

Brooklyn, NY

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

J. PIZZIRUSSO LANDSCAPING CORP.  
Employer

and

Case 29-RC-126256

LOCAL 1010 HIGHWAY ROAD AND  
STREET CONSTRUCTION LABORERS  
UNION, LABORERS INTERNATIONAL  
UNION OF NORTH AMERICA, AFL-CIO  
Petitioner

and

LOCAL 175, UNITED PLANT AND  
PRODUCTION WORKERS, INTERNATIONAL  
UNION OF JOURNEYMEN AND ALLIED  
TRADES  
Intervenor

DECISION AND CERTIFICATION OF REPRESENTATIVE

The National Labor Relations Board, by a three-member panel, has considered determinative challenges and an objection to an election held on May 15, 2014, and the Regional Director's report recommending disposition of them. The election was conducted pursuant to a Stipulated Election Agreement. The revised tally of ballot shows 8 for the Petitioner and 14 for the Intervenor, with 7 challenged ballots, a number sufficient to affect the results.

The Board has reviewed the record in light of the exceptions and brief, has adopted the Regional Director's findings and recommendations,<sup>1</sup> and finds that a certification of representative should be issued.

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<sup>1</sup> The Regional Director directed a hearing with respect to the 4 ballots challenged by the Petitioner and recommended sustaining the challenges to 7 ballots challenged by the Board Agent conducting the

## CERTIFICATION OF REPRESENTATIVE

IT IS CERTIFIED that a majority of the ballots have been cast for Local 175, United Plant and Production Workers, International Union of Journeymen and Allied Trades, and that it is the exclusive collective-bargaining representative of the employees in the following appropriate unit:

All laborers performing asphalt paving and concrete work, including but not limited to Site and Ground Improvement, Utility, Paving and Road Building Work as defined as: preparing for and performing all types of asphalt paving and concrete paving work, slurring including methacrylate and other similar materials and milling of streets and roads, and all other preparation work involved to prepare for resurfacing and to operate small power tools, operate all equipment necessary to install all types of resurfacing including sandblasting, chipping, scrapping of all materials, install and repair fences and all incidental work thereto to continue into parks, plazas, malls, housing projects, playgrounds, said work including but not limited to public highways and roads and bridges; including, but not limited to the digging of trenches, cable pulling, duct installation, and all subsequent work prior to final paving.

All asphalt slurry (protective polymer) restoration work, including all preparation for slurry and all bridges, temporary asphalt paving necessary on streets, sidewalks and private property and federal, city, local and state and roads subsequent to subway, sewer, water main, duct line construction and other similar type jobs.

Any laboring work related to the preparation, maintenance, cleanup, installation and removal of play equipment, slurry/seal-coating, line striping, and saw cutting not related to work performed by Local 175 under the landscape agreement with the Landscape Gardener Growers Association. Maintenance and protection of traffic safety for all work sites.

All other General Construction work related to asphalt and concrete paving. Safety watchman who perform signaling in connection with the handling of materials, watchmen on all construction sites, traffic control and all elements to ensure a safe work environment.

But excluding all work as covered by Article 1, Section 3 of the Local 175 IUJAT Collective Bargaining Agreement with the Landscape Gardener Growers Association, all cement finishing work under the jurisdiction of Operative

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election. Subsequently, the Petitioner withdrew its 4 challenges, and these 4 ballots were opened, counted, and included in the revised tally of ballots.

Plasterers and Cement Masons International Association of the United States and Canada, Cement Masons Union #780, all clerical workers, guards and supervisors as defined in Section 2(11) of the Act.

Dated, Washington, D.C., November 13, 2014.

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Mark Gaston Pearce, Chairman

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Philip A. Miscimarra, Member

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Kent Y. Hirozawa, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD