

Email

In our haste to hit the delete button and clean out our inbox, important emails can be lost, creating liability for your company. A good rule of thumb is to ask, "Might this come back to haunt me down the road?" Emailed resignation letters, arguments, pay information, and complaints, for example, should be kept indefinitely. Be sure that your company's software doesn't automatically wipe out old emails. For extra insurance, you can always print and keep a hard copy of important emails.

Your company will want to tread especially carefully during litigation. Once a lawsuit is brought, all remotely pertinent emails must be preserved for the length of the case, which can sometimes last a very long time. If a lawsuit is threatened, foreseeable, or active, all involved parties and witnesses must be informed not to delete or destroy emails. Courts will not accept excuses if related emails are "accidentally" erased and will impose fines. Worse, they will allow "adverse inference," meaning the jury will be allowed to assume that the missing email contained negative information that the company wanted to hide.

If in doubt, keep the email. Using folders can be helpful in keeping the inbox clear and important emails organized. To create an email folder in Outlook, click the arrow next to "New," then "Folder."

Statistics

Does your company have a policy regarding portable electronics (cell phones, MP3 players, laptops, etc)?

51% Yes we have a policy
38% No, we do not have a policy
11% No policy, but we are considering one.

Has your company lost sensitive information due to the theft of a portable device such as a laptop?

18% Yes, and it's a serious problem.
48% No, but we think it's a serious issue.
15% No, it is not even on our radar.
19% No, and it's not an issue to us.

Source: www.workforce.com

COMPUTER TECHNOLOGY: OH WHAT A TANGLED WEB

The increased use of computers in the workplace has allowed companies to take tremendous strides forward in timesavings and increased applications. With this new technology, though, comes new questions. Can we use MySpace to research an applicant? How long must we hold on to emails? Can employees use blogs to disrespect our company? This newsletter will explore some of the issues and solutions new technology can create.

Covert Referencing

Employers are increasingly using the computer to do extra checks on potential employees, looking them up in MySpace, Google, or blogs. While this can open a wealth of information into personal lives, it certainly has its risks. Some of the pros to investigating online include:

- Blogs disparaging past employers can alert future ones that the same may happen to them.
- A potential employee's personality type may be more apparent online than in an interview
- An employer could spot warning signs and prevent negligent hiring.

The cons to these searches reveal even bigger risks, though, including:

- The searches take a lot of time and resources.
- Online blogging or comments on MySpace can easily be taken out of context.
- The information is not necessarily related to the job or potential performance.
- Most importantly, it creates potential EEOC claims against the employer. Delving that deeply into a potential employee's personal life reveals aspects that are not supposed to be considered for employment, such as age, race, marital status, and religion. Too much information can be a bad thing.

A better option to checking out employees while still using technology and staying within the law is to obtain a signed authorization from the employee for Nextep to conduct criminal background checks. Public court documents and conviction records are also permissible. Call our HR department at 888-811-5150 for assistance.

To iPod, or not to iPod?

A favorite door prize or gift, MP3 players are becoming more and more ubiquitous. MP3 players, iPods being the most popular, allow the user to download a large amount of music into the tiny electronic device. This has raised the issue of whether to allow employees to listen to iPods at work and whether they can store downloads on their work computers, taking up space on the company hard drives.

Another threat is that employees can download large amounts of company information into their iPods, a practice known as "podslurping". A number of security products can help prevent this.

If MP3 players are used at your company, it may be a good idea to set up a policy on their use, such as allowing employees to listen to iPods, but not to store music libraries on company equipment.

Blogging

An issue employers are now facing is employee blogs, or web logs. Sometimes employees post information about their jobs, creating an interesting legal quandary for the employer. While employers don't want to infringe on first amendment rights, companies have every right to protect themselves against disparaging remarks and leakage of sensitive information. There is also the issue of employees who blog on company time using company equipment. Employers should set up a policy detailing company confidentiality and employee internet usage specific to blogging to cover both of these events.

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