



## Be Careful With BYOD

News

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Joe Shelton was quoted in the *Credit Union Management* article "Be Careful With BYOD" on October 6, 2014.

Joe was quoted on the wage and hour concerns associated with bring your own device (BYOD) policies.

Yes, security issues represent the greatest risks for BYOD, said Joe. But wage and hour issues can also be problematic.

"Let's say you've got a non-exempt employee that's checking emails and doing work from home after hours. That's a real wage and hour concern because it's compensable work," Joe explained.

In addition, there is some potential that harassment-related issues may emerge when employees are using their own personal devices for both work and nonwork-related activities.

Suppose an employee is having some conflict with another employee and in the evening sends that employee a nasty, perhaps obscenity-laden email. Is the credit union at risk?

Not in that scenario, said Joe. "If an employee, on their own personal device, sends a nasty email to their buddy at 9:00 at night, when they're not at work, that's not a violation of anything, morality aside-off-duty it doesn't matter."

Arguably, said Joe, this would still be the case if one of the two employees' work email account was used.

However, he added, if the facts are changed a bit and that same email was sent at the same time, in the same manner, using the company email address and "you know about it, because you're tracking company emails and you've told them that, that can be problematic; that's something you can act upon."

What's important for employers to recognize, Joe stated, "is that you, the company, don't have as much control over the device and the content as you might otherwise have when it's owned by you."

Credit unions that decide to allow employees to use their own devices for credit union work should have a carefully crafted and well-written policy, perhaps even a signed agreement between the employee and credit union, said Joe.

The policy should be reviewed and revised as necessary, regularly, he added. "This is truly an ever-changing and fastpaced area. You've got to be mindful of changes in technology and how that will impact your policy."

Some important points to consider, Joe noted, are which employees are eligible for BYOD and which may not be, and what to do in the event the device is lost or stolen.

For those who may be considering such a move, Joe advised: "Research, research, research," and recommends reaching out to other credit unions to learn what they may, or may not be doing, and what they have learned through their own research.

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