

# TO USE OR NOT TO USE, THAT IS THE QUESTION

Cyber-vetting Potential Employees



# DEFINITION OF CYBER- VETTING:

“Information seekers (employers) gather information about targets (workers) from informal, non-institutional, online sources to inform personnel selection decisions (Berkelaar, 2010)... Unlike background and credit checks—which use institutionalized, public records and require workers’ permission and/or adverse action reports—cybervetting typically involves ad hoc, covert, *extractive communication*”

*Berkelaar, B. L. (2014, Nov). Cybervetting, online information, and personnel selection: New transparency expectations and the emergence of a digital social contract.*

# Online Sources



# DEFINITION OF SOCIAL MEDIA:

Social media can be defined as technology that facilitates shared information, user created matter, and collaboration (Elefant, 2011). Examples of social media can include Facebook, Twitter, LinkedIn, Myspace, YouTube, and Wikipedia among other sites that facilitate interactions on a virtual basis (Broughton, Higgins, Hicks, & Cox, 2010). Paul and Chung (2008) add their own broader examples including blogs, forums, social networking sites, wikis, and virtual communities. (Hazelton, 2015)

# Cyber-vetting

- Statistics
- Legalities/Ethical Concerns
- Reliability and Validity
- Best Practices

# Statistically speaking

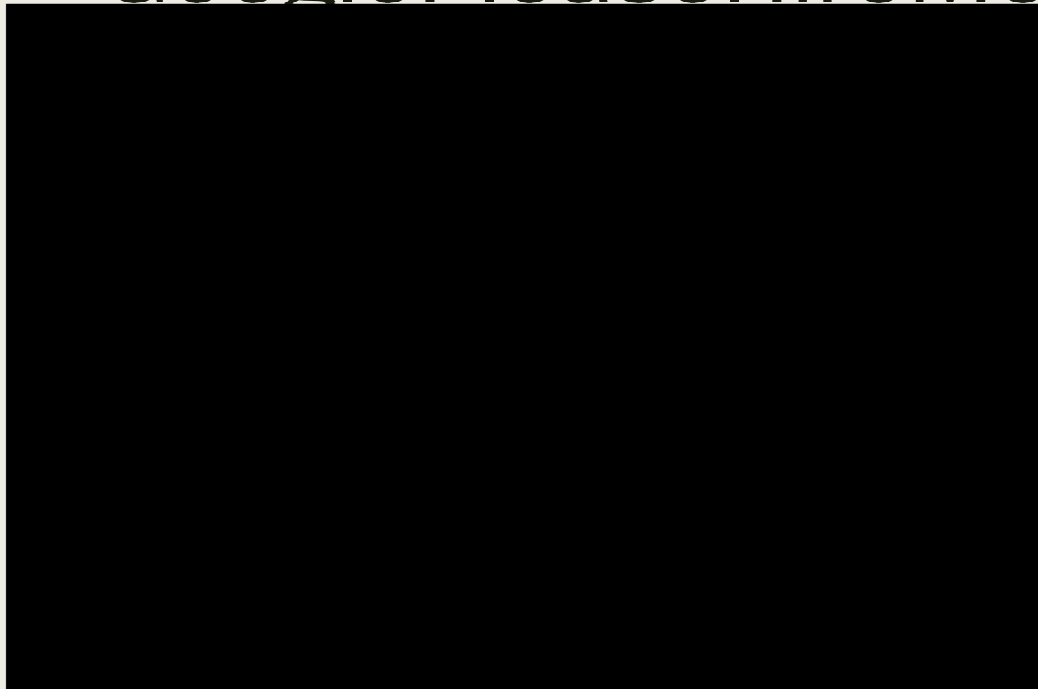
- Number of Employers Using Social Media to Screen Candidates Has Increased 500% over the Last Decade
- *60% of employers use social networking sites to research job candidates, up from 52% last year and 11% in 2006*
- *More than a 1/4 of employers have found content online that has caused them to reprimand or fire an employee*
  - *Careerbuilders.com*
- 22% of respondents said they use social media websites like Facebook or Instagram to research job candidates, a decline from 34 percent in 2008
  - *shrm.org*
- 43% have reconsidered a candidate (both in the negative and positive direction) based on the candidates' social media profile (Jobvite, 2013)

# INTENTIONAL



Sharing with your potential employer






# Video Resume: GooglePleaseHireMe...Guy





Video Resume: Google Please Hire Me

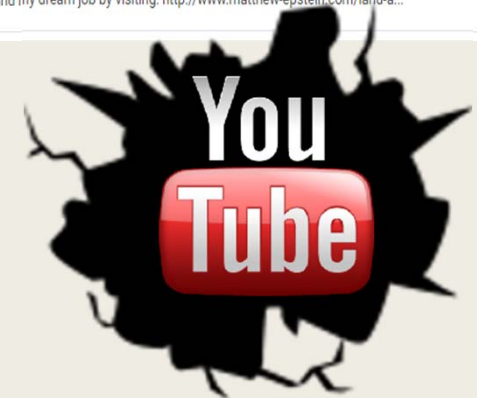
 meandmymustache  487

1,532,924 views

 Add to  Share  More

 2,124  375

Published on Jul 29, 2011  
For more, go to: <http://www.googlepleasehire.me>  
You can all join me on my journey to land my dream job by visiting: <http://www.matthew-epstein.com/land-a-...>





# Did it work?

Google Fails To Hire The 'GooglePleaseHire.Me' Guy | TechCrunch - Google Chrome

https://techcrunch.com/2011/09/07/google-fails-to-hire-the-googlepleasehire-me-guy/

Apps Intercon LH-TA-4290 Imported From IE Other bookmarks

TE News Startups Mobile Gadgets Enterprise Social Europe Trending Amazon Tesla Microsoft

## Startups

### Google Fails To Hire The 'GooglePleaseHire.Me' Guy

Posted Sep 7, 2011 by Robin Wauters

Popular Posts

- In praise of Tesla's bankruptcy
- YouTube is not for kids
- AWS announces a serverless database service
- Elon Musk's Boring Company to bid for Chicago airport link project
- Chinese electric vehicle maker NIO more

Remember **Matthew Epstein**, the guy that wanted to work at Google so badly that he created an **interesting campaign** in order to get the search and advertising giant's attention? Well he *did* get their attention, partly because **we urged Google** to hire Epstein as fast as human-resourclessly possible.

That said, at some point the company apparently lost interest in communicating with Epstein.

In an update **posted to his blog** this morning, Mr. Moustache says he has landed his 'dream' job – but not at Google.

Writes Epstein:

*Well mustachios, three weeks and nearly half-a-million YouTube views later my quest to land my dream job has finally come to an end. In the past three weeks I've interviewed with many of the major tech companies in New York, Seattle and San Francisco. It's*

Next Story

Legal

Because with the right support, ANY DREAM IS POSSIBLE.

