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March 31st NFLPA Media Call

- George Atallah: [00:00:04](#) Recording so that we can get everybody a transcript. Okay. JC is here and DeMaurice is here. All right. So appreciate everybody taking the time. I know it's a busy time of year for all of us. Wanted to turn the mic over real quick to JC, who's got a few things to get us going with. And we will do our best to get to every question that we can during the course of the next 45 minutes to an hour. JC, if you're there, floor is yours.
- JC Tretter: [00:00:56](#) Yeah. Thanks everybody for being on. I just want to start off. I posted a column this morning on the NFLPA website, and I think it's important. I would urge you all to read it because I think it frames a lot of the conversations we're going to have today on this call and moving forward about what we learned from last year and the data we collected and how we move forward with that data. And when you start talking about things like a 30% reduction in concussions and 23% reduction in mistimed injuries, we learned that what we did last year when it comes to health and safety works.
- JC Tretter: [00:01:31](#) And it's important to highlight that information because what it also shows is that we had an extremely successful competitive season too. And the decrease in practice time, the virtual off season, the acclimation, all that stuff that was dictated by science to keep us healthy, it worked in keeping us healthy. And, we had more competitive games, more scoring, higher performance, more parody, more drama than really any year before. And that's important to highlight in these discussions, that when we searched for answers on how to make the product better and how to keep players healthy, we have the answers. We just saw. And we need to continue to build off those answers and not ignore what we just saw and what we just learned from.
- George Atallah: [00:02:28](#) Okay. I dropped the link to the column in the chat. I know D has a few things to say. We wanted to show you guys a quick clip from the CDC director here to sort of illustrate the point that JC is making that we're not out of the woods yet as a nation. It's about 45 seconds. Let





NFL PLAYERS
ASSOCIATION

me see if I can share the screen and then I'll turn it over to D and we'll get to your questions.

- DeMaurice Smith: [00:03:16](#) George, I'm not sure there's sound.
- George Atallah: [00:03:25](#) No sound?
- DeMaurice Smith: [00:03:26](#) No. At least I'm not hearing sound.
- JC Tretter: [00:03:29](#) No sound.
- George Atallah: [00:03:31](#) All right. Let's see how we get the sound. Microsoft teams, official partner. Sorry. Didn't want to go there. Why don't I drop the link in here? The gist of course is, the CDC director, as recently as yesterday, raising caution about a fourth wave and us heading in the direction that Europe is currently in at the moment. And that should continue to inform the decision-making that we have as a business in terms of how we keep everyone in our business safe, not just the players. So with that, D, you want to say a few words? And then we'll get going on your questions.
- DeMaurice Smith: [00:04:18](#) Sure. Well, first of all, thanks for joining us. We know that there's a lot going on. A lot to talk about given news in the NFL, things that are happening with respect to change in the schedule. We're continuing to bargain about off season. And those conversations with the league are continuing, even as we speak. We know that there is a uniform start date that is August, I'm sorry, April 19th. Do we have issues that we continue to bargain with the National Football League? Absolutely. But where we start is exactly where we've been for the last now over a year. We start and stay with the facts. The daily cases of COVID are higher now than last March, when we decided that we were going to conduct off season much differently, we were going to conduct a training camp differently, and we were going to conduct the preseason differently.
- DeMaurice Smith: [00:05:24](#) From the player's perspective, the goal remains the same. How do we conduct NFL football in the safest possible way with a goal of not just starting the season, but more importantly, a goal of getting through the



NFL PLAYERS
ASSOCIATION

entire season. So with that, let's open it up to questions and George, I'll turn it over to you.

George Atallah: [00:05:47](#)

Okay. First question with the hand raised Raphael, go ahead.

Raphael Haynes: [00:05:54](#)

Hello. It's Raphael Haynes from The 3 Point Conversion. First question I have is, well, just looking at what George put up, I know we couldn't hear it, so I don't particularly know what was going on. But as far as it saying that we might have a fourth wave and DeMaurice is saying that the fact that the percentage is higher than it was last year in March, how are you going about training camp this year? Will it be start on time as apposed to last year?

DeMaurice Smith: [00:06:26](#)

Yeah. I'll take that. Look, I think that we did a great job last year together with an off season schedule, a training camp schedule and a pre-season schedule that resulted in something no less than 256 regular season games accomplished on time. And as JC mentioned, a season that had an unprecedented amount of scoring, the lowest amount of penalties in NFL history, and players feeling better and actually being better. So I think the model for how we should operate in COVID is there. We have to find out whether or not there's the willingness on the part of the NFL to actually do what we know worked.

Raphael Haynes: [00:07:26](#)

And then the second question, and thanks for the answer, and the second question is, with the 17 games scheduled this year, I know you said you were still bargaining, but was there or is there any chance of having a second bye, due to the fact, as JC stated, there wasn't that many injuries. But now having an extra whole game, of course [inaudible 00:07:51] I hate to say that, but is there any plan to request for a second bye or did you want to talk about that in X ad beforehand?

DeMaurice Smith: [00:08:02](#)

Yeah. We talked about that during bargaining. That was an issue the players thought about and pressed for in bargaining. It was something that league didn't want to do. I think that it might be something that we need to look at if we have a problem during the season with COVID. But, I think it's also important not to look at a bye week as the only way in which we increase the



NFL PLAYERS
ASSOCIATION

likelihood that our players stay safe. Let's just keep our eyes focused on the data. JC's column lays out in purely persuasive way, the number of mistimed injuries and the decrease in mistimed injuries that players had last year versus this year. The single most determining factor about whether someone makes a roster in the upcoming season, if you are a veteran, is whether or not you suffer a mistimed injury before the season starts.

