THE LEGITIMIZATION BY AMERICAN NEWSPAPERS OF EMPLOYEES WHO ARE FIRED FOR SOCIAL MEDIA POSTING AND THE EMPLOYERS WHO FIRED THEM: A FRAMING ANALYSIS

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Abstract

After studying 20 articles published in two newspapers, the present research suggests that the New York Times and the Wall Street Journal both indicate social media policies are necessary in the American business world. Five distinct frames emerge after studying articles within each that attest to this. The papers do, however, differ on the reasons for these policies. After performing a framing analysis of 20 news stories guided by the social construction of reality, this research concluded that the New York Times typically chooses to legitimize the actions of employees, while the Wall Street Journal chooses to legitimize the actions of employers. These findings imply that the news media are playing an active role in creating the societal stance of cases involving employees who are fired due to social media posting.
Introduction

As social media become a fundamental feature of life in the 21st Century, companies realize that they must address the issues that accompany this trend. With the rise of social media came a societal encouragement to post all aspects of daily life online. In an effort to stay in touch with friends and family, younger generations of Americans have become accustomed to revealing more about themselves than ever before. This use of public forums as a tool for nonstop sharing of private information has, inevitably, become a part of work relationships as well. As of today, no laws have been established that specifically address the rights of employees or employers who post on social media. In cases that involve privately owned companies, the National Labor Relations Board (NLRB), a government institution that is charged with deciding the legitimized party in these cases, is currently developing broad standards that are applied differently to each case. With this in mind, employees and employers need to be aware of the information deemed socially acceptable for online posting.

As employees are dismissed or reprimanded for specific types of Internet conduct, newspaper journalists work to cover these phenomena. By using a particular frame for each story, journalists construct a form of social reality suitable for Internet conversation. Studying the frames presented in each of the stories becomes important, therefore, in order to understand the social norms journalists currently are presenting to readers. Researchers, then, must seek to understand the ways in which the standards of business ethics are formed around social media activity.

The purpose of this framing analysis is to examine and interpret the texts of two major American newspapers to understand the frames journalists create when
organizations reprimand employees who have posted something objectionable on social media sites. The particular words chosen to describe the actions of an employer or employee within the news story allows reporters to present behaviors as acceptable or unacceptable. The research describes these frames as legitimizing or delegitimizing. This assignment of a legitimizing or delegitimizing frame, in turn, constructs the degrees of acceptable social media standards in U.S. business culture. By comparing the coverage of these stories within the New York Times and the Wall Street Journal, the research will help companies develop appropriate social media standards that are protected legally and protect employees from reprimand due to inappropriate posting.

**Theoretical Framework**

Framing theory emerged as an important sociological approach and was articulated in the work of Tversky and Kahneman (1981) who studied the decisions people made when presented with a problem from various angles. They found that people could be swayed to think and react in a certain manner based on how a problem was articulated to them (1981). Since the 80s, this theory has been adapted and applied to various forms of communication. One of the most recent definitions comes from Lecheler and de Vreese (2011) who state that a frame can affect the perspective of an individual as it “stresses certain aspects of reality and pushes others into the background; it has a selective function” (p. 960-p. 961).

With this in mind, framing in relation to news organizations becomes important to public opinion. By organizing and presenting news to the public, newspapers are influencing thoughts on political, economic, and social topics in one way or another (Lecheler & de Vreese, 2011). Aspects of a story, whether covered in depth or
completely omitted from the news article, contribute to public understanding. It is not necessarily the content of the story that is the important part of the analysis, but rather the context, which surrounds the news (Gamson, 1989). This means the terminology chosen, the context given, and the connections made are all ways in which these news stories can sway the attitudes of a particular readership whether the report intends this or not.

Gamson explains that frames make sense of important events by organizing reports for journalists and the population that hear the reports (1989). Scheufele and Tewksbury (2007) expound upon this same idea when stating that frames “become invaluable tools for presenting relatively complex issues, such as stem cell research, efficiently and in a way that makes them accessible to lay audiences because they play to existing cognitive schemas” (p. 12). Both studies argue that frames are necessary for the American public to understand certain issues covered by the media.

Gamson et al. (1992) suggests that the media generate social norms by presenting ideas to the public time and again until a belief or concept becomes ingrained in the minds of the audience. The gatekeepers within each organization prevent or allow the delivery of certain context and language depending on the message at hand. Gurevitch and Levy (1985) are often quoted for their argument that the likelihood of influence then allows the media to become "a site on which various social groups, institutions, and ideologies struggle over the definition and construction of social reality” (p. 19).

Newspaper journalists influence the attitudes of readers by constructing frames and offering a number of recurring themes within published news articles. Eventually, audiences accept the idea journalists present within the news stories. A study on sample bias that appeared in the Journal of Personality and Social Psychology in 1980 indicated
that when a bystander is exposed to a behavior from a person within a certain occupational group, city, etc., generalizations are made about the population to which this person belongs. The conduct may be standard or unconventional in relation to others within that population. Still, generalities are constructed (Hamill et al., p. 578). More recently, Buist and Mason (2010) concur that this idea has become “particularly important as the media—including the local newspaper—are thought to influence public opinion through the way in which issues are framed” (p. 1494).

Reese (2009), however, criticizes researchers for the emphasis they put on the “how” portion of framing analysis. He states that they only scrutinize the “features of frames associated with success—and the role, too, of the news media in this process” (p. 4) while neglecting the “what” share of the equation. “The ‘what’ of frames opens to analysis the internal structure both of frames themselves and their connections to the surrounding web of culture—and in doing so more likely leads to the level of analysis question” (Reese p. 4). In order to fully understand the frame, Reese suggests that a researcher must identify any key organizing principles that help to shape the “how.” By doing so, the researcher constructs a foundation that enables others to choose detailed frames for further analysis “because their importance within overall society has been more clearly demonstrated and understood” (Reese p. 4). In accordance with the ideas Reese provides, the present study includes the “how,” but also goes on to delve into the “what.” It examined several aspects of the news stories in an effort to recognize overarching themes. By seeking to understand the frames within the presented news articles, this research will provide a better understanding of what is presumed acceptable within American culture.
An important thread in this scholarship is that media are able to influence social norms. Gamson et al. (1992) argues “we walk around with media-generated images of the world, using them to construct meaning about political and social issues. The lens through which we receive these images is not neutral but evinces the power and point of view of the political and economic elites who operate and focus it” (p. 374). Similarly, Iyengar and Kinder (2010) examine the effects of television news on American public opinion. After seven years of testing more than 1000 participants, the experiment concludes, “by attending to some problems and ignoring others, television news shapes the American public’s political priorities” (p. 33). The findings reveal that the amount of coverage one issue received influenced the priorities of the public. Thus, if news stories were presented that centered on unemployment, the subjects placed this as a more serious problem than any other problem in America. When federal defense spending was covered most frequently, subjects rated issues of defense above all others in terms of national significance. Although this study of public opinion is essential to mention, its analysis focuses only on television news, which it states is the most persuasive type of news media. The authors acknowledge that these findings, which display the more an issue is covered the more important it becomes in the eye of Americans, may not occur in other forms of media (Iyengar & Kinder, 2010).

While newspaper companies have been increasingly under financial stress, they are still an important medium. According to the Industry Breakdown provided by Pew Research Center (2014), the yearly revenue of newspapers is more than twice of every other industry sector of American news media. Of the $63.2 billion earned yearly, ‘the combined annual revenue of 12 cable news channels, three major broadcast networks’
news programs, and approximately 800 news-producing local TV stations, amounts to roughly $16.4 billion” (Pew Research Center, p. 6). Meanwhile newspapers, both print and digital, account for roughly $38.6 billion according to the Newspaper Association of America (Pew Research Center).

Some studies have shown that the way newspapers frame stories can affect the way readers view individuals in the news stories—even in seemingly obvious situations. For example, the Berkley Media Studies Group (2003) looked at how the media’s framing of intimate partner violence was able to rally public opinion. The group explains “frames are powerful because they aid certain interpretations and hinder others—usually without the reader’s awareness” (p. 6). In one particular case of domestic violence, an abusive partner sent his mail-order bride to the hospital with a skull fracture after severely beating her. Instead of presenting the whole story, the media portrayed the husband as a potential suicide victim who was aggrieved by a foreign lover. By excluding a few key points from the news story, the article could be considered an advocate for domestic violence. Although the majority of Americans believe violence an improper way of handling problems within the home, readers absorb this story, which presents the husband as mistreated, and may develop negative feelings toward the victim, rather than the abuser.

The research summarized above shows that the context of a news story becomes vital to understanding ideas and events as presented in the news media. Understandably, as frames are created, some theorists become skeptical of the ideas that certain media outlets choose to present. Applying frames to issues such as race crimes (Gilliam & Iyengar, 2005) and gang violence (Gilliam & Iyengar, 2000) can become extremely
controversial sometimes going so far as to misinform the public; therefore, newspaper staff must handle each story delicately.

Review of the Literature

Social Networking Overtakes the Office

Most organizations today have some sort of presence on social media. Although, some companies prohibit personal social media use in the workplace, the number of these companies is dwindling (Dyrud, 2011). Employers now recognize that they cannot avoid problems with social media by simply eliminating sites from the physical workspace. Several aspects of many jobs can now take place anywhere with the help of social media and working from home is now a standard practice (Bennett et al., 2010).

In addition to allowing employees to post on personal profiles while working, many companies have created social media pages to represent the face of the organization. These pages give employers another opportunity for product or service promotion, brand awareness, marketing research, and communication with investors or shareholders (Kaplan & Haenlien, 2010). Researchers argue that it is not an intelligent business decision to restrict this as a professional communication opportunity considering the growing number of people who utilize social media on a daily basis (Bennett et al., 2010). The companies who reject the free publicity and interaction via social media are excluding themselves from a medium that could open an array of fresh possibilities.

A “company website, as a common interface to its diversified web services, is a significant part of customer relationship management and plays the major role in communication with customers” according to a 2012 conference (Charvat & Voracek, p.
In this age of technology, properly managing an online website can mean the difference between the success and the failure of a company (Park & Reber, 2008). Today, America is increasingly being referred to as a consumer-run society (Kress, Ozwa, & Schmid, 2000). Part of this shift is due to the strong and ubiquitous power of social media changing the way customers and companies interact. Now, consumers are able to quickly document company or product reviews and instantly share them across the world. For good reason, the experience of the customer has become the chief concern for organizations. Negative reviews can cause losses for any company. Positive reviews, on the other hand, can result in increased sales or clientele (O’Brien, 2011). Social networking, therefore, becomes vital to the survival of many businesses as consumers expect to find the information they desire with the click of a button (Social networking in the workplace, 2009). Obviously, social media is a tool that organizations can and should take advantage of; however, when the usage of individual employees is thrown into the mix, both personal and on behalf of the company, complications are quick to arise.

At this point in our technologically advanced world, completely eradicating a social media connection from the workplace is nearly impossible. Some organizations according to Kaplan and Haenlein (2010) try to prevent employees from surfing social media sites by blocking certain URLs from the company server or by blocking these sites from corporate PCs. The company officials often “fear that staff might spend too much time networking instead of working” (p. 66). If work computers prevent staff from logging into social networking sites, employees are still able to access these sites by using cell phones, iPads, Kindles, or other electronic devices. Personal devices may make it impossible to prohibit social media in the workplace, but Kaplan and Haenlein
explain “at the same time, there is a need to curtail the possibility of the entire organization spending all its time producing funny videos and uploading them to YouTube” (p. 66).

Developing company policy for proper social media practices is a necessity in order to regulate and maintain employee posting. By implementing guidelines, organizations are able to provide clarity and restrictions on digital communication. Additionally, penalties can be allotted in any instance of these rules being broken (Jacobson & Tufts, 2012). For some companies, hiring new employees to monitor online interaction is essential (Montalvo, 2011). In 2012, a study was conducted on young professionals in the business field. Of the 2500 surveyed, 62% claimed no official guidelines existed for social media use in their workplace, while 19% were unaware of the existence of any type of restriction. Of the companies that did enforce rules, 32% completely banned social media during the workday. Others simply prohibited any direct mention of the company on the employee's profile (Sanchez, Levin, & Del Riego, 2012). Some sort of web-based code of conduct is wise within established companies, but it is also important that employees are actually aware of the rules. If employees choose to break these rules, termination can sometimes be justified depending on the type of organization and the rules they have chosen to enforce.

A Boss’s Basic Rights and Concerns

Positive public opinion is important for the survival of a company. For a corporation to remain successful, the public must be willing to buy the product or service it is offering. “According to the new CEO of Reputation Changer [reputation management company], online reputation management is a vital service for helping
people and companies control the way they are presented on the Internet” (Marketing Weekly News, p. 219). With this in mind, owners and managers do not want to be held responsible for the information that is posted on an employee’s personal profile. If customers have complaints about a work-related post on an employee’s personal site, employers will not want to be connected to the issue in any way. In some cases, the company could be deemed liable for the post and lose a business opportunity. If an employee makes offensive remarks to a customer via a social media site, the company could potentially be charged with a defamation suit. Likewise, if an employee claims harassment through social media the company could be blamed (Naito, 2012).

