

State of Washington College Athlete Labor Rights: Preparing for Employment and Unionization

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We commit to providing clear, accurate labor rights information for State of Washington college athletes in any future decisions or advocacy related to their employment and unionization.

The Current Debate:

1. Should U.S. college athletes be classified as employees?
2. Should the NCAA and athletic conferences (i.e. Big 10) be considered joint employers and thus subject to NLRB oversight?
3. Should Congress act with legislation that codifies a national policy for protecting college athlete rights?

At Stake:

Will college athletes remain bound by current NCAA guidelines that allow third party compensation, but prohibit direct payment from their institution? If named employees of an institution, there are several factors to consider:

- 1) Loss of educational benefits and student status under an employment model
- 2) Title IX and gender equity for women athletes
- 3) Affordability of some college athletic departments to pay athletes as employees
- 4) Who constitutes an employer? (i.e. the university? Big 10? NCAA?)

No models for college athlete employee status currently exist. We are investigating the nature and status of college athletes as employees in Washington State higher education institutions.



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Policy Background:

In 1955, NCAA president, Walter Byers introduced an amateurism model for college athletes to shield institutions from obligations to provide long-term disability payments to players injured while playing their sport.

In 2023, the California State legislature, two federal courts, and the National Labor Relations Board (NLRB) are all considering:

- 1) Whether college athletes should be reclassified from student status to employee status.
- 2) What are the implications under state or federal employment policies or labor law.
- 3) A fair college athlete wage and other worker protections and benefits (i.e. overtime pay, medical benefits, long-term disability).
- 4) Who has access to \$19B in media rights and other revenue generated by college athletic programs.

Should College Athletes be Paid?

Our research question shares similarities with questions of worker compensation with similar working conditions as college athletes:

- Graduate and Undergraduate Student Employees.
- Gig Workers (i.e. Uber, Doordash)
- Unionizing workers (i.e. Starbucks, Amazon employees)

Multiple Areas for settling these questions over college athlete employment may come from:

- Court cases
- Legislation & policy making
- NLRB

As such, the purpose of our study is to prepare accurate and timely employee status information for state of Washington students.

Methods:

Qualitative Data Collection & Analysis

- Interviews
 - Athletes, students, alumni, labor organizations, student unions, labor advocacy groups
- Document analysis
 - Current and previous legislation
 - Court cases & employment contracts
 - NLRB rulings
 - Player association collective bargaining agreements
- Observations
 - Hearings
 - Legislative sessions
 - Organization meetings
 - Sports and higher education law conferences

*We would like to thank the **Harry Bridges Center for Labor Studies** and the **University of Washington Center for Leadership in Athletics** for their support of this project. Without them, this research could not continue in the effort to support fair compensation for college athletes.*