



Legal Views

- ❖ Current Issues
- ❖ Case Notes
- ❖ Counsel Help

Volume 14, Issue 2

A Resource from Montgomery County's Office of the County Attorney

May 2009

Isiah Leggett, County Executive

Leon Rodriguez, County Attorney

What's Personal About Your Workplace "Personal Computer"?

Erin Ashbarr

The advent of computers and the electronic transmission and storage of information has required courts in recent years to determine what privacy rights, if any, employees have in personal information stored in and transmitted by workplace personal computers (PCs). In reviewing this question, courts have routinely held that employees have no expectation of privacy in their use of company computers when their employer published a clear policy that informs employees that company computers cannot be used for personal purposes, and that use of the company computer may be monitored.

The County has an Administrative Procedure (AP) that outlines the privacy expectations for County employees in their County-provided PCs. AP 6-1 states that any

continued to page 2

Civil Rights Protections Restored

Nancy Appel

On January 29, 2009, President Obama executed the Lilly Ledbetter Fair Pay Act of 2009, which reverses the Supreme Court's decision in *Ledbetter v. Goodyear Tire & Rubber Co., Inc.*, 550 U.S. 618 (2007). The Supreme Court ruled that a plaintiff suing for wage discrimination under Title VII must file a complaint within 180 days from issuance of the first discriminatory paycheck rather than 180 days from discovering the pay discrimination. Undisputed facts showed that Ms. Ledbetter only learned of the pay discrimination, after working at Goodyear for 17 years, when a co-worker left an anonymous note in her mailbox, accurately showing her salary and the salaries of her male colleagues.

The Ledbetter Act provides that each paycheck that delivers discriminatory compensation is actionable - regardless of when the discrimination began. An individual subjected to wage discrimination under Title VII, the Age Discrimination in Employment Act, or the Americans with Disabilities Act may file a complaint within 180 days (or 300 days in jurisdictions with local laws prohibiting the same form of compensation discrimination) of the following: 1) when a discriminatory compensation practice is adopted; 2) when the individual becomes subject to the discriminatory practice, or 3) when the individual's compensation is affected by the application of discriminatory compensation. The Ledbetter Act is retroactive to May 28, 2007, and applies to all claims of discriminatory compensation pending on or after that date. Montgomery County's Human Rights and Civil

continued to page 2

INSIDE THIS ISSUE

3 Recycling: Did You Know That...?



information transmitted or received using the County's internet, intranet, and e-mail services, or stored on a County computer, is the property of the County and is not considered private. AP 6-1 specifies that this includes e-mail from an employee's personal account, such as Hotmail or AOL, if that e-mail is stored on the County computer.

While AP 6-1 requires that County PC's be used for completion of County-assigned responsibilities, it does recognize that occasional, personal use of County-provided internet, intranet, and e-mail may occur. To that end, AP 6-1 states that a County employee may use those services on a limited, reasonable basis, but such personal use must be minimal, and use of County-owned PC's must comply with all applicable federal, State, and County laws, including AP 6-1.

AP 6-1 also authorizes the County to access and monitor the use of County-provided internet, intranet, e-mail, and computer files. By virtue of using these County-provided services, County employees consent to the terms of AP 6-1.

Thus, as is true with many workplace PC's, there is nothing very personal about your County-provided PC. ❖

Civil Rights

continued from page 1

Liberties Law, codified in Chapter 27, provides County residents with the same civil rights protections as Title VII.

Individuals who are aware of unexplained differences between the individual's compensation and coworkers' compensation and believe that the difference arises from race, color, religion, sex, national origin, age, or disability should contact the Equal Employment Opportunities Commission, at 1-800-669-4000, for more information about filing a charge. The County's Human Rights Law provides a broader class of protections than Title VII by prohibiting discrimination on the basis of ancestry, marital status, presence of children, family responsibilities, source of income, sexual orientation, gender identity, and genetic status. Individuals who are aware of unexplained differences between their compensation and coworkers' --

and believe the difference arises from any of the prohibitions in Title VII or Chapter 27 -- can also contact the Montgomery County Office of Human Rights at (240) 777-8450 for more information about filing a complaint. ❖

People Who Make a Difference Have...

