

CHECKS

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interview if he enjoyed a concert he posted on his Facebook page reveals the hiring manager looked at a site, possibly filled with personal details employers are barred from knowing, Wulffson said.

If the applicant isn't hired, a lawsuit could cite the hiring manager's reference to the concert and to the larger content of the plaintiff's Facebook page.

Managers who decide to use social media sites to post job opportunities also need to consider whether there is any way the site might be considered discriminatory.

When a manager placed a want ad only on the Christian Mingle dating site, the result was a lawsuit by someone who wasn't Christian, Wulffson said.

And for lawsuits, "Your computer is the witness against you," Wulffson said, revealing management searches for applicants that might show patterns of exclusion.

Social media searches of applicants should be undertaken only when it is relevant to the position, Wulffson said.

If someone is applying for company spokesperson, "It matters if they have a bad media presence," he said, and the company has a legitimate right to check.

But in such cases, applicants need to be told ahead of time that such a search will be conducted and asked to sign off on it, he said. "Make sure you have appropriate consent, and that it is properly done."

"The rules are there for a reason - follow them," he said.

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MARK RIGHTMIRE, FILE PHOTO

Using social media to check the background of job applicants is a real legal minefield, two experts say.