



<http://profootballtalk.nbcsports.com/2014/05/17/louisiana-workers-compensation-fight-could-be-easily-solved/>

Louisiana workers' compensation fight could be easily solved

Posted by Mike Florio on May 17, 2014, 12:44 PM EDT



Getty Images

One of the most curious loopholes in the NFL/NFLPA relationship flows from the concept of workers' compensation benefits. The labor deal allows players to pursue state-administered payments for injuries suffered at work, even though the labor deal provides them with a clear right to ongoing pay in the wake of serious injuries.

For the players, it's the ability to double dip. For the teams, it's the ability to funnel cash to employees in a way that is at least partially subsidized by the government. (Even in states where all of the workers' compensation benefits are paid by the employer, the mechanism for resolving the claims is publicly funded.)

In Louisiana, a fight has emerged at the legislative level regarding the calculation of workers' compensation benefits. The Saints and the NFL want the players' benefits to be determined based on the players' earnings at the time of the injury. The players (including [Drew Brees](#)) and the NFLPA want the players' benefits to be determined based on the average annual salary, projecting those earnings into the future and (for injuries suffered from March through early September) encompassing the players' regular-season game checks.

But the issue isn't a new one. Saints outside counsel **Chris Kane** explained to PFT by phone on Saturday morning that the dispute initially arose via the litigation process in 2000. With one exception, all cases decided by an Administrative Law Judge and then finalized by a three-person appeal panel resulted in a conclusion that the benefits paid are determined by the wages

earned at the time of the injury. The Louisiana Supreme Court consistently has declined opportunities to put the issue to rest by providing what would be (or at least should be) the final word on how benefits are calculated.

Starting in 2010, a lawyer who represents employee interests opted to pursue a different strategy, introducing a bill to the Louisiana legislature that would have overturned the prevailing judicial rulings. The Saints and the league countered with their own bill, and that bill currently has gathered steam.

Currently, the bill that would limit benefits to earning at the time of the injury has been passed by the House, and it will be considered by the Senate Labor and Industry Committee on Thursday, May 22. If the bill makes it to the Senate floor and passes via a formal vote, a harmonized version of the House and Senate Bills will be tendered to Governor Bobby Jindal for signature or veto.

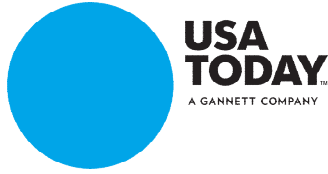
The NFLPA has mobilized to beat the bill. Saints quarterback Drew Brees [has spoken out](#) against it, and NFLPA executive director DeMaurice Smith has sent an email to agents suggesting that they “consider the Saints’ efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints.”

Kane emphasized that the effort would simply codify the prevailing rulings from the appeals courts that have addressed the issue. If the bill doesn’t become law, the current precedent from the court system would provide for benefits based on earnings at the time of the injury. Kane also pointed out that, for players who suffer serious injuries in the preseason or training camp, they still get their full salary for the year under the labor deal.

The problem arises from the inability to know with certainty that a player injured in the offseason or training camp would have made the team and earned his much higher regular-season wages. For some, like quarterback Drew Brees, it’s a given that he would still have made the roster and received \$10.75 million in base pay. For plenty of players on the current roster, however, the reality is that they won’t make the team and won’t earn the regular-season salary and thus shouldn’t get workers’ compensation benefits based on pay they’ll never actually earn.

A fair compromise would seem to be the creation of a system that requires the Saints to designate in March (and possibly to update monthly) a certain number of players as likely to make the 53-man roster. Those players, if injured, would get benefits based on the wages they’re due to earn in the coming season. The rest would get benefits based on their specific wages earned at the time of the injury.

That would be the best outcome under these specific circumstances — which means it’s the one least likely to actually happen.



<http://www.usatoday.com/story/sports/nfl/2014/05/16/nflpa-agents-new-orleans-saints/9170925/>

Saints lawyer fires back at union's warning to agents

Tom Pelissero, USA TODAY Sports 2:44 p.m. CDT May 16, 2014



(Photo: Derick E. Hingle, USA TODAY Sports)

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A lawyer representing the New Orleans Saints on workers compensation issues fired back at the NFL Players Association on Friday, hours after the union's executive director asked agents to advise their players of the potential consequences of signing with the team.

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law," **Chris Kane, an attorney at the firm Adams and Reese LLP** who has been retained by the Saints, wrote in an email to USA TODAY Sports.

At issue is a bill, HB1069, by Rep. Chris Broadwater that would calculate workers comp benefits for injured athletes based on earnings at the time of the injury, rather than future earnings. It passed the Louisiana House this week and could come up in Senate committee next week, leading to Saints quarterback Drew Brees and others on the union side ramping up efforts to squash it.

In an email to agents Friday morning, obtained by USA TODAY Sports, NFLPA executive director DeMaurice Smith wrote that the bill would "substantially reduce workers' compensation benefits for players injured at any time other than during the 17 weeks of the regular season. In other words the bill, if passed, seeks to provide a lower benefit for a player injured in OTA's, mini-camps, training camp or even post-season."

NFL players' base salaries are paid out in 17 installments during the regular season. The collective-bargaining agreement also affords weekly stipends during various stages of the offseason program. Workers' compensation claims generally are pursued in the state where the team is based, and Smith cited the union's past efforts to block "special" legislation in California, Arizona, North Carolina.

"Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints," Smith's letter concluded.

Kane countered that Louisiana "avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems," citing systems in Florida, Georgia, Ohio, Tennessee and Texas that provide benefits for non-permanently injured athletes shorter than Louisiana's 10-year period.

"Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000," Kane wrote, citing five appeals court rulings since 2006 that have held average weekly wages for pro athletes should be calculated based on wages at the time of the injury only.

He emphasized that HB1069 "in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana" and is a response to the union's repeated efforts to propose an exception for professional athletes.

"After defeating the NFLPA's legislative effort, the Saints did not previously move their bills in 2010 and 2012," Kane wrote in the email. "In 2014, after two more consistent cases came from the appellate courts, the NFLPA unsuccessfully tried to change the law yet again. Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

The union has spent substantial time and resources recently on the matter. Kevin Mawae, who grew up in Louisiana and is the former NFLPA president, is among those involved. Brees sent a tweet Tuesday on the matter that read: "Don't get involved in politics often but Fighting 4 my teammates & LA workers. Say NO to Bill 1069."

Smith's letter comes at the same time the NFLPA is preparing for an arbitration hearing on a grievance filed against the Saints on behalf of Jimmy Graham, challenging his designation as a tight end on the franchise tag.

With several other outstanding issues to be resolved between the league and union – including a comprehensive drug policy and expanded playoffs, which NFL owners could approve at meetings next week – the workers' comp case is one more potential leverage chip.

NFL spokesman Greg Aiello deferred comments to the Saints.