DeMaurice Smith: [00:09:18](#)

So, we fought long and hard in 2011 to change the off season schedule and to make it purely voluntary, because we wanted players to have the option of making a decision about what's in the best health and safety interest that they had. There can be no greater stat than the 20% decrease in mistimed injuries, and the overall decrease in serious injuries suffered by players between last year and the year before, right? So to me, the focus should be on, how do we empower our players to make the best decisions about making an opening day roster? And I think the data overwhelmingly shows that perhaps the most dangerous place to be, if you're a veteran player, is in an off season program.

George Atallah: [00:10:25](#)

Thanks for that Raphael. Liz, please go ahead.

Liz Mullen: [00:10:31](#)

Hi. Liz Mullen, Sports Business Journal. I have a question and I was hoping that D and JC could both answer. I wanted to ask you about the free agent market. Last time I was on this call, I asked about the salary cap was prior to it being set, about the TV deals, would they come in, in advance to bring up the salary cap? That didn't happen. They came in right after free agency started. So I'd like to get an idea, if you guys could tell me how many one year deals are we seeing? What are the overall dollars? What are the guaranteed dollars that are coming in? And how many players are being asked to restructure their contracts downward to get under the cap? And what are your concerns about that? And what, if anything, can you do about that?

DeMaurice Smith: [00:11:30](#)

I think George, the best way of dealing with that is, why don't we have Mark Levin, do a run over report about free agent contracts. And I think it's important to keep this conversation in a place where we don't forget where we are. We have a revenue share deal, which means that the salary cap is based on our share of revenue. Last year, when the league took a \$4 billion



NFL PLAYERS
ASSOCIATION

hit, every one of our players made every dollar of their salary in full. We go forward with a revenue share deal. If we don't do a collective bargaining agreement fix, I think the salary cap hovers somewhere around \$166 million instead of the 182,5 that we have. Why do I frame it that way? Because Liz, I like a 182,5 cap much better than I'd like \$166 million cap, right?

DeMaurice Smith: [00:12:38](#)

Free agents are in a market where the salary cap is down from where it was last year. But at the same time, it is not down as much as it would be if we kept to the structure of the collective bargaining agreement and didn't do anything where the cap would be 166 million. As far as I know, I could project a world of how many free agent players would not have a job at a \$166 million market. I can foresee what that could look like. If free agents are being asked to restructure their contracts or players are being asked to take a larger signing bonus and push money out for a longer term, I think that's what players have to do given where we are with the market.

JC Tretter: [00:13:43](#)

I'm just going to add on top of that, D. I think it's important to go back even a little further to understand how we got to where we're at now. So going into COVID, we understood that there was going to be a projected \$4 billion revenue shortfall. Again, we're revenue sharing. We had revenue sharing deals. So when there's a shortfall, we both take a hit. So there were three options. If we did nothing like D talked about, the cap's going to go down way further than it went down now. The owners option was, every player last year in the middle of a pandemic was going to take a 35% pay cut. That was not tenable to us. We were not going to have our guys do that. None of our guys wanted to do that.

JC Tretter: [00:14:25](#)

So, our option was we're going to spread the losses over as many years as possible. That way, not one group of single players have to take on all the financial hardship of an unforeseen global pandemic. So that's what you're seeing now. Yes, the cap has gone down, but those were the other two options. An even lower cap or every single player taking a 35% pay cut in the middle of playing in a pandemic. So, that's the thing. When it comes to TV deals, that the TV deals are good for us. Again, we have a revenue sharing deal. Every dollar they bring in, we get our share of that money. So the TV



NFL PLAYERS
ASSOCIATION

deals are fine. And it's about when the money comes in is when it starts impacting the salary cap, our benefits and all that stuff. So those are two different of why the cap went down, well, the TV deals came in. Those are balancing two different topics at the same time.

- Liz Mullen: [00:15:21](#) Do you guys have any projection on how much it might go up next year, based on the TV deals? And are the TV deals higher or lower than the union was looking at or hoping for?
- DeMaurice Smith: [00:15:35](#) The TV deals, I mean, we'll take a look at projections once all the TV deals are done. As you know, they still have, I think, Direct TV try to finish. So we would never do a projection until all the deals are done.
- Liz Mullen: [00:15:51](#) Thank you.
- George Atallah: [00:15:52](#) Thanks Liz. And just for everybody else too, to note two other things that we have put out there as well, for those of you who've been on the calls regularly; there's a cap roll over that teams can use. And we put out each teams adjusted cap figure, once the 180 plus cap was set. That should give plenty of teams cushion to soften the blow of the cap reduction in this year. And as we saw in the 2011 deal, teams can spend cash over cap. There are ways that teams can spend cash over cap. Liz, I'm picking on you because I know The Eagles had done it three, four years consecutively. Plenty of teams across the league during the 11 deal spent cash over cap. So that 180 figure, 182 figure, not a hard ceiling by any stretch, given the mechanisms we have in the CBA to help agents and players negotiate.
- George Atallah: [00:16:57](#) Next question from Lindsay Jones.
- Lindsay Jones: [00:17:02](#) Hi, guys. We saw in the NFL's memo today that the league seems to be putting in some sort of incentive for teams to get vaccinated. I wanted to know what your thoughts were on those sort of incentives that are going on, and if you expect maybe some more similar plans to what major league baseball is doing. And then, related to that, what are you hearing from membership about their feelings about vaccination rights or getting vaccinated and what that might look like?
- Lindsay Jones: [00:17:32](#) I now might be offline. Can you hear me?



