

Sample Bibliography for B421 Research Project

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For each citation you will need to provide the following information:

1. Database used to retrieve the citation (note ProQuest or EBSCO are not databases – they are systems. ABI/Inform or Business Source Premier are databases).
2. Search terms used to retrieve the citation
3. Identify search method used (e.g., basic or advanced; how do you connect the search terms used)
4. Explain why this citation was selected for the bibliography

See an example of this in the **first** article entry and first book entry to the bibliography. These four required items are not included in the rest of the examples – but you will need to have them for all of your bibliography entries. Note that there is an order to the bibliography. It should be ordered alphabetically by the last name of the author (or first author of the article if there is more than one).

Eight Articles

Scott Blakeley. (2003, September). Reducing the risk of the errant e-mail with new technology: Disappearing e-mail. *Business Credit*, 105(8), 26.

Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 417456801).

The speed and ease of e-mail has resulted in a less formal means of communicating than letters. The ability to electronically share confidential customer information carries with it some risks to the credit professional. Every employee in the credit department should regard e-mail as formal as a written letter. Communications regarding customers should be kept "G-rated" in order to avoid exaggerations being taken out of context. A problem with e-mail from a litigation standpoint is that it creates a lasting record, unlike a phone call that is temporary. Recent technological developments may provide greater protection for the credit professional from an errant or confidential e-mail falling in the hands of a competitor or other unintended party.

Database Used: ABI/Inform (using ProQuest)

Search Terms Used: email or e-mail combined with workplace or employ* (truncated to find variations on employ...)

Search Method Used: advanced search screen then formatted articles in ABI in APA format

Reason selected: discusses implications of e-mail from litigation standpoint.

Roberto Cenicerros. (2004, December). Employees' e-mails seen as posing professional liability risk. *Business Insurance*, 38(50), 10,18. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 768194231).

Employers need to guard against employee e-mail transmissions becoming damaging evidence in securities-related litigation and professional liability lawsuits. Plaintiffs and regulators increasingly form the backbone of such cases with subpoenas that demand access to employee e-mail. More than 20% of 840

employers that responded to a 2004 Workplace E-mail & Instant Messaging Survey conducted by the American Management Association said that courts or regulatory bodies have wielded subpoenas seeking their employee e-mails. To mitigate those exposures - and others, such as a loss of trade secrets or the defamation of third parties - a growing number of employers now use software to monitor company e-mails.

Susanne Craig and Ann Davis. (2003, May 19). UBS Warburg Is Ordered to Pay For Retrieval of E-Mails in Case. *Wall Street Journal* (Eastern Edition), p. C.9. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 337972481).

Last week, New York Southern District Judge Shira Scheindlin ordered UBS Warburg to pay for the retrieval of certain e-mails relating to an employment- discrimination case against the firm. Laura Zubulake, an institutional-equity saleswoman at UBS, says she was fired from the firm after she filed a claim with the Equal Employment Opportunity Commission that argued that she wasn't promoted because of her gender. In the case, Ms. Zubulake requested access to certain e-mails from UBS Warburg from 1999 to 2001 -- including hundreds that had been archived from employees' e-mail accounts. UBS said that restoring the e-mails that had been archived would cost as much as \$175,000, not including attorney time to review them, because the e-mails were stored on hard-to-search backup tapes. UBS was ordered to produce all e-mails deemed relevant to the case that it could locate from back-up tapes and other sources "at its expense." The judge acknowledged that, in today's information age, "The more information there is to discover, the more expensive it is to discover all the relevant information."

Paul Falcone. (2004, November). Watch What You Write. *HRMagazine*, 49(11), 125. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 730269681).

If communicating and sharing documentation regarding performance with employees is an essential responsibility of management, then you have to be sure that what you're writing - whether positive or negative - won't come back to haunt you in the future. However, documenting performance has some uncommon pitfalls that you need to be aware of. In addition, you need to know how to keep documents from being legally discoverable in the pre-litigation process in the first place. E-mails in particular present a treasure trove of opportunities to litigators since electronic records can never really be destroyed. It's probably easiest to think of the "e" in e-mail as "evidence." Performance reviews represent another lurking danger for unsuspecting managers: The path of least resistance is avoidance, and rather than addressing performance problems honestly and directly, many managers have been known to avoid confrontation by overinflating grades. Progressive disciplinary warnings are especially subject to severe legal scrutiny.

Susan Linden McGreevy. (2001, September). Funny isn't funny anymore: Workplace e-mail liabilities. *Contractor*, 48(9), 38. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 82608152).

An employee forwarded an Internet joke to co-workers about the 25 reasons why beer beats women. The joke was transmitted to other employees nationally and internationally through his company's intranet system. Female recipients of the joke failed to see the humor and sued for harassment. The punch line: the *New York Times* reported that those employees laughed all the way to the bank after settling for \$2.2 million! Given that 32 million workers have access to the Internet at their jobs, thousands of potential lawsuits like this one are waiting to happen. According to a Feb. 18 survey in *USA Today*, today's workers spend nearly two and a half times more hours using the Internet at work than at home. Many workers routinely access non-business, personal e-mails with their company-owned computers.

Asha Tomlinson. (2001, October). Nasty e-mail can't be taken as

resignation, court rules. Canadian HR Reporter, 14(18), 5. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 89307079).

When staff send e-mails to each other, they do not spend much time thinking about what they said and how they said it. It has given new meaning to instant communication, but new technology brings new problems. Take for example the court case of Owen O'Neil. This actuary and former employee of consulting firm Towers Perrin was fired after sending out an emotional e-mail criticizing a colleague and the company. His superiors took it to be a letter of resignation, and even though he denied this claim, the company still fired him. O'Neil took Towers Perrin to court for wrongful dismissal and was awarded \$446,000 in damages.

Fired employee's six mass emails give rise to injunction. (2002, March). Computer and Internet Lawyer, 19(3), 18. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 109765403).

After Kourosh Kenneth Hamidi was fired by Intel Corporation, he began to air grievances about the company. [Intel Corporation v. Kourosh Kenneth Hamidi, No. C033076 (Cal. App. 3d Dist. 12/10/01), available at [www.eff.org/cases / Intel_v._Hamidi / 20011211_appellate_decision.html](http://www.eff.org/cases/Intel_v._Hamidi/20011211_appellate_decision.html)]. Hamidi repeatedly sent mass emails to workers throughout Intel. When its security department was unable to block or otherwise end Hamidi's mass emails, Intel filed this action.

Firing for pornographic e-mail deemed excessive by arbitrator. (2000, May). HR Focus, 77(5), 2. Retrieved January 26, 2005, from ABI/INFORM Global database. (Document ID: 53015428).

Terminating an employee for violating a company's electronic communications policy was too severe a penalty, according to a recent arbitrator's ruling.

Two Books

A. Urbaczewski and J. Rikala. (2000s). An expectation of privacy: when does an employer have the right to monitor employee e-mail messages? Hershey, PA : Idea Group Pub., 2000s

Database Used: WorldCAT (using FirstSearch)

Search Terms Used: email or e-mail combined with workplace or employ* (truncated to find variations on employ...)

Search Method Used: Used the advance search in WorldCat – and made use of the AND connectors between the search boxes

Reason selected: this book could provide practical explanations of the legal ramifications of employers checking employee e-mail communications.

D.M. Doubilet, D. M., and V.I. Polley. (2002). Employee use of the internet and e-mail : model corporate policy: With commentary on its use in the U.S. and other countries. Chicago, Ill.: Section of Business Law, American Bar Association.