



Hello! Company's Employee Cell Phone Ban Upheld

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Managing employee time spent on personal cell phones in the workplace can be challenging. From texting to apps to internet browsing, the distractions are immense. Companies' efforts to limit these activities can be further complicated by rulings from the National Labor Relations Board (NLRB) generally holding that [complete bans on personal mobile devices](#) may run afoul of labor law. A recent case from the Board, however, shows that when [safety concerns related to cell phones](#) are in play, employers may have more flexibility on this front.

At issue in the case was a company that operates 300 concrete trucks. In light of the dangers posed by drivers using cell phones, the company implemented and maintained a policy that prohibited employees from having mobile devices in the trucks. The policy specifically provided, in part: "It is strictly prohibited for a cell phone to be in the cab of a commercial and/or heavy equipment vehicle." The company discharged a driver-employee who was found to have a phone in the cab of a truck in violation of the policy. The employee's union filed charges with the NLRB alleging the cell phone policy and resulting discharge of the worker violated the National Labor Relations Act.

The Board concluded both the policy and the termination of the employee were lawful. In upholding the policy, the NLRB noted employees were free to use personal mobile devices during nonworking time and further emphasized the fact that the safety concerns giving rise to the policy were well-founded.

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The ruling specifically states: “The purpose of the Policy and Acknowledgment is repeated over and over again—to ensure the safety of drivers and the general public.” The NLRB’s decision affirmed the legality of other aspects of the policy related to [maintaining confidential information](#) of the company as well.

This is great news for employers and illustrates a potential roadmap for companies seeking to limit the use of personal mobile devices in the workplace, including where there are safety concerns related to their use.