

APPENDIX P \ Glossary of Terms and Relevant Persons and Institutions

88 Plan: Provides benefits for former players suffering from dementia, amyotrophic lateral sclerosis (ALS), or Parkinson's disease. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

ACC: *See* Accountability and Care Committee.

Accountability and Care Committee (ACC): A CBA-mandated committee consisting of the NFL Commissioner (or his designee), the NFLPA Executive Director (or his designee), and six additional members “experienced in fields relevant to health care for professional athletes,” three appointed by the Commissioner and three by the NFLPA Executive Director. The ACC is to “provide advice and guidance regarding the provision of preventive, medical, surgical, and rehabilitative care for players by all clubs.”¹

Accrued Season: A player receives an Accrued Season “for each season during which he was on, or should have been on, full pay status for a total of six or more regular season games.”² Accrued Seasons are used for calculating a player's right to be a Restricted Free Agent and Unrestricted Free Agent, as differentiated from a Credited Season.

AEMA: *See* Athletic Equipment Managers Association.

AFCA: *See* American Football Coaches Association.

AFL: *See* American Football League.

Agent: *See* Contract advisor.

All Revenue (AR): “[T]he aggregate revenues received or to be received on an accrual basis, for or with respect to a League Year during the term of [the CBA], by the NFL and all NFL Clubs (and their designees), from all sources, whether known or unknown, derived from, relating to or arising out of the performance of players in NFL football games,” with a few specific exceptions.³ The term was introduced as part of the 2011 CBA. From 1993 to 2006, All Revenue was known as Defined Gross Revenue (“DGR”), and from 2006 to 2011, was known as Total Revenue (“TR”).

AMA: *See* American Medical Association.

American Football Coaches Association (AFCA): A voluntary organization of more than 11,000 high school, college or professional football coaches, but principally focused on college coaches.

American Football League (AFL): A major professional American football league that operated from 1960 until 1969, when it merged with the NFL.

American Medical Association (AMA): a voluntary professional association for physicians with the leading code for ethical medical practice.

Appeals Panel: A three-member arbitration panel designated to hear appeals of System Arbitrations. The Appeals Panel currently consists of Georgetown Law professor James Oldham, former judge on the United States District Court for the Northern District of California Fern Smith, and former judge on the United States District Court for the Southern District of New York Richard Holwell.

AR: *See* All Revenue.

Athletic Equipment Managers Association (AEMA): A voluntary organization which provides certification to equipment managers working in sports across the country.

Benefits Arbitrator: An arbitrator appointed to hear player complaints concerning the benefits available under the CBA.

Board of Certification for the Athletic Trainer (BOC): The nation's only accredited certification program for entry-level athletic trainers, setting the standards and codes of conduct for the practice of athletic training.

BOC: *See* Board of Certification for the Athletic Trainer.

Brady v. NFL, 11-cv-639 (D. Minn.): A class action antitrust lawsuit brought by NFL players in 2011 against the NFL challenging the NFL's policies on compensation, free agency and the NFL Draft. The settlement of the case resulted in the 2011 CBA. New England Patriots quarterback Tom Brady was the lead plaintiff in the case. *See also* *White v. NFL*.

Canadian Football League (CFL): A professional football league in Canada that largely follows the same playing rules of the NFL. The CFL has nine teams and it is common for players to leave the CFL for the NFL.

CARD: *See* Committee on Agent Regulation and Discipline.

Casson, Ira: Neurologist and member of the MTBI Committee from 1994–2009.

CBA: *See* Collective Bargaining Agreement.

CFL: *See* Canadian Football League.

Chronic Traumatic Encephalopathy (CTE): A “progressive neurodegenerative disease.”⁴ Retrospective case reports have found CTE pathology in the brains of former athletes—including former professional football players—who manifested mood disorders, headaches, cognitive difficulties, suicidal ideation, difficulties with speech, and aggressive behavior.⁵ The vast majority of cases in these studies were associated with repetitive head trauma.⁶ However, a mechanistic connection between head trauma and CTE remains elusive.⁷ Similarly, whether CTE is distinct from other neurodegenerative diseases⁸ or whether repetitive head traumas are necessary and sufficient to cause CTE has not been definitively established.⁹

Club: One of 32 separate professional football franchises which collectively, via the NFL’s Constitution and Bylaws, make up the NFL.

