



United States Government

**NATIONAL LABOR RELATIONS BOARD**

**OFFICE OF THE GENERAL COUNSEL**

Washington, DC 20570

Mark J. Langer, Esquire  
Clerk, United States Court of Appeals  
for the District of Columbia Circuit  
E. Barrett Prettyman U.S. Courthouse  
333 Constitution Avenue NW, Room 5423  
Washington, DC 20001-2866

June 17, 2020

Re: *Duquesne University of the Holy Spirit v. NLRB*, Nos. 18-1063, 18-1078

Dear Mr. Langer,

The panel decision in this case denied enforcement of a National Labor Relations Board order applying the standard set forth in *Pacific Lutheran University*, 361 NLRB 1404 (2014), for determining when the Board will assert jurisdiction over faculty at religiously affiliated colleges and universities. Intervenor United Steelworkers' petition for rehearing en banc is pending. On June 10, the Board issued a decision in *Bethany College*, 369 NLRB No. 98 (2020), in which it overruled *Pacific Lutheran* in relevant part and adopted instead this Court's standard from *NLRB v. University of Great Falls*, 278 F.3d 1335 (D.C. Cir. 2002). In light of that decision, the Board no longer argues that rehearing is warranted.

Very truly yours,

s/David Habenstreit

David Habenstreit

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cc: all counsel (via CM/ECF)