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Do What's Right and Fair – For the Game and its Officials

The 2012 season of the National Football League (NFL), the most popular sport in America, is under way. The NFL consists of an ideal in which the best athletes compete against each other in packed stadiums, while millions of viewers watch on television. The television networks and their sponsors advertise products to this audience that remains captivated by the raw power and speed of the athletes on the field.

Maintaining the integrity and competitive balance of each game within a three-hour time frame is the job of 121 highly skilled professional officials.

At least that is how the game is supposed to work. And in general, it did, until this season, when the League locked out the very professionals responsible for working quietly, and behind the scenes, to keep the game pure, the athlete's safe, and the competition fair.

These professional game officials – noted until this season by the NFL as being “the best in sports,” have spent years honing their skills, just like the athletes starring on the field. They have always taken great pride in their behind-the-scenes role of ensuring that each game is played fairly and within the rules.

What are the issues that have led to the current distraction of this lockout, during which on-field officiating has pulled our focus away from the game and the outstanding athletes? The issues go far beyond what the NFL has claimed to be the sticking points in our negotiations – salary and benefits. At issue is the very continuation of the time-honored NFL tradition of doing what is right and fair.

Both the League and the NFLRA have negotiated many prior collective bargaining agreements. Only one previous situation resulted in a two-week lockout during the 2001 season. So what is different this time around? Certainly, not lost revenues potential. The League is enjoying unequalled popularity and its growing annual revenues exceed \$9 billion per year.

The two sides have narrowed the gap on overall compensation. It is a gap that could be closed with some minor concessions by both sides. However, the parties remain far apart on another key issue, and that issue is the retirement benefit for officials.

Every current NFL official was hired by the NFL with the promise of a defined-benefit pension package. All of these officials and their families have made important life-planning decisions based on this benefit promise. The NFL now wants to break the promise by eliminating that benefit; instead, turning to an inferior defined-contribution plan. I call that plan inferior because the League's offer would reduce their funding obligation for the plan by some 60%, and at the same time transfer long-term investment risk to the individuals (each official).

Why does the League want to do this? Is the League in financial distress? Does the League see its financial future as bleak? Not hardly. The League states that it desires to eliminate the defined contribution plan because other American businesses are moving away from such plans to a defined-contribution type plan. However, 18 of the League's member clubs continue to retain their defined-benefit plans for their employees.

The NFLRA has remained willing to compromise in order to achieve a workable new contract. We made a substantial concession in our effort to resolve our differences with the League when we proposed to "grandfather" the defined-benefit pension plan. Under the proposed grandfather plan, the defined-benefit plan would continue only for current officials, and new-hires would come into the League under a defined-contribution pension plan. Is this not a fair and reasonable compromise?

Earlier this year larger employers such as Con Edison, Caterpillar and Lockheed Martin all resolved their defined-benefit pension issue by agreeing to the grandfather compromise for their existing employees. Federal mediators in the current NFL-NFLRA dispute have indicated that the “grandfather” compromise resolves 90% of all such pension disputes. Yet, the NFL has categorically rejected our grandfather proposal.

The NFL requires that its officials impartially and fairly enforce the rules of professional football to ensure fair competition on the field. All the NFLRA asks is for the NFL to provide us the same type of fair treatment.

The goal for both sides must be to get back to the bargaining table immediately. We need to reach a fair and equitable agreement before damage is done to the integrity of the game we all love.

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