



NLRB Action in the Age of Facebook

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On Oct. 27, 2010, Region 34 of the National Labor Relations Board in Hartford, CT, issued an administrative complaint against American Medical Response of Connecticut, an ambulance operator, alleging that it violated both Section 8(a)(1) and Section 8(a)(3) of the National Labor Relations Act by terminating an employee and for maintaining a policy in its handbook that trammels employees' rights under the NLRA. Usually, the mere allegation that a company has violated the NLRA — irrespective of the gravity of the claims — is not news. But this particular complaint received nationwide media attention — print, television, and online — because the allegations centered on an employee's use of Facebook, and her employer's alleged reliance on her Facebook postings in terminating her employment.

While the Connecticut ambulance operator drew the NLRB's attention because of its social media policy, this complaint should not be cause for employers who currently have such policies to rescind them, or to dissuade employers who are considering implementing such policies from going forward. However, the complaint is cause for employers to evaluate whether their current or intended policies raise issues that may attract the NLRB's attention, and to consider how such policies are enforced, so as to avoid administrative scrutiny.

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