

Employment Relations in Sports
Fall 2020

Last updated: 9/1/20

Labor Studies 37:578: 528

Mondays, 4:30pm-7:10pm

Live online [via Zoom](#)

<https://us02web.zoom.us/j/81519198568?pwd=cXFUMEs3REl5T2FlaVkJk2ZzRyWmF0QT09>

Professor Rebecca Givan

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Office Hours: By appointment (including before class)

This course will explore and analyze the environment, participants, process, outcomes and impacts of employment relations in sports. We will discuss key themes in employment relations and the ways in which they apply to athletes, sports leagues, and other key stakeholders.

Students are expected to complete the assigned reading prior to class meetings and be prepared to discuss the material. To facilitate the learning experience, the class will combine small group and class discussions, lectures and exercises.

Class meetings:

We will meet live (via Zoom) during our scheduled class meeting time on Monday. You should plan to be available for this entire period, although we will use the time in a variety of ways. For example, some weeks you may be assigned to watch a video on your own for part of our session, and then reconvene for a live discussion. Other sessions may involve a live meeting for part of our session, and an individual written assignment such as a forum for the remainder of our time.

During our meetings on Zoom you should do everything you can to be at a computer (rather than on a phone), with your camera turned on. A larger screen will allow you to see shared material as well as your classmates. If any of these guidelines create challenges for you, please talk to me as soon as possible, and check in with student services about additional resources that are available to you.

SMLR Learning Objectives:

V. Understanding Context - Evaluate the context of workplace issues, public policies, and management decisions Employment relations issues in sports are critically shaped both by national laws/policies governing the workplace and by globalization of marketing, customers, and talent.

VI. Application – Demonstrate an understanding of how to apply knowledge necessary for effective work performance Application of various insights from employment relations to

the specific industry structures, human resource practices, and human rights issues in a variety of sports that are now increasingly international in scope is the central concern of this class

Assignments: Note - you must complete all assignments to receive credit for the course.

Participation (attendance, thoughtful and well-prepared participation & all in-class work including pandemic updates): 25%

Reaction Papers: 20%

Exam 1: (October 22nd): 15%

Exam 2: (December 10th) 15%

Research Presentation: 10%

Research paper: (Due December 15th) 15%

Exams will take the form of in-class open book, open note essays.

Reaction papers are due by noon on the day of class for the ten class meetings for which we have readings assigned (there are no reaction papers due for the weeks in which we are only doing the bargaining simulation). You must turn in a reaction to the readings that addresses one or more aspect of one or more reading. You should not simply describe the reading- these papers should be a thoughtful response that critiques the reading or places it into some broader context (for example with other ideas and readings from the class or from current events). **You can either skip two weeks' reaction papers OR have your lowest reaction paper grades dropped from your final grade calculation (or choose one skip and one dropped grade).**

For all written assignments, please use 1" margins, double spacing and a 12-point font. All papers should be uploaded to Canvas.

Pandemic Updates: Each class we will hear an update from 1-2 students about a current challenge in employment relations in sports that has emerged from the pandemic. We will take assign volunteers each week for the next week's session. When it is your turn to lead discussion you should find one or more news stories that examine an issues (such as testing issues, the bubble, quarantine, opting out of the season, compensation and revenue sharing, etc). You should be prepared to spend five minutes explaining the issue to the class, and present 1-2 questions for discussion.

Rutgers University welcomes students with disabilities into all of the University's educational programs. In order to receive consideration for reasonable accommodations, a student with a disability must contact the appropriate disability services office at the campus where you are officially enrolled, participate in an intake interview, and provide documentation: <https://ods.rutgers.edu/students/documentation-guidelines>. If the documentation supports your request for reasonable accommodations, your campus's

disability services office will provide you with a Letter of Accommodations. Please share this letter with your instructors and discuss the accommodations with them as early in your courses as possible. To begin this process, please complete the Registration form on the ODS web site at: <https://ods.rutgers.edu/students/registration-form>.

Academic Integrity:

You are responsible for understanding and following the Rutgers University Policy on Academic Integrity. Information on the policy is available here:

<http://academicintegrity.rutgers.edu>.

Written assignments will be submitted via Canvas and processed through Turnitin.

