

Draft City of Olean Employee Social Media Policy

As a condition of employment, you agree to abide by the following policy:

1. Purpose

The purpose of this policy is to address personal use of social media (including, but not limited to, Facebook, LinkedIn, Twitter, Instagram, Pinterest, Tumblr, blogs, and wikis) during and after working hours. The City respects the legal rights of its employees to use their own devices and time to express their opinions through social media but also must clarify that responsibilities of municipal employees do not always end with their work day.

Employees' use of social media can pose risks to the City's confidential and proprietary information and reputation, can expose the City to discrimination and harassment claims, and can jeopardize the City's compliance with other applicable laws.

To minimize these risks, to avoid loss of productivity and distraction from employees' job performance, and to ensure that the City's information technology ("IT") resources and communications systems are used appropriately as explained below, the City requires its employees to adhere to the following guidelines and rules regarding social media use.

Employees who violate the City's policies, including this Social Media Policy, may be subject to discipline, up to and including termination of employment. The terms set out in this policy work in conjunction with, and do not replace, amend, or supplement any terms or conditions of employment stated in any applicable collective bargaining agreement.

2. Personal Use of Social Media

Employees may choose to personally participate in social media. However, personal use of social media is never permitted at any time by means of the City's computers, networks, accounts or other IT resources and communication systems. In addition, personal use of social media using personal devices, networks and accounts is prohibited during working time, although employees may engage in such personal use during authorized breaks. In addition, employees should never use their City e-mail account or password in conjunction with a personal social networking site.

If employees choose to identify themselves as a City employee on social media, it is recommended that they include a disclaimer that their views do not represent those of their employer. For example, employees should consider such language as "the views in this posting reflect my personal views and do not represent the views of my employer."

3. Personal Responsibilities & Ethics when using Social Media

Employees are personally responsible for what they communicate in social media. Employees should strive to be accurate in their communications about the City and remember that their statements have the potential to result in liability for them or the City. The City encourages professionalism and honesty in social media and other communications. In addition, although

the City encourages public discussion and debate on matters of public concern, employees are responsible for awareness of the boundaries between (a) speech that is legally protected and (b) speech for which the City can hold employees accountable even if such speech is engaged in during non-working hours and using personal devices, networks and accounts.

Employees are prohibited from using social media to harass, threaten, discriminate, or disparage employees or anyone associated with or doing business with the City.

Employees should be mindful of and not use any copyrighted materials, trademarks, service marks, or other intellectual property when posting on social media, including the City of Olean seal or other official City marks. Employees also should not use the City's name to promote or endorse any product, cause, or political candidate.

Any media (print, online publications, and broadcast outlets) requests seeking the City's commentary or views on a specific issue must be directed to the authorized City spokesperson. Employees are free to respond to media requests relating to their personal or non-work related activities. However, employees must avoid any confusion about whether statements are their own or those of the City. When making any personal statements to the media, employees must clearly state that they are speaking on their own behalf and not on behalf of the City, and identify the statements and opinions as their own and not those attributable to the City.

4. Compliance

All of the City's other policies that apply to social media use, whether using City IT resources and communication systems or using personal devices, networks and accounts, remain in full force and effect. If an employee's social media activity would violate any of the City's policies in another forum, it will also violate them in an online forum. For example, employees are prohibited from using social media to:

- Violate the City's IT resources and communications systems policies;
- Violate the City's Employee Handbook and any other standards of conduct policies;
- Engage in unlawful harassment or discrimination in violation of the City's policies.

Moreover, employees are prohibited from publishing, posting or releasing any confidential information related to or obtained during the course of their City duties unless they are specifically authorized to do so.

5. No Expectation of Privacy

All contents of the City's IT resources and communications systems are the property of the City. Therefore, employees should have no expectation of privacy whatsoever in any messages, files, data, document, facsimile, telephone conversation, social media post, conversation or message, or any other kind of information or communication transmitted to, received or printed from, or stored or recorded on the City's electronic information and communication systems.

Employees are expressly advised that in order to prevent misuse, and maintain production and discipline, the City reserves the right to monitor, intercept, and review, without further notice, every employee's activities using the City's IT resources and communications systems, including but not limited to social media posts and activities. Employees consent to such monitoring by their acknowledgement of this policy and their use of such resources and systems. This might include, without limitation, the monitoring, interception, accessing, recording, disclosing, inspecting, reviewing, retrieving, and printing of transactions, messages, communications, postings, log-ins, recordings, and other uses of the systems, as well as keystroke capturing and other network monitoring technologies.

The City also may store copies of such data or communications for a period of time after they are created and may delete such copies from time to time without notice.

Nothing in this policy is intended to prohibit or dissuade employees from using social media to engage in legally protected activities such as discussing their wages, benefits, or other terms and conditions of employment or to infringe upon state or federal constitutional rights.