

Is Your Organization Prepared for the (March) Madness?

By John A. Snyder and Richard I. Greenberg

March 13, 2017

It's the time of year when workplace chatter suddenly includes constant references to Wildcats, Jayhawks, Pirates, Tar Heels, and Blue Devils. As well as the question of whether the UConn Women's Basketball Team will ever lose to anyone. Why is that? Because March Madness is here. Starting March 14, the focus of nearly every sports fan — whether devoted or casual — as well as many proud alumni will be the men's and women's college basketball national championship tournaments. Held over three weeks, more than 130 teams will compete for the national championships in the two tournaments with games occurring during working hours, at least in the initial rounds. Every one of these games is televised or streamed on the internet.

As with any major event that captivates employee attention, businesses must consider the potential impact — positive or negative — on the workplace, as well as consider strategies to use employee's attention to build employee morale.

First, organizations need to accept that, in all likelihood, many employees will spend working time checking scores or even watching games. Companies should review their computer network capabilities with IT personnel and determine whether employees who are streaming games through the network will cause system issues. If so, employees need to be advised on system usage restrictions and even block certain sites. If this becomes necessary, employers may wish to consider setting up a TV in a common area, such as a lunchroom, for staff to watch the games. Additionally, or alternatively, companies may wish to encourage employees to wear their college colors and engage in positive team spirit during the week, such as when their team is playing. Of course, if temporary dress code modifications are permitted, ensure the rules are clear. Any cheering in the workplace should be respectful and good-natured.

Second, each organization must consider whether there is a need to remind employees (gently, if possible) that working time is for work and reiterate any general limitations on non-working activities during working time, consistent with applicable law. Even if the company permits or encourages employees to follow the tournament at work, it should advise employees that any such activity is voluntary. No one should be prevented from doing his or her job or be mistreated for not being interested in the tournaments.

Finally, employers should consider issues related to gambling and solicitation, as it is more than likely employees will participate in tournament pools. Except in certain states, such as Nevada, Delaware, Oregon, and Montana, sports betting generally is illegal under state law. Consider reminding employees that company policy prohibits both gambling in the workplace and solicitation during working time. In the interests of morale, consider sponsoring a company contest, perhaps for a non-monetary prize, to encourage team building and discourage employees from operating their own pools and soliciting each other to join during working time. With that said, employers who permit or conduct workplace pools or contests again should ensure no one is made to feel uncomfortable. This can help avoid internal claims of unwanted solicitations or even potential claims of disability-based harassment or discrimination by employees with gambling issues.

Please contact the Jackson Lewis attorney with whom you regularly work with any questions about this and other workplace issues.

Meet the Authors



[John A. Snyder](#)

Principal
New York Metro
New York City 212-545-4054
Email



[Richard I. Greenberg](#)

Principal
New York Metro
New York City 212-545-4080
Email

©2017 Jackson Lewis P.C. This material is provided for informational purposes only. It is not intended to constitute legal advice nor does it create a client-lawyer relationship between Jackson Lewis and any recipient. Recipients should consult with counsel before taking any actions based on the information contained within this material. This material may be considered attorney advertising in some jurisdictions. Prior results do not guarantee a similar outcome.

Focused on labor and employment law since 1958, Jackson Lewis P.C.'s 950+ attorneys located in major cities nationwide consistently identify and respond to new ways workplace law intersects business. We help employers develop proactive strategies, strong policies and business-oriented solutions to cultivate high-functioning workforces that are engaged, stable and diverse, and share our clients' goals to emphasize inclusivity and respect for the contribution of every employee. For more information, visit <https://www.jacksonlewis.com>.

©2020 Jackson Lewis P.C. All rights reserved. Attorney Advertising. Prior results do not guarantee a similar outcome. No client-lawyer relationship has been established by the posting or viewing of information on this website.

*The National Operations Center serves as the firm's central administration hub and houses the firm's Facilities, Finance, Human Resources and Technology departments.