Here's the complete text of Smith's letter to agents:

"As you know, our players are generally forced to seek workers' compensation benefits for injury care and loss of wages in the state where they are employed. Accordingly, we have always aggressively fought any effort by the NFL or its teams to seek 'special' legislation which would bar or reduce workers' compensation benefits for professional athletes. Recently, we have opposed such efforts by the NFL and its teams in California, Arizona, North Carolina and now Louisiana. For example, in 2009/2010 we successfully fought an effort by the New Orleans Saints and the NFL to effectively reduce workers' compensation benefits for our players. Last week, the Saints organization again sponsored legislation that would substantially reduce workers' compensation benefits for players injured at any time other than during the 17 weeks of the regular season. In other words the bill, if passed, seeks to provide a lower benefit for a player injured in OTA's, mini-camps, training camp or even post-season. We are actively involved in the effort to defeat this bill but we feel it is important for you to consider the Saints' efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints.

"Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints."



http://espn.go.com/blog/new-orleans-saints/post/_id/6991/brees-opposes-saints-on-workers-comp-bill

Brees opposes Saints on workers comp bill

May, 13, 2014

By [Mike Triplett](#) | *ESPN.com*

Quarterback [Drew Brees](#) and the [New Orleans Saints](#) are on opposite sides of a battle over a proposed worker's compensation bill in Louisiana.

Brees pledged his support Tuesday for the NFL Players Association's campaign to fight the bill, which they claim would limit the amount of worker's compensation paid out to professional athletes in the state of Louisiana.

"Don't get involved in politics often but Fighting 4 my teammates & LA workers. Say NO to Bill 1069," tweeted Brees, a former member of the NFLPA's executive committee, who also sent out a link to [a release by the NFLPA](#), explaining the problems they have with the bill.

The Saints, however, support the bill because they believe it will make permanent the way the law has been interpreted multiple times by appellate courts and the state senate.

Essentially, the debate is over whether or not players should be paid worker's comp benefits

based on their projected annual salary or their current weekly salary at the time an injury occurs.

Both NFL spokesman Greg Aiello and the Saints' outside counsel, **Christopher Kane**, stressed that the proposed bill won't affect any of the injury and medical benefits that players receive as part of the league's collective bargaining agreement.

It is solely a matter of calculating the amount of additional worker's comp benefits that teams like the Saints are required to pay players for up to 10 years in Louisiana after their playing careers are over.

"It is a technical issue regarding how awards are calculated that codifies the current state law," Aiello said. "It does not affect a player's right to receive any of the league's many injury and medical benefits to which he is entitled."

Last week, NFLPA executive director DeMaurice Smith [came out strongly](#) against the Saints' efforts to push the bill.

"Our union exists to protect the rights that are constantly under attack from owners who don't need the money, but they simply want the money," Smith said. "And when we know this bill is being pushed by the Saints, to limit workers compensation benefits that are provided for under our CBA, what conclusion are we left with?"

However, the Saints stressed that the NFLPA is painting the debate inaccurately by claiming that the Saints are trying to change the way such disputes are settled.

Kane said that when the issue has reached an appellate court seven times in the past, the courts have agreed with the Saints' interpretation six times.

And Kane said the Saints' proposed bill is a response to the NFLPA's repeated attempts to push an opposing bill through the Louisiana senate, bills he said were denied in 2010, 2012 and 2014.

"The main issue is that we didn't pick this fight," Kane said. "We are continuously being required to apply what the courts have already adjudicated, including now three legislative sessions (the senate bills being denied). I believe this will stop needless litigation on the issue.

"In our minds, it's been ruled on, let's move on."

It's a murky debate since NFL players typically earn the bulk of their salary through weekly game checks during the regular season and earn very little money during the offseason.

The NFLPA believes the bill would be a major problem for players who are injured during the offseason, because they typically only make per-diems during that time, which is not an accurate reflection of their salary.

"(House Bill) 1069 tries to exploit this structure and discriminate against professional athletes who are injured during the preseason when they have not begun to receive their annual salary

under their annual contract,” the NFLPA said in its release.

However, in many of those past cases, the debate has centered around a player who was injured in the offseason -- when teams have 90 or more players invited to offseason camps. That makes the issue even murkier since a court can't fairly decide whether the player would have made the active roster.

Lawmakers who support the bill say that no other workers in the state are paid worker's comp based on an estimate of future earnings.

"[Pro athletes] shouldn't get some special privilege to calculate their benefits on what might happen in the future," state Rep. Chris Broadwater, R-Hammond, told the Associated Press last week after he co-sponsored the bill. "All I'm saying is: Treat these workers like every other worker in the state and it's not fundamentally unfair."

The NFLPA, however, believes that players should continue to be treated like any other employee in the state who is paid on an annual salary.

“Currently, professional athletes *are* treated the same as every other worker in Louisiana,” the NFLPA’s release said. “HB 1069 actually proposes treating them differently!”

The legislation deals with "any professional athlete," meaning it would affect the NBA's [New Orleans Pelicans](#), who like the Saints, are owned by Tom Benson.



<http://msn.foxsports.com/nfl/story/nflpa-warns-agents-about-proposed-louisiana-bill-that-could-cost-injured-saints-051614>

NFLPA warns agents about proposed bill that could cost injured Saints

Mike Garafolo

FOX Sports

MAY 16, 2014 11:53a ET



Derick E. Hingle / USA TODAY Sports

If a proposed Louisiana bill becomes a law, New Orleans Saints players injured in the offseason would receive substantially fewer workers' compensation benefits.

The NFL Players Association continued to warn players of the “possible consequences” of signing with the [New Orleans Saints](#), reiterating its opposition to proposed workers' compensation legislation in Louisiana.

In a memo sent out to player agents obtained by FOX Sports, the union reminded all certified contract advisors that the Saints organization sponsored legislation last week "that would substantially reduce workers' compensation benefits for players' injuries at any other time other than during the 17 weeks of the regular season."

Players are paid their base salaries in 17-week installments. During offseason workouts, OTAs and training camp, their pay is drastically reduced, though some players receive workout bonuses and roster bonuses paid in the spring.

Under proposed law (Louisiana House Bill 1069), the calculations for wage-loss benefits would be based on the player's wages at the time of the injury.

Players earn \$175 per day during offseason workouts and minicamps. Veterans earn \$1,700 per week during training camp, and first-year players earn \$925 per week.

"There is no financial benefit to the state with this bill, only team management. I am disappointed that (bill sponsors) Representative (Chris) Broadwater and (Cameron) Henry would take such a stance against our players and other Louisiana workers," Saints quarterback [Drew Brees](#) said in a statement via the NFLPA. "Whether we get hurt during the season or in the preseason, it is all the same. It is in preparation to help us win a championship for our community."

Broadwater told FOX Sports on Friday he introduced the bill because the current laws included "nothing specific to the unique ways professional athletes are paid" and that the issue has been

litigated. Broadwater said six of seven appellate-court rulings since 2000 on how payments should be calculated were in line with the way the bill is presented.

Broadwater said he has been in communication with the Saints since filing the bill but has not spoken to them extensively.

Attorney Chris Kane, assisting the Saints as outside counsel on workers' compensation-related issues, agreed with Broadwater in this email response to FOX Sports:

“The proposed law (HB1069) referenced in the NFLPA’s advisory to agents is intended to reflect what Louisiana courts have previously decided regarding the timing aspect of when to calculate a professional athletes average weekly wage for purposes of determining state workers’ compensation benefits. HB1069 in no way reduces any eligible workers’ compensation benefits to any potential free agent or current professional athlete in Louisiana. Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000. Since 2006, the Louisiana appellate court system, including both the Louisiana Fourth (1 favorable case) and Fifth circuits (5 favorable cases), have held that average weekly wages for professional athletes should be determined based on the wages earned at the time of the injury and from a historical perspective and rejected calculating them based on potential future earning capacity or speculative wages.”

