

UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD

PRESIDENT AND FELLOWS  
OF HARVARD COLLEGE  
Employer

and

Case 01-RC-186442

HARVARD GRADUATE  
STUDENTS UNION-UAW (HGSU-UAW)  
Petitioner

ORDER

The Employer's Request for Review of the Regional Director's Decision and Direction of a Second Election is denied as it raises no substantial issues warranting review.<sup>1</sup> The Employer's motion to stay proceedings pending a determination by the Board on the Employer's Request for Review is denied as moot.

MARK GASTON PEARCE,	MEMBER
LAUREN McFERRAN,	MEMBER
WILLIAM J. EMANUEL	MEMBER

Dated, Washington, D.C., December 12, 2017.

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<sup>1</sup> Member Kaplan is not on the panel and took no part in deciding this case.

The Employer's argument that first year research assistants in the Department of Organismic and Evolutionary Biology who were omitted from the voter list should not be included in the omission count is not properly before us. The Employer did not timely present this issue to the Regional Director, but, instead, raised this issue for the first time in its Request for Review. See 29 C.F.R. § 102.67(e) (formerly § 102.67(d)).

Member Emanuel notes that the Employer in this case has not challenged the employee status of the petitioned-for students, and it has not requested that the petition be held in abeyance pending the Board's resolution of this issue in other cases in which it is raised. Accordingly, this issue is not before the Board in this case. In his view, however, Board precedent on the status of students under Section 2(3) of the Act warrants reconsideration.