



Employment Law Policy Update

Sample Policy: Expectations of a Right to Privacy

Updates to Your Employee Handbook

On June 17, 2010, after careful consideration, the U.S. Supreme Court determined that employers have the right to inspect and review company-provided personal communication devices.

The following sample policy language outlines some of the issues you will need to address when updating your employee handbook to reflect this legislative change.



In order to facilitate the conduct of necessary business, the Company has purchased at its own expense, certain desks, work stations, storage facilities, office space, telephonic voice mail, beepers, computers, personal digital assistants (PDAs, such as smart phones), cell phones, diskettes, paper, writing materials, file folders, file cabinets, equipment, vehicles, and lockers. The Company has the right and obligation to maintain and control their premises and property, as well as all personnel and vehicles entering therein and egressing therefrom. This includes, but is not limited to, inspections of articles and searches of vehicles.

Employees need to remember that all company-issued equipment remains the sole property of the Company. Any information developed or data conceptualized on such equipment remains the exclusive property of the Company. Employees should have no expectation of privacy in their use of company-issued equipment or personal property brought onto Company premises.

The Company reserves the right to open and inspect desks and storage facilities, as well as any contents, effects or articles that are in such desks or storage facilities. All vehicles and containers, including bags, boxes, purses, and lunch pails, brought onto the Company's premises are also subject to inspection by the Company at any time whenever a Company representative authorized to make such a determination has a reasonable suspicion that a company rule, policy or regulation has been violated and such an inspection is reasonably necessary in the investigation of such violation(s). Such inspections will be conducted, to the extent reasonably possible, in a manner designed to preserve the dignity of the employee.

Furthermore, the Company reserves the right to review all voice messages on the telephone voice mail system, all data maintained on/in computer hard drives (including internet use) and diskettes, all files, all e-mail messages, and any written or hard copy documents.

Please be assured that we make every effort to make certain that the information contained in this article is current at the time the article was prepared. Because laws and legislation are constantly changing, please contact us if you are unsure whether this material is still current. Nothing contained herein is meant to be legal advice. Please contact us to answer any questions you may have.

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