

Saving Face

**By Reg P. Wydeven
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I've written several articles in the past where the law has a hard time keeping up with the advances of technology. Privacy issues, freedom of speech, copyright and intellectual property piracy are all areas where the application of existing laws did not always lead to a just result. When drafted, the legislators could never have predicted the technological situations these laws would possibly govern.

One such situation involves social networking sites, such as Twitter, Facebook and MySpace. These sites were intended to allow web surfers to share photos and stories with one another and to stay in touch. But a whole host of other Internet users have found many other practical applications for these sites.

For example, employers are no longer just looking at resumes and speaking to references when making hiring decisions. Nor are they just looking at job performance when deciding to terminate employees. Employers are now looking at social networking sites when they are hiring or firing employees.

For example, a South Carolina police officer was fired after a photo of heavily tattooed women in bikinis washing his squad car was posted on Facebook. Bank intern Kevin Colvin was fired from his job when his employer saw a picture of him clearly intoxicated and dressed as Tinkerbell at a Halloween party...after telling his boss he had to miss work because of a family emergency.

However, for the first time, the National Labor Relations Board recently filed a complaint against an employer on behalf of an employee. The NLRB claims the American Medical Response of Connecticut violated an employee's freedom of speech after firing the emergency medical technician for posting negative remarks about her boss on her Facebook page.

The company has a policy prohibiting employees from making disparaging, discriminatory or defamatory comments about the company, superiors, coworkers or competitors. However, the NLRB argues that online venting is essentially the same as complaining about the boss by the water cooler with coworkers, and therefore, should be protected.

Obviously many employers will be following this case when it is heard in January. Experts are recommending that employers should review their Internet and social media policies to ensure they do not hinder employees from exercising their rights to communicate with each other about wages, hours, and conditions of employment.

But employers aren't the only ones snooping around on social networking sites. Several insurance companies have begun perusing the web looking for their insureds engaging in risky behavior. In other words, if your insurance company sees pictures of you online drag racing, skydiving or smoking, your policy could be canceled or your rates could go up.

Debt collectors are chasing down debtors by following them online. One Florida debtor, Melanie Beacham, is even suing the Mark One LLC debt collection agency claiming the company violated the Fair Debt Collection Practices Act while attempting to collect \$362 for an unpaid car loan by sending her messages on Facebook and by telling family on the social networking site to have her contact the agency.

Finally, criminals love to mine the Internet for helpful tidbits to rip us off. Experts say to never post online your address, birth date and place, vacation plans or possible password information, such as maiden names, favorite pets, etc. If you do, you're practically inviting thieves to rob your identity or your house.

So the next time you're about to post something online, please think about who might see it.

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