

## **DID YOU KNOW**

On Aug. 12, California's 2nd District Court of Appeals ruled that companies with employees in California must reimburse those employees for workrelated voice calls on their personal cellphones.

The ruling complicates the growing bring your own device (BYOD) movement, which encourages employees to use their own electronic devices to access company resources.

While the affected region is currently limited, employers across the country should monitor any further developments, and may wish to review their cellphone policies in light of the decision.

## Getting More Out of Performance Reviews

Performance reviews are a key tool for assessing where employees stand in regard to employer expectations, yet they can often be a rushed, unhelpful process that serves to alienate workers without providing any real insight to managers about employee performance.

With that in mind, here are some steps you can take to make the most of a rare opportunity to assess performance and foster positive change.

First, keep in mind that reviews may be a stressful time for employees, who are essentially being asked to highlight their value to the company. Note that there should be no big surprises during a review. If a manager is unhappy about an employee's attitude or performance, the manager shouldn't wait until review time to let the employee know.

Employees are far more likely to become defensive and disregard feedback if they are

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blindsided with criticism in areas they thought they were doing well in. Feedback, both negative and positive, needs to be provided in an ongoing process throughout the year.

It also may be helpful to avoid putting a specific grade next to performance, however convenient it might be for evaluating purposes. Just tell employees what is working and what isn't.

A great way to keep the conversations productive and positive is by focusing on the future, asking what changes workers plan to make in the coming year or discussing opportunities for change or advancement.

Additionally, encourage employee feedback and two-way communication. Try to keep the amount of questions and statements given to employees equal. You can delay any discussion of salary or raises, saying that those will be determined at a later time. This will help employees be more open to discussing how things should work, now that they don't see the evaluation in terms of dollars and cents.

Finally, be aware that reviews work better when they are cyclical instead of linear, meaning they should build on each other year after year, rather than just taking into account the past 12 months and nothing else. Problems that surfaced this year should certainly be discussed, but they should not overshadow previous years of model service. You will get a more accurate picture of an employee's capability when his or her entire tenure is taken into account.

## Stopping Social Media Sabotage

Employees are brand ambassadors for your company. What they post about work on their social media accounts can impact you. However, it's important to be mindful that employee participation in social media may be protected under Section 7 of the National Labor Relations Act, even for non-unionized employees. Here are some tactics employers may consider in order to deal with and help prevent social media issues caused by employees:

- Know the terms of use for the website.
   Familiarity with these contracts can get postings removed, especially if you can prove a violation has occurred.
- Know the Telecommunications
   Harassment Act. This law forces websites to take responsibility for the most egregious posted content.
- Have a written policy in place regarding social media usage during working hours or on office electronics. Additionally, employers should explain and enforce the consequences for violating the social media policy.
- Provide appropriate training. Some employees who post material that reflects poorly on your company may not have bad intentions, but they may be ignorant of what is appropriate. Train employees on company policy to provide clarity on this issue.