

Heads-up on Business, Legalities Good for All

By Donald C. Collins

It is perfectly understandable for officials associations to spend their time focusing on the elements of good officiating instead of focusing on business and legal matters. Nonetheless, officials associations have an obligation to devote time to their business and legal side in order to prevent unexpected — and expensive — problems from arising.

Each year officials associations should provide their members guidance in the following areas:

Concussion training. The new NFHS concussion rule (see *Referee* feature “Concussions: What You Need to Know,” and Law 8/10) requires officials to recognize the “signs, symptoms or behaviors consistent with a concussion” and remove

Officials associations have an obligation to devote time to their business and legal side in order to prevent unexpected—and expensive—problems from arising.

players from athletic contests when they exhibit such signs, symptoms or behaviors. Once removed, a player can't return until “cleared by an appropriate health-care professional.”

The new concussion rule imposes a legal duty for officials to know concussion “signs, symptoms or behaviors. ...” Associations that do not train members expose themselves and their members to a liability risk.

Employment basics. Every officials association should let its officials know that they are professionals who are in business for themselves, have the right to accept or decline the offers that come their way, need to purchase their

own equipment and supplies, and must take care of their own business obligations such as taxes and insurance. Many officials may not realize those responsibilities.

Insurance basics. Officials need to have liability coverage. Associations need to make sure that their members don't neglect to obtain it. It is also a wise practice for associations to spend some time explaining insurance basics.

Tax basics. Associations don't need to make their members CPAs, but it is a courtesy to explain basics such as how to fill out a Schedule C form, and how to handle officiating expenses.

Liability basics. An association should annually reinforce the need for pregame facilities, uniform and equipment checks. It may be wise for associations to incorporate local coaches into those discussions.

Troubleshooting. Officials should be provided troubleshooting information. They should know whom to contact when they eject somebody; whom to speak to if there's a fight; what to do if they're threatened or physically attacked; what to do if a facility has a condition that may make it unplayable in the future; and how to submit a game report where those incidents occur.

Changes. Associations should review technological and procedural changes, and let their members know how the changes impact association bylaws. A simple thing like e-mailing notice of a penalty may become problematic if you haven't changed the bylaws to account for e-mail.

Always remember that it's better to cover business and legal matters before they become a problem — even if it takes some time away from teaching rules and mechanics.

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. □

Know the Steps for Getting Paid

Most athletic directors and assigners are as good as their word and honor their contracts. But what are an official's options when the check never arrives? What can be done to secure payment?

With careful business practices, an official can minimize the chance of going payless and the hassle of collecting a check.

Get it in writing. Oral contracts are more susceptible to dispute.

Know who hires you. Knowing where to look for payment is a simple matter when an official possesses a written contract. Ask who will pay you before accepting an assignment.

Ask about payment. There's no harm in asking about the payment procedure upon arriving at a site.

Go over their heads. It's OK to seek advice from a league or state association if a school or group fails or refuses to pay an official.

Go to court. If all else fails, an official may sue to collect overdue fees.

Warning, Not Penalizing, Can Be Legal Suicide

Rulemakers have become sensitive to the “two-edged sword” of warnings by officials and the nebulous term “preventive officiating” in some areas.

A well-timed, discreet warning to a player who may have committed a rules infraction is a viable mechanic under most codes. But the same “warning” uttered by an official who has observed illegal contact or obvious unsporting conduct has no place in officiating. From a risk management perspective, it can be legal suicide to warn and not penalize when an infraction of a safety rule has been committed. It's bad enough to witness an infraction and ignore it. Witnessing the infraction and advertising the fact — by means of a warning instead of a penalty — is just plain foolish.

PRESENTED BY

NATIONAL ASSOCIATION OF SPORTS OFFICIALS
MICP
MEMBER INFORMATION & CONSULTATION PROGRAM

Go to www.naso.org and click on member benefits for more on MICP.