

## Could The Players Simply Say No?

April 8, 2014 | [National Labor Relations Board, Union Organizing, Unions And Union Membership, Labor And Employment](#)



**Gerald F.  
Lutkus**

Of Counsel  
(Retired)

Perhaps the worm has started to turn on the Northwestern University football union saga. According to published reports in Chicago, some of the senior leaders of the Northwestern football team have started to come out against voting in favor of union representation. The *Chicago Tribune* and the *Associated Press* have reported this week that Pat Fitzgerald at Northwestern had a pretty public meeting with the players last week at the end of practice (commonly called a "captive audience" meeting in union organizing parlance) and told them plainly that he thought it was a very bad idea to vote in favor of the Union. As reported by the *Chicago Tribune*, Fitzgerald told the players it was in their "best interests" to vote no to unionization saying that the players do not need a "third party" to advance desired reforms regarding long-term health care and increasing stipends. The *Tribune* reported that while several players avoided questions on where they stood with the question, four seniors on the team, quarterback Trevor Siemian, tailback Venric Mark, center Brandon Vitabile and receiver Kyle Prater, all told the *Tribune* they were against the unionization move. Former Northwestern quarterback Kain Colter, who has appeared as the central organizer for this election, is no longer a scholarship athlete and will not be able to vote on the unionization question. If the election goes forward on April 25 as scheduled (and that is still an open question), and CAPA does not get a majority of the players that actually vote to vote in favor of the union, CAPA would have to wait 12 months to attempt to unionize the Northwestern players again. However, they would have the legal precedent set by Region 13 Regional Director Peter Sung Ohr available to them in which Ohr declared that the scholarship football players at Northwestern were employees within the meaning of the National Labor Relations Act. Stay tuned. Wednesday, April 9 is the University's deadline for filing its appeal of Ohr's decision to the full NLRB in Washington, D.C.

### RELATED PRACTICE AREAS

Collective Bargaining  
Labor and Employment  
Labor Relations  
National Labor Relations Board (NLRB)  
Union Avoidance

### RELATED TOPICS

Northwestern University  
Unionization