NFL PLAYERS
ASSOCIATION

DeMaurice Smith: [00:17:35](#) Yeah.

Lindsay Jones: [00:17:36](#) Okay. Sorry. My wifi was going in and out.

DeMaurice Smith: [00:17:39](#) No. All good. JC, you want to do it or you want me to do it?

JC Tretter: [00:17:42](#) You can take it.

DeMaurice Smith: [00:17:45](#) Well first, I saw the memo that came from the league. I think it popped up right before we came on. I'll take a look at what the quote unquote, "incentives" are. I know that the league has made a statement that they're not going to mandate the vaccine. How members who are vaccinated and the impact on protocols, we'll have to take a look at it later. So really just to kind of answer your question, I haven't had enough time to think about it. As far as comments from membership, I think the most overwhelming conversation was whether the league was going to mandate vaccines or not. Now that the league has indicated that they're not, we'll start to have other conversations with players about the vaccine. But, again, this is one where I care more about what's going on in the country than what's going on in football world.

DeMaurice Smith: [00:18:50](#) I think we have to do everything we can to make sure that we message that the vaccines are safe, that people should get them. We know that there's groups of people who have a number of feelings about the vaccine, that could be based on all sorts of things. We wanted to make sure that we were in a position to answer every question about the vaccine, to engage in any public efforts about getting people vaccinated. Some players have come out on their own to talk about that. Every now and then I think our focus is rightly on something bigger than football.

George Atallah: [00:19:30](#) Thanks, Lindsay. Let's go next person hand raised. We'll go to Tony.

JC Tretter: [00:19:42](#) Tony, you're on mute.



NFL PLAYERS
ASSOCIATION

Tony:

[00:19:49](#)

Sorry. Thank you. JC, I haven't had a chance to read your column yet. You might answer this in it, but I'll ask it now. As we return to normal, this question is based on a little more normal. Are you against any field work in the off season? And also what's your and the union's position on joint practices and training camp?

JC Tretter:

[00:20:19](#)

Yeah, I think to start, we're not normal. So I think we need to start there and we can't get too far ahead of ourselves. Right now we are not normal. The NFL doesn't get to decide when the pandemic is over or when we get to stop caring about COVID. COVID is still out there. Our players do not want to catch it still. There are plenty of guys who have talked about issues that they felt for a long time after catching COVID. Miles being one of them, talked about it all year, about how he felt that it was still bothering him. So, guys don't want to catch something and make themselves vulnerable to that in the middle of unnecessary practices in the spring time, that could impact them during games in the fall. So the conversation about what should be going on post COVID, I don't even think we should go there right now.

JC Tretter:

[00:21:19](#)

The conversation right now is that COVID is still going on. We're facing the same issues we faced last year. And we have a formula of what worked to get us through an entire season, that I would say most people would not have believed that we are going to be able to play an entire season outside of a bubble, finish all of our games and crown a Super Bowl champion last year. I think going into the year, nobody thought that was going to be possible. And we did. And I think the fact that we have that layout, we have that plan, I think it would be a shame if we didn't utilize what we know works. So, right now we are still facing COVID. There's still now a uptick in positive cases. Dr. Fowchee, has talked about the chance of a fourth wave. The CDC director has talked about the chance of a fourth wave, as we're seeing this uptick slash plateau of cases.

JC Tretter:

[00:22:06](#)

I think we have to stick there right now and deal with the issue at hand, that we need to be making our decisions still with the focus on COVID and the



NFL PLAYERS
ASSOCIATION

wellbeing of everybody who has to walk in that building and making sure we take care of their health and safety.

[00:22:17](#)

So, is it safe to say that the rules going into this year's training camp will have to be jointly agreed by the union and management?

JC Tretter:

[00:22:31](#)

Yeah.

Tony:

[00:22:33](#)

Okay. Thank you.

George Atallah:

[00:22:37](#)

It wasn't lost on me before we jumped on this call that they sent the memo for an April 19th start date. Yet, the NFL owners met virtually just yesterday. So I'm not sure we're going to be over pandemic in 19 days time. That's just me though. Les Bowen, go ahead.

DeMaurice Smith:

[00:22:58](#)

George. Smart Alec.

George Atallah:

[00:23:01](#)

I mean ...

Les Bowen:

[00:23:03](#)

Actually, Tony asked a little bit of what I was going to ask. So I'll pivot to something slightly different. D, you were talking about the vaccine resistance perhaps among some people. You said there was a great deal of concern about whether the league would mandate this. What was the Association's stance on that? Would you rather the league have mandated it? Was there a strong element of the membership that didn't want that? And it seems like maybe you're working a little bit at cross purposes wanting to take a lot of precautions and yet not really mandating that people get vaccinated.

