

An emerging area of social media and employment law for 2012 involves the legality (or illegality) of an employer's "over the shoulder" examination of its employees' social media posts and blog site posts to support adverse action against employees for misconduct, including posts on social networking sites such as Facebook, Twitter, and LinkedIn. An employer's examination of an employee's social network posts, through another employee or other "friend," "follower" or "connection," may reveal conduct that violates the employer's policies governing confidentiality, ethics, non-competition, and leave-of-absence, to name a few. 2013 is a year in which the courts will see an increasing number of claims for alleged invasion of privacy and violation of the federal Stored Communications Act, forcing the courts to break new ground in the areas of social media and employment law. *Gary E. Perlmutter, Partner, Asker Perlmutter PLC, Farmington Hills, Mich.*

[View entire article](#)