

PIAA Appealing Ruling on Lacrosse Officials

MECHANICSBURG, Pa. — The Pennsylvania Interscholastic Athletic Association (PIAA) is appealing a ruling by a National Labor Relations Board regional director that a group of high school lacrosse referees are employees of the PIAA instead of independent contractors.

The PIAA on Aug. 14 asked the NLRB in Washington to review Regional Director Nancy Wilson's July 30 decision, which paved the way for lacrosse referees in three southwestern Pennsylvania districts to be represented by a union.

Those officials voted on unionizing in a mail ballot from Aug. 25 to Sept. 14. The results will be released when the appeals process is completed. To form a union, 51 percent must vote yes.

PIAA Executive Director Robert Lombardi told LancasterOnline.com they were appealing the NLRB decision "because we strongly disagree with the director's ruling that PIAA-registered lacrosse officials are employees of PIAA. Federal labor law says that independent contractors don't have the right to unionize. And we believe that these officials are independent contractors.

"I believe the officials have been misled by the union," Lombardi said. "PIAA does not control regular season game fees; those are negotiated between the officials and the schools, even the NLRB regional director said that in her decision several times."

The PIAA is only involved in paying officials during the state tournament, but the Pennsylvania Sports Officials' Organizing Committee (PASOOC), which is part of the unionizing effort, contends on its website that the state association has wider influence.

"We are tired of being dictated to by the PIAA, all the while being forced to pay PIAA dues for the 'privilege' of working for it," the PASOOC website stated. "The PIAA has dictated all aspects of our work rules and our game fees, but has not given us a voice in those decisions.

"The goal of forming this union is to negotiate a collective bargaining agreement (or contract) that standardizes work rules, game fees and conditions of our employment with the PIAA," the website stated.

Officials involved in the unionizing effort are seeking better pay — including the same pay for working girls' or boys' lacrosse — and access to locker rooms or parking with decreased risk of being confronted by parents.

If the NLRB ruling stands, it could have significant implications for PIAA officials and state athletic associations throughout the nation.

Alan Goldberger, a New Jersey attorney who's a nationally recognized expert on sports law, said the ruling means a confused, uncertain and

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assignments throughout the course of the season.

The deal also comes at a time when NBA referees are under greater scrutiny with the league instituting more and more instant replay in an effort to ensure the calls made during a game are correct.

"Technology can be a means for improved call review or it can be a tool for unbound mischief," said Seham. "We look forward to working closely with the league to ensure that the introduction of new technology has a net positive impact on call accuracy and the integrity of the game. The integrity component requires the final determination of an call to be made by a union-represented referee."

In striking a deal early, the sides avoided engaging in the kind of public back-and-forth that can often arise in these types of negotiations. It also ensures there will be no need to use replacement referees, a scenario that played out in the NFL in 2012.

"The NBA takes great pride in our world-class referee program and we are pleased to extend the league partnership with the NBRA for another seven years," NBRA Commissioner Adam Silver said in a statement.

CONTRIBUTING SOURCES: NBA.COM, NBRA.NET

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good run and discussed it with my family and coordinators."

Burr officiated in 16 Final Fours, including seven national championship games. He worked primarily in the Big East, Atlantic Coast and Big Ten conferences.

"I've been refereeing since I was 14 or 15 years old, so it was in my blood," he said. "I'll probably go through withdrawal this winter. ... It will be different. I enjoyed what I did. I was all business. I

took my job seriously and handled it as such. I think that I proved to be successful."

Ashford Named to NBC Hall of Fame

Emmett Ashford, MLB's first African-American umpire, was inducted into the National Baseball Congress (NBC) Hall of Fame. Ashford, who was inspired by Jackie Robinson breaking the color barrier as a player, made his

MLB debut in the AL on April 9, 1966, at age 51. He worked the 1967 All-Star Game and the World Series in 1970. After retiring from MLB after working five seasons, he was named the umpire-in-chief of the Alaskan Baseball League and umpired the NBC World Series. Ashford died in 1980. He was inducted into the 2015 Hall of Fame along with Ron "Gardy" Gardenhire, Chris Hmielewski, Frank Leo, Gil Carter and John Braden.

Settlement Reached in Referee Death Lawsuit

A civil lawsuit filed over the death of Michigan soccer referee Jc Bieniewicz settled in early August. Because of a confidentiality agreement, no details were made public. Bieniewicz's widow, K Bieniewicz, filed the lawsuit against Bassel Saad, who pleaded guilty this year to involuntary manslaughter in Bieniewicz's death. Saad punched John Bieniewicz

REI Creates Committee to Guide Operations

RACINE, Wis. — Referee Enterprises Inc. (REI), the publisher of *Referee* magazine and the management company of the National Association of Sports Officials (NASO), recently announced four appointments to the company's management team. The moves create an executive committee that will guide the company's strategy, operations, marketing and sales.

