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February 18, 2008, 8:49 am

E-Mail at Work: Some Basics

By [MARCI ALBOHER](#)

Two friends recently asked me for career advice using their companies' e-mail accounts, something I thought we all knew was a no-no by this point in the electronic age. The first friend wanted to know if I thought she was revealing too many details about her employer on her blog. (She was.) The second asked me to review her résumé, which was attached. Shortly after these two incidents, I heard about a senior manager losing his job for revealing proprietary information about his firm, something he had done through the firm's e-mail.

Forget the [career damage](#) that can be done by taking part in reality television shows like Fox's new [Moment of Truth](#), a [risqué posting on Facebook](#) or an [ill-conceived video résumé](#). It seems a good time to review some of the basics about the most rudimentary and ubiquitous electronic tool of all — e-mail.

According to a survey just completed by [the American Management Association](#) and [the ePolicy Institute](#), over half of the companies they surveyed in the United States have fired workers for inappropriate usage of e-mail or the Internet. Of the companies surveyed, 43 percent are monitoring e-mail and 45 percent are tracking other Web activities. The survey also shows that most employers give notice about their monitoring activities even though only two states — Delaware and Connecticut — require that. (A summary of the survey and a news release will be posted online by the management association and the ePolicy Institute in about a week.)

To get some guidance on the current legal situation and trends among employers, I had a chat with [Matthew Gilligan](#), an employment law partner at the Atlanta office of the law firm, Alston and Bird.

In a nutshell, here's what I learned:

1. Employees using company-owned e-mail systems should assume their e-mail is being monitored. Employers should outline their monitoring policies in a written form so that employees know what to expect and what is permitted (For example, in some workplaces, instant messaging is encouraged; in others, it's a violation of company policy.)
2. When it comes to an employee accessing his or her personal e-mail on a company-owned computer, the employer can still monitor the system (both legally and technically), though many employers choose not to

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Marci Alboher

Marci is a former corporate lawyer who has written about workplace issues and careers for The New York Times since 2001. She is also the author of ["One Person/Multiple Careers: A New Model for Work/Life Success"](#) (Warner Books, 2007). Marci's book celebrates the notion of building a life filled with slashes. As a journalist/speaker/writing coach, she both chronicles and



and communicate that to their employees. As an employee, it would be wise to consult your company's employment policies on monitoring e-mail to learn what position your employer takes. As an employer, some recent law provides that companies can waive their right to monitor e-mail if they don't monitor it regularly. So companies are beginning to include language in their monitoring policies saying that the failure to monitor does not constitute a waiver.

3. Even if personal e-mail use is allowed at work, inappropriate e-mail (for example, notes sharing confidential information with a future employer) sent over a company's server or equipment may still wind up as evidence in litigation. As Mr. Gilligan put it, a good test of whether an employee should send something in an e-mail is "whether you wouldn't mind it appearing projected on a giant screen in a courtroom."
4. In addition to the right to monitor e-mail, employers also have the right to look at which Web sites employees have been visiting when the they are on company-owned equipment. That kind of monitoring tends to turn up things like the home page of the company where the employee is interviewing or the other kinds of sites (porn etc.) that turn into smoking gun evidence in lawsuits.

In short, if you're an employee, assume that your employer is peering over your shoulders at all times.

And if you're an employer, it's probably a good idea to be peering somewhat regularly.

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1. February 18th, 2008 11:07 am
I was a principal at a small energy company. A couple of years after starting to use email regularly for company communications, I noticed a large number of joke or chain emails clogging our system. I issued a memo stating that these types of emails were unacceptable, and all of the sudden, they stopped. For a couple of weeks I was very proud of myself and my management skills. Then one morning, my business partner comes into my office laughing and asked me if I had seen the joke that the receptionist had just sent out. It turned out that the emails hadn't stopped, I had just been deleted from the distribution lists!
— Posted by Ignacio Carrion
2. February 18th, 2008 11:14 am
Coffee shops are a good thing. When I break for lunch I have a personal laptop and do email and surfing there. I come back to my work site. Most of it is out of my system.
Yes warned about it at work. Wisely heeded my warning.
— Posted by Mark
3. February 18th, 2008 11:20 am
your comment suggesting that employers peer somewhat regularly give me chills! it's a question of type of company and expectations and what sort of secrets there are to be revealed!!! in a defense company, sure! in a school, or low level administration, one doesn't need to spy on employee communications to add insult to injuriously low pay! i find the spying reprehensible, and lack of trust doesn't foster trustworthy behavior.
— Posted by allen
4. February 18th
Some excellent advice here.

participates in the growing slash career movement.

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