

Zo's EMPLOYEE HANDBOOK PART V: COMPUTER USE, SOCIAL MEDIA AND INTERNET USE POLICY

October 14, 2011 By Steve Palazzolo

At Zo's, everyone is going to have a computer and everyone is going to have unlimited access to the Internet and everyone is going to have an e-mail account. And that, as you know, can cause some problems. That means we need a computer use policy. And at Zo's, when we say computer use we mean not only the computer on your desk, but every thing that you can do with your computer. We mean how you use your e-mail account, how you use the Internet and what you do on social media. So our computer use policy is going to deal with all of those things. But it might not be as long as you think:

COMPUTER USE POLICY

Zo's understands the popularity and usefulness of social networking sites, Internet forums, blogs and other forms of Internet communication and expression (collectively known as social media). Zo's has no desire to keep employees from realizing the benefits of social media; however, we recognize that the popularity of social media creates challenges. So when using your computer, your email account, the Internet or social media, see Rule 1.

Zo's can monitor your Zo's email account, your use of your work computer and any work computer resources (which includes things like company provided software, your iPad if we give you one, your data use (not the content of phone calls, but maybe the time you spend on them) on your iPhone or Blackberry if we give you one of those and any other computer based resource we give you to use for your job, which we are going to collectively call computer resources) and we may look at them if we believe we have a reason to. Don't give us a reason to and we won't. See Rule 1. Whether you give us a reason or not, it is best to expect that what you say using Zo email, a Zo computer or a Zo computer resource is *not* going to be private. After all, you are at work and we pay you, so we get to know what you are doing. That's just common sense.

When talking about Zo's products and services always tell people that you work at Zo's and always tell the truth about the products and services we offer. Also, don't post or engage in objectionable (and by objectionable we mean things like demeaning anyone because of their membership in a protected class, see the EEO Policy, or that harasses anyone because of their membership in a protected class, see the Anti Harassment Policy) conduct on Zo's computer resources or while working. See Rule 1. Finally, we respect your right to engage in dialog on social media and the internet while not at work and we respect your rights under section 7 of the NLRA, and what you do on your time is generally your business, so don't make it Zo's. If you are talking about work, See Rule 1.

Now there is one big change to this policy that I never would have put in to a social media policy, or any other policy for that matter, even a couple of months ago, but I put it in this one, and that is drum roll please the reference to section 7 of the National Labor Relations Act. "Is Zo's a union employer" you ask? Nope it's not. But the National Labor Relations Board is very interested in what is going on with social media these days. In fact, the Office of the General Counsel of the Board just recently issued Operations-

Management Memorandum OM 11-74 on August 18, 2011 that provides a summary of some of its actions regarding section 7 and social media. Basically, what the Board is saying is that a social media policy that broadly prohibits employees from doing things like making disparaging remarks about the company is a violation of Section 8(a)(1) of the NLRA. And that is true if you are a union employer or not. And please don't forget, the Board's jurisdictional requirements are not based on the number of employees you have. Rather, it is formula based on how much business you do in interstate commerce. So I thought it would be best just to deal with the section 7 issues up front. After all, Zo's is going to need to put up a poster soon anyway.