

Center County Corporation and Stationary Engineers Local 670, AFL-CIO. Case AO-334

March 20, 1996

ADVISORY OPINION

BY CHAIRMAN GOULD AND MEMBERS BROWNING
AND COHEN

Pursuant to Sections 102.98(a) and 102.99 of the National Labor Relations Board's Rules and Regulations, on February 13, 1996, Center County Corporation (the Petitioner) 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 SU-59027, is currently pending before the New York State Labor Relations Board (the State Board) in which Stationary Engineers Local 670, AFL-CIO (the Union) has filed an unfair labor practice charge.

2. The Petitioner manages and controls the residential premises located at 1026 President Street, Brooklyn, New York, which generates in excess of \$162,000 per year in income. The Petitioner also manages and controls several residential premises located in Yonkers, New York, including 373-381 South Broadway, Yonkers, New York, which generates in excess of \$508,000. The combined income exceeds \$660,000 per year, and the Petitioner's out-of-state oil purchases exceed \$45,000 per year.

3. The Petitioner is unaware whether the Union admits or denies the aforesaid commerce data and the State Board has not made any findings with respect thereto.

4. There are no representation or unfair labor practice proceedings involving the labor dispute 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 Petitioner. The Board has established a \$500,000 discretionary standard for asserting jurisdiction over residential buildings.² Here, the petition alleges that the combined annual income from the residential buildings managed by the Petitioner exceeds \$660,000. Thus, assuming the Petitioner is a single employer with regard to these buildings,³ the Petitioner clearly meets the Board's discretionary standard. As the petition alleges that the Petitioner's annual out-of-state oil purchases exceed \$45,000, the Petitioner also clearly satisfies the Board's statutory jurisdictional standards.

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

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

² See *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).

³ The Board has traditionally aggregated the gross revenues derived from all residential buildings managed by an employer in determining whether the employer satisfies the Board's discretionary standard. See, e.g., *Mandel Management Co.*, 229 NLRB 1121 (1977).

⁴ 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.