

# **OREGON ADULT SOCCER ASSOCIATION**

## **Policies and Procedures**



Subject: Registered referees and assignors required

Effective Date: November 17, 2010

Date of Last Revision: None

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It is the policy of the Oregon Adult Soccer Association that all affiliated leagues in Oregon are required to use USSF registered referees and Referee assignors. Leagues are free to use any USSF Registered Referee Assignor of their choosing. Leagues set the fees paid to referees, assignors and referee associations are not collective bargaining units for referees. This policy is reinforced by a document entitled: "Referee and assignor information for leagues."

OASA requests that the State Referee Committee distribute the "Referee and assignor information for leagues" to all registered referee assignors in Oregon, and as much as practical, to registered referees, especially those with higher grades.

# Referee and assignor information for leagues (and referees, and assignors)

All affiliated leagues in Oregon are required to use USSF registered referees and Referee assignors. Leagues are free to use any USSF Registered Referee Assignor, and if you have someone in mind to assign your games OASA will work with you to get that person registered.

If the league or assignor is having trouble covering your games, the Oregon Referee Committee or OASA can assist you in finding, training and registering new referees. If you are unable to correct problems, it may be time to consider a change in how you do things (may mean a change in assignors, new referee recruitment tactics, an increase in referee pay, scheduling changes, etc.)

In Oregon, soccer referees are defined as independent contractors (ORS 670.610), in other states at least for some purposes referees are defined as employees, in general, soccer organizations very much want to avoid an employee/employer relationship, and most referees are also better served by this arrangement.

## **Contracting with an Assignor**

1. Contract with an independent referee assignor – any USSF registered referee assignor in Oregon is free to offer their services, with the increase of web based assigning, there is no reason that an assignor needs to be local (they do need access to the list of registered referees in the state, and depending on location, other states as well), leagues may want to put out a request for proposals (RFP) or request for bids (RFB) to find what services are available and at what cost. The advantage of a local assignor may be that they know the local referees. Distant assignors may offer cost advantages. The OASA office can assist with contacting registered referee assignors and/or preparing an RFP/RFB.
2. Contract with a Referee Association – Many areas have a referee association that supplies referees for local youth and high school games. Leagues are free to contract with these associations, and they will generally have the advantage of local knowledge and doing “volume” business. Leagues are not required to contract with these associations, but in areas where they exist, leagues may wish to ask them to provide a bid.

Another possibility, especially for leagues that currently have an assignor who is not registered, but the league now wishes to affiliate, is that OASA will work with your league to get that assignor through a course and registered. One last possibly, the referee assignor can be an employee of the league, this is fairly rare. In all of the cases except where the assignor is an employee, the assignor is also an independent contractor and should be treated as such.

We have heard of situations, mostly in other states, where a referee assignor or association will attempt to threaten or intimidate either a league or referees. Sometimes this takes the form of dictating terms or conditions to the league (referee fees, payment procedures, judicial policies, etc.), or it can take the

form of “controlling” the referees (INDEPENDENT contractors): telling them that if they work for other assignors they will be “blackballed” or that somehow their referee career will suffer. The other “myth” that is often used, is “I don’t know if you are covered by insurance if you do their games”, sometimes combined with trying to dictate terms to the league – in the form of: “they use a modification to FIFA Laws that is not permitted and therefore...” Nonsense, all of it. Referees doing sanctioned games, including all OASA affiliated leagues are covered by USSF liability insurance for referees, even if they have “crazy” or “illegal” rules modifications... Hopefully, this mentality is fading and all assignors understand that leagues are able to set the terms and conditions that suit the league, and that they think provide the best conditions to their customers – teams.

A note from Oregon’s SRA summarizes the insurance situation nicely:

“Page 3 of the USSF edition of The Laws of the Game lists a number of modifications that can be made to the Laws of the Game for young, old and/or female players. A number of leagues and tournaments modify the Laws for their games in their rules of competition. Some of these modifications are listed on that page and some are not. The "legality" of these modifications, however, is not up to the referee. If the league/tournament is sanctioned by USSF or an affiliated organization (e.g. Oregon Adult Soccer Association, Oregon Youth Soccer Association, US Club Soccer), then the competition in that league/tournament is legal. Referees have USSF liability insurance coverage while doing those games and the games may be counted for referee upgrade purposes. USSF assignors are required by the USSF code of conduct for assignors to inform referees when the games they are offering to the referees are not USSF affiliated games. The referee is responsible for enforcement of the league/tournament's rules of competition, including those provisions modifying the Laws of the Game, even if the referee doesn't like and/or agree with the modification. This specifically includes, but is not limited to, checking player passes before the game. Referees, as independent contractors, are always free to not accept assignments, including any time that they do not want to do games played under rules of competition with which they do not agree.”

Patrick Duffy  
Oregon SRA

Referees as independent contractors are free to work for as many or as few leagues or assignors as they wish, and work as many or as few games as they can. No league, association or assignor “owns” or controls any independent contractor referee.

