

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 34

NEW BRITAIN TRANSPORTATION CO.

Employer ¹

and

AMALGAMATED TRANSIT UNION,
LOCAL 1706, AFL-CIO, CLC

Petitioner

Case No. 34-RC-1690

DECISION AND DIRECTION OF ELECTION

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before a hearing officer of the National Labor Relations Board, hereinafter referred to as the Board.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its authority in this proceeding to the undersigned.

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

1. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.
2. 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.
3. The labor organization involved claims to represent certain employees of the Employer.
4. 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.

The New Britain Transportation

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The Employer's name appears as amended at the hearing.

5. The Employer, a Connecticut corporation with its principal office located in Berlin Connecticut, is engaged in providing public bus transportation for the town of Berlin and school bus services for Berlin, Southington, and Meriden, Connecticut. The Petitioner seeks to represent a unit limited to the following employees employed at Berlin, Connecticut: 32 to 34 school bus, car and van drivers; a runner; and 2 bus monitors and aides. The Employer contends that the unit sought is inappropriate, and that the only appropriate unit is one which must also encompass a total of approximately 165 drivers, monitors and aides, fuelers, mechanics and maintenance employees employed at its Southington and Meriden facilities. The record indicates that the Berlin facilities are located approximately 6 miles from the Meriden facilities and approximately 12 miles from the Southington facilities, and that the Meriden and Southington facilities are approximately 6 miles apart.

There is no history of collective bargaining covering any of the positions at issue herein. However, the record reveals that for over 27 years the Petitioner and its predecessor have represented a separate unit at Berlin, composed of the Employer's line drivers performing public bus transportation, mechanics and maintenance employees.

In addition to the Employer's main office, the Berlin, Connecticut, location is also the site of the Employer's main garage. It is at the Berlin facilities where the Employer performs its major bus repairs,² all of its accounting and payroll functions, and most of its safety, training and hiring functions. In this regard, all school bus, van and car drivers are compensated under a uniform wage structure; receive the same fringe benefits; and are subject to the same rules and policies.

Situated at the Berlin office are the Employer's president, vice president, secretary, safety director and a dispatcher. The overall responsibility for managing the operations at Berlin is vested in the vice president. Direct supervision of the Berlin bus operations is vested in the Berlin dispatcher.

The Employer's Southington facilities include an office, and a garage where minor repairs and servicing is performed. Situated at the Southington office are the

² The record indicates that the Employer maintains a number of spare buses, which are housed at Berlin and are used to replace inoperative buses at all three locations.

Employer's treasurer, who is also responsible for managing the overall operations at Southington, and a dispatcher, who directly supervises the Southington bus operations. The Employer's Meriden facilities include an office, and a garage where minor repairs and servicing is performed. Situated at the Southington office are an operations supervisor, who is responsible for managing the overall operations at Meriden, and a dispatcher, who directly supervises the Meriden bus operations.

The record indicates that the school bus service that the Employer performs for the three towns is provided pursuant to three separate contracts it has with each of the respective towns. The record reveals a total of only 6 drivers permanently transferred among any of the three locations during the past year, and that only one of these involved the Berlin facilities. Although the record reveals approximately 200 instances of temporary driver interchange during the period from August 31, 1998 to January 29, 1999, less than half of these involved the Berlin facility, and only 11 involved temporary reassignments from Berlin to one of the other locations.

In *D & L Transportation, Inc.*, 324 NLRB 160 (1997) and *Dattco, Inc.*, 324 NLRB 323 (1997), the Board reaffirmed the application of the single location presumption to bus operations strikingly similar to those in the case at bar, and found that the presumption had not been overcome. Accordingly, based upon the foregoing and the record as a whole, I find that the following employees of the Employer constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All full-time and regular part-time school bus drivers, van drivers, car drivers, bus monitors and aides, and the runner employed by the Employer at Berlin, Connecticut; but excluding all other employees, office clerical employees, dispatchers, and guards, professional employees and other supervisors as defined in the Act.

DIRECTION OF ELECTION

An election by secret ballot shall be conducted by the undersigned among the employees in the unit found appropriate at the time and place set forth in the notices of election to be issued subsequently, subject to the Board's Rules and Regulations. Eligible to vote are those employees in the unit who were employed during the payroll period ending immediately preceding the date of this Decision, including employees

who did not work during that period because they were ill, on vacation, or temporarily laid off. Also eligible are employees engaged in an economic strike which commenced less than 12 months before the election date and who retained their status as such during the eligibility period and their replacements. Those in the military services of the United States may vote if they appear in person at the polls. Ineligible to vote are employees who have quit or been discharged for cause since the designated payroll period, employees engaged in a strike who have been discharged for cause since the commencement thereof and who have not been rehired or reinstated before the election date, and employees engaged in an economic strike which commenced more than 12 months before the election date and who have been permanently replaced. These eligible employees shall vote whether or not they desire to be represented for collective bargaining purposes by Amalgamated Transit Union, Local 1706, AFL-CIO, CLC.

To ensure that all eligible employees have the opportunity to be informed of the issues in the exercise of their statutory rights to vote, all parties to the election should have access to a list of voters and their addresses which may be used to communicate with them. *Excelsior Underwear, Inc.*, 156 NLRB 1236 (1966); *NLRB v. Wyman-Gordon Company*, 394 U.S. 759 (1969). Accordingly, it is hereby directed that within seven (7) days of the date of this Decision and Direction of Election, the Employer shall file with the undersigned, an eligibility list containing the *full* names and addresses of all the eligible voters. *North Macon Health Care Facility*, 315 NLRB 359 (1994). The undersigned shall make the list available to all parties to the election. In order to be timely filed, such list must be received in the Regional office, 280 Trumbull Street, 21st Floor, Hartford, Connecticut 06103, on or before February 12, 1999. No extension of time to file these lists shall be granted except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed.

Right to Request Review

Under the provisions of Section 102.67 of the Board's Rules and Regulations, a request for review of this Decision may be filed with the National Labor Relations

Board, addressed to the Executive Secretary, 1099 14th Street, N.W., Washington, DC 20570. This request must be received by the Board in Washington by February 19, 1999.

Dated at Hartford, Connecticut this 5th day of February, 1999.

/s/ Peter B. Hoffman
Peter B. Hoffman, Regional Director
Region 34
National Labor Relations Board

440-1720-0133; 440-3350