Business Horizons (2015) xxx, xxx—xxx

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BUSINESS LAW & ETHICS CORNER

Fired for Facebook: Using NLRB guidance to craft appropriate social media policies

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KEYWORDS
Social media;
Facebook;
Terminations;
NLRB;
Organizational policies

Abstract Online social media websites have become a major way by which people communicate. This communication can include information deemed relevant to work, in both positive and negative ways. There has been a rise in workers fired for posts they have made on social media. With such terminations come questions of their legality, especially when they involve workers discussing work-related matters and work conditions. These discussions can also include multiple workers chiming in with comments or Facebook 'likes.' A number of such termination cases have been brought to the National Labor Relations Board (NLRB) with different rulings made based on the nature of the social media content and the amount and type of response by fellow workers. This article reviews NLRB cases related to social media terminations and common guiding principles that emerge across cases. We give four recommendations to organizations as to how to engage in legal terminations and create social media policies that will pass muster with the NLRB. We discuss general guidelines for crafting social media policies. Finally, we discuss what we still need to know and research in this new and rapidly changing work context.

1. Social media-based worker discipline

Triple Play Sports Bar is a bar and restaurant in Watertown, Connecticut. In 2011, former Triple Play employee Jamie LaFrance posted the following status update on Facebook after she discovered that she owed money on her state income taxes. "*Maybe someone should do the owners of Triple Play a favor and buy it from them. They can't even do the tax paperwork correctly!!! Now I OWE money. . .Wtf!!!*" Current Triple Play employee Vincent Spinella 'liked' LaFrance's post. Triple Play waitress and bartender Jillian Sanzone then posted: "*I owe too. [The boss is] Such an a**hole.*" Spinella and Sanzone were terminated from their positions at Triple Play as a result of their posts (Gordon & Argento, 2014). This is just one of several cases involving social media-related terminations of employment that have come before the National Labor Relations Board (NLRB, or "the Board") since 2011.

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0007-6813/$ — see front matter
http://dx.doi.org/10.1016/j.bushor.2015.05.008

Social media are Web applications that allow users to create and share user-generated content (Kaplan & Haenlein, 2010) and have become one of society's major means of communication. As a result, personal social media usage has unavoidably become intertwined with the workplace. Research by Weidner, Wynne, and O'Brien (2012) found in an adult working sample that 60.1% of participants were connected with a colleague through a social media site and in fact 40.5% were connected with their immediate supervisor.

Management disapproval of employees' social media posts has resulted in a number of terminations of employment, a phenomenon called by some in the popular press 'Facebook Fired' (Hidy & McDonald, 2013). Such circumstances are commonly publicized by local and national media outlets, often due to societal notions of injustice or individual concerns about privacy (Zremski, 2013). Social media-based terminations have also led to several wrongful termination lawsuits, which organizations have had to commit both time and resources to defend. Proper procedures for terminating employees are vital for organizations (Plump, 2010), and questionable employee social media use is a new issue that organizations need to consider in the termination decisions that they make.

Social media posts related to employee discipline or termination can pose other particular challenges to employers and can depend greatly on the facts and circumstances of each case. One of the foremost issues is whether a social media-based termination of employment is appropriate in every situation, or whether situations exist where terminating an employee might constitute an unfair labor practice in violation of federal law. Also, with the growth in popularity of social media policies, an issue exists as to the policy language that is used by an organization. While organizations certainly have an interest in drafting a comprehensive, clear social media policy, that policy must also not infringe on their workers' right to organize or freely discuss their working terms and conditions.

This article reviews pertinent social media-based termination cases, as well as the Board's recent rulings with regard to social media policy language. We offer four major recommendations to organizations and outline several policy-drafting considerations. Finally, we discuss what we still need to know about social media-based terminations and suggest areas for future scholarly work. With the prevalence of social media use, it is necessary for organizations to know the law related to social media, and it is an area that has been underexamined in the academic management literature (Davison, Maraist, & Bing, 2011).

2. Legal background

Most private sector workers in the United States are at-will employees, which means that employers are able to terminate their employment at any time. Though there are exceptions to the at-will employment doctrine, there are relatively few protections for workers who are terminated for their social media activities (Lucero, Allen, & Elzweig, 2013). The common misperception is that the First Amendment applies to protect free speech in all matters. However, free speech protections cover terminations of employment only when public sector employees are speaking about matters of public concern. The First Amendment will likely not shield at-will employees from employer discipline (Fulmer, 2010). Nevertheless, some protection may be found in the National Labor Relations Act, or NLRA (Montgomery, 2012).

