

In the Matter of PACIFIC GREYHOUND LINES and BROTHERHOOD OF
LOCOMOTIVE FIREMEN AND ENGINEMEN

Case No. R-195

SUPPLEMENTAL DECISION

AND

ORDER

March 25, 1938

On December 16, 1937, the National Labor Relations Board, herein called the Board, issued in the above-entitled proceeding a Decision and Direction of Election,¹ on December 23, an Amendment to the Direction of Election,² and on January 22, 1938, an Amendment to the Decision and a Second Amendment to the Direction of Election.³ By the Decision and Direction of Election as amended, the Board, as a part of the investigation authorized to ascertain representatives for the purposes of collective bargaining with Pacific Greyhound Lines, directed the Regional Director for the Twentieth Region to conduct an election by secret ballot among bus drivers employed by and on the regular seniority list of Pacific Greyhound Lines during the pay-roll period immediately preceding December 15, 1937, to determine whether they desired to be represented by Brotherhood of Locomotive Firemen and Enginemen or Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America for the purposes of collective bargaining, or by neither.

Pursuant to said Direction of Election, the Regional Director conducted an election by secret ballot between January 24 and February 4, 1938. Full opportunity was accorded to all the parties to this investigation to participate in the conduct of the secret ballot and to make challenges. Thereafter, the Regional Director, acting pursuant to Article III, Section 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, issued and duly served upon the parties to the proceeding her Intermediate Report on the ballot.

¹ 4 N L R B 520

² 4 N L R B 540

³ 4 N L R B 541

As to the balloting and its results, the Regional Director reported as follows:

Total number eligible-----	697
Total number of ballots counted-----	658
Total number of ballots for Brotherhood of Locomotive Firemen and Enginemen-----	309
Total number of ballots for Amalgamated Association of Street, Electric Railway and Motor Coach Employees of America-----	332
Total number of ballots for neither of the above organizations-----	17
Total number of blank ballots-----	0
Total number of void ballots-----	1
Total number of challenged ballots-----	7

Exceptions to the Intermediate Report, in the form of an "Objection to certification of the result of election," were thereafter filed by the Brotherhood. The Regional Director conducted an investigation of these objections by the Brotherhood and submitted a report to the Board. The Board has considered the objections and the report and finds that the objections raise no substantial or material issue with respect to the validity of the ballot.

The Regional Director also conducted an investigation of the seven challenged ballots and submitted a report to the Board. For the reasons set forth below, it is unnecessary to consider what the effect would be upon the results of the ballot if these challenged ballots were determined in favor of or against the Amalgamated.

In its Decision dated December 16, 1937, the Board found that a question had arisen concerning the representation of bus drivers and that no question had arisen concerning the representation of any other employees. The Board also made no final determination as to the unit appropriate for the purposes of collective bargaining. The Brotherhood, the petitioner herein, contended that bus drivers constituted an appropriate unit; the Amalgamated, which intervened for the purpose of opposing an election, contended that all the employees of the Company, including bus drivers, station, shop, and office employees, constituted an appropriate unit. The Board stated that since either of these contentions could be sustained, it would direct an election to be held among the bus drivers, and would in part determine the issue on the basis of the preferences indicated in the election. If the bus drivers chose the Brotherhood, the Board would determine that bus drivers alone constituted an appropriate unit; if the bus drivers chose the Amalgamated, the Board would consider that the bus drivers had expressed their preference for a single larger unit. The Board stated, however, that in the absence of any evidence to warrant a finding that a question concerning representation had arisen among the employees other than bus drivers and in the ab-

sence of a petition requesting a certification of representatives of the employees in a larger unit, it would not determine whether such unit was appropriate or whether the Amalgamated has been designated by a majority of the employees in such a unit.

In the election the Brotherhood did not receive a majority of the votes of the bus drivers voting. Consequently we find that the bus drivers alone do not constitute an appropriate unit but are to be merged in a larger unit. Inasmuch as we are not called upon to decide in this proceeding either the limits of the larger unit or the representatives of the employees in such larger unit we make no findings with respect to these questions. These considerations make it unnecessary for us to render a decision upon the seven challenged ballots or to determine whether or not the Amalgamated received a majority of the votes of the bus drivers voting.

The results of the secret ballot show that no collective bargaining representatives have been selected by the majority of the employees of the Company in an appropriate unit. We will accordingly dismiss the petition for investigation and certification filed by the Brotherhood.

ORDER

Pursuant to Article III, Sections 8 and 9, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is ordered that the petition filed by Pioneer Greyhound Lodge No. 693, Brotherhood of Locomotive Firemen and Enginemen, for investigation and certification of representatives of employees of Pacific Greyhound Lines, San Francisco, California, be, and it hereby is, dismissed.