

Policies on Employee Appearance and Social Media Use Declared Unlawful

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Nelson Cary, a partner in the Columbus office, and Ashley Manfull, a senior attorney in the Akron office, co-authored an article for *Crain's Cleveland Business* titled "Policies on Employee Appearance and Social Media Use Declared Unlawful." The article outlined recent National Labor Relations Board (NLRB) decisions related to a variety of topics addressed in employee handbooks including social media, employee conduct, and dress and grooming.

The article states:

"In Boch Imports Inc., the NLRB determined that the employer, a car dealer, violated the National Labor Relations Act by maintaining a social media policy that (1) required employees to identify themselves when posting online comments about the employer, its business, or any policy issue; and (2) prohibited employee use of the employer's logos in any manner. A dress code/personal hygiene policy that prohibited employees who have contact with the public from wearing pins, insignias, and other message-bearing clothing also was deemed unlawful.

The NLRB reasoned that requiring employees to identify themselves when posting comments about the employer could be reasonably construed to cover comments about the employees' terms and conditions of employment. Similarly, prohibiting employees from using the employer's logos "in any manner" would unreasonably include usage for the purpose of engaging in protected employee communications. Therefore, the policies infringed on employees' Section 7 rights."

To read the entire article, visit the *Crain's Cleveland Business* [website](#).