

Legal Updates (Employment): Social Networking @ Work

Kirk W. Mylander, *Pre-Loss Attorney, CIS*

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Ousted mayor makes no apologies for lingerie photos
 Her pictures were a hit on MySpace, but not with voters in her small town

By Mike Colucci
 TODAY.com contributor
 updated 10:52 am PT Nov. 5, 2010

Just a few months ago, Carmen Kortum-Gronquist was many things — small town mayor, single mother, health care administrator and fitness buff. Today, she's best known for one thing: being the mayor who was stripped of her office over an online picture of her in her underwear.

"This is an apology for the photos on MySpace?" she asked rhetorically during an interview on Monday in New York with TODAY's Meredith Vieira. "No, I don't."

Instead, Kortum-Gronquist is selling coffee and, undaunted, posted the pictures that got her a recall election — and headlines around the world — in the tiny town of Arlington, Ore.

Very interesting article.

On her way to the airport.
 Photo © Gordon Taylor/Reuters. Some may say it's strange. She was out there one day dressed in lingerie after posting photos of her naked on MySpace.

Today show.



Social Networking @ Work



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- Time Americans spend on Social Networking increased 88% from 2008 to the present



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- 22% of employees self-report using Social Networking 5+ times per week at work
- 15% admit using Social Networks while at work for personal reasons



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- By the end of 2008, Social Networking surpassed email in terms of world wide reach



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- Social Networks & Blogs account for 67%+ of all online activity
- What is the remaining 33%?



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- Nearly 1/2 of employees in study by Boston IT advisory firm, Nucleus Research, use **facebook** during work hours 2 hours per day.



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- “Can an employer insist that an employee’s Facebook page name an employer-representative as a “friend” so it can be closely monitored?”



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- Nucleus Research found that employees with access to Facebook lose an average of 1.5% in total worker productivity

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- Proofpoint Study (Internet Security Firm) found:
 - 17% of having problems with employees & Social Networking

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 **Social Networking @ Work** 

- 8% have fired employees for Social Networking
 - 100% increase from 2008 to 2009

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- 15 percent have disciplined an employee for violating multimedia sharing / posting policies
- 13 percent of US companies investigated an exposure event involving mobile or Web-based short message services
- 17 percent disciplined an employee for violating blog or message board policies

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- Factors:**
 - Employers more closely monitoring Social Networking sites; and
 - Employees continuing to utterly fail to use common sense when posting about work-life

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Local news & conversation: North | Hudson | Essex | Union | Morris | Middlesex | Somerset | Hudson

New Jersey Real-Time News
Breaking Local News from New Jersey

Bergen County

Paramus suspends employee for Facebook posting

By Paul Costello Star Ledger
January 21, 2009, 6:31 AM

Paramus officials suspended without pay a public employee who posted comments about President Barack Obama and the Rev. Martin Luther King Jr. on his Facebook page.



Christopher Petrozic works in the Shade Tree and Parks Commission. Petrozic said the board's comments were taken out of context and the borough is retaliating against him because he is an active member of a union that is suing the town.

Petrozic posted a greeting on Monday, Martin Luther King Day, saying, "Chris would like to wish everyone a happy James Earl Ray day. Ray is the man who assassinated King."

The page also included a Kentucky Fried Chicken ad superimposed on a picture of the White House and a social star referring to Obama.


Paramus Borough Administrator Jeffrey Luciani said the Bergen County Prosecutor's Office and Paramus police are investigating whether the posting could be considered a bias crime.

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 **Social Networking @ Work** 

Paramus suspends employee for Facebook posting
By [Paul Cox/The Star-Ledger](#)
January 21, 2009, 6:31AM

- Petronzio posted a greeting on Monday, Martin Luther King Day, saying, "Chris would like to wish everyone a happy James Earl Ray day." Ray is the man who assassinated King.
- The page also included a Kentucky Fried Chicken ad superimposed on a picture of the White House and a racist slur referring to Obama.





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- Facebook Example:





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- Insurance Co. employee claimed she needed to be away from her computer monitor and bright light, so stayed home sick.
- She was spotted actively using Facebook, and fired.
- Company said "Trust Issue"
- Employee said "Spying Issue" & only iPhone Access





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- Delta flight attendant, Ellen Simonetti,
 - Blog
 - Photos of Herself in Uniform
 - Fired
- She sues for sex discrimination
 - Claimed male colleagues with questionable material on their blogs went unpunished





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- Legal Issues:
 - Free Speech
 - Matter of “Public Concern”?
 - Privacy
 - Any expectation of privacy on the Internet?
 - Workplace activity
 - None workplace activity





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- Tide is Changing Direction
 - Konop v. Hawaiian Airlines Inc., 502 F3d 868 (9th Cir. 2002)
 - Company does not have unfettered right to access and review contents of personal website
 - Website was password protected
 - Pif/pilot did have expectation of privacy



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- California and New York
 - “Off Duty Activity” statutes
 - So far, akin to political activities and similar to freedoms public employees already have.

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 **Social Networking @ Work** 

- Some Employers Encourage Social Networking and Blogging
 - Reaching Out to Customers & Community
 - Zappos Employees “Stalking” Customers on Twitter

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 **Social Networking @ Work** 

- Social Networking Policy?
- Off Duty Conduct Policy?
 - Reminders to locate your common sense

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Social Networking @ Work


- Issues to Address, Either Way:
 - Views of the person are not ever attributed to the public body
 - Posts must comply with existing policies re harassment and discrimination
 - Posts must comply with existing policies re confidentiality and improper disclosures



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Social Networking @ Work

- Online activities must not interfere or negatively affect work tasks or public body
- Employee must not reference public body, or its services
- Must adhere to all copyright laws
- City / County logos should not be used
- Keep a firm grasp on your common sense



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Thank You



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