



# Your Workplace Guide to Making March Madness a Morale Boost

Insights

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Selection Sunday kicks off an exciting time for your employees – sports fans can see the light at the end of the late winter tunnel, and even those who aren't big fans get excited by the prospect of a good bracket challenge. It is finally time for MARCH MADNESS! For the next few weeks, diehard and casual fans alike will lock in on college basketball, and perhaps allow their priorities (like work) to take a backseat to filling out brackets and talking about the latest buzzer-beater finish. What do you need to know to turn March Madness from a perennial distraction to a team-building extravaganza? We've assembled an all-star team of lawyers from each of the four Tournament Regions to provide the guidance you will need until they cut the nets down in early April.

## Guidance from the South Region

### Brian Guerinot, Houston (representing Virginia, 4 seed, Men's Tournament)

Trying to treat March like any other month sounds good in theory, but in practice it can be a Herculean task. Especially with the sheer number of viewing options that employees have to watch the games, March Madness is truly an inevitability. It may seem counterintuitive, but there are actually quite a number of benefits to embracing March Madness and creating a company-wide bracket contest.

For one, a bracket challenge gives everyone in the office something in common to talk about. It can encourage spontaneous conversations across the ranks of the company and give that junior employee the conversation starter (and courage) they need to approach a senior executive and start to cultivate a relationship. This sort of camaraderie can also help keep employees engaged in the office culture, which is critical given how many companies have pivoted to remote or hybrid structures.

And hosting a bracket challenge can actually make people *want* to go to the office. In fact, a [pre-pandemic survey by Randstad U.S.](#) found that 73% of workers said they “look forward to going to work more” when they participate in office pools. So, if you want folks to feel better about going back into the office, a bracket challenge can be a good starting point.

That same survey also found that:

- 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.

Given how prevalent employee burnout is these days, any initiative that can help boost morale is worth discussing. According to the [2022-2023 Aflac WorkForces Report](#), 59% of workers in the U.S. face at least moderate amounts of burnout. This is not to say that a bracket pool is a panacea for burnout, but it can give employees something to take their minds off the stress and anxiety of the daily grind.

Right now, your employees have options. As an employer, you want to give employees incentives to prefer your company to the one down the street. Hosting a bracket challenge and encouraging employees to keep up with March Madness is a low-cost way to stand out from the competition.

## **Guidance from the Midwest Region**

### **Drew Tate, Los Angeles (representing Notre Dame, 3 seed, Women’s Tournament)**

Hold up! While there are numerous benefits to betting pools, employers cannot get carried away by pools that involve cash prizes. Indeed, the U.S. Supreme Court gave the power back to the states to legalize and legislate sports gambling in 2018 after its decision in *Murphy v. National Collegiate Athletic Association*. But many states make still sports gambling illegal or only provide for limited exemptions that permit some form of betting pools.

In my state of California, for example, 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. Some other states permit betting pools, but 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 – but there is still the possibility that betting pools can cause problems in the workplace if not handled in the right way. For example, with a significant amount of cash floating around, betting pools can lead to theft or accusations of theft amongst workers. Another tricky 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 involved — and direct their negative emotions towards others.

Relationships can also be strained when workers feel they are being forced to join the betting pools when they are reluctant to do so because they either do not want to or do have much discretionary money. 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 policies prohibiting any forms of gambling in the workplace consistent with your state's laws and ensure that they 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. Finally, 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 East Region**

### **Mohamed Barry, New Jersey (representing Seton Hall and Rutgers - maybe next year!)**

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 2023 March Madness Stats and Facts projects a staggering **\$16.3 Billion** in corporate losses due to unproductive workers! 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 West Region**

### **Heather Domingo, Sacramento (representing LMU and Pepperdine, maybe next year!)**

A final point to consider in managing March Madness is cybersecurity. Equally important to the potential legal risks "gambling" are the technical effects on your software. Employees perusing sports-betting sites through your computer systems can expose your organization to malicious

software, spyware, or viruses. This can be of particular issue with remote or hybrid work where employees can get a little too comfortable with company property.

We encourage you to review your computer use policies. Any policies must be enforced consistently, however, to avoid the possibility of discrimination allegations. You may even consider completely blocking gambling sites and/or remind IT be on high alert.

Keeping all of the points above in mind, it can feel easy to make strict bans and prohibit all forms of wagers and bets using company property during working hours. A labor shortage, however, highlights the necessity to incentivize employees and boost morale, as Brian mentioned.

So, if you can't beat 'em, join 'em. As Brian mentioned, company pools encourage camaraderie. More than that, participation in company brackets gives the less-than-casual-fan employees an opportunity to explore the subject area more and boost their confidence on game culture. This would not only encourage office bonding but also allow employees to relish over March Madness with company clients and contacts that they would not have otherwise known or had the confidence to talk about but for the employer participation at work.

Of course, only you can gauge what will strike the balance of boosting morale versus managing expectations and meeting benchmarks. Summarizing the points above, here are a few considerations and action items you can take:

- To avoid a potential legal issues, office pools should not involve entrance fees or monetary prizes. A certificate or trophy also does the trick for confidence boost – bragging rights go a long way.
- Take care to remind employees of the voluntary nature of any pools or brackets.
- Set up a designated area in a spare room to watch the games. This also helps avoid internet bandwidth of everyone watching it in the office.
- Set up ground rules for addressing betting pools to manage expectations. Remind employees of your complaint reporting procedure and outline the discipline for violations of the policy.
- Prioritize specific assignments and directly and openly communication policies to employees. Make sure to address policies consistently and to all employees to avoid potential discrimination complaints.

## 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.

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information about workplace trends. If you have questions, contact your Fisher Phillips attorney or the authors of this Insight.

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