understanding is reached, embody such understanding in a signed agreement. The bargaining unit is:

All production and maintenance employees exclusive of office clerical employees, watchmen, watchmen-firemen, engineering personnel, professional employees, and all supervisors as defined by the Act.

WE WILL NOT effectuate unilateral changes in working conditions or in any other manner refuse to bargain collectively with the above-named labor organization.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce our employees in the exercise of their right to self-organization, to form, join, or assist any labor organization, to bargain collectively through representatives of their own choosing, and to engage in concerted activities for the purpose of collective bargaining or other mutual aid or protection, or to refrain from any or all such activities, except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment, as authorized in Section 8(a)(3) of the Act.

WE WILL make whole all employees in the appropriate unit for any loss of pay they may have suffered by reason of our withholding their holiday pay for May 30 and July 4, 1960.

THE CRESTLINE COMPANY,
Employer.

Dated_____ By_____
(Representative) (Title)

This notice must remain posted for 60 days from the date hereof, and must not be altered, defaced, or covered by any other material.

Daniel Construction Company, Inc. *and* United Association of Journeymen and Apprentices of the Plumbing and Pipefitting Industry of the United States and Canada, AFL-CIO, Petitioner. *Case No. 11-RC-1453. September 21, 1961*

DECISION AND DIRECTION OF ELECTION

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

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

1. The Employer [1] is engaged in commerce within the meaning of the Act.

2. The labor organization involved claims to represent certain employees of the Employer.

3. The Employer contends that no election should be held because: (1) its employees are scattered throughout the entire southeastern United States, their work is highly seasonal in nature, and they are hired on a temporary basis at the jobsite; and (2) the unit sought by the Petitioner is inappropriate.

Daniel Construction Company, Inc., is engaged in the construction of industrial and commercial plants in the southeastern United States.

[1] Reference to "Employer" means the Greenville division of Daniel Construction Company.

It operates through five divisions, with four of these divisions subcontracting the plumbing and pipefitting work for their projects. The other division, at Greenville, South Carolina, performs all its own pipefitting and plumbing duties on projects under its jurisdiction, located in the States of Florida, Georgia, Alabama, Tennessee, North Carolina, and South Carolina. Accordingly, it hires plumbers and pipefitters at the various jobsites. There is no prior history of collective bargaining for these plumbers and pipefitters.

While the various projects of the Greenville divisions vary in size and duration, there is a nucleus of pipefitters and plumbers employed at all times. These are hired at the jobsites and terminated at the completion of the project. The project manager and superintendent are assigned by the Greenville office, and they in turn hire foremen and pipefitters and supervise their work on the job. Despite the considerable degree of autonomy exercised by supervisors at each project, the overall personnel policies are set forth by the Greenville office.

The working conditions, skills, and nature of employment at all the construction locations throughout the six State area are very similar, even though the wage rates may vary from one project to another. Because of the nature of the construction industry, wherein projects are continually being started and completed, there is a minimum amount of interchange of employees in the sense of transfer of employees between permanent industrial establishments. However, preference is given to former Daniel pipefitters and plumbers in establishing the work force for new projects. It is common practice for foremen to take with them plumbers and pipefitters when they transfer from one project to another. These men act as a nucleus of the work force on each construction project.

At the time of the petition the Employer had 68 projects in operation, employing 600 or more plumbers and pipefitters. There is no indication that the Employer will not continue to employ a substantial force of plumbers and pipefitters in the future. The Petitioner seeks to represent the Employer's plumbers and pipefitters at the Employer's current and future projects.

Accordingly, we find that a question affecting commerce exists concerning the representation of certain employees of the Employer within Section 9(c)(1) and Section 2(6) and (7) of the Act.

4. The Employer contends that if any unit of plumbers and pipefitters would be appropriate, it would only be a unit limited to a specific project.

While many of the Employer's projects may be under construction for 18 months or longer, a great number of these are of much shorter duration. To recognize the Employer's contention and direct an election only in a single-project unit would in many instances be a meaningless ritual and serve no useful purpose.

