



## Can You Have Policies Allowing Searches Of Employee Emails And Personal Vehicles?

July 22, 2020 | [Labor And Employment, National Labor Relations Board](#)



**David J.  
Pryzbylski**  
Partner

Many, if not most, companies have policies and procedures in place when it comes to searching employee property – whether it be company issued or personal property – in relation to workplace investigations. Over the years, however, the National Labor Relations Board (NLRB) has ruled that some policies on this front [violate labor law](#). Good news for employers: [the Board just issued a decision](#) that validated a policy regarding searches of employee emails as well as their personal vehicles.

The policy at issue in the case stated:

“In order to protect company assets, provide excellent service, ensure a safe workplace, and to investigate improper use or access, [the company] monitors employees’ use of [the company’s] communications devices, computer systems and networks (including the use of the Internet and corporate and personal web-based email accessed from [company] devices or systems), as permitted by law. In addition, and as permitted by law, [the company] reserves the right to inspect, monitor and record the use of all company property, company provided communications devices, vehicles, systems and facilities - with or without notice - and to search or monitor at any time any and all company property and any other personal property (including vehicles) on company premises.”

In other words, the policy put employees on notice that their company emails as well as their personal property, including their vehicles, could be searched

### RELATED PRACTICE AREAS

Labor and Employment  
Labor Relations  
National Labor Relations Board (NLRB)

### RELATED TOPICS

Employer Policy  
Employee Email  
NLRB NLRA

by the employer. This policy was alleged to run afoul of the National Labor Relations Act (NLRA), but the NLRB determined it was lawful.

In finding the company had a right to search employee emails, the Board cited its own prior precedent and stated: “employers may lawfully ‘monitor their computers and email systems for legitimate management reasons.’”

The NLRB likewise noted searching employee vehicles was permissible and held: “[W]e reject the judge’s unsupported speculation that employees would refrain from engaging in [NLRA] activity merely because evidence of such activity might be detected if their personal property or personal vehicle were searched. To the contrary, a reasonable employee would understand that the purpose of the rule is, as it states, ‘to protect company assets, provide excellent service, ensure a safe workplace, and to investigate improper use or access.’”

This favorable ruling continues a positive trend for employers facing [challenges to their personnel policies](#) before the NLRB. While companies still should carefully evaluate their policies under the NLRA to ensure they conform to the latest guidance from the Board, having some more flexibility on this front is welcome news.