

UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD

MASSACHUSETTS INSTITUTE OF
TECHNOLOGY

Employer

and

Case 01-RC-304042

UNITED ELECTRICAL, RADIO AND MACHINE
WORKERS OF AMERICA (UE), LOCAL 106

Petitioner

ORDER

The Petitioner's Request for Review of the Regional Director's Decision and Order is denied as it raises no substantial issues warranting review.¹

MARVIN E. KAPLAN, MEMBER

DAVID M. PROUTY, MEMBER

GWYNNE A. WILCOX, MEMBER

¹ The Board has exercised its discretion to read the entire record. See Sec. 102.67(e) of the Board's Rules and Regulations.

In denying review, we rely on the Regional Director's finding that the petitioned-for graduate fellows, as a whole, "do not perform work controlled by the Employer in exchange for compensation. Rather, they perform research (or, occasionally, teach) to further their own academic purposes and are provided with funding to do so regardless of whether their activities also benefit the Employer." The Regional Director therefore correctly found that the record shows that most of the fellows "must meet no employment responsibilities or service requirements to receive or maintain their fellowship awards." Accordingly, the Regional Director properly dismissed the petition. See *Columbia University*, 364 NLRB 1080, 1094 & 1096-1097 (2016) (distinguishing student assistants satisfying the common-law employment standard from nonemployees who "simply pursue their educational goals at their own discretion, subject only to the general requirement that they make academic progress"). We therefore do not rely on the Regional Director's further finding that the fellows are not statutory employees because "the compensation received by the fellows is not directly tied to completing particular tasks."

Our denial of review of the Regional Director's dismissal of the petition is based on the Petitioner's argument that the petitioned-for fellows are, as a whole, statutory employees and is without prejudice to the Petitioner filing a new petition seeking to represent particular subclassifications of graduate fellows who are statutory employees within the meaning of Sec. 2(3) of the Act under the common-law standard set forth in *Columbia University*, supra.

Dated, Washington, D.C. July 17, 2024.