LEARN MORE

AMERICAN FAMILY INSURANCE

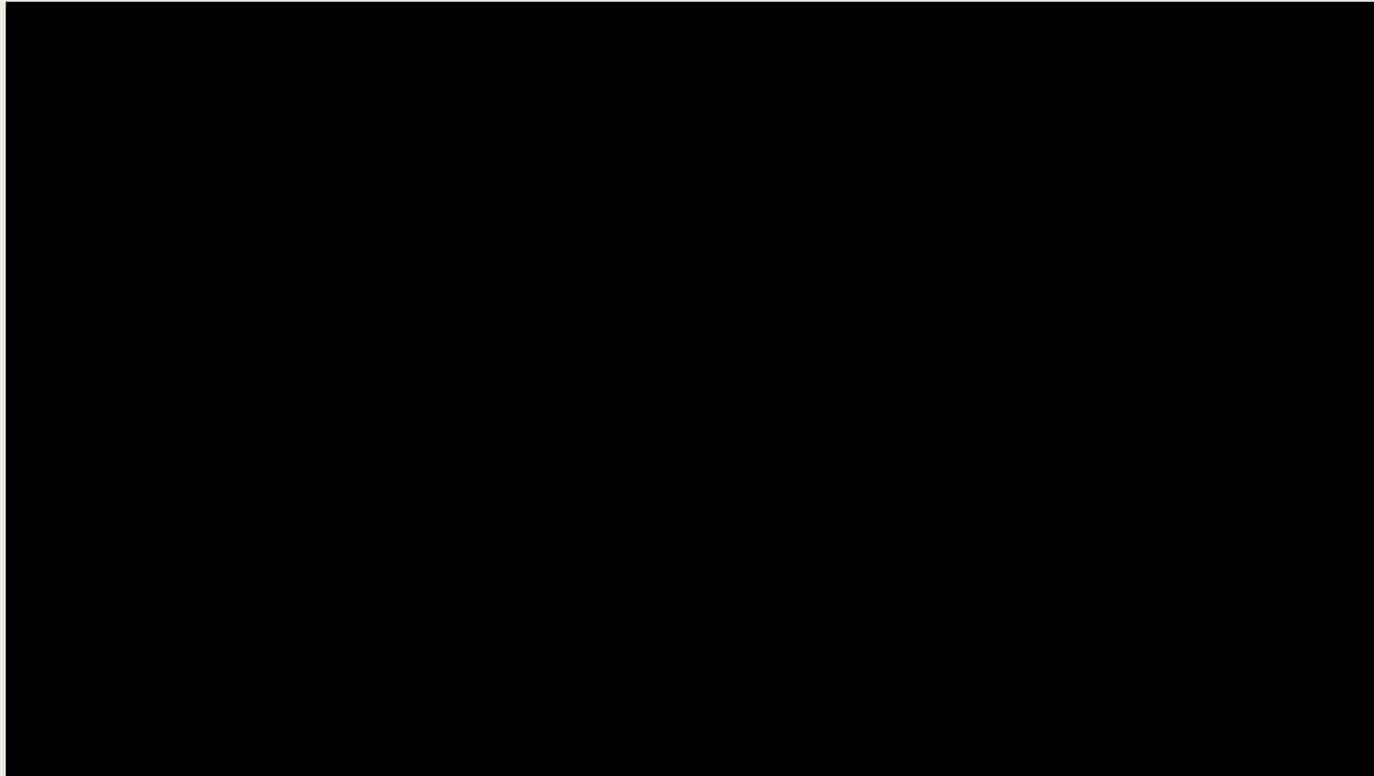
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Get the top tech stories of the day delivered to your inbox

# Best Video Resume Ever....



# What's he doing now?

THE  
UNCONVENTIONALISTS®

ABOUT PODCAST LIVE EVENTS TEDX ACCELERATOR

GET STARTED



The Unconventionalists®, led by Mark Leruste, helps mission-driven founders & business leaders turn their message into a movement. If you're looking to scale your impact, grow your income and expand your influence, you're in the right place.

## HOW WE ROLL

8 out of 10 entrepreneurs fail within the first 18 months. We're on a mission to stop that. Here's how:



Mark Leruste (@MarkLeruste) · Twitter  
<https://twitter.com/MarkLeruste>

I can only imagine Rich!! :) Thanks for reading and sharing @VirginStartup twitter.com/richfoto/st...

8 hours ago · Twitter

Want to learn how to nail your story? Read my latest article on @VirginStartup and avoid the 3 most common mistakes all startups make www.virginstartup.org/h... #TheUnconventionalists #startup #storytelling

1 day ago · Twitter

My favourite homepage. Ever. methodhome.com/ by the awesome folk over at @methodhome. Keep it clean people. Keep it clean.

2 days ago · Twitter

Mark Leruste | Professional Profile - LinkedIn

<https://uk.linkedin.com/in/markleruste>

View Mark Leruste's professional profile on LinkedIn. LinkedIn is the world's largest business network, helping professionals like Mark Leruste discover inside connections to recommended job candidates, industry experts, and business partners.

Mark Leruste - YouTube

<https://www.youtube.com/user/markleruste>

Mark Leruste shares unconventional business tips and ideas to help you grow your online business by falling in love with marketing and sharing your message w... You've visited this page 3 times. Last visit: 12/2/17

The Unconventionalists with Mark Leruste by Mark Leruste on Apple ...

