

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 9**

**THE JEWISH COMMUNITY CENTER
OF GREATER COLUMBUS**

Employer

and

Case 09-RC-343754

**OHIO COUNCIL 8, AMERICAN FEDERATION OF
STATE, COUNTY & MUNICIPAL EMPLOYEES,
AFL-CIO**

Petitioner

DECISION AND ORDER DISMISSING PETITION

I. INTRODUCTION

On June 5, 2024, Ohio Council 8, American Federation of State, County & Municipal Employees, AFL-CIO (the Petitioner) filed a petition under Section 9(c) of the National Labor Relations Act (the Act) seeking to represent all full-time and regular part-time teaching employees, including assistant teachers, lead/co-lead teachers, specialists, substitute teachers, support/floater teachers, and team lead teachers, employed by the Jewish Community Center of Greater Columbus (the Employer or JCC-GC) at its Early Childhood Learning Community (ECLC) facilities located at 1125 College Avenue, Columbus, Ohio 43209; 150 East Dublin Granville Road, New Albany, Ohio 43054; and 6121 Olentangy River Road, Worthington, Ohio 43085; excluding all confidential and management-level employees and guards and supervisors as defined in the Act. The Employer is an Ohio non-profit corporation engaged in providing early childhood learning programs. There are approximately 117 employees in the petitioned-for-unit. The parties have stipulated, and I find, that the agreed upon unit set forth above is appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act.

A hearing officer of the National Labor Relations Board (the Board) held a hearing in this matter via video conference on June 17, 2024, during which the parties entered several stipulations. The only issue presented in this matter, as discussed in more detail below, is whether the Employer is exempt from the jurisdiction of the National Labor Relations Board as a religious institution. Election details, including the type of election to be held, are nonlitigable matters left to the discretion of the Regional Director. However, the parties were permitted to orally state and argue their position as it relates to the mechanics of this election. Both parties filed post-hearing briefs. I have carefully considered the positions and arguments presented by the parties on the single issue presented in this case. For the reasons discussed below, I direct that the petition be dismissed, absent withdrawal.

II. FACTS

The Employer is engaged in the operation of an Early Childhood Learning Community, which consists of three early-childhood care facilities. The Employer is registered as a 501(c)(3) not-for-profit organization. In its Internal Revenue Service tax documents, the Employer identifies itself as “a nonprofit human service agency offering a varied program that is Jewish in nature.” The facilities at issue in this proceeding are located in and around Columbus, Ohio. Approximately 400 total children are enrolled in these facilities. The enrolled children, who range in age from 6-week-old infants to 5-year-olds, are cared for and provided with a pre-school education. These children engage in activities ranging from physical play to learning Hebrew.

The facilities are inspected and licensed by the State of Ohio’s Department of Jobs and Family Services as childcare centers and are subject to the legal jurisdiction of the State of Ohio. None of the three Ohio facilities are listed on the publicly available Ohio Department of Education non-chartered, non-public school list. The Ohio Center Licensing Inspection Report for the Employer lists that it enrolls zero school aged children at its Columbus Avenue location, but this is because the State of Ohio defines a school aged child as a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than 15 years old. Alongside its child-care facilities, the Employer offers a variety of adult programming, such as a theater and fitness programs.

The Employer’s leadership consists of Chief Executive Officer Mike Klapper, Chief Operating Officer Ronnie Conn, Children’s Program Director Nikki Henry, Administrator at the New Albany Facility Jill Bradburn, Administrator at the North Facility Tiffany George, and Administrator at the East Facility Taryn Terwilliger. Mr. Klapper oversees the entire organization, and Mr. Conn oversees Early Childhood Services. Ms. Henry is the administrator above Ms. Bradburn, Ms. George, and Ms. Terwilliger in the Employer’s hierarchy.

