

The Douglass Law Firm

Employment Law - Civil Rights



www.douglasslawfirm.com
609-788-3595

SOCIAL MEDIA AND THE LAW; MAKING THE NEWS.

By: Michelle J. Douglass, Esq.
May 9, 2013

There is no doubt about it, social media is here to stay and I like it that way. Social media has many uses and benefits. One of the most commonly used social media platform when it comes to finding jobs or hiring employees is LinkedIn.

The website is basically a human resource platform that aids

individuals in locating the right job that matches their interests. Undoubtedly an invaluable tool for those in the job search marketplace.

Sales benefits to businesses are yet another valued added social media marketing tool. Many affiliates and online sellers rely on social media to build a reputation and make it easier to earn the trust of buyers. Compared to random selling on the internet, you create an account and develop a personality to cater to specific needs of individuals.

Social media platforms are well-known to have features and apps that make it easier for individuals to communicate. Online users still rely on email but there are other opportunities to share and exchange information quickly. Examples are through chat, direct messaging, video chat and video conferencing. People can facilitate and make decisions regardless of the time and place.

Since a lot of social media users today have at least one mobile device or smart phone, information can be forwarded immediately and reach the contact person in a matter of seconds. Family members, friends established years ago, colleagues and others who I have not had the luxury of time to stay in touch with over the years, I am now able to connect or reconnect with relative ease. I embrace this ability to be connected to my world.

As with any good thing, there comes the bad.

Opponents of social networking say that the sites prevent face-to-face communication; waste time on frivolous activity; alter children's brains and behavior making them more prone to ADHD; expose users to predators like pedophiles and burglars; and spread false and potentially dangerous information.

Whatever your position on social media may be (chances are you are a proponent if you are reading this article now and understand as I do, that with all things in life there is the need for balance and control. All things in moderation right?), it is here to stay and we need to be conscious of the laws affecting this powerful tool.

This week, Gov. Chris Christie has conditionally vetoed a bill that would bar employers from demanding social media IDs from employees and applicants. Privacy concerns have to be balanced against "an employer's need to hire appropriate personnel, manage its operations, and safeguard its business assets and proprietary information," he said Monday in his veto statement. Christie recommended eliminating provisions in A-2878 that allow employees to sue for violations of the law and that bar employer's need to hire appropriate personnel, manage its operations, and safeguard its business assets and proprietary information," he said Monday in his veto statement.

If it had passed, New Jersey would have become the latest state to prevent employers from requesting their employees' social networking logins, with Maryland being the first to pass such a law in March 2012. Since then, California, Illinois, Michigan and Delaware have enacted similar laws. Utah, Maine and Texas are also

considering state laws that prohibit employers from asking for login information.

So, what provisions of the bill did Gov. Christie veto?

First, the conditional veto struck the entire section of the bill that would prohibit employers from inquiring whether an applicant or employee has a personal social networking account. (It's none of the employer's business anyway).

Second, the conditional veto also struck the entire section of the bill that sought to create a private cause of action against employers (with money damages and attorneys' fees among the available remedies) for violations. (How else may a person wronged by an employer's invasion of privacy afford to fight such a battle?).

Finally, the revised bill includes language that expressly protects an employer's right to implement policies protecting legitimate business interests and to access and use any social networking information available in the public domain. (No problem here).

It is worth noting that the bill passed through the General Assembly by a vote to 75-2, making it likely that the legislature would have overruled an outright veto. However, within his conditional veto, Governor Christie praised the sponsors of what he called an overbroad but "well-intentioned bill," and legislators have initially appeared willing to consider the Governor's modifications to the bill.

The bill is not only well-intentioned, it is much needed. Stay in touch for more to come on the status of the bill.

Michelle J. Douglass is an attorney with the Douglass Law Firm and a frequent contributor to The Douglass Law Firm Newsletter. She may be reached via email at mjd@douglasslawfirm.com





The Douglass Law Firm, L.L.C.
1601 Tilton Road, Suite 6
Northfield, NJ 08225
609-788-3595
<http://www.douglasslawfirm.com>

1601 Tilton Rd Suite 6 | Northfield, NJ 08234 US

This email was sent to mjdouglasslaw@gmail.com. To ensure that you continue receiving our emails, please add us to your address book or safe list.

[manage](#) your preferences | [opt out](#) using TrueRemove®.

Got this as a forward? [Sign up](#) to receive our future emails.