Leagues and referees who are threatened by any registered assignor with any of the above or any other problem are encouraged to put the complaint in writing and send it to the Professionalism Subcommittee of the Oregon Referee Committee, C/O the OASA office. Such complaints will be dealt with seriously. Not only are such practices unethical, in the long-run they tend to be counterproductive for the assignor or association.

## Some notes on terms and conditions

### Referee Fee:

From the Oregon Referee Committee:

...“Adult leagues pay at higher rates for both AR and center referee positions and some raise the rate of pay as your referee grade increases. Pay for the AR ranges from \$25.00-\$35.00 and the center makes from \$45.00 to \$60.00” Actually, in our experience, the range for AR’s is more like \$15 -\$35 for a 90 minute game and \$25-\$85 for a center. The key is that leagues are free to offer whatever fee they wish, assignors may note that the prevailing rate is more, but if a league has enough registered referees willing to work for it at a given rate, the assignor selected by the league should assign them. Assignors/Associations do NOT set the fee paid to referees, leagues do.

### Payment:

From a league perspective three main options exist for paying referees. Each has advantages and disadvantages.

1. Payment at the field – in all but the smallest leagues, this is going to mean that the team(s) pays the referees. Sometimes the home team pays all, sometimes each team pays half. This should always be done before the game for obvious reasons. Without giving tax advice, this method creates the least “paper trail” and there is some question as to who is doing the payment (not to mention who deals with IRS W-9 and 1099 forms, if needed). Consult your tax or accounting professional. Other problems include how to deal with referees who fail to turn in game reports, and what happens if one or both teams “no show”, and what happens with teams who don’t have correct change?
2. The assignor or association pays the referees, the league pays one check to the assignor and the assignor handles payment of referees, usually for a fee – either taken from the league or the referees, often both. Make sure that details are spelled out in your contract with the assignor. Caution: There have been cases of assignors receiving money and it not reaching the referees.
3. The league sends the referees a check. The majority of OASA affiliated leagues seem to use this method. The referee is not paid until all tasks, including the referee report, are completed.

### Other conditions:

Referees can also be given incentives to do certain games, such as \$5 extra for games at a field that is further away, or paying mileage (can be only for games out of town, or for all games, or anything the league determines), paying more depending on the level of the game, and also pay-by-grade where referees are incentivized to upgrade and improve.

The other circumstances that leagues control to some extent are when and where games are played. Sometimes relatively small schedule changes can make it possible for a player to also referee. As a general rule, referees will choose to make themselves available at times that are convenient for them and locations closer to them to cut down on time and travel.

## **The league relationship with referees:**

Referees are independent contractors, they work for whatever league (affiliated or not) they want, some referees wish to work every game they can, some prefer to work with a certain league or assignor to the exclusion of others – referees are free to make these choices. Leagues, associations and assignors are not free to dictate these things to referees. A few games, such as professional, regional, national and state cup assignments DO take priority, but these games are very few.

Many state associations, referee associations, leagues, assignors, etc around the country attempt to prevent referees from refereeing unaffiliated games, often on the theory that “we trained you, therefore you owe us”, not only is this contrary to independent contracting, it also makes no sense – referees tend to be the ones who pay for their own training, they also pay a fee each year to register and that money pays for the referee programs. In addition, doing additional games, even unaffiliated ones, can be some of the best training available, that said, we encourage referees to be aware if a game is unaffiliated and what that means (insurance, player control, etc.), and hope each referee will chose affiliated games when possible.

Some referees will happily work for a league they like, even if it pays a little less, but all other things being equal, most referees (and independent contractors in general) act in their economic self interest, if the unaffiliated league down the street offers \$5 or \$10 more per game, they are likely to go down the street and do that game, unless your league treats referees really well, and the unaffiliated league down the street is known for referee assault without repercussion. Leagues must balance their economic concerns (referee expenses tend to be the highest cost item for most leagues with fields #2) with the truth that leagues which pay more, tend to more easily attract referees. Leagues should take all factors into consideration and determine if they have the time, energy and knowhow to recruit referees or if increasing team fees a bit and paying referees more is a better strategy, there is no “right” answer.

## **The league relationship with the assignor:**

Assuming the assignor is not an employee of the league, but a contractor, it is useful for there to be a contract outlining what the cost for the service is and outlining what the assignor will provide for that fee. Communication and honesty are essential for a good working relationship, the contract should spell out all details of what the assignor is expected to do, if the league expects one referee or three and on which games (divisions?), if the assignor is expected to attend league meetings, if extra fees are charged for rescheduling games, payroll, or other services beyond the assigning. What is the assignor expected to do if they are unable to cover games, are they (if a registered referee) allowed to schedule themselves, and if so, under what circumstances? The contract should describe how the league and assignor terminate the contract if it is not working out. Leagues may also

request that certain referees be used, or not used, but should not attempt to overly control the assignment process unless they are prepared to hire the assignor as an employee. We have also seen several different ways for league to pay assignors – a per official fee, a per game fee, a per season fee, a percentage of referee fees (some real problems with this one) – all things for the league to determine.

