

Negotiations appear over as players decline offer: 'Time to get back to work'



By Ken Rosenthal and Evan Drellich Jun 13, 2020

377

The Players Association effectively walked away from the negotiating table Saturday night, marking a potential turning point in an ugly stalemate that has produced more rhetoric than movement.

A day after the league's third and latest proposal for a shortened 2020 season again called for a reduction in per-game pay, the union told the commissioner's office and the public it believes the negotiations to be over.

"It unfortunately appears that further dialogue with the league would be futile," MLBPA executive director Tony Clark said in a statement. "It's time to get back to work. Tell us when and where."

The league responded in a statement Saturday night: “We are disappointed that the MLBPA has chosen not to negotiate in good faith over resumption of play after MLB has made three successive proposals that would provide players, clubs and our fans with an amicable resolution to a very difficult situation caused by the COVID-19 pandemic.”

The union’s message — delivered via Clark’s statement as well as in a letter from top union lawyer Bruce Meyer to deputy commissioner Dan Halem — appears to leave room for MLB to come back with a new offer that does not include a pay cut. But there is no indication MLB will make such a move, which might mean the next step will be the league’s implementation of a schedule for the 2020 season.

The March agreement between the parties empowers commissioner Rob Manfred to set the number of games as long as the league awards the players their full prorated salaries, with the caveat that the league make its best effort to make the schedule as long as possible.

“Players remain united in their stance that a day’s work is worth a day’s pay, particularly in a situation where players and their families are being asked to take on additional burdens and risks,” Meyer wrote Halem on Saturday, following a scathing letter sent in the reverse (<https://theathletic.com/1870435/2020/06/12/mlbs-latest-proposal-to-players-comes-with-sharply-worded-letter-marking-ill-will/>) direction a day earlier. “Given your continued insistence on hundreds of millions of dollars of additional pay reductions, we assume these negotiations are at an end.

“If it is your intention to unilaterally impose a season, we again request that you inform us and our members of how many games you intend to play and when and where players should report. It is unfair to leave players and the fans hanging at this point, and further delay risks compromising health and safety. We demand that you inform us of your plans by close of business on Monday, June 15.”

The message served as a rejection of the league’s offer for a 72-game season. That proposal, delivered on Friday, would have paid players 70 percent of their prorated pay, or 80 percent if the postseason were played in full.

“It’s unfortunate that it has unfolded this way,” said Andrew Miller, a member of the union’s eight-man executive subcommittee. “Players have always desired the most games possible. We have tried to work with them in every reasonable way. I sincerely believe that.”

The league is concerned a second wave of COVID-19 in the fall could limit or force the cancellation of the postseason, the time of year when MLB's national media deals generate the most revenue. Meyer on Saturday accused the league of using that fear to further its own goals, pointing to the league's insistence that the regular season conclude at its normal time.

"Your refusal to play (regular season) games in October is purportedly based primarily on concern for player health. We believe this is a pretext," Meyer wrote. "We note that we requested information at our May 31 meeting on any basis for not playing games in October. You agreed to provide such information but we have yet to receive it. Other leagues are planning on playing in October and November, and we have proposed having the flexibility to play games at neutral sites if necessary to address any safety concerns.

"We believe your position is part and parcel of your general bad faith determination to play as few games as possible to punish players for refusing to capitulate to MLB's demands for massive pay cuts."

If MLB moves forward with plans to implement its own schedule, the slate is expected to be no fewer than 48 games and no longer than 54. Both sides will face consequences if they proceed without a new agreement, including the likely loss of a potential expanded playoff format for 2020 that could produce increased revenues. MLB also sought a release from liability of some player-health concerns during the COVID-19 pandemic, which it now might not have a chance to secure.

In a critical letter similar in tone to his other recent correspondence with Halem, Meyer made reference to the league's "underhanded tactics to circumvent the union." In seven paragraphs of bullet points, he accused the league of delays, leaks to the news media, a lack of transparency on finances, threats to play as few games as possible and requests for "massive" salary concessions.

A number of players chimed in on Twitter after the union's public statement, echoing the message that they are ready to play.

