

## Down Goes Brown – NLRB Finds Graduate Assistants May Unionize

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In yet another precedent overturning decision, the National Labor Relations Board (NLRB) ruled on Aug. 23 that student assistants at Columbia University could form a union under the National Labor Relations Act (NLRA). The decision was not unexpected given the Board's current penchant for overturning precedent, both recent and ancient. In today's *Columbia University* ruling, the NLRB overturned its decision in *Brown University*, which it decided in 2004. In the 3-1 decision, the Board determined the 2004 decision in *Brown University* was incorrectly decided since it "deprived an entire category of workers of the protections of the Act without a convincing justification." In *Columbia*, the Board determined that undergraduate and graduate student assistants at private universities are employees as defined under the NLRA. The petition for election was filed by the Graduate Workers of Columbia, which is affiliated with the United Auto Workers. To be fair, the Board has swung back and forth on this issue. Prior to 2000, graduate assistants were not considered employees. In 2000, the NLRB decided the *New York University* case holding graduate assistants to be employees, then four years later in *Brown*, the Board reversed itself and determined they were not employees. A copy of the decision is [available here](#).

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