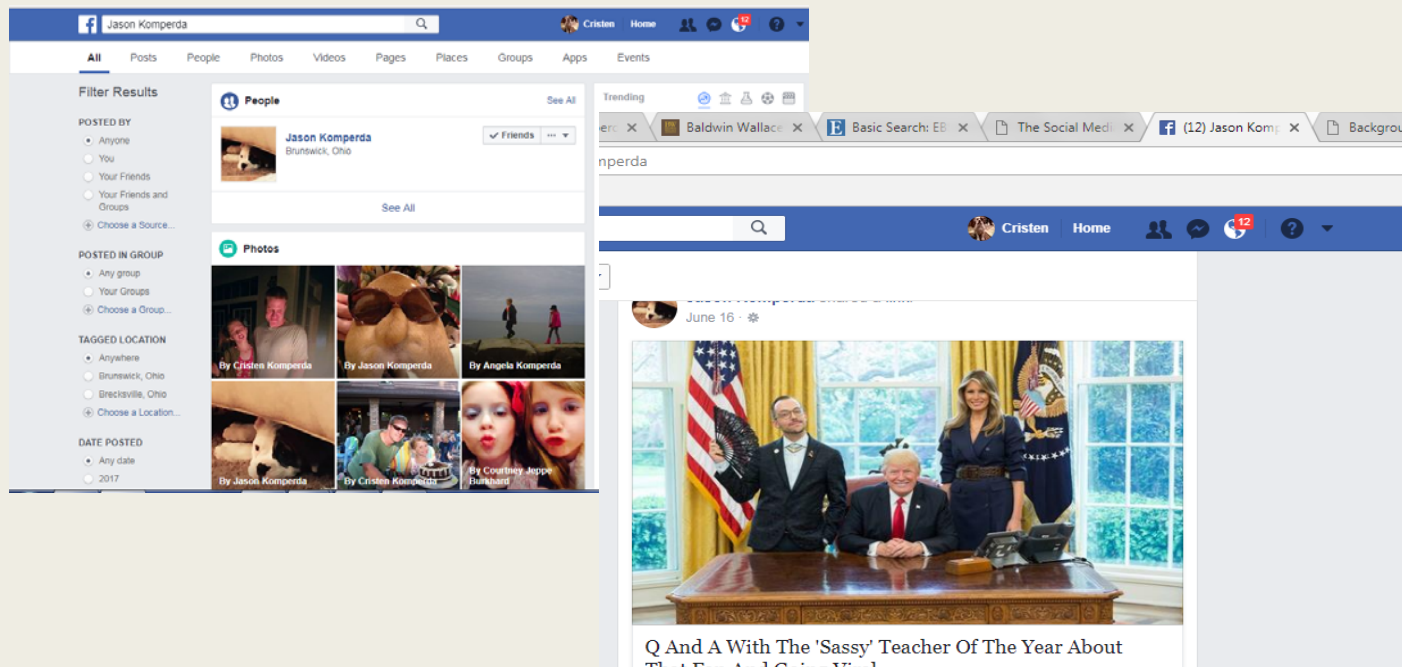
# UN-INTENTIONAL

Potential employer investigation



# FaceBook

- *Permission provided to use page granted by my husband*



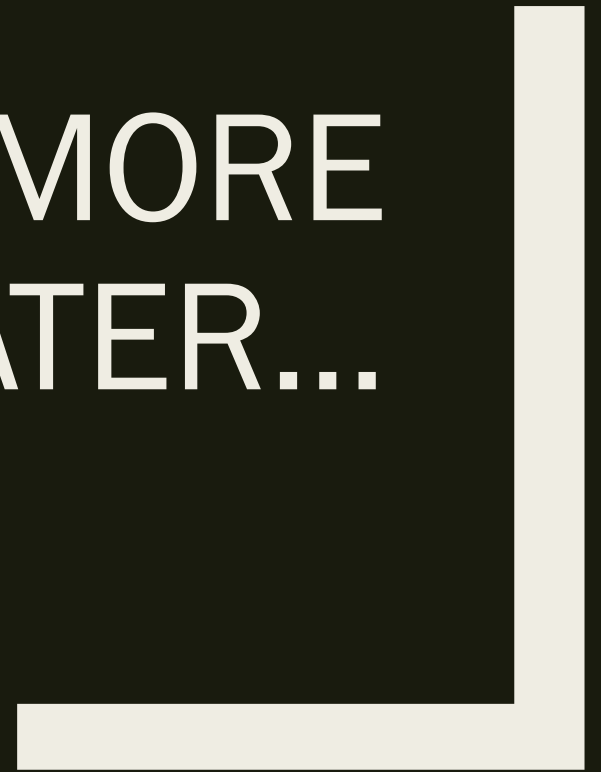
## Slide 13

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**CK1**

Cristen Komperda, 12/2/2017

WE'LL ADDRESS MORE  
ABOUT THIS LATER...



Tweeted her way out of a job...  
"Oh snap!" said the [Twitterverse](#), and Riley soon became the latest laughingstock on

#### 10 People Who Have Lost Their Jobs Over Social Media Mistakes

SEE ALL

SLIDESHOW

Cisco just offered me a job! Now I have to weigh the utility of a fatty paycheck against the daily commute to San Jose and hating the work.

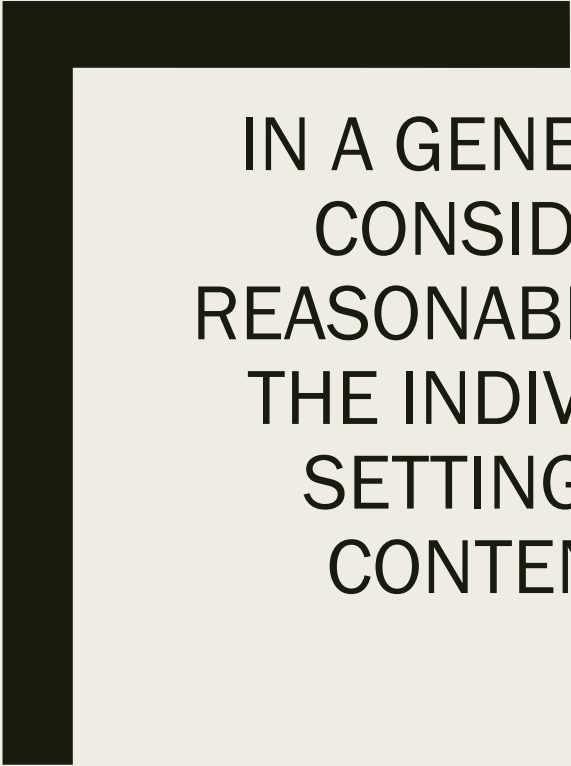
3:17 AM Mar 18th from web






# WAIT! CAN HE DO THAT?

Is it legal for the Employer to use her Tweet to fire her?  
Isn't there an expectation of privacy?



IN A GENERAL SENSE, COURTS DO NOT  
CONSIDER INDIVIDUALS TO HAVE A  
REASONABLE EXPECTATION OF PRIVACY IF  
THE INDIVIDUAL FAILS TO USE PRIVACY  
SETTINGS OR RESTRICT ACCESS TO  
CONTENT THAT OTHERS CAN FIND

(Hazelton, 2015)



# So, yes he can!



Aren't there rules or something employers need to follow!



WELL...KIND OF



# The law has had a difficult time adapting to the advent of SNSs

- Existing privacy law does not adequately protect even an employee's SNS information from an employer's review; therefore, an applicant also cannot claim that the practice of requesting access to the applicant's SNS account violates a privacy right
- Critics of this practice have proposed several solutions, including extending the protections of the Fourth Amendment to cover public employees' SNS accounts
- Reforming federal legislation such as the Stored Communications Act
- Mandating third-party searches to bring them under the aegis of the Fair Credit Reporting Act.



# Title VII and the ADA are insufficient to address the issue

## Americans with Disabilities Act (ADA)

- Two anti-discrimination regimes, the Americans with Disabilities Act (ADA) prohibits employment discrimination on the basis of disability, as long as the applicant “can perform the essential functions of the employment position” either with or without “reasonable accommodation

## Title VII of the Civil Rights Act (Title VII)

- Cannot discriminate against applicants on the basis of race, color, sex, national origin, or religion

And they tried...

