

**205-215 Owners Ltd. and Paley Management Corp.
and United Service Employees Union, Local
377, R.W.D.S.U., AFL-CIO. Case AO-314**

July 25, 1994

ORDER DISMISSING PETITION FOR
ADVISORY OPINION

BY CHAIRMAN GOULD AND MEMBERS DEVANEY
AND BROWNING

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on May 23, 1994, Petitioners 205-215 Owners Ltd. (205-215) and Paley Management Corp. (Paley) filed a petition for Advisory Opinion as to whether the Board would assert jurisdiction over their operations. In pertinent part, the petition alleges that a proceeding, Case No. SU-58689, is currently pending before the New York State Employment Relations Board (NYSERB) in which the Union is seeking recognition by 205-215 and Paley of a one-employee bargaining unit at 205-215 East 88 Street, New York, New York, a building owned by 205-215 and managed by Paley. The petition alleges additional facts concerning the nature of the business of the Petitioners, including commerce data for these two organizations.

All parties were served with a copy of the petition for Advisory Opinion, and the Union filed a response on June 23, 1994, in which it states that the petition must be dismissed and/or that the Board should decline to issue an advisory opinion. In its response, the Union also states that it has withdrawn the proceeding before the NYSERB and includes a copy of its June 22, 1994 request for withdrawal of Case SU-58689 before the NYSERB.¹ The Union further contends that the Petitioners have not submitted proof that they meet the Board's jurisdictional standards and does not agree that the Petitioners are joint employers.

Having duly considered the matter,² we deny the petition for Advisory Opinion. The Board's longstanding policy, based on sound principles of administrative efficiency and economy, is that a petition for Advisory Opinion will not be entertained where, as here, there is no proceeding pending before any state agency or court which would make such an immediate jurisdictional opinion necessary.³

Accordingly, it is ordered that the petition for Advisory Opinion is dismissed.

¹ We have been administratively advised by the NYSERB that Case SU-58689 has been withdrawn.

² The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

³ See *J.G. Coward Jr. Ditching Service*, 139 NLRB 351 (1962).