

April 21, 2017

By Electronic Mail & Federal Express

Daniel M. Kovalik
Associate General Counsel
United Steel, Paper and Forestry, Rubber, Manufacturing,
Energy, Allied Industrial and Service Workers International Union
60 Boulevard of the Allies
Pittsburgh, PA 15222
(dkovalik@usw.org)

Re: Request for Bargaining

Dear Mr. Kovalik:

This responds to your letter of April 19, 2017 to President Gormley requesting that Duquesne University begin collective bargaining negotiations with the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Union for a collective bargaining agreement covering certain faculty members as set forth in the National Labor Relations Board (“NLRB”) certification dated that day. The predicate for your request is a flawed, unconstitutional decision approved by a minority of a fully constituted NLRB over the dissent of the NLRB’s Acting Chairman.

For over four years now, the University has asserted that the NLRB has no jurisdiction over its employment relationship with adjunct faculty. The University’s Catholic and Spiritan mission is what makes Duquesne different than non-religious academic institutions and entities. Unfortunately, the NLRB has already misunderstood and undercut that mission. Where the University requires all academic programs to link to its Catholic, Spiritan mission, confident that “knowledge and reason are sure ministers to faith,” the NLRB in effect officially declared that Duquesne’s religious mission exists only in the Theology Department. The NLRB also ignored established jurisprudence not only of the United States Courts of Appeal but the United States Supreme Court. We are confident that a full five-member NLRB or the courts will sustain our position.

Duquesne admires and respects the adjunct faculty at the University. Adjunct faculty are valued and important members of the University community. Their work as teachers is at the heart of what Duquesne does. Duquesne cannot offer its distinctly Catholic and Spiritan education without its faculty. It is for that very reason that the University cannot allow a federal government agency to supervise its relationship with them.

Accordingly, Duquesne must respectfully decline your request to negotiate.

Please direct any further communications about this matter to me with a copy to Arnold Perl.

Sincerely,



Stanley J. Brown
Of Counsel
stanley.brown@hoganlovells.com
D 212.918.3692

cc: Arnold E. Perl