

Hudson-Halbrook, Inc. and AFL-CIO Laundry and Dry Cleaning International Union Local No. 44, et al. Case AO-112

June 25, 1968

ADVISORY OPINION

This is a petition filed on May 27, 1968, by Hudson-Halbrook, Inc., herein called the Employer for an Advisory Opinion in conformity with Sections 102.98 and 102.99 of the National Labor Relations Board Rules and Regulations, Series 8, as amended. On May 29, 1968, AFL-CIO Laundry and Dry Cleaning International Union, Local No. 44, herein called the Union, and its business agent, I. R. Reynolds, filed an answer to the petition.

In pertinent part, the petition and answer allege as follows:

1. A petition for a permanent injunction was filed by the Employer in the First Judicial District Court, Parish of Caddo, State of Louisiana, herein called the State Court, under Docket No. 184406, seeking, *inter alia*, to enjoin the Union and its business agent from picketing the premises of the Employer in Shreveport, Louisiana. On May 14, 1968, when the State Court maintained the declinatory exception of no jurisdiction and dismissed the injunction action, the Employer petitioned for a rehearing.

2. The Employer, a Louisiana corporation, operates a retail dry cleaning and laundry business under the trade name of "One Hour Martinizing" at 5800 Mansfield Road, City of Shreveport, Parish of Caddo, State of Louisiana. According to the Em-

ployer, it has an annual gross volume of business of approximately \$50,000 and has "only minimal inter-state business transactions, or inflow or outflow of goods or services in inter-state commerce."

3. In its answer, the Union has not admitted, denied, or agreed to the aforesaid commerce data.

4. The State Court has made no findings with respect to the commerce data.

5. No representation or unfair labor practice proceeding involving the same labor dispute is now pending before the Board.

On the basis of the above, the Board is of the opinion that:

1. The Employer is a retail enterprise engaged in the laundry and dry cleaning business in Shreveport, Louisiana.

2. The Board's current standard for the assertion of jurisdiction over retail enterprises within its statutory jurisdiction is an annual gross volume of business of at least \$500,000 (*Carolina Supplies and Cement Co.*, 122 NLRB 88, 89). Since the accuracy of the commerce data supplied by the Employer has not been impeached or seriously placed in doubt by the Union in its answer, we rely on this data for the purposes of rendering an Advisory Opinion. As it does not appear that the Employer's annual gross volume of business exceeds \$500,000, the Board's discretionary standard for the assertion of jurisdiction over retail enterprises has not been met.

Accordingly, the parties are advised, under Section 102.103 of the Board's Rules and Regulations, Series 8, as amended, that on the allegations submitted herein, the Board would not assert jurisdiction over the Employer's operations.