

WHEN SOCIAL MEDIA BECOMES ANTI-SOCIAL

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In one of the first laws of its kind, California passed Assembly Bill 1844 regarding employer use of social media. AB 1844 prohibits employers from requiring employees or job applicants to disclose a user name or password for the purpose of accessing personal social media, to access personal social media in the presence of an employer or to divulge any personal social media. The law also prohibits employers from discharging, disciplining, threatening to discharge or discipline, or otherwise retaliating against an employee or applicant for not complying with a request or demand by the employer that violates these provisions. Interestingly, the legislation does not impact an employer's right to request an employee to divulge personal social media "reasonably believed to be relevant to an investigation of allegations of employee misconduct or employee violation of applicable laws and regulations", provided that the social media is used only for the purpose of the investigation. The law takes effect on January 1, 2013.

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