Resident Advisors Are Subject To Union Organizing

BY DAVID M. FELPER • JUNE 8, 2017

In a recent decision involving George Washington University ("GWU") and the Service Employees International Union ("SEIU") Local 500, the National Labor Relations Board determined that students who serve as full and part-time resident advisors at GWU were "employees" within the definition of the National Labor Relations Act, and, therefore, were an appropriate unit for the purpose of collective bargaining. Among other things, resident advisors at GWU are required to execute a resident advisor employment agreement that sets the "expectations and employment terms" for resident advisors, including compensation, work rules and training schedules. In exchange for their services, resident advisors receive a stipend of $2,500 for the academic year, less appropriate deductions and withholdings, as well as free on-campus housing. Resident advisors were also subject to disciplinary action up to and including termination from their position as a resident advisor. The NLRB concluded that because student resident advisors receive compensation for their services, and not academic credit, and also because the manner by which they provide their services is subject to control by GWU, they satisfy the definition of "employee" under the NLRA.

Client Tip: *Colleges and universities should look closely at their relationship with their student resident advisors, including a review of agreements that are executed, the manner of compensation and the amount of control that is exerted over the manner by which resident advisors provide their services. Because the SEIU is very active in its organizing efforts, including in Massachusetts, colleges and universities should be proactive, where possible, in an effort to minimize the possibility that their student resident advisors could be considered an appropriate unit for union organizing purposes.*

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