Collective Bargaining Agreement (CBA): “A contract between an employer and a labor union regulating employment conditions, wages, benefits, and grievances.”¹⁰ The NFL and NFLPA have executed ten CBAs, the first in 1968 and the most recent in 2011.

Commissioner: The Chief Executive Officer of the NFL, as elected by NFL club owners pursuant to the NFL Constitution and Bylaws. The current NFL Commissioner is Roger Goodell.

Committee on Agent Regulation and Discipline (CARD): A committee made up of three to five players responsible for investigating and taking disciplinary action against contract advisors pursuant to the NFLPA Regulations Governing Contract Advisors.

Concussion: As defined in the Concussion Protocol, a complex pathophysiological process affecting the brain induced by biomechanical forces.

Concussion Protocol: Officially titled the NFL Head, Neck and Spine Committee’s Protocols Regarding Diagnosis and Management of Concussion (Appendix A), the Concussion

Protocol is the procedures required to be followed by NFL club medical staff in diagnosing and managing players suspected of suffering a concussion.

Constitution and Bylaws of the NFL: The governing and operating agreement among the 32 member NFL clubs that dictates and controls many aspects of the NFL’s operations.

Contract advisor: An individual certified by the NFLPA to act as a player’s representative in contract negotiations with NFL clubs. More commonly known as an “agent.” Contract advisors are governed by the NFLPA Regulations Governing Contract Advisors.

Contract Advisor Regulations: *See* NFLPA Regulations Governing Contract Advisors.

Covington & Burling LLP: Washington, D.C. law firm that has served as the NFL’s chief outside counsel since the early 1960s. *See also* Tagliabue, Paul and Pash, Jeffrey.

Credited Season: A player receives a Credited Season “for each season during which he was on, or should have been on, full pay status for a total of three or more regular season games.”¹¹ Credited Seasons are used for calculating a player’s right to financial benefits under the CBA, as differentiated from an Accrued Season.

CTE: *See* Chronic Traumatic Encephalopathy.

Defined Gross Revenue (DGR): *See* All Revenue.

DePaso, Tom: NFLPA General Counsel since 2012. DePaso played in the NFL for one year in 1978.

Disability & Neurocognitive Benefit Plan: Provides eligible players with disability benefits, including benefits based on neurocognitive disability. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Dissolution: The legal process of removing a labor organization as the representative of a group of employees for purposes of collective bargaining with one or more employers. The NFLPA has dissolved itself twice: from December 1989 to March 1993, and from March 2011 to July 2011. Dissolution permits the employees to bring antitrust claims which are otherwise unavailable while represented by a union. Dissolution is sometimes referred to as “disclaimer” or “decertification” but each of these terms has specific legal significance under federal labor and antitrust laws. The distinction is complex and not relevant to this Report and thus, for our purposes here, “dissolution” captures both terms.

DGR: *See* All Revenue.

Extended Injury Protection: An Injury Protection benefit that permits a player to earn 50 percent of his salary up to \$500,000 for the **second** season after suffering an injury that prevented the player from continuing to play. *See also* Injury Protection.

Fédération Internationale de Médecine du Sport (FIMS): The world's leading sports medicine organization, comprised of national sports medicine associations across five continents which seeks to maximize athlete health and performance.

FIMS: *See* Fédération Internationale de Médecine du Sport.

Financial advisor: A financial professional providing services to NFL players in the areas of tax planning, investment advice and services, budgeting, financial planning, insurance, estate planning, and/or retirement planning.

Financial Advisor Regulations: *See* NFLPA Regulations and Code of Conduct Governing Registered Player Financial Advisors.

Former Player Life Improvement Plan: A medical plan that permits qualifying former players (and in some cases their dependents) not otherwise covered by health insurance to receive reimbursement for medical costs for “joint replacements, prescription drugs, assisted living, Medicare supplemental insurance, spinal treatment, and neurological treatment.” For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Free Agency: A system by which players are able to sign contracts with new clubs after a certain number of seasons played (*see* Accrued Season), provided their prior contract is expired. *See also* Unrestricted Free Agent and Restricted Free Agent.

Garvey, Ed: Former labor attorney with the Minneapolis law firm Lindquist & Vennum, PLLP, and the NFLPA's first Executive Director, a post he held from 1971–1983.

General Manager: The individual generally responsible for the overall control and direction of an NFL club, including player personnel decisions.