DeMaurice Smith:

[00:23:48](#)

Yeah. Imagine this job being at cross purposes. Go figure. Welcome to the club. No, we never took a position on it because at the time that we were even thinking about a vaccine, the last time we were having conversations with the league was during the season, when the likelihood of a massive rollout was still hypothetical. By the way, as an aside, I'm frankly pleasantly and thoroughly thrilled and stunned at the rollout of the vaccine and how quickly not only was it developed, but how much faster we're rolling it out. So that's a great thing. So to answer your question, we never got to a point where we were advocating or not advocating for it to be mandated. To be blunt about it, the success of social distancing, wearing a mask, daily



NFL PLAYERS
ASSOCIATION

testing, contact tracing, and the overall work of our players was working so well that we didn't look to the vaccine as some sort of necessary miracle answer, you know what I mean? So now that we're here though, the league has said that they're not going to mandate it.

DeMaurice Smith: [00:25:11](#)

The point about there being groups of people who feel uncomfortable about things like vaccines or things that are mandated by the government, you and I both know that's not only a very real thing, a very real feeling, but it's also a very real thing, unfortunately, rooted in very real nasty, horrible things that happened in history. Now, that said, the extent to which if there's players who want to speak out about this, and we haven't talked about really the union doing it yet, but if there's a place for us to play about helping this country get back to normal, I think that does come with the territory of being a very popular sport, and having groups of players, people really know it's not me, but having groups of players that America listens to. And I think if we can utilize that for good, we should.

Les Bowen: [00:26:13](#)

Do you see any possibility that teams will be divided? That guys will be like ticked off at other guys on the team who won't get vaccinated or something like that?

DeMaurice Smith: [00:26:24](#)

I'm going to throw that one to JC. He's in the locker room much more than me. And I just rather throw it to JC.

JC Tretter: [00:26:32](#)

No, I don't think. I think it's people have to make that decision. Also, just, this is kind of more semantics, I think when we talked about the previous conversation of rolling back guidelines or incentives of taking the vaccine, we're following the science and that's what we're always going to do. So you can look at it of having less restrictions on the previous protocols as an incentive to do it. The reason you don't have to do it is because you're now vaccinated and you're not shedding virus or not a threat to get ill and get other people ill. So, they're just a little semantics there that I just want to make very clear that it's not incentivized as in, we're going to make it easier for you for no reason. There's a reason why protocols would lessen.

Les Bowen: [00:27:21](#)

Okay. Thanks.

George Atallah: [00:27:28](#)

Thanks very much Les. Mary Kay, Cleveland Contingent.



NFL PLAYERS
ASSOCIATION

Mary Kay:

[00:27:34](#)

Yeah, this is probably for JC. So, are you saying that you guys are in support of the incentives, the vaccine incentives that the NFL rolled out today? And in the context, and the reason why I'm asking is because now with all the variants coming down, with the fourth wave coming, it seems like there's a lot of uncertainty over how long a vaccine could keep someone immune or will somebody that doesn't get a vaccine be immune longer than perhaps someone that does. So I'm just wondering, are you guys in support of these incentives? Because it seemed like it, the way that it was rolled out today, that these are basically a foregone conclusion. So are you supporting them? And then also, are you encouraging your membership to get vaccinated?

JC Tretter:

[00:28:32](#)

First, like D said, I've got to read through that thing that rolled out right before we started. But, we're in favor of following the science and that's been our point the entire time. So, what the science dictates is what we're going to be in supportive of, of how safe are you, what is the risk of reinfection, how long do the vaccines last. All that stuff, that's not for me to decide and for me to come up with. Believe me, you don't want me to come up with scientific answers to those questions. I'm going to leave that to our doctors and our medical experts to give me and D and all of our players that information and those answers on the efficacy and how long, and these, like you said, these strains that are coming in. That's for other people to tell us the answer, that know a lot more about epidemiology than I do.

Mary Kay:

[00:29:22](#)

But, if players are coming to you right now and saying, "Should I take this?" I mean, are you guys encouraging them to go [inaudible 00:29:30]?

DeMaurice Smith:

[00:29:32](#)

Just to follow up on what JC said; when players come to me to ask me about the vaccine, I immediately send them to Tom Mayer. And if they have questions about, "Is it safe? Is one vaccine better than the other? I read this and that about a vaccine that might have problems." When JC says we follow the science, we actually follow the science and we follow the people who are advising us. And I steer every question to our medical professionals about the choices and try to urge



NFL PLAYERS
ASSOCIATION

players to do the right thing. Put it this way; if I had to choose between taking that approach or having a conversation with players saying, "You should do something or not do something because the league just put out a memo," I'm always going to choose the former over the latter. Does that make sense?

Mary Kay: [00:30:37](#)

Yes. Thank you.

George Atallah: [00:30:41](#)

Thanks very much. Howard and then Michael Gilcan.

Howard: [00:30:48](#)

Yeah. In terms of the missed time from injuries, I'm curious how much you guys think that the adjusted injured reserve rules that might've impacted that? And whether there's, I know it's a little early, but discussions about having something similar this year, along with the potential for expanded practice squads?

DeMaurice Smith: [00:31:11](#)

I'd have to defer to Sean on the data, but I don't see the missed time. I think the missed time injuries are going to be just in and of themselves significant apart from whether or not we've got more people in as practice squads or anything else. I look at that as actually something that we looked at back in 2011, when we were negotiating the off season back then, and the data that came out of there. If someone told me that I had a greater chance of not starting work on time and therefore not making the roster, by something that I was doing voluntarily and I didn't have to do, I think I would choose not to do the thing that I don't have to do that would risk me getting on the roster.

