

# College Athlete Right to Organize Act

**Introduced by Senators Chris Murphy (D-Conn.) and Bernie Sanders (I-Vt.), the *College Athlete Right to Organize Act* asserts what has been clear for too long: college athletes are employees, entitled to the most fundamental of labor rights – the right to organize and collectively bargain for fair pay and equitable conditions.**

In the U.S. House of Representatives, this bill has been introduced by Reps. Jamaal Bowman (NY-16), Andy Levin (MI-09) and Lori Trahan (MA-03).

College athletes are already treated like employees: they provide a valuable service in exchange for compensation in the form of scholarships and grants-in-aid that they lose if they do not perform the job as specified by their colleges. This past year made this distinction even clearer, as college athletes continued to work and perform while their peers often were not on campus.

Through the right to organize and collectively bargain, college athletes will no longer have to wait for the NCAA and its members to treat them fairly. Rather, the athletes can finally have their voices and interests heard across the myriad of issues that affect their lives. The right to collectively bargain will finally secure college athletes' seat at the table and give them the power to negotiate for fair and equitable compensation, protections on their health and well-being, and better academic opportunities, among other issues that affect their lives.

**The *College Athlete Right to Organize Act* will help college athletes collectively bargain by:**

- Amending the National Labor Relations Act (NLRA) to define any college athlete as an employee of their college if they receive direct compensation from their college, whether in the form of grant-in-aid or other forms of compensation, and such compensation requires participation in intercollegiate sports, which clarifies athletes' employment status and right to collectively bargain.
- Amending the NLRA to define public colleges, alongside private institutions, as employers within the context of intercollegiate sports, allowing athletes to collectively bargain at any college, regardless of state laws that restrict their basic labor rights.
- Facilitating multiemployer bargaining units for college athletes by directing the National Labor Relations Board (NLRB) to consider the colleges within an athletic conference as part of a bargaining unit with which college athletes can negotiate, helping athletes negotiate across programs and within their respective conferences.
- Asserting the NLRB's jurisdiction over all institutions of higher education within the context of intercollegiate athletics, and on all collective bargaining and representation matters as well as labor disputes, which gives college athletes the ability to petition the NLRB to handle any issues that may arise in the process of collective bargaining.
- Prohibiting any agreements, such as scholarship agreements, which waive the right of athletes to collectively bargain.

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- Ensuring the current tax status of college athletes' scholarships and other benefits does not change due to their employment status, nor does it affect their eligibility for financial aid.

## ***How would this change college athletes' current rights and status?***

College athletes' employment status currently remains in question. Athletes have petitioned for employment status, most notably when Northwestern football players organized in 2014, but have faced roadblocks which this legislation addresses. The most critical barriers have been uncertainty over their employment status, as some state laws prohibit athletes from being considered employees at public institutions or make it more difficult for athletes at these institutions to organize, and athlete associations are more effective if they can organize across colleges. By clarifying their employment status, regardless of whether they're employed by public or private institutions, and asserting the NLRB's ability to establish a bargaining unit across programs within an athletic conference, college athletes would have much-needed certainty in their rights and ability to collectively bargain. Further, by asserting the NLRB's jurisdiction over all collective bargaining and representation matters as well as labor dispute, college athletes will know that they can bring petitions to the NLRB and expect a resolution that helps them move forward with their claims and efforts to collectively bargain with their colleges and conferences.

## ***How could athletes collectively bargain under this Act?***

College athletes would have full freedom to organize and collectively bargain as they see fit. They could organize at their individual colleges, either by sport or across sports, or organize across colleges to negotiate collective bargaining agreements with their athletic conferences. They could negotiate for a suite of items, including but not limited to compensation beyond a scholarship and the form of that compensation as well as rules and standards related to their health, safety and educational opportunities.

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