

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

THE WASHINGTON UNIVERSITY
Employer

and

Case 14-RC-206299

SERVICE EMPLOYEES INTERNATIONAL
UNION, LOCAL 1
Petitioner

ORDER

The Employer's requests for review of the Regional Director's Order Denying Employer's Motion to Stay Hearing and Order Denying Employer's Renewed Motion to Stay Proceedings are denied, as they raise no substantial issues warranting review.¹ We find that the Employer has not made a "clear showing" that extraordinary relief is "necessary under the particular circumstances of the case," as required by Section 102.67(j)(2) of the Board's Rules and Regulations.² Our Order addresses only the particular actions of the Regional Director for which review is requested under Section 102.67(c) of the Board's Rules and Regulations.

¹ Member Kaplan is not on the panel and took no part in deciding this case.

² As the requests for review seek review of the Regional Director's denial of its request to stay all proceedings (or, in the alternative, impound the ballots), the Employer is, in effect, seeking extraordinary relief pursuant to Sec. 102.67(j) of the Board's Rules and Regulations.

The Employer also filed with the Board a Renewed Request for an Immediate Stay of the October 25-26, 2017 Election and all Other Proceedings. We construe this renewed request as part of the Employer's request for review of the Order Denying Employer's Renewed Motion to Stay Proceedings, and not as a separate request for review of the Regional Director's Decision and Direction of Election.

Chairman Miscimarra would grant the Employer's Renewed Request for an Immediate Stay of the October 25-26, 2017 Election and all Other Proceedings insofar as it requests that the Board stay the election. For the reasons stated in his dissenting opinion in *Columbia University*, 364 NLRB No. 90, slip op. at 22-34 (2016), he believes that the Board lacks jurisdiction to conduct an election in the petitioned-for unit of graduate student assistants. He would grant the request to stay the election because, in his view, all parties would benefit from the Board's resolution of election-related issues before voting takes place. Chairman Miscimarra notes that the Employer retains the right to renew its request to stay all proceedings on the petition following the issuance of the tally of ballots.

More generally, this request for extraordinary relief involves application of the Board's Election Rule, with which Chairman Miscimarra continues to disagree for the reasons that he and

PHILIP A. MISCIMARRA,	CHAIRMAN
MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER

Dated, Washington, D.C., October 24, 2017

former Member Johnson stated in their dissenting views regarding the Rule. See 79 Fed. Reg. 74308, at 77430-74460 (Dec. 15, 2014) (dissenting views of Members Miscimarra and Johnson). While the Chairman continues to disagree with the revised Rule, the Employer has not raised the issue of the invalidity of the Election Rule or its application by the Regional Director. Accordingly, Chairman Miscimarra does not reach or pass on any question regarding the consequences of the Rule's application to the instant case. See Board's Rules and Regulations Sec. 102.67(d).