Recent Ohio Case Demonstrates That Your Community's
Lack of Technology Policies Could Pose Employee Problems.

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There is no law that requires an employer, private or public, to provide employees with technology related policies. However, such policies can serve as preventative medicine as well as good employment tools, and can serve to educate employees on your community's policies on modern communication tools and the usage thereof in the workplace. A recent Ohio case demonstrates the importance of having a well-crafted technology usage policy and the need for reviewing and updating it as technology evolves.

In *Bowman v. Butler Township Board of Trustees*, 185 Ohio App.3d 180 (2d Dist. Montgomery County 2009), a township firefighter appealed the termination of his employment for alleged malfeasance i.e. watching violent videos on township computers. The Court of Common Pleas affirmed the termination and the firefighter appealed. The Court of Appeals held that the township did not have a policy providing sufficient guidance as to what types of computer usage were acceptable or appropriate. The Township's Code of Ethics which instructed township employees that they were "bound by the highest standards of morality" and that they should conduct themselves so as to not bring discredit upon the township was deemed to be vague and not clearly definable. In other words, the Court ruled that the township's policies gave no guidance as to what types of content, violent or otherwise, made Internet or other media materials "inappropriate" or violated the "highest standards of morality."

Documented technology policies should be made part of your employee handbook. There are several benefits to creating, maintaining and updating your technology policies: (1) you can save time because they allow your administrative personnel to spend less time answering the same employee questions over and over again; (2) they help introduce new employees to the political subdivision and helps them get acquainted with the work culture in your community; (3) documented policies create a sense of fairness and equality and help avoid accusations of favoritism; (4) they may aid in the defense of employment claims brought by a disgruntled former employee; (5) they provide guidance to the management and administrative staff on dealing with employee problems related to technology.

Technology policies should be consistent with everything contained in the employee manual, including other policies, and must be stated in unambiguous terms. Such policies must be tailored to the specific needs and circumstances of your community. They should not be copied from those adopted by other communities. Finally, technology policies must be updated to account for advances in technology implemented by your community, e.g. email, voicemail, blackberry, iPad, PDAs, increase in the number of employees since the last draft, changes in the law, and to update procedures to fix mistakes made in actual incidents.