

Northwestern Election Kicks Off This Friday

April 23, 2014 | [National Labor Relations Board, Union Organizing, Labor And Employment](#)



**Gerald F.
Lutkus**

Of Counsel
(Retired)

Northwestern's scholarship football players are set for an historic vote this Friday on whether they wish to join a union and be represented by the College Athletes Players Association as their sole and exclusive bargaining representative. Peter Sung Ohr, regional director of the National Labor Relations Board in Chicago, earlier this year, made the initial determination that the players who receive scholarship aid from the University are actually employees within the meaning of the National Labor Relations Act and thus subject to the Act's protection. Ohr however excluded walk-on and non-scholarship players from the bargaining unit on the basis that they did not receive compensation from the University in the form of scholarship money. [The Chicago Tribune is reporting](#) that 76 players are eligible to vote on Friday and that the vote will be conducted at Northwestern's Welsh-Ryan Arena. According to the Tribune, Northwestern is not allowing reporters on campus for the vote citing the players' wishes to avoid media attention. While Ohr's direction of election in this case veers away from established NLRB case law, the procedure for voting does not. Though 76 players are authorized to vote, they are not required to vote. To recognize CAPA as their union, 50% plus one of the players who actually vote will have to vote in favor of union representation. And, just because a player may have signed a card in favor of having this election, they are not bound to vote in favor of the union. The vote is by secret ballot and the players are not obligated to disclose how they voted. Northwestern has filed a blistering objection to Ohr's direction of election in this case and CAPA has responded. The Board has not yet indicated if it will accept the case for review and it would seem unlikely that it will do so prior to Friday's election date. In any event, the ballots will in all likelihood not be counted on Friday. Instead, the NLRB Board Agent conducting the election likely will seal the ballot box and impound the ballots which will be held until the Board renders a decision on the University's appeal.

RELATED PRACTICE AREAS

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

RELATED TOPICS

College football
Unionization