



Town of Georgia Employee Social Media Policy

Approved ~~November 16, 2020~~

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1 Purpose

- 1.1.1 This policy sets forth rules for appropriate use of social media and social networking sites by full and part-time employees of the Town of Georgia. It shall also serve as a guide for the use of social media by elected and appointed officials of the Town.
- 1.1.2 The use of social media is wide-spread and has changed the manner and speed in which communication occurs. Given the rise of social media as a mode of communication, it is important for the Town to evaluate how social media impacts the public services that it provides to its citizens, and the rights and responsibilities of the public employees providing those services.
- 1.1.3 Public employees' use of social media has the potential to significantly impact the reputation, goals, and public policy interests of the Town. Such use can, in certain circumstances, result in legal liability for the Town and its employees, interfere with the efficient performance and delivery of essential governmental services, and violate the public trust through the disclosure of confidential or private information. Those who accept employment by the Town accept a position of trust and responsibility. They have a duty not to disclose improperly, via social media or otherwise, confidential or private information they lawfully acquire while performing their responsibilities as Town employees.
- 1.1.4 At the same time, Town employees undeniably possess both Constitutional and statutory rights to engage in certain forms of communication. None of the standards, rules or guidelines contained herein are intended to interfere with any employee's rights of communication or free speech under any applicable federal, state or local law, or applicable provisions of the U.S. or Vermont Constitutions, ~~nor should it or to~~ interfere with or prevent any employee from engaging in concerted activity or communicating about wages, hours, or other terms and conditions of his or her employment with the Town, either with co-workers or members of the public. Instead, the purpose of this policy is to provide uniform standards and procedures for employee use of social media sites, both during and outside working hours, while also protecting employees' free speech and concerted activity rights.

Commented [GZC1]: There is a note that All elected & appointed employees should follow this policy.

Commented [GZC2]: Unlawfully or lawfully, question for the Town attorney

2 Standards Regarding Employee Rights

- 2.1.1 Any policy regarding the use of social media by public employees must be adopted in the context of existing law. As stated above, the Town acknowledges that its employees have certain Constitutional and statutory rights of communication, including, but not limited to, the following:

- 2.1.1.1 Free Speech: Public employees have a right to speak as a citizen on matters of public concern, which is weighed against the Town's interest in promoting the efficiency of the public services it performs through its employees. Among other things, the First Amendment protects a public employee's right, in certain circumstances, to speak as a citizen addressing matters of public concern. Speech is generally considered a matter of public concern when it is related to any matter of political, social, or other concern to the community. Employees are advised, however, that their First Amendment right to speak as citizens on matters of public concern is not absolute. This right is balanced against the Town's interest as an employer in regulating the speech of its employees in order to perform its public services effectively. In other words, even where an employee speaks as a citizen on matters of public concern, via social media or otherwise, there may be circumstances in which that speech does not outweigh the Town's interest in efficient and effective fulfillment of its responsibilities to the public. In such instance, employee speech may result in employment discipline.
- 2.1.1.2 Concerted Activity: Public employees have a right to engage in concerted activity. Under State law, public employees generally have the right to engage in concerted activities for the purpose of collective bargaining and other mutual aid or protection, including the right to communicate among themselves and with the public, via social media or otherwise, regarding their hours, wages, and terms and conditions of employment. Note, however, that not all discussions about work-related matters constitute protected communications.
- 2.1.1.3 This policy ~~shall~~must not be interpreted or applied in a manner that violates an employee's free speech rights or that interferes with, restrains or coerces employees in the exercise of their rights to engage in concerted activity, including the rights of any employee to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, or to communicate concerning wages, hours of work or other conditions of employment. In addition, nothing herein shall be interpreted or applied in a manner that violates any other employee rights, including any employee communication rights not otherwise identified, herein, that are provided by law or by duly adopted and binding agreement. In interpreting and applying this policy, the employee rights discussed above shall be implicit and shall be considered in any employment enforcement context.

3 Definition and Scope

3.1 Definitions

- 3.1.1 "Social media" are computer or electronic mediated technologies that allow the creating and sharing of information, ideas, professional and personal interests, and other forms of expression via virtual communities and networks. Social media can take many forms. Its use occurs across a variety of applications, media and platforms, and is continually evolving. Social media includes, but is not limited to, internet forums, blogs, microblogs, online profiles, wilds, photographs, podcasts, video and music sharing. Examples of social media applications include, but are not limited to, LinkedIn, Google Groups, MySpace, Wikipedia, Facebook, Instagram, Front Porch Forum, YouTube, Twitter, Yelp, Flickr, Yahoo groups, Snapchat, Wordpress, and ZoomInfo. The absence of, or lack of explicit reference to, any form of social media or specific site does not limit the extent of the application of this policy to that form of social media or site.

3.1.2 "Working hours" shall mean any period of time during which an employee is performing or expected to perform duties and responsibilities within the scope of their employment for the Town.

3.2 Scope

3.2.1 This policy applies to all forms of communication on or through social media sites by Town of Georgia employees.

3.2.2 This policy applies to all Town employees during both working and non-working hours, regardless of whether the employee is using the Town's or ~~individually-owned~~ personal or public computer, cell phone, portable media device, equipment, network or technology.