Goodell, Roger: Commissioner of the NFL since 2006, and NFL employee since 1981. Son of former New York Senator Charles Goodell and 1981 graduate of Washington & Jefferson College.

Head, Neck and Spine Committee: Formerly known as the MTBI Committee, an NFL Committee of doctors and scientists that exists for the purpose of studying head, neck and spine injuries in the NFL. The current co-chairmen

of the Head, Neck and Spine Committee are Drs. Richard Ellenbogen and Hunt Batjer.

Health (for purposes of this Report): A state of overall wellbeing in fundamental aspects of a person's life, including physical, mental, emotional, social, familial, and financial components.

Health Reimbursement Account: Helps to pay out-of-pocket healthcare expenses after players are no longer employed by an NFL club and after the period of extended medical coverage under the NFL Player Insurance Plan that is paid by the NFL has ended. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Injured Reserve (IR): A roster designation for players who are injured and are unable to return that season, with the exception of one player per season per club who can be placed on the IR but designated to be able to return. Players on IR do not count towards the club's 53-man Active/Inactive List.

Injury Grievance: “[A] claim or complaint that, at the time a player's NFL Player Contract or Practice Squad Player Contract was terminated by a Club, the player was physically unable to perform the services required of him by that contract because of an injury incurred in the performance of his services under that contract.”¹² If successful, the club must pay the player his salary for the duration of his injury, but only for the season of injury. An Injury Grievance is a much narrower claim than a Non-Injury Grievance—Non-Injury Grievances can include a wide variety of claims related to player health.

Injury Protection: A benefit available to NFL players where the player has met the following criteria: (a) “[t]he player must have been physically unable, because of a severe football injury in an NFL game or practice, to participate in all or part of his Club's last game of the season, as certified by the Club physician following a physical examination after the last game; or the player must have undergone Club-authorized surgery in the off-season following the season of injury; and (b) [t]he player must have undergone whatever reasonable and customary rehabilitation treatment his Club required of him during the off-season following the season of injury; and (c) [t]he player must have failed the preseason physical examination given by the Club physician for the season following the season of injury because of such injury and as a result his Club must have terminated his contract for the season following the season of injury.” In 2015, an NFL player can receive Injury Protection in “an amount equal to 50 percent of his Paragraph 5 Salary for the season following the season of injury, up to a maximum

payment of” \$1,100,000. A player is only entitled to Injury Protection once in his career.¹³ *See also* Extended Injury Protection.

Injury Report: A list of injured players, each injured player’s type or location of injury, and the injured player’s status for the upcoming game. Each injury must be described “with a reasonable degree of specificity,” *e.g.*, ankle, ribs, hand or concussion. For a quarterback’s arm injury or a kicker’s or punter’s leg injury, the description must designate left or right. The player’s status for the upcoming game is classified into three categories: Out (will not play) (designation not used until 2 days prior to the game); Doubtful (unlikely the player will participate); and, Questionable (uncertain as to whether the player will play in the game). The Injury Report also indicates whether a player had full, limited or no participation in practice, whether due to injury or any other cause (*e.g.*, team discipline, family matter, etc.). The Injury Report is issued after practice each Wednesday, Thursday and Friday. *See also* Injury Reporting Policy.

Injury Reporting Policy: An NFL policy that requires each club to report information on injured players to both the NFL and the media each game week. The stated purpose of this reporting is “to provide a full and complete rendering of player availability” to all parties involved, including the opposing team, the media, and the general public. *See also* Injury Report.

In re National Football League Players’ Concussion Injury Litigation, 12-md-2323 (E.D.Pa.) (“Concussion Litigation”):

A lawsuit consisting of several hundred consolidated lawsuits whereby approximately 5,500 former NFL players alleged that the NFL had negligently and fraudulently concealed the risk of brain injury associated with playing football. The case was settled in 2013, approved by the United States District Court for the Eastern District of Pennsylvania in 2015, and affirmed by the United States Court of Appeals for the Third Circuit in 2016.

IR: *See* Injured Reserve.

Joint Committee on Player Safety and Welfare (“Joint Committee”): A CBA-mandated committee consisting of three club representatives and three NFLPA representatives that discusses “player safety and welfare aspects of playing equipment, playing surfaces, stadium facilities, playing rules, player-coach relationships, and any other relevant subjects.”¹⁴ The Joint Committee is merely advisory and has no binding decision-making authority.

