

TOWN OF HAMILTON SOCIAL MEDIA POLICY FOR EMPLOYEES

Social Media Policy

I. Policy:

A. **Introduction.** The Town of Hamilton (the “Town”) depends upon a work environment of tolerance and respect for the achievement of its goals in serving the citizens of the Town.

B. **Purpose.** The purpose of this policy is to provide notice to Employees of the Town that their use of Social Media must conform to the law and this policy. This policy is designed to promote and govern the professional and personal use of Social Media in a responsible manner and to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, or its employees; (2) expose the Town to legal liability for employer or employee behavior that may be harassing, offensive, or maliciously false; or (3) interfere with productivity and/or ability to perform the duties and responsibilities as Employees of the Town.

C. **Application.** This section describes acceptable and unacceptable uses of *all* Social Media by Employees of the Town. Employees should use their best personal judgment when using any form of Social Media and must ensure that their use does not violate this or any other Town policy or standards of conduct, rules, regulations, and by-laws.

II. Definitions:

1. The Town: Town of Hamilton.
2. Officials: Individuals who hold office in the Town, whether elected or appointed.
3. Employees: All persons employed by the Town regardless of position.
4. Users: Employees of the Town (individuals or groups) who use, direct, or control a social media account.
5. Social Media: Online forums in which Users participate in the exchange of ideas, messages, and content, including blogs, microblogs, and social networking sites (e.g., Facebook, LinkedIn, Twitter).
6. Electronic Media: All forms of electronic communication, transmission, or storage, including but not limited to, websites and any content contained therein or related thereto.

III. Use of Town-Owned Equipment or Social Media Sites:

A. Employees are directed to the Social Media Policy for Town-Owned Sites. In general, only employees whose jobs require access to town-owned Social Media may post or edit content on those sites.

B. There is no guarantee of privacy for electronic communications on Town equipment. The Town reserves the right to review and/or monitor all electronic records and communications, at any time, with or without notice, including individual user folders and other

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information stored on the Town's electronic communications systems. In accessing the Internet, including Social Media sites, users should assume that all connections and sites visited will be monitored and recorded. This examination helps to ensure compliance with Town policies, assists when internal investigations must be conducted, and supports the management of the Town's information systems. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, Intranet, cell phones, smart phones, pagers, laptops, and computers, and computer software constitutes acceptance of such monitoring.

IV. Use of Private Social Media:

A. Employees are prohibited from accessing private Social Media while on the job.

B. The Town acknowledges its Employees have a First Amendment right to free speech, but that right is not absolute. While Employees may maintain and use Social Media privately outside of work, such as personal web pages and websites, blogs, microblogs, social networking sites, and other forms of social media, their status as Employees of the Town requires that the content of any postings on those Social Media sites or other web pages not be in violation of existing Town by-laws, policies, directives, rules, or regulations. The Town's image as a professional organization comprised of professional employees is key to maintaining the respect of its constituents. Employees must exercise caution with respect to photos or comments they post in general, and in particular those concerning the Town, a particular department of the Town, and/or the Town's Employees or Officials.

C. All use of social media must conform to the following regulations:

1. All users are expected and required to conduct themselves in a manner consistent with the Town's policies and standards of conduct.
2. Users must not reveal any confidential or privileged information about the Town, its constituents, or its contractors. Users must be particularly careful to protect against the inadvertent disclosure of confidential information.
3. Users must not harass any other Employees in contravention of the Town's other policies and standards of conduct, rules, regulations, and by-laws, regardless of the time, place, form, or manner in which the information is posted or transmitted. Comments may be deemed to violate this Policy even if the Town's name or the names of any of its Employees are not posted in the comment.
4. Users must ensure that they are always honest and accurate when posting information or news, and if they make a mistake must correct it quickly. Users may not post any information or rumors they know or reasonably believe to be false about the Town, its officials, fellow employees,

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constituents, suppliers, vendors, contractors or any other entities or individuals.