## Attempted SNOPA and the PPA died in committee

The Social Networking Online Protection Act (SNOPA)

- covers employees and applicants<sup>111</sup> as well as students
- prohibits employers from requesting access to an applicant's SNS account or from taking adverse employment action in the event that the applicant refuses to provide such access

The proposed Password Protection Act of 2013 (PPA)

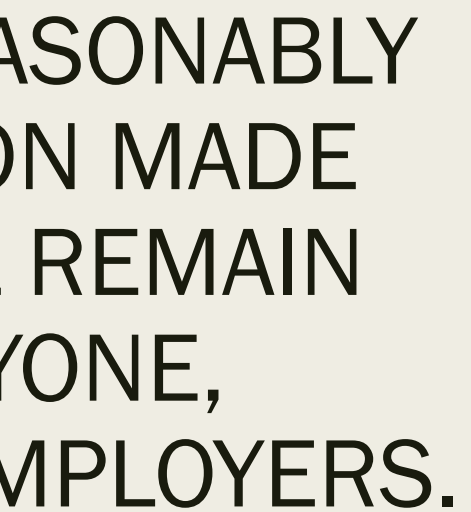
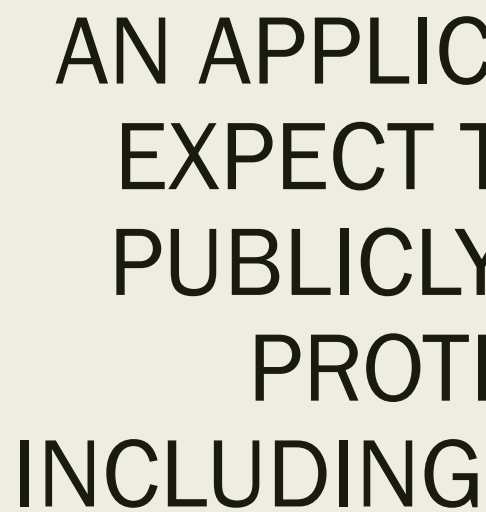
- prohibit employers from forcing prospective or current employees to provide access to their own private, personal data



# FaceBook



- Facebook officials have already taken a stand on this issue, indicating that requiring a job applicant to disclose her password constitutes a violation of the site's terms of service. see Erin Egan, Chief Privacy Officer, *Protecting Your Passwords and Privacy*, FACEBOOK (Mar. 23, 2012, 8:32 AM), [http://www.facebook.com/note.php?note\\_id=326598317390057](http://www.facebook.com/note.php?note_id=326598317390057) (“As a user, you shouldn’t be forced to share your private information and communications just to get a job. . . . That’s why we’ve made it a violation of Facebook’s Statement of Rights and Responsibilities to share or solicit a Facebook password.”).



AN APPLICANT CANNOT REASONABLY  
EXPECT THAT INFORMATION MADE  
PUBLICLY AVAILABLE WILL REMAIN  
PROTECTED FROM ANYONE,  
INCLUDING PROSPECTIVE EMPLOYERS.

# I DON'T FEEL PROTECTED!

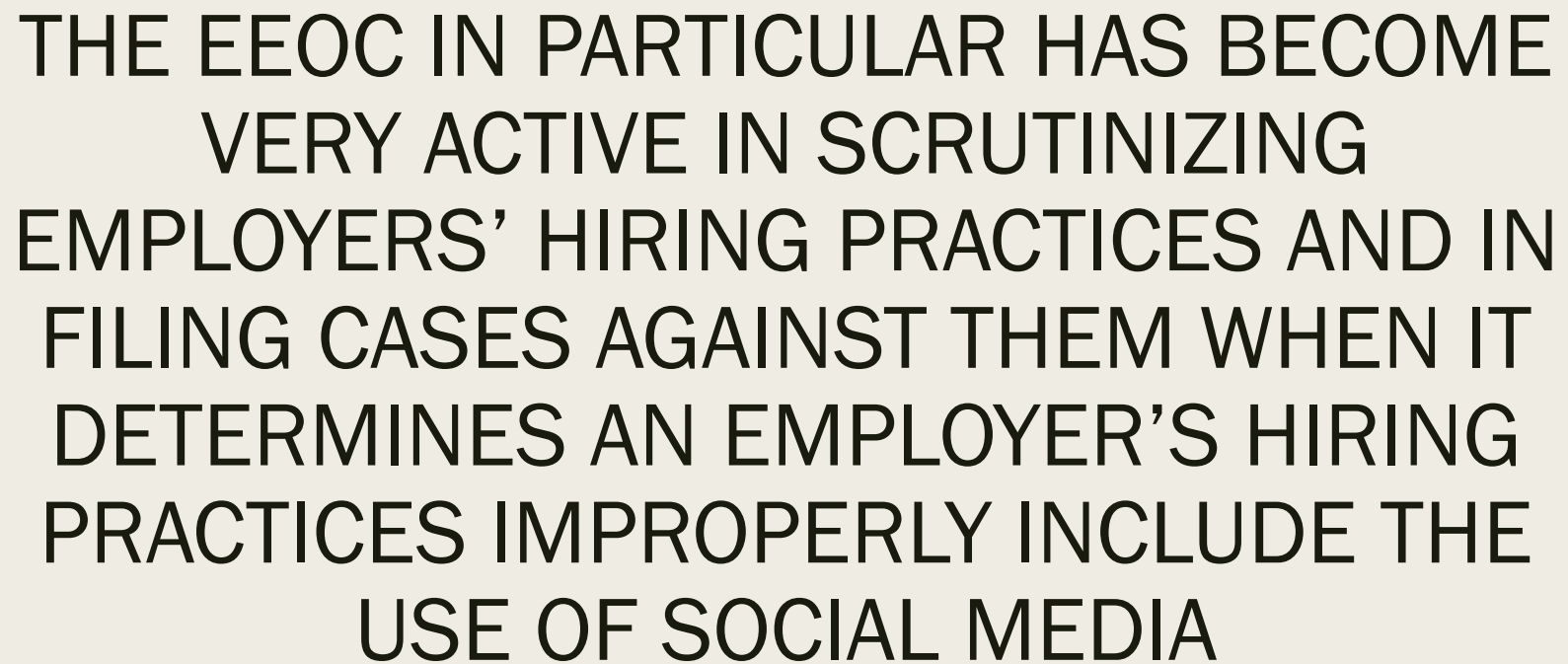
The United States is the country's dual system of federal and state laws  
Several federal agencies that exercise regulatory authority over specific aspects of  
social media operations

# It's complicated!

- The United States is the country's dual system of federal and state laws
- Several federal agencies that exercise regulatory authority over specific aspects of social media operations
- Is it against the law for an employer to read such information? No.
  - *The liability results from what the employer does with the information after they read it*

# Strongest Existing Laws;

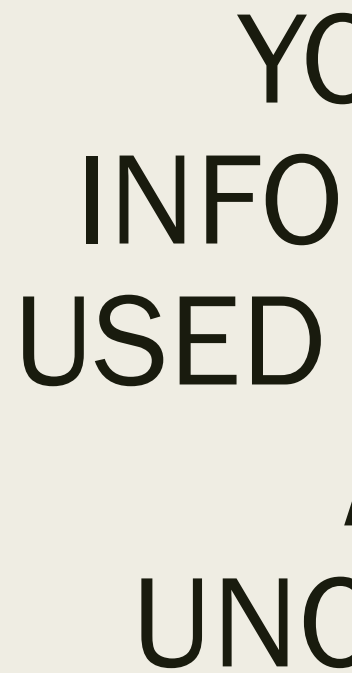
- Equal Employment Opportunity Commission (EEOC)
  - *Comply with federal laws that protect applicants and employees from discrimination. Race, color, national origin, sex, or religion; disability; genetic information (including family medical history); and age (40 or older)*
- Fair Credit Reporting Act (FCRA) Compliance
  - *In place since the 1970s, requires professional background screeners and employers to provide consumers the highest level of protection*
- Federal Trade Commission (FTC)
  - *Ensure the maximum possible accuracy of what's reported from social networks and that it relates to the correct person*
- The National Labor Relations Board (NLRB) T
  - *The federal agency that protects employees' rights to organize. It also acts to prevent and remedy unfair labor practices committed by private sector employers and unions.*

A thick black L-shaped frame surrounds the text. It starts with a horizontal bar at the top left, then a vertical bar extending downwards on the left side, and finally a horizontal bar at the bottom right.


