



Electronic Alert

Volume 27, Issue 9

March 7, 2024

Update: Dartmouth Basketball Players Vote to Unionize

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Dartmouth Update

In a historic vote, Dartmouth College's men's basketball players voted 13-2 in favor of joining Service Employees International Union (SEIU), Local 560. While student athletes have tried to form unions in years past, this makes Dartmouth the country's first unionized college sports team. Our previous [E-Alert](#) details the recent NLRB board decision that paved the way for this vote.

Broader Implications for Colleges & Universities

Dartmouth's vote to unionize is just another step in a broader trend of converting student athletes to employee status under several laws, not just the National Labor Relations Act. For instance, pending litigation in the Third Circuit (*Johnson v. NCAA*) asks whether student athletes could be employees under the Fair Labor Standards Act because of their participation in interscholastic athletics. The implications of converting student athletes to employee status are broad. For example, considerations could include wage and hour scheduling requirements, meal and rest breaks, overtime tracking, tax implications, employee benefits programs, non-payroll expenses, workers' compensation, paid and unpaid protected leave, and other federal and state laws governing employment (e.g., pay equity laws, the Affordable Care Act, age discrimination laws, etc.).

Evolving Discussion for All Employers

All employers should be paying attention to these developments, as they signal a larger discussion about how the idea of employees is evolving more broadly (not just in collegiate athletics) and how employment and labor law protections are being applied in a broader sense than they have been in the past. Employers should stay abreast of these developments, as the agency often works like a pendulum depending on the administration. Oregon employers should also note that state law covering public sector employees is different (but often more generous) to employees than federal law in Oregon.

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