

**AN EXECUTIVE ORDER ESTABLISHING A
CITY OF WORCESTER SOCIAL MEDIA POLICY**

I, Edward M. Augustus, Jr., by virtue of the authority vested in me as city manager, do hereby order and direct the following:

§ 1. PURPOSE

This order establishes the policy of the city of Worcester regarding employees' use of social media.

§ 2. POLICY

A. The City of Worcester ("City") recognizes that social media can be a fun and rewarding way to share our life and opinions with family, friends and co-workers around the world. However, use of social media also presents certain risks and carries with it certain responsibilities. To assist you in making responsible decisions about your use of social media, we have established these guidelines for appropriate use of social media.

B. The City is committed to ensuring its employees' use of social media does not violate Federal or state privacy, copyright, defamation or discrimination laws. For example, City Departments are required under the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") to ensure that any protected health information ("PHI") that the City creates, receives, uses, or stores is not improperly used or disclosed through any means, including the Internet. The City is also committed to, and has a legitimate interest in, protecting the City's provision of services, its working relationships with other organizations, its confidential and proprietary information, and reflecting favorably on its employees' professional status as public employees and administrators.

C. This policy is not intended to restrict your legal rights, such as your right to engage in responsible social media discussions about things such as wages, benefits, hours, or working conditions. Rather, this policy is designed to help avoid claims against the City or its personnel for things like HIPAA violations, invasion of privacy and breach of contract, defamation, unlawful discrimination, and unlawful harassment. This policy helps to protect you and the City and helps ensure our members conduct themselves in a manner consistent with the City's mission to foster an open and interactive relationship between the community and its government to ensure a better quality of life for all and its core values of inclusion, integrity and innovation.

D. This policy will not be applied or construed in any way that might limit or improperly interfere with any applicable legal rights of City employees, including, but not limited to, any rights under Federal or state labor laws, federal or state constitutions, nor to restrict, change or modify the rights of union members under existing collective bargaining agreements.

§ 3. SCOPE

This policy applies to all staff persons including but not limited to employees, volunteers, interns and any other personnel. The policy applies to activity on any Internet site where one may post information and/or images and communicate electronically, including, but not limited to, Facebook, Twitter, Flickr, YouTube, Instagram, etc.

§ 4. DEFINITIONS

“Confidential or Proprietary Information” includes, but is not limited to, any information that is not publicly known: internal reports, internal City confidential communications, and confidential information about the health of other staff members, disciplinary actions or contract negotiations.

“Protected Health Information” is any individually identifiable information that is received, created, maintained or transmitted by the City in any form or media (electronic, paper, or oral) and relates in any way to an individual’s healthcare. Individually identifiable information is information that either identifies the individual or for which there is a reasonable basis to believe it can be used to identify the individual.

“Social Media” are Internet-based sites or tools that facilitate information or content of any sort on the Internet, including, but not limited to, sites such as Facebook, Twitter, Flickr, Instagram, YouTube, and other social media such as web blogs.

“Social Networking” is any 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, journal or diary, personal web site, social networking or affinity web site, web bulletin board or a chat room, whether or not associated or affiliated with the City.

§ 5. PROCEDURE

A. In general, staff members should think carefully before posting online, because most online social platforms are open for all to see. Despite privacy policies, staff members cannot always be sure who will view, share, or archive the information that is posted. Before posting anything, you should remember that you are responsible for what you posted online. It is always best to carefully consider the risks and rewards with respect to each posting, and to use your best judgment and exercise personal responsibility when posting to any social media sites. If you have any doubt about what you are about to post online, it is better not to post it, since once something is placed in cyberspace, it is difficult to retract the message or image.

B. Each department shall apply this policy in a fair and non-discriminatory manner, consistent with all applicable laws. Keep in mind that any conduct that adversely affects your job performance, the job performance of other staff members, the public, or entities we work with (including others who work on behalf of any department), or otherwise adversely affects the legitimate business interests of a City department, may result in corrective counseling or

disciplinary action up to and including termination, subject to protections under existing collective bargaining agreements.

