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Eagles Lineman Says Suspension Violates Federal Labor Law

By **Kelcee Griffis**

Law360, New York (November 29, 2016, 8:48 PM EST) -- Philadelphia Eagles offensive tackle Lane Johnson has filed complaints with the National Labor Relations Board and the U.S. Department of Labor challenging his 10-game suspension as a violation of federal labor laws and his union contract.

Johnson, who was kept from the field last month after he tested positive for a banned substance for the second time, was denied due process when he was suspended, flouting his contracts, he said in two NLRB complaints, dated Nov. 10 but first reported Nov. 22.

He filed two separate cases with the National Labor Relations Board against the union, the National Football League Players Association and his employer, the National Football League Management Council.

The complaints, which were not publicly available on Tuesday, allege changes in his terms and conditions of employment and breach of duty of fair representation, according to NLRB dockets.

He filed an additional complaint with the Department of Labor under the Labor Management Reporting and Disclosure Act.

The NLRB complaints challenge Johnson's treatment in light of a policy included in NFL players' union contracts that "guarantees rights, protections and due process to players in recognition of the enormous consequences of discipline."

That agreement, which covers performance-enhancing substances, wasn't upheld in Johnson's case, according to a statement from Johnson's counsel, Stephen Zashin of Zashin & Rich.

"During Lane's appeal, it became apparent that the written words in the collectively bargained Performance-Enhancing Substances ('PES') Policy, under which Lane was disciplined, are meaningless," according to the statement. "The NFL and NFLPA have undermined these protections leaving the players — including Lane — with a hollowed-out process devoid of any protections."

The statement alleged that the actions of the NFL and the Players Association violate federal law, specifically the Labor Management Reporting and Disclosure Act and the National Labor Relations Act.

ESPN reported Johnson will be eligible to play again on Dec. 19 after giving up \$421,875 of his base salary for the missed games. His first suspension for banned substances occurred in 2014, when he was suspended from four games, the outlet said.

Counsel for the players' union did not immediately return requests for comment on Tuesday.

Johnson is represented by Stephen Zashin, Patrick Hoban and David Vance of Zashin & Rich.

The union is represented by Laurence Goodman of Willig Williams & Davidson.

The cases are numbers 02-ca-188066 and 02-cb-188067 before the National Labor Relations Board.

--Editing by Jack Karp.

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