## **Associations, Referees, & Leagues**

(We have borrowed this section from Missouri, used with permission)

By Jeff Kollmeyer, SYRA Missouri

**“FACT: Referee associations have no control over, nor are they part of referee registration procedures.** Referees and assignors get their re-registration forms directly from the USSF. Their registration includes instructions from the USSF specifically stating that they can ONLY re-register through the state administrator in accordance with US Soccer Bylaws (increasingly online).

**FACT: Referee Associations are not officially recognized by the USSF or its affiliates.**

While this statement speaks for itself, the purpose of referee associations should be a fraternal organization that serves the common good of its membership and of the game. They should have regular meetings in a relaxed atmosphere so that the members may share information, ideas and problems. These forums can offer an opportunity for referees to learn from each other, as well as from recognized speakers. Many times simply talking about game problems with more experienced fellow referees will help new officials. Such informal, comfortable and relaxed discussions should only benefit all concerned. In practical application, many referee associations do become indirectly involved in the assignment of officials. They should do this by functionally assisting in the facilitation of information, communication and other coordination to large pools of referees for multiple leagues. This is acceptable as long as it is mutually beneficial to the leagues, assignors as well as the referees. Referee associations should never be perceived as collective bargaining agents for referees. The independent contractor status of Assignors and Referees should never be in doubt. Certainly these organizations can limit their membership along whatever guidelines are mutually beneficial to the member purposes and the game of soccer.”

Oregon will echo Missouri, referee associations have a place, telling independent contractor assignors and referees, or leagues how they conduct their business is not that place.

## **The assignor relationship with the referee:**

To reiterate, referees are independent contractors. They can accept or decline any game as they see fit. Most assignors appreciate referees who make themselves available more, they like referees who go out and do games and don't create many problems with the teams or league. They like referees who complete their game reports and other paperwork in a timely manner. Referees like assignors who understand that they have family, and allow them to referee as many games or as few as they want. When problems arise in the conduct of a referee (often turning back games with little or no notice, missing assignments, showing up late for assignments, having someone else covering a game without notifying the assignor, not turning in reports in a timely manner, or problems in games) assignors can play a key role in working with the referee to guide improvement in deficient areas, two-way communication and honesty are important here. When a league or assignor feels that the problem has gone beyond minor, they should report it to the Professionalism Subcommittee of the Oregon Referee Committee, this is not only to help the referee improve, but also to ensure that the problem referee is not simply passed along to another league or assignor.

## **To review:**

1. **Leagues** may contract with ANY registered referee assignor, they may seek bids for that service, they may negotiate the terms and conditions of that contract, as with any independent contractor; they may set the rules of their league; they may set the fee offered to referees, they may choose which referees do and do not referee in their league. Leagues do not control the "means & methods of accomplishing the result", how the independent contractors (both assignor and referees) go about their job is governed by their training and experience, including the current USSF referee and assignor code of ethics they must agree to each year when they re-register with USSF.
2. **Assignors** as independent contractors are free to contract with as many or as few leagues as they wish. Once contracted, a league informs (this should be part of the communication prior to contracting) the assignor of what group of referees they wish to offer their games to (leagues may wish to offer only to referees over 18, or of a certain grade, or number of years of experience, a certain geographic area, or they may have specific referees that they do or do not want to solicit to officiate their games). With this list in hand the assignor goes about the task of notifying those referees that the league has games available, that they are USSF affiliated, what the terms & conditions are, and fills the games to the best of their ability. Assignors/Referee Associations shall NOT function as collective bargaining units for referees.

3. **Referees** who are notified by the assignor of available games, respond (or not) by making themselves available (or not) and the assignor utilizes them as mutually agreed upon. Referees are independent contractors who chose when and where to work holding to the ethics and standards of their profession. Referees who believe that an assignor or association is seeking to control them, collectively bargain for them (in USSF games) or otherwise undermine their independent contractor status are ethically bound to report to the actions to the Professionalism Subcommittee of the Oregon Referee Committee.
  
4. The **Oregon Referee Committee (ORC)** was established by the Oregon Youth Soccer Association and the Oregon Adult Soccer Association to recruit, retain, train and develop referees, assessors, instructors and assignors in the State of Oregon to serve soccer games which are sanctioned by OYSA, OASA, the United States Soccer Federation and all other affiliates of the USSF. All complaints regarding referees and assignors should be directed to the ORC.  
<http://www.oregonreferee.com/> The Oregon Referee Committee is the first stop for referees and assignors and those wishing to become a referee or assignor.
  
5. The **Oregon Adult Soccer Association (OASA)**. Exists to develop, promote and administer the game of soccer among adult players, men and women, in the State of Oregon. OASA can assist affiliated leagues with finding a registered assignor, preparing a request for proposals, and serve as a clearing house for information relating to referee recruitment strategies. OASA can assist leagues and players with discipline and appeals. OASA hears all cases of alleged referee abuse or assault, and provides player card control to affiliated leagues.  
<http://www.oregonadultsoccer.com/> Leagues, players and teams should look at OASA as a resource for information and support.