

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

NEW YORK UNIVERSITY
Employer

and

Case 02-RC-023481

GSOC/UAW
Petitioner

POLYTECHNIC INSTITUTE
OF NEW YORK UNIVERSITY
Employer

and

Case 29-RC-012054

INTERNATIONAL UNION,
UNITED AUTOMOBILE, AEROSPACE,
AND AGRICULTURAL IMPLEMENT
WORKERS OF AMERICA (UAW)
Petitioner

NOTICE AND INVITATION TO FILE BRIEFS

On June 22, 2012, the Board (Members Hayes dissenting) granted, in part, the parties' requests for review in the above-captioned cases. The Board has consolidated these cases for purposes of briefing.

The Board invites the filing of briefs in order to afford the parties and interested *amici* the opportunity to address the issues raised in these cases.

The parties and *amici* specifically are invited to address the following questions:

1. Should the Board modify or overrule *Brown University*, 342 NLRB 483 (2004), which held that graduate student assistants who perform services at a university in connection with their studies are not statutory employees within the meaning of Section 2(3) of the National Labor Relations Act, because they "have a primarily educational, not economic, relationship with their university"? 342 NLRB at 487.
2. If the Board modifies or overrules *Brown University*, *supra*, should the Board continue to find that graduate student assistants engaged in research funded

by external grants are not statutory employees, in part because they do not perform a service for the university? See *New York University*, 332 NLRB 1205, 1209 fn. 10 (2000) (relying on *Leland Stanford Junior University*, 214 NLRB 621 (1974)).

3. If the Board were to conclude that graduate student assistants may be statutory employees, in what circumstances, if any, would a separate bargaining unit of graduate student assistants be appropriate under the Act?

4. If the Board were to conclude that graduate student assistants may be statutory employees, what standard should the Board apply to determine (a) whether such assistants constitute temporary employees and (b) what the appropriate bargaining unit placement of assistants determined to be temporary employees should be?

Briefs not exceeding 50 pages in length shall be filed with the Board in Washington, D.C. on or before July 23, 2012. The parties may file responsive briefs on or before August 6, 2012, which shall not exceed 25 pages in length. No other responsive briefs will be accepted. The parties and *amici* shall file briefs electronically at <https://mynlrb.nlr.gov/efile>. If assistance is needed in filing through <https://mynlrb.nlr.gov/efile>, please contact the undersigned.

Dated, Washington, D.C., June 22, 2012.

By direction of the Board:

Lester A. Heltzer
Executive Secretary