

Saving America's Pastime Means Not Paying Minor League Players

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In 2018, Congress passed the “Save America’s Pastime Act” (introduced as H.R. 5580) to exempt minor league players from the protections of the Fair Labor Standards Act “FLSA.” While it was tucked away in a voluminous omnibus spending bill, the Save America’s Pastime Act specifically targeted minor league baseball players, allowing teams to pay such players at or below poverty level—certainly below minimum wage.

For years, Major League Baseball has deemed minor league players “seasonal workers” exempt from minimum wage requirements. MLB has long taken the position that minor league baseball is not intended to be a career, but a “short-term seasonal apprenticeship” on the way (hopefully) to the major leagues. Thus, paying minor league players as little as legally possible has always been MLB’s business model. The Save America’s Pastime Act specifically carved out minor league players from the FLSA requirements hence, making them exempt from being paid minimum wage, overtime, or a wage during spring training. This legislation in essence galvanized the position MLB has historically taken—never to pay a minor league player a living wage. Now, MLB does not need to define a minor league player as a “seasonal” employee—they are specifically exempt.

There is no doubt that suppressing minor league wages is paramount for MLB. While individual states can provide greater protections (through their own wage and hour laws) for its workers, there is argument that the Save America’s Pastime Act does not preempt state law. Arizona is one such state that currently sets its minimum wage at \$11.00 per hour (as of January 1, 2019). With Arizona being one of two sites for Spring Training (where minor league players are mandated to report), debate has sparked whether the players shall be paid Arizona’s minimum wage while they perform--on a daily basis--a month of work. Backed by MLB lobbying efforts, a bill (HB 2180, Arizona) has recently been introduced to the Arizona legislature to likewise exempt minor league players from Arizona’s own minimum wage requirements in the face of a threat minor league players would have to be paid in compliance with Arizona law. Simply, the bill acknowledges the exemptions in the federal legislation and proposes to incorporate them by state statute. Certainly, minor league players will keep a watchful eye on the bill’s status, as Arizona’s minimum wage requirements may serve as the last bastion of hope for minor league players to obtain a wage while participating in spring training.

Revenues in baseball surpassed \$10 Billion in 2017 and approached \$10.3 Billion (a record) in 2018. Meanwhile, minor league players continue to play at fixed salaries starting at \$1,100 a month. More importantly, they are not paid overtime (while spending more than 40 hours a week at work), and are not paid during spring training, a mandated work requirement. MLB will continue to make every effort to ensure they never will.