

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PACIFIC LUTHERAN UNIVERSITY
Employer

and

Case 19-RC-102521

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 925
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of Election raises substantial issues warranting review solely with respect to the assertion of jurisdiction over the Employer and the determination that certain faculty members are not managerial employees. We thus grant the Employer's Request for Review with respect to those issues. In all other respects, the Employer's Request for Review is denied. The Employer's request to stay the election is also denied.¹

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

Dated, Washington, D.C., September 23, 2013.

¹ Member Miscimarra joins his colleagues in granting review regarding the jurisdictional and managerial issues. Additionally, Member Miscimarra would grant review regarding three other issues: (1) whether there is a sufficient community of interests among the various classifications of faculty members in the petitioned-for unit; (2) whether the Regional Director's eligibility formula is appropriate; and (3) whether an anonymous email survey was properly admitted into evidence as Petitioner's Exhibit 22 and given appropriate weight by the Regional Director. Member Miscimarra would grant review regarding these three additional issues because they are likely to overlap with and be significantly affected by the other issues being reviewed by the Board. Also, in the unusual circumstances presented in the instant case, Member Miscimarra would grant the Employer's request to stay the election because there are significant questions regarding the Board's jurisdiction over the Employer and the potential inappropriateness of the petitioned-for unit (based in part on the possible inclusion of faculty members who are managerial employees under *NLRB v. Yeshiva University*, 444 U.S. 672 (1980)); and there are likely to be significant changes in the composition of the unit and the identity of eligible voters while the Board considers and resolves the issues being accepted for review.