of the hearing, the Union notified the Board that it was withdrawing its contract-bar contention and agreed that an election be directed on the Employer's petition. Accordingly, we find it unnecessary to pass upon the contract-bar issue but shall, in accordance with the agreement of the parties, direct an immediate election.

<sup>1</sup> The name of the Union appears as amended at the hearing.

<sup>2</sup> Employees of the unit involved in this proceeding were formerly represented by Brewery and Soft Drink Workers Local 315. At a meeting on May 15, 1974, members of Local 315 voted to merge with the Union. Teamsters Local 505. While served with a copy of the petition and notice of hearing, none of the former officers of Local 315 sought to intervene in this proceeding, and no assertion has been advanced that Local 315 continues to function as a separate labor organization.