



HIGHLIGHTS OF DON FEHR'S TENURE

WORK STOPPAGES

1985 – As Acting Executive Director of the MLBPA in 1985, Fehr led the players through a short but successful two-day strike that ended with a new Basic Agreement. Shortly thereafter, the word “Acting” was dropped from his title and Fehr became Executive Director and General Counsel of the MLBPA on January 1, 1986.

1990 – During the 1990 contract negotiations, the players were locked out of spring training after they rebuffed the owners’ proposal for a revenue-sharing scheme and salary cap that would cripple the free agency system. The result was a 32-day work stoppage that delayed the start of the 1990 season by a week. In the end, the owners backed off their position, and the players were able to save the free agent system they had fought so hard to obtain.

1994-95 – Several months after the 1990 contract expired at the end of 1993, the owners insisted that the new Basic Agreement include a salary cap. Unwilling to agree—and after months of fruitless negotiations—the players struck on August 11, 1994. They stayed out for 232 days (in what is believed to be the longest work stoppage in the history of American professional sports). Instead of negotiating a settlement, the owners chose to cancel the remainder of the 1994 season as well as the World Series.

In December 1994, the owners unilaterally implemented their salary cap and other terms and conditions of employment, including ones about which they had not negotiated. They also made it known that they would start the 1995 season on time, using replacement players,

The Players Association and the National Labor Relations Board went to court, charging that the owners had bargained in bad faith and demanding that they rescind the unilateral changes. On March 31, 1995, U.S. District Judge Sonia Sotomayor ruled in favor of the MLBPA and the NLRB—and the players returned to work under the terms and conditions of the old contract. It was not until December 1996 that the MLBPA and the owners reached a new Basic Agreement. This contract did not contain a salary cap—as a result of which the players have been able to earn billions of dollars more than they would have gotten under the owners’ cap.

THE COLLUSION CASES

Following the 1985 season, the owners acted together to restrict the free agent market by refusing to sign free agents from other teams—a practice that continued in various forms through the following two free agent markets. Under Fehr's leadership, the players filed and won the three "collusion cases," in which arbitrators ruled the owners had illegally colluded to deprive the players of their rights. After more than four years of litigation, a settlement was reached in December 1990, with the owners agreeing to pay the players \$280 million in damages.

THE CONTRACTION BATTLE

At the end of 2001, just a day before the 1996 Basic Agreement expired, the owners announced plans to engage in "contraction"—that is, to reduce the number of teams from 30 to 28 for the 2002 season. For the next eight months, the Players Association fought the owners at the negotiating table and through litigation. Finally, the players announced that if an agreement could not be reached, they would go on strike August 30, 2002. On the eve of the strike, the owners backed down, agreeing to a new Basic Agreement under which no teams would be eliminated. As a result, there is still a team in Minnesota, and instead of being contracted the Montreal Expos became the Washington Nationals. Also, this contract marked the first time in 30 years and eight negotiations that a new contract had been reached without a work stoppage.

2006 BASIC AGREEMENT

Early in 2006, the MLBPA and the owners' representatives began private discussions about extending the Basic Agreement which was due to expire later that year. In October, the parties announced that they had reached a new 5-year Basic Agreement. This marked the first time in more than 35 years that a new agreement had been reached before the previous agreement expired and without even the threat by either side of a work stoppage.

SALARY GAINS DURING FEHR'S TENURE

During Fehr's tenure as Executive Director, player salaries have increased more than tenfold. In 1983 (the last year before Fehr became Executive Director), the minimum salary for a Major League Baseball Player was \$35,000 and the average salary was \$289,000. This year (2009), the minimum is \$400,000 and the average is more than \$3.3 million.

PERFORMANCE ENHANCING DRUGS

Although Fehr and the Players Association were initially opposed to random drug testing for performance enhancing drugs due to privacy concerns, in the 2002 Basic Agreement the Clubs and Players Association included a new Joint Drug Agreement which called for random testing for steroids. Under Fehr's leadership, the JDA has been amended and improved three times since then, the last time being in 2008. And today baseball has the most comprehensive, fair and equitable program in professional sports. Over the last three seasons (2006-8) more than nine thousand tests have been conducted and only ten players were suspended for positive steroid tests.

DONALD FEHR'S BACKGROUND

Born, Marion, Indiana, July 18, 1948. Raised in the Kansas City area. Graduated from the University of Missouri at Kansas City School of Law in 1973.

First represented the MLBPA in 1975-76 in connection with the Andy Messersmith litigation concerning the reserve clause and free agency. After winning both the underlying arbitration case and the related federal court proceedings, the players for the first time gained the right to free agency. On August 1, 1977, Fehr moved to New York to take up the post of MLBPA General Counsel.

Fehr served in that role under Marvin Miller, the Union's first Executive Director, who retired at the end of 1982. Fehr was at Miller's side during the 50-day strike in the summer of 1981, which ended when the owners' strike insurance ran out.

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