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**Title:** Off-work politics may hurt your job

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Special to USA TODAY

**Source:** USA Today. 07/10/2018.

**ISSN:** 0734-7456

**Accession Number:** J0E365807041418

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## Off-work politics may hurt your job

### There are limits to your First Amendment rights

Section: Money, Pg. 05b

Question: Can I be fired for attending a protest, participating in political activities like a rally or speaking out on my opinions on politics? -- Anonymous

Answer: As we all know, the lines between our work lives and personal lives are increasingly blurred. And when you add camera phones and social media to the mix, the things we do on our nonwork time -- such as attending a rally or sharing a few choice words with an elected official at a city council meeting -- are no longer exclusively private activities.

We've all seen photos and videos go viral and land in the hands of bosses, who fear the effects on the company's brand.

So, can your company actually fire you because you attended a rally or called the city council member a jerk?

This answer may surprise you, but, yes, your employer can, in fact, terminate your employment for off-duty behavior.

"But what about my First Amendment right to free speech?" you might ask. Well, the First Amendment only prohibits individuals from being punished by the government for their speech, so unless you work for a

government employer, the hard truth is that you check your First Amendment rights at the door of your workplace.

There are a few exceptions. For example, if your employer only fires people of a certain religion or race for their off-duty activities, that would be illegal discrimination. Also protected by law is employee speech about pay, hours and working conditions. Additionally, employees covered by a union contract or working in a handful of states that prohibit firings for lawful activities might have additional protections.

Of course, just because an employer can fire someone for his/her off-hours activities doesn't always mean they should. It could damage a company's culture if employees believe their private lives are being scrutinized.

I wouldn't say it's super common for an employer to fire someone for off-duty behavior. But it is happening more often, and it is usually legal for them to do it. So, approach potentially controversial activities with a bit of caution.

Q: I resigned from my company in December after working there for 22 years. Shortly after I retired, I filed for a retirement payout. In April, I received a request from the company asking for paperwork identical to the paperwork that I already filed. There are others who ended their employment with the company after I did who say they have already been paid their retirement benefits. What is the legal time limit an employer can hold onto retirement funds an employee is due? -- Delores B.

A: Retirement can be a time of excitement mixed with the anxiety that comes with the end of a regular paycheck. So, I can imagine how you feel not knowing what's happening with your retirement payout.

It's difficult to answer your question without knowing what type of retirement plan you have or reading documents that outline your specific plan.

There are many different employer-sponsored retirement plans, each subject to different rules that generally fall under the Employee Retirement Income Security Act (ERISA) and each with its own rules outlined in official plan documents.

Generally, plan administrators are required to notify their participants if a benefit is denied or if additional information is needed to complete a request.

With that in mind, I would suggest you contact your plan administrator (this is often your employer) to get more information. The plan administrator will help you understand your company's plan and can help determine if anything still is missing in your application. In most cases, retirement payments start as soon as all retirement records are in good order, so making sure that all questions are answered and all documentation meets their requirements is essential.

I also recommend that you ask for a copy of the Summary Plan Document, if you don't already have one. This will give you an overview of the plan's provisions and information about the rules for receiving your benefits.

Johnny C. Taylor Jr., a human-resources expert, is tackling your questions as part of a series for USA TODAY. Taylor is president and CEO of the Society for Human Resource Management, the world's largest HR professional society. The questions submitted by readers and Taylor's answers below have been edited for length and clarity.

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**Source:** USA Today, JUL 10, 2018

**Item:** J0E365807041418