

LAW REVIEW 14043
March 2014

**Do Not Use your Employer's Computer
To Complain about your Employer**

By Captain Samuel F. Wright, JAGC, USN (Ret.)

1.0—USERRA generally

Because of highly publicized cases of egregious security violations (Edward Snowden, Bradley Manning, Aaron Alexis, etc.), as well as embarrassing situations involving federal employees who spend a good part of every work day using the government computer to surf porn sites, the Federal Government and other employers are increasingly and appropriately monitoring employee use of employer computers during the work day. Accordingly, I reiterate the advice that I have given in several Law Reviews, including Law Review 12106.¹

Do not use your employer's computer, telephone, or time to complain about your employer and to seek advice and assistance in dealing with the employer. Don't think that you can solve this problem by using the employer's computer to access your yahoo or gmail account. You should have a computer and Internet access at home, and you should use your own personal equipment, outside your work hours, to contact me or anyone else when complaining about your civilian employer. If you cannot afford a computer and Internet access at home, go to your local public library.

Almost every day, I receive an e-mail like the following: "Let me tell you all the terrible things that the XYZ Company is doing to me because I am in the Army Reserve." The e-mail is from Joe.Smith@xyz.com. *Don't be stupid!*

You have no reasonable expectation of privacy when you use the employer's computer, telephone, or time to complain about your employer. Moreover, if the employer is annoyed with you because you have been called to the colors five times since September 11, 2001 and expect to be called again, and if the employer is looking for an excuse to fire you, the last thing that you should do is to give the employer the excuse that he or she is seeking.

As the Director of the Service Members Law Center, I am here at my post answering calls and e-mails during regular business hours Monday-Friday and also until 10 pm Eastern on Mondays and Thursdays. Monday or Thursday evening is a very good time to call me at 800-809-9448 or to e-mail me at SWright@roa.org.

¹ Please see www.servicemembers-lawcenter.org. You will find 1,034 articles about laws that are especially pertinent to those who serve our country in uniform, along with a detailed Subject Index and a search function, to facilitate finding articles about very specific topics.