

Proceed With Caution: Social Media in Hiring and Firing



David Druzynski, SPHR, SHRM-SCP

Director of Human Resources

Auto/Mate Dealership Systems, Booth #1853C

Albany, NY

(518) 688-2403 x 1108

ddruzynski@automate.com



@AutoMateJobs
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Social Media in Hiring and Firing



Social Media in Hiring and Firing

Internet Revolts Against Local Car Dealership that Harassed Pizza Delivery Guy Over Tip

F&R Auto Sales in Westport, Mass. was flooded with negative reviews after a video showed workers berating the man over a \$7 tip.

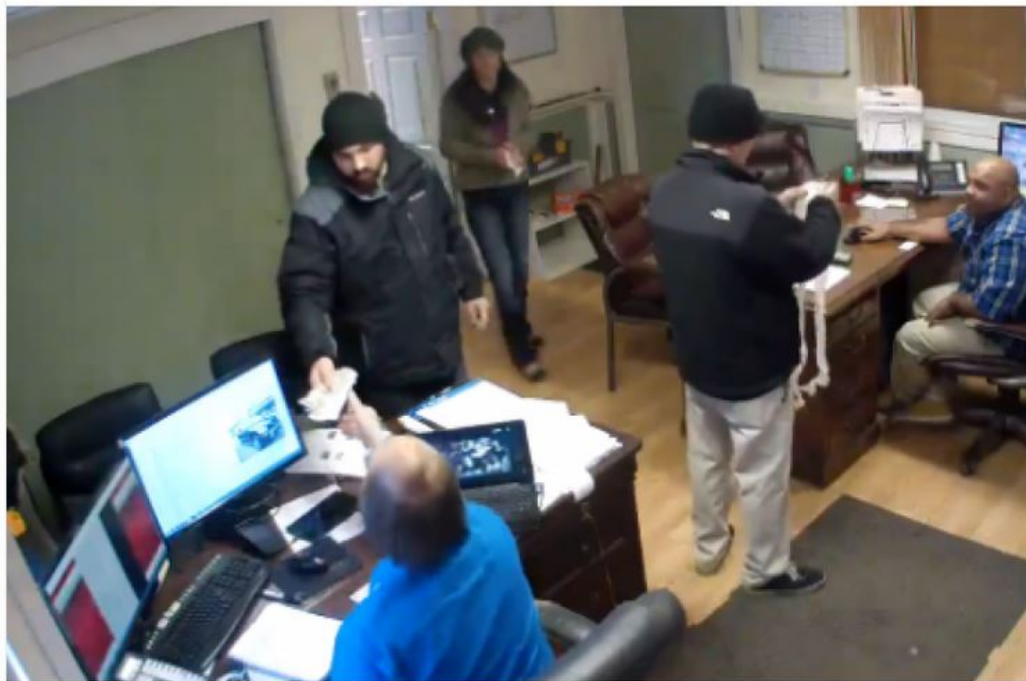
By JASON CLAFFEY (Patch Staff)

© January 16, 2015 P

Share



301 Comments



Warning: video contains graphic language and gestures

YouTube

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Social Media in Hiring and Firing



Alicia Ann Lynch
@SomeSKANKinMI



Alicia Ann Lynch
@SomeSKANKinMI



Plz stop with the death threats towards my parents. They did nothing wrong. I was the one in the wrong and I am paying for being insensitive

11:50 PM - 1 Nov 13



Reply



Retweet



Favorite



Alicia Ann Lynch
@SomeSKANKinMI



Please stop spreading around my parents number, and my home address. THEY DID NOTHING WRONG.