Accessibility:

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Title IX Resources and Mandated Reporting:

Rutgers faculty are committed to helping create a safe learning environment for all students and for the university as a whole. If you have experienced any form of gender or sex-based discrimination or harassment, including sexual assault, sexual harassment, relationship violence, or stalking, know that help and support are available. Rutgers has staff members trained to support survivors in navigating campus life, accessing health and counseling services, providing academic and housing accommodations, and more. The University strongly encourages all students to report any such incidents to the University. Please be aware that all Rutgers employees (other than those designated as confidential resources such as advocates, counselors, clergy and healthcare providers as listed in Appendix A to [Policy 10.3.12](#)) are required to report information about such discrimination and harassment to the University. This means that if you tell a faculty member about a situation of sexual harassment or sexual violence, or other related misconduct, the faculty member must share that information with the University's Title IX Coordinator. If you wish to speak to a confidential employee who does not have this reporting responsibility, you can find a list of resources in Appendix A to University Policy 10.3.12. For more information about your options at Rutgers, please visit endsexualviolence.rutgers.edu

Intellectual Property

Lectures and materials utilized in this course, including but not limited to videocasts, podcasts, visual presentations, assessments, and assignments, are protected by United

States copyright laws as well as Rutgers University policy. As the instructor of this course, I possess sole copyright ownership. You are permitted to take notes for personal use or to provide to a classmate also currently enrolled in this course. Under no other circumstances is distribution of recorded or written materials associated with this course permitted to any internet site or similar information-sharing platform without my express written consent. Doing so is a violation of the university's [Academic Integrity Policy](#). Similarly, these copyright protections extend to original papers you produce for this course. In the event that I seek to share your work further, I will first obtain your written consent to do so. Finally, as the instructor for this course, I have the responsibility to protect students' right to privacy. Classroom recordings of students will therefore be treated as educational records under the Family Educational Rights and Privacy Act (FERPA), the U.S. federal law that governs access to educational information and records. Instructors and students must provide notification if any part of online sessions are to be recorded, and such recordings cannot be circulated outside the course.

Class schedule:

The schedule of readings and assignments is below. We may need to move some topics (and readings) to accommodate guest speakers or adjust the emphasis as a result of class discussion or breaking news. However, exam dates and assignment deadlines will not change. You should complete all readings before class, and come to class ready to discuss what you have read. This is a graduate seminar, and there will be several readings for each session. You should give each reading sufficient time, and come to class with notes and questions about what you have read. Most of the class will be seminar style, and will rely on your thoughtful participation. The occasional lectures will not repeat the material in the readings, but build on this material, although you are encouraged to ask questions about the readings during class.

Books and readings:

There is a Canvas site for the course, and readings will be posted there. Please download and read the assigned reading well in advance of class time.

For each reading you should think about the following questions and come to class prepared to discuss your answers. These questions may also be useful in writing your weekly reaction papers.

1. What is the argument of this reading?
2. What evidence is used to support this argument?
3. Are you persuaded by it? Why or why not?

Schedule

Week 1 Tuesday September 8th

Introduction

In class case study: Professional athletes striking for black lives

Readings (in class):

- Zirin, Dave. 2020. "Professional Athletes Are Showing America Just How Powerful Labor Really Is." *The Nation* August 27, 2020.
<https://www.thenation.com/article/society/mets-marlins-strike/>
- Weiss, Jared. 2020. "How the NBA walkout can pressure the owners to create change" *The Athletic*, August 27, 2020.
<https://theathletic.com/2026284/2020/08/27/how-nba-walkout-can-pressure-the-owners-to-create-change/>

Film: High Flying Bird (Steven Soderbergh, 2019, 90 minutes)

Week 2: Monday September 14th

Athletes and employment: Are athletes workers?

