

Alameda Medical Group, Inc. and Local 250, Hospital & Institutional Workers Union, AFL-CIO, Petitioner. Case 20-RC-10095

February 3, 1972

DECISION AND ORDER

BY CHAIRMAN MILLER AND MEMBERS JENKINS
AND KENNEDY

Upon a petition duly filed under Section 9(c) of the National Labor Relations Act, as amended, a hearing was held before Hearing Officer Edgar Oliver. Following the hearing and pursuant to Section 102.67 of the National Labor Relations Board Rules and Regulations and Statements of Procedure, Series 8, as amended, this case was transferred to the Board for decision. Thereafter, briefs were filed by the Employer and the Petitioner.

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

The Board has reviewed the Hearing Officer's rulings made at the hearing and finds that they are free from prejudicial error. The rulings are hereby affirmed.

Upon the entire record in this case,¹ the Board finds:

The Petitioner seeks to represent certain employees of the Employer. The Employer contends that any impact its operations might have upon interstate commerce is remote and therefore is insufficient to warrant the assertion of jurisdiction by the Board. We agree with the Employer's contention.

¹ The Employer's request for oral argument is hereby denied because the record and briefs adequately present the issues and the positions of the parties

The Employer is an incorporated association of doctors engaged in the private practice of medicine. There are eight doctors engaged in such group practice at premises located in Alameda, California. Approximately 85 percent of their patients are residents of Alameda and the remainder come from nearby communities in California. The Employer has no hospital or in-patient facilities.

For the 12-month period ending May 31, 1971, the Employer's gross income was \$562,697. During this period, it received supplies directly from outside the State of California valued at \$1,170; and it received from companies located within the State supplies originating outside the State valued at \$5,900. The Employer paid premiums of \$25,300 to insurance companies in California for insurance covering its own personnel, and performed medical services amounting to \$7,200 for the employees of industrial companies located in Alameda, all of which companies appear to be engaged in interstate commerce.

While it appears that the Employer is engaged in the performance of services which are not wholly unrelated to commerce, we believe that its medical practice is essentially local in character and that the impact it has on commerce is not substantial enough to warrant our assertion of jurisdiction herein.² Accordingly, we shall dismiss the petition.

ORDER

It is hereby ordered that the petition filed in Case 20-RC-10095, by Local 250, Hospital & Institutional Workers Union, AFL-CIO, be, and it hereby is, dismissed.

² Cf. *Mayo Clinic*, 168 NLRB 557, *Quain and Ramstad Clinic*, 173 NLRB 1185, *Centerville Clinics, Inc.*, 181 NLRB No. 23, and *The Permanente II Medical Group*, 187 NLRB No. 143, where the operations involved were shown to have a pronounced impact upon commerce