Barry Mano was named REI's chief strategy officer and in that role will continue to guide the strategic vision of both REI and NASO. He retains his role as NASO president and publisher of *Referee* magazine. Mano began publishing *Referee* in 1976, and in 1980, he organized and created NASO.

Bill Topp was named chief operating officer, primarily responsible

for day-to-day operations. He was previously vice president of publishing and retains his role as executive editor of *Referee*. He began at REI as an intern in 1990. Topp officiated football, basketball and baseball for 20 years, primarily at the high school and small college levels, including seven state championships. He has also held leadership positions in local associations and high school conferences. Topp currently serves as secretary of NASO and is a member of the Officiating Development Alliance.

Jim Arehart was named chief marketing officer, overseeing the company's marketing, branding and public relations efforts. Arehart worked at REI from 1997 to 2007. He returned as marketing director in 2011. Arehart

is a 17-year high school football official, including two state championships.

Ken Koester was named chief business development officer, responsible for all aspects of sales, increasing partnerships and developing business growth. Koester started at REI in 2005 and joined the marketing/sales team in 2010. Koester is a 26-year basketball official, working 12 state championships and the 2010 NCAA D-III Final Four. He was also an onfield high school and college football official for 12 years and currently serves as an NCAA D-I replay official. He has served in leadership positions for a variety of associations and camps and continues to serve as the instructional chair for the Wisconsin Basketball Officials Association.

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fractured status for officials, but the issue is far from decided.

"Ultimately these issues, now being weighed by the full NLRB panel, may be resolved by the courts," Goldberger said. "Regardless of the outcome, it is folly not to recognize the need for organizations to take stock of their legal relationships and make necessary adjustments. Clearly, then, the current ruling should serve as a wake-up call word to the wise."

Goldberger said there was nothing "illegal, immoral or fattening" about officials being classified or hired as employees, but organizations that may "employ" officials may take

on any number of additional legal responsibilities, including liability for an official's negligent act or omission.

"And to further complicate matters, by now it should be obvious to most of us in the officiating industry that an official can be deemed to be an employee for some purposes and an independent contractor for other purposes," Goldberger said, noting there is no easy answer to the question of whether high school officials are independent contractors or employees.

Goldberger noted that courts have mostly ruled that high school officials are independent contractors and not employees for purposes under the law. "Nevertheless, the current NLRB decision only considered a specific set

of facts for a specific group of officials," Goldberger said. "Although many of the regional director's conclusions were not well grounded in fact or in existing law, the decision only relates to proceedings under the National Labor Relations Act, a federal law."

Goldberger does not expect the ruling to stand, but said, "If the ruling is not reversed, without a doubt the officiating landscape — and the state high school athletic association's oversight of the school sports programs that officials serve — will change as the unions swarm out to officials all over the state and ostensibly to the rest of the country."

CONTRIBUTING SOURCE: LANCASTERONLINE.COM

during a 2014 soccer game. Bieniewicz died two days later. The lawsuit, which sought \$51 million, also named the manager of Saad's team and the Michigan United Soccer League.

"The case has been resolved and the family is satisfied with the result and happy to put this matter behind them," James Acho, the family's attorney, told the *Detroit Free Press*. Saad is serving an eight- to 15-year prison sentence.

Missouri Softball Coach Reprimanded

Missouri softball coach Ehren Earleywine received a public reprimand from the National Fastpitch Coaches Association (NFCA) Ethics Committee for "questionable comments and actions during the last three years," including run-ins with umpires.

"These repeated episodes of unprofessionalism only hurt the profession of fastpitch softball



coaching and set a bad example for our student-athletes," Lacy Lee Baker, NFCA executive director, said in the August issue of the NFCA newsletter. "This was apparent when watching some of the Missouri players applaud his unsportsmanlike behavior with an umpire in the Mississippi State game, which resulted in a two-

game suspension by the NCAA."

Earleywine was ejected twice last season and later received suspensions. The NFCA also cited ethics violations for unprofessional comments toward Murray State's team and one of its athletes from 2012, comments about colleagues in May 2015, and an email exchange with Missouri State's head coach in May 2015.

SOURCES: DETROIT FREE PRESS, FOXSPORTS.COM, DEMOCRAT & CHRONICLE, NBCBASEBALL.COM, LOS ANGELES TIMES, ESPN.COM, ST. LOUIS POST-DISPATCH