11:51 PM - 1 Nov 13



Reply

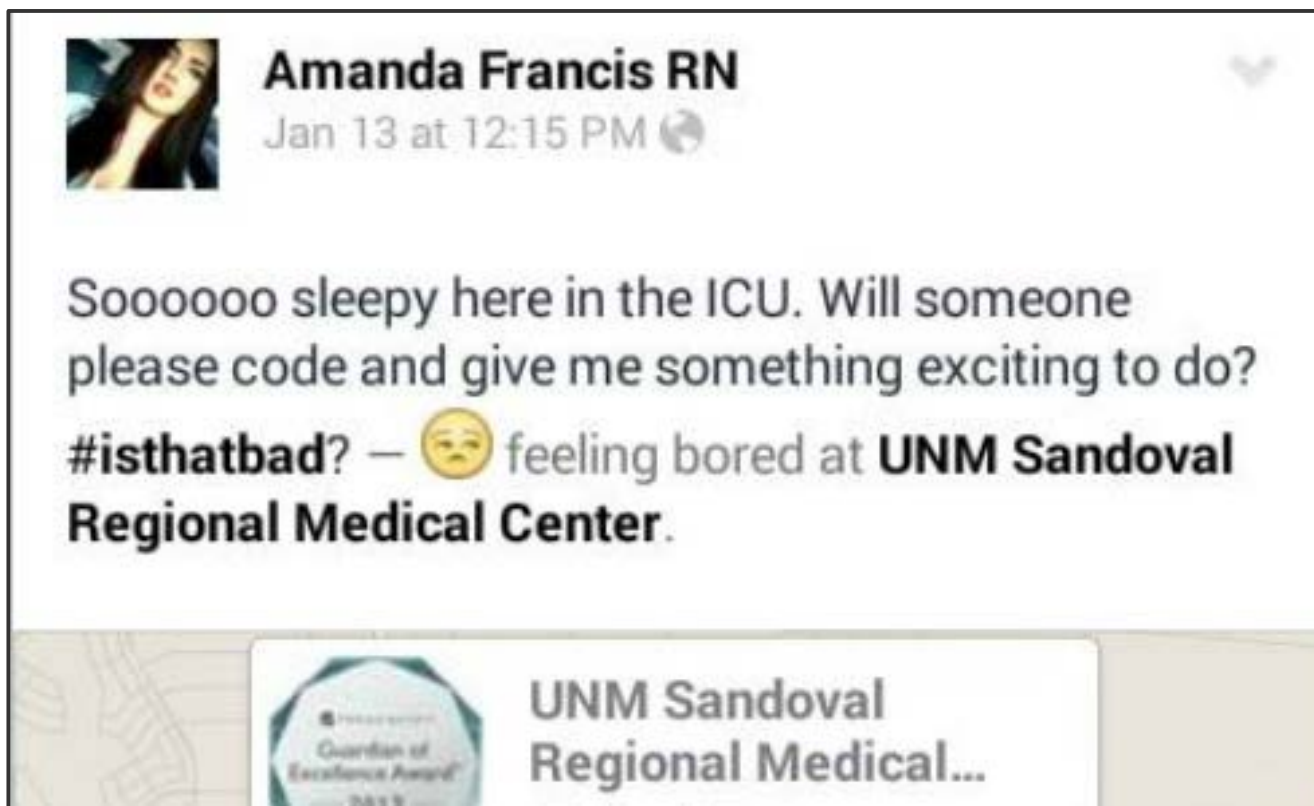


Retweet



Favorite

Social Media in Hiring and Firing



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Social Media in Hiring and Firing



Hernan Perez

facebook

Bob is such a NASTY MOTHER F**KER don't know how to talk to people!!!!!! F**k his mother and his entire f**king family!!!!

What a LOSER!!!! Vote YES for the UNION!!!!!!!

Like · Comment · 9 minutes ago · 

Social Media in Hiring

- **The Good thing about Social Media in Hiring:**
 - ✓ Access to information!
- **The BAD thing about Social Media in Hiring:**
 - ✓ Access to information!



CareerBuilder: Employer Social Media Survey

- 52% - Research applicants
- 51% - Rejected applicants. Why?
 - ✓ Inappropriate photos / information – 46%
 - ✓ Drug / Alcohol – 40%
 - ✓ Bad-Mounting Company – 34%
 - ✓ Discriminatory Comments – 29%



CareerBuilder: Employer Social Media Survey

- 32% - More likely to hire
 - ✓ Job Qualifications – 42%
 - ✓ Culture Fit – 38%
 - ✓ Professional Image – 38%



Social Media in Hiring

What information can you use in your hiring decision?



