

In the Matter of PENNSYLVANIA GREYHOUND LINES *et al.* (SOUTHWESTERN GREYHOUND LINES AND ITS SUBSIDIARY) and THE BROTHERHOOD OF RAILROAD TRAINMEN

*Case No. R-151*

SUPPLEMENTAL DECISION  
AND  
DIRECTION OF ELECTION

*November 29, 1937*

By Decision dated September 14, 1937,<sup>1</sup> the National Labor Relations Board, as part of the investigations authorized to ascertain representatives for the purposes of collective bargaining with Southwestern Greyhound Lines, Inc., and its subsidiary, directed the Regional Director for the Sixteenth Region, acting as agent for the National Labor Relations Board and subject to said Rules and Regulations, to conduct an election by secret ballot among bus drivers and temporary despatchers who hold seniority rights as bus drivers, who were on the pay roll of said companies on May 25, 1937, or available for service on that date, to determine whether they desire to be represented by the Brotherhood of Railroad Trainmen, the Greyhound Employees Union, or neither, for the purposes of collective bargaining.

Pursuant to said Direction of Election, the Regional Director conducted a ballot from October 4 through October 18, 1937.

As to the results of the secret ballot among the above-designated employees, the Regional Director reported the following:

|   |     |
|---|-----|
| Total number of ballots counted.....                            | 272 |
| Total number of votes for Brotherhood of Railroad Trainmen..... | 154 |
| Total number of votes for Greyhound Employees Union.....        | 118 |
| Total number of blank votes.....                                | 0   |
| Total number of void ballots.....                               | 0   |
| Total number of challenged votes.....                           | 0   |

The Regional Director further advised the Board that prior to the election conducted at Tulsa, Oklahoma, the agent for the Board distributed blank ballots to representatives of the Brotherhood of Railroad Trainmen to be used as sample ballots; that said ballots were not designated as sample ballots; that at least one such ballot, previously marked for the Brotherhood of Railroad Trainmen, was

<sup>1</sup> 3 N. L. R. B. 622.

attempted to be cast in place and instead of the ballot furnished to the voter by the Board's agent in charge of the balloting.

Thereafter, the Greyhound Employees Union duly filed its objections to the election, and requested the Board to vacate the results thereof, for the reasons stated in its objections, including a recital of the facts set forth above. Because of the decision of the Board, as stated below, it is unnecessary to consider the objections of the Greyhound Employees Union.

The Board has reviewed the conduct of the election and finds that by reason of the facts reported by the Regional Director, the secrecy of the balloting was not maintained, and that the results of the election are vitiated for the reason that the election was not conducted in accordance with the Decision of the Board dated September 24, 1937. Under the circumstances, the question concerning representation can best be resolved by an election by secret ballot.

### DIRECTION OF ELECTION

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended, it is hereby

DIRECTED that, as part of the investigations authorized by the Board to ascertain representatives for the purposes of collective bargaining with Southwestern Greyhound Lines, Inc., and its subsidiary, an election by secret ballot shall be conducted within twenty (20) days from the date of this Direction, under the direction and supervision of the Regional Director for the Sixteenth Region, acting in this matter as agent for the National Labor Relations Board, and subject to Article III, Section 9, of said Rules and Regulations, among bus drivers and temporary dispatchers who hold seniority rights as bus drivers, who were on the pay roll of said companies on May 25, 1937, or available for service on that date, to determine whether they desire to be represented by the Brotherhood of Railroad Trainmen, the Greyhound Employees Union, or neither, for the purposes of collective bargaining.

[SAME TITLE]

### AMENDMENT TO DIRECTION OF ELECTION

*December 4, 1937*

On November 29, 1937, the National Labor Relations Board, herein called the Board, issued a Supplemental Decision and Direction of Election in the above-entitled proceeding, the election to be held

within twenty (20) days from the date of Direction, under the direction and supervision of the Regional Director for the Sixteenth Region.

The Board, having been advised that an election at this time would not settle the question concerning representation which has arisen, hereby amends the Direction of Election issued on November 29, 1937, by striking therefrom the words, "within twenty (20) days from the date of this Direction", and substituting therefor the words, "within a period to be determined hereafter by the Board."

[SAME TITLE]

## SUPPLEMENTAL DECISION

AND

### CERTIFICATION OF REPRESENTATIVES

*November 24, 1937*

On September 14, 1937, the Board issued a Decision and Direction of Elections<sup>1</sup> which provided that three elections be held among the employees of Southwestern Greyhound Lines, Inc. and its subsidiary.

