



**College and University Professional
Association for Human Resources**

August 18, 2004

Victoria A. Lipnic
Assistant Secretary of Labor
Employment Standards Administration
S2321
200 Constitution Avenue, NW
Washington, DC 20210

Re: Graduate Research Assistants

Dear Ms. Lipnic:

We understand it continues to be the Department of Labor's position that it will not assert that an employee - employer relationship exists between graduate research assistants and an institution of higher education, consistent with the June 28, 1994 Opinion of the Wage and Hour Administrator and the current provisions of the Wage and Hour Division Field Operations Handbook. We further understand that the new regulations, which will become effective August 23, 2004, are inapplicable to this issue.

In light of this, we find it unnecessary to maintain the requests contained in our July 27, 2004 letter to Secretary Chao and hereby withdraw the same.

Thank you for your assistance.

Sincerely,

Stephen Otzenberger,
Executive Director

cc: Ira Michael Shepard
Schmeltzer, Aptaker & Shepard, P.C.
Washington, DC 20037