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PRIVACY LAW

Sales exec claims she was fired for removing app that allowed boss to track her 24/7

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BY DEBRA CASSENS WEISS ([HTTP://WWW.ABAJOURNAL.COM/AUTHORS/4/](http://www.abajournal.com/authors/4/))

A sales executive in Bakersfield, California, claims she was fired because she removed an app from her company-issued cellphone that allowed her boss to track her location 24 hours a day, seven days a week.

The May 5 suit by Myrna Arias claims her boss at Intermex Wire Transfer required employees to keep their cellphones on at all times to take client calls and admitted that employees would be monitored while off duty, Ars Technica (<http://arstechnica.com/tech-policy/2015/05/worker-fired-for-disabling-gps-app-that-tracked-her-24-hours-a-day/>) and Courthouse News Service (<http://www.courthousenews.com/2015/05/08/timecard-app-tracks-workers-woman-says.htm>) report. The job management app, called Xora, had a GPS function.

Arias' boss bragged that he even knew how fast she was driving, the suit says. Arias says she was fired in May 2014 after she complained and removed the app.

The suit claims violation of the right to privacy and California labor laws, unfair business practices, and wrongful termination in violation of public policy.

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Woman fired after disabling GPS on work phone

By [Jose Pagliery](#)



A woman in California says her boss forced her to download a phone app that tracked her 24 hours a day. When she deleted it, she was fired.

Myrna Arias is now suing her former employer, Intermex, a wire transfer business that lets customers send money to Latin America.

Intermex, which is based in Miami, did not return calls for comment.

Arias, 36, is a single mother of two kids in Bakersfield, which is about half way between Los Angeles and San Francisco. Her story begins last year in February, when she started working at Intermex as a regional sales executive.

It was her job to travel across Central California, visiting bodegas and Hispanic business owners to convince them to install Intermex machines.

With all that time on the road, how did Intermex keep track of employees? Arias says it relied on an app called Xora.

Xora is a legitimate corporate software found in the Apple ([AAPL](#), [Tech30](#)) iTunes and Google ([GOOGL](#) [GOOGLE](#)) Play app stores. Xora lets employees clock in and out, fill out forms and log trips. But it also tracks workers' locations via GPS, constantly sending that information back to the boss.

After two months on the job, Intermex forced Arias and other employees to download the Xora app

onto their company devices, according to the lawsuit. The company also told them they needed to keep their phones on all day, every day.

But Arias became uncomfortable when she realized her boss could physically track her nonstop. It only got worse when her direct supervisor joked that "he knew how fast she was driving" on any given day, the lawsuit claims.

"She was offended that the app would track her when she was at home with her family doing personal, private things on the weekends," said Arias' attorney, Gail Glick.

Arias and another coworker complained and deleted the app. A few weeks later, they were both fired. Only Arias has sued so far, Glick said.

Employers have been using Xora for years. It's been popular since at least 2006. But this court case poses an interesting question: Does a boss have the right to track you all the time?

Arias, through her attorney, declined to be interviewed. But her lawyer said there are limits on what employers should be able to track.

"What business is it of my employer whether I go visit my grandmother?" Glick asked. "Or go to a bar? Or travel out of town for the weekend? None. It feels like big brother."