THE EEOC IN PARTICULAR HAS BECOME  
VERY ACTIVE IN SCRUTINIZING  
EMPLOYERS' HIRING PRACTICES AND IN  
FILING CASES AGAINST THEM WHEN IT  
DETERMINES AN EMPLOYER'S HIRING  
PRACTICES IMPROPERLY INCLUDE THE  
USE OF SOCIAL MEDIA

## Focusing on the EEOC and Discrimination

- The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to **discriminate** against a job applicant



YOUR PERSONAL  
INFORMATION MAY BE  
USED TO DISCRIMINATE,  
AND CREATE  
UNCONSCIOUS BIAS



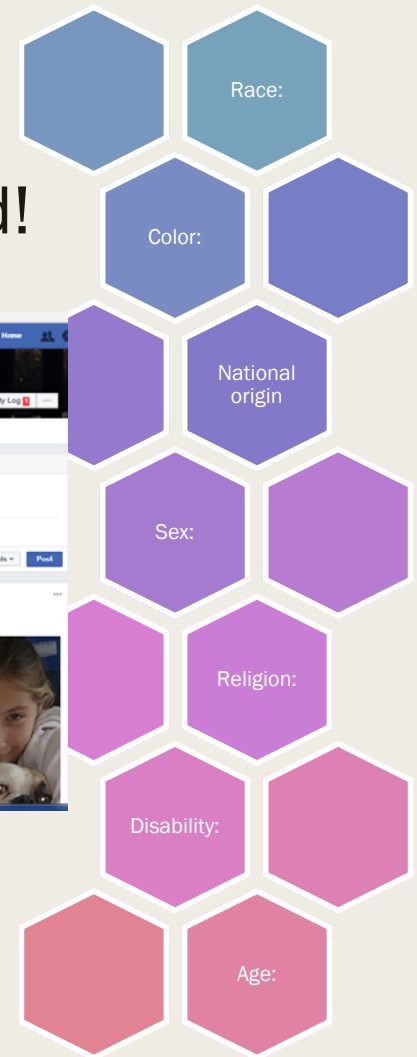
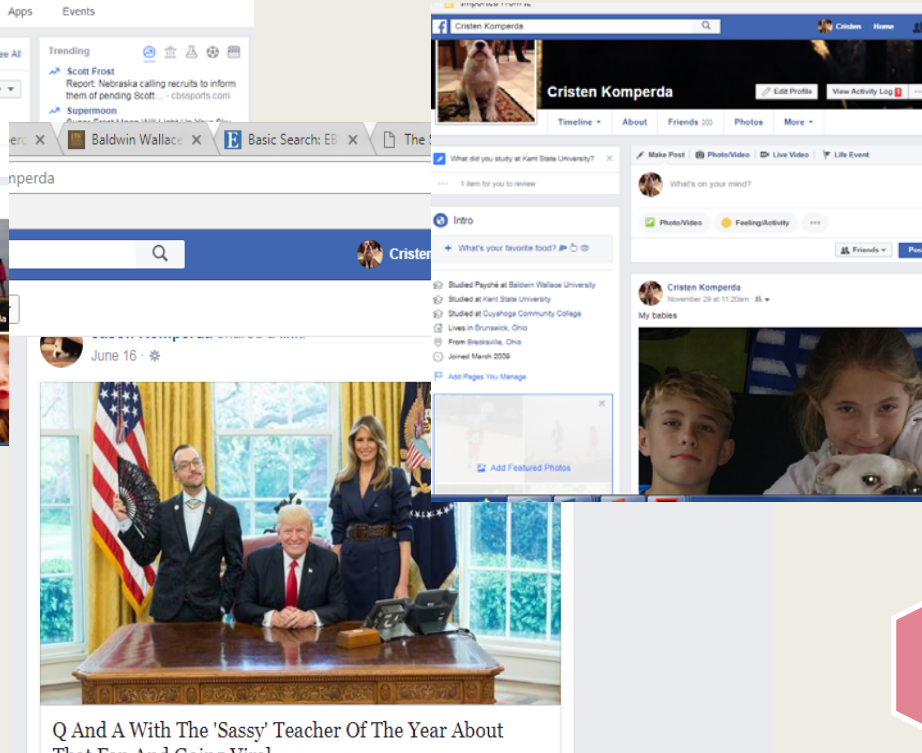
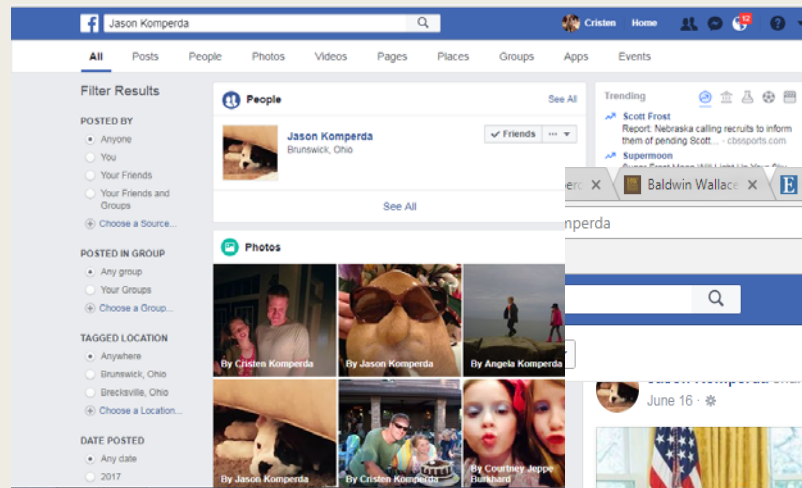


NOW WHAT WERE YOU  
THINKING ABOUT THE  
VIDEOS AND THE  
SCREENSHOTS?



# A Click of a Button, and bam....

- Protected information immediately revealed!





# Googled



## Cristen Komperda | Professional Profile - LinkedIn

<https://www.linkedin.com/in/cristenkomperda>

Cleveland/Akron, Ohio Area - Associate - Statz and Associates

View **Cristen Komperda's** profile on LinkedIn, the world's largest professional community. Cristen has 4 jobs listed on their profile. See the complete profile on LinkedIn and discover Cristen's connections and jobs at similar companies.

