

The Board has also gained much experience from other industries where employment is seasonal or of brief duration and the employees migratory or mobile, such as the fishing and construction industries, in addition to a miscellany of non-food seasonal industries, such as toy manufacturing, lawn mowers, recreation, soft drink, gift packing, greeting cards, etc.⁵ The Board has decided representation issues and conducted elections successfully in thousands of cases in these industries.

Accordingly, in my opinion, many of the principles, procedural practices, and techniques in these related or analogous industries would be readily applicable to agricultural employees now excluded from the Act.

There would, of course, still be some difficult and complicated problems. And the degree to which Board policies and practices evolved for other industries may be successfully transmuted to agricultural labor, to solve such problems, varies. Let us try to anticipate some of the problems that might arise and see if existing policies or principles apply or whether new solutions need be found by the Board or be provided by legislation.

Jurisdiction

Although the Board's statutory jurisdiction extends to all employers whose operations affect commerce, the Board has, with Congressional approval, limited the exercise of its power to those enterprises whose effect on commerce is substantial. It has done this by setting up monetary jurisdictional standards for different kinds of enterprises stated in terms of total dollar volume of business.

Since 1958 the standard for nonretail enterprises has been that the Board will assert jurisdiction over all nonretail operations which have an outflow or inflow across state lines of at least \$50,000 a year, whether such outflow or inflow be direct or indirect.⁶

(12) Feed mills: *Samuel B. Gass*, 154 NLRB 728; *Empire Milling Co.*, 117 NLRB 1782.

(13) Rice drying: *Sweetlake Land & Oil Co.*, 138 NLRB 155.

(14) Mushroom processing: *Oxford Royal Mushroom Products*, 139 NLRB 1015.

(15) Nursery stock: *Kelly Bros. Nurseries*, 140 NLRB 82.

⁵ (1) Fishing: *Alaska Salmon Industry, Inc.*, 110 NLRB 900, 81 NLRB 1335, 82 NLRB 1056; *Southern Shell Fish Company, Inc.*, 95 NLRB 957; *Seafood Producers Association of New Bedford, Inc.*, 95 NLRB 1137; *F. Akoto Company, et al.*, 129 NLRB 27; *Boat Sarafina II, Inc.*, 155 NLRB 910; *Casebeer & Poland*, 149 NLRB 742 (whaling); *Krist Gradis, et al.*, 121 NLRB 601; *Monterey-Sarine Industries, Inc.*, 26 NLRB 731; *Fisherman's Cooperative Association, et al.*, 128 NLRB 62.

(2) Construction: *Plumbing Contractors Association of Baltimore, Maryland, Inc.*, 93 NLRB 1081; *Daniel Construction Co.*, 133 NLRB 264; *Trammell Construction Company, Inc.*, 126 NLRB 1365; *Broomall Construction Company*, 127 NLRB 344; *Greene Construction Company*, 133 NLRB 152; *Sioux Falls Builders Association*, 143 NLRB 27; *Delmont Construction Company*, 150 NLRB 85; *R. B. Butler, Inc.*, 160 NLRB No. 131.

(3) Miscellaneous: *Musgrave Mfg. Co.*, 124 NLRB 258 (lawn movers); *Aspen Skiing Corp.*, 143 NLRB 707 (ski facility); *Coney Island*, 140 NLRB 77 (amusement park and concessions); *Sprecher Drilling Corporation*, 139 NLRB 1009 (oil well drilling); *Trade Winds Drilling Co.*, 139 NLRB 1012 (oil well drilling); *Baugh Chemical Co.*, 150 NLRB 1034 (fertilizer plant); *Micro Metalizing Company, Inc.*, 134 NLRB 293 (metal plating plant); *Pepsi Cola Bottling Co. of Chattanooga*, 132 NLRB 1441 (soft drink bottling); *The F. A. Bartlett Tree Expert Co.*, 137 NLRB 501 (follage spraying); *Lilliston Implement Co.*, 121 NLRB 868 (farm implements); *Mission Pak Co.*, 127 NLRB 1097 (gift packing plant); *Freeman Loader Corp.*, 127 NLRB 514 (farm tractor); *The Great Atlantic and Pacific Tea Company*, 116 NLRB 1463 (holiday season); *Root Dry Goods Co.*, 126 NLRB 953 (retail department store); *F. W. Woolworth Co.*, 119 NLRB 480 (retail store); *Brown Cigar Co.*, 124 NLRB 1435 (wholesale cigars).

⁶ *Siemons Mailing Service*, 122 NLRB 81.

The other jurisdictional standards are as follows:

Retail enterprises: \$500,000 gross volume of business. *Carolina Supplies and Cement Co.*, 122 NLRB 88.

Office buildings: Gross revenue of \$100,000, of which \$25,000 or more must be derived from organizations which meet any of the Board's standards other than the indirect standard for nonretail operations. *Mistletoe Operating Company*, 122 NLRB 1534.

Instrumentalities, links, and channels of interstate commerce: \$50,000 from interstate (or linkage) part of enterprise, or from services performed for employers which meet any of the Board's standards other than the indirect standard for nonretail operations. *HPO Service, Inc.*, 122 NLRB 394.

Public utilities: \$250,000 gross volume, or meet standard for nonretail. *Sioux Valley Empire Electric Assn.*, 122 NLRB 92.

Transit systems: \$250,000 gross volume. *Charleston Transit Co.*, 123 NLRB 1296 (Except taxicabs, to which the retail test (\$500,000 gross volume of business) shall apply. *Carolina Supplies and Cement Co.*, 122 NLRB 88.

Radio, television, telegraph, and telephone: \$100,000 gross volume. *Raritan Valley Broadcasting Co., Inc.*, 122 NLRB 90.

Newspaper enterprise: \$200,000 gross volume. *Belleville Employing Printers*, 122 NLRB 350.

National defense: Substantial impact on national defense. *Ready Mixed Concrete & Materials, Inc.*, 122 NLRB 318.

Business in the Territories and District of Columbia: D.C.—Plenary. *M. S. Ginn &*