Kessler, Jeffrey: Partner with the law firm of Winston Strawn LLP and the NFLPA’s chief outside counsel. Kessler has represented the NFLPA and NFL players since the

early 1980s, having previously practiced at Weil, Gotshal & Manges LLP and Dewey & LeBoeuf.

Labor Management Relations Act (LMRA): A federal statute (also known as the Taft-Hartley Act), which, in conjunction with the National Labor Relations Act, governs relationships between labor organizations and employers. The LMRA is most often relevant in the NFL due to the fact that it often “preempts” or bars common law claims against the NFL and/or NFLPA. *See also* Preemption.

League Policies for Players: An annual document provided by the NFL to players describing various policies, including for discipline, uniforms, media, community relations, personal conduct, workplace conduct, guns and weapons, commercial substances and endorsements, gambling, ticket scalping, bounties, and HIV/AIDS.

League Year: The fiscal and operational year for the NFL and NFLPA, generally beginning and ending in March.¹⁵

Legacy Benefit: As part of the 2011 CBA, the NFL contributed \$620 million in benefits to players who played prior to 1993 through credits as part of the Retirement Plan. Players who played before 1975 received a \$124/month credit and those who played between 1975 and 1992 received a \$108/month credit. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

LMRA: *See* Labor Management Relations Act.

Long Term Care Insurance Plan: Provides medical insurance to cover the costs of long-term care for NFL players (but not their family members). For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Lystedt Law: A form of concussion-related legislation, initially passed in Washington state, generally requiring that youth athletes suspected of sustaining a concussion or head injury be removed from practice or the game and not return to play until approved by a healthcare provider. The law is named after Zackery Lystedt who, at the age of 13 in 2006, suffered brain hemorrhaging after he returned to a youth football game fifteen minutes after having suffered a concussion. All 50 states have some form of the Lystedt Law.

Mackey-White Committee: A Committee created by the NFLPA in 2009 consisting of current players, former players, doctors, and others for the purpose of “assist[ing] the NFLPA in its development of policies concerning workplace safety and the health of NFLPA members.”¹⁶

Major League Baseball (MLB): The world's premier professional baseball organization, consisting of 30 member clubs and headquartered in New York City. With the NFL, NBA and NHL, sometimes known as part of the "Big Four."

Mayer, Thom: Medical Director of the NFLPA since 2001 and CEO of the physician group Best Practices.

Mild Traumatic Brain Injury (MTBI) Committee: A committee created by the NFL in 1994 for the purpose of studying concussions and other head injuries to NFL players. The committee initially consisted of several club doctors, two club athletic trainers, a consulting engineer, a club equipment manager, neurologist Ira Casson (who had studied boxers), and Hank Feuer, an Indianapolis neurosurgeon who worked with the Colts. New York Jets Club doctor Elliot Pellman, a rheumatologist, was designated as Chairman of the Committee by Commissioner Paul Tagliabue. The MTBI Committee was renamed the Head, Neck and Spine Committee in 2010.

MLB: *See* Major League Baseball.

MTBI Committee: *See* Mild Traumatic Brain Injury Committee.

Nabel, Elizabeth: The NFL's Chief Health and Medical Advisor, President of Brigham and Women's Hospital in Boston and a professor of medicine at Harvard Medical School.

NASO: *See* National Association of Sports Officials.

NATA: *See* National Athletic Trainers Association.

National Association of Sports Officials (NASO): A voluntary organization of approximately 20,000 member officials, ranging from the lowest levels of youth sports to the professionals. NASO provides an extensive list of services to its members, including educational programs, legal advocacy and insurance policies. Every NFL official is a member of NASO.

National Athletic Trainers Association (NATA): A voluntary professional membership association for certified athletic trainers across all levels of competition. NATA's stated mission "is to enhance the quality of health care provided by certified athletic trainers and to advance the athletic training profession."

National Basketball Association (NBA): The world's premier professional basketball organization, consisting of 30 member clubs and headquartered in New York City. With the NFL, MLB and NHL, sometimes known as part of the "Big Four."

National Collegiate Athletic Association (NCAA): A non-profit unincorporated association headquartered in Indianapolis through which the nation's colleges and universities govern their athletic programs. The NCAA consists of more than 1,200 member institutions, all of which participate in the creation of NCAA rules and voluntarily submit to its authority.

