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### **Employer Banning Smoking - Even After you Leave Work**

In an interesting reflection on how personal lifestyle choices can impact your workplace environment, four employees quit their jobs at Michigan-based Weyco, Inc., after refusing to take a nicotine test. Weyco announced a ban on smoking in the fall of 2003. By January 1, 2005, all employees were to be non-smokers (including time spent away from work) in order to maintain employment with the company. The company cited rising health care costs and productivity issues in its workers as justifying the ban.

To its credit, the company provided smoking cessation classes, medication, and acupuncture to assist those who desired to quit smoking. Michigan and Ohio are two of 21 states that allow such an action. The other 29 states have enacted "lifestyle rights" laws that prohibit an employer from taking action against an employee for things like smoking.

### **Developing a First Line Response to Computer Hacking**

Are you afraid of computer crime? Do you think someone has hacked into your computer? What would you do in that situation? Whether it be for home or business, if you think a serious computer crime has been committed using the computer, how you treat it right away may affect the evidence that is able to be obtained.

Developing a first response policy for these incidents will be crucial for a business that has significant intellectual property assets, financial data, or even personal information. Some important first steps to take if you suspect your computer has been involved in computer crime:

- 1.) Disconnect the computer from the network and the internet. Removing the ability to access the computer remotely is an important first step in preserving any evidence that may remain.
- 2.) If the loss appears substantial, do not turn off the computer. Turning off a computer may erase much of the available evidence of the intrusion. Do not use the computer until the proper authorities, including computer forensics experts, are contacted.
- 3.) If the computer is in a public area and not easily kept secure, remove the computer to a secure area, even if it means turning the computer off. However,

do not use the regular shut down procedures, just unplug the computer directly. A regular computer shut down procedure may erase valuable information.

Once these steps have been completed, the remaining work in collecting evidence and deciding how to proceed will be left to the experts. Knowing when and why to take the above steps in the event of a computer intrusion will do much to assist in successfully resolving the problem.

### **A New Option for Grandparents Caretaking**

Ohio has recently enacted new laws that make it easier for grandparents to assume any of the parent's rights and responsibilities regarding care, custody, and control of the child. Using a power of attorney authorized by the parent, the grandparent may obtain information about the child's schooling and consent to all school related issues and medical, psychological, or dental treatment.

Similarly, a grandparent who is responsible for taking care of a child, but cannot locate a parent to sign the power of attorney (or is not required to under a court order) may execute a caretaker affidavit, that after proper filing, will grant many of the same rights.

These new laws allow grandparents to quickly and legally undertake many of the parental rights and obligations in specific circumstances. They do require, however, some very specific procedures to be followed to be properly executed. Additionally, they do not, and will not substitute for a formal custody hearing.

### **Consolidating College Loans**

Graduation season is here, and what better time to consider the possibility of consolidating outstanding student loans. Under the federal consolidation loan program, students with multiple federally-backed loans such as Perkins and Stafford loans can consolidate those loans into a single fixed-rate loan. There is an incentive to consolidate qualifying loans before July 1, 2005. Rising short-term interest rates are announced July 1. There is also some concern that the overall program may be changed and that the resulting changes may be less generous than what currently exist. We have a complete client memorandum for those who may be interested.