As for the NFLPA's assertion players should consider the bill when deciding whether to sign with the Saints, Broadwater noted Louisiana's overall workers' compensation program is "far more favorable to employees" than that of other states, in part because of the maximum of 10 years of payments.

Broadwater also noted the proposed system could benefit players. For example, if they're injured while playing in a Super Bowl, their rate of pay could be higher than it would be during the regular season.

"To say this one issue tips the scales and is a disservice to the players and very short-sighted," he said.

All injured players are entitled to benefits from the league under the collective bargaining agreement. The proposed legislation, which is in the state senate and not yet scheduled for a vote, would affect only additional compensation the Saints would be required by law to pay players for up to 10 years.

“Our union has been fighting to protect the workers compensation rights of players in Louisiana and across the country for years,” said veteran NFL offensive lineman [Eric Winston](#), who was recently elected the union's president. "In fact, there is no cost to the team owner or the taxpayer for NFL players to obtain this benefit for the injuries they suffered at work because the award costs are offset by players ourselves. This is nothing more than greed.”

Kane had his own take on the Saints' behalf:

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law. In 2010, 2012 and 2014, the NFLPA first filed bills in each session proposing an exception for professional athletes from the case law. Only in response to those legislative efforts did the Saints lodge an opposition in an effort to protect the jurisprudence. After defeating the NFLPA's legislative effort, the Saints did not previously move their bills in 2010 and 2012. In 2014, after two more consistent cases came from the appellate courts, the NFLPA unsuccessfully tried to change the law yet again. Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."



<http://sports.yahoo.com/news/nflpa-warns-agents-saints-backed-180259320--nfl.html>

NFLPA warns agents about Saints-backed bill

By BRETT MARTEL (AP Sports Writer) May 16, 2014 3:21 PM [AP - Sports](#)

NEW ORLEANS (AP) -- The NFL Players Association is asking player agents to warn clients that signing with the [New Orleans Saints](#) could subject them to unfavorable workers compensation benefits.

In an email Friday, NFLPA chief DeMaurice Smith said union officials believe agents should "consider the Saints' efforts" to push for legislation that would substantially reduce benefits to players who are hurt outside the 17-week regular season, when player salaries are paid.

Players receive only per diems during offseason workouts and training camp. Under legislation which has passed the Louisiana House of Representatives and awaits consideration in the state Senate, workers compensation benefits could be based on per diems - rather than the full annual value of a contract - if injuries occurred in the offseason.

"We are actively involved in the effort to defeat this bill but we feel it is important for you to consider the Saints' efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints," Smith wrote. "Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints."

Bill supporters say it would ensure that athletes are under the same rules as other Louisiana employees, and they note that in six of seven past workers comp lawsuits between former Saints players and the team, state courts sided with the club on the issue addressed by the legislation.

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative

efforts in Louisiana since 2010 in an effort to undo the prevailing case law," said Chris Kane, an attorney with the firm Adams and Reese, which represents the club. "Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

Kane noted that in six cases, state appeals courts rejected calculating benefits "based on potential future earning capacity or speculative wages." He added: "HB1069 in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana."

Kane further noted that Louisiana workers' comp law would remain generous relative to other states where NFL teams play, particularly as it relates to the length of time employers are required to provide wage-benefits - up to 10 years - for non-permanent injuries.

Meanwhile, Saints quarterback Drew Brees has come out publicly against the measure his own team is backing.

In a written statement distributed by the NFLPA, Brees said the legislation "is not good for Saints players, not good for our team or other sports teams in Louisiana and not good for our state."

"The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt. There is no financial benefit to the state with this bill, only team management," Brees continued. "Whether we get hurt during the season or in the preseason, it is all the same. It is in preparation to help us win a championship for our community."

Specifically, the legislation aims to calculate workers' compensation benefits for pro athletes based only on recent earnings at the time of the injury. The NFL's collective bargaining agreement has a formula that also includes future earnings and is aimed at ensuring that benefits are calculated on the full annual value of a player's contract.

The bill is sponsored by state Reps. Chris Broadwater, R-Hammond, and Cameron Henry, R-Metairie.

Broadwater has said the Saints asked for the bill, which aims to clarify in law that pro athletes cannot be exempt from a state formula that applies to every other Louisiana employee seeking workers compensation benefits after a workplace injury.

The NFLPA counters that athletes should not be punished with potentially reduced benefits simply because their salaries are not distributed evenly over a 52-week period.



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http://www.nola.com/politics/index.ssf/2014/05/saints_nflpa_workers_comp_loui.html

Proposed Louisiana law could hurt New Orleans Saints' free agency chances, former NFLPA president says



New Orleans Saints players such as Drew Brees oppose a bill set for debate in the Louisiana Senate this week that would reduce the amount of workers compensation they receive if their injury occurs during outside the 17-week contract season. Pictured, New Orleans Saints quarterback Drew Brees (9) leaves the field during the NFC divisional playoff loss to the New Seattle Seahawks in Seattle on Saturday, January 11, 2014. (Michael DeMocker, Nola.com / The Times-Picayune archive) (Michael DeMocker)

By [Emily Lane, NOLA.com | The Times-Picayune](#)

Email the author | [Follow on Twitter](#) on May 14, 2014 at 7:57 AM, updated May 14, 2014 at 11:53 AM

A bill addressing professional athletes' injury benefits making its way through the Louisiana Legislature could hinder the New Orleans Saints' recruitment of free agents, a former NFLPA president said.

Kevin Mawae, a Baton Rouge resident, former LSU center and eight-time All-Pro NFL standout who served as president of the National Football League Players Association from 2008-2012, said House Bill 1069 poses a financial risk for players that team members in other states don't have to worry about.

The [legislation](#) aims to calculate workers' compensation benefits for professional athletes based only on weekly earnings at the time of the injury, rather than based on average weekly earnings over the entire year. The NFL's collective bargaining agreement has a formula for the latter calculation, which divides total annual compensation by 52 (weeks).

Timing of a prospective injury, then, becomes a determining factor in calculating how much workers compensation is owed. Players typically earn a variety of wages during the off-season and preseason that are substantially less than what they make under contract during the 17-week regular season.

Get hurt at training camp, Mawae said, and the difference could be between benefits based on earnings of \$900 a week and earnings based on \$8,700 a week, to use an example of a minimum wage player who makes \$450,000 a year. Earn more under contract, and the gap widens. "If I'm a player coming to look at all of the benefits (of signing) ... that's a chance I don't want to take."

Financial security is naturally factored into free agents' choice of where to move their careers and families, he said, in addition other considerations like a city's quality of life for raising children

and plans for a post-NFL career. "The first contract is a big deal, but the older you get as a player, you start looking at the holistic picture of, 'What does this opportunity mean for me?'"

