



# Chamber OnLine

*News from the Genesee County Chamber of Commerce*

## **If you wouldn't say it to your boss' face, don't post it on Facebook!**

When I was in Las Vegas Marathon last year, I saw a t-shirt that read: "What happens in Vegas stays on Facebook". The same day, the Wall Street Journal ran a story about how many people are getting fired because of what they post on Facebook. The National Labor Relations Board reports that in the past year, over 100 companies have been accused of improper activity related to disciplining employees for what they posted on Facebook.

The board concluded that only about half had enough merit to warrant further action, and their decisions have been split.

In one case, Frito-Lay fired an employee who posted that he was "A hair away from setting it off" in the warehouse where he worked. The employee filed a complaint with the apparent intent to sue for wrongful termination, but the board ruled the employee was not wrongfully terminated.

In a case where a paramedic called her supervisor a scumbag on Facebook, the board ruled that she was wrongfully terminated because her comments were made as part of an online discussion among employees, which is protected under the 1935 Labor Relations Act.

In a case where a Wal-Mart employee was reprimanded for calling his supervisor a derogatory name on Facebook, the board ruled in Wal-Mart's favor because that posting was not part of a discussion with other employees, so it was not protected under the law.

This is new legal territory, but both the NLRB and employers agree that the first step to a solution is a good social media policy. The problem is that the NLRB says they haven't seen one they like yet.

Legalities aside, here's a simple rule of thumb:

If you wouldn't say it to your boss's face, don't post it on Facebook!

We used to call that common sense, but apparently common sense isn't as common as it used to be. What you put on Facebook today will impact your chances of getting every job you apply for the rest of your life, so think before you post.

**- Glenn Shepard**

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