

In the Matter of MIDLAND BUILDING COMPANY, EMPLOYER *and* WARREN
MOFFIT, ET AL., PETITIONER *and* BUILDING SERVICE EMPLOYEES
UNION, LOCAL 96, A. F. OF L., UNION

Case No. 17-RD-4.—Decided August 20, 1948

DECISION

AND

ORDER

Upon a petition duly filed, a hearing was held before a hearing officer of the National Labor Relations Board. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Upon the entire record in the case, the National Labor Relations Board makes the following:

FINDINGS OF FACT

THE BUSINESS OF THE EMPLOYER

The Employer, a Missouri corporation, operates an office building containing 93,960 square feet of rentable space in Kansas City, Missouri; 19,926 square feet or 21.21 percent of this space is occupied by 15 different railroad companies. Other tenants include Western Union Telegraph Company, Acme Fast Freight Company, and several construction and manufacturing firms. The activities of these concerns, insofar as the Employer's building is concerned, are predominantly clerical.

The Employer purchases its maintenance supplies from local suppliers in Kansas City, Missouri, and engages a local company to provide parts and service for its elevators.

The Employer's operation of a general office building is essentially local in character.¹ While many of the Employer's tenants are clearly

¹ Cf. *10 East 40th Street Building, Inc. v. Callus*, 325 U. S. 578. Although our jurisdiction is broader than that under the Fair Labor Standards Act, and this decision is not decisive as to our legal jurisdiction in this situation, the characterization of such an enterprise by the Supreme Court as essentially local is of persuasive significance in a policy determination in connection with the assertion of jurisdiction.

engaged in interstate commerce, the activities of these tenants, insofar as the Employer's building is concerned, are predominantly clerical and constitute a relatively small and unimportant part of their interstate operations. The services rendered by the Employer's building maintenance employees are still more remote from the tenants' interstate operations. It seems unlikely that a stoppage or curtailment of the Employer's services and facilities would have more than a negligible effect on interstate commerce. Therefore, we are of the opinion that it would not effectuate the policies of the Act to assert jurisdiction in this case. Accordingly, we shall dismiss the petition.

ORDER

IT IS HEREBY ORDERED that the petition for investigation and decertification of representatives filed herein be, and it hereby is, dismissed.

MEMBER HOUSTON took no part in the consideration of the above Decision and Order.