National Hockey League (NHL): The world's premier professional ice hockey organization, consisting of 30 member clubs and headquartered in New York City. With MLB, the NFL and NBA, sometimes known as part of the "Big Four."

National Football League (NFL): An unincorporated association of 32 member clubs operating as the world's premier professional football league. The NFL has its headquarters in New York City and is led by Commissioner Roger Goodell. With MLB, the NBA and NHL, sometimes known as the "Big Four."

National Football League Players Association (NFLPA): A Virginia nonprofit, tax-exempt corporation and labor organization which, pursuant to the National Labor Relations Act, is "the exclusive representative[] of all the employees in [the bargaining] unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment." The NFLPA has its headquarters in Washington, D.C., and is led by Executive Director DeMaurice Smith.

National Labor Relations Act (NLRA): A federal labor law statute that governs labor relations between employees and employers in the private sector and obligates both sides to negotiate in good faith concerning the wages, hours, and other terms and conditions of employment.

National Labor Relations Board (NLRB): An independent agency of the United States government responsible for administering and enforcing the provisions of the NLRA, including investigating and remedying unfair labor practices.

National Operating Committee on Standards for Athletic Equipment (NOCSAE): A nonprofit organization with the purpose of improving athletic equipment and reducing injuries through equipment standards. Safety standards for athletic equipment are almost exclusively determined by NOCSAE.

NBA: *See* National Basketball Association.

NCAA: *See* National Collegiate Athletic Association.

Neuro-Cognitive Disability Benefit: A medical benefit that permits qualifying retired players to receive no less than \$3,000 per month for a maximum of 180 months as part of the Disability Plan. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

NFL: *See* National Football League.

NFLCA: *See* NFL Coaches Association.

NFL Combine: An annual event held each February in Indianapolis in which approximately 300 of the best college football players undergo medical examinations, intelligence tests, interviews, and multiple football and other athletic drills and tests. NFL club executives, coaches, scouts, doctors and athletic trainers attend the Combine to evaluate the players for the upcoming NFL Draft (usually in April). The NFL Combine is organized by National Football Scouting, Inc., a Delaware corporation that is not owned or controlled by the NFL.

NFL Coaches Association (NFLCA): “[A] voluntary non-union association that represents the over six hundred coaches and assistant coaches currently employed by the thirty-two individual National Football League Clubs, as well as many retired coaches formerly employed by the NFL teams.” David Cornwell is the NFLCA’s Executive Director in a part-time capacity.

NFL Draft: An annual event held each April/May whereby NFL clubs select former college football student-athletes to join their roster. The Draft consists of seven rounds. Clubs are permitted to trade draft picks and players eligible for the Draft but who are not drafted are become Unrestricted Free Agents and are free to sign with any club.

NFL Injury Surveillance System (NFLISS): The standardized system, created in 1980, used by the NFL and NFL clubs to track and analyze NFL injuries and to provide data for medical research. Injury information is entered by club athletic trainers. Since 2011, the NFLISS is managed by the international biopharmaceutical services firm Quintiles.

NFLISS: *See* NFL Injury Surveillance System.

NFLPA: *See* National Football League Players Association.

NFLPA Constitution: The governing and operating document of the NFLPA, as voted on by its Board of Player Representatives.

NFLPA Regulations Governing Contract Advisors (Contract Advisor Regulations): The NFLPA’s rules of certification and conduct for contract advisors, *i.e.*, “agents.” First instituted in or about 1983, last amended in 2012.

NFLPA Regulations and Code of Conduct Governing Registered Player Financial Advisors (Financial Advisor Regulations): The NFLPA’s rules of registration and conduct for Financial Advisors. First instituted in 2002, last amended in 2012.

NFL Physicians Society (NFLPS): A voluntary professional membership association for club doctors. NFLPS’ mission is “to provide excellence in the medical and surgical care of the athletes in the National Football League and to provide direction and support for the athletic trainers in charge of the care for these athletes.”

NFLPS: *See* NFL Physicians Society.

NFLRA: *See* NFL Referees Association.

NFL Referees Association (NFLRA): The labor organization that represents NFL officials in CBA negotiations and related proceedings with the NFL.

NHL: *See* National Hockey League.

NLRA: *See* National Labor Relations Act.