INITIATIVE – *being a self-starter with contagious energy.*

VISION – *seeing beyond the obvious, claiming new objectives.*

UNSELFISHNESS – *releasing the controls and the glory.*

TEAMWORK – *involving, encouraging, and supporting others.*

FAITHFULNESS – *hanging in there in season and out.*

ENTHUSIASM – *providing affirmation, excitement to the task.*

DISCIPLINE – *modeling great character regardless of the odds.*

CONFIDENCE – *representing security, faith, and determination.*

Charles R. Swindoll
From "The Finishing Touch"
Lists to Live By, 2nd Collection
Compiled by A. Gray, S. Stephens, J. Van Diest

Recycling: Did You Know That...?

Terrilyn Brooks

Recycling is crucial to sustaining our environment. Everywhere you turn these days, the public is concerned about conserving our environment and seeks ways to recycle waste. Although we know recycling is important, do we know the benefits?

Air and water pollution are major concerns. Did you know that through reducing carbon dioxide emissions by recycling, air pollution is reduced? By using fuel efficient vehicles, purchasing green power from renewable sources of energy, and using energy efficient light bulbs, air pollution is reduced. Another benefit of such uses is the cost savings for the users. We benefit from recycling motor oil, as it helps reduce the potential for water pollution, especially if the oil were to be improperly disposed.

Recycling reduces the need to use natural resources, such as our forests and mines. Did you know that the accrued revenue from the sale of commingled materials for Fiscal Year 2008 at the Montgomery County Recycling Center was \$3,833,226? Recycling also reduces

the need to use other methods of disposal. For example, if the use of a landfill for disposal decreases, the life of the landfill increases, thereby, disposal costs decrease.

Did you know that new jobs and new technologies are created through recycling? One new area of focus is printed circuit boards (PCBs), previously thought to be difficult to recycle. Last year, resins and fibers from PCBs, deemed unusable, are now separated out and recycled for use in fences and sewer grates. Did you know that lumber alternatives are manufactured with 50% recycled plastic bags and 50% recycled wood waste? Did you know that insulation is made from recycled denim clothing and recycled cotton fibers? Did you know that a cell phone made from recycled water bottles was recently unveiled?

Expansion of new ways to recycle can be quantified in several ways:

- One recycled aluminum can provides enough energy to operate a television set for three hours;
- Steel, glass, and aluminum can be recycled numerous times and made into new and different products every time;
- One recycled glass bottle supplies enough energy to operate a 100-watt light bulb for four hours.

As you can see, there are numerous benefits to recycling. So, the more you recycle, the more benefits we all reap. ❖



Office of the County Attorney – Legal Views
101 Monroe Street, 3rd Floor, Rockville, MD 20850
(240) 777-6700
<http://www.montgomerycountymd.gov/govtmpl.asp?url=/content/countyatty/index.asp>

Publisher

Leon Rodriguez, County Attorney

Managing Editor

Janita L. Burdette, Paralegal

Editorial Staff

Karen L. Federman Henry

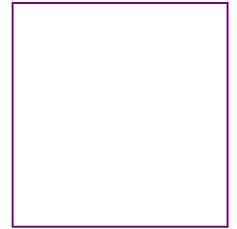
Edward B. Lattner

Patricia P. Via

Legal Views is a quarterly newsletter prepared as part of the County Attorney's preventive law and education efforts. This information is not legal advice, but an informative tool. While we attempt to ensure the accuracy of information, the informal nature of Legal Views does not allow for thorough legal analysis. If you have an interest in a reported article, please contact us. If you wish to be placed on our mailing list, please send your request with your full name, address, and phone number.



Legal Views
Office of the County Attorney
101 Monroe Street, 3rd Floor
Rockville, MD 20850



ADDRESS CORRECTION REQUESTED

