

Columbia To Fight NLRB Ruling On Graduate Assistants' Unionization Efforts In Federal Court

January 31, 2018 | [National Labor Relations Board, Labor And Employment](#)



**David J.
Pryzbylski**
Partner

In August 2016, the National Labor Relations Board (NLRB) ruled that [student assistants at Columbia University could form a union](#) under the National Labor Relations Act (NLRA). That decision overruled a 2004 case dealing with Brown University where the board held such assistants did not have the right to unionize under the NLRA because they had a predominantly academic, rather than employment, relationship with their private university. At Columbia, the United Automobile Workers (UAW) union ultimately organized more than 2,000 graduate assistants when the election went forward in December 2016. Fast forward to now. According to a new report by [Bloomberg BNA](#), Columbia University announced in a Jan. 30 letter that it will be exercising its right to appeal the NLRB's decision permitting graduate assistants to organize to federal court. The university will decline to bargain with the UAW while its appeal is pending, which prompted UAW Regional Director Julie Kushner to say she is "outraged" by Columbia's decision. Under the NLRA, however, an employer effectively has to refuse to bargain with a union if it wants to appeal an election determination to federal court, so this is not uncommon in the world of labor law. This will be an interesting case to watch because the federal court could overturn the NLRB's decision regarding Columbia on its own, or it may remand the matter back to the current NLRB for additional consideration – a board that now is taking a markedly [different view of many issues](#) than the board that was in place in August 2016. This case has major, nationwide implications for private universities and colleges who utilize graduate assistants. We'll keep an eye on this one and let you know how it plays out.

RELATED PRACTICE AREAS

Labor and Employment
Labor Relations
National Labor Relations Board (NLRB)

RELATED TOPICS

United Auto Workers (UAW)