The Employer’s Columbus facility shares a building with the Columbus Jewish School. The Employer’s north facility shares a building with the Beth Tikvah Synagogue, which is headed by Rabbi Rick Kellner. ^{1/} The Employer, at large, is affiliated with the Va’ad Ho’ir and Buckeye Kosher, by way of their mashgiach. The mashgiach works in and supervises the Employer’s kashrut kitchen, ensuring that the Employer maintains dietary restrictions required by the Jewish faith.

The Employer is governed by the Constitution of the JCC-GC. Article 1 of the Constitution describes the Employer’s mission and vision. Paragraph 4 of Article 1 prescribes that membership in the JCC-GC shall be open to all persons regardless of religion, if they have applied for membership and pay their dues. Paragraph 6 of Article 1 requires that a person be a member of the Jewish community of the Greater Columbus area and be a member of the JCC-GC in good standing in order to become a Trustee of the Employer. Paragraph 4 of Article 2 dictates that Trustees have the sole and exclusive control of managing the Employer. During the hearing on this matter, CEO Mike Klapper testified that all Board members must be Jewish.

^{1/} The record is not clear which facility the north facility is.

CEO Klapper, on cross-examination, however, testified that the JCC-GC does not set out any limits on who can be a member of the JCC.

The Employer employs teaching employees, i.e. assistant teachers, lead/co-lead teachers, specialists, substitute teachers, support/floater teachers, and team lead teachers at the three facilities at issue herein. There are approximately 120 teaching employees between the three facilities. These employees are responsible for caring for and educating the children enrolled at the three JCC-GC ECLC facilities. The employees are not required to be licensed teachers by the State of Ohio, but their conduct at work is subject to regulations promulgated by the State of Ohio and the Ohio Department of Jobs and Family Services.

Employees are provided an employee handbook by the Employer. Part I of the handbook describes the Employer's mission and vision, alongside the history of the Employer. Page 25 of the handbook describes the JCC-GC Shabbat guidelines, Kashrut Guidelines, and Passover Guidelines. The Shabbat guidelines state that the JCC-GC encourages Shabbat-related programs, that Jewish content must be the primary emphasis in Shabbat-related programs, that the JCC-GC closes at 6:00 pm Friday night and business offices are closed to honor Shabbat, that certain activities are and are not permitted on Shabbat, and that non-JCC-GC sponsored events at JCC-GC facilities must abide by Shabbat. The Kashrut guidelines require official JCC-GC events to serve kosher food only and stress that it is essential to maintain the sanctity of the kosher dietary guidelines within the workplace. The Passover guidelines explain that only foods labeled 'Kosher for Passover' may be brought into the facilities during Passover. Appendix A of the handbook identifies the months of the Jewish year and describes over a dozen Jewish holidays.

Parents of children at JCC-GC are also provided a handbook. In its Parent Handbook, the Employer provides parents with a description of a curriculum implementing a "Sheva Early Learning Framework." The handbook sections are identified in both Hebrew and English. The handbook describes a Sheva Early Learning Framework, identifying seven Hebrew lenses through which education is framed: *Masa*, *Tzelem Elohim*, *Brit*, *K'dushah*, *Hit'orerut*, *Drash*, and *Tikkun Olam*; i.e. Journey, Divine Image, Covenant, Holiness, Awakening, Interpretation, and Repair the World. The handbook notes that the JCC-GC facilities are closed for certain Jewish holidays, have programming for the children regarding Jewish holidays, and maintain kosher kitchens.

