

Sexting on the Company Dime

Dilemma

Our sales people have BlackBerrys issued to them by the company. They are supposed to be used only for company business, but recently several of my managers have said that their staffs are increasingly using their company-issued cell phones for personal calls. Some employees have even been found sending sexually explicit text messages. This brings to mind the recent U.S. Supreme Court case (page 68), *City of Ontario v. Quon*. What should I do?

Lorraine R. Weber, Human Resources Manager, VTS Medical Systems LLC

Create a detailed policy to be distributed to all employees. Include the policy in your employee handbook with other electronic communication policies and your harassment statement. Have the employee sign and date a policy-and-use document. Enforce the misuse of the phone by suspending the phone privilege. Most mobile phone carriers allow limits to be placed on minutes, features, overseas calling, etc. Remove text, e-mail and Internet from your company-issued cell phones unless they are a business necessity. You can find sample policy documents on the Web to start you off.

Anonymous HR Manager

For the employer to issue a cell phone to an associate typically means that a more constant access to one's work

data, associates, clients or customers is a necessary part of doing business. It also means that for the associate it will be more difficult to be away from the work demands at the end of a day. One of the normal and fair trade-offs for the constant connection that accompanies a company-issued phone/ BlackBerry is that the associate can use the device for personal communication as well. This allowance is not dissimilar to using the phone or e-mail at a physical office location to make the necessary connections that a balanced work-life demands. As with any business-related activity, cost is a factor. However, most plans build in time that would allow for normal personal calling, within reason. If not, then invite the associate to share the cost in exchange for the usage. All should keep in mind that communication from a work-owned device belongs to the company and could easily be reviewed for compliance to policy. Therefore, the same standard of conduct required in the physical workplace would certainly extend to the mobile workplace. Bottom line: If they have to carry it they should be able to use it, as long as they follow the company's established standards of communication conduct.

Anonymous HR Manager

First, what clearly stated and communicated policies are in place? Are there published policies about professional conduct and behavior or about use of company technology? Are there signed acknowledgements for any applicable

policies? Second, are any direct expenses incurred due to these personal calls, or are those within the allotted monthly minutes? Are the text messages incurring additional, specific monthly charges? Are the personal calls and/or text messages extensive and/or interfering with performance and achieving business goals and objectives?

Describing expectations as "supposed to be used only for business" suggests that because it's a newer technology with costs that may be directly tracked, leadership may have an opinion that hasn't been clearly communicated. I imagine that telephones and e-mail were initially intended only for business use, but as work demands encroached on personal time and with most families having both parents employed, those are no longer realistic expectations.

Certainly any inappropriate, unprofessional content that would embarrass the employee and the company if reported on the news should never be sent on company time and/or using company property. That is cause for counseling and possibly disciplinary action depending on what standards and/or policies are in place. 

Focus on Ethics dilemmas are featured in the *workspan* weekly newsletter. E-mail your response to ethics@worldatwork.org.

Focus on Ethics appears regularly on this page to present a real-life dilemma faced by total rewards professionals. Please submit dilemmas via e-mail to: ethics@worldatwork.org. WorldatWork reserves the right to edit submissions for length and content. All dilemmas submitted will be anonymously attributed. Opinions expressed are those of the individual respondents, not WorldatWork. Nothing herein is to be construed as legal, accounting, actuarial or other such professional advice.