3.2.3 Any social media use which violates this policy, or which fails to comply with any applicable local, state or federal laws, applicable rules of ethics or professional conduct, or which improperly discloses confidential or private information, including but not limited to individually identifiable private health information or protected intellectual property or copyrighted matter in violation of law may result in disciplinary action, up to and including termination of employment, pursuant to the Town of Georgia Personnel Policies and Rules, as amended from time to time.

3.2.4 The Vermont Public Records Act and Vermont and federal rules of civil procedure related to e-discovery may apply to social media content produced or acquired in the course of Town business. Accordingly, all such content must be available to the Town and capable of being managed, stored and produced in a manner consistent with the requirements of law.

4 Use of Social Media During Working Hours

4.1.1 Employees are prohibited from accessing, viewing, using, uploading to or posting any communications via social media during working hours, except where any such use or communication is a necessary component of the employee's job responsibilities or is specifically authorized by the employee's department head or supervisor. Notwithstanding the foregoing sentence, a department head, in the exercise of his or her reasonable discretion, may permit brief, incidental use of social media use that does not otherwise interfere with the employee's work performance in circumstances where it would be unreasonable or prohibitive for the employee, due to the nature of such access, posting or uploading, to delay such access, posting or uploading until off-duty time.

4.1.2 Employees shall have no ownership interest in, nor shall they have any reasonable expectation of privacy concerning, any information accessed, posted or uploaded to social media during working hours through the use of Town-owned devices, equipment or servers. All information and communications accessed, posted or uploaded to social media sites by any employee during working hours shall be subject to monitoring and inspection by the Town. The Town reserves the right to remove posts and content in violation of this policy, or to require employees to remove any such posts or content.

Commented [GZC3]: There is a note that asks if this is realistically enforceable.

5 Use of Social Media Outside Working Hours

5.1.1 This policy is not intended to govern employees' establishment or use of personal social media accounts for personal purposes, outside the workplace and using non-town information systems.

- 5.1.2 Employees are expected to be attentive and careful in their personal use of social media. Employees should assume that information posted to publicly available social media sites is permanent and public, be aware that their use of social media may be perceived as representing the Town ~~end-and~~ Town government, and tailor their use accordingly.
- 5.1.3 Subject to the forgoing and the employee rights referenced above, when posting, uploading or otherwise communicating via social media outside working hours:
- 5.1.3.1 Employees shall take reasonable steps, when posting, uploading or otherwise ~~co~~communicating via social media on issues regarding Town government or official Town policy, to communicate that any views or opinions expressed thereon are personal in nature, and do not necessarily reflect the official position or policy of the Town.
 - 5.1.3.2 Employees shall not upload, post or communicate any information concerning the identity, actions or conduct of any other Town employee which violates any individual's right to privacy, or which violates the Town's harassment policy or other Town policies or rules.
 - 5.1.3.3 Employees shall not upload, publish or post photographs, images or likenesses of any Town employee or official, nor upload, publish or post photographs of any Town employee workspaces, offices or work sites, without such employee or official's express prior consent.
 - 5.1.3.4 Employees shall not upload, publish or post any Town of Georgia documents that are exempt from public inspection or disclosure under the terms of the Vermont Access to Public Records Act or which are exempt from disclosure under any applicable rules of privilege. In the event that an employee is uncertain about the legal status of any Town of Georgia document, the employee shall seek clarification from the employee's department head prior to uploading, publishing or posting.
 - 5.1.3.5 Employees shall not upload, publish or post any communication or information on social media sites in the name of the Town of Georgia or in any manner that could reasonably be attributed to the Town of Georgia without express prior consent and authorization of the employee's department head.
 - 5.1.3.6 During their regular course of their employment by the Town, certain employees, including, without limitation, members of the Georgia Fire Department and Georgia First Response, may have access to and possess confidential information, including but not limited to protected health information, the identity of suspects and victims and personal information contained in fire, motor vehicle accident and investigative reports. Town employees are prohibited from posting, releasing or disclosing any such confidential information outside their respective department without written permission from the department head. Town employees also shall not post, circulate or publish, outside of their respective department, any photographs, video or images, including photographs, video or images of fire or accident scenes, nor otherwise comment on or respond to comments regarding such fire or accident scenes, via social media, without the express advance consent of their department head.

6 Investigation: Employee Responsibilities

6.1.1 In any workplace investigation involving allegations of employee conduct that violates the provisions of this Social Media Policy, all employees shall be obligated to reasonably assist and cooperate with such investigations. Unless otherwise directed by supervisors or other town officials, an employee subject to an investigation shall preserve all relevant social media content and provide the Town with reasonable access to any such content that is relevant to the investigation.

7 Incorporation into Town Personnel Policies and Rules

7.1.1 This policy shall be incorporated by reference and in its entirety into the Town of Georgia Personnel Policies and Rules and shall be enforced in accordance therewith.

Adopted this 16th-day of ~~January~~ November, 2020~~6~~.

SIGNATURES OF GOVERNING BODY

~~Kris Senna~~~~Scott-St-Onge~~, Chair

~~Brian Dunsmore~~~~Jason Burt~~, Vice Chair

~~Kellie Bosenberg~~~~Kyle Grenier~~

~~Judith Nasca~~, ~~Steven Lamos~~

~~Carl Rosenquist~~, ~~Tara Wright~~