



Protecting and Promoting the
Health of NFL Players:
Legal and Ethical Analysis and Recommendations

Chapter 10

Christopher R. Deubert
I. Glenn Cohen
Holly Fernandez Lynch

Petrie-Flom Center for Health Law Policy, Biotechnology,
and Bioethics at Harvard Law School

SUMMARY: **Club Employees**



This document is a summary of the full chapter on club employees in the Report *Protecting and Promoting the Health of NFL Players: Legal and Ethical Analysis and Recommendations*. The full chapter includes the following sections: (A) Background; (B) Current Legal Obligations; (C) Current Ethical Codes; (D) Current Practices; (E) Enforcement of Legal and Ethical Obligations; and, (F) Recommendations. Here, we provide our Recommendations, with only the minimum necessary background information. For more information and analysis of the role and responsibilities of club employees, including relevant citations, please see the full chapter. Also as explained in the full chapter, the NFL denied our request to interview club employees.

This chapter discusses the roles of NFL club general managers (often referred to as “GMs”), developmental staff, and scouts. Other club employees are discussed elsewhere: Chapter 2: Club Doctors; Chapter 3: Athletic Trainers; Chapter 9: Coaches; and, Chapter 11: Equipment Managers. Each of these employees has involvement with players at key moments in players’ careers.

First, NFL general managers by and large are the persons responsible for every aspect of the club. General managers report directly to the club’s owner and are responsible for putting together a cohesive and well-functioning organization that wins on the field and is maximally profitable off of it. To that end, general managers handle some of the most important football-related tasks, such as hiring the coach and making player personnel decisions, but also a variety of non-football specific tasks, including overseeing and directing the financials, human resources, marketing, stadium development, media and community relations.

Second, each NFL club employs someone with the title of Director of Player Development or Director of Player Engagement. These employees are often ex-players who are responsible for assisting the club’s players with a blend of professional and personal issues, including transitioning from college to the NFL, getting the player and his family settled in a new environment, dealing with the media, continuing their education, planning for retirement, and providing general life coaching and guidance. As respected elder statesmen of the game, Directors of

Player Development have the opportunity to play an important role in assisting players and making sure the actions taken are in their best interests.

Third, each NFL club employs approximately 10 to 15 people in their player personnel/scouting departments. Scouts seek out every personal and professional detail on players and thus provide valuable insight to a club when it comes time for personnel decisions. For example, in addition to how well they play football, scouting reports often include details of family and romantic relationships, academic performance, troubles with the law or coaches, personality profiles, injury history, and perceived toughness and intelligence. Scouts often interview the players, their high school and college coaches, college medical staff and others who know the players to obtain these details. Scouts then have the power to decide whether to label a prospect as “injury prone” or someone with “bad character.”

Scouting information can also play an important role once a player joins a club. If a club knows from a scouting report that a player has any particular social issues, such as family, friends or drugs, the club is potentially in a position to effectuate positive change. Additionally, if a scouting report reveals that a player suffers or has suffered from a physical ailment of some kind, the club can ensure that the player is treated appropriately. Indeed, out of their own self-interest, clubs are likely to try and provide a player with the support (physical, social and otherwise) he needs to be a successful football player.

Recommendations Concerning Club Employees

NFL club general managers and scouts make important decisions concerning a player’s career, often based on a player’s current or expected health status. In addition, general managers, scouts and developmental staff all have unique relationships with players that provide them an important opportunity to promote player health. Indeed, like coaches, many NFL club employees develop close relationships with players – or are former players themselves – and are thus sensitive to protecting player health. Nevertheless, the inherent pressures of winning and running a successful business can sometimes cause some of these employees to make decisions or create pressures that negatively affect player health. While we were denied the opportunity to interview these employees to gauge their viewpoints, we make the recommendations below to help improve the role of club employees in player health.

Goal 1: To encourage clubs and their employees to advance a culture of health.

Recommendation 10:1-A: Clubs and club employees, in particular general managers and developmental staff, should take steps to resolve any concerns discovered about a player’s health.

Recommendations Concerning Club Employees – continued

Clubs expend considerable effort to learn a great deal of information about players, including their medical, family, intellectual, personality, financial and social issues. These issues can threaten a promising career. Clubs learn about these issues during the pre-Draft process, when considering signing the player as a free agent, and when the player is a member of their club. While clubs are interested in helping players address these issues to protect their investment in the player, clubs should look beyond what might only be short-term solutions that help the player while he is with the club to include longer-term solutions, such as a variety of programs offered by the NFL and NFLPA, that will improve player health over a more extended period of time.

Recommendation 10:1-B: Clubs should adequately support the developmental staff.

Players we interviewed generally spoke well of the effort by developmental staff to assist players, particularly young players. Nevertheless, these interviews and news articles suggested that the developmental staff is can sometimes be under-resourced and limited in its role. The developmental staff has the potential to be a powerful resource for players, particularly in pointing them to the various programs and benefits offered by the NFL and NFLPA, and helping them through the process of taking advantage of those programs and benefits. By better supporting these staffs and professionalizing their role, the hope is that clubs can make gains in player health.