The NLRB is an independent federal agency that was created to carry out the NLRA (National Labor Relations Board, n.d.). The NLRA protects the rights of employees to act together to address conditions of their employment; in addition, it protects employees' right to organize and collectively bargain (National Labor Relations Act, 1935). Accordingly, the NLRA applies to both union and non-union workplaces (Montgomery, 2012).

The NLRB is composed of five members and a General Counsel, whose job it is to investigate and decide unfair labor practice cases. Each of these members is appointed by the President, with the consent of the Senate. NLRB members are appointed to 5-year terms, and the General Counsel is appointed to a 4-year term. The NLRB is charged with overseeing nearly every aspect of employer-employee relations, receiving between 20,000 and 30,000 employee complaints per year (National Labor Relations Board, n.d.).

In 2011, the NLRB first extended protection to employees' work-related conversations conducted on social media sites (Purcell, 2012a). Specifically, the NLRB cited Section 7 of the NLRA, which protects "the right. . .to form, join, or assist labor organizations. . .and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection."[1] Section 7 further states that private employers may not "interfere with, restrain, or coerce employees in the exercise of" their employee's Section 7 rights. Such interference would constitute an unfair labor practice. Notably, even as the U.S. Supreme Court recently invalidated

[1] All quotes from the National Labor Relations Act, or NLRA, may be accessed at All quotes from the National Labor Relations Act, or NLRA, may be accessed at http://www.nlrb.gov/resources/national-labor-relations-act

approximately 331 NLRB decisions due to the improper appointment of three of the five 2012-2013 Board members, the current, properly appointed Board has applied the same basic legal standards (Witlin, 2014).

Several guiding principals have emerged from the NLRB regarding social media-based terminations of employment. Foremost among these is the fact that employers cannot interfere or otherwise take action to restrain protected concerted activity, which generally refers to two or more employees acting together to address work terms and conditions. In addition, a single employee acting on behalf of others, or a single employee who is initiating group action, can also be deemed to be engaging in protected concerted activity (Meyers Industries, 1986). This is the reason behind the NLRB's decision in favor of the employees, Spinella and Sanzone, in the Triple Play Sports Bar case. Both discharged employees were awarded back pay and money to compensate them for their adverse tax consequences (Gordon & Argento, 2014; Three D, 2011, 2014).

Also important from the Triple Play case and others were the Board's determinations that: (1) a 'like' is not always protected concerted activity (the Board's determination depends greatly on the context of the 'like'); (2) an employee may lose NLRA protection if the activity amounts to a malicious attack on the product or reputation of the employer; and (3) there is no NLRA protection for an employee who is acting alone while posting personal gripes about work (Gordon & Argento, 2014; NLRB v. Electrical Workers Local, 1953). It is against this legal backdrop that we examine additional cases and make our recommendations to employers.

3. Recommendations

3.1. Recommendation #1: Don't infringe on your employees' NLRA right to communicate with one another about their working conditions

The perceived need to police worker social media posts has led to a number of organizations creating formal social media policies, with one SHRM survey from 2012 finding approximately 40% of organizations reported having such a policy. Among the surveyed companies with social media policies, 33% reported that their organizations have disciplined someone in the last 12 months for policy violations (Society for Human Resource Management, 2012). Discipline for online communications may take place even if employees' social networking activities occur while they are off-duty (Lucero et al., 2013). The threshold question in these situations is whether the employee's online speech invokes NLRA protection.

In the Design Technology Group case, three clothing store employees were discharged for complaining about their supervisor on Facebook. The complaints concerned both employee safety (since the supervisor required late store hours) and their supervisor's treatment of employees. The key determination by the NLRB was whether or not the employees' Facebook statements were protected concerted activity. In other words, did the posts made by employees involve a discussion about the terms and conditions of their employment? The NLRB determined that the employees' Facebook conversations were protected under Section 7, so the workers were reinstated to their jobs (Design Technology Group, 2013). In October 2014, the current Board reexamined and reaffirmed its original decision in this case (Design Technology Group, 2014).[2]

In contrast to the Design Technology Group case, the NLRB held in Karl Knauz Motors, Inc. that an employee's Facebook posts fell outside of Section 7 protection. In Knauz, a car salesman named Robert Becker posted pictures and comments about an incident at a Land Rover dealership, which was owned by his employer. That incident involved a 13-year-old who, while car shopping with his parents, got behind the wheel of a Land Rover and drove it into a nearby pond. Becker posted a picture of the accident on Facebook with the comment "OOOPS!" Becker was subsequently terminated (Karl Knauz Motors, 2012).

