

OVERVIEW

- Applicant Screening and Background Checks
- Electronic Monitoring
- Social Media
- Balancing Business Interests with Employee Privacy

APPLICANT SCREENING

- Fair Credit Reporting Act
- Driving Records

ELECTRONIC MONITORING

- Equipment – who is the owner and is it used for work purposes?
- Issues
 - Emails and Internet Use
 - Telephone, Voicemail and Fax Use
 - Video Surveillance

SOCIAL MEDIA

- Employers should have a social media policy
- Can an employer take adverse action (discipline, terminate, etc.) against an employee for social media posts?
- What types of posts are actionable?

Approaches to Balancing Employer's Legitimate Business Interests with Employee

1. Business Necessity and Reasonableness
2. Employee Handbooks; Privacy and Social Media Policies
 - a) Communicates to Employees their Rights and Obligations
 - b) Manages Employee Expectations
 - c) Provides a Framework for the Employer and Managers for Consistent and Equal Application of Policies
3. Routinely Review Policies both by Employer and with Employees