

# Your Rights and Responsibilities



Don C. Collins

## Improper Removal of Games

**Q** I don't believe my assigner and board members followed the bylaws or proper procedures in an incident in which I was involved. I arrived to work a game that was cancelled due to a field conflict. The game administrator met me to apologize as soon as my partners and I arrived at the school. I told the administrator not to worry, but the school would be billed and we should get mileage reimbursement. The administrator felt I was being arrogant, so he complained to the assigner and the assigner took away my games without a hearing or any investigation. After I complained, the assigner gave some games back. I have witnesses that say my behavior toward the game administrator was not inappropriate. What rights do I have? How can I get my games back?

**A** As a general rule, a worker can be removed from a job at any time even without cause. Also, a person can generally enter into a contract on Monday, and then turn around on Tuesday and change their mind without suffering a penalty. That's why you can cancel a rental car, and decide not to have next week's plumbing repair job done after all.

There are some exceptions to the general rule. You can't dump a worker for an illegal reason — such as a general dislike for a certain religion. You also can't lead somebody to pile up expenses. So if I hire a person from Virginia for a job in New York on Monday, and they buy a non-refundable air ticket I will have to pay for that ticket if I change my mind on Tuesday. That's only fair. The person relied upon me to their detriment, and incurred an expense because of me.

The exceptions don't cover lost profits, though. If I hire Ross Perot or Bill Gates to officiate a baseball game for \$75 and I remove them from the assignment, they can't tell me that they would have made \$100,000 on their day job.

Those general rules don't necessarily apply where officials get their games through an association. Association bylaws will usually establish those officials' work terms.

An officials association's bylaws are a contract between the association and the members. Many of those bylaws create rights to assignments and don't say much about the revocation of assignments. Where bylaws do discuss the revocation of assignments, they often create due process rights to a hearing. While those procedures are certainly necessary and appropriate, they leave associations vulnerable to gaps in which the

association has information about a bad act, and needs to act on it faster than a hearing could possibly be scheduled. Good bylaws must cover those gaps without intruding upon officials' legal rights.

An association should draft its bylaws so that it can temporarily remove an official from games only in those situations in which there is a business justification, the association has sufficient credible information of a problem to act upon it and the conduct relates to the games removed. A payment dispute with a game administrator of a school should not result in even the temporary removal of any games involving other schools. However, the scope of removal needs to be set out in the bylaws, and the association needs to establish a procedure for an expedited hearing so the situation won't linger.

If your association has bylaws that cover the situation, you can ask the association to follow the procedures. If the association refuses, then you may be best served to act as your own attorney in small claims court if your interscholastic contests don't pay enough to make an attorney worthwhile.

Note that associations don't act alone. There have been cases in which a state governing body paid the price for an officials association's illegal acts. In some ways that is unfair since state governing bodies aren't involved in association management. In some ways it's more than fair since state governing bodies often license officials and officials associations, and often base championship assignments on association recommendations and practices. Of course if things go so far that an official is dragging in the state association, the official should get an attorney and forget small claims court.

Most disputes aren't big enough to invoke the state governing body. A demand for performance to the officials association should suffice.

*Donald C. Collins is the executive director of the San Francisco Section of the California Interscholastic Federation. He is a longtime basketball official and lawyer. This material is intended for informational purposes and is not legal advice. □*



### South Carolina *(continued from p.N1)*

Since 1984, NASO has had model legislation regarding assaults against officials and has supported many states with their legislative efforts. Other states with sports officials' protections laws include: New Mexico, Alabama,

North Carolina, Kentucky, West Virginia, Oklahoma, Montana, Oregon, California, Florida, Minnesota, Pennsylvania, Texas, Illinois, Arkansas, Louisiana, New Jersey, Georgia, Delaware and Nevada.

"I think the people of South Carolina should feel proud that we have taken this step toward protection," Sheheen said.

For more information about legislation protecting sports officials, visit [www.naso.org](http://www.naso.org). □