

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

DUQUESNE UNIVERSITY OF THE HOLY SPIRIT
Employer

and

Case 06-RC-080933

UNITED STEEL, PAPER AND FORESTRY, RUBBER,
MANUFACTURING, ENERGY, ALLIED INDUSTRIAL AND
SERVICE WORKERS INTERNATIONAL UNION, AFL-CIO, CLC
Petitioner

ORDER

The Employer's request to file a Special Appeal of the Acting Regional Director's Order Denying Motion to Withdraw from Stipulated Election Agreement and Request for Expedited Review is denied without prejudice.

The Special Appeal raises issues concerning statutory jurisdiction, which may not be necessary to decide. The election in this case has been conducted and the ballots impounded. If the Petitioner did not receive a majority of the votes cast, it may not be necessary to address the Employer's contention that it is not subject to the Board's jurisdiction. Conversely, if the Union did receive a majority of the votes cast, the Employer may renew its jurisdictional contention before the Board.

Accordingly, the proceeding is remanded to the Regional Director to open and count the ballots, to serve on the parties a tally of ballots, and to take further appropriate action.

MARK GASTON PEARCE, CHAIRMAN

SHARON BLOCK, MEMBER

MEMBER HAYES, dissenting:

I do not favor releasing parties from their election agreements, but in this case I see no choice. The Board's jurisdiction has been challenged. We must settle that issue to determine whether we can do anything else. If we lack jurisdiction, then we have no power to order the Regional Director to do the things my colleagues order to be done. Accordingly, I dissent.

BRIAN E. HAYES, MEMBER

Dated, Washington, D.C., September 14, 2012