DeMaurice Smith: [00:32:14](#)

As far as what we did with store term IR and people on rosters, it's a great question Howard, but man, we're not even there yet, right? We take these things kind of in seriatim, just like we did last year. Right now we have to come up with what is the most common sense way of handling the off season in COVID, and that's first. And then after that we'll take up the issues of opt-outs, things that we have to decide before training camp, ramp up during training camps. And then some of the issues that you've raised as far as going forward with roster sizes, injured reserve, increase in practice squads. But, I'll tell you what, whatever we did last year is a pretty good blueprint for what we should be doing going forward.

George Atallah: [00:33:17](#)

Thanks, Howard.



NFL PLAYERS
ASSOCIATION

Howard: [00:33:18](#) Thanks.

George Atallah: [00:33:21](#) Michael, you're up.

Michael Gilcan: [00:33:22](#) Yup. D, my question, and I apologize if you touched on this already earlier, but some of [inaudible 00:33:28], do you expect a 90 man roster to be restored in 2021? What is the union's position on that? And could that happen over the next month or so before the undrafted free agent process would begin?

DeMaurice Smith: [00:33:45](#) We have to decide that I think sooner, rather than later. Again, going back to the protocols that we did last year, we made a decision about the number of people being in camp. We thought it was safer with a smaller group of people. Given where we are with COVID, I.

DeMaurice Smith: [00:34:01](#) Given where we are with COVID, I have a hard time coming up with a reason for why we should be changing almost anything that we did last year. Does that make sense?

George Atallah: [00:34:13](#) It does. Yeah, I understand that, but I also understand the [inaudible 00:34:22] climate and the landscape of COVID. It certainly indicated it's changing with stadiums expected to be full, so certainly I think that it's valid to wonder if locker rooms will be full.

DeMaurice Smith: [00:34:35](#) Well, right. And look, we, I hope that stadiums are full as well in September, but we're in March. And the way in which we approached COVID last year was about honestly, was looking at two week projections about where we thought we were going to be and making decisions based on where we think we're going to be in two months, I'm sorry, two weeks and four months increments, rather than "the country's getting back to normal." We still have a high risk business in a pandemic that is generated by high-risk close contacts.

DeMaurice Smith: [00:35:27](#) That's our paradigm. And I think that we should make decisions based upon exactly where we are and certainly make some decisions based upon where we hope to be. Based on what we learned last year, is it



NFL PLAYERS
ASSOCIATION

possible for us to have more fans in the stands based upon all of the information we learned last year? Probably. I'm not sure much has changed in the science about the rate in which this virus can be transmitted person to person, the speed with which it can be transmitted, and the only thing I think that we know now that we didn't know then is that you have some variants that have made the calculus more complicated, not less complicated.

George Atallah: [00:36:28](#)

Thank you. Okay. Let's go to Brandon please.

Brandon Kriszta...: [00:36:34](#)

Hey, Brandon Kriszta, KOA Radio in Denver. [inaudible 00:36:38], you just kind of touched on what worked last year, you want to follow this year, but I guess I'll ask JC. You saw plenty of players getting together on their own. Tom Brady, obviously, getting his guys together in Tampa. Out here, I know Drew Lock got together with a bunch of players. Will you guys advise against that? Away from the facility, I get it. They're doing whatever they want to do. But when a quarterback says, "Hey, let's get together," because of the data you have and the science that you have, are you going to encourage guys to try to avoid that until you're at another point where you feel comfortable with them doing it?

JC Tretter: [00:37:11](#)

Yeah. D, when did we... We put out a statement last year, a medical statement from Tom Mayer, our medical director on the risks of getting together [inaudible 00:37:24]. And so that's been our position since last year, when this was going on, was the virus is passed through contact and there is a risk to be together with large groups of people. So, yeah. I think we've advised people before and we'll continue to advise them that way.

DeMaurice Smith: [00:37:43](#)

I mean, set another way, we would never set policy based on things that we, we don't want guys to do, right? We want to set our policy on what we think are the best practices. And last year, we came to a conclusion that the best practice was not to have [inaudible 00:38:07] in-person off-season.

JC Tretter: [00:38:12](#)

Thanks.

George Atallah: [00:38:17](#)

Raphael, do you have another question or are you good or did I not put your hand down from the last time?



NFL PLAYERS
ASSOCIATION

- Raphael Haynes: [00:38:23](#) Oh, no, I have another question.
- George Atallah: [00:38:24](#) Okay. Let's do it.
- Raphael Haynes: [00:38:26](#) Hey, [inaudible 00:38:29] you spoke on... I mean, DeMaurice, you spoke about going about it like you did last year, how everything worked out and we know the new deal with the 17 games, you all are playing three preseason games [inaudible 00:38:45] schedule. Would you be okay if you say, okay, let's go ahead and since we don't know what's going to happen, and it is still kind of high, but let's go ahead and go with not having a preseason this year as well?
- DeMaurice Smith: [00:39:00](#) Yep. Look, we got to the preseason question by following the science and I know it sounds like we're just using a rope thing over and over and over again. But we look at it like this, if for our guys to get paid, you have to make an opening day roster. The goal is not to start the season, the goal is to finish the season. If we come up with five things that make those two things more risky and less likely to happen, my advice to our membership would be to not do those things. I mean, it is literally that simple. I know...
- DeMaurice Smith: [00:39:52](#) And look, I've listened to the owners and JC has listened to the owners. We've heard the owners say, "Well, we bargained for an off season. We've bargained for this, we've bargained for that." No one bargained for COVID-19. And at the end of the day, while we initially didn't agree on a lot of things at this point last year, we ultimately agreed on a way of conducting NFL football. That only resulted in the only sports business, getting through it 100% and 100% on time and without any serious or significant long-term injury for our players. And I know, we get through the Super Bowl and everybody's slapping each other on the back, and it's fantastic. And we all tell each other how wonderful we were. Let's not forget all of us did these briefings every week. And all of us went into these briefings every week understanding just how precarious our situation was, right? I mean, we had questions from you guys last year of when is the Baltimore game going to be played?