III. LEGAL ANALYSIS

A. Board Law

In considering whether a self-identified religious organization, otherwise under the National Labor Relations Board's jurisdiction, nevertheless falls outside of the Board's jurisdiction due to being a *bona fide* religious institution, the Board applies the three-part test articulated by the D.C. Circuit Court of Appeals in *Univ. of Great Falls v. NLRB*, 278 F.3d 1335, 1341 (2002) and adopted by the Board in *Bethany College*, 369 NLRB No. 98 (2020). See also *Saint Leo University*, 373 NLRB No. 121, 1 (2024). This is consistent with the Supreme Court's decision in *NLRB v. Catholic Bishop of Chicago*, declining "to construe the Act in a manner that

could, in turn, call upon the Court to resolve difficult and sensitive questions arising out of the guarantees of the First Amendment Religion Clauses.” 440 U.S. 490, 507 (1979). The Board “must decline to exercise jurisdiction” over an institution that:

- (a) “Holds itself out to students, faculty, and community as providing a religious educational environment;”
- (b) Is “organized as a nonprofit;” and
- (c) 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.”

Great Falls, 278 F.3d at 1343-1344.

As applied in *Bethany College*, the first prong of the test may be met by a showing of a religious educational environment in documentation such as affirmations of *bona fide* religious beliefs in handbooks, job postings, etc. *Bethany College*, 369 NLRB at 6 (relying on, among other things, the employer’s handbook, in finding that prong one was met); see also, e.g., *Carroll College, Inc. v. NLRB*, 558 F.3d 568, 572 (D.C. Cir. 2009) (examining documentary evidence, including a mission statement, in finding that an educational institution held itself out to students, faculty, and the broader community as providing a religious educational environment). The second prong may be met by a showing that the organization is a 501(c)(3) nonprofit institution. *Id.* While the Board in *Bethany College* did not explore the third prong at length, it found the prong easily satisfied when an organization has a direct association with a religious house of worship or established religious order. *Id.* at fn. 10. The term “affiliated” is not well defined in the case law. In *Bethany College* and *Great Falls*, the Board and the D.C. Circuit, respectively, used “affiliated” virtually synonymously with religious ownership, control, or operation. Moreover, the D.C. Circuit pulled the term from the procedural history in *NLRB v. Catholic Bishop of Chicago*, *supra*, a case that involved schools operated by a church. Thus, in this context, “affiliated” connotes a relationship between a school and house of worship that is stronger than its ordinary meaning might imply. The D.C. Circuit’s opinion in *Carroll College*, *supra*, distinguished the term “affiliated” from the other indicia. There the court found that the college was affiliated with a recognized religious organization based on the fact that its articles of incorporation provided that it was “related” to a synod of the United Presbyterian Church and, pursuant to an agreement with the synod, it was bound to “recognize and affirm its origin and heritage in the concern of the [c]hurch.” *Id.* at 573.

The Board most recently considered the application of *Bethany College* in *Saint Leo University*, 373 NLRB No. 121 (2024). The Board affirmed the administrative law judge’s decision that the University was exempt from the Board’s jurisdiction under *Bethany College*. *Id.* at 2. Considering the first prong, the Board found that the University’s public identity statement and mission statement were sufficient to find that it held itself out to students, faculty, and the community as providing a religious educational environment. *Id.* at 3. In considering argument that any religious elements of the University were outweighed by secular factors, the Board noted that *Bethany College* “does not provide for judging whether the Respondent’s

religious nature is outweighed by its secular nature” and that the Board is “not free to question the sincerity of the Respondent's representations regarding its religious character.” *Id.* at 4. The Board found no dispute that the university was a 501(c)(3) organization and then, considering the third prong, noting that “[e]lements of religious ownership, operation, and control are not required under this prong--the test may be met based on affiliation alone.” *Id.* at 5. The third prong was found to be satisfied by a showing that the university maintained a relationship with the Saint Leo's Abbey and the Holy Name Monastery and that the board of the university was required to seat a member from the Saint Leo Abbey and a second member from the Benedictine Sisters. *Id.*