Still, each employee has the right to freedom of speech under the First Amendment and the right to privacy under the Fourth Amendment so employers must be careful when restricting social media posting. One article titled “A Fourth Amendment Status Update: Applying Constitutional Privacy Protection to Employees’ Social Media Use” suggests social media posts should be protected for public employees if the employee attempts to restrict his or her online information by changing privacy settings to allow only a select group of people the ability to view his or her profile or posts. All social media sites come with privacy settings that a user can alter to fit his or her specific needs. As long as the employee’s profile is not completely accessible for public viewing he or she should have job protection (Naito, 2012). This study, which was published in the University of Pennsylvania Journal of Constitutional Law is limited in the fact that it strictly discusses the rights of “public employees,” which are people employed by a government agency. Organizations that are privately owned may have different expectations and limitations for social media use. The article even states that a waiver of
the Fourth Amendment has been justified in some cases involving companies that are privately owned such as Enterprise Rent-A-Car, Toys ‘R’ Us, and Cargill (Naito, 2012).

**Public Employee Freedoms**

The rights of a public employee, someone employed by a government institution, under the Fourth Amendment become ambiguous when involving social media. Nothing has yet been added to this amendment clearly defining privacy in relation to social media. Likewise, no laws have been established concerning the rights or responsibilities of employers or employees (Mellow, 2012). Measures can be taken to prevent certain portions of a personal website from being seen, but some employers argue that this is not enough. Usually, courts will not overturn the firing of public employees even if they are based solely on negative posts on social media sites. Employees may believe that the precautions they take to conceal posts should allow them to write anything they desire, but if an employer were to discover an offensive post the employee might still face repercussions.

First Amendment protection can only be extended to social media if the post has all three of the following elements. The post must touch on a matter of public concern; it has to fall outside of the employee’s job duties; and the employee’s right to free speech must outshine the government’s efficiency in providing services to others (Jacobson & Tufts, 2012). In other words, first, an employee cannot complain about a trivial matter, which will not benefit others. If the post addresses a public safety issue, however, it is acceptable. The second criterion requires that the employee not use his or her position or job title to promote the issue in any way. To fulfill the last requirement, an employee cannot contradict any obligation the government has to the public lest his or her right to
free speech dwindles. The constitutional right of one person cannot outweigh that of another person, much less several other people. As long as all of these conditions are met, the law safeguards public employees (Jacobson & Tufts, 2012).

**Private Employee Privileges**

Employees of privately owned companies are held to a different set of standards. They are not offered the advantage of the three elements. They are, however, protected by the National Labor Relations Act (NLRA). The National Labor Relations Board (NLRB) has worked to give jobs back to employees when non-governmentally funded companies fire them unlawfully. Private employees cannot be fired, for example, if the posting is considered “protected concerted activity” (Hassan, 2012). This term gives a worker the right to communicate with others in the company if he or she is disgruntled about certain terms and conditions. The complaints must, however, be stated in order to begin or enhance group action (Hassan, 2012).

The rules for posting on social media sites are so ambiguous at this point in American society that journalists who cover the firings of employees have few clear guidelines in covering the incidents. By studying the frames presented in several newspaper articles, the present research was able to analyze the firing of employees in relation to social media postings.

The following research questions were formulated to specifically address the issues presented above.

RQ1: What frames, aside from legitimization frames, do newspapers apply to stories that cover employee punishment as a result of social media posting?

RQ2a: How does the editorial stance of newspapers relate to the use of legitimizing or
delegitimizing frames of company action?

RQ2b: What evidence of legitimizing frames and delegitimizing frames exists within the newspaper stories?

**Method**

**Framing Techniques**

As early as 1977, researchers suggested that frames could play a major role in how news were told or written. Edelman (1977) wrote, “authorities and pressure groups categorize beliefs in a way that marshals support and opposition to their interests” (p. 51). In other words, the application of frames to a cause or story can mean encouragement from others, but it can just as likely turn people away. Tuchman (1978) added that the way the media frame the news affects how audiences cognitively react to the information. Scheufele (1999) incorporated ideas from both of these scholars into his research referring to two different types of frames—media and individual. Media frames include applying a storyline, organizational pattern, or identification technique that can be done either intentionally or inadvertently (p. 106). The individual frames, on the other hand, have to do with the way each person mentally processes information (p. 107). Both media and individual frames will be taken into consideration with this study.

More recently, several researchers have looked at framing techniques in order to decipher the way media interject ideas into society. This study takes into consideration the work of one researcher who wrote, “news slant becomes visible when we compare news stories to each other—not to reality” (Entman, p. 40). His political analysis compared the information presented within news stories, and this study conducts a compatible investigation. The present research compares frames presented in news
stories within the *New York Times* and the *Wall Street Journal*. By comparing the coverage of one incident appearing in both of these papers, certain frames emerge that depict news slant. In addition, the stories are an indication of societal stance that is being constructed on the issue of social media causing employee firing.

**The Misconception of Objectivity**

While some journalists employ methods in the reporting process to ensure fairness and balance, journalists acknowledge the difficulties in achieving so-called “objectivity.” Journalistic framing of issues is inevitable when journalists make necessary language choices. Entman (2010) argues that a certain slant will emerge from every news outlet no matter how hard the journalists attempt objectivity. By simply choosing which story will lead the news or appear on the front page, it is assumed that this story is of greater value or influence than others. He also acknowledges most individual journalists do not enjoy enough independence to make such choices as deciding which story should be the lead on the basis of what selection advances their pet candidates or causes. Rather, it is the professional norms of journalism and the economic interests of their news organization that govern the slant of the news by guiding the decisions on lead stories, space or time allocation and the rest. (p. 37)

Entman holds that objectivity is impossible, and that newspaper articles will inevitably be slanted even if the writer of the story has every intention of avoiding subjectivity. Thus, it is useful to understand the slant of the newspapers that will be evaluated in this study. The two major political parties in contemporary American culture are the Democrats and
the Republicans. Democrats are more likely to identify with left wing, liberal views, and Republicans are more often associated with right wing, conservative views (Sutter, 2001). The issue of abortion is particularly prominent when considering the differing opinions of Republicans and Democrats. Republicans take a clearly conservative stance on abortion saying “the unborn child has a fundamental right to life that cannot be infringed,” (Glaeser et al., 2005, p. 1283-1284) while the Democrats lean leftward and “stand proudly for a woman's right to choose” (Glaeser et al., 2005, p. 1284).

One study of strategic extremism looked at votes during the 2004 presidential election. The majority of citizens who voted for George W. Bush are overwhelmingly Caucasian Republicans, with salaries of more than $150,000 per year, who choose to attend a religious service weekly (Gleaser et al., 2005). As the amount of money an individual makes decreases, the amount of Democratic votes increases. Likewise, as attendance to religious service decreases, so too does the Republican voting (Gleaser et al., 2005). It can be inferred from this study that many Republican voters are well-paid business professionals while the Democratic Party tends to be comprised of a more diverse, less wealthy portion of the population, though these generalizations are subject to constant change.

America’s Top Newspapers

The present research was conducted using qualitative framing analysis of news articles from two of the top newspaper publications in America. It provides an in-depth look at 20 articles that were published within the last four years in the *New York Times*, acquired via LexisNexis, and the *Wall Street Journal*, which can be found on Factiva. Both were selected because “they feature high readership and are influential in setting the

Political slant of the Times and the Journal. The New York Times has long been regarded as member of the “liberal media” (Entman, 2010). In July of 2004, the first Public Editor of the New York Times, Daniel Okrent, wrote a piece in response to questions and comments from readers titled “THE PUBLIC EDITOR; Is the New York Times a Liberal Newspaper?” (p. 1) His blunt reply to this title—complete affirmation: “OF course it is” (p. 1). The article brings up social issues such as “gay rights, gun control, abortion and environmental regulation” (p.1) and Okrent asserts, “If you think The Times plays it down the middle on any of them, you've been reading the paper with your eyes closed” (p. 1). In 2013, the current Public Editor Margaret Sullivan was a guest on CNN’s Reliable Sources and was posed the same question by reporter Joanne Lipman. Sullivan responded, “It's a modified yes with a lot of nuance in it” (Sullivan, 1:15). Her response was less resolute, but still a yes (0:35-1:20).

In 2007, well-known conservative and owner of News Corp. Rupert Murdoch bought Dow Jones & Co. for $5 billion. This transaction included his purchase of the Wall Street Journal and began a series of shifts in coverage for the Journal according to Pew Research Center (2011). News Corp. is a media conglomerate that includes the Fox TV network, described as a “news outlet filled with conservatives” (Groseclose & Milyo, 2005, p. 1194). Murdoch and the Wall Street Journal have been accused of taking a
conservative approach to news writing (Folkenflik, 2011). Additionally, “when Murdoch bought the Journal, he also made clear his desire to reshape the paper to more directly challenge the New York Times” (Pew Research Center, 2011) by decreasing coverage of business and increasing reporting of “government, foreign news involving the U.S. and lifestyle subjects” (Pew Research Center, 2011). “When it comes to the quantity of coverage of major topics, the evidence suggests that the Times and the Journal have indeed become more competitive since Murdoch bought the paper” (Pew Research Center, 2011).

Neil Weinberg (2010) compared an article each paper had written about the top spending non-party entity in the 2010 congressional election. Weinberg wrote, “The liberal Times and conservative Journal led with stories that just happen to paint their owners’ political foes as buying the election” (2010). This article acknowledges that because the papers hold contrasting political opinions, they often present a comparable issue in a contradictory manner (Weinberg, 2010). According to a 2005 study, 74% of Americans recognize that “journalists tend to favor one side over the other in political and social issues” (Kennedy & Cameron, p. 1). The same study revealed that 70% of Americans believe authoritative people and/or institutions frequently influence journalists (Kennedy & Cameron, 2005). A majority of Americans understand that newspapers often represent a certain political perspective. Choosing two papers that often present clashing opinions, therefore, enabled an analysis of the widest array of news coverage and created a useful assessment of the workplace social media issue in America.

One study used a similar approach and performed a textual analysis comparing coverage of tobacco issues in the New York Times and Wall Street Journal. The
researcher looked at the themes presented by journalists who wrote about smoking. The author was able to discuss the factors that influenced the framing of each piece and decide which positions Americans would be expected to take after reading the articles (Siu, 2009). She found that when comparing the two papers “the New York Times became less supportive of the tobacco industry over time, the Wall Street Journal was consistent in its relatively supportive coverage of the tobacco industry” (Siu, p. 40).

Similar to the smoking study, this paper discusses the frames applied by journalists at the Journal and the Times concerning the firing of employees who post on social media sites. An article was included in the study only if the entire newspaper was available for online navigation.

**Examining and Analyzing the Articles**

In addition to comparing two newspaper articles with one another, this study aligns with Dickerson (2001) who describes her work using a research technique similar to framing analysis. Her research conducted a textual analysis “on each article to define the structural as well as rhetorical elements related to the principal themes of the stories” (p. 166). The structural portion of her work took into consideration information such as the headline, lead, quotation placement, background, and length of story. For the rhetorical segment, Dickerson established three categories, which allowed her a more in depth look at the articles. Simplification, symbolization, and personalization guided her investigation of frames within the New York Times. Dickerson argues that the New York Times often guides readers who are expected to interpret certain events. Similarly, the present research sets out to understand the way in which this same principle is applied to employees who were reprimanded for posting on social media. It examines the heading,
the subhead, and the body paragraphs of two newspaper publications, which both offer full online access.

As stated previously, the present research seeks to interpret the frames presented by the two newspapers by analyzing the language used. Metaphors, exemplars, catchphrases, depictions, and visual images were taken into consideration (Gamson, 1981). First, I identified the focus of the text and the vocabulary used to portray either side of the parties in dispute—employee and employer—in the story. I then drew conclusions as to whether the actions of the employer are legitimized or delegitimized by the presented frame. Deciphering whether one party is behaving in an appropriate or inappropriate manner was measured by studying the language that the online story used to describe the employer, employee, and the situation at hand.

The content of the original social media post was studied to determine if differences in that content influenced how journalists chose to frame the story. The employees studied were fired as a result of photographs that were posted on social media sites, original “Tweets,” “Status Updates,” or comments, and even the online descriptions posted in the “About” section of Facebook.

Explication of the Framing Technique

This study uses the rhetorical devices that Gamson (1981) identified in both his framing and reasoning sections in order to code the headline, subhead, and body texts of the articles. Gamson (1981) produced a model in which eight different analysis strategies could be applied to a news story. He wrote “we come to recognize the package as a whole by the use of a variety of symbolic devices” (p. 3) and identifies the following categories: “metaphors, exemplars, catch-phrases, depictions, and visual images. The
The devices that provide justifications or reasons for a general position are roots, consequences, and appeals to principle” (p.3).

The first category is metaphor, which refers to attributes of one or more characters/ideas that become key to the story by making similarities evident. An example of a basic metaphor would be the phrase “broken heart.” Although this is commonly used as a signal that an individual is upset or disappointed with the result of a situation, the heart inside of this person does not literally break.

The second category is exemplar, which depicts any reliance on an event that happened in the past to frame the situation. It is often a generalization of the specific case. This category will include any background information that is necessary for the reader to understand the situation presented in the story.

The third category, catchphrase, is an attempt to quickly summarize the event, often into one slogan or tag line, which will capture the crux of the story. For example, in the novel *Nineteen Eighty–Four* by George Orwell, the catchphrase, “big brother is watching you” (p. 2) encapsulates the idea of the novel in just five words. The book exhibits a society that has no freedom due to absolute government control, and this phrase summarizes the theme excellently.