NFL PLAYERS
ASSOCIATION

- DeMaurice Smith: [00:41:11](#) That was how precarious this was. What are we going to do given the fact that Denver doesn't have any quarterbacks? That's how precarious it was. So it seems to me that if we were able to barely get through an entire season handling those very difficult issues, why wouldn't we start off the season making sure that we're not taking any unnecessary risk? We are going to be exactly in almost the same place this season as we were last season, right?
- DeMaurice Smith: [00:41:53](#) So if someone came to you and said, it might be smarter not to have an in-person off-season, it might be smarter to ask some questions about preseason games, it might be smarter about decreasing the number of people in camp. Hey, you know what? I'm going to push those things because we did every last one of those things and we were literally week to week, last year. Week to week. And again, I dig it. I love the culture that we're in, I think, but man, we have the ability to put on a cap of amnesia in hours and just because we are where we are now, everybody feels like we're at a different point in COVID. Statistically, that's not true.
- Raphael Haynes: [00:42:56](#) No, I agree. And that's why I asked, because-
- DeMaurice Smith: [00:42:59](#) Yeah, I think you're right, man, because look, I mean, JC was breaking down, blocking schemes on the sideline because he didn't have a coach. I mean, this actually happened, right? So I think that we need to every now and then take off the amnesia cap and actually remember what things were. I'll never forget for the rest of my life, that what, we're in late March? Every major sport had shut down. That's where we were last year. And we have more cases of COVID per day now that are higher than what we did back then. Okay. That sounds bad to me.
- Raphael Haynes: [00:43:46](#) And for you to say that makes sense. It leads me to my next question. Has any of the NBAPA or MLBPA, have they reached out to you all and said, "Look, how did you all do this? Can you all give us the blueprint on this?"



NFL PLAYERS
ASSOCIATION

- DeMaurice Smith: [00:44:02](#) Yeah. Well, I'll tell you. The four of us talk weekly. I'm as close to Tony Clark and Michelle Roberts and Don Fear other than JC and the executive committee in this business, I'm probably not closer to anybody else in the business of sport than the three of them. We spent a lot of time with each other last season, learning from them of what happened when their sports shut down. Like I said, we talk weekly about a number of issues. We also get together because probably there's nobody else on the planet who understands the job better than those. And if we were in public, we'd probably be drinking a little bit more than we are, but it's important for the [inaudible 00:44:52] sports to stay aligned on issues. And I'm blessed to have them as friends and really blessed to have benefited from their expertise.
- Raphael Haynes: [00:45:02](#) Thanks.
- George Atallah: [00:45:04](#) Thank you. We are just about approaching an hour. Jared Bell, hit us up. You're you're on mute, bro.
- Jason Bell: [00:45:16](#) Okay. Got that button. Some great points D, JC on this topic. Really thought provoking. But I've got a couple of questions about the 17 games. Now I know, obviously this was part of the CBA that was negotiated last year, but I wonder if you could shed some light on the sentiments of your ranking file on the 17 games. How close was it in respect to the vote for the CBA? Because I'm assuming that the vote for the CBA is on the CBA collectively and not partialled out for one issue or another. So we could add some clarification to that and what the sentiment is for players and what you think about it now that it's common.
- DeMaurice Smith: [00:46:10](#) Yeah. I mean, I'll let JC talk about the sentiments, but from a collective bargaining standpoint, it's impossible to look at this without having a sense of context, right? I mean, I don't know who the oldest person is on the call, probably me, but you know what? We went from a 14 game season to a 16 game season in 1977. So they added two regular season games in 1977. The league did that unilaterally without having to collectively bargain with the players at all, because they had the right. What also came from that unilateral decision to



NFL PLAYERS
ASSOCIATION

do that is no one got an increase in salary. No one. 2006 deal contained their unilateral right to go beyond 18 regular season games. And even though we were facing down the gun of a lockout where they wanted players to give up their pensions, give up 20% of their salaries, move to 18 games basically for free.

DeMaurice Smith: [00:47:25](#)

Actually, it wouldn't be for free, it'd be for less, I guess. Even though the players were facing down that gun, we had enough player leadership to take away that unilateral right that they had to go to 18 games. Moving forward into 2019, when we talk to our players about all of the things that they would want changed in the next CBA that resulted in a proposal sent over from the players to the owners.

DeMaurice Smith: [00:47:56](#)

The owners obviously didn't like that proposal, but we started negotiating for a number, if not nearly all the things that players wanted. The owners' proposal back to us was that everything that the players want is going to be tied to a 17 game schedule. So going forward from 1977 to 2006 to 2020, the league bought the right to go to an extra game that they had for free in 2011. That's the collective bargaining history. And the deal that was on the table and George can put the share screen part up. But when we talk to our players about the 17 game schedule, when I went from team to team, every team, every conversation was that everything we wanted... George stay down.

