



HUMAN RESOURCES DEPARTMENT

City of Burlington

131 Church Street, Burlington, VT 05401

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To: City Council

From: Deanna Paluba, HR Director and HR Committee

Date: March 23, 2020

Re: New Social Media Policy included in the City of Burlington Comprehensive Personnel Policy Manual.

We respectfully recommend and request approval for the adoption and inclusion of a new Social Media Policy to be included in the City of Burlington Comprehensive Personnel Policy Manual (CPPM).

In an effort to provide guidance to City employees on the appropriate use of social media in the workplace a benchmarking analysis was completed reviewing 50 cities' practices, and reviewing 21 social media written policies. A social media policy was created and input was gathered from the Mayor's Office, the HR Committee and all four unions participated in the review and finalization of the final policy. The public was provided the opportunity to participate and comment on three occasions during the HR committee meetings held on November 5, 2019, January 30, 2020, and March 10, 2020.

A copy of the policy is included as 12.7(e).

In addition section 12.7 has been edited in order to refer to 12.7(e) and is included.

Motion to approve the addition of the Social Media policy to be included in the City of Burlington Comprehensive Personnel Policy Manual.



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City of Burlington Personal Use of Social Media Policy

City employees are permitted incidental and occasional personal use of social media during work hours, provided the use is limited in duration and does not have a detrimental effect on productivity, as determined by the employee's supervisor. Nothing in this policy is meant to prohibit employees from using social media to discuss their hours, wages, and conditions of employment, to otherwise interfere with their rights to engage in protected concerted activity, or to infringe upon state or federal constitutional rights.

This policy is written pursuant to 21 V.S.A. § 495(1), which limits the City from requesting employees' personal social media account information except in certain circumstances.

Employees are required to provide the City with information concerning any City business that is conducted on an employee's personal accounts. City employees are expected to comply with all City and Department policies, as well as the following standards, when using personal social media accounts during work hours or while using City equipment or systems, excluding any public Wi-Fi provided, enabled or supported by the City.

- City employees should expect no right to privacy or confidentiality when accessing social media or personal social media accounts by means of City information systems or equipment, which does not include any public Wi-Fi provided, enabled or supported by the City.
- Postings and user profiles on personal social media accounts must not state or imply that the views, conclusions, statements or other social media content are an official policy, statement, position, or communication of the City of Burlington, or that they represent the views of the City or any City officer or employee, without the express permission of the head of the user's Department or the Mayor's Office.
- Any user profile, biography, or posting on a personal social media account that identifies that person as a City employee should include a qualifying statement in substantially the following form: "Standard disclaimers apply," "Views are my own," "The views I express on this site are my own and do not represent the City of Burlington's positions, strategies, or opinions."
- A universal disclaimer on an employee's social media profile shall be regarded as sufficient disclaimer for the social media site, absent extraordinary circumstances.
- Postings by an employee on or via a personal account under this policy will not be presumed to represent or reflect the views of the City. A failure to include a disclaimer does not independently violate the policy but the omission of such disclaimers may be evidence that the employee failed to ensure statements are not attributed to the City.



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- If commenting on City business, employees should make it clear that the comments represent their own opinions and do not represent those of the City of Burlington. When commenting on City business on personal social media accounts, employees may not intentionally mislead or misrepresent themselves to any member of the public with the intention to influence any official or member of the public regarding City business.
- Employees must not use an employee's City email account or password in conjunction with a personal social networking site.
- Employees may post personal photographs or provide similar means of recognition that may cause them to be identified as a City employee. Examples include promotion, recognition, appointments, events, and awards.
- Personal or business venture social media account names shall not give the appearance of being affiliated with the City of Burlington or any city department. For example, using "BED", "Burlington Fire", "City of Burlington", or similar language in a personal handle is not acceptable. However, this prohibition does not apply to the Burlington Firefighters Association and the Burlington Police Officers Association.
- Employees should follow these guidelines that apply to personal communications using various forms of social media:
 - Employees are encouraged to use common sense when using social media sites.
 - Remember that what you write, when considering any privacy restrictions or settings, may be public, may be public for a long time, and may spread to large audiences.
 - Refrain from posting information that you would not want your supervisors or other employees to read or that would be embarrassing to see in the newspaper or on television.
- The City expects its employees to be truthful, courteous, and respectful toward supervisors, co-workers, citizens, customers, and other persons associated with the City or any members of the public whom the City serves. Employees must avoid posts that contain content that is regarded as bullying or threatens violence, that have the effect of harming, insulting, degrading or defaming others, including work colleagues, or that the employee knows to be false to harm another's reputation.
- Employees must respect copyright, fair use, and financial disclosure laws and protect sensitive and confidential City-related information, including, but not limited to personal health information or financial information of other individuals. Confidential information does not include information about employees' wages, working conditions, or employment terms that is used for protected concerted activity.
- Employees must not use non-public information to further their own or another's private interests, whether in financial transactions, through advice, or by unauthorized disclosures.