As a former player and Saints fan, Mawae said, he worries the impact the legislation would have on luring "high-profile free agents" to a team that's [benefited as it has from free agency](#) signings during the Sean Payton era.

The bill, sponsored by Reps. Chris Broadwater, R-Hammond, and Cameron Henry, R-Metairie, passed the House 56-32 a week ago on May 7. Broadwater said the Saints ownership pushed the bill to clarify the part of the law that's silent on the weekly wage issue. Louisiana circuit and appellate courts have interpreted the issue in recent years in seven lawsuits, six of which sided with what the legislation proposes. The legislation applies to all professional athletes, including the Benson-owned New Orleans Pelicans, in addition possibly to Zephyrs AAA baseball and Voodoo Arena League football. Broadwater's bill originally defined weekly wage for all workers in the state but he amended it on the House floor to narrow the scope for professional athletes only after lawmakers expressed concern that it might have consequences for other labor fields.

An NFLPA statement says the bill discriminates against pro athletes "instead of treating them like every other employee in the state."

Broadwater and an attorney representing the Saints in civil litigation regarding workers compensation issues, though, view the legislation as doing the exact opposite. The bill, Broadwater says, attempts to align the way pro athletes are treated with "how we treat all workers in the state."

The representative compared the situation to someone who works in construction. Whether that worker got injured during a slow week because of weather issues or earned inordinately high wages on a round-the-clock construction project can work either to the advantage of the employee or the company. "Recent earning history ought to be treated with the same application," Broadwater said.

Saints attorney **Christopher Kane**, who spoke on behalf of the Saints at the referral from team spokesman Greg Bensel, said NFL players get a number of other concessions in their contract if they get injured, privileges most workers in Louisiana don't have. The bill "attempts to curb repeated attempts by the NFL Players Association to carve out special treatment for its members under Louisiana law," a memo from Kane's office says.

The legislation makes the law consistent with most of the court rulings on the same subject. "All we're asking for the Louisiana State Legislature to do is exactly what these courts have done," Kane said.

NFLPA associate general counsel Ned Ehrlich [told the Associated Press](#) that all six rulings which were favorable to the state and owners came in Jefferson Parish, where team headquarters are located. The ruling favorable to the player came in Orleans Parish, where Saints play their games in the Mercedes-Benz Superdome.

Mawae said the timing of the bill filing suggests the ownership and sponsors tried to sneak the legislation "under the radar." Someone in the House committee hearing, he said, asked where the Saints players stand on the issue. "Well, the Saints don't even know about it," he said. "Fortunately for the NFLPA, we caught it."

Kane and Broadwater disagree. Each emphasized that the issue has been ongoing both in the courts and the Louisiana State Capitol for years. Both the ownership and NFLPA have backed bills on the subject, and owners only did so in 2010, 2012 and 2014 in response to those filed first by the player's association. "They filed the bill in each one of those years to undue what jurisprudence has determined to be law," Kane said. "What's getting lost (in media coverage) is this is now the third time in the last four years that they've brought this issue before us."

Broadwater, too, was adamant his intent wasn't to ruffle feathers by catching anyone off guard. "I have no desire to pick a fight with the NFLPA," he said with raised brows, standing in a Capitol hallway wearing his signature bow tie.

Mawae noted that the bill would generate zero savings for the state and only benefits the owner at the detriment of the players should they get injured at an inopportune time.

The NFLPA [launched its campaign](#) last week opposing the bill when its current executive director DeMaurice Smith addressed the issue publicly. "Our union exists to protect the rights that are constantly under attack by owners who don't need the money, but they simply want the money," Smith said May 7.

Chairman of Senate Labor and Industrial Relations Committee Sen. A.G. Crowe, R-Pearl River, said he expects the bill to come up in committee Thursday. He plans to meet Wednesday (May 14) with Saints President Dennis Lauscha and players to discuss the matter ahead of the hearing. Committee members indicated calls from the NFLPA have started to ring their cell phones.

Mawae said Saints players like Drew Brees, Jimmy Graham and NFLPA executive committee member Benjamin Watson have indicated they are ready to publicly oppose and perhaps testify against the bill if necessary. Brees tweeted about the subject Tuesday afternoon, indicating as much: "Don't get involved in politics often but Fighting 4 my teammates & LA workers. Say NO to Bill 1069," he posted on his Twitter account, along with a [link to the NFLPA's statement](#) opposing the bill.

Broadwater, though, pointed to an [op-ed Brees coauthored](#) last June with New England Patriots quarterback Tom Brady that published in the San Francisco Chronicle. Broadwater said the opinion piece, which was written to oppose a California law, backs their case in its argument that NFL players should be treated like all other workers.

"If Drew Brees believes that," Broadwater said, then the quarterback would support his legislation because no other workers in the state are given exceptions like NFL players, he said, adding, "I challenge them to show me."

Emily Lane is a news reporter based in Baton Rouge. Email her at elane@nola.com or call 504-717-7699. You can also keep up with all her local updates on Twitter ([@emilymlane](https://twitter.com/emilymlane)).



RADIO LINK - <http://audio.wwl.com/device/mobile/a/91993414/5-14-5-20pm-sports-talk-workmen-s-comp-legislation.htm>

Deke and Bobby talk to **Partner at Adams and Reese and Outside Legal Counsel to the Saints Chris Kane** about the proposed workmen's compensation bill that affects professional athletes in Louisiana.

<http://www.wwl.com/pages/19024672.php?contentType=4&contentId=15239586>

NFLPA warns agents about Saints-backed bill

AP Reporting

The NFL Players Association is asking player agents to warn clients that signing with the New Orleans Saints could subject them to unfavorable workers compensation benefits.



NFL PLAYERS
ASSOCIATION

In an email Friday, NFLPA chief DeMaurice Smith said union officials believe agents should "consider the Saints' efforts" to push for legislation that would substantially reduce benefits to players who are hurt outside the 17-week regular season, when player salaries are paid.

Players receive only per diems during offseason workouts and training camp. Under legislation which has passed the Louisiana House of Representatives and awaits consideration in the state Senate, workers compensation benefits could be based on per diems - rather than the full annual value of a contract - if injuries occurred in the offseason.

"We are actively involved in the effort to defeat this bill but we feel it is important for you to consider the Saints' efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints," Smith wrote. "Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints."

Bill supporters say it would place athletes under the same rules as other Louisiana employees.

The Saints have not commented on the legislation since its introduction in the House of Representatives, but quarterback Drew Brees has come out publicly against it.

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Saints players, not good for our team or other sports teams in Louisiana and not good for our state."

"The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt. There is no financial benefit to the state with this bill, only team management," Brees continued. "Whether we get hurt during the season or in the preseason, it is all the same. It is in preparation to help us win a championship for our community."

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The bill is sponsored by state Reps. Chris Broadwater, R-Hammond, and Cameron Henry, R-Metairie.

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However, an appeals court in Orleans Parish, where the Superdome is located, has ruled that the annual value of player contracts should serve as the basis for benefits, regardless of when the injury occurs.



<http://www.wwltv.com/sports/Saints-respond-to-NFLPA-259559131.html>

Saints respond to NFLPA

Below is the response by the Saints organization to the NFLPA's decision to advise agents of players to strongly consider whether they should have their clients sign with the Saints. The response was provided by Christopher J. Kane of Adams and Reese.

