

ADVERTISEMENT Services can be performed by other attorneys

LEGAL FORUM

This advertising service is intended for information purposes only. Schedule an appointment to discuss your individual needs. Forward questions to be answered in future columns to our legal professional's e-mail addresses.



BRANDON K. JOHNSON
ASSOCIATE

(502) 327-5400, ext. 313
9300 Shelbyville Road, Suite 210
Louisville, KY 40222
bjohnson@mmlk.com
www.mmlk.com

Responsive 24/7
[McBRAYER]
McBrayer, McGinnis, Leslie & Kirkland, PLLC
ATTORNEYS AT LAW

TOPIC

Can I ban employees from using our company name on social media?

ADVICE

It is reasonable that employers want to restrict employees' disparaging or negative comments about their company on social media. It is critical that employers formally address their expectations of employees' social media use through a written policy. Unfortunately, employers must use extreme caution because the National Labor Relations Board (NLRB) has become highly critical of employer social media policies over the last few years. The NLRB is concerned with any policies that may chill employees' Section 7 rights. These rights allow employees to engage in "concerted activities" for mutual aid and protection. Simply put, it protects the rights of employees to discuss wages and other working conditions. Policies that prohibit employees from posting comments that "damage the company" should be avoided. The NLRB has also invalidated policies that prohibit employees from posting company logos or names, because employees could construe such prohibitions as limiting Section 7 activities like electronic or paper leaflet, cartoons, or picket signs in connection with a protest involving the terms and conditions of employment.



SAMUEL H. DESHAZER
SHAREHOLDER

(502) 568-1890 | (502) 568-4878 fax
614 W. Main Street, Suite 4000
Louisville, KY 40202
sdeshazer@hallrender.com
www.hallrender.com

**HALL
RENDER**
KILLIAN HEATH & LYMAN

TOPIC

Filing Discrimination Claims—Employees have options, but must choose one.

ADVICE

Employers are often surprised to learn that employees have many options for where they can file discrimination claims. Courts and governmental agencies often have overlapping, concurrent jurisdiction to enforce these laws. For example, a Louisville employee subjected to an adverse employment action (e.g., termination) may file a Charge with the U.S. Equal Employment Opportunity Commission (EEOC), the Kentucky Commission on Human Rights (KCHR), or the Louisville Metro Human Relations Commission (LMHRC). In addition, the employee may by-pass all of these agencies, and file a lawsuit in Jefferson Circuit Court. While each of these options is available to the complaining employee, no claim seeking relief for the same grievance(s) may be filed in another forum while the same claim of the same person is pending before another agency or court. In this manner, the employee is able to select where to bring the claim, but only gets "one bite at the apple", which is also fair to the employer.