What the NFL's Deflate-Gate Controversy Teaches Managers About Workplace Discipline

By Steve Vanderplas
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Regardless of how the NFL's "Deflate-Gate" case against Tom Brady turns out when both sides finally exhaust their appeals, the saga will be instructive to executives and managers for the lessons it teaches about when and how to impose and enforce workplace rules. Here are six guidelines managers can derive from watching Deflate-Gate to keep from getting themselves into similarly ugly situations with their employees.

#1. Don't establish a rule unless the behavior you're regulating really matters to you.

Messes like Deflate-Gate happen when you have rules about things you don't really believe are important.

Whatever the NFL says now about how uniformly inflated balls are vital to the fairness of competition, their practices before Deflate-Gate say otherwise. If uniform air pressure mattered to the NFL, the league wouldn't let each team supply its own footballs inflated to its own liking; they'd procure and prepare the balls themselves like major league baseball does. If it mattered, they wouldn't let teams set aside a few highly inflated footballs for kicking plays; they'd make the teams kick whatever ball happened to be in play when fourth down rolled around. If it mattered, they wouldn't return the balls to the custody of each team after the pre-game pressure check; they'd maintain positive control themselves. Their actions testify that air pressure wasn't a big deal to the league until Deflate-Gate blew up in their face.

Whenever you have a rule about something that doesn't really matter, employees will sniff out your indifference. Over time, compliance will become lax, and fair enforcement of the rule will become more and more difficult.

Predictably, when it was alleged in the middle of a game that the Patriots' footballs were not within specifications, the NFL was not in a position to investigate or enforce its rule. The league did not have a ready protocol to gather reliable information that could support disciplinary action and withstand the inevitable scrutiny. The confusion over which balls were measured and how to interpret the measurements was foreordained because the league was never serious enough about achieving consistent air pressure to set up the safeguards an enforceable rule would require.

So, don't write rules unless you care about whatever it is you are decreeing.

#2. Don't establish rules if other available methods can accomplish whatever it is you care about.

Many managers publish new rules almost reflexively, dashing off a group email or department memo or bulletin board announcement declaring that x is mandatory or y is prohibited without stopping to consider whether a rule is the best way to achieve the objective.

In most workplace situations, a new rule should not be your first instinct. In fact, if you hire capable and motivated employees of good character, and if you promote trust and respect in your workplace, words like "mandatory" and "prohibited" will rarely be the most effective way to get your employees to do what you want. You generally get better results by telling good employees what you're trying to accomplish than by regulating specifics of their behavior.

In Deflate-Gate, the NFL had an interest in keeping teams from going crazy with ridiculously overinflated footballs for the kickers or ridiculously flat footballs for small-handed backs and receivers, but they didn't need to write a punitive rule or set up physics labs to test footballs to a scientifically precise level of accuracy. All they needed was common sense.

When you consider how temperature changes, kicks, spikes, and manufacturing defects can change the pressure in a ball over the course of a three-hour game that can be played in blistering heat, monsoons, or blizzards, the NFL's method of inspecting balls well before game time and then never checking them again seems like the most cumbersome and least effective way of ensuring footballs are within spec when they are used in games. (But that's a consequence of writing rules you don't care about: you end up with stupid rules.)

The league could have easily accomplished its objective simply and reliably with no rule at all. In a football game, the ball is never put into play until an official holds the ball in his hands and places it on the spot from which it will be snapped. The NFL could have achieved the level of consistency it needs simply by having that official give the ball the old Mr. Whipple Charmin' squeeze as he places it on the ground. If the ball seems unduly hard or soft—or if the other team complains about it—the official could send it off to the sideline to be checked while another ball is sent in for the next play.

None of the Deflate-Gate fiasco was necessary.

#3. If you need a rule to accomplish something that really matters, communicate the rule in a manner that will permit you to enforce it.

Records and rules are made to be broken. If you make a rule, somebody will eventually break it. If you heed my first two guidelines and make rules only about things you care about, you will want to be able to enforce the rule when that happens.

