

P I T T S B U R G H

# BUSINESS TIMES

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## ask the LEGAL ♦ PROFESSIONALS



### EMPLOYMENT LAW

**Q** I've heard that many employers are now using social networking sites, like Twitter, Facebook and MySpace as screening tools to check out prospective employees before they are hired. Are there any legal ramifications to using these sites for this purpose?

**A** It's true that many employers today are using social networking sites to inspect the behaviors and social lives of candidates for employment during the hiring process. Through these sites, hiring managers have instant access to pictures and other personal information of job applicants in any variety of social situations. These sites can sometimes disclose the applicant's gender, race, age, religious views, political affiliations, or other information protected by law. Employers who use this practice do so at their own peril. If such information is used as the basis for a decision not to hire, it could become the basis for a lawsuit brought by the candidate based upon a claim that an adverse employment action was based upon personal, non-job-related information.

Employers are in a much stronger position to defend a decision not to hire when they can honestly say they didn't have access to the applicant's personal information. Beyond that, the company should consider having a policy that expressly states that they are an equal opportunity employer and that any personal information learned during the hiring process will not be used in any unlawful discriminatory manner.

**Dickie McCamey**

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