

New Alaska Development Corp., S& S Apartments, Inc., Jefferson Court Apartments, Inc., Richardson Vista Apartments, Inc. and Construction and General Laborers Union, Local 341, affiliated with the Laborers International Union of North America, AFL-CIO. Case 19-RM-632

October 5, 1967

SUPPLEMENTAL DECISION, ORDER, AND DIRECTION OF ELECTION

BY CHAIRMAN McCULLOCH AND MEMBERS BROWN AND JENKINS

On February 24, 1967, the National Labor Relations Board issued a Decision and Order¹ in this proceeding, finding that it would not effectuate the policies of the National Labor Relations Act, as amended, to assert jurisdiction over the apartment houses which are the subject matter of this proceeding. On March 26, 1967, the Union filed a motion for reconsideration.² On June 16, 1967, the Board granted the Union's motion for reconsideration and invited the Employer to respond to the motion on or before July 3, 1967. The Employer has filed no response to the motion.

Pursuant to the provisions of Section 3(b) of the National Labor Relations Act, as amended, the National Labor Relations Board has delegated its powers in connection with this case to a three-member panel.

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

1. The Employer is composed of the four Washington corporations above named. New Alaska Corporation owns all the stock of the other three corporations. The four corporations have common officers and directors. The Employer, with its principal place of business in Alaska, is engaged in the operation of three apartment buildings in the Anchorage, Alaska, area. The parties stipulated that during the calendar year 1965 the Richardson Vista Apartments, which contains 412 units at an average monthly rental of \$150 per unit, was 80-percent occupied; S & S Apartments, which contains 206 units at an average monthly rental of \$125 per unit, was 80-percent occupied; and Jefferson Court Apartments, which contains 79 units at an

average monthly rental of \$125 per unit, was 65-percent occupied. The Employer's gross revenues from the three apartment houses for the calendar year 1965 were therefore in excess of \$900,000.

The Employer-Petitioner contends that the petition should be dismissed because its operations do not satisfy any of the Board's jurisdictional standards. We have, however, recently adopted the jurisdictional standards applied to retail enterprises and enterprises in the hotel and motel industry as the appropriate standard in asserting jurisdiction in the apartment house industry and now assert jurisdiction over apartment house enterprises having gross annual revenues of \$500,000 or more.³

As indicated above, the apartment houses herein have a gross annual revenue in excess of \$900,000. The parties also stipulated that during the calendar year 1965 the Employer-Petitioner purchased materials, used in the operation of the apartment houses in excess of \$50,000 from outside the State of Alaska, or from sources within the State of Alaska, who in turn had purchased the materials from outside the State of Alaska. Accordingly, we find that the Employer's operations affect commerce within the meaning of Section 2(6) and (7) of the Act and, as the Employer-Petitioner's annual gross revenues exceed \$500,000, we find that it will effectuate the policies of the Act to assert jurisdiction herein.

2. The labor organization involved claims to represent certain employees of the Employer.

3. A question affecting commerce exists concerning the representation of employees of the Employer within the meaning of Sections 9(c)(1) and 2(6) and (7) of the Act.

4. We find that the following employees of the Employer, as stipulated by the parties at the hearing, constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All maintenance, service, cleaning and janitorial, repair, yards, and grounds personnel employed by the Employer at its Anchorage, Alaska, operations, excluding guards, office and clerical personnel, professional help, and supervisors, as defined in the Act.

[Direction of Election⁴ omitted from publication.]

Direction of Election The Regional Director shall make the list available to all parties to the election. No extension of time to file this list shall be granted by the Regional Director except in extraordinary circumstances. Failure to comply with this requirement shall be grounds for setting aside the election whenever proper objections are filed. *Excelsior Underwear Inc.*, 156 NLRB 1236

¹ Not published in NLRB volumes

² At the request of the Union, the Board extended the time for filing a motion for reconsideration to March 28, 1967

³ *Parkview Gardens*, 166 NLRB 697

⁴ An election eligibility list, containing the names and addresses of all the eligible voters, must be filed by the Employer with the Regional Director for Region 19 within 7 days after the date of this Decision and