NLRB: *See* National Labor Relations Board.

NOCSAE: *See* National Operating Committee on Standards for Athletic Equipment.

Non-Injury Grievance: “Any dispute . . . arising after the execution of [the CBA] and involving the interpretation of, application of, or compliance with, any provision of [the CBA], the NFL Player Contract, the Practice Squad Player Contract, or any applicable provision of the NFL Constitution and Bylaws or NFL Rules pertaining to the terms and conditions of employment of NFL players.”¹⁷ A Non-Injury Grievance is a much broader claim than an Injury Grievance and would include player complaints about their healthcare.

Paragraph 5 Salary: A player’s base compensation as outlined in Paragraph 5 of the Standard Player Contract. Paragraph 5 Salary is generally not guaranteed.

Pash, Jeffrey: Executive Vice President and General Counsel of the NFL. Pash was formerly an attorney with Covington & Burling LLP and joined the NFL in 1997.

PASPA: *See* Professional and Amateur Sports Protection Act.

Pellman, Elliot: Former New York Jets Club doctor, current NFL Medical Director and Chairman of the MTBI Committee from 1994 to 2009.

PES Policy: *See* Policy on Performance-Enhancing Substances.

PFATS: See Professional Football Athletic Trainers Society.

PFWA: See Pro Football Writers of America.

Physically Unable to Perform (PUP) List: A roster designation for players that have failed the preseason physical and are unable to participate in training camp but are expected to be able to play later in the season. A player on the PUP List cannot practice or play until after the sixth game of the regular season and does not count towards the club's 53-man Active/Inactive List during that time.

Player Annuity Program: A plan that provides deferred compensation to players. For additional details, see Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Player Benefit Costs: The total amounts the NFL and its clubs spend on NFL player benefits, programs and medical care.

Player Cost Amount: The players' share of All Revenue ("AR"), which is equal to: (1) 55 percent of League Media, which consists of all NFL broadcasting revenues; (2) 45 percent of NFL Ventures/Postseason revenue, which includes all revenues arising from the operation of postseason NFL games and all revenues arising from NFL-affiliated entities, including NFL Ventures, NFL Network, NFL Properties, NFL Enterprises, NFL Productions, and NFL Digital; and, (3) 40 percent of Local Revenues, which includes those revenues not included in League Media or NFL Ventures/Postseason, and specifically includes revenues from the sale of preseason television broadcasts.

Player Insurance Plan: An insurance plan that provides players and their family with life insurance, accidental death and dismemberment insurance, medical coverage, dental coverage, and wellness benefits. The wellness benefits include access to clinicians for mental health, alcoholism, and substance abuse, child and parenting support services, elder care support services, pet care services, legal services, and identity theft services. For additional details, see Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Players, Inc.: A Virginia for-profit entity formed by the NFLPA responsible for group licensing of NFL player rights.

Playing Rules: Rules governing the playing of professional football on the field. The NFL amends the Playing Rules from time to time, pursuant to the applicable voting procedures of the NFL Constitution and Bylaws.

Policy and Program on Substances of Abuse (Substance Abuse Policy): A collectively bargained document prohibiting players from using common street drugs, such as cocaine, marijuana, amphetamines, opiates, opioids, PCP, and MDMA (ecstasy). The Substance Abuse Policy includes treatment and disciplinary provisions.

Policy on Performance-Enhancing Substances (PES Policy): A collectively bargained document prohibiting players from using performance enhancing drugs. The PES Policy includes disciplinary but not treatment provisions.

Preemption: "The principle . . . that a federal law can supersede or supplant any inconsistent state law or regulation."¹⁸ In the NFL context, the Labor Management Relations Act will preempt, *i.e.*, bar, common law (*i.e.*, non-statutory) claims where the claim is "substantially dependent upon analysis of the terms" of a CBA, *i.e.*, where the claim is "inextricably intertwined with consideration of the terms of the" CBA.¹⁹ The preemption doctrine corresponds with the law's general preference that complaints between employees and employers be resolved through the collectively bargained grievance and arbitration mechanisms, where applicable.

Professional and Amateur Sports Protection Act (PASPA): A federal statute that outlaws sports betting nationwide, exempting certain states which had previously allowed sports betting activities, including Delaware, Montana, Nevada, and Oregon.