Mr. Wormwood

@WormwoodMotor

twitter 

*They say a sucker is born every day. Thankfully they shop here.
I hope the super glue holds until they get off the lot!
#MoneyInTheBank*

← Reply ↻ Retweet ★ Favorite

Social Media in Hiring

What information can you use in your hiring decision?



Cynde Lou
@CyndeSells

twitter 

*Financed another satisfied customer! Congratulations @Jerry!
I hope your family enjoys your new car! #LoveMyCustomers
#LetMeFinanceYou*

 Reply  Retweet  Favorite

Social Media in Hiring



Federal Law Prohibits Discrimination

- Age (over 40)
- Disability
- Genetic Information
- National Origin
- Pregnancy
- Race/Color
- Religion
- Sex / Sexual Orientation
- Arrest / Conviction Record
- Retaliation



These Laws Prohibit Discrimination During:

- Recruiting
- Interviewing
- Hiring
- Promotion
- Demotion
- Job transfer
- Compensation
- Training
- Discipline
- Benefit Administration
- Termination/Dismissal



Hypothetical Scenario:

Phone interview with “Pat Riley” for F&I

- ✓ Limited F&I experience
- ✓ Struggled with lease calculations
- ✓ Gender neutral name and voice



Hypothetical Scenario:

Next you interview Bill Radley

- ✓ Extensive F&I Knowledge
- ✓ Larger Dealer Group Experience
- ✓ Outstanding Communication Skills



Hypothetical Scenario:

You “Google” Bill

- ✓ Facebook, Twitter, LinkedIn, Instagram
- ✓ Professional Social Media Presence
- ✓ Extremely Favorable Customer Reviews
- ✓ Industry Awards



Hypothetical Scenario:

You “Google” Pat

- ✓ Twitter page
- ✓ Inspirational Quote – You Retweet
- ✓ You find this tweet:



Hypothetical Scenario:

- You make an offer to Bill - he accepts
- Two weeks later - Pat sues you

✓ *Should you be worried?*



Hypothetical Scenario:



1. Same Pat?
2. Digital Footprint?
3. Protected Information?
 - ✓ Over 40?
 - ✓ Race / Color?
 - ✓ Sexual Orientation
 - ✓ Jewish?
 - ✓ Genetic Information
4. Why search?

Far Fetched?

Neiman v. Grange Mutual Casualty

- Neiman - Age discrimination
- Grange - Applicant's age?
- LinkedIn - College graduation year



Your Options?

- Don't run Social Media Searches
- Outsource your Social Media Searches
- Conduct Social Media Searches In-House
 - ✓ Non-Decision Maker



Social Media in Firing

Can I discipline or fire someone for what they post on Social Media?

✓ *It depends???*



Social Media in Firing



Workplace communications are evolving!

Social media is the new place for water cooler talk!



Social Media Problem #1: Employee Dishonesty

-----Original Message-----

From: Kevin Colvin [mailto: [\[REDACTED\]](#)]

Sent: Wednesday, October 31, 2007 3:55 PM

To: Jill Thompson (North America)

Cc: Paul Davis (North America)

Subject:



From: Paul Davis (North America)

Sent: Thursday, November 01, 2007 4:54 PM

To: Kevin Colvin; Jill Thompson (North America); Kevin Colvin (North America)