Depiction, the fourth category, contains modifiers that are used to characterize the theme. These have the most potential to identify the slant of the story. For example, the difference between hitting someone, accidentally hitting someone, and determinedly hitting someone can potentially change the outcome of a story or determine the guilty party.
Visual images, category five encompass imagery and icons that provide an underlying theme for the situation at hand. This will include any picture that is relevant to the story as well as the social media posts that are quoted. Any graphic that the article contains falls under this category.

The sixth category titled roots includes specific dynamics that may connect one story to another. These are often comprised of a string of events that make the story favorable, neutral, or unfavorable to the audience. These roots are mostly commonly an indication of the societal implications this story may create.

Consequence, category seven, indicates any positive or negative effects presented in the story that are a direct result of the post. If an employee is fired or demoted, the reprimand will fit into this category. If an employer were required to adjust company policy, it would fall under this category as well.

Lastly, appeal to principle signifies a reliance on ethical guidelines or societal rules that are used as justification of dispensing reprimands. Any time a moral standard is indicated or responsibility is mentioned, the notion falls under this category. Additionally, when a documented rule is brought into the story, it can be considered an appeal to principle.

**Results**

**Establishing Frames**

RQ1 sought to establish the frames newspaper journalists apply to the stories concerning employee punishment due to something the employee posted to social media. After performing careful analysis of the text, five clear frames emerge. Most of the cases studied fit into more than one frame depending on the paper that featured the article.
This research includes the most prominent of the frames that surfaced after completing Gamson’s model of analysis (see Appendix, Tables 1A-10B). The following section identifies these frames and how the stories pertain to each.

**The Human Resources Frame.** This frame emerges when the stories include interactions or comments about a person’s job or co-workers through a social media outlet or if the post mentions clients/customers that the organization services. The case of Dawnmarie Souza (Table 5) is a prime example of this frame. Souza insulted her boss through her personal Facebook page. She called him a “17” which is the lingo the American Medical Response uses to describe psychiatric patients (NYT, p. 2). This case appeared before the NLRB, which ruled Souza was unjustly fired, but human resources is brought into this story again as the company agrees to revamp its social media policy. Prior to this NLRB settlement, the policy was deemed too restrictive of employee rights by being “overly broad” according to the Wall Street Journal (p. 1). The story depends on this human resources frame for structure within the newspaper articles. With adequate policies the company can avoid social media difficulties, including undesired interaction with the NLRB in the future.

Another case that takes the human resources frame involves five caseworkers that were fired for harassing a co-worker who complained about the lack of effort they put into daily work (Table 8). This second case was brought to the NLRB and because the workers all participated in the discussion, their jobs were protected under the NLRA’s definition of “protected concerted activity” (WSJ, p. 1). Before this case was decided, the Hispanics United of Buffalo placed restrictions on social media posting that banned “‘disrespectful’ comments or posts that criticize the employer” (NYT, p. 1). These
policies called “blanket restrictions” (NYT, p. 1) do not allow any type of posting about the company and are illegal when referring to the social media posting of private employees. After this ruling, Hispanics United was required to change the social media policies that were currently in place. Journalists write about this human resources frame because rules around social media in the workplace are still developing in American culture. By structuring stories within this frame, it becomes evident that companies must tread carefully while these principles are developing. The two stories that embrace this human resources frame go hand in hand with another idea—personal freedom.

**The Personal Freedom Frame.** The two cases listed previously are also considered a good fit within the frame that is concerned with an employee’s freedom of speech online. The NLRB was called upon in both of these cases to establish that the company was acting out of turn. The NLRB ruled in favor of the employees in both of these cases determining it was illegal to restrict the speech of the employee. The personal freedom frame includes stories that debate the idea of free speech. This will include any time an employee posts something offensive, which may not be work related, to his or her personal Twitter or Facebook account.

In both cases involving public employees, the personal freedom frame is the most prominent. Christine Rubino, a fifth grade teacher, was initially fired for Facebook comments that she posted when venting about a particularly bad day she had at school (see Table 9). The idea that teachers are the educators of the future generation of Americans often serves as an excuse to hold these individuals to a higher standard, but should this prevent them from posting freely on social media? This *New York Times* article brings up the issue by commending Rubino for the work she has done in the last
15 years. Although her comments may have been inappropriate, a teacher with an otherwise “unblemished disciplinary record” (p. 1) should not lose her job over one evening of expressing irritation.

Likewise, the case of police officer Trey Economidy is part of an extensive debate of personal freedom (Table 10). This New York Times article delves into several other stories that all fit into this frame of free speech. Police officers are punished for many postings that are work related. Granted, a majority of the examples were injurious to the police force. One officer for example “posted a comment about a homeless man that was beaten by police officers in California, saying ‘These people should have died when they were young, anyway, i’m just doing them a favor’” (p. 2). Another officer “filmed himself stripping off a police uniform and masturbating and sold the video on eBay’s adult area only” (p. 2). Reprimanding these individuals is necessary if the force intends to keep everyday citizens respectful of any officer. Yet, officers who post about the noble actions they take are rebuked for posting as well. The frame of personal freedom is clearly identifiable in this article as governmental institutions weigh the pros and cons of public employee posting and discover how to best handle each situation.

Although both of the public employees were able to continue working for their respective organizations, one case involving a bartender who worked for JT’s Porch Saloon & Eatery did not (see Table 7). This bartender was fired for expressing his agitation about his workload and his “redneck” customers to his stepsister on Facebook. His speech was unprotected according to the NLRB. Since no one that this private employee worked with responded to his post, he could not claim protected concerted activity; and because he is not a public employee who is protected by the Fourth
Amendment, he was rightfully fired. He does not receive the same personal freedom as the teacher who vented about her work online.

In another case, a political analyst, Roland Martin, tweeted offensively on Super Bowl Sunday about the underwear commercials starring David Beckham and a football player in the game who wore pink (see Table 6). His tweets were not directly related to his work, although homophobic in nature, but he was still suspended for them—thus the personal freedom frame materializes. This individual is well known for spouting his opinions on CNN, but should the fame of this individual hold him to a different standard? He was not on company time or speaking about professional matters, so the possibility of violating this man’s freedom of speech when CNN chose to suspend him comes into question.

Famous comedian Gilbert Gottfried was in a similar position as he tweeted several jokes about two natural disasters that occurred in Japan (see Table 1). As someone who makes his living by cleverly mocking people or situations, this is second nature to Gottfried. Aflac chose to fire Gottfried for his heckling of the Japanese on Twitter and the frame of personal freedom arises. A few of the stories that encompass the personal freedom frame also incorporate the idea that the company is attempting to save face with the American public. Positive public opinion is an essential part of brand success and employers must constantly keep this in mind.

**The Restoration of Public Opinion Frame.** After managing an employee who has somehow insulted customers, shareholders, or viewers, the top priority of many companies is to preserve the brand reputation in the eyes of these publics and groups. For instance, in the case of Aflac and Gilbert Gottfried, the *Wall Street Journal* explains,
“Japan generates about three-quarters of the company’s total revenue” (p. 1). When a spokesperson for this insurance company satirizes the effects of a natural disaster that devastated the country, it would be unwise for this company to ignore the comments of this employee (Table 1). If Aflac continued to employ Gottfried, many Japanese could see this as an approval of his comments and could choose to take their business to another company. Restoring public opinion then becomes vital to the survival of the company. As a result, the Chief Marketing Officer said “Gilbert’s recent comments about the crisis in Japan were lacking in humor and certainly do not represent the thoughts of anyone at Aflac…There is no place for anything but compassion and concern during these difficult times” (WSJ, p. 2).

The Roland Martin case that was mentioned in the personal freedom section also shows evidence of the reviving favorable public opinion frame (Table 6). CNN was urged by more than one LGBT group to fire Martin for his homophobic tweets. Three days after the Super Bowl, CNN released a statement saying Martin’s “tweets were regrettable and offensive” and that he would “not be appearing on our air for the time being” (WSJ, p. 1). CNN was in a difficult situation. Although Martin has fans that would be angry about the decision to fire him, CNN needed to say something to appease the groups that called for his termination. They decided suspending the analyst would suffice for his punishment and attempted to repair any public opinion that was damaged with his tweets by encouraging him to post a personal apology later in the month.

The public opinion reparation frame was necessary in the Chrysler fiasco as well (see Table 2). As the New York Times explains, the tweet “I find it ironic that Detroit is known as the #motorcity and yet no one here know how to f--- drive” was “aimed at
customers” (p. 2). Chrysler is headquartered in Detroit and not long after this tweet was published the company fired New Media Strategies and launched a new advertising campaign titled “Imported from Detroit” (WSJ p. 2). According to the Times, a spokesperson for Chrysler said, “The company is committed to promoting Detroit and its hard working people…Inside Detroit, citizens are becoming more proud of their town, and outside the region, perception of Detroit is rapidly improving. With so much good will built up over a very short time, we can’t afford to backslide now and jeopardize this progress” (p. 2). This story contains the frame that aims to reestablish positive public opinion, but it also has a risk component attached.

The Company Risk Frame. The Chrysler brand put its reputation in the hands of another company by allowing an outside agency to post on its behalf (see Table 2). By choosing to utilize outside social media professionals they took a risk that was ultimately, for it, regrettable. Instead of keeping this position within the company and closely monitoring social media posts that were to be posted, Chrysler trusted New Media Strategies. This is a chance that many companies take, which is why the Wall Street Journal includes “how three companies built their Twitter strategies” (p. 1) after explaining the trouble with Chrysler. Placing one person or a few people in charge of the social media for an entire company is always a gamble, but Whole Foods, Best Buy, and Southwest Airlines have figured out the best implementation policy for the needs of each individual company.

The Corporate Censorship Frame. When the biases, services, or status of an employee or organization are revealed on a social media site without approval of disclosure from the proper supervisor, whomever that may be, a corporate censorship
frame emerges.

It is a safe assumption that most American boys grow up with a favorite NFL team. As football fans it would be inconceivable if referees did not favor one team or another. It is, however, important for these individuals to set biases aside when officiating a national game. In the case of Brian Stropolo, if a Panther fan were to visit his Facebook page and discover that he is decked out in Saints attire only months before officiating a Saints vs. Panther game, his authority would be called into question (Table 3). By censoring the information these officials post, the NFL is covering its own back while also protecting the referees from passionate fans. The *New York Times* article includes a quote from a league spokesman that the picture “disclosed today apparently was not there when our background checks were done from mid-June to mid-July” (p.1). The company reviews the social media posts of each potential employee in order to minimize risk and harm, but the idea of corporate censorship means the league must take this reviewing process one step further and periodically check the social media of its employees.

Even the story of a Chief Financial Officer, Gene Morphis, falls into this corporate censorship frame. Morphis was an avid social media user who frequently posted information about his daily routine to Twitter (Table 4). As a senior executive, Morphis was given certain information that the company wanted to contain. His posts occasionally included specific numbers of shares bought and sold: “Roadshow completed. Sold $275 million of secondary shares. Earned my pay this week,” or other confidential company dealings. Francesca’s did not consider some of this information acceptable for shareholders or customers to discover through social media platforms.
When he chose to share this information online, he betrayed the trust of the company.

Corporate censorship becomes an evident frame, as censorship is proven necessary for even the most senior staff. According to the *Wall Street Journal*, they too must “abide by nondisclosure rules regarding sensitive company information” (p. 2).

**Editorial Stance and Framing**

These framing options do not specifically endorse one side or the other as the justified party. Instead, they allow for the writer to determine which party should be legitimizmed and which should be delegitimizmed. RQ2 asks how the editorial stance of the *New York Times* and the *Wall Street Journal* relate to the use of legitimizing or delegitimizing frames that are applied to company action. The following are analyses of the most salient cases and examples of legitimizing and delegitimizing rhetoric based on Gamson’s schema. By looking into each individual story, the slant of the *Times* and the *Journal* becomes clear. Most often, the *Times* defends the employee and the *Journal* supports the employer, but each story includes varying degrees of these decisions.


The *Wall Street Journal* legitimizes the actions of the Aflac brand by using phrases such as “Aflac announced it severed ties” (p. 1) when referring to the removal of Gottfried from the Aflac staff after he tweeted insensitively about the earthquake in Japan. The *Journal* compliments Aflac for getting rid of an insensitive employee. The picture of the Aflac duck in a party hat shows there is reason for celebration as the company searches for a new voice. The majority of the text focuses on company efforts to fix this wrongdoing. The article does not mention the fact that Aflac refused to
address the “stream” of comments Gottfried posted before this final tweet. Gottfried’s apology is briefly mentioned, but the text switches attention back to Aflac after three short sentences. The comment that “there is no place for anything but compassion and concern during these difficult times” (p. 2) separates the brand from its former employee and ultimately shows that the Journal sides with Aflac.

In contrast, the New York Times frames the case in terms that could be seen as sympathetic to Gottfried. The Times article says that people should be responsible for what they post online, but they charge Aflac and other companies with the task of guiding employees. The article states that comments on Twitter are delivered at “warp speed” (p. 1) and almost impossible to remove once posted. It also says, “we’re giving people loaded guns to do incredible harm” (p. 2). Both of these phrases detach the blame from the employee and place it on the social media site and new technology that is not always understood. The powerful image of American citizens having “loaded guns” with which to do harm escalates this social media situation to another level. People can cause almost inconceivable amounts of pain with a loaded gun. By comparing this idea with the choice to post hurtful information on Facebook or Twitter it seems as if the user is unaware of the danger and power of social media. Americans are given the tools to injure others and will, undoubtedly, choose to do so. By ending the discussion of this “incident” with the apology that Gottfried posted to his Twitter, the reader is left with a remorseful representation of the actor. He is just a simple employee who made a mistake. This slip-up could have happened to anyone. Had the company previously developed rules of regulation, it seems the situation would have been avoided.

