

Companies should follow best practices to make sure they're compliant with 'Facebook bill'

By [Joshua Burd](#)
NJBIZ

A new law bans New Jersey firms from forcing staff or applicants to share information about their social media accounts, but it should be a moot point for companies that already follow best practices, an employment attorney said today.

Donald Schroeder, a partner with Boston-based Mintz Levin, said companies "shouldn't make a habit of looking at every employee's social media account." He advises clients to "focus on the business" unless an issue is brought to their attention through a channel that's already publicly available.

"You just tack it onto the list of things you shouldn't be doing," Schroeder said, noting he didn't think the law was necessary, "but it will prevent employers from being stupid."

The new state law will take effect in four months after being signed Thursday by Gov. Chris Christie, who [conditionally vetoed the bill in May](#). The governor said he supported the intentions of the original bill, but said it was overly broad and asked for changes that would balance employee privacy with companies' ability to screen candidates and protect its business assets.

After lawmakers concurred, the finished product puts New Jersey in line with about eight other states that have enacted such legislation this year, Schroeder said. The final law is "not as draconian with respect to employers," he said: Under the revised statute, employers "wouldn't get in trouble just for perhaps asking the question" about social media accounts — or sued — provided they draw the line at coercion.

"I don't think there's anything wrong with asking, 'Do you maintain social media accounts?'" Schroeder said. "In fact, in marketing, PR and a variety of other industries, it would be important to know whether your applicant actually was tech savvy, because those industries are always using social media, and it's part and parcel to business."