Though the Knauz case was also decided during the 2012-2013 session, the original decision has been closed and will not be reconsidered by the current Board. While the Knauz case does not have precedential value because of this, the NLRB's General Counsel has publicly indicated that the reasoning behind the Board's decision to uphold the salesman's termination of employment should be adopted by employers (Kaiser, 2014). Thus, because Becker was acting alone, was not discussing terms and conditions of his employment, and was not attempting to initiate group action, there was no violation of the NLRA when he was fired (Karl Knauz Motors, 2012).

3.2. Recommendation #2: Don't draft a social media policy that is ambiguous, vague, or overbroad

The NLRB has consistently recommended that social media policies include specific language regarding

[2] NLRB board decisions are available at http://www.nlrb.gov/cases-decisions/board-decisions

prohibited conduct. By the same token, a social media policy must make clear that the policy does not prohibit protected speech (Purcell, 2012b). The NLRB has struck down various terms used in the social media policies in the cases it has decided because they are ambiguous, vague, or overbroad (Durham School Services, 2014; Karl Knauz Motors, 2012; Laurus Technical Institute, 2014). A lack of specificity in the policy may result in a violation of employees' Section 7 rights (Purcell, 2012b).

In the Knauz case, the Board held that the dealership's Courtesy rule, which was cited as the basis for Becker's termination of employment, violated the NLRA. The rule read as follows:

> Courtesy: Courtesy is the responsibility of every employee. Everyone is expected to be courteous, polite, and friendly to our customers, vendors, and suppliers, as well as their fellow employees. No one should be disrespectful or use profanity or any other language which injures the image or reputation of the dealership.

The Board focused on the second sentence of the rule and its prohibition against "disrespectful" conduct and deemed this to be ambiguous, vague, and overbroad language. Without examples or limitations of what the dealership deemed to be disrespectful, such broad, undefined policy language was held by the Board to violate federal law (Karl Knauz Motors, 2012).

Likewise, in Durham School Services (2014), an employer who managed a fleet of school buses had a social networking policy that required employees to "limit contact with parents or school officials, and keep all contact appropriate." The policy further instructed employees to keep "communication with coworkers professional and respectful, even outside of work hours." Discipline was also discussed in the policy for "employees who publicly share unfavorable written, audio, or video information related to the company, or any of its employees or customers."

The NLRB found that this policy was also overbroad. Specifically, the Durham School's policy (1) failed to adequately specify the types of information employees were prohibited from posting; (2) failed to adequately distinguish between information employees could not post and protected speech; and/or (3) failed to define what types of social media content the employer would consider "appropriate," "professional," respectful," or "unfavorable" (Durham School Services, 2014).

These decisions, among others, establish the principle that employers must not include language in their policies that completely prohibits criticism about the organization. The Board also strongly discourages policy language that permits employers to apply their own subjectivity when issuing discipline to employees (Gordon & Argento, 2014). Instead, employers should consult with legal counsel before firing an employee for a work-related social media group discussion.

The NLRB's stance on the social media policy language indicates the emphasis the NLRB places on making sure that a company's social media policy specifically indicates that it is not intended to reach federally protected communications (Purcell, 2012b). The Board further recommends that employers draft narrowly tailored social media policies that permit employees to discuss wages, hours, and other terms and conditions of employment, even if the content of such posts is negative (Gordon & Woon, 2014).

3.3. Recommendation #3: Employers must be cognizant of common policy language mistakes and employers should include specific examples of prohibited conduct

Several social media policies have been successfully challenged by terminated employees and have been held to be violations of their federal rights. Common policy mistakes made by employers have included prohibiting such things as "inappropriate discussion" or "using profanity" online (Gordon & Argento, 2014; Gordon & Woon, 2014.) Such broad, general language has been heavily scrutinized by the Board. The Board has also held that blanket disclaimers, such as "nothing contained in this policy shall be interpreted or applied in a way that interferes with the legal rights of employees to engage in Section 7 activities," are not enough to rescue an otherwise unlawful social media policy (Gordon & Argento, 2014; Wilson, 2012). Therefore, using the right language when drafting a company's social media policy is crucial. The following cases illustrate several social media policy language mistakes recently held as invalid by the NLRB.

