

For³ more than 7 months following the Board Order, the parties apparently bargained.⁴ It is the Employer's position that by Old Electralab's bargaining for 5 months in 1962 and by New Electralab's bargaining for over 7 months in 1963, it has satisfied the requirement of bargaining for a full certification year, and that its RM petition was therefore not premature.

We are not so persuaded. In *Mar-Jac Poultry Company, Inc.*,⁵ an employer's refusal to bargain during the certification year caused us to grant to a union a period of "at least one year of actual bargaining" from the date of the settlement agreement. Here, the Employer not only refused to bargain with the IAM during the certification year but also recognized another union as the bargaining agent of its employees. Furthermore, we are not satisfied on this record that either Old or New Electralab bargained in good faith at any time prior to April 19, 1963, when the Board approved the settlement stipulation. Under the circumstances, we find that IAM is entitled to at least 1 year of actual bargaining from that date. The instant petition is therefore untimely and we shall dismiss it.

[The Board dismissed the petition.]

⁴ Testimony taken at the hearing, held on December 19, 1963, reveals that the parties held their first postsettlement meeting on April 29 and bargained through November, at which time they reached an impasse in negotiations.

⁵ 136 NLRB 785.

Greenacres, Inc., d/b/a Woodland Hills Country Club and Miscellaneous Warehousemen, Drivers & Helpers, Local 986, I.B.T.C.W. & H. of A., Petitioner. Case No. 21-RC-8739. March 12, 1964

DECISION AND ORDER

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, a hearing was held before Hearing Officer Howard Fabrick. 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 operates a private golf and country club in Woodland Hills, California. It furnishes recreational facilities in the form of a golf course and a swimming pool to its members and their guests. It also sells food and beverages to its members and guests, operating for that purpose a restaurant, dining room, and bar. It does not, however, maintain or operate any housing facilities.

During the calendar year 1962, the Employer's gross revenues amounted to approximately \$587,000, of which \$365,000 represented gross annual sales of goods, products, commodities, and/or revenue from services, while \$222,000 represented dues and initiation fees of members.

The Employer contends that the Board should not assert jurisdiction because its operations do not satisfy the jurisdictional standard for retail enterprises.

The Board decided in *Walnut Hills Country Club*¹ that the retail standard is the applicable standard for operations of the nature engaged in by the Employer. In *Pennsylvania Labor Relations Board (Chartiers Country Club)*,² the Board, in determining whether or not the gross volume of business of a nonprofit organization such as the Employer's herein meets the Board's retail standard, did not count the annual dues of members as income derived from its retail operations. As the Employer's retail sales are less than the \$500,000 required,³ we find that it will not effectuate the policies of the Act to assert jurisdiction herein. Accordingly, we shall dismiss the petition.⁴

[The Board dismissed the petition.]

¹ 145 NLRB 81.

² 139 NLRB 741.

³ *Carolina Supplies and Cement Co.*, 122 NLRB 88, 89.

⁴ Member Leedom, who did not participate in the decision in *Walnut Hills*, *supra*, concurs in the result in this case as he would not under any circumstances assert jurisdiction over an operation such as this. See, e.g., his dissenting opinion in *Walter Carl Ray, et al., d/b/a Ray, Davidson & Ray*, 131 NLRB 433, 436.

The Bunker Hill Company and Boilermakers, Iron Ship Builders, Blacksmiths, Forgers and Helpers, AFL-CIO, Petitioner

The Bunker Hill Company and International Union of Mine, Mill and Smelter Workers, Petitioner

The Bunker Hill Company and Local Lodge No. 1425, International Association of Machinists, AFL-CIO, Petitioner

The Bunker Hill Company and United Steelworkers of America, AFL-CIO, Petitioner. Cases Nos. 19-RC-3317, 19-RC-3318, 19-RC-3320, and 19-RC-3324. March 13, 1964

DECISION AND DIRECTION OF ELECTIONS

Upon petitions duly filed under Section 9(c) of the National Labor Relations Act, a consolidated hearing was held before Hearing Officer John N. Zimmerman. The Hearing Officer's rulings made at the hearing are free from prejudicial error and are hereby affirmed.