C. What You May NOT Post On the Internet and Social Media

1) Protected Health Information. You may not post or otherwise disseminate protected health information (PHI) in any form (text, photo, audio, or video) on the Internet or social media sites. Information that you learn and/or collect about persons while performing duties for any municipal department is generally going to fall under the category of PHI whenever it identifies or reasonably could be used to identify a patient. Things that identify a person include, but are not limited to, a person's:

- First, last or full name
- Street address, city county, or zip code
- Date of birth
- Phone number
- Social security number
- Medical record number
- Health plan number
- Account number
- Drivers' license number
- Specific Incident
- Comments regarding outcome or prognosis
- Vehicle identification number or license plate number
- Image or video where the image or video shows the patient's face or other identifying feature

In addition, any information that might reasonably identify someone who is a patient could also be PHI. For example, images or videos of a patient's body or body parts, information about specific response locations and destinations, or information about the nature of an illness, injury, or incident could be enough to identify a patient and could constitute PHI. A good question to ask in order to determine whether the information is PHI is this: *Would someone who knows the patient be able to identify the patient from the information?* If so, as a general rule you should not post it.

2) Confidential or Proprietary Information about a municipal Department. You may not post confidential or proprietary information about the City or any organization or person that the City interacts with in conducting business. This means you should not be sharing things like undisclosed details that are not publicly known or obtainable, about the City's contractual arrangements or other confidential business information with other parties. Please refer to the definition of confidential or proprietary information in this policy, and you may consult with a supervisor if you have any questions about what information might fall under this definition.

3) Explicit or Obscene Sexual Images or Content. You may not post lewd or obscene photographs, images, or any content (text, images or videos) of a sexually explicit nature while in any municipal department uniform or with any City of department equipment or logos in view.

4) Unauthorized Posting Portraying as Being From the City. You may not represent that you are speaking or posting on behalf of any municipal department without the permission of the department head. You should never represent yourself as a spokesperson for the department unless you are designated as such.

5) Content That Unlawfully Harasses, Threatens, or Discriminates Against Others. You may not post content that violates our policies against unlawful harassment and discrimination. Carefully read those policies and ensure your postings are consistent with them. Postings that include discriminatory remarks, harassment, and threats of violence or similar unlawful conduct will not be tolerated. Examples include inappropriate sexual comments about other staff members or discriminatory comments based on age, race, sex, sexual orientation, national origin, ethnicity, disability, religion, veteran's status or other legally protected class, status, or characteristic.

6) Sensitive Personal Information about Others. To reduce the risk of identity theft, Medicare and Medicaid fraud, illegal stalking, and other similar illegal conduct, you should not disclose personally identifiable information (such as contact information obtained from department files or records), Social Security numbers, credit or debit card or financial account numbers, medical insurance or account numbers or other similar information about staff members, patients., or vendors on the Internet.

7) Use of City of Worcester or any Department Logo and Uniforms in Images or Video. You may not use the City of Worcester Seal or any department logo, trademark, uniform patch or proprietary graphics in any way unless approved by the city manager. For example, you may not create a social media page using the City of Worcester or any its departments logo as this might suggest to readers that the City is sponsoring the page. You may not post images or videos of yourself or your co-workers that identify you as City staff members or that show you in a municipal department uniform when that image or video depicts you or your co-workers engaging in what appears to be illegal or immoral conduct (such as acts of violence or the use of illegal drugs), or violations of City policy, even if it is being done as a joke.

8) Any social media activity should not violate any of the City's Personnel or departments published Rules and Regulations or Standard Operating Guidelines.

9) Any conduct which under a department rule is impermissible if expressed in any other form is impermissible if expressed through social media.

D. General Rules about Social Networking Related to the Workplace

1) No Expectation of Privacy on City Devices. You should be aware that any Internet activity performed on City –owned, operated, or controlled equipment or via City Internet (hard-wired or wireless) may be monitored at any time and without notice to ensure compliance with the law, this policy and other City computer use policies. This includes City workstations, laptops, mobile data terminals, smart phones, and other electronic devices.

