

64° F

Friday, April 25, 2014



Home > Sports

Athlete unionization doubtful in Virginia, other right to work states

Only athletes in private colleges affected

47 0 5 6



By John Harvey, jharvey@vagazette.com
The Virginia Gazette
March 29, 2014

A controversial decision that would allow **Northwestern University** football players to unionize is unlikely to have an impact at the **College of William and Mary**. Should the ruling stand, the ramifications might be felt throughout the nation at private colleges.

Earlier this week, the Chicago district of the National Labor Relations Board ruled that Northwestern's football players qualify as state employees and can unionize. While speculation suggests this is a step toward pay-to-play in college athletics, one local expert cautions the ruling is nowhere close to final.

"Commentators are excited about the potential stepping stone this case creates to one day paying **NCAA** athletes, but that is all it is — a potential step," Drew Larsen said in an interview Thursday. Larsen is an attorney and an adjunct professor at the College of William who specializes in sports law. "The case has no immediate impact outside scholarship football players at Northwestern, and it will certainly be appealed as many times as it can be appealed."

Is your business' image making the grade? **MANAGE YOUR ONLINE REPUTATION**

The case, which was brought by Northwestern QB Kain Colter and several former teammates, outlined the players' time commitment and the notion that their scholarships were directly tied to performance. The 24-page document explained how the players worked 40-50 hours per week and their schedules are significantly controlled by the coaching staff.

"The decision was very fact-specific," Larsen said. "You could probably build a similar story at other Division I football programs of private universities, but it would be difficult to forecast any effects beyond that. It's important to remember that the NLRA does not govern the ability of state employees to unionize — that is governed by state law. For example, whether **Ohio State University** players can unionize will be subject to Ohio labor law."

law."

A similar case here would be difficult, as Virginia is a "right-to-work" state. According to the National Right to Work website, the law secures the right of employees to decide for themselves whether or not to join or financially support a union. However, employees who work in the railway or airline industries are not protected by a right-to-work law, and employees who work on a federal enclave may not be.

In Virginia, the law states that "the right of persons to work shall not be denied or abridged on account of membership or nonmembership in any labor union or labor

Paint the Box... Literacy Campaign
Bid for your favorite!
Get your bid # by emailing morendorff@vagazette.com
Bidding starts April 16th
 LITERACY FOR LIFE
THE VIRGINIA GAZETTE

Communicating with your customers?
Social media should be one of the vital parts of your marketing plan.
 TIDEWATER CONNECT
WE CAN HELP
LEARN HOW

Local & National Video

organization." The University of **Richmond** and Liberty University are the only two private colleges in Virginia that compete at the Division I level.

"The potential impact of the decision on scholarship football player in Virginia will be greatly limited, particularly for the football players at public universities," Larsen continued. "Any attempt by football players at those schools would be governed by Virginia's labor law — not the NLRA. The Virginia labor law is not very conducive to building public sector unions."

Unionization of players is only the first step. College Athletes Players Association, which helped sponsor this case along with the **United Steelworkers** union, would like to guarantee coverage of sports-related medical expenses as current and former players. The would also like to see better procedures to reduce head injuries and possibly allow athletes to pursue commercial sponsorships.

Jessica Canady, a **Jamestown** High graduate and a former women's basketball player at Old Dominion University, would like to see athletes unionized.

"Playing at the college level is like a job, plus we are going to school," she said. "Folks don't understand all the hard work, the sweat and some tears that we experience. We prepare day-in and day-out, missing classes and injuries that come up in the process. It's not as easy as everyone thinks."

Canady suffered two knee injuries during her career at ODU. She said she has accumulated between \$1,500 and \$6,500 in medical bills.

When Canady got her degree in 2010, ODU stopped paying for treatment.

"They drop you from that insurance as soon as you graduate," she said. "I pay for all my medical bills. I received medical bills from my surgeries that I had to take back to them to take care of. I've even had some bills that went into collections because of that. People outside NCAA athletes don't understand that we put our bodies on the line for this."

The injuries have also limited her professional basketball career overseas. Since 2010, she's played in Central America, Poland and the Ukraine. "I don't get as many problems from my knees because I take breaks between seasons overseas," Canady said. "Those breaks can cause dents in my pocket for deals that could be good money."

Erik Supplee, another Jamestown grad, went on to play baseball at Marist College in New York. He has a different take on the subject.

"As an athlete, you have access to more resources than other students, especially full-scholarship athletes in high revenue sports," he said. "They receive full tuition, access to academic resources, free housing, free meal plans, access to elite athletic training. Most importantly, they have access to a free education and connections into the work force, which is true wealth."

Supplee, who is in his second season as a volunteer assistant at **Wake Forest University**, understands the grind of being a student athlete. "The toughest part is being able to separate academics and athletics," he said. "If you have a bad game or practice, it's tough to go and take a test that night or study for one the next day. If you bomb a test and have to make a start the next day, your mind is probably already wrecked before the game."

Larsen said the real winner here is the process.

"Whether you agree with the decision or not, you have to tip your hat to CAPA (College Athletes Players Association)," he said. "Few commentators expected them to win, but they built a thorough and logical case that scholarship football players at Northwestern meet the definition of an 'employee'. It is incredibly well argued. CAPA was also quite clear in its brief that it will not seek to bargain for any compensation not permitted by the NCAA."

Harvey can be reached by phone at 757-345-2352.

Copyright © 2014, Virginia Gazette

[Click here to view and submit comments on this story.](#)



47



0



5



6

« [Previous Story](#)

[More Sports](#)

[Next Story](#) »

[Lafayette baseball consistent in win over Bruton](#)



[W&M holds off Hofstra 79-74 in home finale](#)