



## Lessons From the 'Deflategate' Scandal

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Rich Meneghello's article "Lessons From the 'Deflategate' Scandal" was featured in *DJC Oregon* on October 2, 2015.

Those of you who follow NFL football or like to read the gossip pages of tabloid magazines are probably aware that a federal judge recently overturned the NFL's four-game suspension imposed on star quarterback Tom Brady. The judge ruled that the league couldn't discipline Brady for allegedly deflating footballs in order to make them easier to throw. You might think that only the league commissioner and a few team equipment managers might be in a position to learn from this decision. But employers, too, can learn a few valuable lessons from this case.

In the article, Rich provides employers with four lessons employers can learn from the "Deflategate" Scandal.

1. Your employees should know your company rules. One of the main reasons the judge overturned the decision is because he found that the league never informed Brady that he could be suspended for an equipment violation. Although the league had rules in place, it never told its employees about the possible ramifications of breaking those rules.
2. Your discipline needs to be applied consistently. The judge noted that there seemed to be an inconsistent application of the rules regarding footballs. He pointed out two other examples where teams were alleged to have manipulated game balls to gain a competitive advantage, but in each situation, no player discipline was imposed. Last season, a Carolina Panthers ball attendant was caught illegally warming footballs on the cold sidelines in a game against the Minnesota Vikings; in 2009, a New York Jets equipment manager was caught messing with footballs while his team was playing (ironically) the Patriots. In both instances, the team received a stiff fine, but the actual players who would have benefited from the manipulated balls got off scot-free.
3. Your punishment needs to fit the crime. Although not specifically noted as a reason for his decision, the judge no doubt was unimpressed with the scale of the alleged wrongdoing as it compared to the severity of the punishment. The judge noted that once the deflated footballs were removed from the game, Brady actually played even better and led his team to an easy victory. In other words, the alleged misconduct didn't seem to have much of an impact.
4. Arbitration decisions are still (mostly) sacred. This decision stands out from the norm because a judge overturned an arbitration decision. The law usually gives overwhelming deference to

judge overturned an arbitration decision. The law usually gives overwhelming deference to arbitrators and almost always allows their decisions to stand. Judges are usually very reticent to stick their noses in to review arbitration decisions on appeal. But this case was incredibly unique because of the way the NFL sets up their grievance process: Goodell essentially acted as judge and jury by serving as both arbitrator and head of the league.

If you follow these tips, you are more likely to avoid any sort of employment law troubles that would otherwise deflate your day.

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