

CORMQX, INC., D/B/A SOUTHLAND BUILDING AND ANNEX *and* BUILDING SERVICE EMPLOYEES INTERNATIONAL UNION, LOCAL 292, AFL. *Case No. 16-CA-235. June 7, 1951.*

Decision and Order Remanding Case

At the hearing in this case on March 14, 1951, after the introduction of evidence relating to the Respondent's operations and before any evidence was introduced on the merits, Trial Examiner John H. Eadie, without making any findings of fact, orally granted the Respondent's motion to dismiss the case on jurisdictional grounds.

Thereafter, the General Counsel filed a petition for review of the Trial Examiner's ruling, and the Respondent filed a brief in opposition to the petition.

The Board has reviewed the rulings made by the Trial Examiner at the hearing and finds that, except for the ruling dismissing the case, no prejudicial error was committed. Such rulings are hereby affirmed. The Board has considered the General Counsel's petition, the Respondent's brief, and the entire record in the case, and hereby makes the following findings of fact:

The Business of the Respondent¹

The Respondent, a Texas corporation, on December 31, 1947, bought two contiguous office buildings, known as the Southland Building and Annex in downtown Dallas, from Southland Life Insurance Company. Since then the Respondent has operated the buildings with about 35 employees (elevator operators, janitors, charwomen, etc.). It buys its supplies locally and receives practically no shipments from outside the State. No goods are produced or handled in the building.

The principal tenant is the vendor, Southland Life Insurance Company, which rents about half of the office space for its home headquarters, paying more than \$150,000 rental per year. This company is licensed to do business (writing life insurance policies and making loans) in seven States and the District of Columbia in addition to Texas. In 1950, it had slightly less than \$330,000,000 insurance in force in Texas and slightly more than that amount elsewhere.

On these facts we find that the Respondent is engaged in commerce within the meaning of the Act, and also that it will effectuate the purposes of the Act to exercise the Board's jurisdiction.² Accord-

¹ The findings of fact are based on undisputed and credible testimony.

² *Hollow Tree Lumber Company*, 91 NLRB 635. To the extent that the standards there laid down may have affected the Board's prior policy on office buildings (for example, *Corrigan Properties, Inc.*, 87 NLRB 252; *Central Tower, Inc.*, 84 NLRB 357; *Midland*

ingly, we shall reverse the Trial Examiner's ruling dismissing the case on jurisdictional grounds, and shall remand the case to the Trial Examining Division for appropriate further proceedings.

Order

IT IS ORDERED that the Trial Examiner's ruling dismissing the case be, and it hereby is, reversed.

IT IS FURTHER ORDERED that the case be, and it hereby is, remanded to the Trial Examining Division for appropriate further proceedings.

Building Company, 78 NLRB 1243), that policy was thereby overruled. See also *Tri-State Casualty Insurance Company*, 83 NLRB 828, enforced 188 F. 2d 50 (C. A. 10, March 21, 1951); *Intertown Corporation*, 90 NLRB 1145. Cf. *Hotel Association of St. Louis*, 92 NLRB 1664, where the Board declined jurisdiction over hotels because of announced congressional approval of a long-standing policy to that effect.

WILLIAM R. WHITTAKER CO., LTD. and INTERNATIONAL UNION, UNITED AUTOMOBILE, AIRCRAFT & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA, CIO (UAW-CIO), PETITIONER. *Case No. 21-RC-1592.*
June 7, 1951

Decision and Order Setting Aside Election

Pursuant to a Decision and Direction of Election,¹ dated February 28, 1951, an election by secret ballot was conducted in this case on March 23, 1951, under the direction and supervision of the Regional Director for the Twenty-first Region among the employees in the Whittaker Division plant of the Employer, the unit found appropriate in said Decision. At the conclusion of the balloting, the Board agent in charge of the election decided that under the circumstances, the counting and tabulating of the votes could not be accomplished in an orderly manner, and thereupon announced that he would impound the ballots, send the ballot box to the office of the Twenty-first Region, and count the votes at a later date. For reasons set forth below, the Regional Director has continued the impounding of the ballots.

On March 23, 1951, before the polls opened, the Employer filed his objections to the conduct and validity of the election and exceptions to the same; also his challenge to the ballot of every employee participating in the election.² On March 27, 1951, the Union filed its "Objections to Conduct of Election and Request That Ballots Remain Impounded Pending Final Report on Objections." Thereafter, on

¹ 93 NLRB 520.

² The Regional Director states that the Employer has failed to furnish proof of service of these objections to the Union. We find this failure is not material as the Employer's objections were fully considered in the Regional Director's report, of which the Union had notice. *Minnesota Mining & Manufacturing Co.*, 81 NLRB 557.

94 NLRB No. 171.