

## Summary Of NLRB Decisions For Week Of April 3 - 7

April 18, 2017 | [National Labor Relations Board, Labor Relations](#)

The summary of NLRB decisions for the week of April 3-7 is [now available](#). **Summarized Board Decisions *Saint Xavier University*** (13-RC-092296; 365 NLRB No. 54) Chicago, IL, April 6, 2017. The Board (Members Pearce and McFerran; Acting Chairman Miscimarra, dissenting) found that the Board has jurisdiction over housekeepers employed by the Employer, a self-identified religious educational institution. Applying *Hanna Boys Center*, 284 NLRB 1080 (1987), the Board found that it will assert jurisdiction over the non-teaching employees of religious institutions or nonprofit religious organizations unless their actual duties and responsibilities require them to perform a specific role in fulfilling the religious mission of the institution. Regarding the petitioned-for housekeepers, the Board found that they do not have any teaching role or perform any specific religious duties or functions and are confined to the secular role of providing cleaning services to the Employer. Under these circumstances, the Board found that the exercise of jurisdiction would not create “serious constitutional questions” of the type the Supreme Court sought to avoid in *NLRB v. Catholic Bishop of Chicago*, 440 U.S. 490 (1979). Acting Chairman Miscimarra, dissenting, would decline jurisdiction over the Employer, a religiously affiliated institution, to avoid potentially interfering with rights protected by the Religion Clauses of the First Amendment. He would apply the standard announced by the D.C. Circuit in *University of Great Falls v. NLRB*, 278 F.3d 1335 (D.C. Cir. 2002) to all cases involving religiously affiliated institutions, whether or not the petitioned-for employees have faculty or non-faculty status, and would find that the Board is precluded from asserting jurisdiction here. Petitioner – Service Employees International Union, Local 1. Acting Chairman Miscimarra and Members Pearce and McFerran participated. [Continue reading on the NLRB's website](#).

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