

UPMC's Email, Messaging, and Social Media Policies Recently Found to Violate NLRA

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An administrative law judge in Pittsburgh recently struck down an employer's email, e-messaging, and social media employment policies as inappropriate under the National Labor Relations Act. The policies in question belonged to the University of Pittsburgh Medical Center. In particular, the Medical Center's email and social media policies prohibited employees from using university emails to send non-work related messages, forbade employees from talking about the hospital system on social media websites accessed through medical center computers, and required employees to obtain written approval before disclosing any "sensitive, confidential, and highly confidential information" on the internet. The judge held that UPMC's "Email and Messaging Policy" and "Acceptable Use Policy" were overboard, ambiguous, and violated Section 7 of the National Labor Relations Act. The ALJ noted that UPMC's policies did not include any "illustrations or guidance ... that would assist an employee in interpreting them". The UPMC has until May 17, 2013 to appeal the decision to the NLRB.

Tip: Although employers may limit employees use of email or social media, these restrictions should be carefully drafted as to not interfere with employees' Section 7 rights. As noted in this decision, one way to help ensure your employment policy does not violate the NLRA is to provide employees with examples and guidelines of how the policy should be interpreted.

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