

**Soloff Management Corp., Employer-Petitioner and
Local 32E Service Employees International
Union, AFL-CIO. Case AO-323**

May 19, 1995

ADVISORY OPINION

BY CHAIRMAN GOULD AND MEMBERS STEPHENS
AND TRUESDALE

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on April 25, 1995, Soloff 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 SE-58881, is currently pending before the New York State Employment Relations Board (the state board) in which Local 32E Service Employees International Union, AFL-CIO, the Union, is seeking certification of a one-member unit at 1225 Sheridan Avenue, Bronx, New York (the building), a 54-unit residential apartment building managed by the Employer.

2. The Employer, a corporation, is engaged in real estate management, and maintains its principal place of business at 2562 Briggs Avenue, Bronx, New York.

3. During the past year, the Employer had gross revenues in excess of \$1 million and purchased goods valued in excess of \$50,000 directly from outside the State of New York.

4. The commerce data has been neither admitted nor denied by the Union, nor has that data been considered by the state board.

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,¹ the Board is of the opinion that it would assert jurisdiction over the Employer. Although it cannot be determined from the allegations in the petition whether the Employer's operations would separately satisfy either the residential or the commercial standard established by the Board for employers that own and/or manage real estate,² inasmuch as the petition alleges that the Employer's gross revenues exceeded \$1 million in the past calendar year, and that its out-of-state purchases of materials or services exceeded \$50,000 during the same period, we find that it would effectuate the policies of the Act to assert jurisdiction over the Employer.³

Accordingly, the parties are advised that, based on the foregoing allegations and assumptions, the Board would assert jurisdiction over the Employer.⁴

¹The Board has delegated its authority in this proceeding to a three-member panel.

²See *Parkview Gardens*, 166 NLRB 697 (1967), and *Imperial House Condominium*, 279 NLRB 1225 (1986), affd. 831 F.2d 999 (11th Cir. 1987) (establishing \$500,000 standard for residential apartments and for condominiums and cooperatives, respectively); and *Mistletoe Operating Co.*, 122 NLRB 1534 (1959) (holding that jurisdiction will be asserted over commercial office buildings when the employer's gross annual revenue amounts to \$100,000, of which \$25,000 is derived from organizations whose operations meet any of the Board's standards exclusive of the indirect outflow or indirect inflow standards).

³See *135-45 West Kingsbridge Avenue Assoc.*, 300 NLRB 946 (1990); *Mandel Management Corp.*, 248 NLRB 186 (1980).

⁴The 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.