B. Position of the Parties

1) The Employer's Position

The Employer is of the position that the Regional Director must decline jurisdiction in this matter inasmuch as it contends that it is a religious institution exempt from the National Labor Relations Act (the Act) under the *Bethany College* analysis. The Employer argues that it satisfies all of the *Bethany College* criteria to be considered a religious institution under the Act inasmuch as it holds itself out as a Jewish institution, is organized as a nonprofit, and is controlled directly by a Jewish institution. In support of its contention that the Employer holds itself out to the public as a Jewish institution, it argues that its mission and vision statements evidence Jewish heritage, both in the Employer's constitution and its employee handbook. Further, the Employer presented evidence that its teachers, students and parents celebrate traditional Jewish holidays together as part of the Employer's curriculum for its students. Evidence was presented that teachers incorporate Jewish culture and heritage into their lesson plans, which are shared with parents. The Employer maintains that its handbook prescribes a vision and guidelines specific to a Jewish institution, namely the mission and vision statements and Kashrut guidelines, a traditional Jewish dietary practice. The Employer argues that it is held out to and viewed by the public as Jewish inasmuch as, unfortunately, it has faced bomb threats and security concerns directed at it on account of its association with the Jewish faith. With regard to the second *Bethany* prong, the Employer provided documentation supporting the finding that it is a 501(c)(3) non-profit organization (the Petitioner does not dispute that the Employer is a non-profit organization).

Finally, the Employer argues that it is affiliated with and controlled directly by a religious organization. The Employer first argues that two of the three schools at issue here are located inside the same buildings as the Beth Tikvah Synagogue and the Columbus Jewish Day School. The Employer argues that the standard set forth in *Great Falls* and adopted in *Bethany College* does not require a direct association between the Employer and the synagogue or school and argues that interpreting the term “affiliated with” in *Bethany College* as meaning “associated with” would run afoul of the Establishment Clause of the United States Constitution as doing so would impermissibly narrow the scope of the rule to favor certain religions, such as Christian religions, over others. The Employer next argues that the Early Childhood Learning Community (ECLC) is controlled by the JCC-GC Board of Trustees and Board of Directors. In this regard, the Employer presented evidence that membership on these Boards is determined in part by reference to religion and contends that its members must be Jewish. Thus, the Employer

contends that it satisfies the three elements of *Bethany College* and is excluded from the Board's jurisdiction as a religious institution.

Finally, apart from the *Bethany* analysis, the Employer argues that, even if it were found to be subject to the Board's jurisdiction, a Board requirement to engage in collective bargaining or compliance with a remedy in a potential future unfair labor practice proceeding would violate the Religious Freedom Restoration Act.

2) The Petitioner's Position

The Petitioner argues that the Employer is not a religious institution of higher education, or even a religious institution, but rather a human service agency that has chosen, as a part of its various operations, to operate a childcare center. As such, the Petitioner contends that the *Great Falls* standard, as adopted in *Bethany College*, does not apply and that the Board has jurisdiction over the Employer. Assuming, *arguendo*, that *Bethany College* does apply, the Petitioner argues that the Employer is not governed directly or indirectly by a religious organization or entity. Finally, the Petitioner argues that the Employer has, effectively, admitted to being within the Board's jurisdiction by educating its staff about the National Labor Relations Act and employee rights under the Act.

The Petitioner contends that the *Bethany College* standard does not apply. In this regard, it argues that the decisions culminating in *Bethany College* concerned institutions of higher education. Further, the Petitioner argues that no cases or Board decisions have extended *Bethany College* to human service agencies; rather, cases have trended towards limiting the *Bethany College* standard to religious institutions of higher education. As such, the Petitioner contends that the Employer is merely a community center offering a childcare program and the Board retains jurisdiction. In support of this contention the Petitioner presented evidence that the Employer is licensed and regulated by the State of Ohio as a childcare center and states in its constitution and mission statement that it is a human service agency. Additionally, the Petitioner presented evidence that the Employer offers community programming, such as fitness classes and recreational programs, alongside its early childhood services, has no school aged children enrolled, and that there is no synagogue, religious order, or cleric responsible for establishing or reviewing the Employer's childcare program. Assuming, *arguendo*, that the *Bethany College* standard does apply, the Petitioner argues that the Employer cannot satisfy the first or third elements. As noted above, the Petitioner admits that the Employer is a non-profit organization, thus satisfying the second *Bethany* prong.

