

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

JEFFERSON LINES

Employer

and

Case 17-UC-259

AMALGAMATED TRANSIT UNION, LOCAL 1498

Petitioner

DECISION AND ORDER

Upon a petition duly filed under Section 9(b) of the National Labor Relations Act, as amended, careful investigation and consideration took place.

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

Upon the entire record in this proceeding, the Regional Director 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 Petitioner proposes to clarify the existing bargaining unit of ATU represented employees employed by the Employer in Minneapolis and Albert Lea, Minnesota; Kansas City, Missouri; Tulsa, Oklahoma; and some facilities in Oklahoma City, Oklahoma to include all coach drivers, servicers and mechanics employed by the Employer at its various facilities throughout the United States. Specifically, the Petitioner seeks to include in the ATU bargaining unit employees employed at the Employer's facilities in Oklahoma City, Oklahoma; Billings, Montana; and Sioux Falls, South Dakota who are in bargaining units currently represented by other labor organizations.

3. Clarification of the bargaining unit is not warranted inasmuch as the evidence is insufficient to show recent substantial changes. The Board will not entertain a unit clarification petition seeking to change a historically established unit unless there have been recent substantial changes. *Bethlehem Steel Corp.*, 329 NLRB 243, 244 (1999). The investigation established that separate units of Jefferson Lines' employees represented by the Amalgamated Transit Union Local 1498 (ATU), the United Transportation Union Local 1042 (UTU), and the General Driver and Helpers Union, Local 749 (Teamsters), have historically existed and these units have separately represented employees employed by the Employer in units located in their respective cities through a series of successive collective bargaining agreements. It is established, therefore, that separate units are the clear historical practice of the parties. Clarification is not appropriate for upsetting an established practice of the parties. *Union Electric Co.*, 217 NLRB 666, 667 (1975).

ORDER

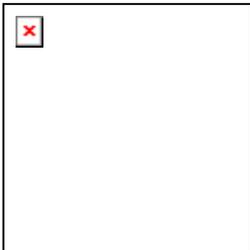
The petition filed in this matter is dismissed.

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, D.C. 20570. This request must be received by the Board in Washington by 5:00 p.m. (ET) on January 30, 2009.

The request may be filed electronically through the Agency website, www.nlr.gov,¹ but may **not** be filed by facsimile.

SIGNED at Overland Park, Kansas, this 16th day of January 2009.



/s/ Daniel L. Hubbel

Daniel L. Hubbel, Regional Director
National labor Relations Board
Region 17
8600 Farley, Suite 100
Overland Park, Kansas 66212

¹ To file the request for review electronically, go to www.nlr.gov and select the **E-Gov** tab. Then click on the **E-Filing** link on the menu. When the E-file page opens, go to the heading **Board/Office of the Executive Secretary** and click on the "File Documents" button under the box next to the statement indicating that the user has read and accepts the E-filing terms and click the "Accept" button. Then complete the filing form with information such as the case name and number, attach the documents containing the request for review, and click the Submit Form button. Guidance for E-filing is contained in the attachment supplied with the Regional Office's initial correspondence on this matter and is also located under "E-Gov" on the Board's website, www.nlr.gov.