**Chrysler Group LLP and the marketing agency:** Wall Street Journal:
Employer Legitimized /New York Times: Employees (in General) are Legitimized

New Media Strategies, a company hired by Chrysler to handle companywide social media posting, was released from Chrysler payroll after an employee insulted Detroit drivers using the Chrysler Twitter account. This Chrysler debacle is the first story of the Wall Street Journal article, but it is followed by three quick synopses of other companies’ trouble with Twitter. Twitter is depicted as the root of many problems—a necessary evil. The companies “are adopting a variety of strategies for navigating Twitter’s pitfalls” (p. 2). Rather than focus much attention on specific employee wrongdoing, the article switches to provide a look at the positive approaches companies are taking with social media. Three of the pages focus on explanation of social media strategies that have been successful within three different companies. These businesses have “traffic cops of information” (p. 3) or an “army of associates” (p. 4) to communicate through the Twitter account(s). The Journal stresses that the employers are doing all that is possible to successfully enter the digital age.

The New York Times takes a different approach to the situation. Both Chrysler and New Media Strategies luckily surpassed the “unfortunate incident” between them and are working to put this fiasco behind. With this in mind, both are given instruction on how to develop policies to avoid these situations in the future. Chrysler announced a new advertising campaign with a local company. New Media Strategies dismissed the employee and tweeted the company-wide remorse. The employee who posted to Twitter for New Media Strategies is never named. Instead of giving America an individual to accuse, the blame rests with the idea that any person would have a rough time switching
between professional and personal thoughts. The employee cannot be expected to do this better than other Americans and deserves our compassion.

**The NFL and the replacement referee:** *Wall Street Journal*: Employer

**Legitimized** / *New York Times*: Neutral

Referee Brian Stropolo was replaced when the NFL discovered Facebook photos he posted while supporting the New Orleans Saints at a tailgate. The *Wall Street Journal* is principally concerned with the bigger picture that is the gap in Facebook’s privacy policy. It sympathizes with two students who felt the ramifications of personal information being involuntarily disclosed because of this “privacy loophole” (p. 2). The writer facetiously suggests staying off of Facebook completely in order to avoid unintentionally revealing information about oneself. Since the social media site has become such an extensive form of communication in American culture, the *Journal* recognizes this is not plausible; but suggests that users beware of the false sense of security Facebook privacy settings provide. The article reminds readers that it is not possible to “put the cat back in the bag,” (p. 6) so they must be conscious of privacy settings and what they choose to post. Accordingly, with the case of Stropolo, who posted the photo of himself in Saints attire, the *Journal* is much more critical. The article suggests that one must take responsibility for the items he or she posts to a Facebook page and sides with the NFL in this incident.

This story in the *New York Times* is pretty cut and dried. The facts are presented without any ostensible bias in 202 words. The article is only four short paragraphs, which leaves little room for opinion, but the length could be viewed as a bias in itself. The *Times* does not offer any real evidence to defend Stropolo. The referee posted the
pictures of himself supporting the Saints even though football officials are expected to be impartial. Still, including the phrase that employers are “generally pleased” with officials makes this one outlying case seem excusable.

**Francesca’s Holdings Corporation and its Chief Financial Officer:** *Wall Street Journal: Employer Legitimized / New York Times: Employee Legitimized*

The visual images in the *Wall Street Journal* article suggest that Francesca’s was justified in dismissing its CFO for excessive online posting. The writer presents a string of four successive tweets with minimal words between. It quotes him saying, “Dinner w/Board tonite. Used to be fun. Now one must be on guard every second,” “Board meeting. Good numbers=Happy Board,” “Earnings released. Conference call completed. How do you like me now Mr. Shorty?” “Cramming for earnings call like a final. I thought I had outgrown that…” and “Roadshow completed. Sold $275 million of secondary shares. Earned my pay this week.” (p. 1). This slew of comments alludes to the amount of time Gene Morphis, former CFO, spent on social media—clearly, an excessive amount. The article concludes by offering advice for companies when handling “social media snafus” (p. 2) and describing how Francesca’s is planning to fill the position of CFO. Concentration on these constructive aspects demonstrates that the company is moving toward a brighter future.

The *New York Times* combines the article of the Morphis firing with a similar story that had the opposite outcome. The Securities and Exchange Commission is cited for investigating the Netflix chief executive after he congratulated his team via Facebook for “exceeding one billion hours of video watched in a single month” (p. 1). After questioning whether this would neglect some investors, the S.E.C. deemed this an
acceptable outlet of communication. This executive was not reprimanded, but instead allowed to remain in his position. By presenting the Morphis story as a parallel to this executive, the article indicates that he deserved similar treatment. The S.E.C. is charged with adapting a regulation created in 2000 for the 2013 social media issues, and the Times declares they have not yet reached an appropriate standard. This makes the postings of Morphis entirely acceptable.


The *Wall Street Journal* describes the case of one employee who was fired for posting negative remarks about her boss on Facebook as “a test of how much latitude employees may have when posting comments” (p. 1). This phrase is presented as if the employees are seeing how far they can go while still evading consequences—like a mischievous child with his or her parents. Special emphasis was placed on the fact that the employee, Dawnmarie Souza, was initially indicted because of a customer complaint. Several times throughout the article the NLRB accused American Medical Response of wrongdoing, but each of these instances were described as “alleged.” Although the company agreed to revisit its policies, the *Journal* presents it as the legitimized party that was essentially exploited.

On the contrary, the Souza case is described in the *New York Times* as “ground breaking” (p.1). Particular attention is given to the law that prohibits companies from restricting job-related employee discussion via social media site. Workers have a “federally protected right” (p. 1) with the National Labor Relations Act to gripe about
work without fear of punishment. Her comment calling her supervisor a “17” a.k.a. a psychiatric patient should be protected because of the responses of her co-workers. The article goes on to explain that unprotected territory in reference to social media posting would be something like the “sexual performance” (p. 3) of a supervisor. This extreme example was used to sustain the idea that Souza’s comments are legitimized, and she was unjustly fired.


This article sides with CNN for suspending political analyst, Roland Martin, after he posted some “homophobic” tweets on Super Bowl Sunday. Although LGTB groups called for the firing of Martin, CNN did not react hastily. CNN stated the tweets were “regrettable and offensive” (p. 1) and that Martin would “not be appearing on our air for the time being” (p. 1). The network suspended Martin; in the same day, they appointed a “chief diversity officer” (p. 1). Presenting these instances as two that go hand in hand shows the Journal’s approval of the actions CNN took. The network allowed Martin to apologize for his tactless tweets and permitted him to rejoin the team a month later.

The article about Roland Martin that appeared in the New York Times was presented in a much more controversial tone. The first three pages seem to favor Martin and argue that his tweets should have not been such a dramatic ordeal. The writer described his first reaction as, “hey, haters, cool it, let Martin be Martin” (p. 3). The article argues that large media companies urge employees to develop online personalities, but are quick to rebuke at the first sign of trouble. The article begins, “Big media companies love when their employees hit Twitter… Until something goes wrong” (p. 1).
The company is faulted in the article for its eagerness to have employees develop a Twitter personality. The final few paragraphs, however, the writer explains that he consulted with co-workers about the situation and concluded that “just because a thought is tapped out on Twitter doesn’t mean we shouldn’t take it seriously” (p. 4). Some co-workers were offended, and the writer recognized that although he was not personally insulted or bothered by the tweet, others were. The bulk of the article supports Martin and his thoughtless posts, but concludes in an indecisive tone.

**The JT’s Porch Saloon & Eatery and the bartender:** Wall Street Journal: Employer Legitimized/ New York Times: Employee Legitimized

The case of an agitated bartender who was fired for calling his customers “rednecks” on Facebook before writing he “hoped they choked on glass as they drove home drunk” (p. 2) appears among five other cases are covered in this Wall Street Journal article. These cases all appeared before the NLRB or were settled outside of official proceedings with NLRB mediation. The NLRA is scoffed at for old age and seen as an unfit way to determine the outcome of these cases when the Journal refers to it as a “decades-old labor law” (p. 1). The idea that “negative online postings could damage a company’s reputation,” (p. 3) explains that the status of any employer is only as strong as the online behavior of employees. Although this particular bartender was fired, and the NLRB upheld his reprimand, several of the other cases presented in the article ruled in favor of the employee. Both BMW and Wal-Mart were accused of “improper activity” (p. 1). The Journal suggests that privately owned companies are currently in a tight spot regarding employee action on social media and the NLRB is only making the situation more severe for businesses.
The “lone worker” (p. 2) in the New York Times article seems to echo the character of the Lone Ranger—a mystery man who fights injustice. After being denied what was presented as a rightful pay raise, the bartender was fired for expressing his irritation and “venting” (p. 3) online. Had a co-worker conversed with the unnamed man through social media the outcome may have been different. As the situation played out, however, the NLRB had no choice but to uphold his firing. Although a relative responded to his post, that did not suffice to constitute protected concerted activity. He is almost revered in this article while employers are mentioned as illegally attempting to restrict all job-related social media posts with “blanket restrictions” (p. 1). The companies mentioned were mandated to “scale back” (p. 1) and change restrictive policies.

Hispanics United of Buffalo (Nonprofit) and the caseworkers: Wall Street Journal: Neutral /New York Times: Employee Legitimized

This Hispanics United case was included in this Wall Street Journal article with reference to a similar case, which was settled earlier in the year. In this nonprofit case, five workers posted on Facebook in response to another worker who criticized the inadequate work they completed. Although the writer does not seem convinced that the posts should not be considered harassment as an attack on the worker who was singled out, she recognizes the way these cases were settled in the past. Employee action was judged as “protected concerted activity” (p. 1) and companies were expected to “revamp” (p. 1) social media policy. The Journal does not present the reader with any settlement details by way of a follow-up article, and the reader is left without discovering the outcome of the situation. The included detail that the nonprofit helps low-income clients
paints a picture of the individuals that reap the benefits of this organization. The workers who have chosen not to help these clients to the fullest capacity are, in turn, depicted as coldhearted.

The *New York Times* article on the other hand gives complete justification to the employees who posted in defense of their jobs. The *Times* chooses to side with the employees once again and chastises the single NLRB judge who did not see the posts as protected concerted activity. The “lone dissenter” (p. 3) for the case did not think the employees’ venting warranted protection and the *Times* portrays him as a mistaken outcast. Reference to the law is repeated time and again as protecting “workers’ right to unionize” (p. 3) or companies choosing to illegally “adopt broad social media policies” (p. 1). Finally, the inclusion of the workers comments allows the reader to sympathize with them. One of the workers posted, “Try doing my job. I have five programs” (p. 2). Another wrote, “What the hell, we don't have a life as is” (p. 2). These comments depict the caseworker jobs as extremely fatiguing and seemingly impossible to balance each client.

Public Employee Cases:

**NYC Department of Education and the teacher:** *Wall Street Journal:*

Employee Delegitimized / *New York Times:* Employee Legitimized

The *Wall Street Journal* is most concerned with the children of the New York City school district according to the article on Christine Rubino, a teacher who was fired for posting negatively about her students on Facebook. The short synopsis in the *Journal* came out after the second ruling in Rubino’s case allowed her to keep her teaching job; however, the article is sure to include that the “Department of Education said it was
reviewing its options regarding her rehiring” (p. 1). The Facebook comment Rubino posted was described at the close of the article. She “called her fifth graders ‘devil’s spawn’ and said she ‘hated their guts’” (p. 1). The reader is subsequently left with this negative image of the teacher who spoke ill of her students.

The depictions given in the New York Times article show the slant more than any other coding device. The article describes Rubino as a “15-year veteran” (p. 1) with an “unblemished disciplinary record” (p. 1) who is “hardly getting off scot-free” for her “impolitic comments” (p. 1). With a teacher that acclaimed, a little venting seems harmless—definitely not enough to warrant a “two-year suspension without pay” (p. 1). Although the undesirable comments that Rubino posted were mentioned in the article, the praises given to her far outweigh this atypical outburst. The Times is unquestionably in support of the teacher in this instance.

The Albuquerque Police Department and the officer: Wall Street Journal:

American Citizens Legitimized / New York Times: Employee Legitimized

In this case, Trey Economidy, an Albuquerque officer, was demoted for providing “human waste disposal” as his job description on Facebook. The mention of the Economidy case in the Wall Street Journal did not include his name or that fact that he was punished for his online job description, which was listed as “human waste disposal” (p. 2). It was simply an added detail of the investigation into the behavior of police in Albuquerque that mentioned he was not “criminally charged” (p. 2) for a 2011 shooting. The police in this city killed 14 people in 2010, double the typical amount in a year. Now, they are being required to wear cameras that will give a more complete picture of the hostile situations police find themselves in on an almost daily basis. Police often
have “only seconds to respond to potentially violent situations” (p. 2), and these cameras will enable someone who was not on the scene a better perception of the complete picture. Furthermore, these cameras are bound to make officers think twice before shooting. Police need an indisputable reason if they hope to be acquitted of a violent crime and these cameras are designed to provide that. Mention of America’s struggling economy under Obama was included in the article as the reason for the police struggling with them. “The department increasingly encounters people suffering acute mental breakdowns,” which the police chief “attributes to a weak economy that makes it harder for people to pay for psychiatric care and prescription medications” (p. 2). The inclusion of this statement is an extremely Conservative move.