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- Employees must not publish or report on conversations that are meant to be pre-decisional or internal to the City unless given express permission by management and reviewed by Department Head.

Personal Social Media Use:

The City respects the right of employees to post and maintain personal websites, blogs, social media sites, and other web applications on non-work time. However, a City employee's personal use of social media may reflect on the City or appear to represent City policy or to be on behalf of the City, even if performed outside the workplace or not on City information systems. Employees are free to express themselves as private citizens on social media sites to the degree that their speech does not substantially impair or impede the performance of their duties, such as (but not limited to) by misrepresenting any position of the City, revealing confidential information gained from their position with the City, or implying that they are authorized to speak on behalf of a Department when they are not.

Every employee is expected to consider their City association in participating in online social networks. If employees identify themselves as City employees or have positions that are known to the general public, they should ensure that their profiles and related content (even if they are of a personal and not an official nature) do not violate policies or procedures of the City.

Department heads and others in leadership positions are allowed significant latitude to explore ideas and positions, subject to the mayor's supervisory authority. However, those with leadership responsibilities, by virtue of their position, must consider whether personal thoughts published, even in clearly personal venues, may be misunderstood as expressing the City's positions. All employees should assume that their team and those outside the City will read what is written. A public blog is not the place to communicate policies to City employees. Employees should assume that any thoughts expressed on social media, depending on the account's privacy restrictions or settings, are in the public domain and can be published or discussed in all forms of media.

Department Heads

- Department heads are often responsible for communicating the position of the City and as such carry a higher standard to represent the City in a way that is consistent with City policies and standards.
- All social media posts on personal accounts and/or through City social media accounts made by Department Heads that comment on City business are subject to scrutiny and may need approval of the City designated officials.
- Department Heads are not permitted to communicate sensitive or confidential City business to the public without appropriate review and approval by the Mayor's Office.



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- Department Heads should not use personal social media as the primary means to communicate City business or direction.

Policy Violation Considerations

Violation of this policy by a City employee may result in discipline up to and including dismissal, subject to and in accordance with applicable collective bargaining agreements, the City's Personnel Policies, applicable ordinances of the City of Burlington, and state or federal law. In addition, some conduct may violate other laws for which there are criminal or civil penalties. The City does not regularly monitor any employee's personal social media sites; however, if information is brought to the City's attention that a City employee's social media use may not be in conformance with this or other City policies, the City may consider investigating those allegations and may issue any appropriate corrective action warranted. City employees should not have an expectation of privacy in public engagements about or impacting City business on social media.

An employee who wishes to determine ahead of time whether a particular social media use falls within the appropriate bounds of this policy may consult directly with the employee's Department Head or HR Manager. Each situation will be evaluated on a case by case basis because the laws and social media technology are evolving.

Defining Social Media

In the rapidly expanding world of electronic communication, *social media* can mean many things. *Social media* includes all means of communicating or posting information or content of any sort on the Internet, including to your own or someone else's web log or blog, personal web site, social networking or affinity web site (e.g., Facebook, LinkedIn, Twitter, Instagram, Pinterest, TikTok, etc.), or web bulletin board, whether or not associated or affiliated with the City of Burlington.



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12.7 USE OF CITY PROPERTY

a. In General

For this policy, the term “property” is intended as an all-inclusive term to cover all items owned, rented, leased or otherwise under the control of the City and to include all office and computer equipment, e-mail accounts, telephones, machinery, vehicles or any other items. City property shall be used ~~only~~ for official City business and in accordance with the Social Media Policy or activities and may not be utilized for other purposes without the ~~written~~ approval of the appropriate Department Head or his/her designee in charge of the equipment or in a manner consistent with the policies provided below. Employees, including recognized volunteers and interns, entrusted with the use of City property are responsible for using it in a manner that is appropriate for its use. The defacement, vandalism, destruction or reckless use of City property by an employee is expressly prohibited. Violation of any provision of this policy may result in disciplinary action up to and including dismissal, denial of future access to the use of the equipment, restitution for any costs to the City, and other civil liability.