With regard to the first *Bethany* element, the Petitioner argues that the Employer is not a religious institution and, thus, cannot hold itself out as religious. The Petitioner argues that the Employer holds itself out as a human services agency providing services to the community, regardless of faith. With regard to the third element, the Petitioner argues that the Employer is not governed, controlled by, or subject to an agreement with a religious order, synagogue, clergy, or other religious entity. While the Petitioner admits that the Board of Trustees has authority over the Employer, and that being a member of the Jewish community of the Greater Columbus Area is a requirement of trusteeship, the Petitioner argues that the term "membership of a Jewish

community” is not defined and therefore does not explicitly require adherence to Judaism as a requirement of trusteeship.

Additionally, the Petitioner argues that the Employer admitted to jurisdiction by meeting with prospective bargaining unit employees to explain employee rights under the Act and outlining the Board’s election process without explaining the Employer’s theory that it was outside of the Board’s jurisdiction,

Contrary to the Employer, the Petitioner, contends that the Board may run afoul of the Establishment Clause by finding that the Employer is outside of the Board’s jurisdiction. The Petitioner argues that the Board must take jurisdiction over the Employer in order to remain neutral, as required by the Constitution, and that to do otherwise would indicate that non-profit employers, otherwise under the Act’s jurisdiction, may avoid collective bargaining by hiding behind a cloak of religiosity. In this regard, the Petitioner argues, that the State of Ohio has exercised regulatory jurisdiction over the Employer. Likewise, with regard to the Employer’s argument under the Religious Freedom Restoration Act, the Petitioner argues that the Employer has failed to identify a substantial burden imposed by the National Labor Relations Act or the National Labor Relations Board. The Petitioner argues that any burden identified is speculative and thus the Employer has no standing. The Petitioner additionally argues that the Employer has submitted to governmental oversight, by the State of Ohio, and that any speculative burden imposed by the Board would be no greater than the burden, or lack thereof, already applied to the Employer by the State of Ohio.

C. Determination

Upon consideration of the parties’ positions, arguments made in their post-hearing briefs, and the applicable law, I find the Board does not have jurisdiction in this matter inasmuch as the Employer is a religious institution. I find that *Bethany College* provides the appropriate framework for analyzing and deciding this case. Although the Petitioner contends that the Employer is a human service agency operating a childcare center as opposed to a religious school, *Bethany College*, as affirmed and applied by the Board in *Saint Leo University*, applies to “religious educational institution(s)” 373 NLRB No. 121 (2024), which the Employer herein is. While the Petitioner contends that the *Bethany College* analysis should be limited to institutes of higher education and argues that the Employer does not have any students of school-age under Ohio regulations, the test, as applied by the Board, has no such requirement. The test is not limited to a particular education level or age range for the students. I further find unpersuasive the argument that the Employer admitted to jurisdiction by its presentation to employees. The Petitioner cites no authority for this novel argument, and I reject it. As will be addressed below, there is sufficient evidence that the Employer’s three childcare facilities at issue herein are religious educational institutions and thus *Bethany College* is the appropriate lens through which to consider jurisdiction.