DeMaurice Smith: [00:48:58](#)

When we went team to team and talked about the entire deal that was on the table, everything was framed by what you see on the first part. We talked about what was in the 2011 CBA 16 games and the proposed CBA for 2020 as you see in the side-by-side comparison hinged on a 17 game schedule. Players voted on it, players wrestled over it, and the CBA containing the 17th game was approved. So we've known each other for a long time, Jared, I don't believe in ever looking at anything in isolation. I think it's fine if people want to pick and choose things in isolation and make that a referendum on the entirety, but that that ignores history and that ignores context. As far as the sentiment of the players, I can throw it to JC, but I'm proud of the work that our leadership did.

DeMaurice Smith: [00:50:04](#)

I'm proud of our membership. And like I said, democracy is sometimes extremely messy, but the job



NFL PLAYERS
ASSOCIATION

Jason Bell:	00:50:21	of this union is to make sure that we protect the gains that we have and try to achieve the gains that we have not yet achieved. Make sense?
DeMaurice Smith:	00:50:23	Yep.
Jason Bell:	00:50:29	Drag everybody back to 1977. So that's about as awful as it could be.
DeMaurice Smith:	00:50:33	And I'm one of the old people that can remember it too, D. So [inaudible 00:50:34].
Jason Bell:	00:50:39	I had a big old rock and a big old afro in 1977.
JC Tretter:	00:50:54	So JC, the sentiment of the players, what's your take on how thorny of an issue it was and even going forward for how they may have to adjust to deal with it?
JC Tretter:	00:51:00	Yeah. I think we saw it last year. Again, we had a public discussion almost about what was in the deal. We talked about the idea that they could go to 17...
JC Tretter:	00:51:00	... was in the deal. We talked about the idea that they could go to 17 games and like D highlighted, you have to look in what we got back or how they purchased the right to go to 17 games and then look at the whole picture. In simplistic forms, that's what the vote was about in the CBA was, did they pay us enough for the 17th game? In the end, more players said yes than no. We had 20% raises and minimum salaries, which is over 60% of all the players getting a 20% raise. That's something that players want. That was one of our most important issues was helping what we call our core players, which are our minimum salary players. That was something they wanted. A 1% increase in revenue in the addition of a media kicker which bumps that 1% even higher, that's something guys want. That's good for us.
JC Tretter:	00:51:56	Better work rules that will change more with the 17th game as well, that will protect us and keep us healthy to offset the extra work we'll do for that game. That's something that's important. The benefits, too often we lose track of how many issues are important to guys and how much we negotiate for and how full the CBA is with important topics of benefits and work rules and pay and all the important things. In the end, that's what the CBA



NFL PLAYERS
ASSOCIATION

vote last year was about. In the end, it's what side voted more. How does democracy work out? More players said they liked what we were getting back in exchange for what we were giving up in the deep.

DeMaurice Smith: [00:52:42](#)

Yeah. I mean, every now and then, like JC said, I mean, we deal in tweets. We deal with bullet points that somebody wants to talk about. When we talk about our players about the deal, the sheet that you're looking at is obviously a lot shorter than the collective bargaining agreement, but the categories that we take our guys through about the differences between what's on the table from now versus what is in the CBA later, not only included the 17 game regular season as a condition, but that sheet is one that we used a lot. It's one that we used when we were going team by team. George, you can scroll through it really quickly, but JC talks about the categories.

DeMaurice Smith: [00:53:36](#)

Economics is certainly one big part. The change in revenue, the 20% increases in salaries, core players was important for our guys. So you see just briefly in that graph, and we'll talk about, George, getting it to you, look at that top box that says agreed active to inactive amounts and then agreed upon down amounts and the numbers to the left and the numbers to the right. That 610 is dramatically higher than what the minimum was for our players. The only reason I want to point something like that out, a couple of days ago, I did a press briefing with somebody, and they said something like, well, the league imposed a random or matter-of-fact deadline for getting the deal done, and the players did it. Well, that's factually untrue.

DeMaurice Smith: [00:54:41](#)

One of the big benefits of this overall deal was virtually all of the increases in this deal went into effect one year early. It went into effect not only one year before expiration, it went into effect one year while we were \$4 billion down with COVID. When we're looking at economics, minimum salaries, you can continue to scroll down, scroll down. Benefits, termination pay, injury, what's going on with fifth-year options, changes in making those fully guaranteed, changes in comp picks, changes in the practice squad, changes in benefits.

DeMaurice Smith: [00:55:26](#)

The issue that is before the players is not just something simple in isolation. The tough part of doing deals like this is almost no one is going to write a story about



NFL PLAYERS
ASSOCIATION

everything that's in the collective bargaining agreement because probably nobody would read it. When we even look at the side-by-side comparisons about the strength of this current deal versus the last one, I know 17 games is something that we keep hearing over and over and over again. I think to foot stop the point, sometimes there isn't a whole heck of a lot of conversation about what's on the right side of the ledger of this graph, right?

Jason Bell: [00:56:11](#)

You said it, yeah. Reading through the CBA, D, I can say, I did read the part about February 20th, 2020 and the contracts and the 17th game check. That was interesting. Now, I know that the entirety of the deal as the revenue bump, which is all part of the model, but what was the rationale for that specific part of it when it comes to a 17th game check? [inaudible 00:56:43] it to 2020 versus guys who are getting in the league now and new contracts moving forward?

