Work Email on Your Phone? Legal Issues Abound

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Dallas Managing Partner Mike Abcarian was interviewed on KXAS TV, the NBC affiliate in Dallas, on November 2 in a news segment entitled "Work Email on Your Phone? Legal Issues Abound." Mike discussed the many legal challenges that employers face when they allow employees to use their personal electronic devices, such as smartphones, tablets and laptops, for company use. Mike said it's important that companies have a solid written policy in place and that employees understand there is no expectation of privacy on any device that is used for business purposes. In addition to privacy issues, wage and hour issues can also come into question. What about responding to phone calls or emails at 9 p.m. when an employee is off the clock? Mike noted that, according to the Department of Labor, that's work and employees should be paid. "You're not allowed as an employer, generally speaking, to say, 'I didn't want you working then, so if you did, I'm not going to pay you for that time.' That's not allowable under the law."

Please reach out to our Media team for any news inquiries.

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