3.3.1. Social media policies that require courteous or respectful posts by employees

As discussed, the Knauz and Durham Schools cases included language that prohibited disrespectful conduct, which the NLRB struck down (Durham School Services, 2014; Karl Knauz Motors, 2012). The Board suggested in both cases that the term "respectful" should have been better defined and that the employers should have included examples. This type of courtesy language, or language that is included as an attempt to promote civility amongst employees, has been found in other social media policies and has consistently been heavily scrutinized by the Board (Kaiser, 2014).

For example, in First Transit, Inc., the Board invalidated a bus company's courtesy rule. It stated that "discourteous or inappropriate attitude or behavior to passengers, other employees, or members of the public" and "disorderly conduct during working hours" was prohibited. In its decision, the Board focused on the phrase "discourteous" as it related to other employees and struck down the rule in its entirety (First Transit, 2014; Kaiser, 2014). The Board found the courtesy rule in First Transit to be "sufficiently imprecise that it could encompass any disagreement or conflict among employees, including those related to discussions and interactions protected by Section 7" (First Transit, 2014).

Likewise, in Hooters, the NLRB held that the employer violated the NLRA when it terminated a waitress for "posting disparaging comments about coworkers and managers on social media." Her posts violated the company's Insubordination rule, which prohibited "insubordination to a manager or lack of respect and cooperation with fellow employees or guests." The NLRB invalidated the rule because it did not adequately define "insubordination," "lack of respect" or "cooperation," among other language. The Board suggested that the policy might have survived scrutiny if it had been limited to conduct not supporting the company's "goals and objectives" (Gordon & Woon, 2014; Hoot Winc, 2014).

What is important about this line of cases is that the Board does not focus on the purpose behind the organizations' decisions to create a courtesy rule. Rather, the NLRB looks to whether the employees can reasonably interpret these rules as impacting their Section 7 rights. Thus, the issue of maintaining workplace civility creates an interesting dichotomy between the employer's interest in professionalism and employees' right to freely discuss the terms and conditions of their employment (Kaiser, 2014).

3.3.2. Social media policies that prohibit unfavorable posts about the employer

Employers may try to limit potential harm to their reputation on the part of employees by including non-disparagement or non-defamation language in social media policies (Gordon & Argento, 2014). The NLRB makes it clear that narrowing the scope of the language used in the policy can help it survive scrutiny.

In the Laurus Technical Institute case, the employer's policy prohibited "gossip about the company, an employee, or customer." The policy broadly defined "gossip" to include: (1) "negative, untrue, or disparaging comments about others"; (2) "repeating information that can injure a person"; and (3) "repeating a rumor about another person." The NLRB found this language to be "overly broad" and "ambiguous" and that it "severely restricted employees from discussing or complaining about any terms and conditions of employment" (Gordon & Woon, 2014; Laurus Technical Institute, 2014).

In contrast, the policy in Landry's Inc. was upheld as valid by the NLRB. The Landry's policy requested that "employees not. . .post information regarding the Company, their jobs, or other employees *which could lead to morale issues in the workplace or detrimentally affect the Company's business*." In addition, the policy provided examples to Landry's employees, including "always [think] before you post, [be] civil to others and their opinions, and [do not post] personal information about others unless you have received their permission." The NLRB held that: (1) "the italicized language adequately narrowed the preceding restriction on posting by focusing the policy on the avoidance of 'morale issues'" and (2) "the ensuing examples established that the employer was not trying to prohibit posting on job-related subject matters 'but rather the manner in which the subject matter is articulated and debated among the employees'" (Gordon & Woon, 2014; Landry's Inc., 2014).

3.3.3. Prohibiting posts that identify the employer, prohibit release of company information, or make employee disclaimers mandatory

An increasingly common practice for employers has been to include language in their social media policy that instructs employees not to identify their employer, company name, or address on personal profile pages. Recent memorandums from the NLRB's General Counsel indicate that this type of restriction is overly broad, especially if the employer makes no attempt to narrowly tailor the policy to protect sensitive company information. The General Counsel has further indicated that the very function of a personal profile page is to help coworkers identify and connect with one another. Thus, a company's prohibition against this practice would be particularly harmful to their employees' Section 7 rights (Dickinson Law Newsroom, 2012).