Several police officers that posted on social media sites were included in this New York Times article. A majority of the posts were regarded inappropriate and the departments were warned to address off-duty officer posting if they had not yet done so. Departments can “dictate” (p. 2) what officers say on the clock, but the non-work posts are a bit more “hazy” (p. 2). The negative posting of officers are the center of attention for these departments. Some officers are not allowed to post about their jobs at all, while others must first ask permission. Restricting officer posting also prohibits these employees from sharing the noble deeds they complete on a daily basis. Officers like Trey Economidy who posted a “cynical job description” (p. 1) are punished for the unsuitable information they posted, but the focus remains on the fact that these rules impede the ability of officers who wish to post positive information about the force.

**Specification of Legitimizing and Delegitimizing Frames**

One extreme example of the differences between the reporting styles of the New
York Times and Wall Street Journal on the social media issue is the story of Dawnmarie Souza, with the help of the NLRB, fighting The American Medical Response of Connecticut. As such, this section will provide an in-depth look at this particular story as a way of answering RQ2b, which asks for evidence of specific legitimizing and delegitimizing frames present in the Times and the Journal. Vocabulary that shows a particular inclination toward legitimizing one side or the other was bolded to emphasize their contribution to the slant of the story.

The titles of the articles are the first indication of opinion. The Journal’s “Facebook Firing Case is Settled” gives the reader a positive outlook as they begin reading without placing blame on either party. On the contrary, the Times title, “Company Accused of Firing Over Facebook Post” leads the reader into the story with the mindset that the company is at fault.

When describing the general outlook of the case, the Times explains this as a “ground-breaking case involving workers and social media” that “accused a company of illegally firing an employee” (p. 1). The Journal contradictorily describes it as “a case that has become a test of how much latitude employees may have when posting comments about work matters from their home computers” (p. 1). The papers are developing very distinct perspectives toward the case within the first one or two paragraphs that lucidly oppose one another.

Acting general counsel for the NLRB is quoted in the Times article saying, “This is a pretty straightforward case under the National Labor Relations Act… employees talking jointly about working conditions, in this case about their supervisor, and they have a right to do that” (p. 1). The Times even quotes the NLRB in saying that the
“broad company rule” (p. 2) is “clearly illegal” (p. 2) and prohibits a “federally protected right” (p. 1). Meanwhile the Journal writes that “the NLRB alleged that the employer illegally denied the employee union representation during an investigatory interview” (p. 2) and “the NLRB had also alleged the company maintained and enforced overly broad rules” (p. 1). The recurring of the word “alleged” in this article seems an attempt to discredit the NLRB rulings considering this article appeared in the Journal three months after the Times article which does not once use this adverb.

The employee who was fired, Souza, is mentioned in the Times article as an “emergency medical technician” (p. 1), but her precise job is never mentioned in the Journal. She is simply a worker and “a member of the Teamsters union” (p. 1). By mentioning the position of Souza, the reader acknowledges that she is literally in a profession that saves lives, an occupation that deserves respect.

The entire issue began, according to the Journal, “when the employee, a Teamsters union member, was questioned about a customer complaint regarding her work” (p. 1-2). The Times states Souza “had to prepare a response to a customer’s complaint about her work” (p. 2) and was “unhappy that her supervisor would not let a representative of the Teamsters, the union representing the company’s workers, help her prepare her response” (p. 2). The events that followed and reference to the actual firing are portrayed very differently in the articles. The Times refers to the Medical Response unit as “violating the law by punishing” Souza (p. 1) and “accusing her, among other things, of violating a policy that bars employees from depicting the company ‘in any way’” (p. 1) on social media. The Journal, less skeptically, quotes the employer as firing Souza “based on multiple, serious complaints about her behavior” (p. 1).
continues by saying, “the employee was also held accountable for negative personal attacks that she posted on Facebook about a coworker” (p. 1).

Her actual post is “criticizing her supervisor” (p. 1) according to the Times, but a “negative remark” (p. 1) in the Journal. The Times indicates criticism, which can be constructive or negative depending on the way the remarks are interpreted. The Journal, however, leaves no room for interpretation. The post was, without a doubt, negative. The Times iterates that her mocking of this supervisor “drew supportive responses from her co-workers” (p. 2) and is considered “protected concerted activity” (p. 3) because of this co-worker interaction and, therefore, legally acceptable under the NLRA. The Journal, on the other hand, writes that her negative remark “drew supportive responses from her co-workers and led to more negative remarks from the employee” (p. 2), and the NLRB “alleged the firing was illegal” (p. 1).

Communication between the NLRB and the American Medical Response is also styled in conflicting manner within the two articles. The Times describes the NLRB as needing to “step in” (p. 1) for workers, while the Journal states that a “private settlement was reached” (p. 1) between the employer and the employee. The Journal refers to the consequence as the company “agreeing to revamp its rules” (p. 1). It also explains that American Medical Response “promised that employee requests for union representation will not be denied” (p. 2). Adversely, the Times describes the outcome as the board “fault[ing] company policy” (p. 1). The Journal is clearly identifying with positive actions of the company while the Times credits that NLRB with all affirmative action and, therefore, legitimizes the actions of Souza.

Conclusion
These findings indicate that the newspapers included in this research provide distinct frames for each of the news stories involving employees who were fired for posting on social media sites. The most evident include the overarching frames of human resources, personal freedom, corporate risk, company censorship, and public opinion restoration. Each of these frames has implications for the strategic communicators of a company and should be considered seriously. Company censorship and risk are frames that will arise during many instances involving any employee who posts online about work. The human resources and personal freedom frames are related to the idea of developing proper social media policies within a company and implementing them without infringing on employee rights. Lastly, public opinion indicates the way a company is viewed in the public eye. Each of these frames directly relates to tasks a strategic communicator must complete regularly. As such, an effective strategic communicator needs to be aware of the way these issues are being framed within American newspapers.

The application of each of these frames, combined with the political stance of the newspaper, allows each paper to construct ideas on the social media matter that will become customary for Americans. The *Journal*, which is generally aimed at Conservative business professionals, emphasizes that privately owned companies are in a tough spot when applying social media policy. The employee, regardless of the substance of his or her position, is expected to take full responsibility for his or her online actions. Siu explains a similar phenomenon at the conclusion of her tobacco study. “The *Wall Street Journal*, as a national financial newspaper, can be expected to sympathize with the business community in times of crisis as it is owned by Dow Jones and enjoys a
large readership within the business community” (Siu, 2009, p. 40). Only one case exists within the private employee section of this research in which the Journal does not legitimize the actions of the company. In the case of the nonprofit company, the Journal is hesitant to indicate that the employer took acceptable action. Instead, the writer leaves the case unresolved, but quickly adds an ending remark about the destitute clients that makes the workers seem callous. The Journal is not a big proponent of the NLRA, and it chooses to criticize the work of the NLRB in each of the presented instances. In fact, the writers frequently offer advice as to how companies may avoid difficulty with the NLRB. Employees are blamed; occasionally the social media site is held accountable, but ultimately, the company is repeatedly presented as the legitimized party.

By focusing on factors such as length of time a person was employed or the public apology given by the individual, the New York Times takes the opposite approach. Read more frequently by liberal Americans, these writers are much more sympathetic to the employees that are rebuked. The descriptive vocabulary made the Times’ biases evident above all else. Employees seem much more relatable with the added depictions which guide the reader to the idea that each individual in the stories is just a hard-working American trying to make it in the professional world. This, in turn, makes them more forgivable. In some instances, the lack of company policy is held accountable for the dispute between employer and employee; any instance in which the Times discusses the NLRB it favors the decision made by the judges; all things considered, the employees’ actions are legitimizad.

In the cases involving public employees, the Wall Street Journal is a bit less adamant about employer rights. The police department actions are questioned within the
article and an unmistakable criticism of American government is present. The education case in the *Journal* places the wellbeing of the students as its main concern, which provides a view of employee fault. The *New York Times* on the other hand highly acclaims the teacher and sides with police officers who are not able to post positive instances online. The *Times* is resolute in its idea of allowing complete freedom for public employee posting.

This examination of the *Wall Street Journal* and the *New York Times* suggests that the papers are slanted when covering the stories of people who are fired for social media posting. The *Journal* consistently legitimizes employer action while the *Times* frequently legitimizes employee action. Although policies regarding social media in the workplace are not easily implemented, both papers agree that social media and the consequences that come along with employee usage are an unavoidable part of modern America. Both papers offer advice on execution of company policy and stress that these issues can only be resolved with specific regulatory principles. The present research suggests that it is likely Americans who read the *Wall Street Journal* will have a more skeptical view of employees who post about work related topics on social media sites. They are also presented with a more negative view of the rulings of the NLRB. Readers of the *New York Times* are receiving a less positive view of company policy and are almost certainly going to side with the employees who are steadfastly portrayed as mistreated by employers.

The discovery that these partial views are embedded in news stories gives American brands a lot to consider. Every employee becomes a representative of the company online, which creates worldwide risk of reputation damage. As such,
businesses must be sure to provide a specific social media policy that does not chill the rights of its employees. Zero tolerance of discrimination, harassment, bullying, and retaliation are acceptable rules according to current NLRB standards.

**Limitations**

This research only considers stories that were covered in the *Wall Street Journal* and the *New York Times*. Although these are two of the most widely read papers according to the Pew Research Center, examination of a wider array of papers might provide a more complete view of the way media present views on this dynamic subject. In addition, by looking at only two of America’s most widely read newspapers, it is probable that only the most confrontational stories were reported. In order to interest the largest amount of the population possible, these stories needed to be exceptionally versatile. There are an exorbitant amount of cases that these two papers did not cover.

While attempting to find ten stories from each paper, I limited the search within LexisNexis to stories between 2013 and 2014. After extensive research, this did not provide ten stories, so I broadened the search to include stories within the past two years. Only by widening the time frame to four years did the search encompass ten stories from the *Times*. This factor ensured unbiased story selection, but if a wider array of publications were studied the research may have prompted more results. On a similar note, searching through a longer period of time may have allowed for the establishment of trends, which did not emerge from this study. Nonetheless, this research provides insights into how the two most prominent newspapers in the U.S. interpret the issue of firing due to social media posting and suggests audiences may be influenced by such presentations.
Future Research

This analysis contributes an important aspect to the development of social media in our society. Companies that disregard advice about establishing a social media policy will almost certainly regret this decision. Banning social media at work or restricting work-related posting will no longer suffice.

This research paves the way for future researchers who wish to help companies implement successful social media strategies. Helping companies grasp that they must develop some sort of policy is the first step. This realization must be followed by an understanding of what is legitimized or delegitimized in news media in order for the company to remain out of trouble. Private owners must accept that the NLRB protects disgruntled employees who wish to vent with one another on social media sites. Completely restricting these conversations is illegal. Unless these individuals are posting confidential information, they have the freedom to complain. That being said, specific rules using words such as discrimination, harassment, bullying, or retaliation are considered acceptable by the NLRB. The actual wording of the policy is where a company can run into trouble, and should take extra caution. This research provides a fitting introduction to help guide companies or employees who are tasked with policy development.

This research also proves newspapers apply frames that will allow stories to fit within an established slant, yet the papers included several of the same frames. Framing theory, when applied to this current social media issue sets up a pretty clear conflict between personal freedom and company risk/censorship. Likewise, a fine line exists between managing human resources on this issue and allowing each employee free
speech. In further examination of this issue, it would be wise to set up a direct comparison of these frames.

**Appendix**

The following tables are a brief outline of the ten analyzed cases.

