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PROPOSAL

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

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Significance of the Investigation to Washington State College Athletes

In 2023, the California state legislature, two federal courts, and the National Labor Relations Board (NLRB) are all considering whether college athletes should be reclassified from student status to employee status under state or federal employment policies or labor law. This wave of activity also considers related questions over a fair college athlete wage and other worker protections and benefits such as overtime pay, antitrust restrictions related to endorsements, and access to \$19B in media rights and other revenue generated by college athletic programs (Richter, 2021).

The current designation of college athletes as students creates a power imbalance where institutions limit athlete access to equitable healthcare, appropriate compensation, and the right to organize. Black college athletes – women and men – disproportionately bear the burden of this inequity between their sport conditions and the institutions, NCAA, and athletic conferences that set the terms of their athletic and academic conditions and benefits.

Because there are no models for college athlete employee status that currently exist, we propose conducting a policy analysis of this emerging area of labor law and its impacts on students in Washington State. We explore questions of changing college athletes' status to employees currently under consideration at the state and federal level, including 1) a legal definition of college athletes, 2) rights to unionize and collectively bargain, and 3) workplace rights and protections such as fair wages and medical benefits for sports injuries. Decisions over these questions will impact thousands of students who attend Washington State higher education institutions.

This grant will support the creation of accurate and timely information and recommendations for current and prospective athletes who the reclassification of college athletes from student status to employee status will impact. Labor organizations and unions supporting college athletes and Washington State lawmakers at the state and federal levels will also benefit from the information developed with this grant highlighting college athlete employee legislation.