## Cristen Komperda | Facebook

<https://www.facebook.com/CJKomperda>

Cristen Komperda is on Facebook. Join Facebook to connect with Cristen Komperda and others you may know. Facebook gives people the power to share and...

## Images for cristen komperda



→ More images for cristen komperda

Report images

## Cristen Komperda - Brunswick City Schools

[www.bcsch.org/cms/lib3/OH01001261/Centricity/Domain/525/Event%20Sponsor.pdf](http://www.bcsch.org/cms/lib3/OH01001261/Centricity/Domain/525/Event%20Sponsor.pdf)

The children, staff and parents of Hickory Ridge PTG are excited to inform you this year we are hosting our 1st Hickory Ridge PTG 5k run/walk and After Party Sunday September 28, 2014. Your sponsorship helps to defray the cost of organizing the event. Funds received from sponsorships are used to purchase race.

## Cristen Komperda - Brunswick, OH (2 books) - Goodreads

<https://www.goodreads.com/user/show/19235162-cristen-komperda> ▼

**Cristen Komperda** has 2 books on Goodreads, and recently added Where I Live by Eileen Spinelli and Sophie's Masterpiece: A Spider's Tale by Eileen Spinelli.



By Brian Lisik/special to cleveland.com

[Follow on Twitter](#)

on January 10, 2012 at 12:35 PM



**BRUNSWICK HILLS** – Among those who contributed to the township police department's holiday food pantry this year, police personnel gave special recognition to the efforts of Autumnwood Development resident Cristen Komperda, her children, and several of their friends.

The group collected and donated 14 boxes of non-perishable items to the Brunswick Hills Police Food Pantry this year.

tein said the children went through the Autumnwood  
iations and the response was overwhelming. Police Sgt.

ations and the response was overwhelming. Police Sgt.  
tein said the children went through the Autumnwood

# LinkedIn



## Cristen Komperda

Providing Financial and Insurance Strategies  
for Individuals and Companies

Cleveland/Akron, Ohio Area | Insurance

Current	Statz and Associates
Previous	CTAC, DMAC
Education	Kent State University
Recommendations	6 people have recommended <b>Cristen Komperda</b>
Websites	Company Website

382  
connections

View Cristen Komperda's full  
profile. It's free!

Your colleagues, classmates, and 500 million other professionals are on LinkedIn.

LinkedIn



### Public profile badge

Include this LinkedIn profile on other websites

[View profile badges](#)

### Search by name

Over 500 million professionals are already on LinkedIn. Find who you know.



Example: [Jeff Weiner](#)

# Searching Public Records

The screenshot shows a web browser window with the Truthfinder website. The browser's address bar displays the URL: [https://www.truthfinder.com/?utm\\_source=GLE&traffic\[source\]=GLE&utm\\_medium=Search&traffic\[medium\]=Search&utm\\_campaign=BGCE&traffic\[campaign\]=...](https://www.truthfinder.com/?utm_source=GLE&traffic[source]=GLE&utm_medium=Search&traffic[medium]=Search&utm_campaign=BGCE&traffic[campaign]=...). The website's main heading is "Search Public Records" in large white text, with a subtitle "Social Media, Photos, Police Records, Background Checks, Civil Judgments, Contact Information and Much More!". Below this is a blue button that says "START HERE - Try searching a friend, relative, celebrity, yourself, or someone else you might know...". The search form consists of four input fields: "FIRST-NAME:" (containing "Cristen"), "LAST-NAME:" (containing "Komperda"), "CITY:" (containing "Cleveland"), and "STATE:" (containing "Ohio"). To the right of these fields is a checkbox labeled "This is me" and a green "SEARCH" button. A green lock icon and the text "This secure connection is confirmed" are visible below the search fields. Below the search form, the text "We're Very Popular" is displayed above logos for DailyMail.com, a green 'M' logo, UPROXX, c|net, and THE HUFFINGTON POST. At the bottom, a blue banner features a "100%" seal and the text "What Our Happy Users Are Saving" and "This site is so wonderful. I found my lost godchildren and their mom." The Windows taskbar at the bottom shows the time as 12:05 PM on 12/2/2017.

Employment Background X Background Checks and X

Truthfinder, Inc. [US] | [https://www.truthfinder.com/?utm\\_source=GLE&traffic\[source\]=GLE&utm\\_medium=Search&traffic\[medium\]=Search&utm\\_campaign=BGCE&traffic\[campaign\]=...](https://www.truthfinder.com/?utm_source=GLE&traffic[source]=GLE&utm_medium=Search&traffic[medium]=Search&utm_campaign=BGCE&traffic[campaign]=...)

Apps Intercon LH-TA-4290 Imported From IE

Call Toll Free! (800) 699-8081

# Search Public Records

Social Media, Photos, Police Records, Background Checks, Civil Judgments, Contact Information and Much More!

START HERE - Try searching a friend, relative, celebrity, yourself, or someone else you might know...



FIRST-NAME: LAST-NAME: CITY: STATE:

