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## What's Our Story? - Part VII

This month we continue the celebration of the 60<sup>th</sup> Anniversary of The Employers' Association using a "Did You Know?" format. It's difficult to capture 60 years of history on a few pages, but we thought it might be interesting to present a variety of "facts and figures" from the historical archives of the EA. This issue will focus on the decades of the 50s and 60s.

### Did You Know?

#### 1950s

- The original name of The Employers' Association was the Northwestern Ohio Industrial Council (NOIC). The name was changed to The Employers' Association of Toledo (EAT) in 1957.
- The first EA (NOIC) Wage Survey was initiated in 1951.
- In the spring of 1951 there were 28 members in the EA (NOIC).

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### Chairperson

**Malcolm C. Richards – 2012**  
CEO/President / Supplemental Staffing

**Michael Bieringer – 2011**  
V.P. Organization Development / Dana Corp. – Corp. Office

**Sheri Caldwell – 2011**  
Director of HR / University of Toledo Physicians

**Duane Carey – 2011**  
V.P. of Sales & Marketing / Impact Products LLC

**Frank Day – 2013**  
V.P. Employee Services / Wood County Hospital Assn

**Robert F. Deardurff - 2012**  
President, Phoenix Technologies

**Stephen (Steve) M. DeDonato – 2013**  
Director, Compensation & Benefits / The Andersons, Inc.

**Alina Haas – 2011**  
Director, Corporate HR / O-I Corporate Office

**Adele M. Jasion – 2011**  
Partner / Gilmore, Jasion & Mahler

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Managing Partner / Mira + Kolena, Ltd.

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VP of Human Resources / Lutheran Homes Society

**Joyce Slusher – 2013**  
Director, Information Technology / Libbey Inc.

**Karen Ward - 2012**  
Human Resource Manager / AAA Northwest Ohio

**Linnie B. Willis – 2011**  
Executive Director / Lucas Metropolitan Housing Authority

**Cheryl Wolff – 2012**  
Attorney / Spengler Nathanson P.L.L.

**Jennifer Wuertz - 2011**  
Human Resources Business Leader / SSOE, Inc.



(Our Story continued from page 1)

- The EA (NOIC) obtained favorable publicity in the Saturday Evening Post and Business Week in 1954.
- In 1956 the EA (NOIC) held its golf outing at Heather Downs County Club
- The speaker for the 1958 Annual Meeting was Leonard Keller, a former professor of law at the University of Michigan and a well-known arbitrator. The cost of the dinner meeting was \$7.50.
- General Mills, Toledo Die and Manufacturing and S.M. Johnson Company joined the EA (EAT) in 1965.
- The Executive Director, Donald H. Russ received a 10% cost of Living increase in 1968.
- Total Revenue for the EA (EAT) was \$40,309.28 in 1969

### 1960s

- Mr. Howard DeVilbiss, President of DeVilbiss Co., Mr. Norman Kirk, President of Toledo Pipe Threading Machine, and Mr. Robert Skilliter, President of Acme Specialty Mfg. Co. were elected to the Board of Directors in 1960.
- There were 73 members of the EA (EAT) in the fall of 1961.

Through the telling of “Our” story we are celebrating the EA’s past and honoring those who have helped build and sustain the EA as well as renewing our commitment to the ideals and purposes for which the EA was founded. We hope you will help us as well. Please take a minute to send us your EA Story by e-mail to [jhollister@employersassociation.com](mailto:jhollister@employersassociation.com) or through a note sent to my attention at the EA address.

Jack Hollister, President

## Electronic Resources Policies Critical in Determining Reasonable Expectation of Privacy

The U.S. Supreme Court in *City of Ontario v. Quon* held that the employer had a legitimate work-related purpose for reviewing an employee’s text messages sent and received from an employer-provided pager. Notwithstanding the fact-specific nature of the Court’s ruling, the decision does provide useful guidance for private employers.

The Court emphasized the importance of a well-articulated and broadly distributed electronic resources policy. “[E]mployer policies concerning communications will of course shape the reasonable expectations of their employees, especially to the extent that such policies are clearly communicated.” While a comprehensive electronic resources policy is essential, employers should also be careful in the manner in which they use such policy to review emails and text messages.

The Court highlighted a distinction between corporate e-mail and text messages sent by cell phone, i.e., such text

messages typically are transmitted through the cell phone provider’s server, rather than an employer-owned server. In *Quon*, this distinction was important because the employer’s e-mail policy focused on e-mail sent through the employer’s server and did not mention text messages. Thankfully, the evidence showed that the employees were specifically told upon receiving their pagers that the e-mail policy would also apply to text messages sent/received on the pagers.

The Court’s holding reveals that employers can substantially reduce their potential exposure on privacy-based claims by acting reasonably when searching and reviewing employees’ electronic communications. An employer’s precautions in conducting an investigation to accomplish a legitimate business purpose and in a manner that is not excessive will go a long way in defending against an employee’s claim of violation of privacy.

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