

**1. Purpose and Scope**

- 1.1 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 use of Social Media to avoid uses that can: (1) breach confidentiality by revealing protected information about the Town, its citizens, its vendors and suppliers, or its employees; (2) expose the Town to legal liability for employer or employee behavior; or (3) interfere with employees' productivity and/or their ability to perform the duties and responsibilities of their positions with the Town.
- 1.2 Nothing in this policy limits or replaces rules of conduct described in Massachusetts General Laws Chapter 268A, and Massachusetts Regulations at 930 CMR 5.00 et. seq. (Chapter 268A and Regulations are referred to in this policy as "Public Employee Ethics Laws") regarding the conduct of a public employee, including Town employees, as described in the law and regulations.
- 1.3 Nothing in this policy limits or replaces other Town policies that address employee conduct, including but not limited to the Town's Policy Against Sexual Harassment, the Alcohol & Drug Policy, and any other policies applicable to employee conduct.

**2. Applicability**

- 2.1 This policy applies to all compensated positions, excluding elected officials and employees of the School Department. Employees whose positions are covered by Civil Service Law or a collective bargaining agreement are subject only to those portions of the policy that are not separately regulated by Civil Service Law or by a collective bargaining agreement. All Town board and committee members, whether elected or appointed are reminded to proceed with caution if using Social Media in their official capacity, particularly with regard to Open Meeting Law requirements and public perception concerns.
- 2.2 To the extent permitted by law, individual employment agreements (new, updated or extensions) entered into after the effective date of this policy, with employees whose positions are subject to this policy, must follow all of the provisions of this policy.
- 2.3 This policy is intended to be consistent with any and all applicable laws. If any part of this policy is inconsistent with the law, that part of the policy shall be considered invalid, and the remaining provisions of the policy shall be construed so as to be consistent with the law.
- 2.4 This policy is not intended to interfere with employee rights under M.G.L. c. 150E, Section 2, which protects employee rights of mutual aid and protection.

### 3. Definitions

#### 3.1 Supported Social Media

3.1.a The Town will support the use of certain Social Media sites by Town Departments, Supported Social Media. All Department-sponsored Social Media sites or pages shall be approved by the respective Department Head and shall be maintained in compliance with the Town's policies and procedures. All Town-sponsored Social Media sites should display the Town logo and note prominently that it is maintained by the Town.

3.1.b All content posted on Supported Social Media sites must adhere to all applicable laws, regulations, and policies, including the Town's Information Technology Resources & Use and Records Management policies. All content posted on the supported social media sites is also subject to the Public Records Law.

3.1.c Employees representing any Town Department via a Supported Social Media site shall, at all times, conduct themselves as representatives of the Department and adhere to all Town and Department standards of conduct. When acting in this capacity, employees should identify themselves as a member of their respective Department.

3.2 Social Media - Blogs, micro-blogs, wikis, social networks, social bookmarking services, user rating services and any other online collaboration, sharing or publishing platform, whether accessed through the web, a mobile device, text messaging, email or any other existing or emerging communications platform.

3.3 Unsupported Social Media Account – A personalized presence inside a social networking channel, initiated at will by an individual and not sponsored by the Town. YouTube, Twitter, Facebook and other social networking channels allow users to sign-up for their own social media account, which they can use to collaborate, interact and share content and status updates.

3.4 Copyrights – Copyrights protect the right of an author to control the reproduction and use of any creative expression that has been fixed in tangible form, such as literary works, graphical works, photographic works, audiovisual works, electronic works and musical works. It is illegal to reproduce and use copyrighted material through social media channels without the permission of the copyright owner.

### 4. Policy

4.1 **No expectation of privacy:** In accessing the Internet, including Social Media sites, either on Town equipment or using Town wireless Internet, the employee should assume that all connections and sites visited will be monitored and recorded. Use of the Town's electronic communication devices, including but not limited to Town-issued email accounts, Internet services, cell phone services, smart phones, Town-owned computers, laptops and tablets, and

computer software constitutes acceptance of such monitoring. There is no guarantee and there should be no expectation of privacy in any such communications. 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 information stored on the Town's electronic communications systems. Such monitoring is necessary not only for support reasons, but also to ensure compliance with Town policies and by-laws, and state and federal law.

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- 4.2 Employees must act with fundamental honesty and integrity in all Town dealings, comply with all laws/regulations that govern the Town, maintain an ethical and professional work environment and comply with all Town policies. Town employees are required to treat fellow employees, customers, vendors, and visitors with respect, dignity, honesty, fairness, and integrity.
- 4.3 Employees' use of Social Media is also subject to the Town's policies on harassment, as well as the Town's other policies and standards of conduct, rules, regulations, and ordinances. In particular, employees must not harass any other employee in contravention of the Town's Policy Against Harassment, regardless of the time, place, form, or manner in which the information is posted or transmitted. Online postings that threaten any Town employees or officials are expressly prohibited. Harassing or discriminating comments may be deemed inappropriate and/or in violation of Town policies even if the Town's name or the names of any of its employees are not posted in the comment.
- 4.4 Employees may not portray themselves as speaking on behalf of the Town unless expressly authorized by the Town Administrator or the appropriate Department Head to do so.
- 4.5 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 date piracy, child pornography, etc.).
- 4.6 Access to and use of Social Media must not interfere with employees' productivity and/or ability to perform their duties and responsibilities for the Town.
- 4.7 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.
- 4.8 Employees are expressly prohibited from using Social Media to request, acquire, or purchase genetic information as specified by EEOC regulations.
- 4.9 Anyone who is unsure whether a particular posting or contribution to Social Media violates this policy is encouraged to contact the Assistant Town Administrator for Human Resources.

4.10 Department Heads are required to act consistently with this policy and ensure this policy is implemented consistently within their department. Should any employees of the Town receive information about or become aware of a violation of this policy, s/he should report the violation to the Town Administrator and/or the Assistant Town Administrator for Human Resources, as soon as possible.

4.11 Employees found in violation of this policy may be subject to disciplinary action, up to and including termination of employment.

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4.12 In the event of an error or violation of this policy, either intentional or unintentional, Human Resources must be immediately informed. The Assistant Town Administrator for Human Resources will identify and make the proper correction(s). A violation of this policy, whether intentional or unintentional, will not change this policy, nor set a precedent in any future application of this policy.

**5. Applicable Laws / Statutes**

Open Meeting Law, M.G.L. c. 30A, §§ 18-25

Conflict of Interest Law, M.G.L. c. 268A

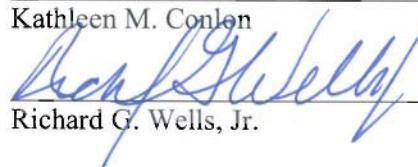
Anti-Discrimination Law, M.G.L. c. 151



David T. Burnes



Kathleen M. Conlon



Richard G. Wells, Jr.

### **Acknowledgement of Receipt of the Social Media Policy**

The undersigned hereby acknowledges that he/she has received and read the Personnel Policies and Procedures of the Town of Milton on this the \_\_\_\_\_ day of \_\_\_\_\_ (month), 2018, and agrees to abide by all policies and procedures contained herein.

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\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name