

# Social media impacts National Labor Relations Board decisions

**Employees' communication 'playground' is now much less restrictive.**

**Charlsie Dewey**  
Grand Rapids Business Journal

The rise of social media during the past decade has made many employers wary about what sort of negative comments or information employees might share via Facebook, Twitter or other favored social media websites.

In an effort to quell any negative PR or bad blood within the company due to an employee's

social media rant, some companies have instituted policies that outline what sorts of social media posts might be subject to disciplinary action or even termination.

Legally, however, many of those attempts to restrict what an employee can say about the company via his or her own personal social media account have been found to be in violation of employee rights.

In addition to an employee's freedom of speech rights, a company's restrictive social media policies might also violate the National Labor Relations Act, which covers workers' rights to protected concerted activities and includes unionized and nonunionized employees.

Rhoades McKee attorney John

Lichtenberg said recently he has seen the National Labor Relations Board take on cases concerning social media policies, as well as email policies, and companies might find the organization's decisions surprising.

"The NLRB is starting to look at those policies and saying, 'No, that's really not a fair or reasonable restriction to put on employees in this 21st century,'" he said.

"Some of it is responsive to changes in technology and how we communicate with one another, but the net effect of it is to really open the playground much wider for employees to be able to communicate with one another without fear of retaliation or punishment."

Lichtenberg said a recent decision had to do with a case in which an employer told employees they weren't allowed to post anything bad about the company on social media.

He said the problem with such a policy is that the definition of "anything bad" is too broad.

An employee could understand that kind of language to mean he or she cannot turn to social media to complain about things that, under the National Labor Relations Act, are considered protected concerted activities and cannot be restricted by employers.

"The problem is if you don't define what the confidential information is, (then) what the NLRB is saying is that is really too broad

because an employee might understand that you are saying they aren't allowed to share their wage rates with other employees, or even to publish their wage rates on their Facebook page and say, 'My employer is a cheapskate,'" Lichtenberg said.

Lichtenberg said the NLRB believes these policies could have a chilling effect on workers exercising their right to protected concerted activity, and as a result the organization has started finding employers with broad social media policies guilty of unfair labor practices.

Some of the employers who find themselves in the NLRB's crosshairs haven't been paying too much attention to the organization because they don't have a unionized workforce, but Lichtenberg said those employers don't realize the NLRB has a responsibility to protect nonunionized employees' rights as well as those who are union members.

"If you really look at the act and the history of the act, it is really intended to protect workers who are not unionized," he said.

Lichtenberg said social media is becoming a battleground for the assertion of basic employee rights to communicate, organize, and to work and share information together, and all employers need to be aware of the NLRB's decisions regarding social media as an avenue for protected concerted activity by employees.



Courtesy Thinkstock

# Company takes leap into brick-and-mortar and tech expansion

**More small businesses should consider cloud-based telecom systems.**

**Pat Evans**  
Grand Rapids Business Journal

Actor Scott Bakula isn't part of West Michigan's leap toward the future of telecommunications — although he did play a small part.

When Ken Fortier founded the company in 2002, he named it Quantum Leap Communications, in large part because he liked the TV show "Quantum Leap," which starred Bakula.

Mike Borowka bought the company last May, and one of the main questions he faced was, "What about the name?"

It will remain the same as long as he stays, Borowka said. Borowka worked with the company for 10 years before buying out the original owner last year.

"It's just one of those names that stands out so much," he said. "It's got some uniqueness to it."

Although he won't change the name, he does intend to help the company grow. Over the past few years, Quantum Leap has seen growth between 15 percent and 20 percent every year in both revenue and number of employees.

Borowka said he doesn't see that growth flat-lining anytime soon.

In April, Quantum Leap made a jump of its own, moving from a 3,500-square-foot 36th Street location to an 11,000-square-foot office at 2006 44th St. SE, between Kalamazoo Avenue and Breton Road.

The new space includes a warehouse, which before was half a mile away from the 36th Street building. The new office also includes more space for demonstrations for current and potential clients, as well as event space. Borowka said

lunch-and-learns are a common occurrence at the new office.

The facility is likely larger than the company will need anytime soon, he said, but the expectation is to rent space to clients and nonprofits.

"We wanted to turn a space into a showcase center, including more interactivity for our clients," Borowka said. "The larger space is much more conducive to everything we want to do."

The company focuses on business phone systems, including both on-premise and cloud-based telecommunications products.

Borowka said the future is in the cloud-based systems, and Quantum Leap is currently in a hiring mode for that sector of the business.

"We're looking to hire at least two account executives," he said. "But we're looking to add to that number as quickly as possible, as long as the candidate fits our culture. Essentially, we're always hiring."

Borowka said Quantum Leap wants candidates who have an aptitude for learning, rather than prior knowledge of cloud telecommunication systems. A passion for teaching what they learn will be important, as well, he said. Right now, Quantum Leap has 15 employees.

**"We're looking to hire at least two account executives. But we're looking to add to that number as quickly as possible, as long as the candidate fits our culture. Essentially, we're always hiring."**

**MIKE BOROWKA**

"The focus, for us, is to look for those who will be good stewards to our products," he said. "If we can educate about the technology and translate that value, we've done our job."



**QUANTUM LEAP'S new facility is more than triple the size of its old one. The company will rent space inside the building to clients and nonprofits until it grows large enough to occupy the entire site.**  
Courtesy Quantum Leap

The sales people will work primarily in Grand Rapids. Borowka said 75 percent of sales are accomplished in Greater Grand Rapids, with 95 percent of the company's business west of U.S. 127, including pockets in Traverse City and Kalamazoo.

"based" is a big buzzword, but it's something Quantum Leap has been involved with for quite awhile. He said most small and midsize companies believe cloud-based refers only to information technology systems. But in reality, it's much more than that.

"Voice and IT are so intermingled now," he said. "To have both inside the same data system is a very easy transition and makes a lot of sense."

In the West Michigan market, small businesses often think the cloud systems aren't for them, but Borowka said that's the major market for Quantum Leap.

"That's what we are," he said. "Small businesses are usually lost in the mix because they don't think it applies to them — but that's exactly who it applies to."

Quantum Leap also provides agent services to its clients, acting as a one-stop shop. The company brokers for any phone and Inter-

net carriers in the area.

Aside from helping clients, Quantum Leap also seeks to contribute to area nonprofits. This year, the company is providing assistance to D.A. Blodgett St. John's.

Borowka said Quantum Leap hopes to provide the organization with more than \$15,000 this year, and as of the end of May, it has passed the halfway point.

Quantum Leamp provides help using a "Cash-for-Clunkers" model. When the company installs a new phone system for a client, it offers the new system at a discount and then sells the old system. The profits from the old technology then head to D.A. Blodgett.

"It's been a really successful program," Borowka said. "We really like to be able to help contribute to local charities and we have clients that come to us because they want to help, too."

Copyright of Grand Rapids Business Journal is the property of Gemini Publications and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.