UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

ISLAMIC SAUDI ACADEMY
Employer

and Case 05-RC-080474

ISLAMIC SAUDI ACADEMY EMPLOYEE
PROFESSIONAL ASSOCIATION (ISAEPA)
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Supplemental Decision is granted as it raises substantial issues solely regarding the issue of whether the Board must decline jurisdiction over the Employer's non-teaching employees because the Employer is a religious school. 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]

The Employer has also requested review of the Regional Director's June 14, 2012 Decision and Direction of Election in which he found that the Foreign Sovereign Immunities Act (FSIA) did not prevent the Board from asserting jurisdiction over the Employer because it is an instrumentality of a foreign government. In this respect, we deny the Employer's requests for review, filed on June 28, 2012 and September 29, 2015,

[1] The Petitioner has not requested review of the Regional Director's non-assertion of jurisdiction over the Employer's teaching employees and therefore we do not pass on this issue.

Member Miscimarra joins his colleagues in granting review. 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 (D.C. Cir. 2002), and he therefore requests that the parties also address the potential applicability of *Great Falls* to the secular, non-teaching employees at issue here.

for the reasons stated in the Regional Director's Decision and Direction of Election.

MARK GASTON PEARCE, CHAIRMAN

PHILIP A. MISCIMARRA, MEMBER

KENT Y. HIROZAWA, MEMBER

LAUREN McFERRAN, MEMBER

Dated, Washington, D.C., May 12, 2016.