SAMPLE ADMINISTRATIVE FORM

Please Note: The following was drafted using language from a policy deemed lawful by the NLRB.[[1]](#footnote-1) The NLRB has statutory jurisdiction over private sector employers whose activity in interstate commerce exceeds a minimal level. For law firms and legal service organizations, the minimum is $250,000 in gross annual volume.[[2]](#footnote-2) When making changes to this template, consider two main points regarding the NLRB and social media: 1) Employer policies should not be so sweeping that they prohibit the kinds of activity protected by federal labor law, such as the discussion of wages or working conditions among employees; and 2) An employee’s comments on social media are generally not protected if they are mere gripes not made in relation to group activity among employees.[[3]](#footnote-3) Please read the applicable laws, rules and regulations in their entirety. You may wish to seek legal counsel for further guidance. The Florida Bar cannot provide legal advice.

SOCIAL MEDIA POLICY

At [Law Firm Name], we understand that social media can be a fun and rewarding way to share your life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

This policy applies to all employees who work for [Law Firm Name]. This policy is not meant to prohibit you from discussing the terms and conditions of your employment as permitted by the NLRA and other applicable laws.

# GUIDELINES

In the rapidly expanding world of electronic communication, social media can mean many things. Social media includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else’s web log or blog, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with [Law Firm Name], as well as any other form of electronic communication.

The same principles and guidelines found in [Law Firm Name] policies and three basic beliefs apply to your activities online. Ultimately, you are solely responsible for what you post online. Before creating online content, consider some of the risks and rewards that are involved. Keep in mind that any of your conduct that adversely affects your job performance, the performance of fellow employees or otherwise adversely affects partners, clients, suppliers, people who work on behalf of [Law Firm Name’s] legitimate business interests may result in disciplinary action up to and including termination.

## Know and follow the rules

Carefully read these guidelines, [The Florida Bar Standing Committee on Advertising Guidelines for Networking Sites](https://www-media.floridabar.org/uploads/2017/04/guidelines-social-networking-sites.pdf), the [Rules Regulating The Florida Bar](https://www.floridabar.org/rules/rrtfb/), the [Law Firm Name] Confidentiality Policy, the [Law Firm Name] Information Policy and the Discrimination & Harassment Prevention Policy, and ensure your postings are consistent with these policies.

Pursuant to SCA Guidelines, pages or profiles appearing on networking sites that are used to promote the lawyer or law firm’s practice are subject to the lawyer advertising rules. These pages must therefore comply with all of the general regulations set forth in Rules 4-7.11 through 4-7.18 and 4-7.21. Regulations include prohibitions against any misleading information, which includes references to past results that are not objectively verifiable, predictions or guaranties of results, and testimonials that fail to comply with the requirements listed in Rule 4-7.13(b)(8). Regulations also include prohibitions against statements characterizing skills, experience, reputation or record unless they are objectively verifiable.

Lawyers who post information to Twitter whose postings are generally accessible are subject to the lawyer advertising regulations set forth in Rules 4-7.11 through 4-7.18 and 4-7.21 as above.

Pages or profiles of individual lawyers on social networking sites that are used solely for social purposes, to maintain social contact with family and close friends, are not subject to the lawyer advertising rules.

Inappropriate postings that may include private or confidential information, discriminatory remarks, harassment, and threats of violence or similar inappropriate or unlawful conduct will not be tolerated and may subject you to disciplinary action up to and including termination.

## Be respectful

Always be fair and courteous to other lawyers, fellow employees, partners, clients, suppliers or people who work on behalf of [Law Firm Name]. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or by utilizing our Open-Door Policy than by posting complaints to a social media outlet. Nevertheless, if you decide to post complaints or criticism, avoid using statements, photographs, video or audio that reasonably could be viewed as malicious, obscene, threatening or intimidating, that disparage clients, partners, employees or suppliers, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone’s reputation or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or company policy.

## Be honest and accurate

Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it quickly. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false about [Law Firm Name], fellow employees, partners, clients, suppliers, people working on behalf of [Law Firm Name] or other lawyers or law firms.

## Post only appropriate and respectful content

* Maintain the confidentiality of [Law Firm Name] trade secrets and private or confidential information. Trade secrets may include information regarding the development of systems, processes, products, know-how and technology. Do not post internal reports, policies, procedures or other internal business-related confidential communications.
* Do not discuss your case/work activity online. Remember that opposing counsel can monitor your online activity. A simple post like, “Sitting down to prepare motion for summary judgment” can be enough to reveal your trial strategy.
* Do not create a link from your blog, website or other social networking site to a [Law Firm Name] website without identifying yourself as a [Law Firm Name] employee.
* Express only your personal opinions. Never represent yourself as a spokesperson for [Law Firm Name]. If [Law Firm Name] is a subject of the content you are creating, be clear and open about the fact that you are an employee and make it clear that your views do not represent those of [Law Firm Name], fellow employees, partners, clients, suppliers or people working on behalf of [Law Firm Name]. If you do publish a blog or post online related to the work you do or subjects associated with [Law Firm Name], make it clear that you are not speaking on behalf of [Law Firm Name]. It is best to include a disclaimer such as “The postings on this site are my own and do not necessarily reflect the views of [Law Firm Name].”

## Using social media at work

Refrain from using social media while on work time or on equipment we provide, unless it is work-related as authorized by your supervisor or consistent with the Company Equipment Policy. Do not use a [Law Firm Name] email address to register on social networks, blogs or other online tools utilized for personal use. Photographs or live streams of meetings, communications, or other potentially private or confidential information is strictly prohibited.

## Retaliation is prohibited

[Law Firm Name] prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

## For more information

If you have questions or need further guidance, please contact [Insert Contact Name].

1. National Labor Relations Board, [*Walmart Advice Memorandum*, Case 11-CA-067171 (May 30, 2012)](http://apps.nlrb.gov/link/document.aspx/09031d4580a3922d). *See also* [Memorandum OM 12-59](https://apps.nlrb.gov/link/document.aspx/09031d4580a375cd). [↑](#footnote-ref-1)
2. National Labor Relations Board, *Jurisdictional Standards*, <https://www.nlrb.gov/rights-we-protect/law/jurisdictional-standards>. [↑](#footnote-ref-2)
3. National Labor Relations Board, *The NLRB and Social Media*, <https://www.nlrb.gov/rights-we-protect/rights/nlrb-and-social-media>. [↑](#footnote-ref-3)