"The players are aligned in the belief that this is not a negotiation anymore, and at this point, the back and forth is clearly just a waste of time," Joel Wolfe, a top agent for the Wasserman agency (which represents Nolan Arenado, Javier Báez and Giancarlo Stanton) told *The Athletic*. "The players are extremely frustrated. They've spent their entire lives working and

grinding to make it to the major leagues, and have to work even harder to stick in the big leagues. They are a proud and principled group and have no desire to capitulate given what they see before them.

“This is their job. They want to get to work and be treated fairly for it.”

Both sides could file a grievance in the event no agreement is reached. Doing so would not impede play.

The union's likely grievance would suggest the league did not make the best effort required to play as many games as possible, while the league's would suggest the union did not engage in a good-faith negotiation over the economics of the sport if games were played without fans.

The latter point has been a source of animosity virtually since the day an arrangement between the league and union was reached in March. Meyer addressed the point again in his letter Saturday, noting disbelief at the league's interpretation that the players would take a subsequent pay cut.

“More importantly, as sophisticated and experienced attorneys yourselves, with sophisticated outside counsel, you cannot seriously contend that an agreement to ‘discuss’ (not even ‘negotiate’) the ‘economic feasibility’ of games without fans is in any way an ‘agreement to agree’ to further pay cuts,” Meyer wrote.

MLB returned to the discrepancy in its statement Saturday as well.

“The MLBPA understands that the agreement reached on March 26 was premised on the parties' mutual understanding that the players would be paid their full salaries only if play resumed in front of fans, and that another negotiation was to take place if clubs could not generate the billions of dollars of ticket revenue required to pay players,” the league said. “The MLBPA's position that players are entitled to virtually all the revenue from a 2020 season played without fans is not fair to the thousands of other baseball employees that clubs and our office are supporting financially during this very difficult 2020 season. We will evaluate the Union's refusal to adhere to the terms of the March agreement, and after consulting with ownership, determine the best course to bring baseball back to our fans.”

The union is adamant that it did, in fact, adhere to the agreement, and points to correspondence with MLB lawyers that acknowledged the players did not have to accept a new pay cut as proof, including a May 22 letter from the league that reads, “We agree with the Association that, under the agreement, players are not required to accept less than their full prorated salary.”

The union also maintained it is not convinced the league’s financial state is as dire as the league says it is.

“Your own self-serving slide presentation showed that the league as a whole will lose significantly less money playing a season than not playing a season, and Rob admitted this in response to a direct question,” Meyer wrote. “With respect to other assertions in the presentation, we found it incomplete, unclear and unpersuasive and requested information that would allow us to verify it. Your eventual response was completely inadequate.”

The New York Post reported earlier on Saturday that MLB had reached a new billion-dollar deal with Turner Sports, one of its broadcast partners. The deal begins after the current one’s expiration, following the 2021 season, and per Sports Business Daily (<https://www.sportsbusinessdaily.com/SB-Blogs/Breaking-News/2020/06/MLB.aspx>), is worth an average of roughly \$470 million per year from 2022 through 2028, and \$3.29 billion in total.

In his statement, Clark noted the Turner arrangement was “information we requested from the league weeks ago but were never provided.”

Health protocols are expected to be resolved regardless of a new deal governing economics. In response to speculation that high-priced players with long-term contracts might choose not to play, two ranking members of the union said they expect only players who are high-risk medically to opt out.

Meyer ended his letter by noting a number of issues that must be resolved, including on-field rules, player transactions and rosters, before any season can begin.

“We will be available at your convenience to continue discussions on the Manual,” Meyer noted in a rare moment of cordiality. “Please advise with regard to your availability for those discussions.”

(Photo of Tony Clark: Morry Gash / Associated Press File)

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MEH



SOLID



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377 COMMENTS

Add a comment...

Bill C. 14h ago

"The deal [...] is worth an average of roughly \$470 million per year from 2022 through 2028, and \$3.29 billion in total."

Bill DeWitt Jr. has left the chat.

75

Dan K. 13h ago

@Bill C. According to the owners, though, you don't make any money owning a team. Are you saying that's not true?

19

Mark B. 12h ago

This is a lockout pure and simple.