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Individual commitment to a group effort -- that is what makes a team work, a company work, a society work, a civilization work. ~ Vince Lombardi

I understand what it means to be an avid college football fan. In my earlier days, I was fortunate to be on three Big Ten Conference championship football teams at The Ohio State University. During my days at Ohio State we also went to three Rose Bowls, so I know first hand how exciting the bowls can be. I understand why many college football fans will enter into office pools this bowl season. As an employment law attorney, however, my responsibility is to counsel employers regarding the possible consequences of authorized, or overlooked, gambling in the workplace. In doing so, I have found that some of the lessons I learned on the gridiron translate to the workplace.

The best offense is a good defense.

Know the risks that office gambling can create. Office pools represent illegal gambling in many states. This is not true in all states. In Colorado, for example, office sport pools are an exception to the definition of illegal gambling. However, if an employer has employees in multiple states, the employer should consider whether it is unwittingly condoning illegal behavior and whether a company-wide policy related to gambling should be revisited and revised.

Additionally, office pools may be competitors to productivity in the workplace. According to surveys, seventy-nine percent of employees participated in office betting pools this year – up from 67% last year. Employees participating in office pools take time to research their picks, watch or follow games on the computer at work, and converse with their co-workers about the pool, the games and the teams. Some employees even call in sick to watch or attend a sports event. Employers should also consider their employees with current or former addictions to gambling. Addicted gamblers have claimed that office pools caused relapses in their treatment, and employees with gambling addictions can cause disruption in the workplace if they borrow money from co-workers or require absence from work for treatment.

Study the play book.

The employee handbook is the playbook of the workplace, and employers

should have clear policies outlining acceptable and/or prohibited behavior regarding employee gambling. Fifty percent of employees say that their employer does not have a policy regarding employee gambling. If you decide to prohibit or restrict employee gambling, your policy should define the type of behavior prohibited, state that some gambling is illegal, and indicate that gambling can interfere with employee productivity. The policy should also make clear that an employee can be disciplined for violating the policy.

Hold the line.

In football, each member of the offensive or defensive line is crucial to advancing the team. Similarly, in the workplace, policies must be enforced evenly across the board, or employers will be exposed to civil liability. Inconsistent enforcement or discipline related to workplace gambling has led to litigation.

Keep your eye on the ball.

Be vigilant. Recent surveys suggest that employers are still slow to adopt computer use policies. Fifty percent of employees responding to a recent survey spent more than 10% of their time at work surfing the web for personal reasons – with a significant percentage of those personal reasons relating to sports and gaming. Unmonitored computer gaming can lead to costly results in the form of computer viruses, purposeful or inadvertent exposure to pornography, disclosure of trade secrets, etc.

There's no "I" in "team."

As with many aspects of employment law, there is no bright line rule regarding workplace gambling that will fit every company and every situation. Office pools, Oscar pools, group lottery tickets, etc., often constitute significant ways that managers build camaraderie, teamwork and relieve employee stress. According to a July 2007 national survey, 94% of full time employees believe their stress level affects job performance and 36.2% said stress affects their productivity. When it comes to workplace games, employers must balance the desire to promote employee job satisfaction with the legal risks associated therewith.

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