2) No Access to Illegal or Pornographic Sites. You may not access any unlawful sites or any lewd or sexually explicit sites (such as pornography sites) through City equipment or through the City's Internet connection (hard-wired or wireless) at any time. In addition, you may not access such sites with personal equipment while on city premises or at any time through City hard-wired or wireless networks.

3) No Social Networking during Work Time. You should not engage in social networking activities while engaged in performing work duties (including when operating City vehicles or while in a City vehicle even when not driving) or when work assignments are not completed. However, you are permitted to access the Internet on your own personal equipment when you are not on working time (rest periods and meal breaks).

4) No Taking Videos or Images during Responses or in Areas Where PHI May be Found. To avoid the potential risk of improper disclosure of PHI, as well as to avoid unsafe distractions, you should refrain from taking any images or videos of any kind while on an incident response, while treating patients or otherwise engaged in work activities unless expressly authorized to do so by your department head. Remember, your main focus should be public service and the incident itself.

5) Posting on City of Worcester Sites. The City or any of its departments may use various Internet and social networking tools to communicate with and engage the public and our staff members. The following procedures apply:

- Only designated personnel may post on any City of Worcester or City department social media site at the behest of the department head or appropriate officer. The consent of said posting must be reviewed by the appropriate officer prior to posting.
- On any official sites, pages, or blogs, the city will, at its discretion, delete spam and comments that are off-topic or inappropriate, and will reply to emails and comments when deemed appropriate.

E. Guidelines for Posting On the Internet and Social Media

1) Make it clear you are speaking on your own behalf. If it is not obvious from the content, if you post any comments about the City or its departments on the Internet you should consider:

- Disclosing your connection with the City or any of its departments.
- Using a personal email address (not your City or department address) as your primary means of identification and contact.

Whenever possible, you should make it clear you are speaking for yourself and not on behalf of the City or any of its departments.

Where it is not clear or obvious from the content that the post is our own opinion or view and not that of the City or any of its departments, you should consider using the following disclaimer:

“The views expressed in this [post; blog; website) are my own and have not been reviewed or approved by my employer.”

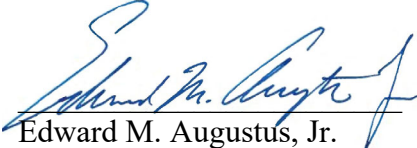
2) **Be Respectful to Your Co-Workers and Members of the Public.** Always be fair and courteous to your co-workers and members of the public. Also, keep in mind that you are more likely to resolve work-related complaints by speaking directly with your co-workers or, if you are not comfortable doing so, by speaking with your supervisor or contacting the Department of Human Resources, and asking them to intervene.

Nevertheless, if you decide to post comments, pictures, memes, complaints or criticism on a social media platform, avoid using statements, photographs, video or audio that reasonably could be viewed as defamatory, malicious, obscene, threatening or intimidating, or that might constitute harassment or bullying. Examples of such conduct might include offensive posts meant to intentionally harm someone's reputation, posts that include hate speech, or posts that could contribute to a hostile work environment on the basis of race, sex, disability, religion or any other status protected by law or City policy.

3) **Be Honest and Accurate.** Make sure you are always honest and accurate when posting information or news, and if you make a mistake, correct it as quickly as possible. Be open about any previous posts you have altered. Remember that the Internet archives almost everything; therefore, even deleted postings can be searched. Never post any information or rumors that you know to be false.

4) **Retaliation Prohibited.** The City prohibits taking negative action against any employee for reporting a possible deviation from this policy or for cooperating in an investigation. Any employee who retaliates against another employee for reporting a possible deviation from this policy or for cooperating in an investigation will be subject to disciplinary action, up to and including termination.

ORDERED at City Hall this 13th day of July, 2021, by,


Edward M. Augustus, Jr.
City Manager