



# Embrace the Madness: How March Madness in the Workplace Can Pay Off for Your Organization

Insights

3.14.22

It's that time of the year again...that responsive employee becomes a little less responsive, you hear random gasps throughout the office mid-day on a Thursday, the sick days and vacation requests for this coming Friday skyrocket, and it's a "scheduling conflict" galore when you try to arrange meetings. It must be MARCH MADNESS – those glorious few weeks when the annual NCAA college basketball tournament commands the attention of tens of millions across the country, including your employees. What do you need to know about the impact of March Madness on your workplace – and what can you do to turn this annual distraction into a shining moment for your company? We've assembled an all-star team of attorneys from the four Tournament Regions to provide you to the guidance you'll need the next few weeks.

## Guidance from the East Region

- **Mohamed Berry, Philadelphia (representing Seton Hall University, 8 seed, Men's Tournament)**

The most common questions employers have this time of year center on the productivity concerns associated with March Madness. Bottom line: Don't go MAD, instead use this time as an opportunity to create bonds that will translate to productivity well past March.

March Madness always presents productivity concerns for employers -- even more so with working-from-home capability. Wallet Hub's 2020 March Madness [report](#) found a staggering \$13.3 billion in corporate losses due to unproductive workers, with 56% of millennials willing to miss work deadlines to watch a game! We all know it is going on, so here is what you should do about it.

More than anything else, March Madness gives you a gift in the form of a team bonding opportunity. Engage with your employees, ask them who they are rooting for, whether their school is in the tournament, who they hope gets to the Final Four. Follow up with them as the days go by to see how their teams are doing. Healthy banter is good. It will help you build relationships that will seamlessly translate itself to work. These seemingly casual conversations can provide a foundation of the professional relationship that can lead to other conversations about business that might not have happened otherwise.

If we operate under the premise that we know employees are watching, do your homework! Is there a school where a good amount of your employees graduated from? If that team is in the tournament,

check when the team is playing and determine if it is feasible to set up a watch party or happy hour. My advice boils down to this: take advantage of the opportunity (within reason, of course).

## **Guidance from the South Region**

- **Kelly McCall, Gulfport (representing Ole Miss, 7 seed, Women's Tournament)**

There are many benefits to embracing March Madness and hosting a company-wide bracket challenge. From increased camaraderie and employee happiness, it would be worth your while to provide this outlet for your employees.

Hosting your own company bracket challenge provides equal chances of winning, no matter your spot on the chain of command. Employees always enjoy the banter and the possibility of “beating” their manager’s favorite team or scoring more points than their co-worker. This is a great way to bridge the gap between an employee and an executive and fosters a positive relationship.

Do you want to be known as the company that tells their employees they cannot participate in March Madness activities? Of course not! It is no secret that there is a labor shortage in this country, so employee retention and recruitment is critical. For your current employees, they deserve a breather from the constant stress and anxiety of the past year. A break from that pressure in the form of March Madness at the office may help ease the battle against burnout.

Organizing a company pool will also create a positive team bonding experience that should aid in retention and employee satisfaction. A [pre-pandemic survey by Randstad U.S.](#) found that 89% of workers reported that participation in workplace bracket contests “helped build better team camaraderie.” Other surprising and eye-opening statistics:

- 84% agreed that office pools go a long way to “make their jobs more enjoyable;”
- 79% said that participating in office pools greatly improved their levels of engagement at work;
- Half of the respondents meet up with coworkers after work to watch a college basketball game in March, leading to closer relationships; and
- 39% became closer with a coworker after participating in an office pool.

Perhaps the most surprising statistic from the survey: a whopping 73% of workers said they “look forward to going to work more” when they participate in office pools. In other words, rather than viewing March Madness as a short-term problem, you can view the next few weeks as an opportunity to strengthen your team.

At the end of the day, employees will still follow the games on their phones and spend company time filling out the bracket and discussing games with co-workers, whether their employers approve or not. Any decrease in productivity caused by March Madness is temporary, and the long-term benefits outweigh any slight dip in productivity.