The proposed law (HB1069) referenced in the NFLPA's advisory to agents is intended to reflect what Louisiana courts have previously decided regarding the timing aspect of when to calculate a professional athletes average weekly wage for purposes of determining state workers' compensation benefits. HB1069 in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana. Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000. Since 2006, the Louisiana appellate court system, including both the Louisiana Fourth (1 favorable case) and Fifth circuits (5 favorable cases), have held that average weekly wages for professional athletes should be determined based on the wages earned at the time of the injury and from a historical perspective and rejected calculating them based on potential future earning capacity or speculative wages.

And while HB1069 merely keeps the current law, Louisiana's workers' compensation system avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems. For example, non-permanent injury employees are eligible for up to 10 years of indemnity (wage) benefits in Louisiana, where many state indemnity benefits are restricted to 4-6 years, or even to a specific limited schedule dependent on the injury. Professional athletes who are employed in Louisiana enjoy extended indemnity benefits in comparison to states in which other Clubs reside. In fact, states such as Florida, Georgia, Ohio, Tennessee and Texas do not provide indemnity benefits for non-permanently injured professional athletes for a period as long as Louisiana's 10 year (520 week) period.

While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law. In 2010, 2012 and 2014, the NFLPA first filed bills in each session proposing an exception for professional athletes from the case law. Only in response to those legislative efforts did the Saints lodge an opposition in an effort to protect the jurisprudence. After defeating the NFLPA's legislative effort, the Saints did not previously move their bills in 2010 and 2012. In 2014, after two more consistent cases came from the appellate courts, the NFLPA unsuccessfully tried to change the law yet again. Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law.

<http://www.fox8live.com/story/25537342/workers-compensation-bill-could-cost-saints-pelicans-players>



Bill could cost Saints and Pelicans players millions in workers' compensation

Updated: May 16, 2014 2:27 PM CST

Written by: FOX8Live.com Staff

NEW ORLEANS, LA (WVUE) - New Orleans Saints and Pelicans players are rallying against a proposed bill that would drastically reduce the amount of workers' compensation benefits during the NFL offseason and preseason.

House Bill 1069 would limit the compensation to an athletes' per diem in training camp versus their contracted wages, according to the NFL Players Association.

The union says Saints owner Tom Benson and his organization brought the bill to State Representative Chris Broadwater, R-Hammond, and Rep. Cameron Henry, R-Metairie for sponsoring.

Broadwater said the bill is designed to ensure that professional athletes are treated like every other worker in Louisiana. The union disagrees.

The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt," Saints quarterback Drew Brees said. "There is no financial benefit to the state with this bill, only team management."

According to the union, if HB 1069 passes, head coach Sean Payton's workers' compensation benefits would be based on his reported \$8 million annual salary, meaning he would get \$153,846.15.

Brees' workers' compensation would be based on what he makes for playing in a pre-season game, meaning he would get about \$1,700. He would get \$211,538 under the current law.

"I play in this state and I love our team, but I cannot support the efforts of legislators to pass a bill that would affect our injury benefits as athletes," said Pelicans center Jason Smith.

Attorneys for the Saints sent a response tied to this story.

FOX 8 is under the ownership of Benson.

- [**Saints Response to NFLPA**](#)

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http://neworleanscitybusiness.com/blog/2014/05/16/nflpa-warns-agents-about-saints-backed-bill/?utm_source=WhatCounts+Publicaster+Edition&utm_medium=email&utm_campaign=May+16%2c+2014+pm&utm_content=NFLPA+warns+agents+about+Saints-backed+bill

NFLPA warns agents about Saints-backed bill

By: [The Associated Press](#) May 16, 2014 [0](#)

The NFL Players Association is asking player agents to warn clients that signing with the New Orleans Saints could subject them to unfavorable workers compensation benefits.

In an email today, NFLPA chief DeMaurice Smith said union officials believe agents should “consider the Saints’ efforts” to push for legislation that would substantially reduce benefits to players who are hurt outside the 17-week regular season, when player salaries are paid.

Players receive only per diems during offseason workouts and training camp. Under legislation which has passed the Louisiana House of Representatives and awaits consideration in the state Senate, workers compensation benefits could be based on per diems — rather than the full annual value of a contract — if injuries occurred in the offseason.

“We are actively involved in the effort to defeat this bill but we feel it is important for you to consider the Saints’ efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints,” Smith wrote. “Please advise your players of the potential consequences of the Saints’ efforts should they sign with the Saints.”

Bill supporters say it would place athletes under the same rules as other Louisiana employees.

The Saints have not commented on the legislation since its introduction in the House of Representatives, but quarterback Drew Brees has come out publicly against it.

In a written statement distributed by the NFLPA, Brees said the legislation “is not good for Saints players, not good for our team or other sports teams in Louisiana and not good for our state.”

“The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt. There is no financial benefit to the state with this bill, only team management,” Brees continued. “Whether we get hurt during the season or in the preseason, it is all the same. It is in preparation to help us win a championship for our community.”

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Broadwater has said the Saints asked for the bill, which aims to clarify in law that pro athletes cannot be exempt from a state formula that applies to every other Louisiana employee seeking workers compensation benefits after a workplace injury.

The NFLPA counters that athletes should not be punished with potentially reduced benefits simply because their salaries are not distributed evenly over a 52-week period.

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A state appeals courts in Jefferson Parish, home of Saints headquarters, has sided with the club's assertion that players must follow precisely the same formula as other Louisiana employees.

However, an appeals court in Orleans Parish, where the Superdome is located, has ruled that the annual value of player contracts should serve as the basis for benefits, regardless of when the injury occurs.

THE
ADVOCATE

<http://theadvocate.com/sports/saints/9123360-123/nflpa-criticizes-saints-backed-workers-comp>

NFLPA criticizes Saints-backed workers' comp bill

by ramon antonio vargas

rvargas@theadvocate.com

May 13, 2014

While they were eagerly waiting to learn what their favorite team would do with their first pick in the 2014 draft, NFL Players Association chief DeMaurice Smith on Thursday urged Saints fans to call two Louisiana lawmakers who authored a bill aiming to overhaul workers compensation as it pertains to professional athletes and ask them “why they want to sponsor legislation to hurt their players.”

Smith also vowed that the union would push its members to question why Saints owner Tom Benson, whose team has supported the bill, “wants to hurt the benefits that are lawfully entitled to ... players.”

The Saints have declined to comment on the matter. But one of the bill's sponsors — Rep. Chris Broadwater, R-Hammond — disputed that the measure is doing any of what Smith says and added it has a basis prior legal decisions.

“I respect these athletes,” Broadwater said.

Passed in the Louisiana House of Representatives on Wednesday and headed to the Senate for consideration, the measure in question seeks to calculate workers' compensation benefits for hurt

professional athletes on earnings up to the point of an injury and not future ones that would've been made if not for an injury.

In the NFL, multi-year contracts involve steep annual raises, and they're mostly paid during regular seasons that typically run from early September to late December. Players during the offseason and preseason are usually paid daily allowances that are much smaller than earnings during the regular season.