The first prong of *Bethany College* has been met in this case. The Employer undeniably has a Jewish identity, and it has met its burden of proving that it holds itself out to the greater community as providing a religious education environment. The Employer holds itself out to its students, who are pre-school aged children, as providing a religious education. In this regard, the

educational programming offered to the children, as described by the Employer in its representations to children and their parents, contains components that are religious and faith-based in nature. In its Parent Handbook, the Employer provides parents with a description of a curriculum where “Judaic elements are seamlessly weaved into [the] curriculum and throughout the day.” This curriculum for students, as explained to their parents, implements a “Sheva Early Learning Framework,” identifying seven Hebrew lenses through which education is framed. Students are provided with pre-school educational programming in an environment that is framed through Judaism. The Employer has additionally shown that it holds itself out as providing a religious education environment to its faculty. The Employer’s handbook, provided to all faculty, states its Shabbat, Kashrut, and Passover guidelines. These guidelines evidence a Jewish identity for the organization. The Shabbat policy concerns the education of students. Under that guideline, teachers are encouraged to have Shabbat-related programming for their students, with Jewish content required as the primary emphasis when Shabbat-related programming is conducted. Although this policy does not require Shabbat education, the policy, alongside the Kashrut and Passover guidelines in the handbook, shows that the Employer holds itself out to the teachers as having a religious education environment, as opposed to a purely secular environment. As it pertains to the wider community, the Employer holds itself out in its Internal Revenue Service filings as a nonprofit human service agency with an ECLC that, among other things, states that children learn traditional Jewish values through Jewish programming, learning Hebrew, and celebrating Jewish holidays, traditions, and history. The Employer’s publicly available June-August 2024 Program Guide, in discussing the ECLC, lists its specialty instruction in Hebrew, Judaics, Physical Education, STEAM (Science, Technology, Engineering, Arts, and Mathematics), and Music. Thus, the Employer’s description of its programming on publicly filed and released documents supports a finding that it holds itself out to the public as providing a religious education environment. The program is held out as providing education, both religious and secular: while students learn music and physical education, they also learn Hebrew and Judaics. The Employer additionally holds itself out in its constitution, employee handbook, and parent handbook as a Jewish organization. For the foregoing reasons, I have concluded that the Employer has sufficiently shown that it holds itself out to students, faculty, and the public as providing a religious educational environment. Indeed, the Employer’s public facing documents and mission statement alone are sufficient for a finding that this prong is met. See *Saint Leo University* at p.3. The second prong of *Bethany College* is also met inasmuch as it is undisputed that the Employer is a 501(c)(3) non-profit organization.

I also find that the Employer has satisfied the third prong of the *Bethany College* analysis, i.e. that it 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 evidence demonstrates that the Employer is affiliated with the Va’ad Ho’ir (rabbinic council) and the Beth Tikvah Synagogue. The Employer is affiliated with the Va’ad by virtue of their mashgiach, who is responsible for working in and supervising the Employer’s kashrut kitchen to ensure that the Employer maintains its required Jewish dietary standards. Further, the Employer leases space from the Beth Tikvah Synagogue, which is headed by Rabbi Rick Kellner. It is undeniable that the Synagogue is religious in nature. These ties, to religious organizations, standing alone, satisfy the affiliation requirement. Therefore, because the Employer is affiliated with both the Va’ad and the Beth Tikvah Synagogue, the Employer satisfies the third prong of *Bethany College*.

The Employer and Petitioner disagree over whether the composition of the Employer's Board of Directors and Board of Trustees, who control the ECLC, satisfies the third prong of *Bethany College*. Before exploring this issue, I note that the Board's *Bethany College* analysis must be limited to avoid running afoul of the First Amendment to the Constitution of the United States, i.e. the Board does not have the authority to examine the manner or degree in which the Employer is a religious institution, only whether it is or not. The Board cannot inquire into whether the teachers, students, or other staff *are* Jewish, or whether the teachings are sufficiently religious, as doing so would inquire beyond the scope of the Board's Constitutional authority. Likewise, it is therefore inappropriate to analyze the actual religious beliefs of the Board of Trustees and Board of Directors in determining jurisdiction under *Bethany College*. Rather, the Board is limited in its analysis to the mechanics of the qualifications for membership on the Board of Trustees and Board of Directors under the third *Bethany College* prong.

