<u>DON'T DO IT ON HIS TIME</u>

I once heard a song titled "Do It On His Time." Sung by on old Lefty, the song encourages employees to conduct their own private business while at work as a means of recovering a share of the excess profits the employer unfairly reaps from the sweat of the employee's brow. While the political merits of that approach might be debated, according to a recent case decided by the New Jersey Supreme Court, "doing it on his time" may be risky indeed.

In most states, including Illinois and New Jersey, employees owe their employers a "duty of loyalty," whether or not they have a formal employment contract. This duty of loyalty forbids an employee from both aiding a competitor and taking company business for themselves, either during normal work hours or while at the employer's place of business.

In the New Jersey case, Cameco Inc., a trucking company, found out that one of its employees was secretly arranging shipments for Cameco's competitors and potential Cameco customers on Cameco trucks that had excess, unused capacity. Although the case was initially thrown out by the trial court, the New Jersey Supreme Court reinstated it. This means that the employee may be liable to Cameco for $26,000, his profits from his side shipping business.

The Cameco case reaffirms that, while on company time or while at the company store, employees should not take company business for themselves or help a competitor. In short, do it on his time at your peril!