

**UNITED STATES OF AMERICA  
NATIONAL LABOR RELATIONS BOARD**

<b>SAINT XAVIER UNIVERSITY</b>	)	
	)	
<b>Employer,</b>	)	
	)	
<b>And</b>	)	<b>Case No. 13-RC-092296</b>
	)	
<b>SERVICE EMPLOYEES INTERNATIONAL</b>	)	
<b>UNION, LOCAL 1,</b>	)	
	)	
<b>Petitioner.</b>	)	

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**PETITIONER’S STATEMENT IN OPPOSITION TO REQUEST FOR REVIEW**

On July 7, 2015, the Employer filed a Request for Review of the Regional Director’s June 23, 2015 Supplemental Decision and Order in this case, which involves the application of the Board’s recent decision in *Pacific Lutheran University*, 361 NLRB No. 157, to a petition seeking to represent the Employer’s full-time and regular part-time housekeepers. Section 102.67(d) of the Board’s Rules and Regulations provide for the review of regional director actions “only where compelling reasons exist therefor,” and on specific grounds, one of which is a finding “that there are compelling reasons for reconsideration of an important Board rule or policy.” The Employer has failed to provide the Board with a “compelling reason” for review of the Regional Director’s Supplemental Decision and Order.

At the heart of the Employer’s Request for Review is a plea that the Board reconsider its decision in *Pacific Lutheran University*. Following the Board’s remand in this case for the purpose of taking “further appropriate action consistent with *Pacific Lutheran University*,” the Regional Director solicited positions on the issues from the parties. Neither party requested to reopen the record, which included a stipulation between the parties concerning the terms and

conditions of employment of the petitioned-for employees. The Regional Director's Supplemental Decision is based on the parties' own stipulations of fact, and is consistent with the Board's existing precedent, *Pacific Lutheran University*. The Employer's disagreement with the Board's decision in that case notwithstanding, it has not here provided a compelling basis for reconsidering that reasoned and clearly articulated rule.

Similarly, the Employer has provided no compelling basis for departing from established Board procedures to order a new election in this case. Despite having several opportunities to do so, at no time in the course of these proceedings has the Employer submitted any evidence supporting the contention that any one of the petitioned-for housekeepers perform a specific religious function. The argument that the Employer must now be permitted a new election in which to challenge votes on the basis of each individual's specific religious function is unfounded in light of the proceedings and stipulated facts in this case.

The Employer has failed to demonstrate any compelling reason for reviewing the Regional Director's Supplemental Decision and Order. The Petitioner thus respectfully requests that the Board deny the Employer's Request for Review and direct the Region to open the previously-impounded ballots in this case and issue an appropriate certification.

Respectfully submitted,

SERVICE EMPLOYEES INTERNATIONAL UNION,  
LOCAL 1,

By: s/ Michele Cotrupe  
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**AMENDED CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that she caused a true and correct copy of the foregoing **PETITIONER'S STATEMENT IN OPPOSITION TO REQUEST FOR REVIEW** to be served upon the following individuals via e-mail on July 14, 2015:

Amy Moor Gaylord ([amg@franczek.com](mailto:amg@franczek.com))  
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The undersigned attorney hereby certifies that she caused a true and correct copy of the foregoing **PETITIONER'S STATEMENT IN OPPOSITION TO REQUEST FOR REVIEW** to be served upon the following individuals via e-mail on July 15, 2015:

Mr. Peter Sung Ohr ([peter.ohr@nrlb.gov](mailto:peter.ohr@nrlb.gov))  
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