DeMaurice Smith: [00:56:51](#)

Well, guys getting paid an extra game check for the extra work was huge with our players. It was just huge. I mean, look, we talk a lot about a revenue share deal. What was important for guys was I don't want whatever amount of money coming to me just being spread over 17 weeks instead of 16 weeks. I actually want a game check for the extra work. That was purely the rationale for it. The increases in salaries and everything else that we wanted to go into effect in 2020, that was big for us because we were getting the benefit of the bargain before expiration and before the league could impose the 17th game.

DeMaurice Smith: [00:57:51](#)

So 2020, last season, became a season where we got a whole heck of a lot of upside for a new deal without playing the extra game. Does that make sense?

Jason Bell: [00:58:09](#)

Timing. Timing matters.

DeMaurice Smith: [00:58:11](#)

Timing... Look, timing matters, but also leadership matters. At the end of the day, I lean on our NFLPA president. I lean on our executive committee. We lean on our reps. They have the tough job of talking through this in the locker room. Timing is sometimes really important if you can manage it, but there's never going to be a day in the history of this union where leadership doesn't matter more than anything.



NFL PLAYERS
ASSOCIATION

- Jason Bell: [00:58:47](#) Thank you.
- DeMaurice Smith: [00:58:48](#) Jared. Appreciate that. Mary Kay, did you have a follow-up?
- Mary Kay: [00:58:54](#) I have something. It might be more a matter of clarification, but I'm wondering, JC, I did read your column this morning about all the numbers being down. Is there any wiggle room in the amount of pre-season games that you guys might play? I mean, are you going to still kind of go back at that a little bit, or are you kind of locked into the three? In a perfect world, would you have no mandatory mini camp, and how many preseason games? So basically, can you just kind of clarify that a little bit?
- JC Tretter: [00:59:27](#) Yeah. All this needs to be collectively bargained. So everything needs to be discussed with the NFL. The purpose of the column was to highlight we received new data. We did a year almost completely differently last year. We had been really interested to see, okay, now that the year's over, what happened? Anecdotally, I know I feel the best I've felt in probably five years at the end of that season. I feel healthier. Mentally, physically, I feel better. I know anecdotally, a lot of players agree with that, but it's... Anecdotes don't tell the whole story. You need the data.
- JC Tretter: [01:00:07](#) That's the important thing was to say okay, well, this is what we did, completely different than normal. What happened to our injury data? The injury data shows that the injuries were substantially better. We had healthier players. They were either level or down in almost every category. Concussions were down which I think always needs to be highlighted. Now we know that the things that the medical experts have been telling us work, and there's really no denying it anymore. You can avoid soft tissue injuries. You can avoid concussions. You can avoid heat-related illness. You can avoid those things by following the science. Last year when we were forced to follow the science, now we have the data that backs it up.



NFL PLAYERS
ASSOCIATION

- JC Tretter: [01:00:56](#) Again, there's our wiggle room. Everything has to be collectively bargained, but it's important for everybody to know what actually happened when we had those changes. Last year, they had to be collectively bargained, and now we see what those changes brought us.
- Mary Kay: [01:01:11](#) Okay. So if we wrote... I don't want to misinterpret this in any way. I mean, if I wrote that the amount of pre-season games still needs to be collectively bargained, is that accurate? Or am I interpreting that incorrectly?
- DeMaurice Smith: [01:01:28](#) No, no.
- JC Tretter: [01:01:28](#) No. The changes, if we wanted to change something that has to be collectively bargained. The CBA rules rule what happens. If we wanted to make changes to how many pre-season games there are, what the off seasons look like, that would have to then be collectively bargained because we'd be changing the CBA. The CBA has been negotiated, but now we have new data that I think is valuable for both sides to look at because it helps all of us. We saw the games be better. We saw the players be healthier, and too often players' health and wellbeing gets portrayed as a singular player issue.
- JC Tretter: [01:02:06](#) Teams would prefer their players healthy for longer. Coaches would prefer their players healthier longer. Fans would prefer their other players healthier longer, and the players would prefer themselves healthier for longer. When we find ways to drastically keep guys healthier and on the field longer, that's good for everybody in the conversation. If we found a way to make things better for everybody, we should probably discuss it.
- Mary Kay: [01:02:34](#) All right. Like I said, the only reason why I asked is, Lindsey helped me figure this out, the language says the league may hold no more than three preseason games for clubs. So I mean, if you guys go back and you bring all this data up with the league, I mean, it's conceivable. It is at least conceivable that there might not be three.



NFL PLAYERS
ASSOCIATION

DeMaurice Smith:	01:03:00	Correct.
Mary Kay:	01:03:01	Okay. Thank you.
DeMaurice Smith:	01:03:02	Correct. Right. Look at it just like off season last year. CBA contained provisions for the off season that the league could have. The union and the league negotiated a change to that language.
Mary Kay:	01:03:19	Right. I got you. Yep. Perfect. Thank you.
Speaker 1:	01:03:29	Okay. Lively discussion today. Appreciate everybody's time so much.
DeMaurice Smith:	01:03:33	One second. Instead of posting the side-by-side, I think you have everybody's email here. Why don't you just email that side-by-side to everybody who joined the call?
Speaker 1:	01:03:45	Yes, sir. Happy to do that.
DeMaurice Smith:	01:03:47	It's like coming to class. If you don't come to class, you don't get the study notes.
Speaker 1:	01:03:50	Do the reading everybody. Until the next time.
DeMaurice Smith:	01:03:55	All right, folks. Thanks guys.
Speaker 1:	01:03:55	Thanks for everybody's time. Stay safe y'all.
Speaker 2:	01:04:02	Thanks. Thanks guys.