In its Decision, the Board made no final determination as to the appropriate unit for the purposes of collective bargaining. The Brotherhood of Railroad Trainmen contended that the bus drivers and temporary dispatchers who hold seniority rights as bus drivers, employed by these companies constituted a single appropriate unit; the International Association of Machinists contended that the maintenance employees of these companies constituted a single appropriate unit; and the Greyhound Employees Union contended that all of these designated employees, together with other employees, except supervisory employees, constituted the appropriate unit. The Board stated that since any of the contentions could be sustained it would direct that separate elections be held among the bus drivers and temporary dispatchers who hold seniority rights as bus drivers, maintenance employees, and all other employees, except supervisory employees, and would decide the issue on the basis of the preferences indicated by the employees in the elections. It therefore directed that an election by secret ballot be held (a) among the bus drivers and temporary dispatchers who hold seniority rights as bus drivers, of these companies to determine whether they desire to be represented by the Brotherhood of Railroad Trainmen, the Greyhound Employees Union, or neither, for the purposes of collective bargaining; (b) among maintenance employees, to determine whether they desire

<sup>1</sup> 3 N. L. R. B. 622.

to be represented by the International Association of Machinists, the Greyhound Employees Union, or neither, for the purposes of collective bargaining; (c) among all other employees, except supervisory employees, to determine whether or not they desire to be represented by the Greyhound Employees Union for the purposes of collective bargaining. Upon the results of the election would depend the determination of the appropriate unit or units. Such of the groups not choosing the Greyhound Employees Union would constitute separate and distinct appropriate units, and such of the groups choosing the Greyhound Employees Union would together constitute a single appropriate unit.

Pursuant to the Direction of Elections, secret ballots were conducted from October 4 through October 14, 1937, and from October 16 through October 18, 1937. Full opportunity was accorded to all parties to the investigation to participate in the conduct of this secret ballot and to make challenges. On November 15, 1937, the Regional Director caused to be served on the parties to this proceeding his Intermediate Report on the conduct of the ballots. No objections with respect to the conduct of the election among the maintenance employees of these companies were filed, except as incidental to the objections filed by the Greyhound Employees Union to the conduct of the election among bus drivers and temporary dispatchers who hold seniority rights as bus drivers. In so far as these objections apply to the election among the maintenance employees, they raise no substantial or material issue with respect to its validity.

As to the results of the secret ballot among the maintenance employees, the Regional Director reported the following:

|   |     |
|---|-----|
| Total number of ballots counted.....  | 181 |
| Total number of votes for the International Association of<br>Machinists..... | 123 |
| Total number of votes for the Greyhound Employees Union.....                  | 58  |
| Total number of blank ballots.....  | 0   |
| Total number of void ballots.....   | 0   |
| Total number of challenged votes.....   | 0   |

Upon the entire record in the matter the Board makes the following:

#### SUPPLEMENTAL FINDINGS OF FACT

In order to insure to the employees of the Southwestern Greyhound Lines, Inc., and its subsidiary, the full benefit of their right to self-organization and collective bargaining, and otherwise to effectuate the policies of the Act, we find that all maintenance employees of these companies constitute a unit appropriate for the purposes of collective bargaining.

The election by secret ballot which was conducted among the maintenance employees pursuant to the Direction of the Board, resulted

in a vote for International Association of Machinists by a majority of the maintenance employees.

We find, therefore, that International Association of Machinists has been designated and selected by a majority of the employees in an appropriate unit as their representative for the purposes of collective bargaining. International Association of Machinists is, therefore, by virtue of Section 9 (a) of the Act, the exclusive representative of all the employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, and other conditions of employment.

Upon the basis of the above findings of fact, and upon the entire record in the matter, the Board makes the following:

#### SUPPLEMENTAL CONCLUSION OF LAW

All maintenance employees of the Southwestern Greyhound Lines, Inc., and its subsidiary, constitute a unit appropriate for the purposes of collective bargaining, within the meaning of Section 9 (b) of the National Labor Relations Act.

#### CERTIFICATION OF REPRESENTATIVES

By virtue of and pursuant to the power vested in the National Labor Relations Board by Section 9 (c) of the National Labor Relations Act, 49 Stat. 449, and pursuant to Article III, Section 8, of National Labor Relations Board Rules and Regulations—Series 1, as amended,

IT IS HEREBY CERTIFIED that International Association of Machinists has been designated and selected by a majority of the maintenance employees of the Southwestern Greyhound Lines, Inc., and its subsidiary as their representative for the purposes of collective bargaining, and that, pursuant to the provisions of Section 9 (a) of the Act, International Association of Machinists is the exclusive representative of all such employees for the purposes of collective bargaining in respect to wages, rates of pay, hours of work, and other conditions of employment.