

Payment Plan

By Donald C. Collins

Trouble getting paid? We start by making sure the client shares our understanding of who gets paid, what is being paid and when that pay is due. We must also acknowledge that fees not only include the official, but also the assigner, and sometimes the treasurer and even administrative fees (service charges if you will).

A written contract certainly helps. But officials rely heavily on informal, verbal agreements. In the absence of a written contract, an association or official can memorialize their verbal understanding in an email to the client. This provides evidence of the agreement, but it's hard to capture every detail in this manner. Suspended games, forfeited games, no-show officials and a host of other contingencies can fall in gaps that verbal agreements don't cover.

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The law is an imperfect tool. One can issue written demands, threats, and meet with school or league officials, but it's hard to fill an uncovered gap. Amateur sports officials' fees are small enough that an official may want to go to small claims court, which is an excellent tool for the tiny disputes that really don't merit paying an attorney. First, though, officials should work through a league or school's governance to resolve the uncovered gap.

History and education may resolve uncovered gaps better than lawsuits. The best recourse for getting these uncovered gaps right is to use the historical knowledge from years of play — surely at some point these things happened before or were at least discussed. Oddly, those years

of history provide some evidence as to what everybody should have expected in their informal agreements. You could even use that history in court if you had to.

It's easier to work out uncovered gaps with repeat clients where the official, the association and the school or league have a vested interest in maintaining a long-term relationship. Gaps with one-off organizations may not be so easily resolvable.

Uncovered contract gaps are the worst type of pain. But, the most common pain is the pain of waiting and waiting for a check that may never come. You just don't know when or if you'll see your money. This is where an officials association can truly earn its keep.

Good associations develop knowledge about the client league, team or governing body. They know which schools have to go through laborious check requisitions from a district office, and which leagues wait for certain dates to process payments. They know when they need to invoice in order to get timely payments. They know who needs to be told to pay in advance.

Good associations have a sense of which buttons to push and which officials to meet with to get that check written. They can distinguish reliable slow payers from groups that may not be all that reliable. They know where and when to make a brief reference about a slow payer to the local sports writer or to a high-level school administrator. They can guide an official to court or to take legal action on behalf of the association when needed, but good associations' true strength is that they have the ability to get things moving without having to go to court. Court is a last resort — often the good administrator doesn't need to go to court to help you get paid. *Donald C. Collins is executive director of the San Francisco Section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This material is for informational purposes only and is not legal advice.*

Serving Alcohol Can Be a Keg of Trouble

Many local officials associations sponsor an annual social event at which alcohol is served. Associations should make sure the adult beverages don't create liability issues. Some ways to reduce liability risk:

- Hold the event at a licensed and insured restaurant, bar or social club where the business supplies and serves the alcohol. In many jurisdictions, that places the liquor liability on the business that supplies it, instead of the host of the meeting or party.
- Association officers or members should never serve the alcohol themselves. That should be left to professional bartenders and waitstaff who have training and experience to refuse alcohol service to underage or intoxicated guests. Also avoid self-serve bars.
- Have a "cash bar." A free or "open" bar encourages some people to get their money's worth of association dues in drinks.
- Create an environment that discourages drunkenness. Start and end social events early, when people are less likely to drink heavily.
- Remind members to behave responsibly.

SOURCE: 1/18 LAW COLUMN BY JIM DWORIAN

Keep a Record of Player Injuries

If a player suffers a serious injury in a game in which you are involved, keep good records in case you're named in a lawsuit.

Record it. In the locker room or as soon as you return home, record who was involved in the incident, what occurred, when it happened during the game and where it took place.

Send it. Send a copy of the report to your local officials association, the league or conference and your state association or other governing body for the game.

Save it. Save a copy for yourself in a place where you will remember it is located. Hopefully you'll never need it, but it will be there if you need to refer to it.

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