## Guidance from the West Region

- **Drew Tate, Los Angeles (representing Notre Dame University, 5 seed, Women's Tournament; 11 seed, Men's Tournament)**

Hold up, now wait a minute! Even though there are numerous benefits to betting pools, employers cannot get carried away by organizing pools that involve cash prizes. While the U.S. Supreme Court gave the power to the states to legalize and legislate sports gambling in 2018 after its decision in *Murphy v. National Collegiate Athletic Association*, many states still make sports gambling illegal or only provide for limited exemptions that permit some form of betting pools. For example, in my state of California, it is a crime to participate in a betting pool and a person could be fined up to \$5,000 depending on the amount of the pool. Cal. Pen. Code, §§ 336.9, 337a(a). While other states do permit betting pools, most only allow it as long as the organizer does not skim the top of the pool, the participation in the pool is limited to only people you know, and the dollar amount remains relatively low.

These laws are rarely enforced in practice, if at all – however there is still the possibility that betting pools can cause problems in the workplace if not handled in the right way. For instance, with a significant amount of cash floating around, betting pools can lead to theft in the workplace or accusations of theft amongst workers. Another problematic situation could arise if some workers react poorly to losing money — either because they are jealous that someone else won or believes there was collusion or cheating — and direct their negative emotions towards others. Relationships can further be strained when workers feel they are being forced to join the betting pools when they are reluctant to do so because of a lack of discretionary funds. All of these situations could negatively impact the workplace.

There are some actions that you can take to avoid these unfortunate situations. You can adopt gambling policies prohibiting any forms of gambling in the workplace consistent with your state's laws and ensure that these policies are enforced consistently. If you already have one in place, now would be a good time to send a reminder to employees of the company's gambling policy. And of course, you can organize your own voluntarily competition that allows workers participate without any monetary investment. Instead of having employees wager their own money, you can always set up a pool that awards company-sponsored prizes for the winners.

## Guidance from the Midwest Region

### **Jessica Causgrove, Chicago (representing DePaul University, 11 seed, Women's Tournament)**

It's funny how quickly things can shift. Just a few years ago, the average employer wanted to clamp down on March Madness activities at work because of productivity concerns. Now the average employer recognizes they should embrace the madness and take advantage of this opportunity. So what specific things should you consider?

First, as Drew noted above, you should consider hosting your own bracket challenge that doesn't require a buy-in from your workers. Depending on the size of your company or department, you can also consider inviting workers' family members to participate (as it's always fun to see someone's young child correctly predict an upset because they thought a panther sounded better than a wildcat). You can buy prizes with company funds and hand them out to the winners, turning what could be a problematic event into a morale booster. A gift card to a local business or a restaurant or a food delivery service is always a good choice, and think twice before handing out company-branded swag as the main prize. A water bottle with your logo might be a good consolation prize for the person coming in fifth place, let's say, but you can dig a little deeper in your budget for a grand prize.

Get creative with other possible benefits you offer your workers over the next few weeks to help build team engagement and support employee satisfaction. Maybe this Friday can be team color day where you encourage your workers to wear sweatshirts or jerseys from their favorite teams, or hand out an award for the worker who decorates their workspace (or work-from-home space) with the most team spirit.

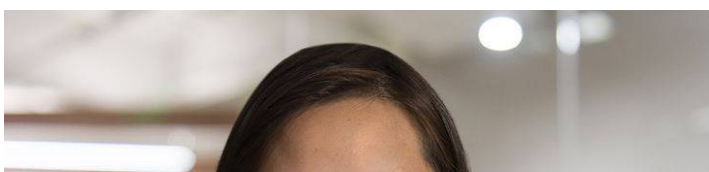
When the games are actually taking place, perhaps consider streaming the action in your conference room or lunchroom area. You might even want to order in food on your dime to encourage your team to get together and enjoy each other's company, making a special effort to ask your remote workers to come into the office for at least part of the day.

## **Conclusion**

The next few weeks will be an exciting time once the action starts on the hardwood, and by following a modern approach to March Madness, you might be able to capitalize on the excitement at your workplace. Rather than fighting the inevitable, you should embrace this new era and you'll come out a winner no matter who cuts down the nets on the court.

Make sure you are subscribed to [Fisher Phillips' Insight system](#) to get the most up-to-date information about workplace trends. If you have questions, contact your Fisher Phillips attorney or the authors of this Insight.

## ***Related People***





**Jessica D. Causgrove**

Partner

312.346.8061

Email



**Kelly Ahern**

Associate

228.236.1764

Email



**Drew Tate**

Associate

213.402.9571

Email

## ***Service Focus***

Counseling and Advice

## ***Industry Focus***

Sports