5. Users may express only their personal opinions and should never represent themselves as a spokesperson for the Town unless specifically designated by the Town. If the Town is a subject of the content created by an employee, the employee should be clear and open about the fact that he/she is an employee of the Town and should make it clear that his/her views do not necessarily represent those of the Town, its officials, fellow employees, suppliers, vendors, or any other agent of the Town. Users who publish blogs or other online posts related to their work or subjects associated with the Town must make clear that they are not speaking on behalf of the Town. Further, an employee's decision to express their personal opinions does not alleviate their responsibility as an employee to take appropriate action under the circumstances, which may include, but not be limited to, taking action themselves or reporting an issue to a supervisor.
6. Employees are expressly prohibited from using Social Media to engage in any activity or conduct that violates federal, state, or local law (e.g., software or data piracy, child pornography, etc.).
7. Access to and use of Social Media must not interfere with an Employee's productivity and/or an Employee's ability to perform the duties and responsibilities of Employment with the Town.
8. Employees are prohibited from using Social Media to engage in any activity that constitutes a conflict of interest for the Town or any of its Employees.
9. Department heads and supervisors are expressly prohibited from using any review or recommendation feature or system on a Social Media site (e.g., LinkedIn) to post reviews or other comments about subordinate employees.
10. Employees are expressly prohibited from using Social Media to request, acquire, or purchase genetic information of an individual Employee, constituent, or family member of the individual Employee or Customer, as specified by the EEOC's regulations governing Title II of GINA, 29 C.F.R. § 1635, et seq., except for information that is inadvertently or lawfully acquired pursuant to 29 C.F.R. § 1635.8(b).

D. The Town specifically acknowledges that police officers and firefighters may be required to use social media to perform their job duties and that such use, subject to the direction and authorization of the respective Chief, is permissible although such use may otherwise appear

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to violate this Policy. Such actions, however, will not be deemed to violate this Policy provided the police officer or firefighter acts within the scope of his Chief's direction or authority.

E. This policy does not interfere with employee rights under Massachusetts General Laws Chapter 150E.

F. The Town encourages anyone who uses Social Media in contravention of this policy to be honest and admit the error as soon as it occurs. Although errors cannot always be erased, prompt notification can make a significant difference in the Town's ability to correct or remedy the issue.

V. Complaints or Problems of Misuse:

Should any Employee of the Town receive or become aware of a violation of this policy, the Employee should report the violation to the Grievance Officer as soon as possible. The current Grievance Officers are Joseph Domelowicz Jr. who can be reached at the Town Offices located at 577 Bay Rd., Hamilton, MA 01936 or 978-626-5201 and Chief Russell Stevens, who can be reached at the Hamilton Public Safety Building located at 275 Bay Rd., Hamilton, MA 01982 or at 978-468-1212.

The Town will not take action against any Employee who, in good faith, reports a possible deviation from or violation of this Policy or for cooperating in an investigation. Any Employee who retaliates against another Employee for, in good faith, reporting a potential violation of this Policy or for cooperating in an investigation may be subject to disciplinary action, up to and including termination.

VI. Questions:

Anyone who is unsure whether a particular posting or contribution to online Social Media violates this policy is encouraged to ask the Town Manager.

VII. Discipline.

Any Employee who violates this Policy may be subject to appropriate discipline, up to and including termination of employment.¹ The Town intends to follow each provision of this Policy but reserves the right to change any provision at any time. A failure to enforce this Policy does not constitute a subsequent waiver of any violation of this Policy. This Policy shall be read and interpreted in conjunction with all other Town policies and procedures.

¹ Employees covered by a collective bargaining agreement will be subject to discipline in accordance with the terms of the applicable agreement.

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Acknowledgment of Receipt of Policy

I acknowledge receipt of this *Social Media Policy* from the Town, and that I have read it. I understand that all Social Media usage and all information transmitted by, received from, or stored in Town systems or servers are the property of the Town. I also understand that I have no expectation of privacy in connection with the use of the Town's electronic communications or with the transmission, receipt or storage of information in these systems. I acknowledge and consent to the Town monitoring my use of its electronic communications at any time, at its discretion. Such monitoring may include reviewing Internet websites visited, including Social Media sites, printing and reading all e-mail entering, leaving or stored in these systems, and/or reviewing all documents created or downloaded. I understand that all e-mail messages are subject to the Town's e-mail deletion and retention procedures.

Name (Print)

Signature

Date

Witness