



Panel Debates Impact of NLRB Graduate Assistant Case

News

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The article, “Panel Debates Impact of NLRB Graduate Assistant Case,” featured on *BNA Bloomberg*, provided an overview of a New York conference in which panelist offered sharply diverging views on the potential impact of NLRB case on whether graduate assistants at private universities are employees.

Joe Ambash weighed in on the case.

“You can't just take a magic wand and make every grad student an employee, when in fact there are many nuances,” said Joe, referring to the board's interest in revisiting the question of the employment status of graduate assistants. “It's inevitable that collective bargaining would get into issues involving curriculum, financial aid or grading.”

Most graduate students at the so-called Ivy-Plus group of leading research universities receive tuition remission, health-care coverage and annual stipends, but in most schools, “the amount received is not tied to teaching load,” Joe said. Rather, he continued, it's “part and parcel of their academic program, as a financial aid package.”

Adversarial relationships are “built into the DNA” of the NLRA but would impinge on decisions protected by academic freedom and “dramatically change the paradigm of higher education,” Joe argued. At NYU, he said, union grievances “repeatedly and relentlessly” sought to enter that realm, despite contract language setting academic freedom as off-limits.

If the board allows bargaining by graduate assistants, Joe said, universities inevitably would be “bombarded” by information requests and unfair labor practice charges on what's subject to bargaining.

“The NLRB must carefully look at each situation to determine where and when some graduate students are employees,” he said. “You can't just say that everyone's an employee. No appellate court would find that grades, class size, teaching load or course format are bargainable.”

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