Professional Football Athletic Trainers Society (PFATS): A voluntary professional membership association for club athletic trainers.

Pro Football Writers of America (PFWA): A voluntary organization of journalists and writers that cover the NFL and its 32 clubs on a daily basis.

Restricted Free Agent: A "player with three Accrued Seasons, but less than four Accrued Seasons [who] . . . at the expiration of his last Player Contract . . . shall be completely free to negotiate and sign a Player Contract with any Club, and any Club shall be completely free to negotiate and sign a Player Contract with any such player, subject to" certain restrictions set forth in the CBA, including rights of first refusal and draft pick compensation.²⁰ See also Unrestricted Free Agent.

Retirement Plan: A retirement plan that provides eligible players with retirement benefits, and offers survivor benefits for players' wives and family. For additional details, see Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Riddell: One of the leading manufacturers for football equipment across all levels of football. Riddell offers all pads necessary for the game of football, including but not limited to helmets, faceguards, chin straps, mouth guards, shoulder pads, hip pads, thigh pads, knee pads and rib pads. Riddell is headquartered in Rosemont, Illinois and between 1988 and 2013 was the official helmet sponsor of the NFL.

Rozelle, Pete: NFL Commissioner from 1960 to 1989, widely credited with making the NFL one of the most successful sports leagues in the world.

Salary Cap: “[T]he absolute maximum amount of Salary that each Club may pay or be obligated to pay or provide to player . . . at any time during a particular League Year.” The Salary Cap is determined by subtracting Player Benefit Costs from the Player Cost Amount and dividing by the number of clubs in the NFL.

Schutt: One of the leading manufacturers for football equipment across all levels of football. Schutt offers all pads necessary for the game of football, including but not limited to helmets, faceguards, chin straps, mouth guards, shoulder pads, hip pads, thigh pads, knee pads and rib pads. Schutt is headquartered in Litchfield, Illinois.

Second Career Savings Plan: A 401(k) plan that helps NFL players save for retirement in a tax-favored manner. All NFL players are eligible for the Plan, regardless of the number of Credited Seasons. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Severance Pay: A benefit a player is eligible to receive as severance for each Credited Season. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Smith, DeMaurice: Executive Director of the NFLPA since 2009. Former Assistant United States Attorney for the District of Columbia and Partner with the law firms of Latham & Watkins and Patton Boggs LLP.

Society of Professional Journalists (SPJ): A voluntary organization of nearly 10,000 journalists that promotes and protects the interests of journalism and journalists.

SPJ: *See* Society of Professional Journalists.

SRA: *See* Standard Representation Agreement.

Standard Representation Agreement (SRA): The standard contract between contract advisors and players as provided for in the NFLPA Regulations Governing Contract

Advisors, subject to minimal variation as agreed upon by the parties.

Substance Abuse Policy: *See* Policy and Program on Substances of Abuse.

System Arbitration: A legal process for the resolution of disputes between the NFL and the NFLPA and/or a player concerning a subset of CBA provisions that are central to the NFL's operations and which invoke antitrust and labor law concerns, including but not limited to the NFL player contract, NFL Draft, rookie compensation, free agency, and the Salary Cap. System Arbitrations are presided over by the System Arbitrator and subject to appeal before the Appeals Panel.

System Arbitrator: The arbitrator designated to hear System Arbitrations. The current System Arbitrator is University of Pennsylvania Law School Professor Stephen B. Burbank.

Tagliabue, Paul: NFL Commissioner from 1989 to 2006. Prior to becoming Commissioner, Tagliabue was the NFL's chief outside counsel with the Washington, D.C. law firm of Covington & Burling LLP, the firm to which he returned after retiring as Commissioner.

Termination Pay: A player benefit whereby a player who has at least four years of credited service under the Retirement Plan is eligible to receive the unpaid balance of his Paragraph 5 Salary for a season after having had his contract terminated during that season, provided he was on the club's Active/Inactive List for at least one game that season. A player is entitled to Termination Pay only once during his career.

Toradol: The brand name for ketorolac tromethamine, a non-steroidal anti-inflammatory drug used for short-term relief of acute pain.

Total Revenue: *See* All Revenue.

TR: *See* All Revenue.

Tuition Assistance Plan: A benefit that permits players to receive reimbursement for tuition, fees and books from attending an eligible education institution. For additional details, *see* Appendix C: Summary of Collectively Bargained Health-Related Programs and Benefits.