Readings:

- Salminen, Vincent. 2017. "UFC Fighters Are Taking a Beating Because They are Misclassified as Independent Contractors. An Employee Classification Would Change the Fight Game for the UFC, Its Fighters, and MMA." *Pace Intell. Prop. Sports & Ent. LF* 7:193.
- Decent work in the world of sport: Issues paper for discussion at the Global Dialogue Forum on Decent Work in the World of Sport, Geneva 2019.
https://www.ilo.org/wcmsp5/groups/public/---ed_dialogue/---sector/documents/meetingdocument/wcms_728119.pdf
- Edwards, Harry. *The revolt of the black athlete*. University of Illinois Press, 2017. Chapter 1 "The Emergence of the Black Athlete in America." (pp11-31)
- FIFPRO. 2017 [*FIFPRO Global Employment Report: Working Conditions in Professional Women's Football*](#)

Week 3: Monday September 21st

Collective Bargaining in Sports

Collective Bargaining Agreement worksheet due (upload your completed worksheet to Canvas before the start of class).

Reading:

- Charles P. Korr “From Judge Cannon to Marvin Miller: From Players’ Group to Players’ Union” (1-20) and Karen S. Koziara “Labor Relations in Baseball: Lessons Learned about Collective Bargaining” (32-47). Both in Staudohar, Paul D. 2000. *Diamond Mines : Baseball and Labor*. 1st ed, *Sports and entertainment*. Syracuse, N.Y.: Syracuse University Press.
- SKIM ONLY: Halchin, L Elaine, Justin Murray, Jon O Shimabukuro, and Kathleen Anne Ruane. 2012. "Congressional Responses to Selected Work Stoppages in Professional Sports." Congressional Research Service <http://www.fas.org/sgp/crs/misc/R41060.pdf> or http://digitalcommons.ilr.cornell.edu/cgi/viewcontent.cgi?article=1952&context=key_workplace
- Pierce, Daniel S. 2001. "The most southern sport on earth: NASCAR and the unions." *Southern Cultures* 7 (2):8-33.

Week 4 Monday September 28th

The buying and selling of athletes

Guest speaker: Max Herrmann, Rutgers '17. Professional baseball player (date TBC)

Reading:

- Chapter 2 (41-74) in Gilbert, Daniel A. 2013. *Expanding the Strike Zone: Baseball in the Age of Free Agency*. Amherst: University of Massachusetts Press.
- Rosenthal, Jeffrey A. 1995. "The Amateur Sports Draft: The Best Means to the End." *Marq. Sports LJ* 6:1.
- Spagnuolo, Diana L. 2003. "Swinging for the fence: A call for institutional reform as Dominican boys risk their futures for a chance in Major League Baseball." *U.Pa. J. Int'l Econ. L.* 24:263.
- David (I) Williams, 2019. "Major League Baseball's Indentured Class: Why the Major League Baseball Players Association Should Include Minor League Players," *University of San Francisco Law Review* 53, no. 3 (2019): 515-550 (Focus on pp 529-550)
- Oliveri, Anthony. 2020. "Selling stretchy pants, driving for Uber: Without minor league baseball, many players must take on second jobs" August 19, 2020 https://www.espn.com/mlb/story/_/id/29681985/selling-stretchy-pants-driving-uber-minor-league-baseball-many-players-take-second-jobs

Recommended film: *Sugar* (2008, Anna Boden, Director. 1 hour 54 minutes).

Watch online here: <https://video.alexanderstreet.com/watch/sugar-3>

The link will direct you to Rutgers University Libraries (Alexander Street a ProQuest Company website). You will be prompted to "Find" your University (type in Rutgers in the search bar). Then log in with your Rutgers log in credentials.

Week 5 Monday October 5th

Amateurism 1: College athletics

Guest Speaker: Kain Colter, former Northwestern University Quarterback and workers' rights advocate (Date TBC)

Reading:

- Taylor Branch “The Shame of College Sports” *The Atlantic*, October 2011
<http://www.theatlantic.com/magazine/archive/2011/10/the-shame-of-college-sports/308643/>
- Nocera, Joe. “It's Business, NCAA. Pay the Players.” *Bloomberg Opinion*. October 13, 2017. <https://www.bloomberg.com/view/articles/2017-10-13/it-s-business-ncaa-pay-the-players>
- Northwestern University v. College Athletes Players Association (CAPA) before the National Labor Relations Board Region 13. March 26, 2014.
<https://apps.nlr.gov/link/document.aspx/09031d4581667b6f>
- Huma, R., & Staurowsky, E. J. (2012). The \$6 billion heist: Robbing college athletes under the guise of amateurism. A report collaboratively produced by the National College Players Association and Drexel University Sport Management. Available online at <http://www.ncpanow.org>.

