

GPS Tracking of Workers Must Have Limits

By Holly Culhane, Contributing Columnist



Recently I met with a client who had installed GPS tracking systems on his company's trucks. He is among the increasing number of employers who are using electronic methods to monitor the behavior of their workers and the use of company equipment.

This company employs less than 25 people, some of whom take company trucks home, but are only allowed to use them for company business and to drive to and from work. He suspected employees were abusing this privilege and driving their assigned vehicles for personal use.

Apparently, he was right. After installing GPS systems and informing workers that their use of vehicles would be electronically monitored, the company's fuel costs decreased by \$1,500 a month!

The results for just this one company are eye-popping. It is no wonder that the popularity of tracking systems, which can be installed on company vehicles and are "standard features" on many commonly used electronic devices, such as smartphones, is spiking.

But companies should proceed cautiously before they electronically track their employees. Privacy rights and workplace morale should be considered when devising a tracking program. Basically company owners and managers should ask: Is there a need to know? And what do I need to know?

A unanimous U.S. Supreme Court ruling earlier this year also should give employers pause. While *United States v Jones* involved a criminal case and applied to police use of a GPS device to track a suspected drug dealer, the ruling seems to give fair warning to companies that they risk going too far in monitoring employee behavior.

In the *Jones* case, the Supreme Court ruled that the use of GPS tracking devices by law enforcement was a warrantless search in violation of the Fourth Amendment.

Commenting in a recent Society for Human Resource Management newsletter, labor attorney Bradford LeHew concluded that the court may someday rule on private employers' use of tracking systems. He said companies are on safer legal ground if they have policies that instruct employees that they use tracking devices to monitor employees' whereabouts during work hours.

I tell my business clients who want to use GPS tracking systems to:

- Have a clear and defined reason for using a tracking system. Is it to efficiently dispatch workers in company trucks? Is it to protect employees who are working in remote areas? Is it to address suspected fraud?

- Develop a written policy and tell workers that GPS systems have been installed on company vehicles or are activated on electronic devices, such as smartphones. Explain how and why the tracking systems are being used.
- Monitor employee behavior only during working hours. If a worker is assigned a company vehicle to take home, but not allowed to use the vehicle after work hours, explain that the GPS system will reveal after-hour use.

Horror stories abound about employer abuses of tracking systems. In one case, an employee was issued a cell phone equipped with a tracking system and told to carry it at all times. He was threatened with firing if he didn't.

Clearly 24/7 monitoring of workers has legal and moral consequences. While an employer may have the capability of tracking workers, it still should be a question of why and when.

This article written by Holly Culhane first appeared online and in The Bakersfield Californian on Tuesday, September 11, 2012. Holly Culhane is president of the Bakersfield-based human resources consulting firm P.A.S. Associates. She can be contacted through her website www.pasassociates.com and through the [PAS Facebook](#) page or by phone at 631-2165.

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