Unrestricted Free Agent: A “player with four or more Accrued Seasons [who] . . . at the expiration of his Player Contract . . . shall be completely free to negotiate and sign a Player Contract with any Club, and any Club shall be completely free to negotiate and sign a Player Contract with such player without penalty or restriction[.]”²¹ *See also* Free Agency and Restricted Free Agent.

Upshaw, Eugene: Hall of Fame offensive lineman with the Oakland Raiders from 1967 to 1981 and Executive Director of the NFLPA from 1983 to 2008.

White v. NFL, 92-cv-906 (D. Minn.): A class action antitrust lawsuit brought by NFL players in 1992 against the NFL challenging the NFL's policies on compensation, free agency and the NFL Draft. The settlement of the case formed the basis of the 1993 CBA and every CBA since. Hall of Fame

defensive end Reggie White was the lead plaintiff in the case. *See also Brady v. NFL.*

Workers' Compensation: A state-based system which provides workers injured during the course of their employment with wages and medical benefits and which, as a tradeoff, generally bars employees from suing their employers and co-employees for negligence.

Endnotes

- 1 CBA, Art. 39, § 3.
- 2 CBA, Art. 8, § 1(a).
- 3 CBA, Art. 12, § 1.
- 4 *See* Michelle Saulle M & Brian D. Greenwald, *Chronic Traumatic Encephalopathy: A Review*, 2012 Rehabil. Res. Pract. 1 (2012) (defining CTE as "a progressive neurodegenerative disease that is a long-term consequence of single or repetitive closed head injuries for which there is no treatment and no definitive pre-mortem diagnosis."); Bennet Omalu et al., *Emerging Histophormorphic Phenotypes of Chronic Traumatic Encephalopathy in American Athletes*, 69 Neurosurgery 173 (2011) (defining CTE as "a progressive neurodegenerative syndrome caused by single, episodic or repetitive blunt force impacts to the head and transfer of acceleration–deceleration forces to the brain."); Ann McKee et al., *Chronic Traumatic Encephalopathy in Athletes: Progressive Tauopathy After Repetitive Head Injury*, 68 J. Neuropathology & Experimental Neurology 709 (2009) (describing CTE as "shar[ing] many features of other neurodegenerative disorders").
- 5 *See* Joseph C. Maroon et al. *Chronic Traumatic Encephalopathy in Contact Sports: A Systematic Review of All Reported Pathological Cases*, PLOS ONE (2015) (summarizing CTE case studies to date); Ann C. McKee et al., *The spectrum of disease in chronic traumatic encephalopathy*, 136 Brain 43 (2013); Bennet I. Omalu, *Chronic Traumatic Encephalopathy, Suicides and Parasuicides in Professional American Athletes*, 31 Am. J. Forensic Med. Pathol. 130 (2010); *What is CTE?* BU CTE Center, <http://www.bu.edu/cte/about/what-is-cte/> (last visited Mar. 31, 2016), archived at <https://perma.cc/W86H-886C> (CTE is associated with "athletes (and others) with a history of repetitive brain trauma," and "is associated with memory loss, confusion, impaired judgment, impulse control problems, aggression, depression, and, eventually, progressive dementia.")
- 6 *See* Maroon, *supra* note 5.
- 7 *See id.*; Paul McCrory et al., *Consensus statement on concussion in sport: the 4th Int'l Conference on Concussion in Sport held in Zurich, November 2012*, 47 Br. J. Sports Med. 250, 254, 257 (2013).
- 8 *See* Maroon, *supra* note 5.
- 9 *See* McCrory, *supra* note 7, at 257.
- 10 Black's Law Dictionary (9th ed. 2009).
- 11 CBA, Art. 26, § 2.
- 12 CBA, Art. 44, § 1.
- 13 CBA, Art. 45, § 1.
- 14 CBA, Art. 50, § 1.
- 15 CBA, Art. 1.
- 16 NFLPA Mackey-White Committee Charter, ¶ 2.
- 17 CBA, Art. 43, § 1.
- 18 Black's Law Dictionary (9th ed. 2009).
- 19 *Allis-Chambers Corp. v. Lueck*, 471 U.S. 202, 213, 220 (1985).
- 20 CBA, Art. 9, § 2.
- 21 CBA, Art. 9, § 1(a).