In view of the centralized control of labor relations,[2] similarity of skills, functions, and working conditions at all projects,[3] along with the employee transfer between projects,[4] we 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 journeymen plumbers and pipefitters, pipefitter welders, and pipefitter helpers employed by the Company in building and construction work in the States of North Carolina, South Carolina, Tennessee, Alabama, Georgia, and Florida (Greenville division), excluding all other building trades craftsmen, engineers, draftsmen, foremen (working and nonworking), general foremen, clerical employees, professional employees, watchmen, guards, and supervisors as defined in the Act.

5. The Petitioner contends that all employees in the unit whose names appear on any payroll from January 1, 1960, to the date of the Direction of Election should be permitted to vote. During the hearing the Petitioner took the view that an employee on layoff who had worked 5 days for the Company in the year preceding the election should be eligible to vote.

The Employer contends that only employees employed on a constant and continual basis for a period of 6 months immediately prior to the Direction of Election should be allowed to vote.[5]

To adopt the Petitioner's contention as an eligibility formula would allow laid-off employees with no expectation of future employment to vote. Conversely, to adopt the Employer's contention would exclude a great number of employees with substantial periods of employment, albeit intermittent, and who were employed during the usual eligibility period. The record indicates that for various reasons, the Employer had experienced early in 1961 a temporary restriction in the number of plumbers and pipefitters employed. Accordingly, many such employees with otherwise continuous employment records for 6 months or more may have been laid off for periods of no more than a few days. This in no way detracts from their continuing interest in working conditions which would warrant their participation in an election to determine a representative for collective bargaining concerning the tenure and conditions of their employment. Furthermore, Congress has indicated an awareness of the peculiarly intermittent nature of working conditions in the construction industry, in enacting Section 8(f) of the Act wherein it has permitted the

[2] *McAllister's Dairy Farms, Inc.*, 118 NLRB 1117.

[3] *Cavendish Record Manufacturing Company, et al.*, 124 NLRB 1161.

[4] *Trammell Construction Company, Incorporated*, 126 NLRB 1365.

[5] The Employer offered no evidence at the hearing to support this contention, and has refused to supply information on the matter requested by the Board.

making of prehire contracts covering employees in that industry, and which require membership in a union after a period of only 7 days of employment rather than the period of 30 days applicable to employees in other industries.

Because of the nature of this industry, many employees experience intermittent employment, and may work for short periods of time on different projects. Furthermore, they may be employed by several different employers during the course of a year. As indicated by the record in the instant case, a plumber or pipefitter on a given job may not work every consecutive working day, but rather may experience short layoffs due to material shortages or because the pipefitting work is dependent on the work of various other crafts. In consideration of these facts, we find that all employees in the unit who have been employed by Daniel for at least 30 days in the 12-month period preceding the eligibility date for the election hereinafter directed have a continuing interest in their working conditions which would warrant their participation in an election to determine a representative for collective bargaining with the Employer concerning the tenure and the conditions of their employment.

Furthermore, it may well be that there are pipefitters who have not worked 30 days for Daniel in the past 12 months, but because of their employment in preceding years and expectancy of future employment have a substantial continuing interest in the conditions of employment by the Employer. We believe it is reasonable to conclude therefore, that pipefitters employed by Daniel, who, although having failed to receive 30 days of employment in the year immediately preceding the eligibility date for the election nevertheless have had some employment in that year and have worked at least 45 days in the past 2 years, have a sufficient continuing interest in their working conditions which would warrant their participating in a current election to determine a collective-bargaining representative. Accordingly, we direct that in addition to those in the unit who were employed during the payroll period immediately preceding the date of the Decision and Direction of Election, all employees in the unit who have been employed for a total of 30 days or more within the period of 12 months, or who have had some employment in that period and who have been employed 45 or more days within the period of 24 months, immediately preceding the eligibility date for the election hereinafter directed, shall be eligible to vote.

[Text of Direction of Election omitted from publication.]

MEMBER RODGERS took no part in the consideration of the above Decision and Direction of Election.