<table>
<thead>
<tr>
<th>Table 1. Aflac Insurance Case</th>
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<tbody>
<tr>
<td><strong>Company:</strong> Aflac Insurance</td>
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<tr>
<td><strong>Employee:</strong> Gilbert Gottfried, celebrity endorser</td>
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<td><strong>Social Media Posts:</strong> “I just split up with my girlfriend, but like the Japanese say, ‘They’ll be another one floating by any minute now.’” “Japan is really advanced. They don’t go to the beach. The beach comes to them.” (The above are screenshots taken of @RealGilbert from the Huffington Post: <a href="http://www.huffingtonpost.com/2011/03/14/gilbert-gottfried-tweets-_n_835553.html">http://www.huffingtonpost.com/2011/03/14/gilbert-gottfried-tweets-_n_835553.html</a>) “I was talking with my Japanese real estate agent. I said ‘is there a school in this area.’” She said ‘not now, but just wait.’”</td>
</tr>
<tr>
<td><strong>Context:</strong> Gottfried was fired for posting a number of tweets about the natural disasters that struck Japan.</td>
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<tr>
<td><strong>Date:</strong> 2011</td>
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</tbody>
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<tr>
<th>Table 2. Chrysler Case</th>
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<tbody>
<tr>
<td><strong>Company:</strong> Chrysler Group LLP</td>
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<tr>
<td><strong>Employee:</strong> New Media Strategies, social media handling agency</td>
</tr>
<tr>
<td><strong>Social Media Post:</strong> “I find it ironic that Detroit is known as the #motorcity and yet no one here know how to f--- drive.”</td>
</tr>
<tr>
<td><strong>Context:</strong> The New Media Strategies agency that tweets for Chrysler was let go when an employee tweeted this statement about the city in which Chrysler began.</td>
</tr>
<tr>
<td><strong>Date:</strong> 2011</td>
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</tbody>
</table>

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<tr>
<th>Table 3. NFL Case</th>
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<tbody>
<tr>
<td><strong>Company:</strong> NFL</td>
</tr>
<tr>
<td><strong>Employee:</strong> Brian Stropolo, replacement referee</td>
</tr>
<tr>
<td><strong>Social Media Post:</strong> Picture of Stropolo in New Orleans Saint’s attire at a Saints tailgate</td>
</tr>
<tr>
<td><strong>Context:</strong> Stropolo was replaced hours before he was expected to officiate a Saints vs. Panthers game because he was considered biased.</td>
</tr>
<tr>
<td><strong>Date:</strong> 2012</td>
</tr>
</tbody>
</table>
Table 4. Francesca’s Case
Company: Francesca’s Holdings Corp.
Employee: Gene Morphis, chief financial officer
Social Media Posts: “Dinner w/Board tonite. Used to be fun. Now one must be on guard every second.”
“Board meeting. Good numbers=Happy Board”
“Earnings released. Conference call completed. How do you like me now Mr. Shorty?”
“Cramming for earnings call like a final. I thought I had outgrown that…”
“Roadshow completed. Sold $275 million of secondary shares. Earned my pay this week.”
Context: Morphis was fired for spending too much time and sharing too much about his company on social media.
Date: 2012

Table 5. EMT Case
Company: American Medical Response of Connecticut
Employee: Dawnmarie Souza, emergency medical technician
Social Media Post: “Looks like I’m getting some time off. Love how the company allows a 17 to be a supervisor.”
Context: Souza insulted her boss by calling him a “17” which is the company’s lingo for a psychiatric patient.
Date: 2010

Table 6. CNN Case
Company: CNN
Employee: Roland Martin, political analyst
Social Media Post: “If a dude at your Super Bowl party is hyped about David Beckham’s H&M underwear ad, smack the ish out of him! #superbowl”
“Ain't no real bruhs going to H&M to buy some damn David Beckham underwear! #superbowl”
“Who the hell was that New England Patriot they just showed in a head to toe pink suit? Oh, he needs a visit from #teamwhipdatass”
(Found on Huffington Post: http://www.huffingtonpost.com/2012/02/08/roland-martin-suspended-cnn-super-bowl_n_1263276.html#s666299&title=rolandsmartin)
Context: Roland Martin tweeted during the 2012 Super Bowl several comments that were considered homophobic and was suspended from CNN.
Date: 2012
### Table 7. Bartender Case
**Company:** JT’s Porch Saloon & Eatery, Ltd., a restaurant and bar in Lombard, Illinois.
**Employee:** Unnamed bartender
**Social Media Post:** This bartender called his customers “rednecks” and stated that he hoped “they choked on glass as they drove home drunk.” (NLRB case records found on [http://muckrock.s3.amazonaws.com/foia_documents/8-15_761_OCR.pdf](http://muckrock.s3.amazonaws.com/foia_documents/8-15_761_OCR.pdf))
**Context:** After five years without a raise, this bartender complained to his stepsister on Facebook that he was doing the work of the wait staff without tips. Then, he insulted the customers that came to the bar.
**Date:** 2011

### Table 8. Nonprofit Organization Case
**Company:** Hispanics United of Buffalo
**Employees:** Carlos Ortiz, Mariana Cole-Rivera, Ludimar Rodriguez, Damicela Rodriguez and Yaritza Campos, social workers
**Social Media Posts:**
MC-R: “Lydia Cruz, a coworker feels that we don’t help our clients enough at HUB. I about had it! My fellow co-workers: how do u feel?”

DR: “What the f... Try doing my job; I have five programs.”

LR: “What the hell, we don't have a life as is, What else can we do???”

YC: “Tell her to come do mt [my] fucking job n c if I don’t do enough, this is just dum”

CO: “I think we should give our paychecks to our clients so they can ‘pay’ the rent, also we can take them to their Dr's appts, and served as translators (oh! We do that). Also we can clean their houses, we can go to DSS for them and we can run all their errands and they can spend their day in their house watching tv, and also we can go to do their grocery shop and organized the food in their house pantries ... (insert sarcasm here now)”

MC-R: “Lol. I know! I think it is difficult for someone that its not at HUB 24-7 to really grasp and understand what we do .I will give her that. Clients will complain especially when they ask for services we don't provide, like washer, dryers stove and refrigerators, I'm proud to work at HUB and you are all my family and I see what you do and yes, some things may fall thru the cracks, but we are all human :) love ya guys”… (Case records found at [mynlb.nlrb.gov/link/document.aspx/09031d4580622877](http://mynlb.nlrb.gov/link/document.aspx/09031d4580622877))
**Context:** These five individuals were fired after this conversation took place via Facebook, but the NLRB ruled that the firings were unjust and the activity was protected.
**Date:** 2011
### Table 9. Teacher Case
**Company:** NYC Department of Education  
**Employee:** Christine Rubino, elementary school teacher  
**Social Media Posts:**  
- “After today, I am thinking the beach sounds like a wonderful idea for my 5th graders?”  
- “I HATE THEIR GUTS! They are all the devils spawn!”  
- “I wld not throw a life jacket in for a million”  
**Context:** After a 6th grade boy from Harlem drowned in the Atlantic Ocean on a field trip, Rubino posted these comments to her Facebook.  
**Date:** 2013

### Table 10. Police Department Case  
**Company:** Albuquerque Police Department  
**Employee:** Trey Economidy, police officer  
**Social Media Post:** Job description on Facebook: “human waste disposal”  
**Context:** After being involved in a fatal shooting while on duty, the local news discovered Economidy’s “About Me” job description, which caused his demotion to desk duty.  
**Date:** 2011
Using the analysis technique provided by Gamson, the following tables were generated.

**Privately Employed Americans**

<table>
<thead>
<tr>
<th>Table 1A. Aflac Insurance Case</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The Wall Street Journal</strong></td>
</tr>
<tr>
<td><strong>Title:</strong> Aflac to Duck: You’re Fired. (1.5 pages)</td>
</tr>
<tr>
<td><strong>Exemplars:</strong> Gottfried posted a “stream of Japan related comments” (p. 1) to his Twitter feed.</td>
</tr>
<tr>
<td><strong>Roots:</strong> “Japan generates about three-quarters of the company’s total revenue” (p. 1).</td>
</tr>
<tr>
<td><strong>Catchphrases:</strong> Aflac “severed ties” (p. 1) with Gottfried.</td>
</tr>
<tr>
<td><strong>Consequences:</strong> Gottfried was fired. Aflac will hold a “nationwide casting call” (p. 2) for a new voiceover. Aflac also donated $1.2 million to help disaster relief.</td>
</tr>
<tr>
<td><strong>Metaphors:</strong> “Fired,” “stream” of comments (p. 1)</td>
</tr>
<tr>
<td><strong>Depictions:</strong> Gottfried did not “immediately” (p. 1) comment on the firing.</td>
</tr>
<tr>
<td><strong>Principle:</strong> Aflac recognizes there is no time for “anything but compassion” (p. 2) after this earthquake in Japan.</td>
</tr>
<tr>
<td><strong>Visual Images:</strong> The Aflac duck opened the article in a party hat. One of Gottfried’s tweets read, “I was talking with my Japanese real estate agent. I said ‘is there a school in this area.’ She said ‘not now, but just wait.’” (p. 1).</td>
</tr>
</tbody>
</table>
### Table 1B. Aflac Insurance Case

**The New York Times**

**Title:** When the Marketing Reach of Social Media Backfires (Aflac: 3 pages)

**Exemplars:** This is an age when anyone can communicate to the world via social media. People forget millions can see the things they tweet, and they need guidance in order to be kept in line when posting.

**Roots:** Marketing strategies should specify policies of social media.

**Catchphrases:** Aflac is struggling to deal with insensitive comments posted by one of its employees.

**Consequences:** The commercials are being re-voiced and Gottfried was immediately fired.

**Metaphors:** “reach” of social media “backfires,” “tasteless” remarks (p. 1). Comments on Twitter are delivered at “warp speed” (p. 1). Tweets shouldn’t just be a “chain of thoughts” (p. 2). We are giving people “loaded guns” (p. 2).

**Depictions:** The situation is repeatedly referred to as an “incident” (p. 1-3).

**Principle:** People have a social responsibility to post appropriately. Aflac “invoked a morals clause” (p. 3) that resulted in the firing of Gottfried.

**Visual Images:** Japan is a part of the Aflac “family” (p. 3). Gottfried’s final words in the article were these tweets: “I sincerely apologize to anyone who was offended by my attempt at humor regarding the tragedy in Japan,” and “I meant no disrespect, and my thoughts are with the victims and their families” (p. 3).
<table>
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<th><strong>Table 2A. Chrysler Case</strong></th>
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<tr>
<td><strong>The Wall Street Journal</strong></td>
</tr>
<tr>
<td><strong>Title:</strong> Tweeting Without Fear (4 pages)</td>
</tr>
<tr>
<td><strong>Exemplars:</strong> Companies recognize that Twitter is a conversation they must be involved in if they hope to influence customer opinion and purchase intent.</td>
</tr>
<tr>
<td><strong>Roots:</strong> Several companies have implemented various social media policies, but no one policy is right for every organization.</td>
</tr>
<tr>
<td><strong>Catchphrases:</strong> “Who would have thought typing such short messages could be so tricky?” (p. 1).</td>
</tr>
<tr>
<td><strong>Consequences:</strong> Chrysler severed ties with the agency that handled its Twitter account.</td>
</tr>
<tr>
<td><strong>Metaphors:</strong> Almost all companies have “found their way onto Twitter” (p. 1). Companies that have succeeded thus far have “traffic cops of information” (p. 3) or an “army of associates” (p. 4) that can “tap many areas of expertise” (p. 4). Ten people have a “hand in” (p. 2) the Twitter account of one company. Another company has a single employee who “took the reigns” (p. 3). Twitter is a great way to “reach younger customers” (p. 1). The “flip side” (p. 1) is that Twitter has become a complaint line. Chrysler “cut ties” (p. 1) as other companies “are adopting a variety of strategies for navigating Twitter’s pitfalls” (p. 2).</td>
</tr>
<tr>
<td><strong>Depictions:</strong> The company is never indicted. Instead, Twitter has caused companies “plenty of embarrassment” (p. 1). Deciding which employees to trust, compromised accounts, “Twitter’s pitfalls,” and “the risk of mishaps” (p. 2) are all legitimate concerns for the company.</td>
</tr>
<tr>
<td><strong>Principle:</strong> Implementing guidelines for usage allows companies to respond in a timely and appropriate manner, which keeps customers content.</td>
</tr>
<tr>
<td><strong>Visual Images:</strong> Tweet from Chrysler account: “I find it ironic that Detroit is the #motorcity and yet no one here knows how to f—drive” (p. 1).</td>
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</table>
### Table 2B. Chrysler Case

**The New York Times**

<table>
<thead>
<tr>
<th>Title</th>
<th>When the Marketing Reach of Social Media Backfires (Chrysler: 3 pages)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Exemplars</td>
<td>People can reach an audience faster than ever before. Once something is posted to Twitter, reversing the post is impossible.</td>
</tr>
<tr>
<td>Roots</td>
<td>People can’t always switch between professional and personal lives to successfully handle corporate communications.</td>
</tr>
<tr>
<td>Catchphrases</td>
<td>“You should think before you speak, and you should think before you tweet” (p. 1).</td>
</tr>
<tr>
<td>Consequences</td>
<td>New Media Strategies, an agency working for Chrysler lost its contract renewal opportunity with the automobile company and the employee who personally tweeted was dismissed. The CEO of New Media Strategies posted about the company's regret via online blog. Chrysler announced a new advertising campaign that will begin with a local company.</td>
</tr>
<tr>
<td>Metaphors</td>
<td>People have trouble “crossing over” to corporate communications from personal (p. 2). Detroit can’t afford to “backslide” (p. 2). Social media strategists should attempt “controlled chaos” (p. 3).</td>
</tr>
<tr>
<td>Depictions</td>
<td>The situation is denoted as an “unfortunate incident” (p. 2).</td>
</tr>
<tr>
<td>Principle</td>
<td>People and companies must take responsibility for posts on Twitter.</td>
</tr>
<tr>
<td>Visual Images</td>
<td>The tweet was included: “‘I find it ironic that Detroit is known as the #motorcity and yet no one here knows how to drive.’ Between “to” and “drive” was a vulgarity” (p. 2).</td>
</tr>
</tbody>
</table>
### Table 3A. NFL Case

**The Wall Street Journal**  

**Title:** When the Most Personal Secrets Get Outed on Facebook (7.5 pages)

**Exemplars:** Social networks routinely share everyday details of people’s lives and “this creates a challenge for individuals navigating the personal-data economy” (p. 2).

**Roots:** Facebook “makes it possible to disclose private matters to wide populations, intentionally or not” (p. 3). Groups on Facebook can be “closed,” “open,” or “secret,” (p. 5) but many users don't know the difference or how to properly handle privacy controls. The story discusses two college students who were added to a homosexual choir group that exposed their, previously secret, sexual preferences to their fathers. Brian Stropolo, an NFL referee was fired for Facebook photos.