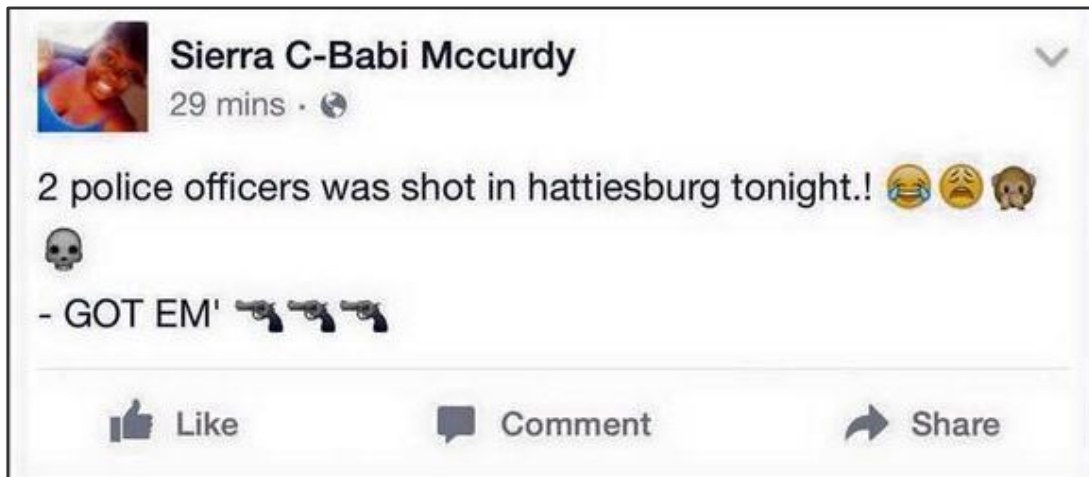
Subject: RE:

Kevin,

Thanks for letting us know--hope everything is ok in New York. (cool wand)

Cheers,
PCD

Social Media Problem #2: Lapse in Judgment



Social Media Problem #2: Lapse in Judgment



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Social Media Problem #3: Cyber Harassment

Orange County Corrections Officers created a blog to mock a disabled coworker, Ralph Espinoza.



I will give anyone 100 bucks if you get a picture of the claw. Just take your hand out of your pocket already!!!!!!!!!!!!!!



*F**k you one hand bandit! You can shove that claw of yours up you're a**! Once a rat always a rat!*

Social Media Problem #3: Cyber Harassment

\$820,000 verdict!!!

- ✓ Knowledge of the harassment
- ✓ Failed to take corrective action

Social Media Problem #4: Workplace Posts

Real Life Dealership Example:

- Robert Becker - Salesman for Knauz BMW
- Ultimate Driving Event
 - ✓ Hot dog cart and bottled water for customers

Social Media Problem #4: Workplace Posts



Robert Becker

I was happy to see that Knauz went "All Out" for the most important launch of a new BMW in years . . . but to top it all off . . . the Hot Dog Cart. Where our clients could attain a over cooked wiener and a stale bunn.

Like · Comment · 9 minutes ago ·



4 people like this.



Robert Becker No, that's not champagne or wine, it's 8 oz. water. . .

11 minutes ago · Like



Social Media Problem #4: Workplace Posts



Robert Becker

This is what happens when a sales Person sitting in the front passenger seat (Former Sales Person, actually) allows a 13 year old boy to get behind the wheel of a 6000 lb. truck built and designed to pretty much drive over anything. The kid drives over his father's foot and into the pond in all about 4 seconds and destroys a \$50,000 truck. OOOPS!

Like · Comment · 9 minutes ago · 



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Social Media Problem #4: Workplace Posts

- Becker was fired – Violation of Knauz “Courtesy Rule”
- The National Labor Relations Board (NLRB) investigated and filed a complaint



The National Labor Relations Act (NLRA) of 1935

- Organize unions
- Strike in opposition to working conditions
- Engage in “*concerted activities*”
 - Collective bargaining
 - Mutual protection



The National Labor Relations Board (NLRB)

- Government Agency
- Oversee Union Elections
- Prosecute violations of the NLRA –
AKA Unfair Labor Practices (ULP)



The National Labor Relations Board (NLRB)

When are Social Media Posts Off Limits?

- ✓ Non Supervisor
- ✓ Protected, Concerted Activity



Social Media Problem #4: Workplace Posts

Knauz Outcomes:

BMW Posts

- ✓ May have been protected

Land Rover Posts

- ✓ Not protected



Social Media Problem #4: Workplace Posts

Knauz Courtesy Rule

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



Social Media Problem #4: Workplace Posts

Unfair Labor Practice!!! Why?

