

of that, applicant information may not be accurate or job related and may even be maliciously planted. Finally, use of the information may run afoul of state/local statutes prohibiting the consideration of lawful off-duty conduct by the applicant (e.g., smoking, drinking, medical use of marijuana, political activity).

How might the organization proceed down this new, evolving legal path? The first suggestion is to learn about the many social media privacy laws states have or will soon have. Generally, these laws

- Identify the specific types of social media and networks covered
- Prohibit asking applicants or employees to disclose information (such as user-name or password) that would allow access to personal media information
- Prohibit taking an adverse action against an applicant (e.g., failure to hire) or employee (e.g., failure to promote; discharge) for not providing protected information

Second, decide whether the organization should use legally acquired social media information in recruitment and screening. For example, consider the type and quality of information likely to be gathered about applicants: Is it KSSAO-focused, and can it be gathered in a thorough and systematic way for all applicants? Also, if social media information is gathered, will the organization be able to show that it was gathered legally by recruiters and hiring managers?

Third, if it is decided to gather and use social media information, develop policies and practices to safeguard the process. Address such topics as (1) which social media will be accessed and how, (2) when social media will be accessed in the recruitment process, (3) who will be allowed to access the information, (4) how the information will be evaluated and used, and (5) what guidelines and training will be given to those allowed to access the information.

Consensus on best practices for these topics has not yet emerged. A set of suggestions as food for thought, however, is as follows:

1. Avoid early screening of applicants via social media
2. Inform job applicants that the organization may gather and use social media information about them
3. Gather and evaluate only job-related, KSSAO-focused information
4. Prohibit hiring managers from accessing and evaluating social media information
5. Have only trained staffing professionals gather and evaluate social media information
6. Gather and evaluate social media information only late in the recruitment process so that EEO-related information about applicants is already known
7. Conduct a social media review only for finalists for the job as part of a formal background check