

# Can you legally search a worker's locked desk?

Employees may think of “their” desks as their own private domains—safe places to keep their own things literally under lock and key. For the most part, that’s fine. It’s usually no problem for employees to stash medicines, purses or other personal items in a locked desk drawer.

But employers do have the right to open that locked drawer. As the following case shows, it’s best to make sure employees don’t have an expectation of total privacy when it comes to desks or lockers.

**Recent case:** David Ratti, a housekeeping manager at a New Jersey mall, had a heart attack and was hospitalized.

Two weeks later, his boss got the bill for the cell phone assigned to Ratti. She needed to look at the phone to verify information on the bill, so she looked in Ratti’s desk and used a key to open a locked drawer.

Inside she found a paper bag containing a pellet gun and ammunition. She fired Ratti for violating the company’s weapons policy.

Ratti sued, alleging invasion of privacy.

The court tossed out his case after learning that the office was unlocked and that Ratti shared the desk with co-workers. It reasoned Ratti didn’t have any reasonable expectation of privacy even if he did lock the desk. (*Ratti v. Service Management Systems*, No. 06-6034, DC NJ, 2008)

**Final tip:** The best way to minimize your exposure to liability is to require employees to sign off on a “workplace inspections” policy that gives you the right to conduct inspections of desks, lockers, bags, vehicles in the parking lot, etc.

In some circumstances involving employee theft, violence or weapons, it’s also prudent to call the police.