

ABSTRACT

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Stepping onto the Reservation: The National Labor Relations Board's New Approach to Asserting Jurisdiction Over Indian Tribes

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Abstract by Nicolas A. Reyes

This comment discusses the National Labor Relations Board's (NLRB) new approach to asserting jurisdiction over commercial enterprises owned and operated by Indian tribes. After 28 years of NLRB precedent distinguishing between tribal enterprises on reservations versus those off reservations as the crux of the analysis over whether the NLRB should assert jurisdiction, the new approach favors a case-by-case balancing analysis. The author concludes that the new approach appropriately balances the policy interests of the NLRB with the unique status of Indian tribes. This article recommends that reviewing courts should adopt the new analysis.