To be a member of the Board of Trustees, the only two requirements, as outlined by the JCC-GC's constitution, are: (1) to be a member of the Jewish community of the Greater Columbus area; and (2) a member in good standing of the JCC-GC. There is no definition as to what a member in good standing in the JCC-GC is. There is no metric or reference to religion to determine good standing. Further, to be a member of the Jewish community of Greater Columbus is not defined in the JCC-GC constitution. During the hearing on this matter, CEO Mike Klapper testified that all Board members must be Jewish but also testified that the JCC-GC does not set out any limits on who can be a member of the JCC. Given this, that it is inappropriate to look at the actual beliefs of the Trustees, and that the mechanics of Trustee membership speaks for itself, Klapper's testimony is insufficient to draw a conclusion. Although I find the Employer's affiliation with both the Va'ad and the Beth Tikvah Synagogue, standing alone, to be sufficient to satisfy the third prong of the *Bethany College* analysis, I find the requirement of membership in the "Jewish community of Greater Columbus" in order to serve on the Board of Trustees to be supportive of this conclusion, while avoiding taking the impermissible step of delving into the religiosity or beliefs necessary to being deemed a member of the Jewish community of Greater Columbus.

For the above reasons, and consistent with the Board's decision in *Bethany College*, I find that the Board does not have jurisdiction over the Employer in this matter. Further, I do not find merit to the Petitioner's contention that the Employer somehow created jurisdiction where none otherwise existed by addressing employees about the union organizing campaign without reference to a jurisdictional claim. Because I have reached the above conclusion under extant Board precedent, I do not find it necessary to address the parties' arguments under the Religious Freedom Restoration Act.

IV. CONCLUSIONS AND FINDINGS

Based upon the foregoing and the entire record in this matter, I conclude and find as follows:

- A. The hearing officer's rulings made at the hearing are free from prejudicial error and are affirmed.

- B. The parties stipulated, and I find, that the Employer is engaged in commerce within the meaning of the Act.
- C. The parties stipulated, and I find, that the Petitioner is a labor organization within the meaning of Section 2(5) of the Act.
- D. The parties stipulated, and I find, that there is no collective bargaining history between the parties with regard to the employees in the appropriate unit described below, and there is no contract bar or other bar to an election in this matter.
- E. The Employer is exempt from the Board's jurisdiction as a religious educational institution.
- F. Inasmuch as the Employer is exempt from the Board's jurisdiction, this petition is dismissed.

V. ORDER

Accordingly, having duly considered the matter,

IT IS HEREBY ORDERED that the petition be, and it hereby is, dismissed.

RIGHT TO REQUEST REVIEW

Pursuant to Section 102.67 of the Board's Rules and Regulations, a request for review may be filed with the Board at any time following the issuance of this Decision until **10** business days after a final disposition of the proceeding by the Regional Director. Accordingly, a party is not precluded from filing a request for review of this decision after the election on the grounds that it did not file a request for review of this Decision prior to the election. The request for review must conform to the requirements of Section 102.67 of the Board's Rules and Regulations.

A request for review must be E-Filed through the Agency's website and may not be filed by facsimile. To E-File the request for review, go to www.nlr.gov, select E-File Documents, enter the NLRB Case Number, and follow the detailed instructions. If not E-Filed, the request for review should be addressed to the Executive Secretary, National Labor Relations Board, 1015 Half Street SE, Washington, DC 20570-0001, and must be accompanied by a statement explaining the circumstances concerning not having access to the Agency's E-Filing system or why filing electronically would impose an undue burden. A party filing a request for review

must serve a copy of the request on the other parties and file a copy with the Regional Director. A certificate of service must be filed with the Board together with the request for review.

Dated in Cincinnati, Ohio on this 19th day of February 2025,

A handwritten signature in blue ink, reading "Eric A. Taylor", with a long, sweeping horizontal stroke extending to the right.

Eric A. Taylor, Regional Director
Region 9, National Labor Relations Board
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