Cristen Komperda Cleveland Ohio

☐ This is me **SEARCH**

This secure connection is confirmed

We're Very Popular

DailyMail.com  UPROXX  THE HUFFINGTON POST

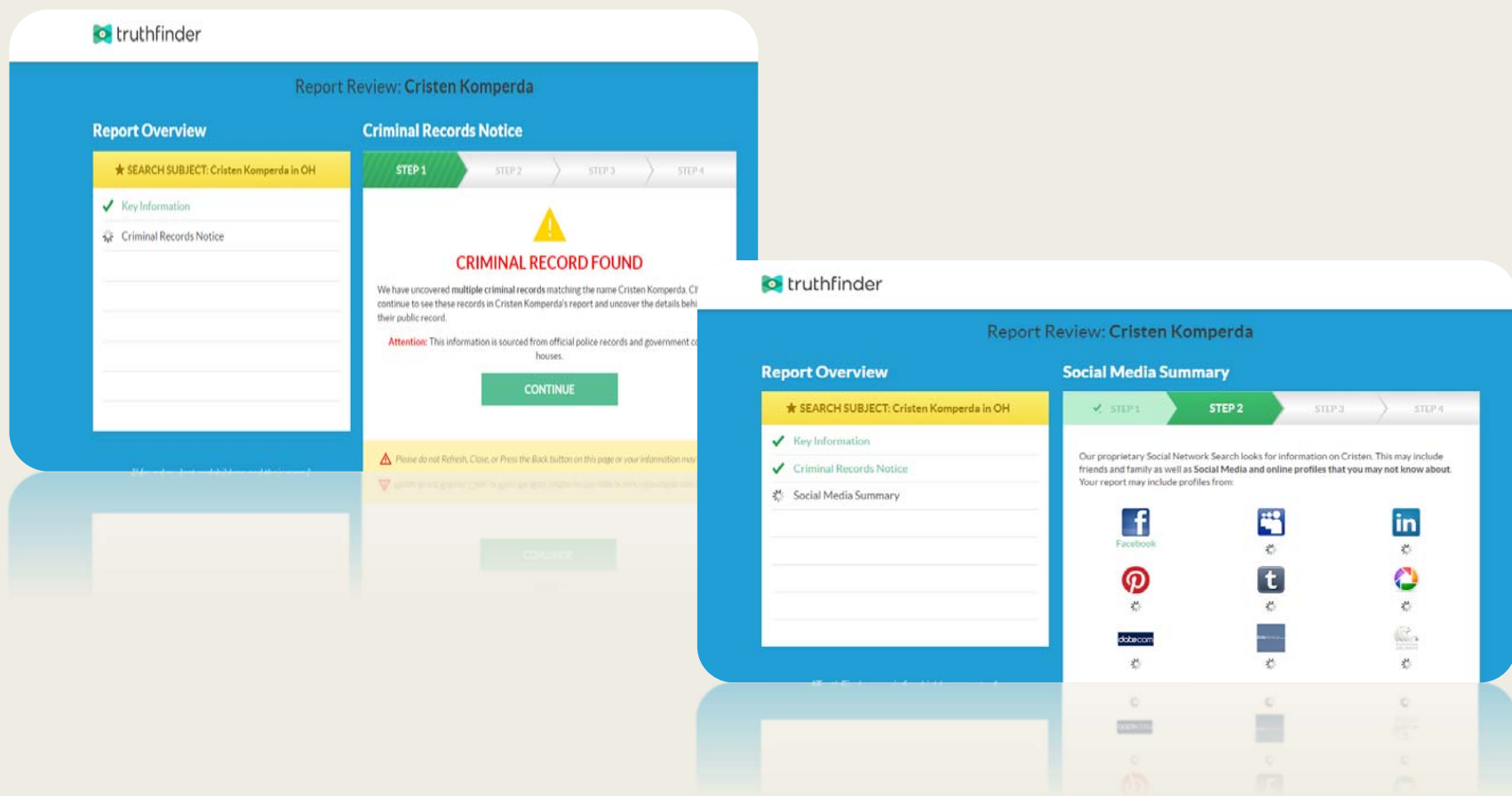
What Our Happy Users Are Saving

"This site is so wonderful. I found my lost godchildren and their mom."

12:05 PM 12/2/2017



# Inaccurate Information



I DON'T HAVE A CRIMINAL  
RECORD!





# Reviewing Social Media May Cause Employers to Develop an unconscious bias (discrimination)

- Not having a profile picture is considered a red flag
- A study conducted by Carnegie Mellon University in 2013 concluded that job applicants with Christian-toned social media profiles were much more likely to be called on for a job than Muslim applicants. The difference - 17% Christian to 2% Muslim - was striking.
- These mental constructs do not necessarily align with our declared beliefs, but they hold an implicit favor with our own “in-groups” – that is, people who are like us.
- Unconscious bias is a well-documented issue that effects recruiters, managers, and candidates alike.

The Federal Trade Commission now allows companies who run background checks and to compile seven years worth of publicly-available files and data from social networks and websites of the like.



An innovative and FCRA-compliant way to gain insight into potential employees' personal and professional characteristics. We remove protected-class information before reporting your candidate's online presence, presenting you with a complete picture of your candidate while remaining compliant with privacy laws.

# Discrimination

- Discrimination claims can be brought up against an employer if an applicant feels that an employer used information not afforded by a face-to-face interview
- Disproving these types of allegations can be extremely difficult.
- Unfortunately, the mere allegation of illegal discrimination in hiring based on social media access can prove to be disastrous.
- 43% have reconsidered a candidate (both in the negative and positive direction) based on the candidates' social media profile (Jobvite, 2013)

# Ethics

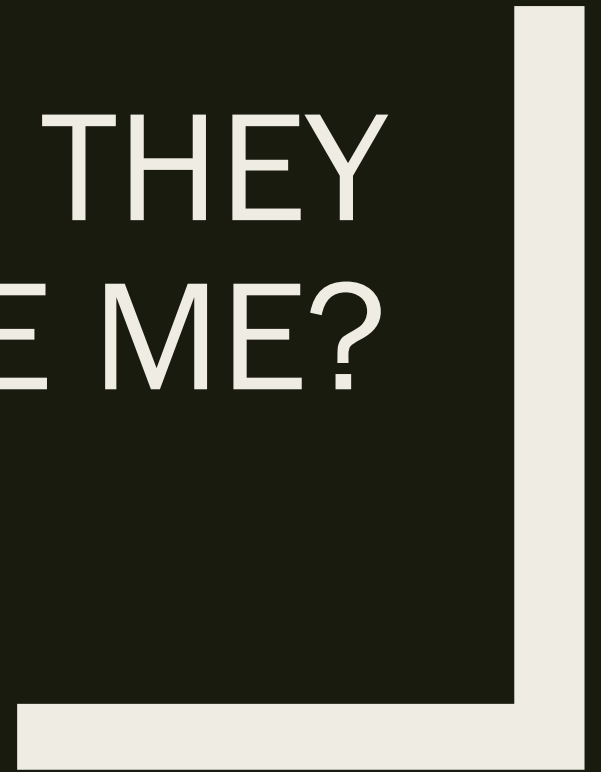
- Not being able to independently verify information relating to a public profile means the credibility of what is found concerning the background of a candidate is at risk.
- Do the potential employees know their social media is being accessed?
- May see protected class information or sensitive and private activities that are not job-relevant but that may influence the employer's view of a candidate (Hazelton, 2015)
- Current employees may feel as if information exchanged between public profiles has an expectation of privacy from employers (Hazelton, 2015)
- Candidates may feel their privacy is being violated and have discontent for the organization.
  - Sprague (2011) says, *"In cyberspace, there are no physical spaces or clear boundaries delineating behavior and property"*
  - *This lack of boundaries leaves very little protection for potential employees who utilize social media sites*

# Diversity

- Social Media sites do not represent all races and ethnicities
- Due to LinkedIn having a limited number of African-American (5% of the LinkedIn population) and Hispanic (2% of the LinkedIn population) participants, companies relying heavily on this social media site for recruiting principles may be accused of unlawfully trying to keep job offerings off-limits to these populations (Elefant, 2011).
- To this point, Acquisti and Fong (2013) discover that employers are more likely to seek candidates who are a closer ethnic match to themselves or other employees at the organization...



WHY WOULDN'T THEY  
LOVE ME?



