

"Going Back To School" - NLRB To Review Graduate Student Assistant Issue (Again)

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Are graduate student assistants seeking to be represented by a union employees under the National Labor Relations Act? That is a question the NLRB is intent on answering (again). The Board has granted review in two cases addressing the issue. The Board also invited briefs from interested parties, asking, among other things, whether its 2004 decision in *Brown University* should be overruled. In that case the Board held that graduate student assistants typically were not considered statutory employees. The Brown decision overruled a 2000 decision in *New York University*, which held that graduate assistants were statutory employees.

This is yet another example of how the once relatively obscure federal agency is taking steps (in this case potentially flip-flopping positions) to solidify its position as the "champion" of employee rights.

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