

Summary of 2012 NFL Referee Labor Dispute

The National Football League (NFL) was consumed by its labor dispute with the players in 2011. The NFL also bargains collectively with the NFL Referees Association (“NFLRA”) which represents the referees who officiate at each game. The CBA was set to expire on May 31, 2012, but the parties also began negotiating in October 2011. The key issues of disagreement included proposals on 1) referee compensation, 2) converting the existing pension system for NFL referees into an employee-contribution plan, such as a 401(k), 3) phasing in full-time referees, and 4) increasing the number of referee crews.

In May 2012, before the expiration of the agreement, the NFL and NFLRA agreed to mediate their new labor agreement with the assistance of federal mediators from the Federal Mediation and Conciliation Service. Despite their efforts, the parties could not reach an agreement, the 2006 CBA expired, and the NFL began hiring and training replacement referees with the intention to lockout existing referees.

The labor dispute between the NFL and NFLRA presented a unique situation. Although the NFL ultimately to lockout their NFL referees, unlike typical union employees during a work stoppage, the referees continued to regular work. For most referees, working for the NFL is a second job. As such, the lockout did not provide the same pressure on the NFLRA to accede to the NFL’s demand. The replacement referees officiated the 2012 pre-season games and three weeks of games in the regular season. The response to the use of these “scabs” was vociferous, triggering criticism and frustration among players, coaches, and fans alike.

On September 20, 2012, the NFLPA executive committee, representing the NFL players, sent a letter to NFL team owners calling for an end to the lockout of NFL officials; the letter stated that deficiencies such as “poor calls, missed calls and bad game management” on behalf of the replacement officials “will only continue to jeopardize player health and safety and the integrity of the game that has taken decades to build.”

Criticism reached an apex on September 24, 2012, when a disputed touchdown call on the final play of a nationally televised Monday night football game gave the Seattle Seahawks a win over the Green Bay Packers. Within days, the NFL and NFLRA reached agreement on a new CBA.

Under the new 8-year CBA, the NFL referees’ compensation would increase gradually over the term of the agreement. The defined pension plan remained in effect through the 2016 season or until an official reached 20 years of service. However, retirement benefits for new hires, and for all officials beginning in 2017, would be provided through a defined contribution agreement. The NFL was permitted to hire referees as full-time employees beginning in 2013, as well as to retain additional officials for training and development purposes.