

## Social Media: Federal Employment Laws

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Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](https://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

The University of Tennessee  
Municipal Technical Advisory Service  
1610 University Avenue  
Knoxville, TN 37921-6741  
865-974-0411 phone  
865-974-0423 fax  
[www.mtas.tennessee.edu](https://www.mtas.tennessee.edu)

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As employers, applicants, and employees increasingly use social media for employment purposes it should be noted that cities must consider all applicable local, state, and federal laws in using these media forms. Remember, employment laws are currently the same for an employer who uses social media for any hiring procedure as an employer who does not use social media in the hiring process.

Here are applicable employment laws:

- USERRA / State Military Laws
- TITLE VII
- ADA
- ADEA
- PDA
- GINA

### **Federal Employment Laws**

- **Title VII of the Civil Rights Act** prohibits discrimination based on race, color, sex, national origin, or religion. This federal law applies to local government with at least 15 employees. Additional protections have been extended to include pregnancy discrimination and sexual harassment.
- **Americans with Disabilities Act of 1990 (ADA)** prohibits employment discrimination based on disability. Also requires employers to make reasonable accommodations to persons with disabilities.
- **Age Discrimination in Employment Act of 1967 (ADEA)** prohibits employment discrimination based on age forty and up. This applies to applicants as well as employees.
- **Pregnancy Discrimination Act of 1978** prohibits discrimination on the basis of pregnancy, childbirth, or related medical conditions.
- **Genetic Information Nondiscrimination Act (GINA)** This legislation prohibits employers from using individuals' genetic information when making hiring, firing, job placement, or promotion decisions. It also prohibits improper use of genetic information for purposes of health insurance and employment decisions. GINA broadly defined genetic information to include family members of employees which initially left employers concerned about the implications of using social media to interact with employees.

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