



Office of the President

April 21, 2017

To the Manhattan College community:

Yesterday, the National Labor Relations Board issued a decision in the long-pending case involving Manhattan College's adjunct faculty. The NLRB majority ruled (2 votes to 1) to deny our request for review of the 2015 ruling that asserted the right of the NLRB to exercise jurisdiction over the College, except that the NLRB did make an unexplained determination to exclude adjunct faculty in the Department of Religious Studies from participation in an adjunct union that could result. We expect to hear from the Regional Director on what the next steps will be.

We continue to assert that under the Constitution, as interpreted by the Supreme Court, the NLRB lacks jurisdiction over us as a religiously affiliated institution. In this most recent ruling, it is important to note that the dissenting opinion is itself a strong endorsement of the College's argument. In that opinion, the Board member asserts that "the Board has no jurisdiction over faculty members at a school that (1) holds itself out to students, faculty and community as providing a religious educational environment; (2) is organized as a nonprofit; and (3) is affiliated with or owned, operated, or controlled, directly or indirectly, by a recognized religious organization, or with an entity, membership of which is determined, at least in part, with reference to religion."

The complete NLRB decision is attached to this email for your review. I want to reiterate that the issue motivating our position is not the issue of union representation itself. At issue is the question of whether the College has the right to pursue its Catholic mission and define responsibilities for that mission without government entanglement.

See this link for background on the case and the College's position with regard to the first amendment issues involved: <https://inside.manhattan.edu/offices/human-resources/adjunct-unionization-effort.php>

Thank you for your attention and I wish you a successful end of the semester. We will provide information on next steps as it becomes available.

Sincerely,

Brennan O'Donnell, Ph.D.

President

