Social Network Usage in the Hiring Process

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Like it or not, we live in a connected world. In a recent study completed by Statistic Brain Research Institute (2017), Facebook currently has an estimated 1.7 billion monthly users, LinkedIn follows with 336 million, followed by Twitter with 289 million. Social Networks, although traditionally used to stay in touch with family and friends, have emerged as a tool for employers and applicants to connect for employment opportunities. Statistic Brain Research Institute (2017), estimates 79% of employers conduct an online search for applicants. Social Networks are opening the door for employers and applicants to learn more about each other before a resume is submitted or an interview is conducted. The information is public; it's free and easily accessible. Why wouldn't an employer use it.

Many employers today are turning toward Social Networks for information on potential applicants. Society for Human Resource Management contributor, Stephen Bates, encourages employers to use Social Networks, as long as it is done carefully (SHRM, 2013). Viewing a Social Network is not the issue at hand, it's what is done with that information that is difficult to regulate. How can an applicant prove it was viewed, how can employer "un-see" what has been seen? As a hiring manager, I had to question my own bias, have I ever used a Social Network in an unethical manner? There's no question that Social Networks are a valuable hiring tool. Employers should continue to use it in the hiring process and the government should continue to enact legislation of its usage. The responsibility now falls on the employer to ensure it's used legally and responsibly.

Social Network Profiles

Whether someone is currently in the job market or not, it's important to project the best possible profile. Recruiters are always looking. As an applicant, you are responsible for what you share on Social Networks. Completing an audit of your social profile from and employer perspective is a tool I highly recommend. Google your name, check your privacy settings and see what an employer can see. As Dan Schawbel, founder of Millennial Branding, stated, "What you post or Tweet can have a positive or negative impact on what recruiters think of you". For an applicant, posts including volunteering efforts, professional affiliations and memberships can have a positive influence on a recruiter while references to alcohol, drugs or sexually implicit posts can have a negative effect (Schawbel, 2012).

In an interview conducted with small business owner, Brian Olah, his biggest concern for a future employee is the cultural fit with his business. "My business is my livelihood and I need to protect that, this person I hire is a representation of me" (Olah,2017). Brian uses Google, Facebook and Twitter to validate information provided on a resume, view applicants lifestyle as well as grammar choice. According to Brian, he is seeing exactly what his clients can see. The image they project can impact his reputation.

Employers can benefit from learning about an applicant from a cultural fit but need to proceed cautiously with any information that is protected by the Equal Employment Opportunity

Commission. In 2014, the EEOC released a statement regarding concerns over the rising use of Social Networks in the hiring process. The release warned employers against discrimination that could occur regarding race, gender, religion, national origin, color, age, disability or genetic information (EEOC.GOV, 2012). Photos, comments and affiliations can reveal protected information to potential employers and once it's viewed, employers forfeit the right to claim ignorance as a defense (Bally, 2014). Although an employer may have the best intentions to not hold any bias or judgement, it is difficult to "un-see" what has been seen.

Social Networks provide a valuable source of information but employers should maintain a healthy dose of skepticism as they read (Bally, 2014). Mixed together with all the valuable information that can be uncovered are fake profiles, exaggerated information and false information. A candidate could be dismissed prematurely or not afforded an interview at all based on false information. An applicant with little to no Social Network presence could be overlooked completely or thought to be hiding information. Thorough research to validate findings will guide an employer in the right direction.

Current and Pending Legislation

The evolution of Social Networks in hiring practice is new and continually evolving, making it difficult to construct specific laws for its usage. Currently, Federal Government protections for discrimination concerning race, color, religion, sex or national origin are covered under Title VII of the Civil Rights Act of 1964. Age discrimination is covered under the Age Discrimination Act of 1967, protecting those 40 and over. Title I and Title V of the Americans with Disabilities Act protect those with disabilities from discrimination in employment within the private sector (Delarosa, 2015). Much of the information available on Social Network pages can fall under the umbrella of protected class. While some information relating to protected class can be uncovered in a face to face interview, viewing a Social Network site prior to that could lead to denial of an interview or premature dismissal of a candidate due to the information learned.

States have been quicker to introduce Social Network laws than the Federal Government. Several high-profile cases prompted States to begin enacting legislation regarding Social Networks. In 2009, The city of Bozeman Montana required applicants to submit passwords for all Social Network accounts to verify information submitted on the application. After public outrage, the city removed the requirement. In 2011, the Maryland Department of Public Safety and Correction Services came under fire for requesting Facebook passwords of its employees to check for gang affiliation. The ACLU came to the defense of the employees prompting the Governor of Maryland to be the first to enact password protection legislation. In 2012, 4 states passed Social Network password protection laws, prohibiting an employer from requesting usernames and passwords from applicants. By 2014, 21 states had enacted similar legislation and more are continuing to adopt proposed legislation (Delarosa, 2015). "Shoulder surfing" laws are also pending in several states and currently passed in 6 states. "Shoulder surfing" is a work around to asking for an applicant's password. The employer has the applicant sign into their account and then watches as they browse their site. "Friending" legislation is pending in 10 states currently. Through "Friending", an employer requires the applicant to "friend" an employee of the organization allowing them visibility to what the applicant has posted. Privacy Setting Bills are currently under consideration in 6 states that would prohibit an employer from requesting or suggesting a candidate change their privacy settings on their Social Networks to allow the

employer access. Trying to keep pace, the Federal Government in 2012 introduced the Social Networking Online Protection Act, SNOPA. Like state legislation, "SNOPA, would make it unlawful for an employee to discipline, deny or discharge an employee or applicant who failed to provide such information" (Delarosa, 2015). Although the legislation has not been enacted, Congress is still considering the Act.