Reference material:

- Dave Zirin “Chapter 6: The NCAA’s “whiff of the plantation”” (106-119) in Zirin, Dave. 2013. *Game Over : How Politics Has Turned the Sports World Upside Down*. New York: New Press.
- Joe Nocera and Ben Strauss “Fate of the Union: How Northwestern football union nearly came to be.” *Sports Illustrated* February 29, 2016.
<https://www.si.com/college-football/2016/02/24/northwestern-union-case-book-indentured>

Week 6 Monday October 12th

Amateurism 2: The Olympic Movement

Reading:

- Chapter 4 “The 1968 Olympics Raise the Bar” (73-100) in Zirin, Dave. 2005. “What’s my name fool.” *Sports and Resistance in America*, Haymarket.
- Edwards, Harry. *The revolt of the black athlete*. University of Illinois Press, 2017. Appendix E “Information Booklet Excerpts” pp146-154.
- Chapter 8 (187-218) in Rhoden, William C. 2006. *\$40 Million Slaves: The Rise, Fall, and Redemption of the Black Athlete*. 1st ed. ed. New York: Crown Publishers.
- Ruiz, Rebecca R., Juliet Macur and Ian Austen “[Even With Confession of Cheating, World’s Doping Watchdog Did Nothing](#)” *New York Times* June 15, 2016.

- Rachel Bachman (2019) “Olympic Athletes Ask: Should We Start a Union?” *Wall Street Journal*, February 26. <https://www.wsj.com/articles/olympic-athletes-ask-should-we-start-a-union-11551193784?mod=e2tw>
See also: <https://globalathlete.org/>

Film (during class time): *The Stand: How One Gesture Shook the World* (Tom Ratcliffe, 2020. 69 minutes). Watch online here: <https://bit.ly/3hsQWQP>

Week 7 Monday October 19th 1st Exam

Week 8 Monday October 26th

Race and Racism

Readings:

- Chapter 4 (63-89) in Dave Zirin *A People’s History of Sports in the United States* New Press, 2009.
- Chapters 4&5 (72-117) in Ruck, Rob. 2011. *Raceball : How the Major Leagues colonized the Black and Latin game*. Boston, Mass.: Beacon Press.
- Chapter 10 (231-245) in Rhoden, William C. 2006. *\$40 Million Slaves : The Rise, Fall, And Redemption of the Black Athlete*. 1st ed. ed. New York: Crown Publishers.
- John Branch “The Awakening of Colin Kaepernick” *New York Times*, September 7, 2017. <https://www.nytimes.com/2017/09/07/sports/colin-kaepernick-nfl-protests.html>

Week 9 Monday November 2nd

Regulating the athlete’s body: Drug testing, gender testing, and sexuality.

Readings:

- David Epstein. “Magic Blood and Carbon-Fiber Legs at the Brave New Olympics” *Scientific American*, August 5 2016
<http://www.scientificamerican.com/article/magic-blood-and-carbon-fiber-legs-at-the-brave-new-olympics/>
- Ariel Levy “Either/Or” *The New Yorker* November 30, 2009.
- Payoshni Mitra “[The Female Athlete](#)” *Indian Quarterly*, October-December 2019.
- Webster, Molly. “Dutee” *Radiolab*. Podcast Audio. July 22, 2018.
<https://www.wnycstudios.org/story/dutee/>

Reference material:

- WADA “2015 World Anti-Doping Code with 2019 amendments” especially articles 5 (36-42), 8 (57-59) 13 (80-86) 21 (113-115) Available online at

- https://www.wada-ama.org/sites/default/files/resources/files/wada_anti-doping_code_2019_english_final_revised_v1_linked.pdf
- Dave Zirin “Chapter 8: ““Is Your Underwear Flame Retardant?” Sexuality and Sports” (135-162) in Zirin, Dave. 2013. *Game Over: How Politics Has Turned the Sports World Upside Down*. New York: New Press.

