

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

The Employer's Request for Review of the Regional Director's Supplemental Decision is granted as it raises substantial issues warranting review. Under current precedent, the Board asserts jurisdiction over secular, non-teaching employees of religiously affiliated organizations. See, e.g., *Hanna Boys Center*, 284 NLRB 1080 (1987), *enfd.* 940 F.2d 1295 (9th Cir. 1991), *cert. denied* 504 U.S. 985 (1992). On review, the parties should address whether the Board should adhere to its current precedent, extend the test articulated in *Pacific Lutheran University*, 361 NLRB No. 157 (2014), to the non-teaching employees at issue here, or take a different approach.¹

PHILIP A MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., November 3, 2015

¹ Member Miscimarra joins his colleagues in granting review and in instructing the parties to address what standard should apply. However, as stated in his dissenting opinion in *Pacific Lutheran*, Member Miscimarra disagrees with the standard articulated in that case and would instead apply the standard articulated in *University of Great Falls v. NLRB*, 278 F.3d 1335 (2002), and he would therefore instruct the parties to address the applicability of *Great Falls* to the secular, non-teaching employees at issue here.