However, the person who breaks the rule will not want to be punished, so you can expect your rule to be placed under a microscope at the very moment you most want to use it. Since you know this scrutiny will occur, take the time up front to think through the situations you want your rule to cover. Consider the perspective of a cunning rule breaker. Then write a rule that doesn't offer any ambiguity, loopholes or wiggle room.

This extra attention to careful rule writing is another reason not to have rules about things you don't care about or rules to accomplish things that don't require rules. If you write fewer rules, you can pay attention and write them better.

In the NFL's case, the league had a rule about pressure in footballs that didn't address all the variables that affect pressure. How could they be so careless? Well, they were careless because they didn't really think the matter was important. So they wrote a sloppy rule.

#4. If someone breaks a rule and your policy and procedures won't withstand scrutiny, admit it early, and turn it into a learning opportunity for your employees and yourself.

Don't bluff your way through a losing hand.

If someone breaks a rule that hasn't been clearly communicated in an enforceable manner, you have two choices.

You can follow the NFL's example and spend millions of dollars on investigations and lawyers and get bloodied daily in the public square while the unpleasant matter works its way through the various administrative and judicial proceedings.

Or you can cheerfully acknowledge that your rules and procedures don't adequately address whatever situation occurred and follow up with whatever training or rule revisions make most sense.

If you choose the second option, you don't have to consider it a loss or an embarrassment. Any time your employees see you act reasonably and fairly, you end up with a better organization.

Accept early the fact that you're not going to be able to lower the boom on this employee for this infraction. Hard truths don't get softer by postponing your acknowledgement of them. Just ask the NFL.

#5. Punish only the specific offense presently before you and punish only to the extent supported by the circumstances of that offense.

A disciplinary proceeding is not the time to settle old scores. It is a time to deal with specific infractions and find an appropriate way to reinforce the rules.

One time a junior manager wanted me to ratify a punishment that seemed disproportionate to a minor misdeed by one of her subordinates. As I reviewed the case and asked questions, it became apparent that the employee had been a bit of a nuisance for several months, but the manager had never done anything to document or correct the irritating behaviors. When the employee finally crossed a clear line, the manager wanted payback for all the earlier annoyances and sought my blessing to open the industrial size can of whoop-ass. Instead, the manager got a lesson in supervising difficult employees, and the difficult employee got a slap on the wrist for what was, after all, a minor infraction.

Deflate-Gate was not an opportunity to re-open previous controversies and animosities involving the New England Patriots.

If, in the course of looking into a workplace rule infraction, other misconduct surfaces, keep the offenses distinct. In Deflate-Gate, if the league wanted to punish Tom Brady for destroying his cell phone, for example, that action should have been considered as a separate allegation so there would be no ambiguity about what punishment was meted out for which infraction.

#6. Never make punishment personal or destructive.

"Deflate-Gate" got so wrapped up in the personalities of the participants that no outcome could inspire confidence in the process.

Employee discipline should never be administered in a manner that looks like its purpose is to give vent to the manager's personal displeasure. If you can't separate your personal feelings from a disciplinary proceeding, delegate or elevate the task to someone who can.

Understand that the goal of any discipline is to restore the offender to "solid citizen" status and to reinforce a positive and fair workplace climate. You're not trying to win. You're not trying to destroy anybody. You're trying to get back as quickly as possible to having everyone working together and focused on the business of your business.

Worry less about making sure nobody "gets away" with something and more about how your handling of the case will communicate your values—both to the employee who messed up and to the employees who watch how you handle the situation.

Nothing I have said implies that managers need to turn a blind eye to misconduct or refrain from imposing punishment when it is warranted. Managers do need to have hammers in their tool boxes. But they need wisdom to use their hammers only in the right way and in the right circumstances.

Nobody is going to emerge from Deflate-Gate looking good, but if you follow these guidelines you can keep yourself from getting dragged into similar messes.

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