

unit appropriate for the purposes of collective bargaining within the meaning of Section 9 (b) of the Act:

All journeymen mechanics employed at the Employer's plant at Ambridge, Pennsylvania, including mechanics' helpers, mechanic apprentices, maintenance men, body and fender mechanics, helpers and apprentices and their group leaders, but excluding all office and clerical employees, salesmen, service employees, parts department employees, washers, lubrication men, janitors, towing employees, undercoating employees, service station employees, guards, professional employees, and supervisors as defined in the Act.

### ORDER

IT IS HEREBY ORDERED that the petition filed herein in Case No. 6-RD-84, be, and it hereby is, dismissed.

【Text of Direction of Election omitted from publication.】

---

FULLANA CONSTRUCTION CO., INC. (EXTENSION SAN AGUSTIN PROJECT, RIO PIEDRAS) and UNION DE TRABAJADORES DE LA CONSTRUCCION Y RAMAS ANEXAS DE PUERTO RICO, (UGT), Petitioner. Case No. 24-RC-542. May 21, 1953

### DECISION AND ORDER

Upon a petition duly filed under Section 9 (c) of the National Labor Relations Act, a hearing was held before Francisco Romero, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3 (b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Houston, Murdock, and Styles].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organization involved claims to represent certain employees of the Employer.
3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9 (c) (1) and Section 2 (6) and (7) of the Act, for the following reasons:

The Petitioner seeks the establishment of a bargaining unit of the employees working in the Employer's construction project called Extension San Agustin Project. The Employer contends that an election<sup>1</sup> held on August 14, 1952, in a unit of

---

<sup>1</sup> That election was conducted by order of the Board in Fullana Construction Company, 24-RC-336, issued July 17, 1952.

the Employer's employees working in the San Agustin housing development is, at this time, a bar to the election sought by the Petitioner.<sup>2</sup>

The Employer is a general building and construction contractor engaged in the construction of private housing developments, two of which are located near Rio Piedras, Puerto Rico. The first project at this site, begun by the Employer in October of 1951 and now substantially completed, is the San Agustin housing development. In June of 1951 the Employer began construction of a second group of homes on a tract of land just south of the San Agustin housing development and separated from it by a highway. It is among the employees working in this second development, called Extension San Agustin Project, that Petitioner now seeks a representation election.

The records in this and the previous case involving the Employer<sup>3</sup> indicate that these two developments constitute a single unit for the purposes of collective bargaining. As indicated above, the developments are adjacently situated. Although they have been designated by different names and were separately approved by the appropriate planning board, they have been treated by the Employer as a single construction project. Thus, the same equipment, offices, and warehouse have served in the construction of both developments. Most of the employees working in the original project were either transferred to the southern project or were laid off the northern project when it was completed and were later hired, if available, in the southern project as construction progressed there. All supervisory personnel and timekeepers were transferred from the north to the south project. The Employer has maintained separate payrolls for each project only for accounting purposes and carries both on a single bank account.

The Decision and Direction of Election issued in the previous case<sup>4</sup> designated as the appropriate unit, "All construction and maintenance employees employed by the Employer at its San Agustin housing development at Rio Piedras."

In view of the facts set forth above and the records in these cases, we believe that the unit here petitioned for is not an appropriate unit, but an accretion to the unit in which the Board ordered an election in the previous case. We find, therefore, that the election held on August 14, 1952, is a bar to the election sought in this proceeding, and we shall dismiss the petition filed in the instant case.

## ORDER

IT IS HEREBY ORDERED that the petition herein, be, and it hereby is, dismissed.

<sup>2</sup>Section 9(c) (3) of the Act provides in part: "No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held."

<sup>3</sup>The parties incorporated in this case the record in the previous case by stipulation.

<sup>4</sup>See footnote 1, above.