**Catchphrases:** Once information is out there, “it is often impossible to put the cat back in the bag” (p. 6).

**Consequences:** “After being contacted by the Wall Street Journal, Facebook adjusted the language in its online Help Center to explain situations... in which friends can see that people have joined groups” (p. 5). The chorus instituted “online-privacy guidelines” (p. 8). Stropolo was replaced hours before he was expected to officiate a Saints vs. Panthers game in the NFL.

**Metaphors:**  
“The Facebook Effect” (p. 7) means the days of having separate work and personal identities are nearly gone. Facebook users may try to “shield” (p. 2) activity from parents of employers, but the company has “shifted” (p. 5) its privacy defaults to be more revealing. Companies are able to “catalog people’s activities” (p. 2). Not normally possible to “put the cat back in the bag” (p. 6). Facebook will change the way we “groom our identities” (p. 7).

**Depictions:** These Americans were “inadvertently exposed” (p. 1) and “casualties of a privacy loophole” (p. 2). Facebook provides “access to the real you,” (p. 3) which makes the site safer and more marketable to advertisers. Offering more privacy settings gives an “illusion of control” (p. 6). It “generates ‘some form of overconfidence’ that, paradoxically, makes people overshare” (p. 6).

**Principle:** Facebook: “We must continue our efforts to empower and educate users about our robust privacy policy” (p. 2).

**Visual Images:**  
Stropolo was in a Facebook photo wearing New Orleans Saints logos on his hat and jacket (p. 4). One father left “vitriolic messages” (p. 1) and one posted, “To all you queers. GO back to your holes and wait for GOD. Hell awaits you pervert. Good luck singing there” (p. 5).
Table 3B. NFL Case  
*The New York Times*

| **Title:** Replacement Official Pulled for Being a Fan (1 page) |
|**Exemplars:** The NFL called in a new replacement official just hours before kickoff. |
|**Roots:** Brian Stropolo posted some pictures to Facebook of him tailgating at a preseason New Orleans Saints game and was not allowed to referee a Saints vs. Carolina Panthers game. The pictures were added after the “background checks” (p. 1) were completed the previous summer. |
|**Catchphrases:** The NFL is “generally pleased with the performance of replacement officials. They were not pleased Sunday, however…” (p. 1). |
|**Consequences:** A different alternate official replaced Stropolo, and the NFL is reviewing the situation. |
|**Metaphors:** The referee was “pulled” for pictures he “posted” (p. 1). |
|**Depictions:** None |
|**Principle:** The NFL wanted to “avoid the appearance of impropriety” (p. 1). |
|**Visual Images:** Stropolo was in Saints attire in the posted picture. Earlier in the year a Facebook friend commented in his status, “hey, now be nice with those yellow flags for our Saints!!” |
Table 4A. Francesca’s Case

**The Wall Street Journal**

<table>
<thead>
<tr>
<th><strong>Title</strong></th>
<th>Facebook and Twitter Postings Cost CFO His Job (1.5 pages)</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Exemplars</strong></td>
<td>As Chief Financial Officer of a public holding company, Gene Morphis, “wasn’t like most employees” (p. 1). His excessive online presence was frowned upon by his employer.</td>
</tr>
<tr>
<td><strong>Roots</strong></td>
<td>Facebook users across the world use social media to complain about daily job tasks.</td>
</tr>
<tr>
<td><strong>Catchphrases</strong></td>
<td>“He discussed everything from Christmas to college basketball, and occasionally company doings.”</td>
</tr>
<tr>
<td><strong>Consequences</strong></td>
<td>After an internal investigation, the social media posts meant the end of Morphis’s job.</td>
</tr>
<tr>
<td><strong>Metaphors</strong></td>
<td>Social media is often used to “vent” (p. 1). This “landed him in trouble” (p. 1) and “cost” the CFO his job. “Top brass” (p. 2) must be extra careful online. Hopefully employees won’t “run afoul” (p. 2) company rules.</td>
</tr>
<tr>
<td><strong>Depictions</strong></td>
<td>Francesca’s Holdings Corp. is described as “discovering the activity,” (p. 1) although his sites were open to the public.</td>
</tr>
<tr>
<td><strong>Principle</strong></td>
<td>Morphis “improperly communicated company information through social media” (p. 1) according to Francesca’s Holdings Corp. A board chairman said, “we expect our executives to comply with all company policies” (p. 2).</td>
</tr>
</tbody>
</table>
Table 4B. Francesca’s Case

*The New York Times*

**Title:** S.E.C. Set Rules for disclosures Using Social Media (3 pages)

**Exemplars:** The Securities and Exchange Commission are making sure that investors have the opportunity to receive all announcements simultaneously. The board was unsure if posting via social media sight should constitute as fair practice because not every investor may have a social media presence.

**Roots:** No company should be able to favor specific investors by giving only an exclusive group more information on company dealings.

**Catchphrases:** As long as investors are informed that social media will be a part of a company’s official communication, they can freely post company information.

**Consequences:** Gene Morphis was fired for frequent social media use. More recently the S.E.C. is “relaxing its stance” (p. 2) by recognizing social media as a legitimate form of communication.

**Metaphors:** S.E.C. is “treading carefully” (p. 3) and “relaxing its stance” (p. 2). They did a fine job of “splitting the baby” (p. 2) and making “clear” (p. 2) that “adopt[ing] a 2000 regulation to 2013” (p. 3) isn’t possible without some enhancement.

**Depictions:** S.E.C. is “playing catch-up” (p. 1).

**Principle:** Francesca’s Holdings accused Morphis of “improper” (p. 3) social media communication.

**Visual Images:** Tweet: “Board meeting. Good numbers=Happy Board.”

Table 5A. EMT Case

*The Wall Street Journal*

**Title:** Facebook Firing Case is Settled (1.5 pages)

**Exemplars:** A private settlement was reached between an ambulance service and employee after the NLRB filed a complaint.

**Roots:** Dawnmarie Souza was fired for posting negative remarks about her boss on Facebook. The problem arose, initially, from a customer complaint about the actions of Souza.

**Catchphrases:** The American Medical Response of Connecticut will ensure they don’t restrict workers rights by revamping social media rules.

**Consequences:** Company will revise its rules; employees cannot be punished for requesting union representation in the future.

**Metaphors:** The case became a “test” (p. 1) of how much freedom employees are allowed when posting on social media. The company will “revamp” (p. 1) its social media rules.

**Depictions:** NLRB “alleged” (p. 1-2) all negative information associated with the company. Souza’s filing is described as a “complaint” (p. 1-2) throughout the story.

**Principle:** The post was “protected concerted activity” because co-workers responded online; and employees are legally allowed to discuss the terms and conditions of employment with one another.

**Visual Images:** None
Table 5B. EMT Case

The New York Times

Title: Company Accused of Firing Over Facebook Post (2.5 pages)

Exemplars: Communicating with co-workers about conditions at work is “protected concerted activity” according to the NLRB (p. 3). Posting online is similar to interaction in person—if more than one co-worker voices concerns or criticisms, the parties are within their legal rights.

Roots: Companies cannot prevent employees from communicating with and supporting one another.

Catchphrases: None

Consequences: Trial is pending in front of an administrative judge.

Metaphors: The NLRB has “stepped in” (p. 1) to a case that “bars” (p. 1) employees from posting about the company. Souza gripes about how a “17” (p. 2) was allowed to become a supervisor—“17 is the company’s lingo for a psychiatric patient” (p. 2). A worker that has “lashed out” (p. 3) should be protected as long as they don't “cross the line” (p. 3) into something unrelated to work. (e.g. “a supervisor’s sexual performance” (p. 3)).

Depictions: American Medical Response of Connecticut accused Souza, “among other things,” (p. 1) of breaking company rules. This was a “ground-breaking case” (p. 1). She had a “federally protected right” and the case was “fairly straightforward...under the National Labor Relations Act” (p. 1). The broad company rule was “clearly illegal” (p. 2) and Souza could not be reprimanded for mocking her supervisor.

Principle: The NLRA prohibits employers from penalizing workers who are discussing unionization or working conditions.

Visual Images: company policy prevents employees from talking about the company “in any way” (p. 1) on social media sites and prohibits “disparaging” or “discriminatory” remarks when referring to “superiors” and “co-workers” (p. 1).

Table 5C EMT Case

The New York Times—Follow up Story

Title: Company Settles Case in Firing Tied to Facebook (1 page)

Exemplars: Employee has the right to criticize a boss if co-workers provide additional comments.

Consequences: Souza’s comment was deemed acceptable; therefore, she was fired illegally. American Medical Response will revise its broad rules and not restrict discussion of wages, hours, or conditions between co-workers. Union representation will be approved.

Principle: Employers “break the law” (p. 1) when restricting criticism on social media.
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<tr>
<th><strong>Table 6A. CNN Case</strong></th>
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<tbody>
<tr>
<td><strong>The Wall Street Journal</strong></td>
</tr>
<tr>
<td><strong>Title</strong>: Roland Martin Suspended by CNN for Super Bowl Tweets (1 page)</td>
</tr>
<tr>
<td><strong>Exemplars</strong>: Roland Martin, a political analyst, posted “homophobic” tweets during the Super Bowl.</td>
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<td><strong>Roots</strong>: Gay and Lesbian Alliance Against Defamation demanded Martin be fired for his insensitive comments.</td>
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<tr>
<td><strong>Consequences</strong>: Martin was suspended, and the owner of CNN “appointed a chief diversity officer” (p. 1) in the same day. Martin apologized to those who thought his comment was “anti-gay or homophobic or advancing violence” (p. 2) and claimed that his post was strictly a joke about soccer.</td>
</tr>
<tr>
<td><strong>Catchphrases</strong>: None</td>
</tr>
<tr>
<td><strong>Metaphors</strong>: CNN “suspended” Martin after his comment saying any man that is “hyped” (p. 1) about the advertisement should be smacked.</td>
</tr>
<tr>
<td><strong>Depictions</strong>: Calls for the firing of Martin were “immediate” (p. 1).</td>
</tr>
<tr>
<td><strong>Principle</strong>: CNN stated the tweets were “regrettable and offensive” (p. 1) and that Martin would “not be appearing on our air for the time being” (p. 1).</td>
</tr>
<tr>
<td><strong>Visual Images</strong>: “If a dude at your Super Bowl party is hyped about David Beckham’s H&amp;M underwear ad,” the tweet read, “smack the ish out of him” (p. 1). Another tweet that day described a Patriots player “in head to toe pink suit,” who “needs a visit from #teamwhipdatass” (p. 1).</td>
</tr>
</tbody>
</table>
### Table 6B. CNN Case

**The New York Times**

**Title:** Twitter is all in Good Fun, Until it Isn’t (3.5 pages)

**Exemplars:** Roland Martin, “who is paid to spout opinions on CNN got in trouble for” (p.1) posting a controversial tweet.

**Roots:** “Big media companies love when their employees hit Twitter… Until something goes wrong” (p. 1).
Employees of media companies are constantly instructed to “build their personal brand, but… do it in ways that are consumer-friendly and taste-appropriate” (p. 2).

**Catchphrases:** “If it can be thought, it can be posted” (p. 2).
Twitter is “the world headquarters for snap judgments” (p. 2).
“When you report—things get complicated, and less tweetable” (p. 3).

**Consequences:** Martin was suspended.

**Metaphors:** Media companies love when “employees hit Twitter” (p. 1). It provides an Twitter is a “friction-free route to an audience” (p. 2).
The best reporters are a “wire service for information” (p. 2).
Sometimes it’s tough to fight the “urge to say something sassy” (p. 2) in the moment.
Martin received “immediate blowback” (p. 1).
His suspension was a “bone-headed move” (p. 3) that punished “harmless knucklehead banter” (p. 4).
Outlets are a “federation of voices” (p. 3).

**Depictions:** Martin is a “longtime hater of soccer” (p. 1).
Martin was “clobbered” (p. 1) for the remarks he “burped up” (p. 3) and suspended “indefinitely” (p. 1).
Twitter provides an “intimate connection” (p. 1) for the company and public to “revel in” (p. 1)

**Principle:** Advocacy groups believe that “the post advocated violence against homosexuals” (p. 1).

**Visual Images:** Martin tweet: “If a dude at your Super Bowl party is hyped about David Beckham’s H&M underwear ad, smack the ish out of him! #superbowl”
### Table 7A. Bartender Case

**The Wall Street Journal**

**Title:** For Angry Employees, Legal Cover for Rants (4.5 pages)

**Exemplars:** The NLRB is ruling on cases that deal with employees who are punished for “bad-mouthing employers” (p. 1). A company’s reputation is on the line when employees post negative comments. One bartender is included in this story for being fired after posting on Facebook that his customers were “rednecks” (p. 2) and that he “hoped they choked on glass” (p. 2).

**Roots:** The NLRB is using a 1935 law titled the National Labor Relations Act to, “decide whether the employees’ complaints have merit” (p. 1).

**Catchphrases:** “The bottom line: Companies can no longer have a knee-jerk reaction to these kinds of terminations” (p. 3). “Employers are in a bind” (p. 5).

**Consequences:** More than 100 employers have been accused of “improper activity” (p.1) in the previous year. The bartender was fired, but this is only one instance when the NLRB didn’t file a complaint.

