

Gov. Christie The First To Stand Up To Social Media Legislation Wave?

May 13, 2013 | [Social Media And Technology, Labor And Employment](#)



**William A.
Nolan**

Partner
Columbus
Managing Partner

New Jersey's legislature recently tried to make it the 8th state to restrict employers from requiring employees to provide social media passwords in the hiring and other employment processes. This trend, somewhat odd in that it addresses a problem that nobody seems to think actually exists (i.e. employers are not really requiring passwords of applicants), started approximately a year ago. New Jersey's legislation arguably would have been the most restrictive such legislation to date.

Governor Christie, however, vetoed the legislation, stating that he would like to see the measure change in the following respects:

1. Remove provisions preventing employers from even asking about the existence of social media accounts.
2. Add language to protect employers' ability to investigate workplace misconduct or data theft.
3. Maintain monetary penalties for violations, but not allow private lawsuits against aggrieved employees.

The measure originally passed the legislature overwhelmingly, so the Governor's veto could easily be overridden, but a compromise version may be agreed upon. Regardless of the actual need for such legislation, it seems clear that we will continue to see states pass such measures, and employers will need to be vigilant as they will vary from state to state and may (whether intentionally or inadvertently) restrict activities that employers actually engage in. **Additional Resources:** TLNT – "[Take a Deep Breath: It's Not Ridiculous to Ask for Social Media Passwords](#)"

RELATED PRACTICE AREAS

Internet and Technology
Labor and Employment
Workplace Culture 2.0

RELATED TOPICS

New Jersey
Social Media