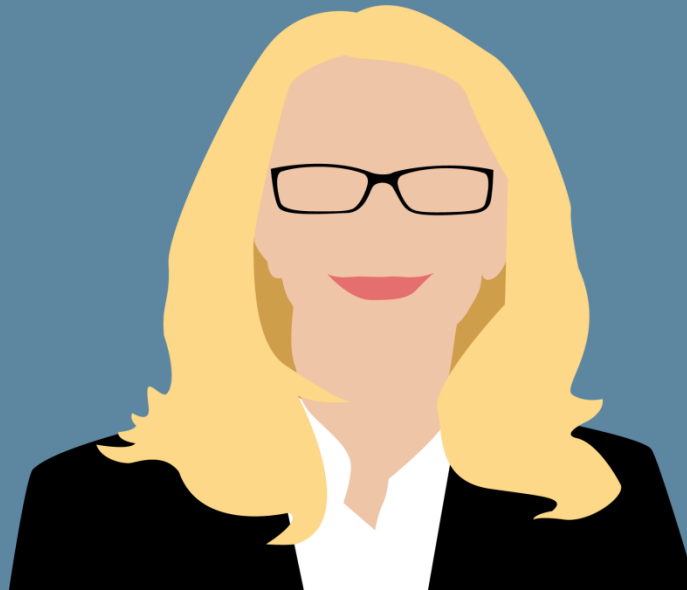


Legal Lunch with Laura



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Webinar Purpose

- Today's webinar will be 30 minutes
- Objective is to educate you about current and interesting topics that are applicable in your workplace

Topics of Discussion

Social Networking Passwords

Are employers permitted to ask for passwords to employees' personal accounts?

NLRB Workplace Posting

Discussion of the federal court's April 17, 2012 decision on the mandatory posting.

Lunch Dates for 2012 Webinars

Tuesday, May 15

Tuesday, July 17

Tuesday, September 18

Tuesday, November 20

*Note – this is the third Tuesday of every other month from
12:00 – 1:00 p.m.

Maryland's Electronic Account Privacy Protection

Maryland employers, including state and local governments, are prohibited from requesting or requiring an applicant for employment or a current employee from disclosing a username, password or other means of accessing a personal email account or Internet Service.

Senate Bill 433/House Bill 964 (both passed)

Webinar Poll

Do you have a personal LinkedIn account that you use for business purposes?

☐ YES

☐ NO

Eagle v. Morgan

Civ. No. 11-4303, 2011 WL 6739448 (E.D. PA. Dec. 22, 2011)

- The court addressed the question of ownership of a personal business networking account under the facts presented.
- The company argued, among other things, that (1) it developed and maintained most of the connections and content on the employee's LinkedIn account; and (2) company provided templates for employees to use.
 - The employee argued, among other things, that the Company's takeover of her account invaded her privacy, misappropriated her identify; and used her name without authorization.

TEKsystems, Inc. v. Hammernick

Civ. No. 10-819 (D. Minn. March 16, 2010)

Issues: (1) Did the employee violate her non-compete by “connecting” with former co-workers using her LinkedIn account? (2) Was the employer’s written agreement drafted broadly enough to prohibit the employee’s actions?

Decision: Court did not address the merits because the plaintiff consented to the injunction.

Social Networking in your workplace

- Determine if the Company wants to own employees' social/business networking accounts
- If so, take an active role in establishing your employees' accounts and monitoring their content
- Draft a social media policy
- Regularly review the policy and its applicability to how your employees are using their accounts

Mandatory NLRB Posting

**Who? What? Where? When? Why?
How?**

- What is the purpose of the posting?
- To whom does it apply?
- What does the posting say?
- What are penalties for failing to post?
- What issues are the courts deciding now?

History of NLRB Poster

In August 2011, the NLRB published a final rule requiring all employers subject to the NLRA to post a notice in the workplace informing employees of their rights to organize a union, to engage in collective-bargaining, and to strike, picket or take other concerted action; and, other rights under the Act.

Legal Challenges to the Rule

1. *National Association of Manufacturers v. NLRB*, Case No. 11-CV-1629 (D.D.C. Mar. 2, 2012).
2. *Chamber of Commerce of the United States v. NLRB*, Case No. 2:11-cv-02516-DCN (D.S.C., April 13, 2012).
3. *National Association of Manufacturers v. NLRB*, Case No. 12-5068 (D.C. Cir., April 17, 2012)

Webinar Poll

Do you think the Court will side with the NLRB and mandate the poster?

☐ **YES**

☐ **NO**

Whatever the outcome

- Maintain open communication
- Establish fair and well-communicated policies
- Train management to treat subordinates with dignity and respect.

Reminder: 2012 Lunch Dates

Tuesday, May 15

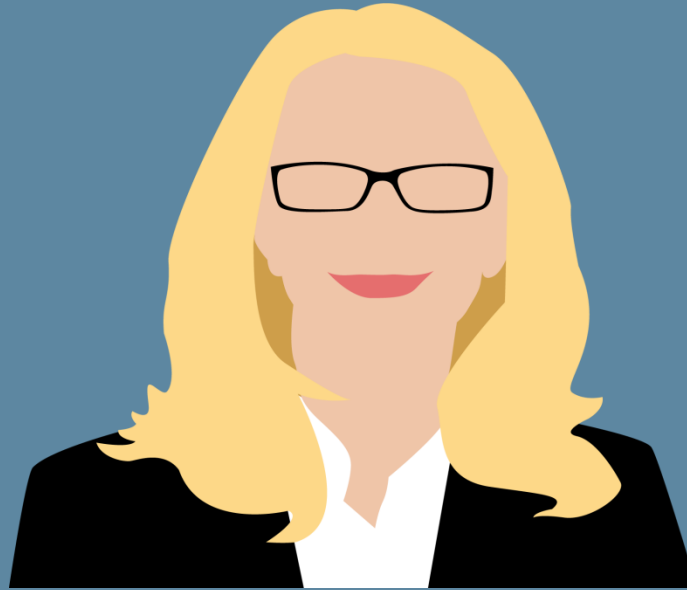
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