

# Seven key issues linger for NFL's new CBA



Though the players and owners have compromised on a formula to split the league's annual multi-billion dollar revenue stream, there are numerous issues that must be resolved on Tuesday and Wednesday in order to get a deal done in timely fashion. Over the next two days, negotiations will continue even as the NFL Players Association conducts internal meetings designed to lead to the ratification of a new CBA, beginning with Tuesday's executive-committee discussions and continuing with Wednesday sessions that include the player representatives for each of the league's 32 teams. Presumably, a vote by the full membership (via email or telephone) on the proposed CBA could occur as early as the end of the day or Wednesday night.

The owners will meet in Atlanta on Thursday, and key executives for each team reportedly will join them for a seminar on Thursday and Friday to explain the new salary cap rules. Ideally, the owners' CBA vote will come

on Thursday. If they approve the deal, to the delight of football fans, normalcy will return shortly thereafter.

On Monday profootballtalk.com reported that Packers officials are telling players the lockout will be lifted Friday and that they should be prepared to report Saturday for a team meeting.

Despite the understandable optimism on both sides, anyone operating under the assumption that this is a done deal should be flagged for premature celebration. According to several sources familiar with the sensitive state of negotiations, here are the seven potential pitfalls that must be overcome:

- **Lost benefits:** When the owners opted out of the previous CBA, triggering an uncapped year in 2010, it allowed them to avoid paying \$320 million in benefits. Now that peace is at hand, the players are pushing to recover that money. Owners will argue that they merely exercised an option available to them under the terms of the deal the two sides previously negotiated. Players will contend that it's a matter of principle that the benefits be restored and that the owners, says one NFLPA source, "should do the right thing."

- **Lockout insurance damages:** U.S. District Court Judge David Doty ruled that the owners, in an effort to create a potential lockout fund, breached their contract with the players in negotiating below-market contract extensions with several television networks that served their own interests. He has yet to rule on damages, and owners will almost certainly insist upon settling the suit as a condition of agreeing to the new

CBA. If so, this gives the players a potential lever to try to recoup some or all of the aforementioned \$320 million in lost benefits.

- **Judicial oversight: Speaking of Doty,** the owners no longer want him (or any other federal judge) in charge of deciding CBA disputes, a role he held for the previous 18 years following the 1993 settlement of player-initiated antitrust suits that ushered in the current era of unrestricted free agency. Expect language in the new CBA to include a stipulation that gives jurisdiction of such matters to an arbitration panel, likely made up of retired judges. The players are likely to give in on this issue because of their belief that if the league egregiously violates federal labor law, taking a specific matter to court will remain a viable option, and a judge's ruling would supersede the panel's authority.

- **Workers' compensation:** The owners are trying to end the common practice of players filing claims in California, which has an employee-friendly system, if they've played even a single game in the state during their careers. Under the owners' proposal, players would be required to file in the state in which their team was based when they incurred the injury in question. Expect the players to put up staunch resistance on this issue, which realistically affects retirees far more than it does people currently in the league, and fight to retain the status quo.

"That is really our only means of protection in terms of taking care of ourselves after football," said one player active in NFLPA matters. "I'm sure the [owners of] California teams feel like they bear an unfair burden, so maybe there's a way they