

**Mark-up Copy. Stricken language would be deleted from and underlined language would be added to the regulations as they existed on October 1, 2013.**

**010.14 Administrative Regulations of the Labor Standards Division of the Arkansas Department of Labor**

**010.14-500 Prohibiting Employer From Requiring Access to Employee Social Media Account**

**A. Purpose.**

The purpose of this rule is to provide clarification for the enforcement and administration of Ark. Code Ann. § 11-2-124. In general, the statute provides that an employer shall not require, request, suggest, or cause a current or prospective employee to:

1. Disclose his or her username and password to the current or prospective employee's social media account;
2. Add an employee, supervisor, or administrator to the list or contacts associated with his or her social media account; or
3. Change the privacy settings associated with his or her social media account.

The Director of the Department of Labor is authorized to enforce all labor laws in the State of Arkansas, the enforcement of which is not otherwise specifically provided for. Ark. Code Ann. § 11-2-108(1). Further, the director has the power to make, modify, or repeal such rules, or changes in rules, as he may deem necessary to carry out the provisions of subchapter 1, Chapter 1 of the Arkansas Code, which includes §§ 11-2-108 and -124. Ark. Code Ann. § 11-2-110(b).

**B. Definitions**

As used in this rule and Ark. Code Ann. § 11-2-124(b):

1. "Cause" means an action by the employer which results in the employee or potential employee acting in a manner they otherwise would not through stated or implied coercion;
2. "Request" means a request in which the employer intends to induce the employee or potential employee to act in a manner they otherwise would not through stated or implied coercion;
3. "Suggest" means a suggestion in which the employer intends to induce the employee or potential employee to act in a manner they otherwise would not through stated or implied coercion; and

4. “Stated or implied coercion” includes, but is not limited to a stated or implied threat to discharge, discipline or otherwise penalize a current employee, or a stated or implied threat to refuse to hire a prospective employee.

**C. Effective Date**

The effective date of this rule is April 15, 2014.