

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

SAINT XAVIER UNIVERSITY
Employer

and

Case 13-RC-092296

SERVICE EMPLOYEES
INTERNATIONAL UNION, LOCAL 1
Petitioner

ORDER

On February 20, 2013, the Board issued an Order granting the Employer's Request for Review of the Regional Director's Decision and Direction of Election regarding whether the Board should deny jurisdiction because the Employer qualifies as a religious educational institution under the United States Supreme Court's decision in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979).¹ The Board also invited the parties to discuss in their briefs on review whether the Board should assert or deny jurisdiction over the specific petitioned-for employees, the Employer's housekeeping employees. On December 16, 2014, the Board issued its decision in *Pacific Lutheran University*, 361 NLRB No. 157, which specifically addressed, among other things, the standard the Board will apply for determining, in accordance with *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979), when we should decline to exercise jurisdiction over faculty members at self-identified religious colleges and universities.

At the time of the Board's Order, the composition of the Board included persons whose appointments were challenged as constitutionally infirm. On June 26, 2014, the United States Supreme Court issued its decision in *NLRB v. Noel Canning*, 134 NLRB 2550 (2014), holding that the challenged appointments to the Board were not valid. In view of that decision, we vacate the Order granting review and remand this proceeding to the Regional Director for further appropriate action consistent with *Pacific Lutheran University*.²

MARK GASTON PEARCE,	CHAIRMAN
PHILIP A. MISCIMARRA,	MEMBER
KENT Y. HIROZAWA,	MEMBER
HARRY I. JOHNSON, III,	MEMBER
LAUREN McFERRAN,	MEMBER

Dated, Washington, D.C., February 12, 2015

¹ On July 13, 2011, the Board granted review in a related case, *Saint Xavier University*, 13-RC-022025. That case was remanded on February 3, 2015.

² Members Miscimarra and Johnson adhere to their dissenting views in *Pacific Lutheran University*. Nevertheless, they agree with their colleagues that a remand is appropriate.