

Update: New Social Media Rule for New Jersey Employers Passes Assembly

by Ramon Rivera on July 3, 2012

New Jersey employers concerned about proposed new social media rules should be aware that proposed legislation has passed in the New Jersey Assembly. Lawmakers voted 77-0 on the measure.

As we previously discussed on this New Jersey business law blog, employers' use of social media is facing growing scrutiny by the media and lawmakers across the country. The New Jersey law, A-2878, would prohibit employers from requiring a prospective employee to provide their user name, password, or other information needed to access social networking sites like Twitter and Facebook. Employers who violate the law would face civil penalties of \$1,000 for the first offense, and \$2,500 for repeat violations.

Critics of the bill, including several business groups, contend that the new rules could lead to costly employment lawsuits. They are also calling for exceptions for investigating claims against employees, such as insider trading or sexual harassment.

At this point, there is no similar legislation pending in the state Senate. However, we will continue to closely monitor this issue and provide updates as they become available. Businesses are advised to stay informed about potential changes in the law and consult an experienced New Jersey business attorney with any questions or concerns.