

In 2000, the National Labor Relations Board ignored decades of precedent by permitting graduate students at private universities, who work as teaching or research assistants in exchange for a stipend, to unionize. In 2004, the Board changed course again, holding that such students were not "employees" within the meaning of the National Labor Relations Act. The uncertainty stems from the lack of clarity surrounding the word "employee" in the NLRA, a statute written long before Universities began making widespread use of graduate student "labor." This note examines NLRB decisions on graduate student unionization and argues that Congressional action would be the best way to resolve the issue.