Similarly, in Triple Play Sports Bar, the restaurant's Internet/Blogging policy discouraged online communications involving "confidential or proprietary information" and "inappropriate discussions about the company, management, and/or co-workers." In its decision, the NLRB held that the Internet/Blogging policy violated the NLRA. The Board's rationale for striking down the policy was because employees would reasonably interpret it as prohibiting any discussions about their terms and conditions of employment (Patterson, 2014).

Finally, in Kroger Company of Michigan, an NLRB administrative judge held that Kroger's On-line Communications Policy was invalid. The policy required Kroger employees to post the following disclaimer on their social media pages (Hyman, 2014): *"The postings on this site are my own and do not necessarily represent the postings, strategies, or opinions of The Kroger Co. family of stores"* (The Kroger Co., 2014).

While Kroger's disclaimer policy was undoubtedly an attempt to separate the organization from employees' online communications, it may have also had the added benefit of creating a sense of free speech for the employees. It is somewhat ironic, then, that the Kroger policy was held to be an overbroad violation of the NLRA (Hyman, 2014).

The aforementioned cases illustrate the issues presented when organizations choose to draft and implement social media policies. With all of these cases to interpret common types of policy language, it is crucial that employers stay up to date on the case law in this area. With careful drafting, there is an increased likelihood that an organization can survive NLRB scrutiny.

3.4. Recommendation #4: Keep current on case law involving social media-based terminations

Social media posts are a relatively new reason for organizations to terminate employees, and case law in this area is still in its infancy. Organizations need to keep abreast of new rulings due to the ever-changing nature of technology. The existing NLRB rulings give us initial guidance, but we can expect to get more nuanced and potentially significant changes to rules from cases that are currently working their way through the NLRB pipeline. As such, while this article offers a snapshot of how the case law stands as of now, continuing vigilance is needed.

Today's social media sites are not the same in either content or execution as social media sites of 10 or even 5 years ago. As social media changes, the NLRB and courts will be asked to rule on aspects of social media features and technology that may not even exist today. One area that might have particular impact is facial recognition technology. The technology employed by sites such as Facebook to recognize a particular user in a posted picture is becoming more accurate over time, with Facebook now quite adept at recognizing people from a side view picture (O'Toole, 2014). This has profound implications for how easily organizations can find pictures of users in contexts deemed inappropriate or incompatible with organizational messages. More and more the issue may not be what an employee posts but what others post where that employee is identifiable.

To keep an organization compliant with legal standards for social media policies and for social media terminations, new rulings will need to be constantly analyzed and their lessons integrated. The NLRB does post its rulings as they are announced, which can help; however, we urge caution in making that your sole source of knowledge. For many organizations it may make sense to keep a lawyer on staff or retainer to keep abreast of such rulings and make appropriate legal recommendations and applications. Minimally, organizations should strongly consider employing legal counsel when creating or updating organizational social media policies.

4. What to include in your organization's social media policy

The previous four recommendations give organizations general ideas on how to create legal social media policies. This section will offer an overall sketch of a social media policy with elements that fit guidelines of NLRB memorandums on the topic (Purcell, 2012b). Across the NLRB cases, most organizations' social media policies were struck down. Drawing on these cases, basic policy conclusions can be extracted.

The most important consideration when drafting a social media policy is making sure the policy does not restrict NLRA guaranteed rights for concerted actions related to the conditions of work. Many of the policies that have failed to pass muster with the NLRB have failed because of this. Those policies generally forbid negative posting against the company in a blanket format, while the subset of complaints that are about working conditions and include input from fellow workers are protected by the NLRA. The NLRB is very concerned about social media policies impinging on legal rights, and desires policies which clearly state such behaviors are permissible. As discussed, policies that merely state "that policy is not meant to infringe on your NLRA rights" were seen by the NLRB as not going far enough. Organizations must be clear when they are forbidding behavior that protected concerted action is, indeed, permitted.

A social media policy also needs to clearly define which behaviors are acceptable and which are not. The exact nature of permitted behaviors will vary based on the organization, industry, and position types it covers. For example, in the technology industry, an organization may want to draft a social media policy that includes language protecting trade secrets, copyrights, and patents. Also, for healthcare businesses, a social media policy

restricting the dissemination of patient information in accordance with HIPPA would likely be beneficial.