Therefore, if the bill eventually becomes law, the possibility exists that players who are hurt during the preseason would see the workers' compensation they're due from their teams be calculated from the daily allowances paid and not from their larger salary under the contract.

Broadwater said the language in his bill is based on several decisions from a state circuit court of appeal in Jefferson Parish.

The NFLPA points out all of those decisions are in one jurisdiction, where the Saints' administrative headquarters and training facilities are. In a ruling from a state circuit court of appeal in Orleans Parish, where the Mercedes-Benz Superdome is, it was found an injured football player's workers' compensation should take his yearly salary into account as it would others who are considered employed by an annual contract.

"They want to codify ... adverse rulings that don't follow state law," NFLPA associate general counsel Ned Ehrlich said.

Broadwater — who used to direct the Louisiana Workforce Commission, which monitors worker's compensation — said professional athletes are the only class of employee whose future earnings are taken into account for benefits when injured in the. He said his bill would bring them into line with all other workers in the state.

He said the lobbyist **Kevin Hayes** solicited support for the bill (co-sponsored by Rep. Cameron Henry, R-Metairie) on behalf of the Saints. Alton Ashy lobbied against it for the NFLPA, Broadwater said.

Smith assured his efforts would not stop there.

"Our union exists to protect the rights that are constantly under attack by owners who don't need the money, but they simply want the money," Smith said.

The Washington Post

http://www.washingtonpost.com/sports/redskins/nflpa-warns-agents-about-saints-backed-bill/2014/05/16/a4a83f3c-dd24-11e3-a837-8835df6c12c4_story.html

NFLPA warns agents about Saints-backed bill

By BRETT MARTEL

AP Sports Writer May 16, 2014 Updated 51 minutes ago

NEW ORLEANS — The NFL Players Association is asking player agents to warn clients that signing with the New Orleans Saints could subject them to unfavorable workers compensation benefits.

In an email Friday, NFLPA chief DeMaurice Smith said union officials believe agents should "consider the Saints' efforts" to push for legislation that would substantially reduce benefits to players who are hurt outside the 17-week regular season, when player salaries are paid.

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Bill supporters say it would ensure that athletes are under the same rules as other Louisiana employees, and they note that in six of seven past workers comp lawsuits between former Saints players and the team, state courts sided with the club on the issue addressed by the legislation.

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law," said **Chris Kane, an attorney with the firm Adams and Reese**, which represents the club. "Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

Kane noted that in six cases, state appeals courts rejected calculating benefits "based on potential future earning capacity or speculative wages." He added: "HB1069 in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana."

Kane further noted that Louisiana workers' comp law would remain generous relative to other states where NFL teams play, particularly as it relates to the length of time employers are required to provide wage-benefits — up to 10 years — for non-permanent injuries.

Meanwhile, Saints quarterback Drew Brees has come out publicly against the measure his own team is backing.

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http://bostonherald.com/sports/patriots_nfl/nfl_coverage/2014/05/nflpa_warns_agents_about_saints_backed_bill

NFLPA warns agents about Saints-backed bill

Friday, May 16, 2014

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By: [Associated Press](#)

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<http://www.sunherald.com/2014/05/16/5579770/nflpa-warns-agents-about-saints.html>

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By BRETT MARTEL

Associated Press May 16, 2014 Updated 3 hours ago



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<http://www.dnj.com/usatoday/article/9170925&usatref=sportsmod>

Saints lawyer fires back at union's warning to agents

Tom Pelissero, USA TODAY Sports 2:44 p.m. CDT May 16, 2014



(Photo: Derick E. Hingle, USA TODAY Sports)

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A lawyer representing the New Orleans Saints on workers compensation issues fired back at the NFL Players Association on Friday, hours after the union's executive director asked agents to advise their players of the potential consequences of signing with the team.

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law," **Chris Kane, an attorney at the firm Adams and Reese LLP** who has been retained by the Saints, wrote in an email to USA TODAY Sports.

At issue is a bill, HB1069, by Rep. Chris Broadwater that would calculate workers comp benefits for injured athletes based on earnings at the time of the injury, rather than future earnings. It passed the Louisiana House this week and could come up in Senate committee next week, leading to Saints quarterback Drew Brees and others on the union side ramping up efforts to squash it.

In an email to agents Friday morning, obtained by USA TODAY Sports, NFLPA executive director DeMaurice Smith wrote that the bill would "substantially reduce workers' compensation benefits for players injured at any time other than during the 17 weeks of the regular season. In

other words the bill, if passed, seeks to provide a lower benefit for a player injured in OTA's, mini-camps, training camp or even post-season."

NFL players' base salaries are paid out in 17 installments during the regular season. The collective-bargaining agreement also affords weekly stipends during various stages of the offseason program. Workers' compensation claims generally are pursued in the state where the team is based, and Smith cited the union's past efforts to block "special" legislation in California, Arizona, North Carolina.

"Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints," Smith's letter concluded.

Kane countered that Louisiana "avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems," citing systems in Florida, Georgia, Ohio, Tennessee and Texas that provide benefits for non-permanently injured athletes shorter than Louisiana's 10-year period.

"Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000," Kane wrote, citing five appeals court rulings since 2006 that have held average weekly wages for pro athletes should be calculated based on wages at the time of the injury only.

He emphasized that HB1069 "in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana" and is a response to the union's repeated efforts to propose an exception for professional athletes.

"After defeating the NFLPA's legislative effort, the Saints did not previously move their bills in 2010 and 2012," Kane wrote in the email. "In 2014, after two more consistent cases came from the appellate courts, the NFLPA unsuccessfully tried to change the law yet again. Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

The union has spent substantial time and resources recently on the matter. Kevin Mawae, who grew up in Louisiana and is the former NFLPA president, is among those involved. Brees sent a tweet Tuesday on the matter that read: "Don't get involved in politics often but Fighting 4 my teammates & LA workers. Say NO to Bill 1069."

Smith's letter comes at the same time the NFLPA is preparing for an arbitration hearing on a grievance filed against the Saints on behalf of Jimmy Graham, challenging his designation as a tight end on the franchise tag.

With several other outstanding issues to be resolved between the league and union – including a comprehensive drug policy and expanded playoffs, which NFL owners could approve at meetings next week – the workers' comp case is one more potential leverage chip.

NFL spokesman Greg Aiello deferred comments to the Saints.

Here's the complete text of Smith's letter to agents:

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<http://www.pnj.com/story/sports/nfl/2014/05/16/nflpa-agents-new-orleans-saints/9170925/>

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Tom Pelissero, USA TODAY Sports 2:44 p.m. CDT May 16, 2014



(Photo: Derick E. Hingle, USA TODAY Sports)

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At issue is a bill, HB1069, by Rep. Chris Broadwater that would calculate workers comp benefits for injured athletes based on earnings at the time of the injury, rather than future earnings. It passed the Louisiana House this week and could come up in Senate committee next week, leading to Saints quarterback Drew Brees and others on the union side ramping up efforts to squash it.

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"Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints," Smith's letter concluded.

Kane countered that Louisiana "avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems," citing systems in Florida, Georgia, Ohio, Tennessee and Texas that provide benefits for non-permanently injured athletes shorter than Louisiana's 10-year period.

"Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000," Kane wrote, citing five appeals court rulings since 2006 that have held average weekly wages for pro athletes should be calculated based on wages at the time of the injury only.

He emphasized that HB1069 "in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana" and is a response to the union's repeated efforts to propose an exception for professional athletes.

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<http://www.islandpacket.com/2014/05/16/3114193/nflpa-warns-agents-about-saints.html?sp=/99/257/1743/256/344/>

NFLPA warns agents about Saints-backed bill

By BRETT MARTEL

AP Sports Writer May 16, 2014 Updated 51 minutes ago

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Players receive only per diems during offseason workouts and training camp. Under legislation which has passed the Louisiana House of Representatives and awaits consideration in the state Senate, workers compensation benefits could be based on per diems — rather than the full annual value of a contract — if injuries occurred in the offseason.

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Specifically, the legislation aims to calculate workers' compensation benefits for pro athletes based only on recent earnings at the time of the injury. The NFL's collective bargaining agreement has a formula that also includes future earnings and is aimed at ensuring that benefits are calculated on the full annual value of a player's contract.

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<http://www.timescolonist.com/sports/football/nflpa-warns-agents-players-about-signing-with-saints-pending-louisiana-workers-comp-bill-1.1064393>

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[Brett Martel](#) / The Associated Press
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<http://www.theleafchronicle.com/usatoday/article/9170925&usatref=sportsmod>

Saints lawyer fires back at union's warning to agents

Tom Pelissero, USA TODAY Sports 2:44 p.m. CDT May 16, 2014



(Photo: Derick E. Hingle, USA TODAY Sports)

97 CONNECT [60 TWEET](#)[LINKEDIN](#) 4 COMMENTEMAILMORE

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"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law," **Chris Kane, an attorney at the firm Adams and Reese LLP** who has been retained by the Saints, wrote in an email to USA TODAY Sports.

At issue is a bill, HB1069, by Rep. Chris Broadwater that would calculate workers comp benefits for injured athletes based on earnings at the time of the injury, rather than future earnings. It passed the Louisiana House this week and could come up in Senate committee next week, leading to Saints quarterback Drew Brees and others on the union side ramping up efforts to squash it.

In an email to agents Friday morning, obtained by USA TODAY Sports, NFLPA executive director DeMaurice Smith wrote that the bill would "substantially reduce workers' compensation benefits for players injured at any time other than during the 17 weeks of the regular season. In other words the bill, if passed, seeks to provide a lower benefit for a player injured in OTA's, mini-camps, training camp or even post-season."

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"Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints," Smith's letter concluded.

Kane countered that Louisiana "avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems," citing systems in Florida,

Georgia, Ohio, Tennessee and Texas that provide benefits for non-permanently injured athletes shorter than Louisiana's 10-year period.

"Importantly, this law is not new, and in fact first arose from a professional athlete claim filed in April 2000," Kane wrote, citing five appeals court rulings since 2006 that have held average weekly wages for pro athletes should be calculated based on wages at the time of the injury only.

He emphasized that HB1069 "in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana" and is a response to the union's repeated efforts to propose an exception for professional athletes.

"After defeating the NFLPA's legislative effort, the Saints did not previously move their bills in 2010 and 2012," Kane wrote in the email. "In 2014, after two more consistent cases came from the appellate courts, the NFLPA unsuccessfully tried to change the law yet again. Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

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Smith's letter comes at the same time the NFLPA is preparing for an arbitration hearing on a grievance filed against the Saints on behalf of Jimmy Graham, challenging his designation as a tight end on the franchise tag.

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<http://www.sfgate.com/sports/article/NFLPA-warns-agents-about-Saints-backed-bill-5483950.php>

NFLPA warns agents, players about signing with Saints pending Louisiana workers comp bill

[Brett Martel](#) / The Associated Press
May 16, 2014 11:03 AM

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(Photo: Derick E. Hingle, USA TODAY Sports)

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<http://www.greenfieldreporter.com/view/story/1fabb0df0b484617a0dc0a240a8f00f7/FBN--Saints-NFLPA-Workers-Comp>

NFLPA warns agents, players about signing with Saints pending Louisiana workers comp bill

- By BRETT MARTEL AP Sports Writer
- First Posted: May 16, 2014 - 3:20 pm
- Last Updated: May 16, 2014 - 3:24 pm

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<http://www.ksla.com/story/25540550/attorneys-for-the-no-saints-react-to-nflpas-warning-to-free-agents>

Attorneys for Saints react to NFLPA's warning to free agents

Updated: May 16, 2014 5:59 PM CST

Written by: Sabrina Wilson

NEW ORLEANS, LA (WVUE) - Attorneys for the New Orleans Saints are hurling their own criticism after the NFL Players Association publicly slammed the franchise.

Bill could cost Saints and Pelicans players millions in workers' compensation

New Orleans Saints and Pelicans players are rallying against a proposed bill that would drastically reduce the amount of workers' compensation benefits during the NFL offseason and preseason.

House Bill 1069 would limit the compensation to an athletes' per diem in training camp versus their contracted wages, according to the NFL Players Association.

Saints Response to NFLPA

The fight is over a bill in the Louisiana Legislature and workers' compensation benefits for professional athletes.

Under House Bill 1069 workers comp benefits for injured professional athletes would be based on earnings at the time of the injury, rather than future earnings.

Our union exists to protect your rights that are constantly under attack by owners who don't need the money, but they simply want the money," said DeMaurice Smith, Executive Director of the NFL Players Association in a meeting video posted on YouTube.

He is also warning sports agents about the possible consequences free agents would face if they signed on with the Saints. Smith said the proposed legislation will hurt Saints players.

"Introduced a bill that specifically targets professional athletes to take away, or limit their workers' compensation benefits," Smith said of the legislation.

Attorney Chris Kane of Adams and Reese Law Firm, which provides outside counsel to the Saints on workers' comp issued a lengthy statement in response to the NFLPA's position.

"Louisiana's workers' compensation system avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems. For example, non-permanent injury employees are eligible for up to 10 years of indemnity (wage) benefits in Louisiana, where many state indemnity benefits are restricted to 4-6 years, or even to a specific limited schedule dependent on the injury."

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Attorney and former sports agent Doug Sunseri said the legislation is needed for clarification purposes, and thinks if it becomes more marginal players would be impacted.

"The NFLPA provides their own injury protection benefits, so that if they get injured they get paid a stipulated sum the following year, so a guy like Drew Brees, this legislation would probably have no effect on him," said Sunseri.

And Sunseri says he doubts the legislation would keep free agents from signing on with the New Orleans Saints.

"I think that's a hysterical reaction and has absolutely no basis in fact. I can tell you from experience that this legislation will make no difference as to whether a free agent would come to New Orleans or not," he said of the NFLPA's stance.



<http://www.sportsnet.ca/football/nfl/nflpa-warns-players-about-signing-with-saints/>

NFLPA warns players about signing with Saints



The NFL Players Association is asking player agents to warn clients that signing with the New Orleans Saints could subject them to unfavourable workers compensation benefits (Ted S. Warren/AP).

