

HUMAN RESOURCE POLICY

#38 (ADMIN)

SOCIAL MEDIA

Approved by: **Personnel Board** 3/28/2013

City Council 2/25/2014

Mayor of Omaha: Jean Stothert
City Council President: Pete Festersen
Human Resource Director: Michele Frost

Pursuant to the Omaha Municipal Code, Section 23-65, this document is a Human Resource policy of the City of Omaha. Please check the City's website, <http://www.cityofomaha.org/humanresources/public-documents/hr-policies> for the latest version of this policy. Where no policy or guideline exists or if there are questions on this policy, please contact the Assistant Human Resources Director/Labor Relations Director in the Human Resources Department.

Purpose:

The City of Omaha recognizes that social media is a valuable tool to communicate with both our citizens and fellow employees and that the City has an interest and expectation on deciding what messages are relayed on behalf of the City. The purpose of this policy is to provide and establish guidelines to City employees on their use of social media while working for the City or during non-work hours. Regularly social media and other online tools and technology are created, discarded or modified; therefore, this policy is intended to be applicable to a broad range of social media and internet activity.

Policy:

A. Definitions

Blog: A self-published diary or commentary on a particular topic that may allow visitors to post responses, reactions, or comments.

Page: The specific portion of a social media website where content is displayed, and managed by an individual or individuals with editorial or administrative rights.

Post: Content an individual shares on a social media site or the act of publishing content on a site.

Profile: Information that a user provides about himself or herself on a social networking site.

Social Media: A category of Internet-based resources that integrate user-generated content and user participation, including tools for sharing and discussing information. The term most often refers to activities that integrate technology, telecommunications, and social interaction, alongside the construction of words, pictures, video, and audio. This includes, but is not limited to social networking and communication sites such as Facebook & MySpace, weblogs and micro-blogging sites like Twitter or Nixle, forums and message boards, photo and video-sharing sites like Flickr & YouTube, real-time web communications (chat, chat rooms, video chats), all of the wikis (Wikipedia), blogs, and news sites (Digg, Reddit, etc.).

Social Networks: Online platforms where users can create profiles, share information, and socialize with others using a range of technologies.

Speech: Expression or communication of thoughts or opinions in spoken words, in writing, by expressive conduct, symbolism, photographs, audio, video, or related forms of communication.

Wiki: Web page(s) that can be edited collaboratively.

B. City-Sanctioned Social Media

All City of Omaha social media sites created, generated, posted, or used by City departments are subject to the approval of the Mayor's Office. Individual Departments are charged with creating the criteria and approval process for any content posted on their respective Department pages, however, all content on any City of Omaha social media platform is subject to the approval of the Mayor's Office.

Wherever possible, all City of Omaha social media sites shall comply with all appropriate City of Omaha Human Resource policies, Mayoral Executive Orders, City Charter ordinances, and applicable local, state, and federal laws. This means that all social media content will adhere to applicable laws, regulations, and policies, all information technology and records management policies, including the following guidelines:

1. Content may be subject to public records laws. Relevant records retention schedules apply to social media content.
2. Content must be managed, stored, and retrieved to comply with open records laws, discovery laws, and Departmental policies.
3. Where practical, social media pages should state that the opinions expressed by visitors to the page(s) do not reflect the opinions of the City of Omaha or its respective Departments.

4. Where possible, each social media page will include an introductory statement that clearly specifies the purpose and scope of the agency's presence on the website.
5. Wherever practical, the page(s) should link to the Department's official website and the City of Omaha's official website.
6. Where possible, social media pages will clearly indicate they are maintained by the Department and will have Department contact information prominently displayed.
7. Pages will clearly state that posted comments will be monitored and that the Department reserves the right to remove obscenities, off-topic comments, any personal attacks, or any content in violation of applicable law.
8. Pages will clearly indicate that any content posted or submitted for posting is subject to public disclosure.

Department employees or those representing the Department via the City's social media outlets will adhere to the following guidelines when using City of Omaha-sponsored social media:

1. Conduct themselves at all times as representatives of the City of Omaha and, accordingly, will adhere to all City of Omaha standards of conduct and observe conventionally accepted protocols and proper decorum. This includes ensuring that customer protection and respect are paramount, that every effort will be taken to keep interactions factual and accurate, that they will strive for transparency and openness in their interactions, and provide links to credible sources of information to support their interactions with appropriate. While acting as City of Omaha representatives, employees in their comments and interactions in such City-sponsored social media shall not use profane language or post inappropriate content. Inappropriate content includes, but is not limited to, subjects of a profane, sexual or discriminatory subject matter, content that solicits commerce, materials that encourage illegal activity, matters that compromise the safety or security of the public or public systems, or substance that violates a legal ownership interest of another party.
2. Identify themselves as an employee of the Department by their first and last name, contact information, and their Department/Division.
3. Make no communication with knowingly false or inaccurate information. All reasonable efforts should be made by City of Omaha Departments and their employees to provide only verifiable facts and not unverifiable opinions.
4. Not conduct political activities or private business.

