

Memorandum of Position

To: Organizers, coaches, media

From: Connecticut Football Officials Association

Re: Coverage of independent football leagues during pandemic

The Connecticut Football Officials Association, representing the six member board officiating football in the state (Eastern Connecticut Association of Approved Football Officials, Central Connecticut Approved Football Officials, Colonial Football Officials Association, Fairfield County Football Officials Association, New Haven Football Officials Association, Western Connecticut Football Officials Association) has found it necessary to make a position statement on the establishment of and coverage for independent football clubs and leagues since the CIAC moved the sport to the spring.

The CFOA has determined its member boards cannot service independent leagues or teams under the auspices of those organizations. We came to this determination after consultation with the legal counsels of the members boards, who agreed assigning those games would put the organizations and their members in legal jeopardy. We came to this conclusion due to the following:

- The Dept. of Public Health advised the CIAC it could not approve 11-man, tackle football in the fall, and required it to be moved to a special spring season. The CIAC agreed to that decision and is not sanctioning 11-man football for the fall;
- The insurance carriers for officials in the state have made it clear they will not, either in medical or liability policies cover officials or organizations for COVID-related lawsuits; meanwhile liability coverage may or may not be applicable to teams, depending on whether established youth leagues are sponsoring the games, or whether they are independent. This variable has made it even more of a risk;
- A recent memorandum sent by the law offices of Shipman & Goodwin to all school districts via the CIAC made it clear that school officials and coaches could be held corporately and personally negligent and liable for any transmissions that result in COVID-related lawsuits. By extension, officials could be held responsible corporately in their organizations and personally for servicing those games;
- Attorneys from the member boards reviewing the Shipman & Goodwin memo and extrapolating its ramifications have come out unanimously against member boards servicing independent games in the fall season.

Given the above-state reasons and the lack of coverage for our memberships, the CFOA cannot expose officials to possible litigation resulting from COVID transmitted to players, staff, or other officials. That possibility has become manifest by the fact law firms are beginning ad campaigns specifically targeted for COVID-related situations.

Should any independent leagues or teams determine they will indemnify our organizations and members, we can entertain the possibility of servicing those games.

The option of 7-on-7 games is the only alternative sanctioned by the CIAC, giving the boards a degree of legal protection 11-man teams and leagues do not. That was specifically covered in the Shipman & Goodwin memo.

Finally, we are independent contractors when working games. Individual officials can determine for themselves if they want to officiate independent leagues or teams; however, doing so is outside the auspices of the member boards, and the officials are “on their own” should any situation arise.

Member organizations have come under criticism for not servicing these games. That criticism is not only unwarranted, but denies the reality of current situation. There is a difference between going to trial for a COVID-related situation and getting sued for one. The latter, regardless of the legal outcome, could bankrupt the organizations and the individual members before even going to a potential trial, and officials and their organizations will have to pay legal fees from the first dollar.

Our members want to work, our organizations want to service games. But, we cannot do so exposing ourselves to potential lawsuits.

We look forward to a spring season as outlined by the CIAC and wish all the participants well as we move out of this pandemic and into more normal times.