Week 10 November 9th

Health and Safety

Reading:

- Halchin, L. E. (2008). *Former NFL players: Disabilities, Benefits, and Related Issues* (RL34439). Washington, DC: Congressional Research Service.
http://digitalcommons.ilr.cornell.edu/key_workplace/525/
- John Branch (2011) “Punched Out: The Life and Death of a Hockey Enforcer” *New York Times* <http://www.nytimes.com/2011/12/04/sports/hockey/derek-boogaard-a-boy-learns-to-brawl.html?pagewanted=all> Read parts 1, 2 and 3.
- Part 4 (249-361) in Fainaru-Wada, Mark, and Steve Fainaru. 2013. *League of denial : the NFL, concussions, and the battle for truth*. New York: Three Rivers Press.

Film (during class time): *League of Denial* (PBS)

<http://www.pbs.org/wgbh/pages/frontline/league-of-denial/>

Week 11 Monday November 16th

Brokers and middlemen: Agents, recruiters and scouts

Readings:

- Chapter 4 (107-135) in Gilbert, Daniel A. 2013. *Expanding The Strike Zone : Baseball in the Age of Free Agency*. Amherst: University of Massachusetts Press.
- Karcher, Richard T. 2006. "Solving Problems in the Player Representation Business: Unions Should Be the Exclusive Representatives of the Players." *Willamette Law Review* 42:737.
- Willenbacher, Eric. 2004. "Regulating Sports Agents: Why Current Federal and State Efforts Do Not Deter the Unscrupulous Athlete-Agent and How a National Licensing System May Cure the Problem." *St. John's Law Rev.* 78:1225.

Film: *The Dotted Line* (2012, 51 minutes)

Week 12 Monday November 23rd

Compensation

Readings:

- Chapter 2 “Anything but “Free”: Playing for the NFL” (21-48) in Yost, Mark. 2006. *Tailgating, Sacks, and Salary Caps : How The NFL Became the Most Successful Sports League in History*. Chicago, IL: Kaplan Pub.
- Kahn, Lawrence M. 2000. "The sports business as a labor market laboratory."

The Journal of Economic Perspectives:75-94.

- Darby, Paul. 2007. "Out of Africa: The exodus of elite African football talent to Europe." *WorkingUSA* 10 (4):443-456.
- Davis, Amira Rose. 2016. "No League of Their Own: Baseball, Black Women, and the Politics of Representation." *Radical History Review* 2016 (125): 74–96. <https://doi.org/10.1215/01636545-3451748>.

Week 13 Monday November 30th
Wrap up and research presentations

Week 14 Monday December 7th 2nd Exam

Friday December 11th

Research paper due- upload paper to Canvas by midnight.

Collective Bargaining Agreement (CBA) Worksheet

On the first day of class you will be assigned a collective bargaining agreement. Your first task is to find the CBA online. Read the ENTIRE CBA. Take notes on the following questions. Come to class with your notes as well as the CBA (in electronic form or hard copy). You must upload your notes to Canvas (the answers to these questions) before class on **September 21st**. The CBA you read should be currently in effect, or if expired, be the last agreement that exists for this unit (i.e. no successor agreement has been negotiated).

You can find many collective bargaining agreements online by searching for the name of the employer and/or the union and “collective bargaining agreement” or “cba.” Many CBAs also appear on the employer or union local’s website and you can consult the links provided online here: <http://libguides.rutgers.edu/c.php?g=336678&p=2267003>

Who are the two (or more) parties to the CBA?

What are the start and end dates of the CBA? How long is the contract?

Are there any provisions for contract re-openers or extensions in particular circumstances?

Are there separate classifications for rookies and veterans? Are there other categories of players? How is each category defined?

What is the minimum salary?

Are there exceptions to the minimum salary? If yes, how do they work?

Is there a salary cap (for individuals or for the team)?

Are there exceptions to the salary cap/maximum? If yes, how do they work?

What are the increases to minimum salary for each year of the contract?

What are the specifics of the retirement plan?

Is there a provision for life insurance?

Is there a provision for parental leave? What is the policy?

Is there a meal allowance or travel per diem? If yes, how much is it?

What is the drug testing policy?

Are there any unusual provisions in the CBA?