

The increased service work performed by the district representatives is the reason for this proceeding. The Union contends that the district representatives should now be added to the unit since their work is substantially the same as that of the servicemen in the Brockton area. The Employer does not dispute that the district representatives may properly be added to the unit, but it maintains that they should be entitled to vote on their inclusion.

When a new employee classification is created or the Employer's operations are expanded following a certification, it is Board's policy to include the new classification or the expanded operation in the unit if the employees involved are normal accretions to such unit, without an election, by amending the unit description.<sup>3</sup> Here, however, district representative is not a new classification since its existence antedates the certification, nor has the change in duties of the district representatives been tantamount to the creation of a new classification since their duties have gradually changed over a 10-year period. No employees in the district representative classification are employed outside the Scituate-Marshfield area. Thus, despite the change in their duties, the district representatives have not lost their distinctiveness as a geographically separate and identifiable classification which is separately supervised and which does not transfer or interchange with the servicemen.

In these circumstances, we believe that the district representatives are not an accretion to the existing unit and that they are therefore entitled to vote on whether they wish to be included in the unit. As the procedure for this purpose is a petition filed pursuant to the requirements of Section 9(c) of the Act, rather than through a motion or request to clarify, we shall dismiss the instant request.

[The Board dismissed the joint request for clarification of the unit.]

<sup>3</sup> See, e.g., *Continental Can Company, Inc.*, 127 NLRB 286.

**El Paso Country Club, Inc. and Local 628, Bartenders & Culinary Workers Union, Hotel & Restaurant Employees & Bartenders International Union, AFL-CIO.** *Case No. 28-RC-786 (formerly 33-RC-786).* August 10, 1961

#### DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before James W. Mast, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.<sup>1</sup>

<sup>1</sup> As the Employer, at the original hearing on September 16, 1960, refused to comply with a *subpoena duces tecum* to produce commerce information, and the evidence offered  
132 NLRB No. 69.

Upon the entire record in the case, the Board finds:

1. The Petitioner seeks to represent employees of the Employer, a member-owned country club which, since 1935, has provided recreation, restaurant, and catering facilities for its members. It urges the Board to assert jurisdiction over country clubs as a class, where they otherwise meet our jurisdictional standards, on the grounds that (1) they are basically dining places which compete with restaurants and hotels in providing meals, liquor, and catering facilities; and (2) some country clubs also compete with hotels and motels in furnishing lodging, although the Employer does not have such facilities. The Employer, on the other hand, contends that we should refuse to assert jurisdiction over nonprofit membership-owned country clubs as a class because their operations are essentially local in nature, and that an interruption of their activities due to a labor dispute would merely be a minor inconvenience to their members, with no substantial effect on interstate commerce.

The record shows that the Employer is a nonprofit membership corporation organized under Texas law and enjoying an Internal Revenue tax exemption on the basis that no part of its earnings inure to the benefit of any of its members. There are no shareholders.

The origin of the Employer's receipts during 1960 were as follows:

Restaurant and food.....	\$151,797.92
Dues and initiation fees.....	166,218.81
Liquor sales (through Cork Club).....	33,000.00
House operations.....	7,639.44
Golf.....	8,774.29
Serving of beverages (ice, mixes, etc.).....	28,784.60
Swimming and tennis.....	349.00
<b>Total</b> .....	<b>396,564.06</b>

Thus, the Employer's gross receipts from all sources for the year 1960 amounted to \$396,564.06. The Employer had no direct or indirect outflow from February 1960 to February 1961. Its direct out-of-State purchases during that period amounted to \$3,707.39. In addition, it purchased within the State, through its Cork Club, liquor valued at \$33,000 which originated outside the State.

It is clear that the Employer does not meet either the Board's retail jurisdictional standard of \$500,000 annual gross volume of business,<sup>2</sup>

by the Petitioner was inadequate to make a determination as to jurisdiction, the Board, on January 16, 1961, issued an order reopening the hearing and directing that evidence be taken concerning the impact of the Employer's operations on commerce. At the reopened hearing, on February 14, when the Employer again refused to comply with the subpoena, the hearing was adjourned *sine die*, and the Regional Director applied to the United States district court for enforcement of the subpoena. The application was denied by the court on the basis of the Employer's agreement to submit commerce data to the Board, which data were submitted at the reconvened hearing on May 19, 1961.

<sup>2</sup> *Carolina Supplies and Cement Co.*, 122 NLRB 88.

or the nonretail standard of \$50,000 annual inflow or outflow.<sup>3</sup> Accordingly, without deciding in this case whether we would assert jurisdiction over country clubs which do meet those standards,<sup>4</sup> we find that the Employer does not meet the Board's jurisdictional standards and, therefore, that it will not effectuate the policies of the Act to assert jurisdiction herein. Accordingly, we shall dismiss the petition.

[The Board dismissed the petition.]

<sup>3</sup> *Siemons Mailing Service*, 122 NLRB 81.

<sup>4</sup> In the absence of any specific standard for this type of operation, we have applied existing standards in the decision of this case, but we leave open the question whether to apply those standards in future cases involving similar employers.

**Crane Co., Chattanooga Division and Success Lodge 56, International Association of Machinists, AFL-CIO, Petitioner.**  
*Case No. 10-RC-4955. August 10, 1961*

#### DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before William E. Caldwell, hearing officer. The hearing officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.

Pursuant to the provisions of Section 3(b) of the Act, the Board has delegated its powers in connection with this case to a three-member panel [Members Leedom, Fanning, and Brown].

Upon the entire record in this case, the Board finds:

1. The Employer is engaged in commerce within the meaning of the Act.
2. The labor organizations<sup>1</sup> involved claim to represent employees of the Employer.
3. No question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Section 9(c)(1) and Section 2(6) and (7) of the Act, for the following reasons:

The Petitioner seeks to sever a unit composed of employees of the machine shop and of the machining department, the assembly and painting department and the tool and equipment department of the steel flange and valve departments from the production and mainte-

<sup>1</sup> District 50, United Mine Workers of America, Local Union 12827, herein called the Intervenor, intervened at the hearing on the basis of an existing contract with the Employer.