**Metaphors:** Employees who are caught “bad-mouthing” (p.1) employers can have their “complaints are heard by a judge, who can order a remedy” (p. 1). This is a “murky battle” (p. 1) that is being decided by the law that “kick-started” (p. 1) the labor movement in the U.S. Representing nonunion employees is a “new arena” (p. 1) for the agency that is “on the hot seat” (p. 1) with businesses. After Souza, cases “poured in” (p. 3) and the numbers rose from a “handful” (p. 3) to the hundreds. “Translating” (p. 3) guidelines can be tough. The potential to “damage” (p. 3) the company is present. “It’s not all apples-to-apples” (p. 3) Some cases are “clear-cut” (p. 3) others aren’t.

**Depictions:** The NLRA is referred to as a “decades-old labor law” (p. 1). The NLRB receives numerous “complaints, called ‘charges’” (p. 3) daily.

**Principle:** The employee is safe if the post is considered a “protected concerted activity” (p. 3).

**Visual Images:** A paramedic called her boss a “scumbag” and was considered wrongfully fired; she is still unemployed and says, “she didn’t regret calling her supervisor names” (p. 3). A warehouse employee who ranted he was “a hair away from setting it off in this b--” (p. 4) was decided fairly fired because this was construed as a death threat.
Table 7B. Bartender Case

**The New York Times**

**Title:** Even if It Enrages Your Boss, Social Net Speech is Protected (Bartender: 4 pages)

**Exemplars:** Social media has become central to workplace conversation. When a bartender from Illinois was angry “about not receiving a raise for five years,” (p. 2) he called his customers “rednecks” and said he “hoped they choked on glass as they drove home drunk” (p. 2)

**Roots:** The NLRB agrees that workers are within legal boundaries if they wish to discuss work conditions in the office or on social media.

**Catchphrases:** The debate on suitable discussion is currently a hot topic.

**Consequences:** The aforementioned bartender was fired because of “personal venting,” (p. 3) which is not considered protected activity. Employers are redesigning policies because “blanket restrictions,” (p. 1) which attempt to prevent any and all employee discussion about the workplace, are illegal.

**Metaphors:** “personal venting” (p. 3), “firing” (p. 2), “rednecks” (p. 2), “choked on glass” (p. 2)

Employers will “scale back policies” (p. 1) even if comments “paint” (p. 1) them in a negative light.

“Blanket restrictions” (p. 1) are illegal.

Social media rights are “looming larger” (p. 3).

**Depictions:** The “lone worker” (p. 2) who posted was fired.

**Principle:** It is “permissible for employers to act against a lone worker ranting on the Internet” (p. 2).

**Visual Images:** None.

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Table 8A. Nonprofit Organization Case

**The Wall Street Journal**

**Title:** NLRB Faults Company for Firing Workers Over Facebook Posts (1.5 pages)

**Exemplars:** A nonprofit was faulted for discharging workers over a Facebook conversation that was deemed harassment of another employee.

**Roots:** Hispanics United of Buffalo fired five employees who “defended their work and blamed conditions such as work loads and staffing issues” (p. 1) after another co-worker alleged they were not helping clients enough.

**Catchphrases:** Three similar complaints were filed with the NLRB recently, and all were settled.

**Consequences:** The case is set to appear before the NLRB judge in June. (No follow up story was found in the Wall Street Journal)

**Metaphors:** The company “discharged” (p. 1) five employees. The company will “revamp” (p. 1) social media rules. Charges were “dismissed” (p. 2).

**Depictions:** “Some charges that have been investigated have been dismissed” (p. 2)

**Principle:** “Labor law allows employees to discuss terms and conditions” (p. 1) of employment online if they are practicing a “protected concerted activity” (p. 1).

**Visual Images:** Hispanics United “provides social services to low-income clients” (p. 2).
### Table 8B. Nonprofit Organization Case

**The New York Times**

**Title**: Even if It Enrages Your Boss, Social Net Speech is Protected (4 pages)

**Exemplars**: One nonprofit organization, Hispanics United of Buffalo, fired five caseworkers for participating in a Facebook conversation they considered a violation of “harassment” (p. 2) policy.

**Roots**: The NLRB agrees that workers are legally protected if they wish to discuss improving “wages, benefits, or work conditions” (p. 2) in the office or on social media.

**Catchphrases**: “Applying traditional rules to a new technology” (p. 1).

**Consequences**: Many workers were reinstated after investigations found the posts to be “protected concerted activity” (p. 2).

**Metaphors**: Social media is viewed as the “new water cooler” (p. 1).

- It is illegal to “adopt” (p. 1) broad policies or “blanket restrictions” (p. 1).
- “Aim” (p. 2) to improve wages by posting on the “social media scene” (p. 3).
- Workers must be allowed to “exercise” (p. 4) their rights.
- “Clear limits” (p. 4) are tough to enforce without legal ramifications.

**Depictions**: The employees were “unlawfully terminated” (p. 2).

The “lone dissenter” (p. 3) for the case did not think the employees’ venting warranted protection.

**Principle**: It is illegal to enforce all-encompassing social media policies, e.g. banning disrespectful or critical comments.

The law is protecting “workers’ right to unionize” (p. 3)

**Visual Images**: Facebook comments included: “Try doing my job. I have five programs” and “What the hell, we don't have a life as is” (p. 2).

### Table 9A. Teacher Case

**The Wall Street Journal**

**Title**: Panel: NYC Teacher Rant Didn’t Warrant Firing (1 page)

**Exemplars**: Christine Rubino was able to keep her job after an appellate panel upheld an earlier court ruling.

**Roots**: Rubino was venting about a bad day when she decided to post some inappropriate comments about her students.

**Catchphrases**: None

**Consequences**: The city was weighing its options for her potential rehire.

**Metaphors**: Rubino was “venting” (p. 1) when she called her students “devil’s spawn” (p. 1) according to the “finding” (p. 1) of the court.

**Depictions**: The teacher was “entitled” (p. 1) to remain in her position.

**Principle**: As a fifth grade teacher it is Rubino’s professional responsibility to care for these children, not discuss them in such a negative tone.

**Visual Images**: Rubino “called her fifth graders ‘devil’s spawn’ and said she ‘hated their guts’” (p. 1).
<table>
<thead>
<tr>
<th>Table 9B. Teacher Case</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>The New York Times</strong></td>
</tr>
<tr>
<td><strong>Title:</strong> Teacher’s Facebook Post Didn't Warrant Firing, a Panel Upholds (3 pages)</td>
</tr>
<tr>
<td><strong>Exemplars:</strong> Christine Rubino posted some unwise comments about her students with the intent of expressing her frustration after a hard day in the classroom.</td>
</tr>
<tr>
<td><strong>Roots:</strong> A sixth grader recently drowned on a field trip to the Atlantic Ocean.</td>
</tr>
<tr>
<td><strong>Catchphrases:</strong> Rubino posted some offensive remarks, but should not have been terminated according to two court rulings.</td>
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<tr>
<td><strong>Consequences:</strong> Rubino was suspended for two years without pay. After her posting on Facebook, parents are likely to disapprove of Christine Rubino teaching their children.</td>
</tr>
<tr>
<td><strong>Metaphors:</strong> Rubino had an “unblemished” record until she made some “callous remarks” (p. 2) online to “vent her frustration” (p. 1).</td>
</tr>
<tr>
<td><strong>Depictions:</strong> Rubino and the situation are described by the following phrases: “impolitic comments,” “unblemished disciplinary record,” “15-year veteran,” and “hardly getting off scot-free” (p.1). “They are all the devils spawn” (p. 1)</td>
</tr>
<tr>
<td><strong>Principle:</strong> Rubino’s lawyer said, “he was ‘very grateful’ for ‘a very humane decision’” (p. 1).</td>
</tr>
<tr>
<td><strong>Visual Images:</strong> The story began with Rubino’s comment: “After today, I am thinking the beach sounds like a wonderful idea for my 5th graders?” “I HATE THEIR GUTS! They are all the devils spawn!” “I wld not throw a life jacket in for a million” (p. 1).</td>
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Table 10A. Police Department Case

<table>
<thead>
<tr>
<th>The Wall Street Journal</th>
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<tr>
<td><strong>Title:</strong> U.S. News: Cameras Keep a Close Watch on the Police --- Departments in Albuquerque and Elsewhere use Videos Taken from Cops’ Lapels to Deter them from Using Excessive Force. (2 pages)</td>
</tr>
<tr>
<td><strong>Exemplars:</strong> Police officers are beginning to carry cameras on their persons in order to provide a more complete view of interaction with citizens.</td>
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<tr>
<td><strong>Roots:</strong> Officers are often recorded via bystander cellphones and criticized for handling difficult situations inappropriately. With a video camera attached to them, officers will be able to defend themselves when questioned about tense encounters. Departments are increasingly handling mentally unstable patients and are often given “only seconds to respond to potentially violent situations” (p. 2).</td>
</tr>
<tr>
<td><strong>Catchphrases:</strong> This electronic device can help defend the reputation of law enforcement officers accused of misconduct.</td>
</tr>
<tr>
<td><strong>Consequences:</strong> City police departments are adopting “softer, gentler practices” (p. 2) in working with mental health professionals. The Albuquerque police chief is requiring 60+ hours of college credit for new hire and several departments are implementing “better training and supervision of officers” (p. 2).</td>
</tr>
<tr>
<td><strong>Metaphors:</strong> The U. S. Justice Department has vowed to “peel the onion to its core” (p. 1) when analyzing the Albuquerque police department that has “attracted scrutiny” (p. 2). Interactions with police are often “captured” (p. 1) by civilians. Albuquerque shootings were “on par” (p. 2) with the national average in 2011. The departments are “adopting softer, gentler practices” (p. 2).</td>
</tr>
<tr>
<td><strong>Depictions:</strong> Cameras will “deter them from using excessive force” (p. 1). “Investigation into the department’s use of deadly force” (p. 1) shootings were “justified” (p. 2). The “weak economy” (p. 2) can be blamed for increased dealings with mental breakdowns.</td>
</tr>
<tr>
<td><strong>Principle:</strong> Albuquerque police and other stations are keeping a closer eye on officers and attempting to keep both officers and citizens safe and accountable.</td>
</tr>
<tr>
<td><strong>Visual Images:</strong> Facebook job description of unnamed police officer in Albuquerque was “human waste disposal” (p. 2).</td>
</tr>
</tbody>
</table>
Table 10B. Police Department Case

Exemplars: Police officers are posting controversial information and pictures on social media sites, much like ordinary citizens. Social media can be beneficial for police departments, but they are also having negative effects. Trey Economidy, among other officers, was penalized for his off-duty conduct, specifically his Facebook job description.

Roots: Generally when dealing with social media posts that are job related, the court system will rule in favor of the government and uphold the restrictions or reprimand given to the officer. Disciplinary rules for postings that occur when officers are off duty have proven more tricky.

Catchphrases: Police departments are “scrambling to develop rules” (p. 1) in order to manage officers.

Consequences: Economidy was demoted to a desk job. The Albuquerque department appointed a compliance officer to inspect the social media sites of officers. The social media policy forbids officers post anything that will identify them as employees of the department without prior permission. Defense lawyers are using the personal posts of arresting officers to dismiss or disparage testimony.

Metaphors: “Careless posting” (p.1) can “endanger an officer’s safety” (p. 1). Departments are “scrambling to develop rules” (p. 1). Lawyers attempt to “impeach testimony” (p. 1) with information “dug up” (p. 1) on Facebook that may “illustrate reckless behavior” (p. 2). Departments are dealing with the “hazy” (p. 2) off-duty topic. They can “dictate” (p. 2) what officers say on the clock.

Depictions: Economidy posted a “cynical job description” (p. 1).

Principle: “Social media policies try to balance a department’s interest against First Amendment protections for the officers” (p. 2).

Visual Images: The Facebook job description posted by Economidy was “human waste disposal” (p. 1).

A second police officer said social media is “like the bathroom wall of 20 years ago except now the entire world can see it” (p. 2).

Another officer “posted a comment about a homeless man that was beaten by police officers in California, saying ‘These people should have died when they were young, anyway, i’m just doing them a favor’” (p. 2).
References


Leadership, 28(5), 4-7. Retrieved from


weather-woman-fired-for-responding-to-racist-fb-commenters-hair-remark/kb3/.


American Salesman, 56(2), 13. Retrieved from
irect=true&db=f5h&AN=57429676&site=ehost-live.

Marketing Weekly News. (2012). Reputation changer; Reputation changer
promotes Cliff Stein to CEO, 219. LexisNexis Academic. Retrieved from
http://www.lexisnexis.com/hottopics/lnacademic/?verb=sr&csi=337946&sr=HLE
AD(Reputation%20Changer%20Promotes%20Cliff%20Stein%20to%20CEO)%2
0and%20date%20is%202012.

world or big brother? Labor Law Journal, 63(3), 165-173. Retrieved from


of frames employed in terrorism coverage in U.S. and U.K. newspapers.


In P. D’Angelo and J. Kuypers (Eds.), *Doing news framing analysis: Empirical,


19(1), 23-44. doi:10.1080/09581590801995216.

Social networking and the workplace: Making the most of web 2.0 technologies. (2009).

*Strategic Direction*, 25(8), 20-23. doi:

http://dx.doi.org/10.1108/02580540910968535.


Weinberg, N. (2010, October 23). NYT vs. WSJ: Liberal bias vs. conservative bias?

*Forbes.* Retrieved from