5. Not share information considered protected or confidential by relevant law, statute, code, bill, rule, or procedure. This includes, but is not limited to, any data protected under the Americans with Disability Act (ADA), Genetic Information Nondiscrimination Act (GINA), Health Insurance Portability and Accountability Act (HIPAA) or other applicable laws.

The City reserves the right to create any appropriate rules or policies in regards to the moderation and review of any of its social media platforms, especially such platforms that have the ability of others to post comments and other materials. These rules/policies should include the standards on moderation/review by the City of such posted contents, and the City's exclusive right to approve, deny or remove any posted materials.

C. On and Off Duty Personal Social Media Use

The use of City of Omaha computers, electronic devices, phones, etc., by City of Omaha employees to access social media for personal or entertainment reasons while on duty or working for the City is prohibited without specific, prior authorization from the employee's supervisor. Any authorized on duty and personal use of social media by a City of Omaha employee is governed by the standards set forth in this policy.

While off-duty, City employees are free to express themselves as private citizens on social media sites to the degree that their speech does not impair working relationships or activities of the City or brings an undue burden upon the effective performance of City government functions. Any such expressions shall not violate any confidentiality of their position, impede the performance of any employee's duties, impair the discipline and harmony among coworkers, or negatively affect the public perception of the City of Omaha and/or their respective City Department.

City of Omaha employees are warned that any on or off-duty speech related to their official City duties, or speech owing its existence to the employee's professional duties and responsibilities, may not be protected speech under the First Amendment of the United States Constitution. Such speech may form the basis for discipline, up to and including termination, if it is deemed detrimental to the mission of the City of Omaha. City employees should assume that their posted speech and related activity on social media sites will reflect upon their official office, the City of Omaha, and their respective City Department and thus should conduct themselves accordingly.

Department employees may not post, transmit, or otherwise disseminate any information to which they have access because of their employment without specific, written permission from their Department Director. This applies to any electronic data, including but not limited to photography, text, graphic depictions, motion pictures, or recordings of any kind.

When using social media, City employees must realize that their speech becomes part of the worldwide electronic domain. Therefore, employees are required to adhere to any particular Department's Rules of Conduct or Standard Operating Procedures, relevant labor agreements, other city human resource policies, and local, state, and federal laws and guidelines. Any City employee using speech that contains obscene or sexually explicit language, images, or acts and statements or other forms of speech that ridicule, malign, disparage, or otherwise express bias against any race, any religion, or any protected class of individuals and interfere with the ability to perform one's job could provide grounds for discipline, up to and including termination.

City employees shall not divulge private or confidential information gained solely and exclusively by their City employment nor make or publish any speech that could be reasonably considered to represent the views or positions of the City of Omaha and/or their respective City Departments without express authorization of the Department Director.

City employees should be aware that they might be subject to civil litigation for any of the following, without limitation:

1. Publishing or posting false information that harms the reputation of another person, group, or organization (defamation);
2. Publishing or posting private facts and personal information about someone without their permission that has not been previously revealed to the public, is not of legitimate public concern, and would be offensive to a reasonable person;
3. Using someone else's name, likeness, or other personal attributes without that person's permission for an exploitative purpose; or
4. Publishing the creative work of another, trademarks, or certain confidential business information without the permission of the owner.

Privacy settings and social media sites are constantly in flux, and as such, City employees should never assume that personal information posted on such sites is protected. City employee should also expect that any information created, transmitted, downloaded, exchanged, or discussed in a public online forum may be accessed by the City of Omaha, their respective City Department, and/or DOT.Comm at any time without prior notice.

D. Reporting Violations of the Social Media Policy

City employees have the right to carry out their assigned duties in a safe environment whether that is on or off City property. Any City employee, including supervisors, Division Managers and/or Department Directors, who are made aware or have knowledge of any speech through social media that violates the provisions of this policy must notify his/her supervisor and/or the Assistant Human Resources Director/Labor Relations Director immediately for investigation. At all stages of the reporting and investigative process and to the extent possible, an employee's right to confidentiality shall be respected. The Assistant Human Resources Director/Labor Relations Director, in conjunction with relevant personnel, including but not limited to an employee's Department Director, the Human Resources Director, the Law Department, and/or DOT.Comm, shall investigate all such claims and take appropriate action and measures. Appropriate action and measures shall encompass the recommendation of discipline up to and including termination, a demand to remove or stop the use of social media, the right to manage and monitor an employee's computer or social media usage through City's equipment or internet connections, and any other procedures deemed appropriate based on the particular facts and circumstances involved.