Organizational strategy might also impact which behaviors are allowed or even supported by the organization. For example, posting on Facebook or tweeting might be part of some organizations' marketing strategies. Even in such permissive environments, some behaviors likely still need to be banned. For instance, such an organization may want to consider policy language that forbids an employee from engaging in sexual harassment, hate speech, or other discriminatory behavior through social media (Neumann, 2013). It is also a good idea for organizations of all types to consult with an attorney when crafting such a policy. An attorney who practices in the area of labor and employment law will likely know the current case law and potential legal pitfalls. They can also act as a check for whether or not the policy is likely to pass muster with the NLRB.

Once the policy is created, organizations will also want to consider how to disseminate and inform workers of the policy and its implications. There are increasing calls for social media-related training for employees (Joosten, Pasquini, & Harness, 2013; Meister, 2012) with a number of consulting organizations offering whole programs or materials to companies.[3] Salesforce (2010) has a program to teach employees about the company's own social media policy.[4] The Canadian public service also has materials for informing employees of its social media policies (TransportCanada, 2012). While these programs exist in real-world businesses, to date the academic research base has left them unexamined.

It is important to note here that social media training would be a means to help workers understand organizational policies and hopefully engage in less inappropriate social media-related behaviors. The existing case law from the NLRB only speaks to whether particular social media termination decisions or company social media policies violate Section 7 protections offered by the NLRA. To date, the Board has not discussed the idea of training as a potential legal argument or defense. Certainly as new laws are passed or new rulings are made, the potential exists for social media training to become part of the official legal landscape, but for now at least social media training acts as a tool to educate the workforce and to reduce the incidence rates of inappropriate social media posts.

5. What do we still need to know?

As discussed, the existing NLRB rulings related to social media terminations offer significant guidance to organizations regarding which social media-based terminations are legal and how organizations' social media policies should be legally structured. Good social media policies help organizations clearly articulate to workers what is and what is not permissible on social media while at the same time not infringing on NLRA rights. Our preceding recommendations of what to include in a social media policy offer organizations guidance on applying NLRB rulings to the workplace.

While the NLRB rulings are extremely useful for organizations, there are still many legal and practical considerations we do not know. The law related to social media and work is still in its infancy. We have some rulings from the NLRB and some from courts at various levels, but overarching rulings are still absent. The state of social media termination law could be upended entirely by rulings at the United States Supreme Court or Federal Appeals Court levels. As cases wind their way through the courts we will see higher-level court rulings, and they will have a significant impact on what is permissible in social media policies and in social media-based terminations. As alluded to in Recommendation #4, new social media features and applications may create new and different situations that the NLRB and the courts will need to examine and rule on. These are areas the current case law cannot speak to, but we can expect to see more rulings that do as we move forward. New laws passed at national, state, and local levels may also significantly impact the legality of social media terminations and organizations' social media policies.

Further, significant practical questions exist for organizations. While having legally appropriate social media policies and making personnel decisions that do not violate the law is important for organizations, so is how employees, customers, and the public react to such decisions. Legally defensible decisions can be made that result in demoralized workforces, angry customers, and negative local media coverage. Public image issues have occurred in a number of cases where customers either boycott or decrease their purchases from organizations they feel are treating workers unfairly (Alberti, 2014). Management scholars therefore need to engage in empirical work to examine how such groups perceive using social media behaviors as a basis for termination.

[3] For one example, see the company WeComply at http://www.wecomply.com/ethics-training/368649-responsible-social-media-use-compliance-training-courses-classes

[4] An example of Salesforce training slides can be found at http://www.slideshare.net/Salesforce/salesforce-social-media-policy-training

Research could also examine how contextual effects impact such fairness perceptions. Are social media terminations deemed as more fair when an organization has an existing social media policy? Are social media terminations deemed as more fair when the worker is a repeat offender and/or has already been subject to progressive discipline? Do perceptions of fairness vary as a function of demographic characteristics? Do workers perceive social media termination as more fair when all employees have completed social media training? Organizations need such information to decide the most beneficial way of dealing with inappropriate employee social media posts.

With many workers using social media and being connected to colleagues via the same, organizations need to construct legal social media policies and understand legal justifications for social media-based terminations. This article reviewed existing NLRB rulings that speak to both these issues, offering recommendations and an example policy that fits with NLRB guidelines. Social media doesn't look to be going away anytime soon, so organizations must be prepared for the current legal state and keep abreast of new rulings and changes as they come about.

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