



# Evolving Management at the Speed of Technology

May 26, 2021



# Vensure Employer Services and our PEO Partners



# Agenda

- 1 Getting Information on Applicants
- 2 Disciplining Employees for Online Conduct
- 3 Potential “E-ssues” for Employers
- 4 Recommended Policy Provisions
- 5 Q&A

# Instructions for Submitting Questions with GoToWebinar



› When you launched GoToWebinar, a control panel and a screen share window opened up



› In the control panel, there is a dropdown section entitled, “Questions”



› Open up that section and type your question into the dialog box and hit enter. **If you are a client, please put “CLIENT” in your question**



› Please note that you will not see the questions or comments of others



› We will try to answer all the questions within the allotted time; however, if you did not get your question answered or if you come up with a question after the webinar ended, please contact [webinarHRhelp@Vensure.com](mailto:webinarHRhelp@Vensure.com)

## Our Panelist



**Robin Paggi**  
Training and Development Specialist

# 1

## Getting Applicant Information

# Getting Applicant Information

- › Public Internet Searches of Applicants Are Generally Viewed as Lawful
- › Use Consistency with Searches
- › Act on Information Consistently
- › Document and Record the Searches Performed
- › Document How Information Was Used (If at All)
- › Document Steps Taken to Exclude Information That Should Not Be Part of Employment Decisions
- › Carefully Consider the Risks Before Investigating
- › Train and Educate Those Who Will Conduct Searches
- › When in Doubt, Call Your Lawyer!



# 2

## Disciplining Employees for Online Conduct



# Disciplining Employees for Online Conduct

- › Ensure Handbooks, Policies, Disclosures, and Acknowledgements Are Updated to State This Information May Be Obtained
- › Consider Possible Legal Issues
- › Consider Other Impacts (Employee Morale, Reputation)
- › Communicate with Employees if They Are Posting Negative Information
- › Request Third-Party to Remove Posting
- › Use Good Faith Effort to Confirm/Verify Information Prior to Taking Action



# 3

## Potential “E-issues” for Employers

# Potential “E-ssues” For Employers



Privacy Claims



Off-Duty Conduct Statues



Harassment



Retaliation/Whistleblower Protections



NLRA Protected Activities

# 4

## Recommended Policy Provisions

# Recommended Policy Provisions

- › Cover All Forms of Online Communication, Conduct, and Information
- › Require Access to Social Media Not Interfere with Work
- › Clearly Express that Employee Should Have no Expectation of Privacy
- › Clearly Express Employer's Right to Monitor
- › Prohibit Employees from Revealing Confidential or Proprietary Information
- › Prohibit Employees from Implying (Either Explicitly or Implicitly) that They Represent the Company
- › State All Company Policies Related to Harassment, Discrimination, Conduct Codes, and Discipline Apply with Equal Force to Online Conduct





## Recommended Policy Provisions

- › Prohibit Employees from Using Company Branding Materials Such as Logos, Uniforms, or Other Trademarks
- › Prohibit Any Online Action Creating a Potential or Actual Conflict of Interest
- › Prohibit Any Online Conduct Which Violates Federal, State, or Local Laws
- › Provide Contact Person for Questions or Concerns
- › State That Violations Will Be Subject to Discipline
- › Obtain Written Acknowledgement of Policy

# Q&A

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**Thank You for  
Your Time**