1. This rule encompasses protected section 7 activities.
2. Statements of protest - rule violations.
3. ***Protected communications were not excluded.***



Social Media Problem #4: Workplace Posts



Hernan Perez

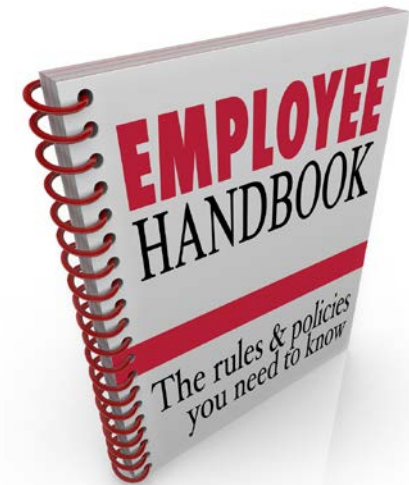
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What a LOSER!!!! Vote YES for the UNION!!!!!!!

Like · Comment · 9 minutes ago · 

Social Media Policy Tips

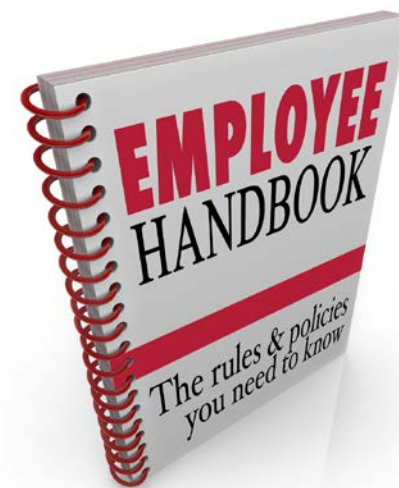
1. Define prohibited conduct
 - ✓ Specific examples.
2. Section 7 Communications Excluded
3. NLRB Memos / Court Decisions
4. Wal-Mart Policy
5. Update all policies
6. Train Staff



Handbook Policies

Other Policies the NLRB is targeting:

- Confidentiality
- Outside Communications
- Solicitations
- Logo / Trademark Use
- Photography and Recording



Test Your Knowledge!

Would you use this information in your hiring decision?



Bill Nolan
@BillSells

twitter

*Everything I know about sales, I learned
from the movie Wall Street!
#PersistencePaysOff*

← Reply ↻ Retweet ★ Favorite

Test Your Knowledge!



A
@ahleesah



 Follow

Surrendered myself at 7 a.m., got released at 11:30 a.m. [REDACTED] what you heard. And my mugshot's cute. [REDACTED]





NC 27510

Arrest Location: 3301
HAMMOND RD
RALEIGH, NC

Arresting Officer: CV
DICKENS-WCSO

Charge(s):

11-19-2014 90-95(A)(1)
PWIMSD SCH IV CS

11-19-2014 90-108(A)
(7) MAINTN
VEH/DWELL/PLACE CS
(F)

Name: ALYSA SUGIURO

RETWEETS

664

FAVORITES

1,012



Would you use
this information
in your hiring
decision?

#NADA2016

Test Your Knowledge!

Would you discipline?



Elaine

I hate this place and I hate my boss! I am streaming March Madness while pretending to do work. I hope the idiot doesn't catch me!

Like · Comment · 9 minutes ago ·

facebook



4 people like this.



Mr. Peterman I bet you forgot you are Facebook friends with your boss! Why don't you stop by my office during the next timeout.

11 minutes ago · Like

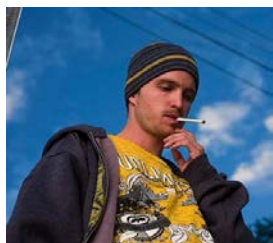


Elaine UGH!

11 minutes ago · Like

Test Your Knowledge!

Would you use this information in your hiring decision?



Jesse

6 months sober today. I'll never touch meth again!

Like · Comment · 4 hours ago · 



21 people like this.



Walt Congratulations! Stay Strong!

11 minutes ago · Like

Questions?

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