

As the SHRM Vermont State Council's Director of Government and Legislative Affairs, I am here to provide testimony regarding H.462, An act relating to social media privacy for employees.

The Society for Human Resource Management (SHRM) is the world's largest HR professional society, representing 285,000 members in more than 165 countries. For nearly seven decades, the Society has been the leading provider of resources serving the needs of HR professionals and advancing the practice of human resource management. SHRM has more than 575 affiliated chapters within the United States. The SHRM Vermont State Council advances the Human Resource profession by serving as a resource for the HR professional in matters of education, strategic direction, legislative lobbying and promotion and enhancement of Human Resources as a profession.

House Bill 462 addresses an employee's right to freedom of speech and expression, which is an important element for all citizens to maintain. There is some balance in the draft language, including the rights of an employer to request social media account content in the case of employee misconduct or a violation of law, and the bill also explicitly states that an employer has the right to user name and passwords associated with employer-issued electronic devices.

We would recommend that your committee consider two additions to the draft legislation:

1. Firstly, the ability for an employer to request an employee divulge social media content if the employee has posted confidential or proprietary business information of the employer.
2. Secondly, the ability for an employer to request an employee divulge social media content if the employee has posted discriminatory or disparaging content about another employee, or disparaging content about the employer, if good cause exists to do so.

The SHRM Vermont State Council is a proponent of employee's rights in the workplace, but also believes that there is a balance between protecting the employer and other employee's from social media postings that may be confidential, inappropriate or insensitive.

Thank you for the opportunity to express our viewpoint.