

Embrace the (March) Madness at Your Workplace

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Sports

With the arrival of spring comes March Madness as the top Division I men's and women's college basketball programs compete for the national championship.

Played out over three weeks, more than 130 teams will compete for the title in two tournaments. These games are widely available on television, by computer, phone, or tablet, and can be streamed over the internet. Many of these games take place during working hours. Whether this year's fresh scandal in college recruitment or last year's changes to gambling laws will translate into additional viewership during or after work hours remains to be seen.

According to outplacement firm Challenger, Gray & Christmas, 75 million American workers will spend approximately six hours of work time on March Madness.

Challenger estimates that U.S. employers stand to lose an astonishing [\\$13.3 billion in productivity](#) during this year's tournament. The opportunity for workplace distraction and lost productivity is very real. A quick search of the internet reveals a "boss button" readily available for download, with a spreadsheet popping up with the click of a button to help employees and others avoid being caught watching games at work or elsewhere.

Employers and businesses of all sizes should consider the potential impact, positive or negative, on the workplace and plan for what likely lies ahead in the coming weeks. In all probability, employees will spend at least some working time watching games, checking scores, or hanging around the water cooler, television, or computer screen talking about the tournaments.

In moderation, such fandom can be fun, help team building, raise the energy level in the workplace, and even break down lines of corporate hierarchy. Remind employees that working time should be devoted to the job. Employees also should be mindful of the company's IT infrastructure and act accordingly. Everyone watching from his or her own computers at the same time misses the communal aspect of the tournament and unnecessarily drains the efficiency and bandwidth of the company's computer systems. Instead, coordinate with the company's IT personnel to allow access in limited venues, such as break rooms or conference rooms. Additionally, employees should be reminded gently of any usage restrictions in the company's IT policy and that some sites may be blocked.

Likewise, remind employees of the general workplace rules around treating coworkers with professionalism and respect. Participation in game watching, company pools (consistent with gambling laws), or other parts of the tournament season should be strictly voluntary. No one should be prevented from doing his or her job or be mistreated for not being interested in the tournaments. Employers can encourage employees to wear their college colors and engage in positive team spirit when their team plays. Ensure the rules are clear if temporary dress code modifications are allowed. Cheering in the workplace and rooting for a favorite team may be animated,

but employees need to remain cordial and respectful. Employees who envision using paid time off from work for watching games or traveling to them should abide by company policies, such as providing employers with adequate notice.

This is the first NCAA tournament to take place since the U.S. Supreme Court's 2018 ruling that states can legalize sports gambling. Employers should consider issues related to gambling and solicitation, as tournament pools can be anticipated. Except in certain states, such as New Jersey (which does not allow bets on New Jersey teams), Nevada, Delaware, Oregon, and Montana, sports betting is generally illegal under state law. The tournament season presents an occasion to remind employees that company policy prohibits gambling in the workplace and solicitation during working time. Nonetheless, to add to the festivities, employers might consider sponsoring a company contest perhaps for a non-monetary prize (such as gift cards or dinner out) to discourage employees from operating their own pools and soliciting each other to join during working time. Employers that permit or conduct workplace pools or contests need to avoid making employees uncomfortable. This can help avoid possible claims of disability discrimination, as an employee with a gambling addiction may suffer from other disabilities covered by federal, state, or local law, including anxiety, depression, or other mental conditions. Employers allowing brackets and office pools need to be sensitive to these issues as well. Procedures for individuals to report unwanted solicitations related to pools should be reinforced.

With these guideposts in mind, March Madness can be a positive way to kick off spring in the workplace.

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

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