

Updates from the Office of the Commissioner Representing Employers



Dear Texas Employers,

Welcome to your August issue of *Texas Business Today*! As we approach the end of summer, I know many of you, including interns, are busy preparing for the start of the school year and all that entails.

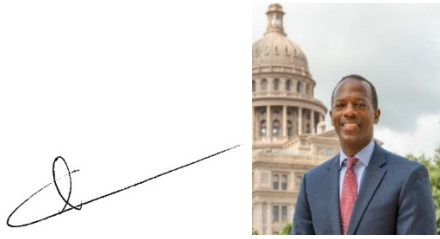
THANK YOU to all that attended our National Intern Day with a Texas Twist Conference. We are still hearing buzz and great accolades about the guest speakers and program. Even more impressive is the amount of networking and connections still taking place even after the conference. Check out the photos from the event [here](#).

In addition, we will have two Texas Interns Unite! events scheduled in September. Please go to our [Texas Interns Unite! LinkedIn page](#) for more information. One of those events is the YTexas Summit at AT&T Stadium in Arlington, TX on September 30th. If you are a student, complimentary registration is available [here](#). If you are a Texas employer interested in attending, please register [here](#).

We will host our last Texas Conference for Employers of the year on September 9th, which will be held in San Marcos, Texas. If you are interested in attending in-person or virtually, register [here](#).

To all Texas employers, I want to say thank you for choosing the Lone Star State as your home and helping Texas lead the nation as the #1 state for business! And if you are one of the many new businesses that have relocated here, welcome to Texas!

Thank you for all that you do! Let's Continue to Make Progress!



Aaron Demerson
Commissioner Representing Employers
Texas Workforce Commission



Electronic Monitoring at the

By Jikku John, Legal Counsel to Commissioner Aaron Demerson

As remote work becomes the new norm, employers should make certain that they stay vigilant about their employees' potential misuse of electronic equipment. Although signs of computer or internet abuse can be observed through a wide variety of means, employers should use extreme caution if they witness misuse of company equipment. While the rules for monitoring electronic equipment generally favor the employer, employers should still set forth strong written policies to combat the possible mishandling of electronic equipment.

Drafting the Policy

Employers, through their policy, can define their expectations about the use of computer or electronic equipment. While employers can construct their policy to allow for some amount of personal use (i.e., occasional use of company equipment for emails, use of electronic equipment for emergency situations, etc.), they should be aware that extensive flexibility could lead to abuse of the employer's policy, ultimately resulting in lack of productivity, mismanagement of company resources, and potential for monetary loss.

When employers are drafting their policies on the use of electronic equipment, they should make certain that the policy is sufficiently detailed to explain that violation could affect continued employment with the company. In addition to defining computers, e-mail, internet, and so on as broadly as possible, employers should also define prohibited conduct with specificity.



Moreover, the policy should clearly explain that employers have the right to inspect company property at any time, and if the situation warrants, can revoke an employee's access to computer equipment. Employers, through their policy, should remind employees that not only potential job loss, but possible civil liability and criminal prosecution could ensue from the misuse of company property. Finally, employers should have employees sign and acknowledge the computer and electronic use policy and make it a condition of continued employment. For a sample computer, e-mail, and internet policy, see <https://www.twc.texas.gov/news/efte/internetpolicy.html>.

Potential Pitfalls

Although employers have great latitude in monitoring company equipment, they should make certain that the privacy rights of employees are valued. If during routine monitoring an employer realizes that an employee is disclosing obviously private matters (i.e., through e-mails, video conference, etc.), the employer should immediately forgo further review of such information, and refrain from sharing the information with anyone. If an employer observes personal, intimate, and private details about an employee's life, and a reasonable person would find the disclosure of such information as offensive or embarrassing, the employer would be at risk for an invasion of privacy lawsuit.

If the employer identifies that an employee's use of company property is against the employer's policy, a more effective approach would be to document the employee's violation and treat the issue as a disciplinary matter. If an employee is discharged based on computer or internet abuse, the employer should have a computer expert collect the digital and printed copies of the email messages or computer files which contain evidence of any violations. The evidence can then be used to defend against various kinds of administrative claims, such as an unemployment or discrimination claim.

IN-PERSON & VIRTUAL



TEXAS CONFERENCE FOR EMPLOYERS

SAN MARCOS, TX

 Friday, September 9th

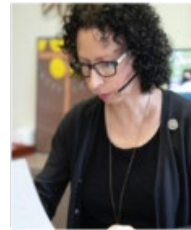
\$175 per person
8:30 AM - 4:15 PM

[Click here to register today!](#)

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Information provided by employment law attorneys in the Office of the Commissioner Representing Employers at the Texas Workforce Commission

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