In addition to State and Federal law, Social Network screening must also follow EEOC guidelines as a valid and reliable selection tool. According to selection expert, Amie Lawrence, "Collecting inconsistent information on your candidates, that might differ across protected classes, and applying inconsistent standards to that information violates best selection practices and not only decreases the accuracy of the selection process, but opens your process up to legal scrutiny" (Lawrence, 2017). Applicants may not have the same level of social media presence and certain protected classes have less activity than others. Using Social Networks as a selection tool could create adverse impact to select classes. Establishing Job Relevance is another hurdle to overcome in the selection process. If an applicant chooses to post about a topic that is not relevant to the job, it cannot legally be used to make a hiring decision. Both instances can result in EEOC violations and legal consequence.

Employer Responsibility

In a 2013 survey, 74% of organizations were fearful of uncovering protected class information or opening themselves up to legal risks by perusing an applicant's Social Network account (Blount, Wright, Hall, Biss, 2016). How can an employer take advantage of the valuable information it can uncover while protecting themselves in the process? Jonathan Segal, contributing editor of HR magazine, recommends several steps an employer should take to properly utilize Social Networks a s hiring tool: have a separate department do it, look later in the process, document all decisions, be consistent, consider the source, never ask for passwords and follow all applicable state laws (Segal, N.D.).

An HR department of an organization should divide the responsibilities of interviewing and hiring to separate departments. Splitting Social Network evaluation and interviewing responsibilities would ensure the interviewer would not be privy to information that is not job relevant or protected class. Some employers are using third party companies for screening and background checks. Whether screening is done in house or with a third party, employers are responsible for following all Fair Credit Reporting Act guidelines.

A second valuable practice Segal recommends is looking at Social Networks later in the process. By avoiding the urge to browse Social Networks early in the process, the employer will avoid any knowledge of membership in a protected class that would have been uncovered prior to the interview. Utilizing information provided on a resume to funnel through an initial group of applicants is sufficient in most cases. Employers should let Social Network screening be the next funnel to narrow down the applicant pool.

Documenting all decisions made using information uncovered on a Social Network is a process many HR professionals recommend. By documenting your process, the employer can provide detailed information in the event a candidate is denied and pursues legal action. Along with documentation comes the need for consistency. For an employer to utilize Social Networks as a valid screening tool, they must be consistent with usage. Viewing sites for one applicant and

not another is grounds for discrimination. Keeping a documented record of an employer's decision process will help to avoid legal action in the future.

Considering the source of the information found is another tool Segal recommends to avoid legal recourse in the future. HR professionals have warned employers to be careful where they are getting information from. Research and validate all findings before using it in the hiring process. Even if employers are using a third party for background checks, they are responsible for ensuring applicants know their rights under FCRA (Bally, 2014).

Employers are responsible for knowing all state laws. Although it is already illegal in 21 states, employers should never ask for password information from an applicant. Employment law is constantly changing and staying up to date is critical. The National Labor Relations Board is an excellent tool to keep employers up to date on evolving Social Network policy.

The Need for Policy

Now more than ever, employers need to develop a consistent and specific policy in the way they address Social Network Usage. In a recent study completed on a college campus, recruiters were asked whether their company had a social media vetting policy in place: 44% replied No, 39% replied yes and 17% were unsure. Of those participating in the survey, 50% replied that they have viewed a Social Network site (Blount, 2016). While the recruiters admitted to viewing Social Network sites, 17% were unsure if their employer allowed it. When asked why they were viewing the accounts, most respondents claimed they were checking for cultural fit, making sure the applicants used Social Networks tastefully and to get a more complete picture of the candidate (Blount, 2016). Employers are responsible for implementing a Social Network screening policy. Without a policy in place, organizations are leaving themselves open to a variety of legal implications.

Conclusion

Social Networks are a fantastic tool, expanding employment growth and opportunity by connecting employers with applicants. Recruiters have access to a larger applicant pool and applicants have access to companies worldwide. Along with the evolution of Social Network comes responsibility of its usage. Applicants are responsible for their Social Network profiles, regularly auditing to project the best image. Employers are responsible for ensuring proper usage of the information gained by accessing the Social Network site. Employers need to have a Social Network screening policy in place to ensure bias and discrimination do not occur. Government and State legislation is emerging but it takes time and can't keep pace with the evolving nature of Social Media. By utilizing recommendations from HR professionals along with current and pending legislation, an employer can develop a policy to ensure proper usage of Social Networks staying connected with current hiring trends.

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