

**H.S.C. Management Corp., Petitioner and Local
32E, Service Employees International Union,
AFL-CIO. Case AO-310**

February 7, 1994

ADVISORY OPINION

BY CHAIRMAN STEPHENS AND MEMBERS
DEVANEY AND TRUESDALE

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on November 16, 1993, H.S.C. Management Corp. (the Employer) filed a Petition for Advisory Opinion as to whether the Board would assert jurisdiction over its operations. In pertinent part, the petition alleges as follows:

1. A proceeding, Case No. SE-58574, is currently pending before the New York State Employment Relations Board (SERB) in which the Union is seeking certification of certain employees employed by the Employer at 1140-1150 Anderson Avenue, Bronx, New York.

2. The Employer is in business as the managing agent for various residential apartment buildings and mixed residential commercial buildings located throughout the New York City boroughs.

3. During the calendar year 1992, the Employer had gross revenues of \$1 million in rent from tenants of residential rental apartment buildings it managed, and purchased fuel oil, building materials, and other goods and materials valued in excess of \$50,000 directly from outside the State of New York.

4. The Employer is unaware whether the Union admits or denies the aforesaid commerce data and SERB has not made any findings with respect thereto.

5. There are no representation or unfair labor practice proceedings involving the Employer pending before the Board.

Although all parties were served with a copy of the Petition for Advisory Opinion, no response was filed.

Having duly considered the matter, the Board is of the opinion that it would assert jurisdiction over the Employer. The Board has established a \$500,000 discretionary standard for asserting jurisdiction over residential apartment buildings.¹ As the Employer alleges that the total annual income from residential premises it manages and controls exceeds \$1 million, assuming the Employer is a single employer with respect to those premises, it is clear that the Employer satisfies the Board's discretionary standard. As the Employer further alleges that its annual out-of-state oil, building materials, and other goods and materials purchases exceed \$50,000, the Employer also clearly satisfies the Board's statutory standard for asserting jurisdiction.

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.²

¹ See *Parkview Gardens*, 166 NLRB 697 (1967); *Imperial House Condominium*, 279 NLRB 1225 (1986), aff'd. 831 F.2d 999 (11th Cir. 1987). The Board has traditionally aggregated the gross revenues derived from all residential buildings managed by an employer in determining whether the employer satisfied the Board's discretionary standard. See, e.g., *Mandel Management Co.*, 229 NLRB 1121 (1977).

² The Board's advisory opinion proceedings under Sec. 102.98(a) are designed primarily to determine whether an employer's operations meet the Board's "commerce" standards for asserting jurisdiction. Accordingly, the instant Advisory Opinion is not intended to express any view whether the Board would certify the Union as representative of the petitioned-for unit under Sec. 9(c) of the Act. See generally Sec. 101.40 of the Board's Rules.