

# G&W

## GLASER & WEINER, LLP

ATTORNEYS AT LAW

### Technology, Social Media & Your Employees **Are Your Policies Up To Date?**

The social media and technology revolutions show no sign of abating in 2011. If anything, they will only become more pervasive as next generation smart phones, applications, Facebook, LinkedIn, and Twitter provide new opportunities to not only communicate virtually anything, but also conduct business and fill job vacancies. With all of the constructive possibilities, however, comes a need for employers to review their policies on these subjects.

Hopefully, your company has had a policy addressing employee use of computers, e-mail, and the Internet for years. It is important to periodically revisit your company's electronic use policy to make sure that it is up-to-date and covers current technology use. Your company's policies should notify employees:

- That the company has the right to monitor internal and external technology use, e-mail, Internet posts and Internet usage.
- That employees should have no expectation of privacy in their work-related communications or technology use.
- That they are obligated to keep the company's confidential information strictly confidential, and not to use or post the company's confidential information on any Internet site or blog or in any text message or e-mail (or any place else).
- That if they maintain a personal blog or make statements about your business on any Internet sites, they should make it clear that they are an employee of the company and that the statements or opinions are their own and are not in any way approved by or affiliated with the company.
- That if their statements on any Internet site or in any e-mail or text (or any place else) are found to be malicious, disparaging, or defamatory, the employee may be subject to discipline which could include termination.
- Of the parameters of using social media sites for recruitment, marketing and advertising purposes.
- Of the company's perspective on the use of PDAs by non-exempt employees outside of business hours (is there a procedure in place for tracking e-mail activity, conference calls, etc.)

- That the Company owns all of its technology products, regardless of whether they are in the possession of an employee.

Technology and social media policies should be transparent and consistently enforced. Once something undesirable has been shared even for a moment, it might be very difficult to remove every trace of the content to prevent long-term harm to the affected employee or company.

---

**DISCLAIMER:** The information contained herein is provided by Glaser & Weiner, LLP for informational purposes only. These materials should not be considered as, or as a substitute for, legal advice and they are not intended to nor do they create an attorney-client relationship. Because the materials included here are general, they may not apply to your individual legal or factual circumstances. This document contains information that may be modified or rendered incorrect by future legislative or judicial developments. You should not take (or refrain from taking) any action based on the information you obtain from this document without first obtaining professional counsel. It is possible that under the laws, rules or regulations of certain jurisdictions, this may be construed as an advertisement or solicitation. © 2011 Glaser & Weiner, LLP. All Rights Reserved.