



Joseph J. Pass  
Edward H. Walter  
James A. Welker  
Joseph Santino Pass

Ben Paul Jubelirer (1904–1983)  
Frank P. G. Intrieri (1942–1976)

*of counsel*  
Neal R. Cramer

**ALLEGHENY COUNTY LABOR COUNCIL  
REPORT OF LEGAL COUNSEL  
April 3, 2014**

---

**COLLEGE ATHLETES AS UNION MEMBERS?**

The course of collegiate athletics is in the midst of what will ultimately be monumental changes. On March 26, 2014, the Chicago regional office of the National Labor Relations Board ruled that Northwestern football players meet the standards under federal guidelines to form a union. The initial petition was filed by the National College Players Association on behalf of former Northwestern quarterback Kain Colter and the College Athletes Players Association (CAPA), and had the backing of the United Steelworkers union. The NLRB ruled that football players are employees of the university and therefore entitled to unionize.

As quoted from the NLRB's ruling, "Players receiving scholarships to perform football-related services for the Employer under a contract for hire in return for compensation are subject to the Employer's control and are therefore employees." Given the ground breaking nature of the case, there is no question this will result in a long battle likely to reach the U.S. Supreme Court.

It should be stressed however, that this decision applies only to **private institutions** such as Northwestern. Public universities, which make up the vast majority of FBS institutions, are under the jurisdiction of state laws, not federal. Some states do not allow any bargaining, or only limited bargaining for public sector employees (think Wisconsin in the news recently). Out of the 120 NCAA Division I football programs, only 16 are at private institutions. The question therefore becomes, what happens at these public institutions governed by state law? One example that raises an interesting question is the State of Michigan. Since Michigan State University is a public school, the NLRB ruling has no effect on MSU athletes, and state labor laws would apply. Michigan is a right-to-work state, and as such, it's doubtful a union could get much traction in collegiate football programs in Michigan.

Regardless of whether you follow this issue as it percolates through the appellate process as a result of the Northwestern case or you watch to see if a public university athlete invokes the same process to unionize under state law, there will no doubt be more to come.



## **11 Things Everyone Should Know About Working Women and the Minimum Wage**

Check out 11 facts that show why women would benefit from raising the minimum wage.

1. Nearly two-thirds of minimum wage workers are women. Nearly four in 10 female minimum wage workers are women of color.
2. If the minimum wage were raised to \$10.10, 25 million to 28 million workers would get a raise. About 55% of the workers who would benefit, more than 15 million people, are women.
3. Some 24.3% of women workers would benefit from raising the wage.
4. More than three-quarters of women earning the minimum wage are age 20 or older. The image of teenagers making minimum wage while flipping burgers at the neighborhood restaurant is outdated.
5. More than 2.2 million single moms would benefit from raising the minimum wage. One out of four of the workers who would benefit—and 31% of the women workers who would benefit—are parents with children.
6. Some 14 million children, or 18.7% of all kids in America, would benefit from raising the wage.
7. The minimum wage for tipped workers (\$2.13 an hour) has not been raised since 1991. About 72% of tipped workers, such as restaurant servers, bartenders and hairstylists, are women.
8. Workers in tipped industries are paid 40% less than other workers on average. They are twice as likely to be poor than other workers, and servers are nearly three times as likely to be poor.
9. About half of all tipped workers would get a raise if the minimum wage bill, introduced by Sen. Tom Harkin (D-Iowa), was enacted. This includes increasing the tipped minimum wage to 70% of the minimum wage.
10. For every dollar that men earn, women earn just 77 cents. Increasing the minimum wage to \$10.10 an hour and indexing it to inflation could close about 5% of the gender wage gap.
11. The wage gap is even larger for women of color: African American women make only 64% and Latina women make only 54% of their white male counterparts.

As published in the April 3, 2014 [aflcioblognews@aflcio.org](mailto:aflcioblognews@aflcio.org) report.

Respectfully submitted,

JOSEPH S. PASS, ESQUIRE