## WARNING: What does your Social Media say about you?

- Truthful representation, Hamilton, and Bing (2012) report, social networking sites can reveal a snapshot view of a person's state of mind at the time of the post, but do not give a full picture of the individual by any means. (Hazelton, 2015)
- Correlate with certain racial & ethnic groups
- Create a hazard for themselves if their virtual personality is viewed as;
  - *demonstrating poor communication skills, harshly criticizing previous employers, indicating*
  - *drug use or excessive drinking, and even posting perceived provocative and inappropriate photographs.* (Hazelton, 2015)

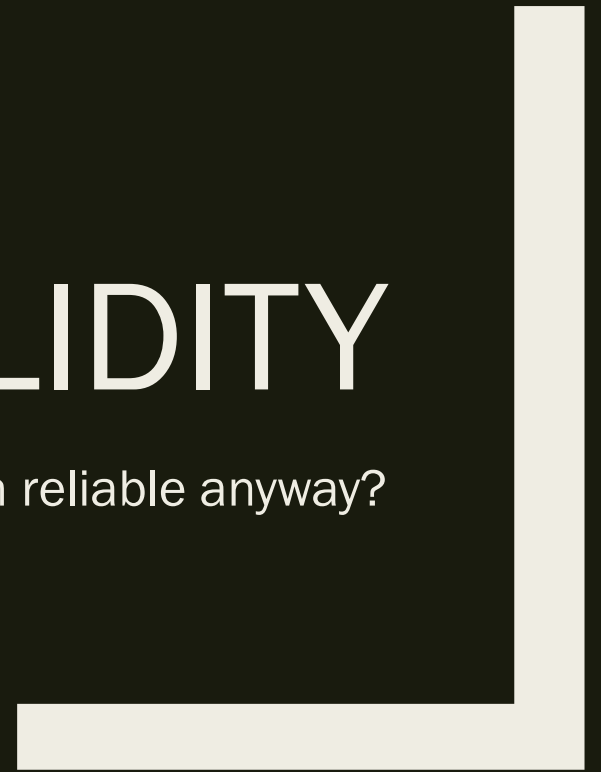
# HELP!...Ok, it can also be helpful

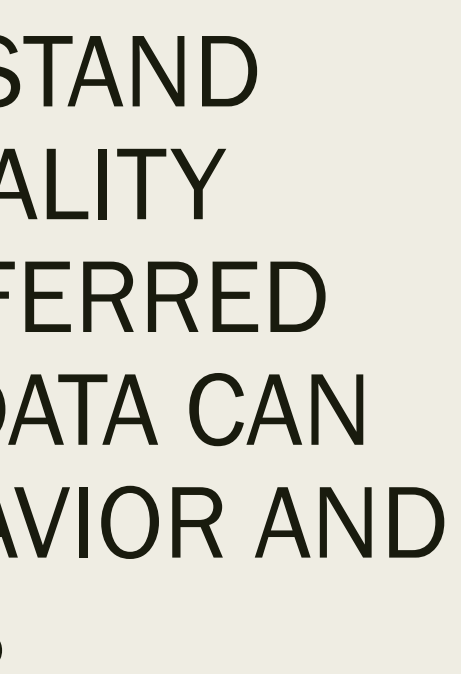
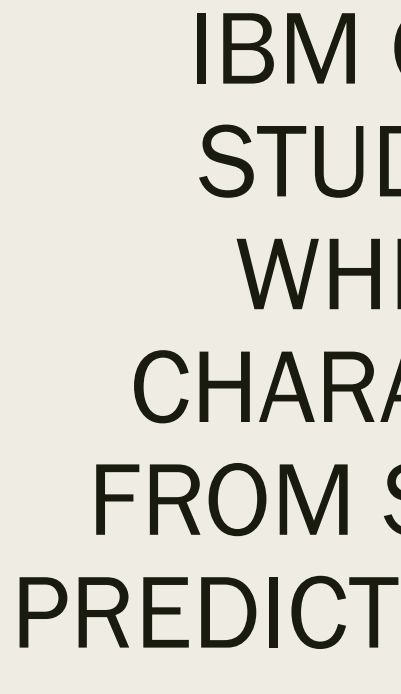
- Additional Skills and Acknowledgment
  - *Social networking profiles reflecting well-roundedness, creativity, displays of awards, past projects and examples of work to highlight qualities (Hazelton, 2015)*
  - *Profiles reflecting well-roundedness, creativity, displays of awards, and just looking like the correct fit (Vicknair et al., 2010)*
- Ability to recognize conflicts between an employee's application and online profiles (Hazelton, 2015)



# RELIABILITY & VALIDITY

Is the information reliable anyway?





IBM CONDUCTED A SET OF  
STUDIES TO UNDERSTAND  
WHETHER PERSONALITY  
CHARACTERISTICS INFERRED  
FROM SOCIAL MEDIA DATA CAN  
PREDICT PEOPLE'S BEHAVIOR AND  
PREFERENCES

# The Big 5!

## Extraversion

Characterized by excitability, sociability, talkativeness, assertiveness, and high amounts of emotional expressiveness.

## Agreeableness

A personality dimension includes attributes such as trust, altruism, kindness, affection, and other prosocial behaviors.

## Conscientiousness

Features of this dimension include high levels of thoughtfulness, with good impulse control and goal-directed behaviors

## Neuroticism

A trait characterized by sadness, moodiness, and emotional instability.

## Openness

Features characteristics such as imagination and insight, and those high in this trait also tend to have a broad range of interests.

# Validity

- Unfortunately, there is very little evidence for the criterion-related validity of inferences based on ratings of SM information
- Evaluations of SM information relate to valued criteria could affect the quality and diversity of human capital organizations acquire, as well as the legal defensibility of staffing decisions based on that information
- This large amount of information may put demands on decision makers' ability to process all the potential cues and to determine what information (if any) is relevant and what is not.
- This situation may cause decision makers to rely on biases and cognitive heuristics may reduce validity decision makers may focus on information that is particularly salient (e.g., attractiveness, social activities, political beliefs
- Finally, inaccurate information may undermine the criterion-related validity of SM assessments.

# BEST PRACTICES

What should I do?



# Develop policies regarding appropriate and inappropriate uses of internet searching

Base the use of internet screening media for selection purposes on recommendations from a job analysis

- Conduct a risk-benefit analysis to determine if the legal risks of using internet screening media to assess applicants outweigh the potential benefits
- Standardize assessments of internet screening media and use multiple raters
- Verify the accuracy of information obtained from internet screening media
- Disclose the potential use of internet screening media for selection decisions to applicants
- Have HR do it (Segal, 2014)
- Be consistent (Segal, 2014)
- Document decisions (Segal, 2014)
- Separate the reviewer from the decision maker (Goosmann & Gehling, 2015)



WHAT IF AN EMPLOYER  
DOESN'T USE SOCIAL  
MEDIA TO VET  
POTENTIAL EMPLOYEES?

## ■ Negligent Hiring

- *A profile may also show harassing comments or discriminatory comments. Should an employer see these comments and hire the candidate anyway, the employer could be liable for negligent hiring after the employee harasses another employee or customer down the road (Goosmann & Gehling, 2015)*

- White v. Consol. Planning, 603 S.E.2d 147 (N.C. Ct. App. 2004) (a compulsive gambler was hired and embezzled hundred

Dallas Cop Brags About Fighting Orderly



ollars from





## It is helpful...

- Pre-employment screening can result in better employees (in terms of productivity, honesty, and turnover rate),
- Reduced nonviolent employee misconduct, and a reduced risk of negligent hiring liability
- Certain employers also have to consider whether an applicant can be trusted with sensitive information or trade secrets