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Company should have written cell-phone policy

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The Record

Q. As an employer, should I have a written cellphone policy?

While no law mandates that you have a written cellphone policy, we strongly advise having one. Most employers have drug and alcohol policies. The need for these policies is obvious, especially for companies employing drivers or equipment operators. For the same reasons, employers should also implement policies dealing with hand-held communication devices.

The statistics confirm this advice. The National Highway Traffic Safety Administration reports that nearly 80 percent of all crashes are caused by driver distraction. This has resulted in numerous states, including New Jersey and New York, passing legislation that makes it illegal to text or talk on a hand-held phone while driving.

Most states that have passed such laws have also banned the use of hands-free devices by minors and school bus drivers.

As an employer, you might be held directly or vicariously liable for the negligence of your employees while they are driving on company business. Already there have been a number of multimillion-dollar verdicts against employers as a result of employees speaking on a hand-held phone or texting while driving on company business. The largest verdict occurred in Florida and was in excess of \$17 million.

The best way to combat this is to make clear to employees they are never to use any hand-held devices while driving. They

should pull off the road or wait until they return to the office before getting on a hand-held phone. Get the message out either via a memo or by including a clearly written cellphone policy in your company's employee manual.

Steven I. Adler is chairman of the employment law department of Cole, Schotz, Meisel, Forman & Leonard PA, the largest law firm in Bergen County. He can be reached at 201-525-6273 or sadler@coleschotz.com. This information is not intended as legal advice, which can only be given after the attorney understands the facts of a particular matter and the goals of a client.

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