

Northwestern Football And NLRB Are Now On The Clock

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During the NFL Draft which is now about two months away, we commonly hear the ESPN announcers tell us that “The Bears are now on the clock” as we breathlessly await their historically flawed first round draft pick.

Today, it’s NLRB Region 13 Director Peter Sung Ohr who is on the clock. Testimony concluded yesterday in the hearing over the petition filed in an effort to organize the football players at Northwestern University as a bargaining unit recognized by the NLRB.

The hearing had opened with testimony from former Northwestern quarterback Kain Colter, one of the organizers of the drive, in which he told the NLRB playing college football “truly is a job”. Yet his Head Coach Pat Fitzgerald who testified later in the hearing, reportedly testified that his players are student-athletes with whom he had a coaching relationship and acted with his staff as mentors and guardians. Fitzgerald testified, according to the Chicago Tribune report which [can be viewed here](#) that his goal is to prepare student-athletes to be “champions in life” and earn a college degree.

During his testimony, he conceded that he had called college football a “full-time job” during interviews at Big Ten Conference media days, a statement that the College Athletes Players Association called “very significant.”

As the hearing closed yesterday, Northwestern called its final witnesses, three former players -- Patrick Ward, Doug Bartels and John Henry Pace. The three testified, according to an SI.com report which is [available here](#), that football did not get in the way of their goal to excel academically. Ward, a three-year starter, completed a degree in mechanical engineering degree with a 3.94 GPA.

Halfway through the hearing, Joyce Hofstra, the NLRB investigator handling the matter, commented that the players case was “weak” and that they had not submitted evidence to establish that they were employees and not just students. However, according to SI.com, after the hearing, CAPA’s leader Ramogi Huma indicated that they were very satisfied with the evidence submitted.

Hofstra will now make a recommendation to the Regional Director as to whether the students had established sufficient evidence to find them to be considered employees and therefore within the reach of the National Labor Relations Act. Whichever way that decision goes, expect it to be appealed to the full Board.

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