Associated Press

May 16, 2014

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House Bill 1069 would limit the compensation to an athletes' per diem in training camp versus their contracted wages, according to the NFL Players Association.

The union says Saints owner Tom Benson and his organization brought the bill to State Representative Chris Broadwater, R-Hammond, and Rep. Cameron Henry, R-Metairie for sponsoring.

Broadwater said the bill is designed to ensure that professional athletes are treated like every other worker in Louisiana. The union disagrees.

The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt," Saints quarterback Drew Brees said. "There is no financial benefit to the state with this bill, only team management."

According to the union, if HB 1069 passes, head coach Sean Payton's workers' compensation benefits would be based on his reported \$8 million annual salary, meaning he would get \$153,846.15.

Brees' workers' compensation would be based on what he makes for playing in a pre-season game, meaning he would get about \$1,700. He would get \$211,538 under the current law.

"I play in this state and I love our team, but I cannot support the efforts of legislators to pass a bill that would affect our injury benefits as athletes," said Pelicans center Jason Smith.

Attorneys for the Saints sent a response tied to this story.

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<http://www.thetowntalk.com/viewart/20140517/SPORTS12/305170017/NFL-Players-Association-warns-agents-about-Saints-backed-bill>

NFL Players Association warns agents about Saints-backed bill

May 17, 2014 |



Drew Brees / AP file photo

Written by

Brett Martel

Associated Press

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The bill is sponsored by state Reps. Chris Broadwater, R-Hammond, and Cameron Henry, R-Metairie.

Broadwater has said the Saints asked for the bill, which aims to clarify in law that pro athletes cannot be exempt from a state formula that applies to every other Louisiana employee seeking workers compensation benefits after a workplace injury.

The NFLPA counters that athletes should not be punished with potentially reduced benefits simply because their salaries are not distributed evenly over a 52-week period.



<http://www.kltv.com/story/25540550/attorneys-for-the-no-saints-react-to-nflpas-warning-to-free-agents>

Attorneys for Saints react to NFLPA's warning to free agents

Updated: May 16, 2014 5:59 PM CST

Written by: Sabrina Wilson

NEW ORLEANS, LA (WVUE) - Attorneys for the New Orleans Saints are hurling their own criticism after the NFL Players Association publicly slammed the franchise.

New Orleans Saints and Pelicans players are rallying against a proposed bill that would drastically reduce the amount of workers' compensation benefits during the NFL offseason and preseason.

House Bill 1069 would limit the compensation to an athletes' per diem in training camp versus their contracted wages, according to the NFL Players Association.

The fight is over a bill in the Louisiana Legislature and workers' compensation benefits for professional athletes.

Under House Bill 1069 workers comp benefits for injured professional athletes would be based on earnings at the time of the injury, rather than future earnings.

Our union exists to protect your rights that are constantly under attack by owners who don't need the money, but they simply want the money," said DeMaurice Smith, Executive Director of the NFL Players Association in a meeting video posted on YouTube.

He is also warning sports agents about the possible consequences free agents would face if they signed on with the Saints. Smith said the proposed legislation will hurt Saints players.

"Introduced a bill that specifically targets professional athletes to take away, or limit their workers' compensation benefits," Smith said of the legislation.

Attorney Chris Kane of Adams and Reese Law Firm, which provides outside counsel to the Saints on workers' comp issued a lengthy statement in response to the NFLPA's position.

"Louisiana's workers' compensation system avails professional athletes with one of the more competitive and employee friendly workers' compensation wage benefit systems. For example, non-permanent injury employees are eligible for up to 10 years of indemnity (wage) benefits in Louisiana, where many state indemnity benefits are restricted to 4-6 years, or even to a specific limited schedule dependent on the injury."

He points out that some states do not provide those benefits for non-permanently injured professional athletes for a period as long as Louisianas' 10-year period.

Attorney and former sports agent Doug Sunseri said the legislation is needed for clarification purposes, and thinks if it becomes more marginal players would be impacted.

"The NFLPA provides their own injury protection benefits, so that if they get injured they get paid a stipulated sum the following year, so a guy like Drew Brees, this legislation would probably have no effect on him," said Sunseri.

And Sunseri says he doubts the legislation would keep free agents from signing on with the New Orleans Saints.

"I think that's a hysterical reaction and has absolutely no basis in fact. I can tell you from experience that this legislation will make no difference as to whether a free agent would come to New Orleans or not," he said of the NFLPA's stance.



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<http://xfinity.comcast.net/articles/sports-nfl/20140516/Saints-NFLPA-Workers.Comp/>

NFLPA warns agents about Saints-backed bill

By BRETT MARTEL, AP
Fri May 16, 6:21 PM UTC

NEW ORLEANS (AP) — The NFL Players Association is asking player agents to warn clients that signing with the New Orleans Saints could subject them to unfavorable workers compensation benefits.

In an email Friday, NFLPA chief DeMaurice Smith said union officials believe agents should "consider the Saints' efforts" to push for legislation that would substantially reduce benefits to players who are hurt outside the 17-week regular season, when player salaries are paid.

Players receive only per diems during offseason workouts and training camp. Under legislation which has passed the Louisiana House of Representatives and awaits consideration in the state

Senate, workers compensation benefits could be based on per diems - rather than the full annual value of a contract - if injuries occurred in the offseason.

"We are actively involved in the effort to defeat this bill but we feel it is important for you to consider the Saints' efforts given your representation of our players and the advice you would have to give to any free agent player considering an opportunity to play for the Saints," Smith wrote. "Please advise your players of the potential consequences of the Saints' efforts should they sign with the Saints."

Bill supporters say it would ensure that athletes are under the same rules as other Louisiana employees, and they note that in six of seven past workers comp lawsuits between former Saints players and the team, state courts sided with the club on the issue addressed by the legislation.

"While the NFLPA has inappropriately and unprofessionally discouraged free agents from coming to Louisiana, they fail to mention that they have aggressively instigated legislative efforts in Louisiana since 2010 in an effort to undo the prevailing case law," said **Chris Kane, an attorney with the firm Adams and Reese**, which represents the club. "Consequently, HB1069 is now being sought for passage to stop the needless litigation and annual lobbying efforts of the NFLPA to circumvent the established case law."

Kane noted that in six cases, state appeals courts rejected calculating benefits "based on potential future earning capacity or speculative wages." He added: "HB1069 in no way reduces any eligible workers' compensation benefits to any potential free agent or current professional athlete in Louisiana."

Kane further noted that Louisiana workers' comp law would remain generous relative to other states where NFL teams play, particularly as it relates to the length of time employers are required to provide wage-benefits - up to 10 years - for non-permanent injuries.

Meanwhile, Saints quarterback Drew Brees has come out publicly against the measure his own team is backing.

In a written statement distributed by the NFLPA, Brees said the legislation "is not good for Saints players, not good for our team or other sports teams in Louisiana and not good for our state."

"The job of legislators in Louisiana is to protect injured workers and fight for their workers comp benefits, not find ways to support bills like this one which reduce the workers comp benefits we receive when we get hurt. There is no financial benefit to the state with this bill, only team management," Brees continued. "Whether we get hurt during the season or in the preseason, it is all the same. It is in preparation to help us win a championship for our community."

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