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Ryan, Swanson & Cleveland, PLLC

24th Annual Employment Law Update

September 25, 2012

Social Media Policies: Dos and Don'ts for Employees on the Web

Teru S. Olsen

Understanding a Social Media Policy

- Boundaries in the Workplace
- Notice of Expectations to Employees
- Keep Business Running Smoothly and Take Advantage of Benefits of the Social Web



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Recent Guidance on Social Media Policies

- May 30, 2012 National Labor Relations Board Report (“NLRB”)
- Federal law and Section 7
- NLRB approves form Social Media Policy

Balancing the Goals of an Employer in Social Web Use by Employees

- Guidance vs. Restriction
- NLRB Position vs. Administrative Law Judge (“ALJ”) Decisions
- Available examples of Social Media Policies on the Internet

Life of an Unfair Labor Practices Complaint Made to the NLRB

Stages and Timeline

- Charge filed with the NLRB alleging an unfair labor practice
- Investigation
Result: Withdrawal – Refuse to Issue Complaint – Settlement – Finding of Reasonable Cause

Life of an Unfair Labor Practices Complaint Made to the NLRB (cont.)

Stages and Timeline (con't.)

- Complaint and Answer
- Hearing and Decision by ALJ
- NLRB Review
Result: Dismissal - Remedy ordered – Remand for action
- Court enforcement

Case Updates

- *Design Technology Group, LLC et al.*, Case 20-CA-35511 (Apr. 27, 2012)
- *G4S Secure Solutions (USA) Inc.*, Case 28-CA-023380 (Mar. 29, 2012)
- *General Motors, LLC*, Case 07-CA-53570 (May 30, 2012)

Case Updates (cont.)

- *Three D, LLC*, Case 34-CA-12915 (Jan 3, 2012)
- *Phonedog v. Kravitz*, 2011 WL 5415612 (N.D. Cal. Nov. 8, 2011)
- *Eagle v. Morgan*, 2011 WL 6739448 (E.D. Penn. Dec. 22, 2011)



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Thank you!

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